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*Proceedings of the
annual Congress of Correction*

American Correctional Association

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1910

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1882



AMOS W. BUTLER
SECRETARY INDIANA BOARD OF STATE CHARITIES. INDIANAPOLIS.

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Proceedings

OF THE

ANNUAL CONGRESS

OF THE

American Prison Association

=

Washington, D. C., September 29 to October 8

INCLUDING

Abstracts of Papers and Resolutions of
the Eighth International Prison Congress

1910

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PREFACE.

The 1910 meeting of the American Prison Association convened in the City of Washington, D. C., on September 29th.

Forty years had elapsed since the first Congress, held in Cincinnati in October, 1870. The record of this early meeting is found in a volume of 642 pages published in 1871, entitled "Transactions of the National Congress on Penitentiary and Reformatory Discipline." The chief purpose of that Congress was to give impetus to a "movement for an International Prison Congress in Europe." In this it justified the expectations of its promoters; the first International Prison Congress met in London in 1872 as the direct result of the influence of the Cincinnati meeting. A second result, of no less importance to the Western World, was the decision then made to continue the organization in the form of a National Prison Association. This materialized in the second meeting held in Baltimore in 1873.

A third issue of the 1870 Congress was the adoption of a "Declaration of Principles" that has furnished the basis of work for all subsequent meetings of both Congresses.

The Washington meeting was made notable by the joint sessions of the International Prison Congress and the American Prison Association. Forty years had elapsed since the gathering at Cincinnati that gave them birth. Our own Association during these years had met annually in different cities of the United States and Canada, from Boston to Seattle and from Toronto to Atlanta and Austin. The International body had held all of its seven quinquennial sessions in Europe. Its eighth, on the invitation of the Congress of the United States, initiated by the American Prison Association, and transmitted by President Roosevelt, was held in Washington, D. C. For the success of the meeting the American Prison Association pledged its influence and its resources. Its own customary program was shortened in order

to give its members time and opportunity to attend the sessions of the International. Under the direction of its executive and special committees plans were perfected for giving wide publicity to the proceedings of the Congress and for affording foreign delegates the opportunity of visiting a number of typical American institutions. The history of the tour of institutions, written by Mr. Frank Marshall White, is included in the present volume. The papers written for the Congress were translated into English and abstracted under the direction of Dr. Henderson, President of the Congress. They were printed by the American Prison Association and distributed to its members and others interested, in advance of the meeting. These papers, condensed, are also included in the present volume.

The record of the meetings would not be complete without something more than mere mention of the banquet tendered the foreign delegates by the members of the American Association. The banquet proceedings also form an important part of this volume.

Finally, the resolutions adopted by the International Prison Congress are herein given in full; in them are summed up the conclusions of the 1910 meeting.

Newark, N. J.,
December 1, 1910.

J. P. B.

PROCEEDINGS.

OPENING SESSION.

Thursday Evening, September 29, 1910.

The Congress was called to order by Mr. John Joy Edson, Chairman of the Local Committee. Rev. W. J. Batt, of Concord, Massachusetts, delivered the invocation.

Mr. Edson: It is customary in Washington for the head of our local government to welcome bodies of this character to the hospitality of the city. Our executive government, as some of you may be aware, consists of three commissioners, two appointed by the President and one from the United States Army, designated by the President. They are equal in authority as the executive of the District of Columbia—unlike any other municipal government. Therefore, we have three executives to call upon on an occasion of this kind. I have the pleasure and honor of introducing to you Major William P. Judson, Engineer Commissioner of the District.

Major William P. Judson: Mr. President, Ladies and Gentlemen—It is my agreeable duty to bid you welcome to the city of Washington. Probably the most important function of the State is to protect society against its erring members. You largely represent society in this most important function. Your part is so to guard the unfortunates committed to your care that they may improve to the greatest possible extent mentally, morally and physically during the period of their incarceration. Nevertheless your methods must not be such as to place a premium upon crime or too great a financial burden upon the community. One of the most interesting tasks that has fallen to me has been in connection with the establishment of two new penal institutions in this vicinity. I believe the careful study given to our local problem by Mr. John Joy Edson, who has just in-

troduced me, and other painstaking and unselfish citizens, has resulted in appropriate legislation and in the formulation of a model plan. Hereafter all but our long-term convicts will be confined upon large and healthful tracts of ground. Special attention will be given to cleanliness and all the air and light and sunshine will be provided of which our favorable climate permits. Such luxuries are cheap but important, and when mixed with good hard work at quarrying stone, brick-making, clearing and farming, will hardly become incentives to break into jail. These institutions, it is hoped, will soon be self-supporting. Some arrangement will be made which will enable a number of you to visit our workhouse camp at Occoquan, Virginia. Your advice in this matter will be worth much more than any perfunctory commendation.

I hope this session of your Congress will be fruitful of much pleasure to yourselves and much benefit to the community that we serve.

Mr. Edson: It now becomes my duty to introduce the President of the American Prison Association, Mr. Amos W. Butler, of Indianapolis, Indiana.

Mr. Butler: My friends, it would not be wise, I take it, for us to proceed further unless there is a response to the address of welcome made by Mr. Judson. There is a man in this house, upon this platform, who from the time of my beginning the study of public charities, has been many times to me a teacher. And, representing me as the president of this Association, there is no man I should rather have respond to the address of welcome. I want to have the pleasure of introducing to you Mr. Frederick G. Pettigrove, Chairman of the Massachusetts Prison Commission.

Mr. Pettigrove: Ladies and Gentlemen—That is a very elaborate introduction to a very quiet speech. I have been somewhat at a loss to find out why I am here, and I am reminded of the story told by one of our Massachusetts congressmen to illustrate the difficulty in preparing a platform. A man sent in one day to a publisher a poem, a spring poem,

“Why We Live.” And the editor rejected the poem and sent a polite note back to the author, saying, “We don’t know ‘why we live,’ but we do know why you live; it is because you sent that poem by mail instead of bringing it here in person.” I don’t know why I am here to make a response to the address given by the Engineer Commissioner when you are so soon to have the privilege of an address describing in full the work of this Association from its honored President. You remember what Charles Dickens said about a preface. He never indulged in prefaces because he could not understand the philosophy of asking a man who was on his way to a theater to allow you to buttonhole him and tell him all about the play before he got inside. So I do not intend to weary you with any account of our work in the American Prison Association. I merely wish on behalf of all the delegates—and I say all the delegates, because that has been our custom ever since we have been an Association—to extend to you our heartfelt thanks for the cordial welcome which you have given us and to thank you also for what you promise to give us. It is a strange coincidence, though Major Judson probably does not remember it, that I had the pleasure of listening to his account of what you propose to do in the District of Columbia. If our meeting here shall help along the plan, as he said the New York and New England men did when he was working the plans out—if our meeting here helps you to secure a better administration of your institutions, we will accomplish one great purpose of this gathering.

The other purpose, the larger purpose of helping to welcome to the United States the delegates from all foreign lands, will be described by more eloquent lips. You will hear during our two days’ session many references to the International Prison Congress that is to meet here next week. It is an honor, I consider it, to stand here in behalf of the American Prison Association on this interesting occasion when we are to welcome the foreign delegates and to speak for the American members. I extend to you again, you citizens of this District, the thanks for the welcome you have given us. We hope that our meeting here will be productive of great good not only to this District,

but that it will serve again the purpose that it has served in all the years since it has been organized, bringing together men engaged in the same form of work, of giving them a fresh start, of giving them the benefit of the new ideas they gather from men engaged in like enterprises to their own, and we hope that by blending the meetings of the International Prison Congress and the American Prison Association here, there may an influence go out from this great capital city of the American Union that will exert an influence over all the civilized world. We have here forty-six States. It is not necessary that I should describe to any intelligent foreigner who comes here the peculiar nature of our government, but just as between nations there is no distinct analogy in crime, so in the forty-six commonwealths spread over this belt of the continent we are struggling with the same problem. Social conditions are very much alike and crime is the same over all the world.

Ladies and gentlemen, I thank you for listening to me. I am glad to be here as the representative of the Association, and I thank you again most heartily for what you have done for us.

Mr. Butler: According to custom, it becomes the duty of the President of this Association to deliver an address at the opening session of this body. The subject of what I shall say is—

CONVICTS AND CONSERVATION.

AMOS W. BUTLER, INDIANAPOLIS, INDIANA.

The convict is a man. His nature is essentially that of every one of us. In considering prison systems, let us not forget the man—the spirit, the soul. The same things that act upon free men act upon prisoners. The same teaching and preaching, the same kindness and humanity which reach the boy in the high school will reach the boy in the reformatory, or the man in the prison.

Under the old system of criminal law, which demanded “an eye for an eye, a tooth for a tooth,” a prison was regarded as

merely a place of punishment for convicts. Under the new system, as Dr. Wines has well said, "the purpose of the criminal law is to insure the proper treatment of the criminal."¹

Productive labor is essential to the proper treatment of the prisoner. The most valuable labor is that which fits him to make a living when he is released. Major R. W. McClaughry, when asked what is the most important thing in the administration of a prison, said "Nothing is more important than labor—steady, systematic, productive labor. Indeed it is a prime essential in the betterment of men, whether in or out of prison. But labor, to be reformatory, must have in it the element of productiveness." In this statement he voices the sentiment of all prison administrators.

It has been said we have no leisure class in this country. That is not true. We have a class that is not only permitted but compelled to live in idleness, while the remainder of the population supports them. Practically all the inmates of our county jails are idle. That is the reward given those who, often intentionally, violate our laws. Our county jail system is a continual reproach. Designed originally to be merely places of detention, our jails are now used for confinement of the accused and punishment of the convicted, of both sexes and of all conditions. There they are kept in idleness. The system is bad and conditions are often worse. Altogether there is no more foul blot upon our civilization than this. It is to be hoped that ere long our people will awaken to this disgrace, and provide district workhouses which may be in effect agricultural colonies for misdemeanants.

The question of the employment of prisoners has long received much attention. Divorced from politics, it could be settled without difficulty upon its merits. It is not as large a question as some apparently think. But it is a question little known to most persons, and really understood only by those who have dealt practically with prisoners.

It is much to be desired that every one who takes an interest in this subject should understand that those who are charged with the conduct of the prisons are not entirely satisfied with

¹ Ill. State Register, March 3, 1910.

the present systems of employing convicts; that they desire to change whenever possible to improve conditions; that they want to be just both to the prisoner and to the free man who is taxed for his support; further, that the question of prison labor after all is largely a matter of administration.

Those who have observed carefully the changes of the past twenty years in penal affairs have noted that as the reformatory system and the indeterminate sentence have found their way into state after state, the conditions, including labor, have improved. There can be no proper administration of a reformatory under the control of party spoilsmen. The indeterminate sentence must be administered upon the merit system. The institution must be conducted upon business principles. Where this new system has been successfully practiced, the competition between convict labor and free labor has been lessened in an intelligent way, and in some states contract labor has been entirely eliminated.

The extent of the competition of convict labor is usually overestimated. Our esteemed friend, Mr. Z. R. Brockway, who has served more than fifty years as a prison official, has said: "It is amazing that the simple problem of employing prisoners has, throughout the civilized world, attracted so much attention and yet found no solution. The insignificant ratio of the prisoner's products when compared with the mechanical production of the country should alone relegate the question to economic instead of political importance. In the United States one-fifth, in Belgium one-third, in France one-tenth, of one per cent, represents probably the small importance everywhere of the competition of prison products, with perhaps a single exception, that a small manufactory, possessing special advantages, may disturb for all the market values; but this may occur, indeed does constantly occur, in the competition of free industries."¹

The late Carroll D. Wright, distinguished as chief of the United States Bureau of Statistics, said: "Free workmen pro-

¹ N. P. A. Proc., 1888, p. 60.

duce nearly three times as much per day as the convict on a general average, and the total value of labor expended by convicts in the penitentiaries and prisons of like grade at the present time does not much exceed \$2,500,000, or a little more than one-tenth of one per cent of the total wages paid in the manufacturing industries in the country in 1890. In the many investigations which it has been my privilege to make in relation to the prison labor question, I have found few instances where prices have been affected in the least, and never a case where wages have been lowered in consequence of the employment of convicts on productive industries. It is an absolute impossibility to prevent competition if convicts are to be employed in any way whatever."¹

In any consideration of the question of convict labor, it is necessary to recognize the varying conditions. Prisons in states with a large urban population have a high percentage of law-breakers from the cities. In the agricultural states they come principally from towns and rural districts. These facts must be taken into account in attempting to change any existing system.

In this country we now have three forms of prison labor: "Lease," "contract" and "public account."

Under the lease system the convicts are leased to the highest bidder, who may or may not furnish officers to guard them. They are generally employed away from the prison. While the state nominally exercises supervision over them, generally this has been poor and unsatisfactory.

The contract system may be either for a stipulated wage per day (the "per diem" plan), or at an agreed price for each piece of work done (the "piece price" plan).

The public account system is also conducted in two ways. In one the convicts are worked by the state, which furnishes the capital and disposes of the product to the public, just as any other manufacturer does. This plan is generally termed "state account." In the other, a more restricted form, the state employs men for its own work, or in its own factories, and furnishes the capital, but restricts the sale of the product to the state, its

¹ N. P. A. Proc., 1899, p. 83. N. A. Review, March, 1897.

public institutions and political subdivisions. This is the "state use" type.¹

The lease system is found in some southern states. Under it the convicts are largely employed upon public works and plantations. The abuses of this system have been so notorious that one state after another is abandoning it. The Hon. Frank Johnson, formerly attorney-general of Mississippi, says that under this method of employing convicts the death rate in Mississippi ran from eight to sixteen per centum per annum and to a much higher figure in some other southern states. "In one year in Alabama in the coal mines the death rate was 40 per cent., and there was no epidemic or exceptional cause, just simply cruel and brutal treatment."²

Of the two other plans, contract and public account, the contract system is the easier to operate. It means less responsibility for the warden, a smaller investment and less liability for the state. Under it, however, some of the grossest abuses have existed. The contract system is passing, though it is still in operation in some of the best prisons.

Different states have at one time and another tried the public account system. Sometimes it has proved fairly satisfactory, and again it has not. The state prison of Minnesota has three industries: the manufacture of binder twine and of farm machinery, recently begun, on public account; the third, the manu-

¹ The lease system exclusively is in use in Florida. It is combined with state account in Alabama, with state use in Arkansas and North Carolina, and with both state account and state use in Texas. Contract labor exclusively is to be found in Connecticut, Delaware (where the New Castle County Workhouse receives the state prisoners), Kentucky, Maryland, Michigan (state account in the House of Correction), Missouri, Nebraska, New Hampshire, New Jersey, Rhode Island (state use in the Workhouse), Vermont (state account in the House of Correction), West Virginia and Wyoming. Both contract labor and the state account system are employed in South Dakota and Minnesota; contract and state use in Iowa, Oregon, South Carolina, Virginia and Wisconsin; contract, state account and state use in Indiana, Ohio and Tennessee. The public account system exclusively is in use in nineteen states. That form known as state account is to be found in Maine, Pennsylvania and Washington; state use in Arizona, Georgia, Idaho, Louisiana, Mississippi, Nevada, New York, North Dakota and Oklahoma; both state account and state use in California, Colorado, Illinois, Kansas, Massachusetts, New Mexico and Utah.

² Dallas (Texas) News, Dec. 28, 1909. "Abolition of the Convict Lease System of Georgia," A. J. McKelway, Proc. A. P. A., 1908, pp. 219-26.

facture of shoes, under contract, on the piece price plan. This institution is in good hands and has been very successful. Other states have tried the manufacture of binder twine on public account. Workhouses in Detroit, Cleveland, Toledo and elsewhere have been conducted on the public account plan, with greater or less success financially. In Massachusetts, under this system, the prisons and the reformatory manufacture goods which are sold to the institutions of the state. If there is a surplus, it may be disposed of to the public.

New York has adopted the state use system. Under it the state prisons manufacture goods for the use of the institutions and the lesser divisions of the state. They can sell to no one else. The plan was an experiment. At first some of the labor interests objected to the prisons doing certain kinds of work. The typographical unions secured an amendment to the law prohibiting much of the public printing. Without the guidance of previous experience, the attempt to frame a law to establish a theoretical thing resulted in some mistakes, as was to be expected, and limitations and restrictions were imposed which interfered with the proper operation of the system. In many ways it is reported to have worked well in the state institutions. The prisoners in the county prisons, however, are largely unemployed. Whatever its critics may say, we must agree that it is an object lesson of great value to us all. Those charged with its administration have done well and are entitled to much credit. New York is trying to solve this problem for herself. What may prove effective and satisfactory in New York may not meet the need in New Hampshire or Nebraska.

Another form of state use is the employment of prisoners upon various kinds of public works for the Government, and upon farms. The former includes the construction of public buildings, including prisons, and of highways. The farms vary from small tracts adjoining prisons to extensive plantations. Mr. F. G. Pettigrove, chairman of the Prison Commissioners of Massachusetts, has called attention to numerous examples of construction, such as the capitol building at Columbus, Ohio; the state penitentiary in North Carolina, where the stone was quar-

ried and dressed by the prisoners and much of the work of construction done by them; the great prison at Allegheny, Pennsylvania; a cell block in the reformatory at Huntingdon, Pennsylvania; the enlargement of the State Reformatory at Elmira, New York. "In 1866," he says, "the west wing of the State Prison in Charlestown (Massachusetts) was enlarged wholly by the labor of convicts. All the stone and iron work was done by them, and even the doors and locks were made by prisoners. In 1891 the north wing of the prison was extended, and the labor of the convicts was utilized for that purpose. . . . A few years ago the east wing of the Massachusetts Reformatory was lengthened, to provide additional cell room."¹

The utilization of convict labor for state use is becoming more general. At the present time prisoners are constructing the new prison at Florence, Arizona, and the Reformatory at St. Cloud, Minnesota. At the Indiana State Prison they have built some of the buildings and are now erecting the hospital for criminal insane. They have done important construction work at the Indiana Reformatory. They are engaged in building the new prison at San Quentin, California, and in construction work on prisons in Iowa, Massachusetts (State Farm), New York, Ohio, Pennsylvania (Eastern Penitentiary), Oklahoma, Washington and Wisconsin. The United States Penitentiary at Leavenworth, Kansas, is being built largely by prisoners and they are extensively engaged in constructing the other federal penitentiaries at Atlanta, Georgia, and McNeil's Island, Washington. Convicts burn lime in Colorado and New Mexico, quarry stone in Idaho, Iowa, Minnesota and Oklahoma; crush stone for roads in Illinois, California, Nevada and Utah; build roads in California, Georgia, Virginia, Louisiana and Washington. They dig shale at the United States penitentiary at Leavenworth and make good brick of it. They make both brick and tile at Mansfield, Ohio, and brick plants are operated in Illinois, Kansas, New Mexico, Pennsylvania, Oregon and Wisconsin. Coal is mined in Kansas and iron in Texas. In Texas, too, they have built a railroad. Hundreds of men are employed on levee work in Louisiana. In

¹Pettigrove, "Employing Prisoners on Public Works," 1896, pp. 23-25.

Washington they are engaged in cutting away the heavy forest; in Massachusetts in reclaiming the land; in New Jersey in clearing the soil; in Rhode Island in removing the bowlders from productive earth; in Minnesota and Louisiana in draining the land; in Ohio, Kansas and California in improving their farms.

The southern states have taken the lead, as their favorable climate makes possible, in the employment of prisoners, both upon public roads and upon state farms. Both of these are desirable and possible forms of convict labor in the South, and have received favorable notice from competent persons who have observed their operations.¹

Attempts have been made in some northern states to utilize the convicts in building roads. It has, however, uniformly proven unsatisfactory there. This method of employing prison labor is often suggested for that part of our country by persons who have not investigated its practical workings from the standpoint of the experienced prison official, and who do not appreciate the serious difficulties to be encountered. The long winters, the inclement weather, the expense of transporting, housing and guarding the men, and the fact that it is contrary to the public sense there to have men in convict garb exposed to public view, as well as local protests against their employment for various reasons, have all combined to render such use of the convicts there impracticable. This has been the experience notably in New York, where the use of convict labor on the roads has been tried at each of the state prisons and found neither practicable nor economical, except where the roads were so near the prison that the prisoners could be lodged and fed therein.² Under favorable conditions, however, convicts could be employed in the North in preparing road material.

The system of state farms could be adapted to all parts of our country. Some of the farms in the South are very extensive. In Mississippi, which is typical of several, all the prisoners are employed on four farms owned by the state. One contains 13,000 acres. The prisoners clear and improve the land and grow

¹Pettigrove, *Ibid.*, p. 12. Wines, "Report upon the penal and other state institutions . . . to the Prison Reform Ass'n of Louisiana, 1906, p. 7.

²Report, Supt. of State Prisons, 1900, p. 11.

crops. Cotton is the chief product. All the white prisoners are on one farm of 2,200 acres. South Carolina has a state farm of 5,000 acres. A small proportion of the state convicts are employed there, growing chiefly cotton, corn and small grain. Alabama has three farms, aggregating 4,400 acres, on which about 550 of the physically weaker convicts are employed. The remainder, averaging 1,500, selected for physical strength, are leased to coal mine operators, lumber mills, turpentine orchards and farms. The state owns and operates a cotton mill on one of its farms, where women and youths of both races are employed. Texas, within whose boundaries is an empire, does things in such a large way that we sometimes fail to comprehend them. She owns a number of tracts of land, ranging from 5,000 to more than 8,000 acres each. Besides these she operates other farms on the shares, by the labor of convicts. The principal crops are sugar cane, cotton and corn. Louisiana owns three large farms, two of which comprise over 12,000 acres, which are worked by convicts. One half the prisoners of Arkansas are engaged in growing cotton on state land. Virginia has a farm of 1,300 acres, upon which are grown vegetables and tobacco. In Georgia all the state convicts (2,278) except those confined at the state farm (270), are at work upon the public roads in 108 of the counties. Those at the state farm are women and men not physically able to work upon the roads. The men have under cultivation 1,412 acres and the women (mostly colored) 980 acres; total, 2,392 acres. Mr. Johnson says concerning Georgia:¹ That this system is a complete, practical solution of the penitentiary problem in the southern states, where the negroes form the larger proportion of the prison population,² and it may well be added that it is an ideal system for white convicts, as the open-air work produces marked salutary effect upon their morals and health. Dr. F. H. Wines is in substantial accord with this view regarding this method of dealing with prisoners in the South. He adds: "The one criticism, however, to be made on the system is that, except

¹ Johnson, *Ibid.*

²Ninety-one per cent of the prison population of Georgia is negro (McKelway Proc. A. P. A., 1906, p. 225). The proportion does not vary greatly in other southern states.

in so far as it involves compulsory labor, regularity of life and discipline, it is not reformatory."¹

In the North, Massachusetts has set an example in her convict colony at West Rutland and her state farm at Bridgewater. Each of these is a different type of institution and each exists for a particular purpose, but they demonstrate the essential merits of the farm for certain prisoners in a New England state. Rhode Island, too, has a farm on which are located all her state institutions, including the state prison, state workhouse and Providence jail. The workhouse prisoners have done much in reclaiming and cultivating land, removing stones, improving the stream and constructing walls. It suggests what may be done with that class of prisoners in many of our states.

In this connection, wherever a new prison is to be constructed, the authorities should be encouraged to buy ample land upon which to erect it—not less than an acre for every prisoner, counting the maximum population. Under certain conditions, double that amount would be better. New York and Illinois seem to have followed this principle in the latest action, but Ohio and Minnesota have not.

The wastefulness of the American people is proverbial. We have been prodigal in our use of the things which Nature has so bountifully provided. This is seen in the destruction of our forests, the decrease of our water power, the waste of natural gas, the lack of intelligent regulation of our streams, the slaughter of beneficial birds, the loss of fertility to our farms. Because of these things, conservation has become a great issue. We are coming to learn that the improvement of our natural resources is also conservation. This includes reclaiming and improving land, draining swamps, damming streams, digging canals and preparing road material of stone, brick and tile. Establishing and maintaining ideal farms, typical wood lots and model forest reserves are valuable efforts in conservation. In the thinly settled portions and the mountain districts of much of the United States there is an unlimited amount of such work that can be

¹Wines, *Ibid.*, p. 7. McKelway, *Ibid.*, p. 226.

done by selected convicts living in open colonies. Do we in a faint way estimate the possibilities of the employment of certain prisoners in many lines of conservation of the water, the land and the forests? How great the results may be, in improving our land, increasing our crops, preserving or replacing our forests, or our benefits by good roads, we cannot comprehend. In some states sentiment would not approve the public exhibition of convicts, but in those they could be employed upon large farms, reclaiming the land, making road material and establishing typical forest reserves, model farms and standard roads in their neighborhood.

In this we should not have to work in the dark. In one state or another, practical experience has been gained. Mention has been made of the experience of Massachusetts and Rhode Island. At Michigan City, Indiana, the prisoners reclaimed a tract of swamp land among the sand dunes. There is scarcely a prison in this country that has not reclaimed or improved land, and some of it has been made a marvel of richness and beauty. The black prairies at St. Cloud and the fertile, irrigated fields at Salt Lake City speak just as eloquently of the use of prison labor out of doors as do the gardens of the women at Sherborn and Bedford, or the farms at Hoboken and Mansfield. The orchards at Leavenworth testify as truly of the efficiency of open-air work as do the cotton fields of Mississippi or the cane fields of Louisiana.

We have, too, the experience of other lands. In England, at Dartmoor, the prisoners have been engaged in reclaiming the moorland, working even in winter. Agricultural prisons have been established in England, New South Wales, Prussia, Austria, Hungary, Switzerland, France, Russia and Belgium. At such a prison at Parkhurst, England, one hundred weak-minded convicts were employed in gardening and growing flowers. The Belgian labor colonies receive among others the inefficient and undesirables who cannot or will not properly conduct themselves. In Switzerland, at Witzwil, is said to be the model penal agricultural colony, of 2,400 arpents (2,000 acres). There roads have been constructed, forests planted and the soil improved.

It was established in 1891 and is said to be "a model of moral transformation and for preparation for free life." In Hungary agricultural work was begun in 1884. Prisoners have been engaged in the improvement of marshy lands, straightening streams, building roads, constructing dikes, and in agriculture. Experience has been had, too, in the employment of convicts on public works and in other lines. Among the most important in England was the construction of the breakwater at Portland Harbor, also the enlargement of the dockyards at Portsmouth and Chatham. In Prussia convicts were successfully employed in the difficult task of digging the Nordhorn-Almelo canal, in draining the Gross Moosbruch, improving the prairies, draining estates, cultivating marshy lands, improving sandy land, caring for the forests at Siegburg, raising vines, etc. In Austria much has been done in the improvement of streams, removing rapids, reclaiming inundated lands and constructing works of defense; and in Algiers on different public works.¹ Jacob Riis tells us, in a recent article on reclaiming the heath of Jutland, in Denmark: "For the last dozen years the life prisoners in the Horsens penitentiary have been employed in breaking and reforesting the heath, and their keepers report that the effect upon them of the hard work in the open has been to notably cheer and brighten them. The discipline has been excellent. There have been few attempts at escape, and these have come to nothing through the vigilance of the other prisoners."²

The third International Prison Congress at Rome, in 1885, gave expression to an opinion relative to the value of outdoor work for prisoners.³ The same topic was discussed at the seventh International Prison Congress at Budapest in 1905.⁴ The conclusion was that prisoners may be worked in the open air as far as possible under proper restrictions.⁵

The proper conservation of our natural resources and the

¹Henderson, "Outdoor Convict Labor" (report by Dr. Jules Fekete de Nagyvany), p. 5.

²The Outlook, August, 1910, p. 645.

³Proc. I. P. C., 1885, I, pp. 288-313; 647-600.

⁴Proc. I. P. C., 1905, I, pp. 173-403; III, pp. 415-597.

⁵Henderson, *Ibid*, 1907, p. xi.

proper employment of convicts are two great problems that must be solved by our people and they should be solved right. I am aware that conservation must be partly the work of the general government, partly of the states, and partly of both co-operating. In many ways the general government can take the lead, in others the states can do so. Why cannot these two problems be related? No present plan of employing convict labor is wholly satisfactory. Some methods used bring shame to our land, others breed scandal, most of them are a reproach to us.

Why, since prisoners make again habitable the abandoned farms of Massachusetts and remove the bowlders from the rich soil of Rhode Island, can they not reclaim the tide flats of New Jersey and the everglades of Florida? Think of the reclaimable land along the coasts of the United States! If prisoners build dikes in Europe and levees in Louisiana, why not elsewhere? If convicts in Illinois crush rock for public roads, why not in other states? Why should not the finer material, the powdered limestone, be used to fertilize impoverished soils?¹ In Europe the courses of streams have been changed, mountains tunneled and canals built by prisoners. Why not adopt Mr. Pettigrove's suggestion and build the Cape Cod canal with prison labor? Since prisoners have been used in reforesting the heaths of Denmark and in practical forestry in Prussia and Switzerland, may they not be so used here? Here where there is need of forestry, there is opportunity for such work. In the great mountain districts, the lands of disappearing timber and along our sandy shores there are possibilities almost without limit.

In many states, perhaps most of them, some one or more of these things could be worked out. Of course the prisoners should be selected. We must understand that not all prisoners can be worked without walls. In most prisons a majority cannot. All conditions must be considered. But with selected prisoners under the right kind of supervision, what could not be done? The suggestions provide for the very least competition with free labor, for doing something good for the state at the state's ex-

¹ University of Illinois Ag. Ex. Sta. Circular. No. 110, Apr., 1907.

pense. Such outdoor labor is the kind most helpful to prisoners, is of value to the state, and seeks to provide a continual exhibit of better things in the object lesson afforded in forestry, agriculture, improved roads and more healthful regions.

REPORT OF COMMITTEE ON DISCHARGED PRISONERS.

F. A. WHITTIER, RED WING, MINN., CHAIRMAN.

The question of aid to the discharged prisoner at once involves the old one of whether or not the object of his imprisonment is to be purely punitive or whether it is to be reformative. When the prison doors open, his trials are not over; indeed, we think—in many cases—but just beginning, and this is especially true if no effort is made to help him to a better life, or no opportunity given him that he may help himself.

If reformation and restoration to usefulness is the object, then certainly the work of prison officials, or of the individual members of society, does not terminate upon the prisoner's release. All modern prisons are conducted in the hope that its inmates may go out and make good. This implies that its interest in and hope for the prisoner continues even after his departure and, such being true, implies further that the institution and its management must be ready to lend a helping hand, if for no other reason than to be consistent.

A man, while a criminal, is an enemy to society and to protect itself against his acts of enmity, society imprisons him. When liberated he should no longer be looked upon as a criminal, but as a citizen. We restore to him his rights of citizenship, aid him to some extent and say to him—in theory at least—to go and again become an equal among his fellowmen. He needs help, not because he is a criminal or has been in prison, but because he was never strong and his imprisonment has impaired his independent manhood and he is a weak member of society and needs most of all the helpful hand of fellowship that the individual members of society can extend to him. How best to help him to a restoration of the rights, privileges and

blessings of fellowship with mankind has been much discussed. No method has yet been found that will answer in all cases.

We do not propose to discuss or attempt to decide the best or most effective way of aiding the discharged prisoner. All methods are commendable and should be encouraged. The theory of parole seems to be gaining favor, largely because it is being more and more recognized that we are dealing with weak men, unable to stand alone and that the restraining and helpful influence of the parole should be exercised until he has shown an inclination to be honest and a strength of character, mind and body that he may be trusted if left to his own resources.

One thing that impresses us is that all the agencies of aid, whether State Agents, Prisoners' Aid Societies, Volunteer Prisoners' Leagues, Societies for the Aid of the Friendless, or by whatever name they are known or what method they use, they must all work to build up in the general public, among the great mass of people the feeling that these men are to be accepted as a part of the body politic and as such are entitled to a fair chance in the Industrial, Social and Religious world.

It seems to us that society, itself, must recognize the fact that it must do its part. The men upon whom the door of the prison has just opened can not be expected to do much alone. In most cases they were friendless when they entered prison and the asset of friendship will not be greatly increased while in confinement. The somewhat rare cases of men who have or were holding good positions among their fellows when imprisonment fell upon them are not usually in need of the services of the prisoners' aid societies upon their release, simply because some of their friends have stood by them; this not because of their imprisonment, but in spite of it.

The unfortunate, whose habits or actions have cost him, first, his friends, and then his liberty, has lost more by the loss of the former than the latter. Liberty to such without friends or money rarely leads to but one result—failure—and further imprisonment. Liberty to him with money and without friends is a slight improvement, but still dangerous, while liberty with both friends and money, if genuine and true, should be followed

by success, if the man, himself, has a sincere desire to again join the fraternity of mankind. This fraternity, which we call society, at whose door he is now knocking, is not made up of a single person in the form of a paid agent, nor is it the Aid Societies or their officers, but it is the people as a whole who must, or should, recognize that he is one of their own kind and number and be ready to give to him the precious present of opportunity. He usually comes from prison loaded down with good advice—the chaplain, warden and officers have seen to that—he is long on advice and short on opportunity. He wants, needs and must have a fair chance, not only to make a living, but to enjoy the privilege of his free citizenship as well.

Material aid in the shape of money is not so essential to the discharged or paroled man as ready employment and a friend, who will take a lively interest in him—defending him when he needs defense, cautioning him when he needs caution and encouraging him at all times. The work for these men is largely a personal service, each must be treated individually, handled with discretion, wisely counseled and shown always that the honest and honorable way of living leads to happiness and success. Bygones should be bygones and their past not referred to; aims and ideals should be set high, but not so high as to be beyond their conception or hope.

Where release on parole is the practice we think the service of the paid state agent has been the most effective. A person assuming such a position assumes one of far greater responsibility than is generally recognized. Into his care and supervision is placed a man entirely out of touch with industrial and social conditions. A man liberated from prison fails to realize that during his imprisonment the world has marched steadily on. That methods that were up to date when he entered may have become obsolete. The way of doing things changes rapidly. Men that he worked or associated with have disappeared. He fails to find conditions as he left them and receives something of a shock when he finds himself a straggler or back number. and as a result becomes discouraged and disheartened. The wise agent, realizing this, will use caution in placing him and counsel

him to be willing to start at the bottom, and the restraint of the parole aids materially in keeping him where placed until he has become efficient under the new conditions.

The success or failure of the man on parole depends very much on the state agent, who must be kind, but firm, sympathetic, but not sentimental, just and active. The successful agent can not spend much of his time at the institution or in his office, but must be moving about, acquainting himself with the conditions and acquainting others with what is being done for these men, and of course seeing the paroled man as frequently as possible, counseling and encouraging, warning but not threatening him. He must be able to say to them to come and he will show them their opportunity, not to say to them to go and find it. He must be ever alert to their deceptions and keen to discover their falsehoods and ever ready to pay attention to their grievances, whether imaginative or real; generous in overlooking their failures, if through weakness, but handling with an iron hand if through viciousness. He must be of such a make-up as to be able to get the good will and confidence of his charges and so conduct himself with them that his visits will be welcomed. Agencies to be successful must keep an effective follow-up system and insist that all reports by paroled men be truthful, whether favorable or otherwise. The experience of long established agencies seems to be against having these men congregate and in favor of separating them as much as possible.

In some states where paid agents are employed the practice of delegating the supervision of these men to prisoners' leagues, aid societies, probation officers and kindred organizations prevails to some extent. This has been found only partially successful and will not prove effective if the prisoner is allowed to look to more than one party or organization, for if allowed to go from one to the other he will be apt to find a way to take an unfair advantage of one or both, claiming to have permission from one to do or refrain from doing what the other may have required or prohibited.

Where paid agencies are maintained it does not signify a lack of the need of other organizations, but these should work for or with the agency and not independent of it.

The prevailing sentiment among agents, officers of aid societies and others seems to be that the work for the prisoner after his discharge should be begun prior thereto, or while he is still in confinement. Some prison officers object to this, claiming it interferes with their discipline and the work of the prison. We hardly think this will be true if the work is wisely done by a discreet person, and grossly indiscreet people have no business trying to do this work, either in the prison or outside of it.

In some prisons we find a commendable system of wage earning. This wage is of course small, but is proving an aid to discipline—an aid to his family to some extent—an aid to himself upon discharge and more than this, it keeps alive in him the idea of the value of labor, constantly reminding him that remuneration comes only as a result of honest labor and earnest effort.

The practice in some states of sending their discharged men to other states is, we think, unwise and unfair, and each state should be willing to care for its own. We cannot approve the tendency to push them along or force them on to other states or countries. The effect is bad on the man himself. He is enough inclined to be a tramp without encouragement from others.

Some complaint has been made about the alien criminal, and what to do with him has received some attention. If known to be a criminal he ought not to be allowed to enter our country, and if this is not known, but later disclosed by his committing crime here, the matter of his deportation should be determined upon and carried out at the earliest possible moment.

For years prison managers thought the cheapest and easiest way of handling the prisoner was to cast him adrift, with possibly a cheap suit of clothes and a little money as a sort of bribe to their conscience that their full duty had been done. Was this and is it now the cheapest way? We think not, and viewed solely from the standpoint of dollars and cents this will not be profitable. Surely if any considerable per cent. can be restored to self-sustaining citizenship by some timely help, it will be found cheaper than the expense of their added crime, conviction and maintenance, especially when we consider the fact that every conviction makes his restoration more difficult and his

almost continuous care more certain, either in the prison from which he has been released, or some other one.

We believe that these agencies for aid should be so organized and perfected that upon his release from prison every man might have at least a definite chance of employment where he could, if he would, succeed, and that the aid and supervision of the agency continue until he has acquired the three Rs of good citizenship—Self-Respect, Self-Reliance and Self-Restraint.

DISCUSSION.

Mr. Butler: Mr. Whittier has asked me to continue in the chair during the discussion. As you all know, it is the custom of the American Prison Association to have discussions short and to the point. I understand that each of those who is invited to take part in the discussion of this topic is prepared to follow that rule. The discussion will be opened by Rt. Rev. Samuel Fallows, of Chicago, Illinois.

Bishop Fallows: Mr. President, Ladies and Gentlemen—The event of a lifetime to many of us who are members of the American Prison Association and International Prison Congress has just been completed by a journey from the city of New York to this capital city of our country by the way of Chicago and other places. I simply want to say in that connection that probably a more clear understanding of the different methods pursued by the prison officials in different countries has been obtained than would be obtained by a continuous session of three or four weeks in this city. We have learned the great truth of our common humanity—that we are distinct as the billows but one as the sea. We have learned that while there are diversities of operation, the same earnest spirit prevails to find the best means for attaining the harmonious carrying out of the best methods so that justice and mercy and the reformation of the unhappy inmate may be secured. There are differences of administration, but we have learned that there is one masterful purpose to carry out into practical effect these things in which we are so deeply concerned. Now this report of the Committee

on Discharged Prisoners is one of the best reports to which I have ever listened, bristling with facts and with wise conclusions. I can say this because I was a member of the committee, but I want to say that I did not give to the distinguished and esteemed author of the paper any suggestions except to "go ahead and do just what you choose to do," and therefore I can speak very freely of its excellence.

But now, my dear friends, we who are wardens and superintendents and officials of these different institutions do not need to be converted regarding the best methods to carry out the great purposes of our organization. We are converted already. It is society that needs a change of heart with regard to the criminal. All that we may have done for good will be largely in vain unless the public shall supplement our efforts by helping to restore their lost estate to those we are giving back into its charge. The work we have been doing in our institutions is intensive. The work which is to be done by society is extensive and to be continuous. Our work ceases in a comparatively short time. The work of society must go on and on in the reclamation of these unfortunate ones, and the men and the women who are without the prison walls may make or mar the future of the lives of these inmates. Oh, that I had a mighty voice on all the world to call, to show to society its supreme and imperative duty towards these with whom this report has to do. The pulpit, the press and the platform must continuously help create the proper sentiment. We must appeal, and appeal forcefully, to the principles of our humanity and to the teachings of our common Christianity in their behalf. We, the people, are to say to those who have been aliens to the commonwealth for the time being by their misdoings, but who now with new minds and new hearts come among us—ye are no more strangers and foreigners but fellow citizens with us and of the household of God. Prodigals no more are these I am describing. We, society, have been playing the part of the elder brother with regard to the prodigal who went from the father's house into the far country, and now we are to say to these, welcome, welcome, ye prodigals, just as the father did who said from the depths of a grateful, gladdened

heart, "This, my son, that was dead and is alive again; was lost and is found."

For nearly twenty-five years personally and practically I have had to do with this problem, and I want to say I have more faith, more hope, more charity than I had twenty years ago, and I know this, that we are twenty years nearer the fulfilment of the optimism of that man who said:

"Man's regenerate soul from crime
Shall yet be drawn
And reason on this mortal clime
Immortal dawn."

I believe it with all my heart.

Mr. Butler: I am sure we shall all be glad to hear for a few moments the voice of the distinguished prison administrator who served as the president of the American Prison Association at its meeting at Seattle last year. I have pleasure in presenting to you Dr. J. T. Gilmour, warden of the Central Prison, Toronto, Canada.

Dr. Gilmour: I have just two or three observations to make from the standpoint of one who is on the inside of a prison. The first is this, that the successful treatment of the discharged prisoner must commence a considerable time before he leaves the prison. His previous social condition must be studied, his willingness and aptitude for labor. Unless these are pretty thoroughly understood how can any human intelligence direct him the day he is set free?

Another point is this: money is the curse of about one-half of the discharged prisoners. The man who has been locked up for months or years to be given his sudden liberty and even a limited amount of money at his command is very apt, if left to himself, to use that money wrongly. I have to speak from the standpoint of one who has not had the advantages of the indeterminate sentence or parole system. So some of you may not agree with me, but if you will view it from my standpoint perhaps you will view it differently. I have one rule, almost as unalterable as the law of the Medes and Persians, by which I judge

a prisoner's genuine desire to reform, and it is this: will he accept labor? is he willing to go to work? That work may not be quite what he would desire, but if it is the best we can offer him is he willing to take it? If he says he is unwilling to take it I have little hope for that man. Well, then, if the work is the consummation, how are we to attain this? I do not know how you do it in other parts. I can only tell my personal experience. You know there are two kinds of penologists: people who tell what they think and those who tell what they know. For the past ten years our prison has been open to the Salvation Army, and the army detailed one officer who was not a sentimentalist to begin with and who is now an expert criminologist, and he visits our prison daily, as frequently as he wishes. He becomes familiar with the family history of the prisoners, with their aptitude and willingness for work; and in our country the immense organization of the Salvation Army, having its detachments in every town, village and city, gives them a great advantage—an advantage that no other organization possesses in getting our men out of the city. We do not want them to colonize. I do not believe in homes for discharged prisoners. We used to have a home in Toronto, given by one of our philanthropic citizens twenty-five years ago, and we sold that home ten years ago because for the ten years previous it had been closed. We had no use for it. When I hear people tell what a beautiful work these homes for discharged prisoners are doing I usually conclude the discharged prisoners are working the people rather than the people working the prisoners.

The Salvation Army has a status in society. When their officers go to employers of labor and say, "We have a man, will you give him a chance?" that chance is readily given in nineteen cases out of twenty. We have no difficulty whatever in getting work for our men, and they provide situations for hundreds and hundreds of them every year.

I have given you these facts briefly to show you what we find to be the best plan.

Rev. E. A. Fredenhagen, Kansas City, Mo.: In the opening portion of his address the president of this Congress used

these words: "The convict is a man. His nature is essentially that of every one of us. In considering prison systems let us not forget the man, the spirit, the soul." The motto of the Young Men's Christian Association is that it takes men to save men, and after all is it not the whole problem, not only to save men but the taking of the weak man and lifting him up into society where he can conduct himself as a man. Is it not a problem of the stronger men reaching weaker men, and are not the criminal courts, the prisons, the prisoners' aid societies simply tools in the hands of the strong men who, because of their fitness and willingness, are reaching and helping up the weak? If that be true then the mission of the Prisoner's Aid Society, the private benevolent society, as a means of stronger men lifting up weaker men must stand as a part of the machinery for saving weaker men through the aid of the stronger. May I then in my discussion touch a little more upon that line.

The Society for the Friendless, which stretches now over twelve States, began in an ex-prisoner's home, in a family home of one man and one woman who believed in the application of the methods of Jesus Christ to lift up the weaker man who was below the crime line. You never know the problem of life until you are in such close touch with it that you can feel its heart-beat. When you have taken into your own heart a man who is down and out, kept him with you long enough for him to know he is a part of yourself, a brother man, when you have done that then you know something of the problem that he faces and you face with him. Therefore for every man coming from the hand of the law an ever open door and a never failing welcome—employment, clothing, tools, medical attendance and whatever you would do for your own son should he come back a prodigal to be lifted up again into society.

I am glad the emphasis has been laid upon the prisoner after release. If the Prisoner's Aid Society is operated as we think it should be its members should be fitted to enter the prison and touch their lives and preach the fundamental righteousness, which is religion, to help them so the temptation which formerly overcame them they can now resist; to get them to join with

the chaplain in the religious services, with the warden in the disciplinary part, and give back in the upbuilding of the men, both as religious men and as citizens, all the hope that may open before them after release; therefore the co-operation of the Prisoner's Aid Society and the officials of the institutions, that they shall together mold that weak man into a strong man; therefore the necessity in a prison of a strong man and a good man, who shall be able to show very clearly to that weak and benighted brother the model and life of the man of Nazareth; therefore the necessity of converting society to receive back again the man who comes from the prison. That is the function largely of the Prisoner's Aid Society. You and we together in these congresses are endeavoring to work out model plans for the treatment of criminals. You in your institutions have the indeterminate sentence and parole laws, and by these you are preparing men for the future life. It is our mission to spread abroad in the public mind the sentiment favoring these things. Any active Prisoner's Aid Society in one of our commonwealths should reach in the neighborhood of 200,000 or 300,000 people per year, teaching them these truths which we formulate here and preparing the public minds for the changes which must come for the induction of these better methods. I have in mind one State with a prison of the older type. Two years of earnest work of four men in the employment of the Society so revolutionized public sentiment that the indeterminate sentence with parole was very easily passed. It went into operation without a single demurrer, has worked superbly and is incorporated into the very life of the State, and from all present outlook will not depart from it. That same Society in two years so changed the public mind that the juvenile court act which was defeated in one legislature was passed unanimously in the next, and stands today a consistent part of the life of that State, never to depart from it.

There are many other things we believe to be the mission of the Society. The prisoner's aid worker is simply a man fitted for his work, who is seeking to raise another man, who is down and out, up beside him, so he can walk in life again, and if he needs employment he must have it; if a home he must have it.

I am sure Dr. Gilmour has in mind a different conception of the ex-prisoner's home than that which lies in the mind of the worker of the Society for the Friendless—the home for the man who has probably never known a home or who has dropped out and is struggling in life to make something of himself. He can be reached by a home where loving helpers live and helping him so you get a grip upon his heart as you can in no other way.

Rev. A. J. Steelman, Seattle, Washington: I had the great pleasure and opportunity of working with prisoners for four years on the inside of the prison, and I also had the opportunity of watching the magnificent work being done by Mrs. Maud Ballington Booth in Chicago in connection with the Joliet prison. An average of a dozen men per month went to her Hope Hall there. The prisoner's home, as I see it operated by Mrs. Booth, is just as necessary as the hospital. When a man needs a hospital he needs it badly, and nothing else can really take the place of it. If the Salvation Army takes the place of the prisoner's home that is the solution of that problem. Mrs. Booth has already taken care of something like 8,000 men in her homes, and I have no doubt the statistics of the business would justify the investment.

Walter Collins, Adjutant, Volunteers of America, Columbus, Ohio: As a representative of Mrs. Maud Ballington Booth, and having charge of one of her homes and coming in close touch with these men for the past six years in the Ohio penitentiary, I feel like letting you know what the home is doing in Columbus. Since the first of the year I have met personally at our prison gate in the neighborhood of some forty-seven men. I know their dispositions before they leave the prison. We also keep in touch with the families. We try to help them in every way possible. We try to induce the men to leave the prison with that one purpose at heart, to lay down the past and start anew.

On various occasions I have met a poor fellow shaking and crippled with rheumatism and in bad health in other ways. We find that our home is a life saving station for these. He stays there probably one week, sometimes longer. Some go to posi-

tions and probably on account of lack of work are laid off. They come back home. We are always willing and ready to receive them, and we again secure positions for them. At the most we endeavor to find employment for these men before they leave the prison, just the same as in our State the parole law insists that a man shall have employment to go to.

Rev. F. Emory Lyon, Superintendent Central Howard Association, Chicago, Illinois: I am glad to express in a word my appreciation of the splendid report of the chairman of this committee, and the practical suggestions indicate to me the only word that needs to be emphasized not only in what has been done and is being done for the care of worthy ex-prisoners, but the larger work that should be done by the co-operation of the state agent and the voluntary agencies. And Mr. Whittier, having been one of the best of parole agents, knows just what he is talking about, and I know what he has been doing and I know it is possible for other parole agents to do similar work. In other States they are doing it, in Indiana perhaps more largely than elsewhere. The great need from the standpoint of the State at the present time is the enlargement of the number of state parole agents. In Illinois last year we tried to pass a law providing for a parole agent for every fifty men under parole. I believe such a law would be an ideal measure. Over against that we have in many States a parole law, operating for several years, where the State spends absolutely nothing. It employs no parole agent and it cannot be expected that the parole law can be effective without the State spending the money to carry it out. If there could be an increase in the number of parole agents in all the States, not fifty or a few hundred men could be placed effectively and have individual supervision, but many hundreds more. Then if there could be, as the chairman suggested, very active and close co-operation between these state parole agents and the voluntary agents to furnish something of the spirit and the soul to the work which possibly the State cannot in all cases give to it, the spiritual side of it and the individual supervision and personal care that may be needed by the spiritual side of it, then hundreds of men could be helped, and could be helped ef-

fectively. I believe that with the exception of a few of the very old men, of a few crippled men, the individual method of close co-operation between the parole officer or probation officer or voluntary worker and the employer is the better method of helping the man. The institutional method, the prisoner's home, if you please, has all the elements or many of the elements, the bad elements, of a prison without the advantage of the prison discipline. There is a chance for the multiplication of acquaintances. There is the fact that these men in their neglected, discouraged conditions cannot be so much of help to each other as they can or are in a position to receive help from some one who is in a perfectly normal, helpful, positive condition and in the right relation to society.

Dr. Carl Kelsey, University of Pennsylvania, Philadelphia: I feel that it would be unfair to adjourn without giving a chance to the man who is obliged to tell what he thinks he knows instead of from one who knows it all. I represent the teaching force interested in some of these questions, and in my efforts to find out what I think I know I run across certain gaps in information that can only be gotten from those of you who actually know. I want to ask, therefore, if you will tell me, how many of the inmates of your institutions are feeble-minded, and I want to ask you if you have ever had any examination made to know whether they are feeble-minded. What on earth is the use of talking about parole work if you are dealing with feeble-minded persons. I cite one case. The matron of a certain institution recently sent for one of the best trained men who thinks he knows, to come and examine nineteen inmates of that institution. The superintendent said, "I have reason to believe that these are feeble-minded." The man went there and pronounced without hesitation eighteen of those women to be feeble-minded. I simply say that society that sends out eighteen or nineteen feeble-minded men and women at the expiration of their sentence is itself feeble-minded. Question: What is your opinion as to the mentality of all prisoners? Answer: Sometimes pretty low, sometimes pretty high; just the same as I think about university students. I would like to turn some of them over to you if you

represent an institution and I would be glad to take some of yours.

Do we know it? What do we know about it? What examinations have we made in this country, and do we know what has happened with our own methods of discharging prisoners or do we not know? Are we guessing as to what has taken place? I merely want to know. You men in charge of institutions cannot go out and follow up with existing laws and methods, but we must have that "follow up" method before the rest of us who are teaching know what you really know.

Mr. Frank Moore, Superintendent New Jersey Reformatory, Rahway, N. J.: I would like to answer the gentleman by saying at our own institution we are making an examination of the mental condition of the inmates, and after examining one hundred inmates recently we found that fifteen out of the one hundred were mentally deficient, that is, that they were nineteen years of age perhaps when they came in but their mental capacity was not more than that of a boy of seven.

But I wish to speak something about the parole idea. It seems to me one of the vital questions is the relation of the examination to the home life, and that at least with us, perhaps, we are too much in the habit of putting a boy back into the same conditions from which he came into the institution. It is a very easy matter to allow the parents to secure the employment. It is an easy way out for the parole department, consequently they are put back into the same environment from which they came, and which environment in very many cases is the cause of their fall, and I think here is a point where we need to guard our parole very much indeed. On the other hand, it seems we need to make our institutions more like the outside world to the inmate in the institution, and then in turn make the parole time more like the institution. I thoroughly believe in a system definitely outlined of so much time on parole and so much penalty, so to speak, for certain violations of parole, and I believe we can lay before the paroled inmate when he goes out a definite plan which will give him to understand just what will happen. It does not threaten him but lays down the plan of action, and

if he is required to work out his parole according to his conduct, just as we do his time in the institution, we will probably get better results while he is on parole.

Rev. Canon N. W. Cook, Kingston, Ontario: There are just two points which I beg permission to bring forth. The treatment of released prisoners by the press is often very unjust. It is the case often in Canada. When a prisoner is released from the penitentiary the local newspapers publish his biography, and they give a description of him as a prisoner chiefly. I think that is a very cruel, inhuman and unjust mode of treatment, and I often feel that we should, if possible, express our opinion in regard to that one point; that it is wrong, an injustice to the prisoner, for the newspapers to point him out in that way the very moment he needs sympathy and assistance to help him begin a new life.

Another point is this, that I do not think the policemen do their duty in this respect. I know more than one case in which the policeman in the case of a man released from prison actually deprived him of a situation by going to his employer and saying, "Do you know where that man came from? Have you given that man work in your institution?" "Yes." "Do you know where he came from? He was released from the penitentiary only a little while ago." The policemen are to blame, I believe, to a great extent in regard to the unjust treatment which some of the released prisoners receive. One of the speakers said that the convict when released must be treated like a man. If he is treated in the way I have described, as I know many a one has been, it is not treating him as a man but as one that should be an outcast to society for the rest of his life. I agree with Bishop Fallows, nevertheless, that we should take an optimistic view of the present state of these things because there is progress going on.

William I. Day, Superintendent California Prison, San Francisco: I am a friend of the discharged convict. I feel the paroled man is being looked out for all right by the people especially interested in him. But I feel we need a place for the

discharged prisoner. We do not necessarily have to call it a home; we call ours a hall, and we are able to take care of them. We get hold of the men before they come from prison and become acquainted with them and know their families, and when they come to us we want to give them a helping hand. Sometimes they live in a distant part of the State. Particularly the old men, the crippled and invalids are we able to help, and they understand it is not a home but a clearing house from which they go to different parts of the State. I believe in this, and we have been glad to have a place like this for these men to come to and give them the right hand of fellowship instead of the cold shoulder, and I feel through this institution we have been able to start many of these men who are not a disgrace but a credit to California.

Adjourned 10:30 p. m.

FRIDAY MORNING SESSION.

The session was called to order at 10 o'clock by President Butler, who announced the following committees:

The Committee on Organization: William J. Diehl, Pittsburg, Pa.; J. T. Gilmour, Toronto, Canada; Frederick H. Mills, New York, N. Y.; Timothy Nicholson, Richmond, Ind.; George L. Schon, Louisville, Ky.; Henry K. W. Scott, Concord, N. H.; Albert H. Hall, Minneapolis, Minn.

The Committee on Resolutions: Frederick Howard Wines, Springfield, Ill.; Albert W. Gilchrist, Tallahassee, Fla.; Richard R. Lancis, Havana, Cuba; C. S. Reed, Walla Walla, Wash.; Dr. Katharine B. Davis, Bedford, N. Y.

President Butler: The session this morning is given to the report of a very important committee, the Standing Committee on Reformatory Work and Parole, and the chairman of that committee is the efficient superintendent of that great reformatory at Mansfield, Ohio, whom I have pleasure in presenting—James A. Leonard. He will present the report for the committee.

REPORT OF COMMITTEE ON REFORMATORY WORK AND PAROLE.

JAMES A. LEONARD, SUPERINTENDENT OHIO STATE REFORMATORY,
MANSFIELD, OHIO, CHAIRMAN.

The necessity for reformatory work clearly implies that the original formative work was poorly done. The fact is, however, that much of our so-called "reformatory work" is expended upon the neglected ones, for whom but little was done in well directed formative effort.

In either event, reformatory workers will proceed more rationally if they clearly understand the agencies and methods society has evolved for developing the good citizen.

The individual soul, rather than the group, is the entity to which all righteous human effort tends. The universe flowers in personal excellence.

This individual unit, the child, is born of the loins to the family, the divinely instituted social unit. Here the child, "heir of all the ages," enters with inherited aptitude upon a period of social gestation, from which he should be born a good citizen, possessed at least of the average virtues of the parent society.

The character of the good citizen is the product of many factors. Under normal conditions the dominating factor is human will, which is made up of the individual will and the social will as exercised by proper authority from parental to governmental.

Nature has wisely provided that the social will should dominate that of the individual. The child is born without will, absolutely helpless and dependent. This godlike power develops slowly in order that it may be trained and directed in its true relation of wholesome subjection to the social will as expressed in public opinion, law and government.

The poet has it right when he says:

"Three roots bear up dominion—Knowledge, Will—
These twain are strong, but stronger yet the third, Obedience.
'Tis the great tap-root that knit around the rock of duty is not stirred,
Though heaven-loosed tempests spend their utmost skill."

Let society fail to train the individual to cheerful obedience to all proper authority and it begets an egotist, fosters an anarchist and develops a criminal.

The intellectual power to perceive and the will to discharge ideal social obligations in obedience to enlightened conscience is the highest type of individual worth.

It therefore becomes the chief concern and fundamental function of society to prepare the youthful individual to meet the requirements of the rising standards of conduct and thus prepare him to become a co-operating factor in all social effort and an appreciative sharer in all social benefits.

To this end society has evolved institutions; the home, the church, the school, government and the unorganized institution loosely called "the street."

These five great formative influences constitute the right hand of society in character building. Each institution represents a finger, each having its special function which it can perform perfectly only when co-operating with the others.

It so happens, however, that many fail of the wholesome formative influences of one or more of these character building institutions. This failure may arise from unfavorable conditions over which the individual youth has little control, or the failure may be traced largely to a subjective tendency to wrongdoing or a perverted will. But, be the responsibility where it may, the result is the same. The neglected and vicious youth is unfit for social assimilation; in fact, is apt to grow anti-social, prone to commit offenses, and finally becomes a foreign irritating body in the social organism, disturbing its comfort, lowering its efficiency and threatening its safety. Society must then, in accordance with the first law of nature, take steps to protect itself. It then becomes a matter of public conscience, not only to bring the youthful criminal to account and restrain and punish him, but to afford him every opportunity to rehabilitate himself as a man and to readjust himself as a citizen.

To attain these desirable ends there must be favorable conditions, adequate means and proper methods. Here enters the reformatory and its work. If the home, the church, the school, government and the street constitute the right hand of social effort in formative work, the reformatory institution represents the left hand of society working to the same end.

The reformatory has the same human problem to deal with as a formative agency, except that the difficulties of the problem increase because the human beings for whose betterment it works are the failures, the delinquents and the neglected of society. Good reformatory work is inspired by the same motives based on the same principles, and must necessarily employ in a large measure the same methods as are employed in the ordinary character building institutions of society. The fundamental difference lies in the fact that the young men and women to be dealt with in a reformatory are placed under the great physical restraint known as "imprisonment," and are placed under what is known as "prison discipline."

This discipline should not be of a character to destroy, distort, or demean the personality of the young criminal. It should be rather of the character of strong pressure that restrains, supports, and sustains him until by a process of substitution, self-respect, self-control, good motives and established habits do their perfect work.

The value of reformatory work depends very largely upon the adaptability of the physical plant to its intended uses; the law governing its administration; the methods of discipline employed; and the effectiveness of religious, educational, physical and industrial training and ethical departments; and last, but most important of all successful reformatory work, it depends upon the character of the men and women who come in personal contact with the young people under their care and control.

The ordinary negative qualities that are often supposed to constitute good character are not sufficient. These men and women must have the ability, tact, and temperament adaptable in a very marked degree.

Reformatory work of recent times owes much to the excellent types of men and women that have been added to the ranks of reformatory workers. These people come fresh from the normal world, well equipped to meet the difficulties and to make most of the opportunities offered by the reformatory program.

Reformatory work has gained much in late years from the modification of views and methods on the part of those long engaged in the work. Perhaps in no department of labor having for its object the upbuilding of character and the reclamation of men and women has there been more serious and thoughtful questioning of time-honored customs and methods of procedure, especially in matters of institutional discipline, long held to be thoroughly orthodox. Corporal punishment, the dungeon, starvation, silence, solitary imprisonment and darkness have been called upon to justify themselves and to show cause why they should not be eliminated from modern reformatory methods.

Before questioning these hoary survivals of less enlightened days, the questioners have sought counsel of every science that bears upon human life.

We are glad to report that the methods of punishment above enumerated have been largely discredited, and where they still survive, are desperately on the defensive.

The work of American reformatories has been seriously handicapped because of the architectural defects of the buildings in which the little segregated reformatory world lives, moves, and has its being. This is due in part to the fact that when the older reformatories were built the importance of proper housing was not fully appreciated. It is due, moreover, to the fact that many of the older reformatories were originally prisons of the older American type. It is a mistake to suppose that by rechristening an old line penitentiary you can convert it into a reformatory.

But we are glad to report that some of these old buildings are being remodeled to meet the modern reformatory requirements to such an extent that they are practically new plants.

In Canada and in many of the States of the Union where it is proposed to establish new reformatories, those in charge seem to be fully awake to the necessity of largely improving on the best plants extant for reformatory purposes.

As to the importance of laws governing administration, we would report that almost every American reformatory is operating under some modified indeterminate sentence law. All, we believe, have a system of parole, more or less effective, while some reformatories administer a probation law in addition to the parole law. Perhaps the most striking example of this is found in Ohio. The recent probation or suspended sentence law, so far as it applies to the Ohio State Reformatory is as follows:

Section 1. In all prosecutions for crime except as hereinafter provided, where the defendant has pleaded or been found guilty, and where the court or magistrate has power to sentence such defendant to the Ohio State Reformatory, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere (but detention in an institution for juvenile delinquents shall not be considered imprisonment), and where it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and where it may appear that the public good does not de-

mand or require that the defendant shall suffer the penalty imposed by law, said court may suspend the execution of the sentence and place the defendant on probation in the manner hereinafter provided. Nothing in this act contained shall in any manner affect the laws providing the method of dealing with juvenile delinquents.

Sec. 2. No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without consent, assault with intent to rape or administering poison shall have the benefit of probation.

Sec. 3. Whenever a sentence to the Ohio State Reformatory has been imposed, but the execution thereof has been suspended and the defendant placed on probation, the effect of such order of probation shall be to place said defendant under the control and management of the Board of Managers of the Reformatory and he shall be subject to the same rules and regulations as apply to persons paroled from said institutions after a period of imprisonment therein.

Sec. 4. It shall be the duty of the Board of Managers of the state reformatory to furnish the clerk of courts of each county with blank forms setting forth the requirements and conditions used by them in the parole of prisoners of that institution, but amended so as to be applicable to cases of probation.

Sec. 5. Whenever it is the judgment of the court that the defendant be placed upon probation and under the supervision of the Ohio State Reformatory, it shall be the immediate duty of the clerk of said court to make a full copy of the judgment of the court, with the order for the suspension of the execution of sentence thereunder and the reasons therefor, and to certify the same to the Superintendent of the Ohio State Reformatory, to which said court would have committed the defendant but for the suspension of the sentence. Upon entry in the records of the court of the order for such probation, the defendant shall be released from custody of the court as soon as the requirements and conditions required by the Board of Managers have been properly and fully met.

Sec. 6. The Board of Managers of the Ohio State Reformatory shall appoint and employ one or more officers, to be known as field officers, for the purpose of carefully looking after the welfare of all persons whose sentences have been suspended and those who have been paroled from said institution after a period of imprisonment therein.

Sec. 7. Whenever a person placed upon probation, as aforesaid, does not conduct himself in accordance with the rules and regulations of the institution, a field officer may without warrant or other process, arrest said person and convey him to said institution, and the Board of Managers may, after a full investigation and a personal hearing, because of such conduct, forthwith terminate the probation and cause said person to suffer the penalty of the sentence previously suspended.

Any person under probation who has violated the conditions of his probation shall, under order of the Board of Managers, be subject to arrest in the same manner as in the case of an escaped convict. In all cases of such termination of probation, the original sentence shall be considered as beginning upon the first day of imprisonment in the institution.

Sec. 8. Whenever it is the judgment of the Board of Managers that a person on probation has satisfactorily met the conditions of his probation they shall cause to be issued to said person a final discharge from further supervision; provided that the length of such period of probation shall not be less than the minimum or more than the maximum term for which he might have been imprisoned.

Sec. 9. The auditor of state shall issue his warrant upon the state treasurer to pay from the appropriation for conviction and transportation of convicts, the salaries and necessary expenses of the field officers, upon presentation of itemized vouchers properly approved by the Board of Managers.

Thus the management of the Reformatory is charged with the responsibility of the administration of three phases of reformatory work. There are at present on probation or suspended sentence from the Reformatory in Ohio about two hundred young men who are being given opportunity to rehabilitate themselves without undergoing prison experience or establishing a convict record. On parole there are about four hundred young men, whose average term of imprisonment was twenty-two months.

These six hundred probation and paroled men alike live under rules formulated by the Board of Managers, and are looked after and cared for by three field officers, who devote their entire time traveling over the State, exercising a friendly and helpful surveillance over them.

It is proposed to increase the number of field officers in the near future, as we believe the greatest weakness in the parole and probation systems throughout the country in general lies in the failure to provide for proper care and oversight.

As you no doubt note, the most striking feature of the Ohio probation law is that which provides that when a man is placed on probation he immediately passes from the jurisdiction of the court to that of the management of the Reformatory, to which

is given sole authority to terminate probation, to put the suspended sentence into effect and to grant final releases.

This experiment thus far has worked admirably. This plan secures uniformity of treatment of probationers, makes possible supervision by men of ability and wide experience, and frees all proceedings in dealing with men on probation from the prejudice of local influences.

The group of activities for the intellectual, moral, physical and economic betterment of inmates in the reformatories of America compare very favorably with similar institutions in the factories, schools, colleges and religious institutions of the country.

We are pleased to report that industrial training is being emphasized more and more as a reformatory measure.

It is now clearly seen that while the young criminal may be awakened to a new intellectual day by the educational processes of the reformatory school, and that he may be quickened to a new spiritual life by the inspiration of moral or religious truth, he can be made to stand secure when released from the prison only after his feet rest upon the rock of economic independence. "Labor stands on golden feet," is a proverb, the truth of which can be realized by the reformatory inmate only after industrial training has given creative vision to his eye and constructive skill to his hands.

It is clearly seen that the highest moral value of industrial training can be obtained only when prisoners work with a view to output. Output in things of use calculated to minister to human welfare is the highest and most valuable incentive to effort. Mere practice work has a stultifying effect upon the individual, lowers his standard of efficiency as a worker in the industrial world and deprives him of the most wholesome incentive and highest gratification.

The state use plan of employing prisoners is growing in favor and it now appears as though it would come to be the universal method adopted.

Reformatory work in American institutions has not emerged from the experimental stage, and in view of the fact that the

winning of men from bad conduct to good, from the better to the best, can never be reduced to a science, we question very much whether reformatory work will ever pass from the realm of the experimental.

Reformatory workers may lay every science known to human knowledge under tribute, but the contributions will not constitute a science, but will greatly add to the divine art that finds its worthiest field in enriching and conserving the best and supplanting the worst that is found in delinquent humanity.

No man or group of men can hope to master this art. The highest approval they may hope to win is not "perfectly" but "well done, thou good and faithful servant."

The reformatory work effected to this end deserves more in praise and recognition than its critics will concede. It cannot claim the degree of success that its enthusiastic advocates claim for it, but the reformatory system has come to stay, but not to stop. The very nature of this work calls for improvement and progress.

In making a contribution to the Souvenir work in honor of the International Prison Congress, I had occasion to say what I here repeat in this brief and inadequate report on Reformatory Work.

"In closing this chapter, the writer desires to state that a retrospect of ten years' experience in dealing with the young men committed to his care does not destroy or weaken his faith in reformatory methods of dealing with the youthful criminal. The failures, however, are sufficient to measurably justify the contention of the pessimist and to sober the zeal of the optimist. The latter has, however, upon the whole, the larger truth, and is best able to distinguish between the substance and the shadow—be that shadow never so dark.

He is inclined to believe that it is better—more wholesome—for those who are charged with the practical administration of a reformatory to lean to the optimistic; otherwise, they might be disposed to minimize their efforts by absolving themselves from responsibility by attributing their failures to the total depravity of the offenders, rather than to find the explanation largely in their own limitations as to means and methods, the want of resourcefulness, or lack of experience, knowledge or wisdom. The cynic carries a temperamental handicap fatal to his success as an apostle of hope in a reformatory institution."

DISCUSSION.

Mrs. D. A. O'Sullivan, Superintendent Andrew Mercer Reformatory, Toronto: Methods of conducting reformatories and reformatory prisons have been so thoroughly discussed at the different Congresses of this Prison Association that he would be dull indeed who had not learned the conditions that make reformation possible—the resort to the reformatory only when probation has failed, the sentence to the reformatory an indeterminate one with release depending upon good conduct and evident stability of purpose for good; the careful selection of the administration; adequate facilities for educating and training; work in the open wherever possible; wholesome surroundings and sufficiency of good food. All this applies to work with women equally with that for men; but the woman who has been in prison or in custodial care faces a very different proposition on her release from that which a man encounters. With very few exceptions the women and girls confined in our correctional institutions have lost that protecting mantle of chastity which should shield them when entering the world, and how conscious even the most degraded are of their loss is known best to the sympathetic matron. These unfortunates now seem to be looked upon as the legitimate prey of the vicious. Willing helpers find the ways few in which they can assist them and those few ways beset with many difficulties. These girls who go out, whether freed absolutely or on parole, require the most careful supervision. Perhaps we can give them this in their homes or boarding homes in the situations we procure for them, but we surely can not protect them in our streets. Mr. Leonard has spoken of the street as one of the five formative influences constituting the right hand of society in its character building. We, the people, surely are sinfully and shamefully at fault when we cannot make our streets safe. Must we admit that the procurer can ply his or her trade here, that the sights and sayings unfit for any eyes and ears are allowed to defile the passerby, that temptation under more and more alluring aspect is met at every corner, entices on every billboard? Are we so progressive, after all? Tom Moore, when he sang "Rich and Rare Were the Gems She

Wore," extolled that nation of several hundred years ago, where a maiden clad in jewels and chastity traveled unattended in absolute safety from one end of the kingdom to the other. True, we employ guardians for our streets, but if they conform to our standard of height and perhaps courage, we look no further, yet the safety of souls is in their keeping. A great deal is said as to the parole officer and probation officer being distinct from the policeman, but at bottom it seems to me the chief reason for this is because the material of which the average policeman is made is not the right kind. There can be no better supplementing the work of those whose duty it is to supervise these young women or older women than that which a conscientious, god-fearing, high-minded police service could give.

The first notice taken of wrong-doing on our streets should be by the policeman. He should be above all petty prejudices, should be possessed of sound judgment and be absolutely reliable and worthy of trust—his vocation ought to be a most honorable one. When he finds his kindly intentioned warning wasted upon young women and girls (I am speaking of them particularly), he must stop their career of wrong-doing in some other way. It should be possible for him to take them to a house of detention, where, if they are drunk, they can receive hospital care suitable to their condition. If they are street walkers and vagrants, they can be brought under the influence of some good motherly woman. If they are pickpockets, some rational treatment can be accorded them. Of those who are arrested in twenty-four hours, perhaps, in the wisdom of those in charge of this detention home, some would be allowed to go free, but others must come before the police magistrate or whoever may sit on such cases. Then let us hope that magistrate's sole ambition may not be to hold the record of adjudicating the largest number of cases in a given time. Police magistrates, upon whose action depends the salvation of souls, should be selected at least as carefully as the judge who investigates the claim of property and capital and decides the nice points of law. My contention is, knowing the great difficulty, to say nothing of the great cost, of reforming our young women and girls, that we should investi-

gate carefully *now* the causes which are manufacturing the supply streaming into jails, industrial schools and reformatories. I do not think the millenium would be here if women had votes, but I do think their influence would tend to elevate the standard as well as the wage of the guardians of our streets.

The notoriety of our police court is another sore spot. Public opinion is a powerful force and if we can only awaken it to reject this daily supply of criminal news that fills our papers and to confine the audience of a police court to the smallest possible number, a big step in the way of progress would be made. Most of us here present are familiar with the conditions under which police court sittings are held. You see the crowd of idle loafers filling the benches, scanning greedily the faces of the women coming up for sentence; these women are weak; wherever these vultures see them they will accost them. They will follow them; they are marked. They will remind them of their disgrace. When the opportunity comes they will take advantage of their weakness. Give us some measure of privacy when unfortunate women are being tried. Don't advertise their shame.

Then the unfortunate weak-minded females or high-grade imbeciles, as Dr. Bullard terms them, is there any use appealing to you in behalf of this class? My own institution numbers many. And again, had women votes such would never be turned adrift. It seems all wrong to me that they are convicts in the sight of the law and outcasts of society, and those who have prostituted them go blameless. Surely it is time to insist upon a standard of morals from the man equal to that required of the woman. Mothers who are so careful of your daughters, why do you not watch over your sons likewise? If the world were only a little better there would not be this crying, pressing need of giving custodial care to the ever-increasing population of these neglected feeble-minded.

A word about the young people placed out by children's aid societies and institutions having the care of children, by emigration societies placing out help in the New World—that word is—extend your supervision. I say from sad experience there is not enough supervision. Follow up your young children, your

young women, more carefully. It costs a great deal to do it; it is difficult to get efficient officers, but your real work is only begun when you place a young girl out of one of your homes to begin life for herself. That is the time she needs you most.

Experience proves the extreme difficulty, the almost impossibility of reforming and fitting for citizenship the woman who has served repeated sentences in prison for the ordinary misdemeanors tried every day in the police courts. Publicity has made her defiant, her heart hardens, the last shred of character is gone, the last spark of womanly feeling is destroyed. Can it be rekindled? She may have deserved this treatment, but she comes from the prison shelter so weak in virtue, so easily tempted. It is so much harder for her than for a man; so easy, so luxurious does the wickedness of the world make a life of shame for her; so hard, so laborious must be her life of clean and honest living; so many and so open the doors to evil, so few and so narrow the entrances to virtue. Oh, believe me, there is no detail too small to be considered if it will but help her to regain her self-respect. Sometimes courage is gone, hope is dead. May then the vision come of what happened one day long ago in Bethany, when the life-giving Word of the Saviour made whole the body of him who had been dead four days—the stinking corpse became the living Lazarus.

Dr. J. T. Gilmour, Warden Central Prison, Toronto, Canada: About four years ago our Government conceived the idea of building a new prison. A commission was formed and traveled through the States getting ideas. In their travels they went to Mansfield, Ohio, and there they got their inspiration and we are establishing a prison in Canada largely from the inspiration that this commission received at Mansfield. We have a farm of 800 acres, fifty miles out of the city, right in the country. Two hundred acres of that land is wooded and swamp land, and the prisoners on this farm have every facility for escaping if they wish. We commenced last April by taking up fourteen men and putting them in a farm house, and we increased that until we had fifty men, and then we put up a temporary building to use while construction was going on and now we have a tem-

porary building which accommodates 170 men. When we left, a few days ago, we had 171 men working there. These are not "picked" men. Our prison is small, but 400, and you can not pick 170 men out of 400. We have not had a single escape. We only have three officers to 170 men in the daytime and only one officer to 80 men at night. There is not a bolt or lock or bar or gun on the place. How is it? What is to account for it? I want to tell you, I don't know. Frankly and honestly, I do not know. Who are the surprised ones? It is our own prison officials. Who are the surprised men here today? They are the wardens. You cannot understand it, can you? I do not know that I understand it myself. I have talked with our men there, of different types, at different times, in different places, and asked them what they have found the greatest change from the prison in Toronto and being out on the farm, and with one exception those men all gave me the same reply. It is this: to get away from that cell gate. We use the dormitories, forty beds on each dormitory, and one officer at night to two dormitories, one over the other, so when he is upstairs the men down are unguarded. There is not a bar on a window. They are almost as free as the air. Do not jump at conclusions. We have only been going five months. We have only taken 300 men, all told. I am not here to lay down a gospel or doctrine, but I do say this, it opens up a wonderful vista. Mr. Leonard said that at some time, somewhere, a reformatory would be built with practically no cells. I do not know exactly the time, but I think I know where. As we were going out to the farm the other day, I said to one of our men in charge of our prisons department, "Shall we build a wall?" He said, "Why do you ask that? When these 170 men are working broadcast over this farm, what good would a wall be? If they are in the house at night and properly domiciled, what is the use of a wall then?" Is that good reasoning? What a departure it would be to think of building a prison without a wall. Having said this, remember that I refer to about 90 per cent. of the criminal population. There is a small 10 per cent., possibly, that we have to treat differently, but that percentage is so small that I do not think we should

judge the great class by it. Is this an accident? No, it is not. We try in the first place to create an atmosphere. We shall likely get our bumps. No doubt we will get them good and hard some of these days, but we are going to do the best we can to see how far this can be made a success. Personally, I hope to see a prison containing but very few cells, and so far I do not believe it would be possible to have a prison without that old, stereotyped wall.

Frank L. Randall, General Superintendent Minnesota State Reformatory, St. Cloud, Minn: At our last evening's session some one raised the question as to whether or not we know the capacity of the persons over whom we have charge.

In fact, do we know their mentality, their capacity, their tendencies, their adaptability, their history?

In some places these things are known, and in such places it is known that convicts, on the average, are not as strong and capable as other persons.

When specialists pass upon them it is found that many convicts are of impaired volition and that their inhibition over evil is limited.

Some will be found feeble-minded, some insane, and many imbecilic. At least that is our experience.

Their names, ages and past history are commonly unknown to the judge who commits them to the reformatory, and the result is numerous misfits and the need for further sorting out. Some men are so weak in will-power that they get drunk on every opportunity. Every one knows that.

Other men are so weak and unwise that they commit crime under ordinary stress. Every warden knows that.

Left to their own resources and judgment they have become convicts, but some of them, with proper instruction, training, discipline and abstinence, may become stronger and better able to resist temptation.

Some convicts have transgressed the laws of health so grievously and so frequently that they have reached a condition which the medical men say is not ordinarily curable, and the prospect is that they will progressively deteriorate.

Barring the exceptions, such persons cannot be reformed and should not be in a reformatory, but they are there, and on an indeterminate sentence, instead of an indefinite, and when the clock has ticked a certain number of times they must be set at liberty, no matter what their condition may be at that time nor how they may then be disposed.

You are a warden. You have many such persons in your care. They apply for release from restraint.

You have tried to do your duty to them, and the result of your closer acquaintance with them only confirms your belief that they are incompetent to comply with the rules and requirements of organized society. The parole board visits you. You are asked, "Is this man ready for parole?"

You answer: "He has given no satisfactory evidence that he would stand upright if set at liberty now. He would probably recidivate."

Question.—"Has he improved?"

Answer.—"Apparently not."

Question.—"When will he improve?"

Answer.—"Being neither a prophet nor the son of a prophet, I do not know."

Then it is determined that as he must in any event go out at the expiration of five years, it might be as well to let him go now, despite the fact that you know, and may say, that if there was reason for his commitment in the first instance the same reason continues to exist for his further and indefinite detention some place.

Every experienced warden knows that there are some convicts who will never be normal, will never be right, and will never steadfastly obey the law.

All crime is committed in unwisdom and folly. No man violates the law in his wisdom.

The more a man violates the law the more apparent is his lack of wisdom and perhaps his incompetence.

What then shall become of these?

They are entitled to our best consideration. Give them fair and full opportunity to demonstrate their capability for decent

submaintenance, but if the evidence is all against it, let a custodial place be provided for them where they may have the largest liberty consistent with their condition, but do not turn them out to do harm and suffer needless hardships.

I imagine that there are as many imbecilic and feeble-minded women as there are imbecilic and feeble-minded men, but fewer women than men are sent to prison.

Perhaps it is because they get more of the shelter of the home, whether it be good or bad.

I deal mostly with men. Some of you deal mostly or altogether with women.

I have concluded that men convicts who cannot contribute any good to society, who cannot do anything for themselves, who cannot lead comfortable lives at liberty, should have neither liberty nor children.

Let them be separated from those who are more likely and hopeful, and from whom something may reasonably be expected, and let the work of the reformatories be expended upon the latter.

If the insane, epileptic, feeble-minded, idiotic, imbecilic, seriously diseased, and incompetents generally, were removed from the reformatory, rigidity of discipline might be lessened, the official force might be reduced in numbers, a better atmosphere would prevail throughout the institution, more could be accomplished in every regard, and the activities of the management might be expended in behalf of those for whose rehabilitation it was established.

Prof. E. R. Johnstone, Superintendent New Jersey Training School for Feeble-Minded, Vineland, N. J.: I have just one suggestion to make to the parole officers. In New Jersey for some little time we have been making studies of family histories. We began by making studies of the feeble-minded, and we have now four field officers who make it their business to go from the child in the institution to the parents of the child, and from the parents to all the relatives to whom they have access, and from them to any one who is interested in the family, and make inquiry regarding the history of that family, taking into con-

sideration not only the question of their mental condition, but asking questions as to alcoholism, tuberculosis, syphilis and anything which we think may have a bearing upon the eugenic problem. We have now about 125 families studied, and I thought as one of the previous speakers was on the platform that it might be well for us to consider very seriously whether we should let certain people go back into society, regardless as to whether they have fulfilled their sentence or not.

It seems to me the parole officers, those officers sent out from the various institutions, prisons and reformatories, should be also what we call field officers, and it should be part of their business to find out something of the family and be able to advise with facts as to whether these people should be permitted to go back into society again. I also suggest in connection with every court, certainly with the juvenile court, some kind of a bureau for the examination of the cases that come before it. There is a simple set of tests that were advocated by a French physician, Binet, which we are using in New Jersey. It is being used to some extent in the Reformatory and we hope will go into the State Prison and all the institutions of New Jersey. In New Hampshire the reformatory cases were all tested by one of our officers. We find it rather interesting that the feeble-minded, criminal, reformatory case tests largely run nine years of age mentally. We are now testing all school children in our own town—2,200 children. About 500 have been tested and they are proving themselves all right as far as the normals are concerned.

James A. Collins, City Judge, Indianapolis: I was interested in the splendid rub that paper gave the administration of justice in the police courts, so far as it relates to women. Since the 3d of January we have had in the police court in Indianapolis a probation system that has been the means of helping tremendously the men. We have a plan for giving the men an opportunity to earn the money and pay their fine without any warrant of law, but under the inherent power that a court has, every man is trusted on his own recognizance and given thirty to sixty days to bring in his little eleven or fifteen dollars, with

further punishment inflicted for wilful failure. But the best thing we have done in Indianapolis (and the suggestion came from Mr. Butler, your president and our secretary of the Indiana Board of State Charities) was that the women should be tried separately. On Wednesday afternoon, which proved to be the most convenient time, we have a woman's day, or, as the Boston Post puts it, "Ladies' Day." On that day the women are tried separately. It looks like a Quaker meeting to step into the court and see the women all on one side and the men who happen to have business in the court (not there as curiosity seekers), on the other side. There the women are tried as near as it is possible to have a public trial conducted privately. The case of every woman arrested is taken up by a probation officer appointed by our splendid Local Council of Women, at their expense, and she determines instantly whether the woman should remain in custody or be released on her own recognizance, without violating our constitution that a person shall have a trial within twenty-four hours. It has reduced the number of commitments to the prison and county jail. The opportunity of investigating and helping these women and picking out these cases that have been referred to, gives a chance for grading, with a view always to helping them, and that, in my judgment, is the best work that can be done in the police courts of the country. In so many instances, as referred to, many girls get into these courts as the result of unfortunate associations with men, and the men go free and the women have always gone to prison until now, in Indianapolis.

Mrs. J. K. Barney, Superintendent Penal and Charitable Department of World's W. C. T. U., Providence, R. I.: This last address emphasizes the need of the right police matron to have charge of these women who would be retained two or three days in order to come into court. I am especially interested in the question of police matrons, because I had the honor first to present it to the Congress in ex-President Hayes' time. The police matron system began in Providence, R. I., and it was there that the first police matron in the world was appointed. It took two years for the city of Providence to see that a matron

was needed, but after she had been there three months no one could say but what she had been needed for years, and that has spread over the world. In my trip around the world I found in many countries, especially in Australia, our system had been adopted. I like to think it grew out of our work here. For forty years I have been interested in work for women, the rescue work. We so often hear it said that it is much harder for a woman to get back into society than for a man, and we know it is. They are treated generally as hopeless cases. But I want to give one instance: There came to me a girl. I could not tell whether she was twenty or forty years old. I had never seen so terrible a creature. Her long black hair was hanging loose and so filthy and covered with vermin that we wondered what could be done. She said, "I want to find somebody to tell me how to begin to be good." I asked her "Why?" She said, "My mother, a drunken woman, died. My father, a drunkard, kicked me into the street. I am twenty years old now and I have lived in different places—prisons, jails, in poor houses, in stables—and I am in such a condition that nobody wants me. My father has just died in an almshouse. He sent a policeman after me and he made me kneel down and made me promise to begin to be good, but I cannot tell how I am to do it." We took her to our rescue home. To give you an idea of the condition she was in, we actually had to soak her to get the filth off. When she was clean we took her into a room and put her in a bed. There were flowers on the table. By and by she opened her eyes and said, "Have I gotten to heaven now?" We told her "No," but we would show her how to get there. For months she was in such a condition it seemed almost a continual beginning. She could do nothing. She did not know how to even thread a needle. She seemed to have no sense of personal cleanliness and I came to a time that many of you come to, I was almost discouraged. I took my weakness to God Almighty. I asked Him what I could do. There came a vision of what that girl might be if we loved her enough and had patience and perseverance enough, and I pledged myself to do it, and by and by there came a time when I gave her the vision and her face was transfigured.

She said, "Can I do it?" I told her of my midnight talk with God about it. From that day she seemed to have a new soul and the girl arose to the possibilities of her life. That was three years ago last May. If she could stand beside me today, there would not be a finer looking woman here than she. Let us waken up more and more to the possibilities in the lives of these people. Give them a vision of what the redeemed life might be. I used to come to this Congress years ago, and I am so delighted with the change of atmosphere, and I said to myself as the various speakers have talked, how our efforts have moved along. Let us move further.

Adjourned 11:45 a. m.

FRIDAY EVENING SESSION.

The session was called to order at 8:15 o'clock by President Butler.

After the invocation Mr. Hall presented the

REPORT OF THE COMMITTEE ON CRIMINAL LAW REFORM.*

ALBERT H. HALL, MINNEAPOLIS, MINNESOTA, CHAIRMAN.

Criminal Law Reform in the United States during the past year has made memorable advance. The patient zeal of veteran men and institutions in this cause has been revived, new and powerful agencies have been brought into effective and constructive cooperation, long held purposes have felt the quickening impulse of a new, reforming and creative spirit manifest in the world.

To merely catalogue the many factors now moving in the solution of the great crime problem, and their activities and contributions during the past year, would expand this report beyond due bounds.

Your committee must limit its report to a general survey of the field, with observation only of the features of the movement especially engaging present attention.

The spirit of this reform, we are glad to note, is broad in its scope and intense in its method. It seeks to be scientific, sympathetic and searching, detached from all limitations of convention or school. It is bringing into co-operative conference many minds from many fields of study and labor, who in commingling for the common good, find the creative stimulus of new suggestion arising from altruistic viewpoints.

* Mr. Hall prefaced the reading of the report by stating: "I assume responsibility for the report myself, and leave the members of the committee to tear it to pieces if they feel so inclined."

The field of inquiry is as broad as human life, and leads the diligent searcher for truth to the very springs of human conduct and those subtle aids men seek in life, by which to control rebellious passion, restrain irregular inclination, purify the motives of conduct and conform individual character to the ideals of patience, humility, integrity and rectitude.

INSTITUTIONAL WORK.

The great institutions and organizations of America, civic, charitable, social, philanthropic, political, medical, scientific and legal, have all exhibited increased interest in the subject and zeal in its solution.

The American Academy of Political and Social Science, at its fourteenth session, recently held in Philadelphia, considered as its general topic, "The Administration of Justice in the United States," and brought out many forcible and timely contributions, notably, on the treatment of the accused and the offender, and especially the juvenile delinquent. The topic, "Defects and Proposed Remedies in the Administration of Criminal Law," brought out some unique and forcible suggestions of which we make note hereafter.

The American Bar Association has been pushing before Congress the consideration of a carefully revised and comprehensive code of federal procedure, both civil and criminal, in which work the National Civic Federation has co-operated. These codes correct many long-existing defects and simplify procedure, and give promise of increased efficiency and expedition in the administration of punitive justice in the Federal courts. It is understood that these codes have had the favorable consideration of the Judiciary Committee of the Congress, and their early enactment into law is confidently expected.

The National Conference of Charities and Correction at its recent session in St. Louis brought together many personal and organized forces, all potent and progressive in spirit, co-operating in the greatest harmony and bringing to bear the force of united zeal upon the many phases of effort for broader, better human life. Its leading note was a search for the causes leading

to crime and poverty, and the best methods of remedying them. Many contributions of permanent value, covering the subject both in detail and in survey, were brought out, to some of which we refer hereafter.

State Bar Associations of the several States and the associations of state's attorneys have devoted attention to this reform, notably in California, Iowa, Illinois, Wisconsin, Kansas, Kentucky, New York and Rhode Island. In these the defects and abuse of criminal procedure and the remedies therefor have been the chief topics of consideration.

Medical societies and associations, both state and local, everywhere have been discussing the abuse and reproach of expert testimony and seriously considering means for relieving the administration of justice from this blot.

The American Institute of Criminal Law and Criminology, that was organized and tendered its co-operating and co-ordinating help to this organization a little over a year ago, has united a force of intelligent experts, working in harmony with true scientific spirit. It drew its membership from the thinkers and workers in medicine, philanthropy, religion, sociology, penology, politics and science, but made the chief object of its invitation the administrators and practitioners of law. The indifference of the legal profession has been shaken, and many valuable experts have been secured from its ranks who have been giving and will continue to give to the carrying forward of this reform the results of patient labors. From such combinations of effort substantial results were assured, and events have justified the hopes of its founders.

From a vast number of proposed questions it eliminated for its first year's work a few of the most practical and essential, and has had in hand, through its several committees, during this year the following lines of investigation :

- a. Of the system of recording data of criminals.
- b. Of the influence attaching to the traffic in drugs and narcotics in its relation to the provocation of crime.
- c. Of the most advisable methods of establishing and extending probation of adult offenders, parole, indeterminate sen-

tence, organization of boards of pardon and parole and probation officers, and the correlation of such boards and officers with courts.

d. The unification of state and local courts with a view to simplifying procedure and avoiding cost and labor in appeals, and the taking of supplemental evidence on formal matters, or those incontrovertible, for the purpose of upholding judgments.

e. Of feasible methods to simplify pleadings, eliminate unnecessary technicalities in procedure of appeals and reversals in criminal cases.

Its four general committees were also charged:

(1) To secure co-operation and co-ordination to the end of avoiding duplication of effort with the other organizations engaged in the general work of criminal law reform.

(2) To select and secure the translation into English and the publication of important treatises on criminology in foreign languages.

(3) To establish a journal.

(4) To formulate a system of securing and preserving criminal and judicial statistics, federal, state and municipal.

The Journal of the Institute has issued three numbers filled to repletion with timely contributed articles, current notes and memoranda, judicial decisions and statutes and current bibliography—a magazine of inestimable value and destined to be one of the great factors in working out the orderly, scientific and practical reform of criminal law in the United States.

In January the Committee upon Criminal Data reported a most comprehensive and elaborate system for recording every phase of physical and moral status, and hereditary and environmental conditions of delinquents, offenders and recidivists.

A most valuable report has just been issued by the Committee on Statistics of Crime. The absence of such statistics, together with the aroused demand therefor, is clearly pointed out as requisite to serve the following purposes:

(1) To measure the extent, growth and diminution of crime in relation to population, including consideration of the component elements of the criminal classes and the nature of their criminality.

- (2) As a test of prevailing methods in dealing with crime.
- (3) As a basis for legislative action.
- (4) As a guide to public and private effort in counteracting criminal tendencies and restraining offenders through parole, reformatory work and the like.
- (5) As evidence of the moral growth of society and of its obedience to law.

The committee submits a minimum requirement of what criminal records should show and submits recommendations epitomized as follows:

There is urgent necessity for legislation,

- (1) To formulate an adequate and uniform plan for recording requisite data in all criminal cases.
- (2) To oblige court officials and public prosecutors to make return of such data to a central state office.
- (3) To secure co-operation with state and national officials in reporting and preserving such data.
- (4) To secure and likewise collect and preserve data of all police and prison statistics and of probation and parole officers.

The Committee on Adult Probation, Parole and Suspended Sentence has also submitted a most helpful and informing report, covering the operation of these measures in the States where they have been adopted, particularly in Massachusetts and New York. In conclusion they recommend:

- (1) Adult probation when coupled with thorough supervision by competent officers and when applied consistently with public safety, to those cases in which there is a reasonable prospect of reform.
- (2) The suspension of sentence to imprisonment when coupled with like supervision and limitations.
- (3) A wider use of the suspended sentence of fine to avoid the alternative of imprisonment for nonpayment.
- (4) State supervision of probation and parole work.

The Committee on Translations has also reported and makes these timely observations: "The great truth of the present and future for criminal science is the individualization of penal treatment. This means the study of all possible data upon the causes

of crime and the effects of different methods of treatment, new or old, for different kinds of men and causes. All branches of science that can help have been working. The law alone has abstained. The Institute, therefore, takes upon itself as one of its aims to inculcate a study of modern criminal science as a pressing duty for the legal profession and for the thoughtful community at large." The list of works embraced in the series under translation and publication is absorbingly interesting and opens a door for stimulating study that cannot but have wide results.

LEGISLATION IN THE SEVERAL STATES RELATING TO CRIME AND CRIMINAL PROCEDURE.

A very complete and condensed summary and index of practically all of the legislation relating to crime and criminal procedure in the several States during the past year will be found in No. 2, the July issue of the Journal of the American Institute of Criminal Law and Criminology. Your committee, without apologies, respectfully recommends that, if you have not already done so, you forthwith possess yourselves of the same, and with it as a guide go into your law libraries, get busy and be enlightened. We make note only of those of especial interest.

Louisiana has appointed a commission to revise its criminal laws, and that commission has prepared and published three codes, the Code of Criminal Law, the Code of Criminal Procedure and the Code of Criminal Correction. They are distinct advances in criminal law codification and deserve careful study and consideration. The classification of crimes is somewhat complex and departs from that generally employed in other States, but is discriminating and comprehensive. The definitions of the several crimes are models of terse, exact and comprehensive expression. The Code of Criminal Procedure is simple, clear and direct. It takes advantage of and corrects many of the defects hitherto discovered in practice. It is a distinct advance and a stimulating contribution to criminal procedure in the United States.

The Code of Criminal Correction incorporates some admirable features, but adds little and rather falls below the standard of the correctional and penal administrative laws of the other States.

New Jersey has made provision for investigating the causes of dependency and criminality. The result of this broad inquiry will be awaited with interest. A recent law in the same State providing for the appointment of boards of supervisors to supervise habitual drunkards and to prevent the sale of liquor to them is an intelligent provision with respect to the control of intoxication, and its results will be watched eagerly.

Alabama has recently passed an amendment of its laws relating to delinquent children. It marks an advance in this type of legislation. In most of its provisions it conforms with the legislation upon the same subject in Michigan, Missouri, Nebraska, Oklahoma and Utah. The child indulging practices or habits tending to his moral corruption or physical injury, or who commits a misdemeanor or is incorrigible, lives in idleness or crime and knowingly visits immoral places is deemed a delinquent. If under the specified age, all criminal proceedings against him are suspended and jurisdiction over him is transferred to the juvenile court. If this court determines at any time that the child cannot be reformed or brought back to live a correct life he is then returned to the court in which he was charged with the offense and is there dealt with according to law. If there is ground for believing that the child can be reformed, provisions are made for his guardianship, care, supervision and education.

Colorado, Iowa and Nevada have been further extending and perfecting their laws under which the delinquent child is treated not as a criminal, but as an incompetent, requiring the assistance, encouragement, help and education of the State. His delinquency is tried under chancery rather than the criminal jurisdiction of the court.

Iowa has recently passed a law defining "contributory delinquency" as one who encourages delinquency in a child or willfully neglects any duty owing by a parent to a child, or one in

loco parentis to a child. It provides punishment and removal of control of the child therefor and makes provision for the care of the delinquent child.

Pennsylvania has made similar statutory provisions.

Connecticut has made provision through a board of surgeons for the state's prison and insane hospitals for the sterilization of persons having hereditary tendencies to crime, insanity or imbecility.

Massachusetts has codified its laws regulating the method of determining insanity of persons indicted, acquitted or convicted of crime and for the disposition of them.

Michigan has amended its statutes providing for probation before sentence and indeterminate sentence of persons convicted of crime, the penalty for which is other than life imprisonment. The court in imposing sentence shall not fix a determinative term of imprisonment, but only the minimum term, which shall not be less than six months. The court shall ascertain the causes of the criminal character or conduct of the convict, who, after serving the minimum sentence, may make application for parole to the advisory board, who, when satisfied of his reformation, may parole him under rules for his guidance and periodical reports.

Nebraska and Nevada have during the year passed similar laws or amended their former statutes to like effect.

New York has amended its prison law as to the terms of parole and also as to indeterminate sentences. It is reaping the benefits of the efficient work of its state probation commission, whose reports have illuminated the entire subject. That State is now equipped with efficient salaried probation officers acting in connection with its county courts and nearly all other criminal courts of the State.

Pennsylvania has passed an admirable law providing for suspended sentence and probation of first offenders convicted of crime, excepting murder, poisoning, kidnapping, incest, sodomy, rape, arson and burglary; it also provides for instalment fines with regulations for probation officers, rules of probation and discharge from the same; also for sentence for an indefinite term and for commutation of sentence and pardon.

The United States has passed a code of penal laws defining all criminal acts, following substantially the report of commissions who reported to the Fifty-ninth Congress in 1906.

The State of Washington has codified its criminal law into an extensive code, which expands and modifies in many particulars the definitions of crime in accordance with advanced standards. It provides among other things for the sterilization of rape offenders, defines graft, materially enlarges the definition of perjury and provides for indeterminate sentence and release on parole.

To the work of your committee Mr. Lancis has contributed a most interesting and complete survey of the criminal procedure in the courts of Cuba, which, if space permitted, we should gladly include. It includes the three classes of crimes, those designated as private, which are investigated and punished only upon the claim of the damaged party or his representative; second, those of semi-public character, as ravishment and violation of character, which may be denounced by the damaged party, or in certain instances by the public prosecutor, and third, crimes designated as public that may be denounced either by a police official or any citizen and prosecuted by the public prosecutor. The survey is full of most interesting and unique suggestion. Recently laws for the protection of domestic animals, especially those engaged in agricultural work, have been passed. Cuba's Congress has also had under consideration a law providing for conditional punishment, based upon the eclectic system and patterned after the Belgian law of 1888. Also laws for the establishment of juvenile courts, the protection of infants, the establishment of 'drunkards' asylums, judicial insane asylums, medical judiciary service, reform of the penitentiary system and the establishment of agricultural penitentiaries based on the Elmira system.

OBSERVATIONS AND SUGGESTIONS.

It must be noted that the entire subject of criminal law reform now begins in earnest the adoption of a scientific method, the determination to scan and know in advance the field of ex-

perience and to penetrate to the very roots of the causes and conditions that lead to crime. At the outset we discover our woeful lack of sufficient or even any authentic or informing criminal data in the United States or the machinery for collecting them. The immediate and most pressingly needed legislation is to this end, both State and federal, and all agencies should be directed to its speedy enactment.

In this connection permit the suggestion that this government of the people ought to make its chief concern to discover, develop and realize itself by gathering and recording full biographic and civic data of each of its component units, the life of its every man. We have developed the registration and identification of its thoroughbred domestic animals, why omit record of human life, the supreme product of creation? The task is not impossible; its benefits would be incalculable and far reaching.

It should be national in scope and authority, embracing a continuous enumeration and consecutive numbering of the whole citizenship. It could be conveniently evidenced and effected by a duplicate card certificate system identifying its bearer by photo or finger print, recording birth, parentage, education, vocation, marriage, residence, military and civil service, felonious criminal conviction and atonement therefor and discharge, restoration or pardon therefrom. The duplicate of the same entries should be kept in a federal bureau, corrected, indexed and cross-referenced to date by compulsory daily entry and report by all courts of record and other official keepers of social and vital data to show every contact of the man with the State. Such a system, besides constituting a continuous daily census of the included facts, a body of concrete knowledge of the highest direct and immediate value in its secondary or resultant effects, would be even more potent and widespread.

It would elevate and equalize the standard of citizenship, prevent duplicity of the individual in all his relations, preserve and extend the family ties, constitute a universal intelligence and credit bureau, simplify if not dispense with cumbersome and expensive election registration. It would stimulate social and civic virtue by encouraging and protecting it, and by invading indi-

vidual isolation, the condition most favorable to vice, would tend to create the strongest preventive of crime by making the conviction of crime and its inevitable publicity more to be dreaded than loss of liberty.

We note approvingly the growth of opinion that legal and judicial functions should be confined to the discovery and determination of the facts of each criminal offense and the relation of the accused thereto, leaving the application of all penal and correctional treatment to a more extensive, deliberate and individual research and observation than the processes of the courts permit. This to be carried on by executive experts co-operating and co-ordinating with the judiciary. However, until such a system is further perfected some legislative aids should be provided that the trial may not fail to disclose the identity, the record and the character of the accused, particularly those crafty ones who securely secrete themselves in citadels of isolation and immunity by abusing the constitutional guaranties against involuntary self-evidence and against search and seizure. We suggest legislative sanction and authority to police and examining magistrates to inquire of the accused concerning his identity, his whereabouts at the time of and his movements in connection with the alleged criminal act, providing stenographic or phonographic record of the same, or his refusal to answer be kept and a copy furnished him. Also to introduce in evidence the record of the inquiry and the refusal of the accused to make disclosures, and remove the statutory prohibition to court or prosecuting officer to comment on or draw fair conclusions to the jury therefrom.

We cannot refrain from giving emphatic expression to the oft repeated admonition against the growing tendency to too much written law and to legislation too far extended in elaboration of detail. The letter of the law killeth, the spirit, the breathing, throbbing, living expression of the law, giveth life. Criminal legislation would gain much if it again learned to express itself in terms of the common, the general, the universal and the unvarying. This is now the more delicate and difficult task by so much as social bonds have multiplied and ethic and moral standards have been raised. To effectively individualize the ad-

ministration of punitive justice, wide range must be left for discretion and the exercise and guidance of the personally enlightened judgment of the man performing judicial function. Arbitrary classification of offenders or offenses, detail in definition, regulation and direction, and all elaboration of detail tend generally to hamper, hinder and pervert wise administration. It should be eliminated.

For the wise, orderly and scientific reform of criminal law in the United States there is now the pressing need of an expert criminal legislation bureau equipped with all available statistics, reports, forms, precedents and treatises prepared to quickly furnish the same on application and draw and propose bills and codifications, and furnish expert service, counsel and assistance generally to legislators and legislatures.

Such a bureau would be a most powerful agency in promoting uniformity and the perfecting of criminal law in these States. It would operate as a conserving as well as a stimulating influence upon the reform spirit now abroad, and which, unless wisely guided, may lead to unfortunate reaction that will retard the steady course of progress. This high mission to the cause of criminal law reform may and should be assumed by the American Institute of Criminal Law and Criminology. It has the talent, is accumulating the necessary equipment, is now or soon will be co-ordinated with all the other institutions of the country working to the same end and is particularly fitted to take up and carry on this particular branch of the work.

We unreservedly make this recommendation to the Institute and point you the road to glorious service.

President Butler: It is a gratification to all the members of the American Prison Association that we have with us so many representatives of the newly organized Institute of Criminal Law and Criminology, and it has been a pleasure to the officers of this association to extend to the president of that association an invitation to be present this evening and to take part in the proceedings. I have great pleasure, therefore, in presenting Prof. John H. Wigmore, of Chicago, Illinois, president of the Institute.

Prof. Wigmore: I have listened with great interest to Mr. Hall's report. It has been a special satisfaction to hear such a report at a meeting of the American Prison Association. That report and that committee reminds us all that for forty years it has been the function of the American Prison Association alone to keep aflame the torch of progress in this country in the realm of criminal science. To your branch of the profession for forty years has belonged that credit, and for those forty years that other branch, the judges, lawyers and prosecuting attorneys, has been as a whole, passive, quiet. The American Prison Association, by its own general work, and its Committee on Criminal Law Reform has kept the American people advised that there is such a thing as the reform of our criminal law. I think that it was only because for forty years your Association kept that subject well alive that it was possible to have this awakening of the legal profession. I believe the organization of the Institute signified that awakening. It is a particular satisfaction here before you, at the first opportunity, to make that acknowledgement to your Association, to acknowledge the wise stimulus and beneficent help from the experience and good will and labor of Mr. Byers and his associates who attended that first conference. I want, Mr. President, to ask you to extend me publicly your hand in token that you approve of the awakening of our association and that you welcome the child of which I think your Association is the godfather.

As to the report and its recommendations, I think it is apparent to all of us that Mr. Hall has shown a benevolent radicalism in his report.

One of the proposals made is that he notes with approval the apparent tendency to restrict the function of the judge and the court to the mere ascertainment of the facts and the declaration of the law and the relegation of the rest of it to another body of officers. I question whether that is the wise way to look towards it. It occurs to me at this moment that for a generation to come, or until it is possible to conceive an intellectual revision in our people, we should not propose any restriction to anybody's functions, but a hand-to-hand coöperation. After you

have their hands firmly clasped and you are agreed on your methods and your coöperation, then you can talk about restricting perhaps the orthodox constitutional functions of the court.

Undoubtedly what this country now needs is greater coöperation. It is impossible, if you take merely the problem of probation or parole, to assume there will be any substantial uniform and practical progress until there is a reaching of hands across from the officers of the penal institutions to the officers of the court. Coming here as an outsider, I get the superficial but firm impression so far that most of the apparent failures of some of the most advanced measures are due to mutual ignorance and the lack of any machinery of coöperation.

Another proposal of the committee is for a criminal legislative bureau. I believe that demands a universal and immediate assent. I am not one who believes in exaggerating State's rights. But one must remember they are a body of States under our constitution with practically independent rights over criminal justice. At the present moment, then, and for generations to come, probably, it will be impossible to transfer any actual control over criminal justice to the federal government. It must go on under State control. The States need coöperation. It is impossible to expect any one State to expend the vast sum of money necessary to do the work for all. There is only one way to facilitate progress, and that is to furnish a bureau of information, probably best of all under federal control. No man here who has a natural instinct to interfere with State's rights need fear for a moment to oppose such a movement. Your chairman has very courteously suggested that the American Institute of Criminal Law and Criminology could do the work. No doubt the Institute would help. But the Institute can not move a step in anything that requires money.

Another proposal of your committee was for a federal identification bureau. I have been looking over this distinguished and cultured audience and I can not see any two faces that are precisely alike. I am perfectly certain that an identification bureau would be one of the fascinating things of the millenium. But it might just as well, as proposed by your committee, be

dismissed until the millenium for a very simple reason. It is hard enough to bring a bad man to book, and I am sure you will find it impossible to bring a good man to book, for every good man would resent being treated as a criminal. Moreover, the fact that those things are done in the continental countries does not, I think, in the light of history, help us out at all. I think it was exactly one hundred years ago that the great Stein, the prime minister of Germany in the upheaval times from 1802 to 1813, who laid the foundations of Germany's present constitutional progress, by one of his edicts, freed the serfs in Germany. Up to that time large masses of the population could not move from their homes or lands. They were allowed to move from one town to another only one hundred years ago today. In other words, there was a stable condition of the population in practically all Europe up to the time of the French revolution. It was a comparatively simple thing under those conditions to keep up that system of registration of the individuals. But when you realize that one-third of the population of this country has come into it by personal volition in the last ten years; that two-thirds of the population of this country do not live in the homes where they were born; and that it will be at least three generations from now before you and I and our descendants settle down so that anything like one generation back will be found to be in the same place as the current population—you will see it is Utopian to suggest anything like a bureau of identification at present.

Another matter which the committee did not propose, I venture to mention here, as a natural part of any general movement which must be done before criminal justice can go very far. If you will stop to think of it, there are between 3,000 and 4,000 men in this country today holding official positions whose sole business every day of their lives is to send men to jail. I mean the prosecuting attorneys. And there are 2,000 to 3,000 men also whose sole business is to cooperate in sending those men to jail—I mean the criminal judges. And those 5,000 or 6,000 men are every day sending men to jail without for the most part any conception of the science of sending men to jail. They not only

do not know that science, but most of them do not know there is a science, and when you speak of it to them they do not care. They have never been educated in the way other professions are educated.

What I ask your attention to is this: When you go back, carry the gospel, if you believe in it, to shame our prosecuting attorneys and our criminal judges into ceasing to remain ignorant when there are in the libraries books of all kinds bearing on criminal science easily accessible to them. All judges who have to do with criminal work should organize and try to learn what there is of criminal science; all prosecuting attorneys should organize, not only organize to decide how the fee should be divided, but for the purpose of studying what the rest of the world has attained in criminal science.

F. O. Hellstrom, Warden State Penitentiary, Grove, N. D.: There are just two features of criminal law and legislation on criminal law that have been overlooked in this discussion that I wish to talk about. One is the curative and the other the corrective. We have had a great deal of talk about the administration. The first problem to take into consideration is to cure the evil from which crime springs. That is the underlying ground-work that is before us. The other is self-administering because society will always find means to punish those who digress against it, therefore I say the most important thing you have to consider is the curative. Remove those causes from which your criminal class comes. There is one great influence for crime alone that if wiped out and properly controlled would remove the necessity of nine-tenths or ninety-nine one-hundredths of our criminal experience. Do you expect our youth to go through our cities and through this world without crime when we have along every street from one end of the street to the other signs upon which there reads, "Drinks for sale"? Now I want to say as one who has had a little experience in handling criminals, if you will remove that one cause from the criminal side of the world, if you will remove from our youth the evil of intoxicating liquors, you have solved this problem. You can tear down nine-tenths of your penitentiaries and reformatories and establish in their places schools and industries.

William I. Day, Superintendent California Prison Commission, San Francisco: I am not a lawyer. I am a friend of the fellow who is down. I have attended some trials and I may possibly complain of some conditions that I do not understand. There are some things I do not understand. We go into a trial and some one comes on the witness stand and there is an objection made because the testimony is unnecessary, etc., but he goes on and gives it, and after a while the objection is sustained and the stenographer or the clerk of the court is directed to strike it all out after the jury has heard it. I think we ought to bring all the testimony out in our trials. We do not do it and we do not get the full thing, and sometimes an injustice is done the fellow who is on trial and he goes to the state prison. He is the "under dog," and I am his friend and I want to favor him.

Another thing is the various terms men get that are guilty of the same crime. I feel there ought to be some arrangement made whereby there would be uniform sentences. I was in an institution at one time when the warden came in bringing several men, one for five years, one for two years and one for from ten to fourteen years. After they got into the prison no doubt they exchanged notes and they wondered why they were in there for different terms. I feel perhaps if these good men could get together and agree upon some sentence and some treatment for various crimes the men in prison would not feel there was an injustice done them.

Mrs. Deborah C. Leeds, Prison Evangelist, West Chester, Pa.: I agree with our friend on the other side. Every one of us, lawyers and judges and all, should do what we can to remove the cause, and he stated what the cause was. That cause is intoxicating liquor, and it lies in the hands of the women as well as the men to remove the cause from our stumbling brother and set him free from crime.

Frank E. Wade, Member New York State Probation Commission, Buffalo, N. Y.: There does not seem to be much doubt that there should be a reform of our criminal laws, but the proposition is greatly overstated. Our criminal procedure has been de-

veloped through many centuries, and it has been concentrated for the defense of the accused. The moment we invade those rights the worse evil will happen. A great many of these things are not understood. When a man's right of property is attached he has the right of appeal. Why should not a man convicted of crime have the same right? Why not a right to have the thing reviewed by our higher courts? The laws of New York State, and I believe most of the States, are that if the court feels there has been some mistake or there is reasonable ground to think there is a mistake, the man can be released during that appeal. He ought to be released. He should have the benefit. What good will it do him if he has been in prison then to find the whole thing has been a mistake? Can the State give redress for that? Are we not sending him to prison unjustly? Why take away his right? There is a great sentiment in this country against capital punishment. I personally believe in capital punishment, but over the land today there is a sentiment against it. Although you examine every jury carefully, when it comes to conviction only the very worst are convicted of murder in the first degree. Why blame that to our criminal procedure? They are not to blame. It is the sentiment of the country. Probably nine-tenths of the men who are convicted of murder in the second degree are guilty of murder in the first degree, yet the juries will not convict them.

Father F. A. Foy, Nutley, N. J.: Notwithstanding the opinions expressed concerning this report, I think it will be seen it leaves a profound impression upon us. We cannot do justice to it in informal discussion, as is evident. It must go before the country and receive the attention of scientific bodies and men interested all along the line. I do not think there is any question but that our legal procedure is defective, although it is the result of ages of trial and study and experiment. It determines simply one fact: Did the accused perform the act which comes under the ban of a particular statute? If he did then his guilt is determined by the law and there is no hope for him in the mind of the prosecutor or the judge. He is a criminal in the full sense of the term and he must suffer the precise penalty of

every other criminal without regard to the degree of his criminality. That is a fact that is apparent to us all, and it needs to be reached and can only be reached by a reform in our criminal procedure. In other words, the trial should develop not only the fact of whether a given act was performed, but the character of the individual who performed that act in order that he may justly and equitably be treated by the court and by society. Take, for instance, the case of feeble-mindedness which was suggested yesterday. I heard it said that eighteen convicts were taken from a prison and determined feeble-minded. Is it just that those individuals should have suffered the extreme penalty of the law, perhaps covering a period of years, when at the time of their conviction they were feeble-minded and not capable of performing a criminal act?

I fail to see any reference here to the effort made to have the United States government take up the matter of collecting criminal data. As a matter of fact that effort was made a few years ago and was embodied in a government document with a view to establishing a bureau under the government to gather such data and a number of other interesting facts bearing on the subject. This I commend to the attention of the American Institute of Criminal Law and Criminology, which no doubt knows all about it but failed to include it in its report.

Charles A. DeCourcy, Justice Superior Court, Lawrence, Mass.: Upon the suggestion of a national identification bureau—for which the chairman of the committee alone is entitled to credit—I must dissent with Dean Wigmore. And the recommendation for an expert criminal legislative bureau must be put in definite practical shape before we can pass upon it.

In other respects the report is to be commended, especially for its comprehensive review of the year's work of such organizations as the National Conference of Charities and Correction, the Academy of Political and Social Science, the Institute of Criminal Law and Criminology, and last, though by no means least, this American Prison Association. The efforts of these bodies to create and stimulate public sentiment—which must precede any substantial improvement in the law—and the formulating

of that sentiment in the criminal legislation of the past year, spell distinct progress.

In view of that progress, the question presents itself, is our criminal law and procedure a "relic of barbarism," as the popular press, and even some bodies of reformers are wont to proclaim? Because the appellate court of some State frees a convicted criminal upon technical grounds of pleading or evidence that insult the intelligence of the twentieth century, are we justified in assuming that this is typical of the administration of criminal law in America? I protest that it is not.

Let us remember one fundamental fact. We have in our country almost fifty independent jurisdictions, state and national; each with its legislature, making laws, and its judicial department construing and applying them. And I venture to say that in a large proportion of these jurisdictions the criminal laws and criminal procedure in the courts measure up to the highest standards of the best jurisdictions in the world today. In a word, this subject of criminal law reform is largely a *local* question.

True, even in the most progressive States there is room for improvement—as in the matter of expert testimony. And there always will be a basis for agitation and reform. Criminal law, like civil law, is influenced by public opinion; and the changing social, industrial and other complex conditions of a progressive people will always require corresponding changes in the law and its administration. And we know that in many of our States there is today, as there always has been, an enlightened public sentiment earnestly striving to realize the ideal.

I do not mean to minimize the importance of radical reform in those States where still survive technicalities and criminal administration of a dead past. With a growing sense of nationality, we all are affected by wrongs committed in the most remote part of our common country. And so, instead of indiscriminate criticism, let us investigate and learn what States lag behind in the march of progress, and stimulate, encourage and urge them to get into step with the march of the nation as a whole.

The success of our efforts to improve the administration of criminal law in America will depend largely upon two things: our suggestions must be practical, and our criticism constructive. I need not urge the first before a body so eminently practical as the American Prison Association. But in view of the suggestion of my esteemed friend, Dean Wigmore, that lawyers, judges, and others need to study the writers of modern criminology, I feel justified in protesting that some of these alleged scientific teachers, whose knowledge of courts and criminals is acquired from books, are not qualified to instruct the intelligent and conscientious men whose time and thought are largely devoted to studying the criminal problem at close range. Furthermore, such of these "ologists" as are wedded to the exploded criminal type theory are worse than impractical. By discrediting the idea of moral law and personal responsibility, and spreading the conviction that "the criminal is a class by himself, different from all other classes, with an innate tendency to crime," they retard attempts at reformation, whether by institutional treatments or under the probation system.

Secondly, our criticism must be constructive. They say that Michael Angelo once entered a building in Rome where Raphael was ornamenting the ceiling; and Angelo saw that the figures were too small for the room. Stopping a moment, he sketched on one side an immense head proportioned to the chamber; and when his friends asked him why, his reply was, "I criticise by creation, not by finding fault." So we can formulate clear and comprehensive definitions of crimes and recommend their adoption. Simplified forms of criminal pleadings and sane rules of procedure have been in force in Massachusetts and other States for years past; and their adoption by all the States would go far towards making the administration of our criminal law worthy of public respect and confidence.

Let me make one final suggestion. Many of the defects of our criminal system are due, not to the law, but to its administration. He was a wise, if irreverent, philosopher who said, "I would prefer to have the laws made by Lucifer and executed by Gabriel, than to have the laws made by Gabriel and executed

by Lucifer." And if we would avoid perversions of justice we must everywhere and always entrust the enforcement of the criminal law to men of character, of capacity and of courage.

A. W. Gilchrist, Governor of Florida, Tallahassee: The report was a very able one. I am not a lawyer, but it struck me as an able article relating to the reformation of those who have already been convicted, but as far as reformation of criminal law itself, it rarely touched on the subject. The gentleman who just preceded me did touch on that subject and I am glad to see a lawyer favor laws on criminal reform in this country. I sometimes have thought that whenever we did get a good lawyer in the Florida House of Representatives, of which I was a member, that he was invaluable; but with two-thirds of them it is hard to deal when it affects their pocketbooks. When you get a high-toned one that will take a high-toned stand, I am for him. He is an invaluable member of the legislature of any state. Fortunately, or unfortunately, as you want to take it, the Constitution of every State in this Union is practically the same—that no one shall be deprived of life, liberty or property without due process of law. It is almost impossible to convict a man who has money. As long as a man has money to appeal, he appeals and pays for it. That is a principle that sometimes surprises me. It represents our "due process" of law. I am going to give credit to whom credit is due. In 1873 the English Parliament authorized the High Court of England to pass laws regulating that body. The Court adopted the policy that no verdict should be reversed or set aside for any error in pleading or practice, or the admission or rejection of evidence or for the misdirection of a jury, unless after a review of the case, such error resulted in a miscarriage of justice. Since which time not a single cause of action has been carried a second time to the appellate court. All of you know it is the custom in our country to appeal on any case for the most frivolous reasons.

I took the precaution to write every Governor in these United States for information along the line to which I am going to refer. I was proud to see the American Bar Association had adopted practically the English principle of action and had

gone a little further, which was to the effect that when the cause of action came up and there was a question of the law, that the presiding judge would take the evidence in the case, let the jury decide upon the facts, defer action upon the point of law until a subsequent time and then direct the jury to find a verdict either upon the reserved points of law or upon the evidence, as the case warranted; before a case could be appealed to the supreme court from the circuit court, one member of the supreme court should certify that there was, in his opinion, just cause to believe that an injustice had been done in the lower court. The same rule would apply for appeals from the district to the circuit court; one judge of the circuit court, instead of a judge of the supreme court making the certificate. These were substantially the three remedies recommended by the American Bar Association. President Taft referred these recommendations to the last Congress and recommended that the same be enacted into laws. President Roosevelt, when in office, approved some such law. Governor Hughes referred to the necessity of remodeling the criminal laws of New York. I mention this to show you that men have taken interest in the reformation of the laws of this country. How many States do you suppose have based their laws on justice? (Massachusetts, the State of the gentleman who has just preceded me, did not answer my letter.) Arizona, Connecticut, Kentucky and Ohio have ruled practically that a case shall not be reversed or a new trial granted unless it appears some injustice has been done. Indiana is practically along the same line. In 1909, Wisconsin adopted the English rule of action.

We have in this body, some practical men and we have a lot of sentimentalists and practical sentimentalists, practical, hard-headed men, used to dealing with criminals. A sentimentalist will see a man down, hard up, and say, "poor fellow." A practical sentimentalist will say, "poor fellow, here is ten dollars." I am a practical sort of a man. I have a sympathy for convicts and everybody else who is unfortunate. I realize that among the best of us there is not one but has committed some violation of the law. I feel kindly towards those fellows.

It is not the severity of the punishment that deters crime; it is the absolute certainty of punishment that prevents crime. The operations of our laws in this country are a shame. The principle of our criminal laws is that a lawyer can always secure an appeal until the money of his client runs out. Lord Bacon truly said the laws are spiders' webs—the weak are caught, the strong break through. It is on account of the "due process" of law of this country that Judge Lynch acts without "due process" of law. I hope the time will come when justice and not technicality will be the rule of action in the courts of this country.

Mr. Hall: I am glad to acknowledge that the one note of approval, and the most clear pointing out of what I regard as the most pregnant of my suggestions, has been contributed in this discussion by the gospel, and not by the law.

And that is, the line of demarkation between the purely judicial function to discover whether or not there has been a violation of criminal law, and the relation of an accused to such violation, in which the courts are more or less expert; and the prescribing and applying to the convict, of the penal and reformatory treatment therefor.

The process of law is too limited. Its efforts at discovery are blocked by the silence of the accused. Its procedure and process are ineffectual to disclose the record, the biography or the character of the accused. All that, it leaves to the vague realm of "assumption" and "presumption." I recognize the conservatism and inertia of the law against all change and reform, though I would never attribute to the bench and bar the sad incompetence, in the administration of criminal law, attributed to them by Professor Wigmore. Therefore, I have suggested a reform looking to more effective measures by the courts in searching out and disclosing the character of the accused. I am convinced, however, that the final solution of the problem calls for a more pliable, intensive and extensive method of investigation and observation; one affords the opportunity of fitting the punishment and treatment to the offender, and of more thoroughly individualizing the entire penal remedy, and working out a more exact

justice. All this the courts cannot do as now constituted, but such provision and application of the penal treatment, should be administered under some form of Parole, or Rehabilitation Court or Boards.

As to the matter of my suggestion for a general registry and identification bureau, I am aware that Mr. McDonald of Washington and others have long been urging upon the attention of Congress, legislation for a comprehensive system of vital and ethnic statistics. But legislative bodies move slowly, and we are now in the midst of a generally awakened public demand for reform of criminal law and procedure, but are without definite knowledge or information upon which to proceed. I submit it is impossible to draw any conclusions concerning criminals as a class, unless we know who they are, and have definite data concerning them. Nor can we judge the abnormal or defective man, if the criminal be such, if we have no body of data or statistics of the normal. I submit it would be a vast body of practical knowledge and information if the criminals of America were identified, and, at least until rehabilitation, could be kept under a course of constant identification.

But my suggestion is not meant alone for the record and identification of the criminal. The record of the good lives is more valuable than the record of the bad lives.

Do not let this suggestion pass as an ideal dream. It is altogether possible and practical and once its possibilities have been reflected upon, it will convince fair judgment. I venture the assertion that five years will not pass until some one will inaugurate it. Human life will not be permitted in this, the greatest and highest developed body of human beings on earth, to pass unrecorded. The unit of the Republic is the citizen, the man; the Republic to know, to realize itself, to become self-conscious, must record the human lives that compose it.

Such a bureau would be a self-perpetuating and continuing census of the Republic. But it would be something more. It would be a correct and comprehensive record of the real Republic, the real government, a record of the *people*.

SATURDAY MORNING SESSION.

After the invocation, President Butler called for the report of the Committee on Time and Place. This committee, through its chairman, Mr. Pettigrove, reported in favor of Omaha, Nebraska, as the place for holding the 1911 meeting, the date to be fixed by the Executive Committee of the Association.

The report of the committee was adopted.

REPORT OF THE STANDING COMMITTEE ON PRISON DISCIPLINE.

**GEORGE W. BENHAM, WARDEN STATE PRISON, AUBURN, NEW YORK,
CHAIRMAN.**

The subject of Prison Discipline is one which, for many years has received the attention of the penological experts of not only this country, but of the whole world. The fact that its consideration has extended over a period of time, the beginning of which we would not undertake to fix, and during which many able advocates of various theories have written and spoken, renders it extremely difficult in a present-day discussion, to escape a repetition of many deductions and recommendations. At the outset we desire to disclaim originality in many of the features of this report, and will simply make some suggestions which we regard as important to the promotion of prison discipline, in the hope that we may be of some assistance to those who are interested in the care of the unfortunate placed in our charge.

In ancient times the accepted idea of the object of imprisonment was punishment and revenge, yet there were even then advocates of a plan which would produce the results sought at the present time. We read that Pope Clement XI erected, in 1704, the prison of St. Michael for boys and youths, the system of management being silent association in labor by day and

separation in cells at night. In various places upon its walls there appeared the following inscription: "It is of little use to restrain criminals by punishment unless you reform them by training," and in subsequent years we find abundant evidence that many of the penological experts of ancient times had in view the same route to the prisoner's reformation that is accepted today. The earlier methods of producing that which we are now striving for, were more severe and revolting, and, as we think, less effective in accomplishing the desired end. The influence which seems to have controlled the supporters of those methods with which we now disagree, seems to have been the mercenary desire to obtain the largest possible revenue from the labor of prisoners, and this they believed could be done more successfully under the lash than by the employment of more humane and enlightened ways. That efforts were made from time to time by philanthropic citizens to change these conditions is evidenced by research into some of the old official reports made by prison authorities in the early part of the last century. As a result of those efforts and an agitation similar to that which has been maintained by our Association for many years, there were times when milder forms of punishment were tried for the accomplishment of a proper deportment among the prisoners. A fair idea as to how these reforms were viewed by the average prison officials in those days may be obtained by reference to the following extract from a report written December 17, 1817, by a Warden, we regret to say, of a New York State Prison. In commenting upon the trial of less severe methods in his State, he says: "A better system for the punishment of prisoners should be adopted by the State of New York, and the prison should be made more a place of dread and terror. Severity should displace lenity toward the criminal. Humane and mild treatment, so far as my knowledge goes, has seldom reclaimed the vicious and profligate man. The dread of punishment more than the preaching of the divine or the advice of the good and virtuous has restrained him from his criminal course."

The present era of prison reform has not been reached without much controversy and the very valuable assistance of a host

of philanthropically inclined individuals organized for the purpose of influencing the law-making bodies of the world to adopt such penal systems as would reform and reclaim rather than degrade. As testifying to its slow and gradual acceptance, it is amusing to note in some of the early prison reports, expressions of great felicitations by officials who had abandoned the lash or cat-o'-nine-tails and adopted the paddle, shower-bath, yoke, etc., which were considered much milder and less dangerous in effect. But the determined effort of an enlightened public has continued and accomplished very pronounced results, and while it may not claim originality in the theory of reform rather than the degradation of the offenders, this generation is entitled to the credit of producing the desired result in a much more sensible, efficacious and humane manner.

Since it has been recognized for many years that among the chief causes of crime are to be found indolence, drunkenness, illiteracy, non-possession of a useful trade, absence of religious instruction, and the deprivation of proper parental care and teaching in childhood, we believe that effective prison discipline should aim to remedy these defects, supply the needs, and remove the supposed necessity for doing wrong.

It has been truly said that: "It is not in man's nature for the mind to be stationary; it must progress in virtue or in vice." The prisoner, therefore, should be placed amidst such surroundings and under such discipline as will direct the mind to higher ideals rather than lower.

The most successful lives are those which have been subjected to and trained by numerous fixed and rigid rules, furnished during childhood by others and then increased in number by the subject's own initiative, prompted by age and experience.

It seems, therefore, that it is highly important to teach a prisoner in the first instance, as you would a child, the benefit to him of a rigidly enforced code of rules and regulations to govern the care of his person, deportment, mind and morals as a foundation of useful manhood, whether in or out of prison; when this has been accomplished, to impress upon him the possibility and advantage of developing in his own mind additional rules

based upon the same principles, the faithful observance of which will correct his past errors and enable him to become a useful citizen. The institutional rules should be plain and such as could be followed to advantage in the free outside sphere. Then the danger of marking the prisoner, by the strict enforcement of discipline, so as to interfere with his free and easy return to a proper appearance in society, will be obviated and his success in rehabilitation will depend upon how well he observes the precepts of the institution from which he has been discharged.

It cannot be said that prison rules or discipline which teach the prisoner to properly care for his person, to be tidy with his clothing, to abstain from immoral and unhealthful habits, to observe regularity in food, work, and sleep, to respect the rights of his associates, whether officers or fellow inmates, to put forth efforts to improve his mental and spiritual condition, and to cultivate a knowledge of his duties to his own family and to society in general, are in any way incompatible with an honest, clean, industrious and moral private life.

Every opportunity should be afforded a prisoner to know the rules. The effect to be derived from punishing a prisoner for the violation of a prison rule, concerning which there is no question as to his familiarity, is far more salutary and beneficial to all concerned than that which follows the punishment for an offense which is not clearly designated as an infraction of the regulations. For the usual violation of a prison rule, and one which is not serious, a prisoner, after being cautioned, should have at least one additional chance before punishment; it is rare that resentment or mental injury results from such a course.

We agree with those who believe that prison discipline in general should be applied to all alike; but cases do arise in prison when different individuals require peculiar and different treatment for the same offense. All men can be reasonably asked to adhere to a rule provided for the safety of himself and the institution; they can be taught the advantage of obedience, cleanliness, attention to work, and to education; but when the line dividing generalities of prison discipline from the reformation of the man's soul and mind is reached, the remedy which

would be beneficial in one case might absolutely fail in another. Arguments that appeal to one mind frequently fail of persuasion to others.

The most effective reform is being accomplished by those methods which aim to patiently and persistently seek out the peculiarities of the individual prisoner and apply the special treatment in way of argument, care and education that seems most potent to quicken his sensibilities and to fire his ambition to reform.

The problem of determining the treatment which will be of sufficient attractiveness and interest to induce proper deportment and the turning of the mind of the prisoner into proper channels, can best be solved by him who is in charge of the prison through an imaginary exchange of places with the prisoner, and if both are approximately normal in their human senses and understand the seriousness of crime and the desire to reform the offender, no mistake will be made in applying the Golden Rule of "Doing unto him as you would like to have done to you under the same circumstances."

That there are those among our prison population who will prove to be immune from any reformation or improvement is doubtless conceded by all, and our efforts must be to reduce this number to the minimum. The fact that there are some who return to prison each year is no condemnatory evidence against modern ideas. When human beings fail to improve morally, spiritually, physically and socially under the humane and enlightened plan accepted and used in the majority of the prisons of this day, it is no argument against the progress made, but gives strong proof of the existence of a fundamental weakness in the character and brain structure of some of these offenders. All superintendents and prison wardens are aware that such are to be counted among the prison population and are easily detected. In most cases they are a menace to the improvement and comfort of their associates, and we believe that men of this class should be segregated from the balance of the population and placed in a separate building containing a sufficient number of light, well ventilated, roomy cells, each connected with an

enclosed yard of sufficient size that they may be kept at some employment, and not suffer impairment of health by their isolation. These quarters could also be used for the temporary confinement of prisoners who break prison rules, thus permitting the abolishment of the unsanitary dark cell now used in many of our prisons.

In the prisons of this time the average prisoner aims to obey the rules. The infractions of them are largely of a minor character, but in the interest of wholesome and beneficial discipline must be noticed and a proper form of corrective and preventive punishment employed. The chief influences that have entered into the improvement of the conduct of our prisoners are the indeterminate sentence and commutation for good behavior laws. These, together with the merit and reward ideas of inducing good order have, in our opinion, accomplished more during their short period of existence and have sent more men from prison with a clean record, than the thousands upon thousands of brutal lashes from the "cat," and the millions of hours of repugnant and spirit-breaking methods which have been inflicted in the years gone by.

We are satisfied that the system of taking earnings from prisoners, as additional punishment for the violation of prison rules, is a mistake; the object of allowing compensation to these men is to encourage thrift and to provide assistance to their families while they are imprisoned, and also to them upon their discharge. The worthiness of its bestowal is present as much in the case of the man who may have broken the prison rules as in the case of him who has a perfect record; a continuance of the practice will result in the destruction of the theory that equal opportunity should be provided for each discharged man. Other means of correction should be used than the forfeiture of earnings. Personal interviews with a large number of prisoners has furnished the information that the confiscations of earnings is not productive of beneficial results in their effect upon the spirit and temperament of the prisoner.

The success of the enforcement of prison discipline depends very largely upon simple things. Your committee would there-

fore invite your attention to some of the details which we believe important in producing the desired result.

Previous reports from various committees upon this subject convince us that the foundation stones of successful results are fairness and integrity on the part of the managing officials, labor, simple food prepared in a clean and wholesome manner, clean and substantial clothing, cleanliness of body and surroundings, education and religious instruction.

When the motive for committing crime is a desire to obtain, without labor, the enjoyment and pleasure of the possession of property, the offender should be obliged to labor that he may become familiar with its advantages, and as this same treatment is also wholesome for the perpetrators of other classes of crime, one of the foremost features of reformatory prison discipline should be labor. The question of the system of labor, the disposition of the product and the principal object to be attained by its establishment and use in the penal institutions have been much considered and discussed, and we believe that nearly all, at the present time, are agreed that it should be forced rather than optional, and that reformation with incidental profit should be the rule and not profit with incidental reformation.

The prisoner should be made to understand that the Warden is his friend; is there to rightly adjudicate all questions affecting his interest while in prison, to guard him from wrong and to redress the same. There should be no obstacle between the prisoner and his free access to the Warden, Principal Keeper, Physician, or Chaplain. To this end each officer in charge of a company should be supplied with paper and envelope for the use of each prisoner desiring to communicate privately with any of these officers. The inmate should be permitted to seal, address and send his letter to the official for whom intended, thus obviating the oft-repeated assertion of prisoners, that officers familiarize themselves with the contents of unsealed communications, and when derogatory to themselves fail to deliver to the person addressed.

The Warden should also have a time fixed, at least once in each week, when any prisoner may see him privately for the pur-

pose of complaint, or obtaining advice upon such matters as affect his welfare. All complaints should be thoroughly investigated, and a report on the same together with action taken thereon preserved and filed away for convenient reference.

In addition to the clerk's record, the Warden should have before him at all times, an accurate record of each prisoner, which should include a biographical sketch covering such items as may indicate the causes of the criminal character or conduct of the prisoner, and also a record of his progress in prison to assist in determining his needs in the way of education and other instruction that would be of advantage to or improve the prisoner. A convenient way to keep these records is by the card system, allotting to each prisoner a separate card.

The importance of the Warden's interview with the prisoner upon his entry into custody is universally recognized, but we are convinced that equal benefit will arise from a personal word of encouragement and advice to the departing convict as he leaves the prison to start life anew. With the joy of discharge also comes the anxiety as to the nature of the reception awaiting on the outside. Much of this hesitancy and uncertainty can be dispelled by a few parting words of assurance.

The quality and quantity of food furnished prisoners should be carefully inspected by the Prison Physician, and the same should be prepared in such variety, manner, and amount as to be inviting and conducive to good health.

Thousands of pounds of first quality rations have been ruined and made unpalatable in the preparation; modern equipment for cooking should be furnished and frequent tests of the cooked food should be made. We believe it to be well established that no department of the prison can be neglected to so much detriment to the discipline and the good health of the men, as the kitchen and mess hall. The utmost cleanliness should be present at all times; the antiquated tin dishes should be displaced by those of pure white crockery. To guard against contamination or communication of disease, all employes of the kitchen and mess hall should be carefully examined and recommended by the physician before being assigned to duty in these quarters. The

waiters should be provided with neat white uniforms to be worn when serving the rations.

Economy on the part of the State or Nation in its appropriation of money for the maintenance of prisons may at times necessitate the use of patched and mended clothing for prisoners, but there is never any excuse for giving a prisoner unclean or ragged clothing. Other efforts to interest him in his own reformation and improvement may have attracted his attention and interest, but to compel him to wear this sort of clothing would, in most cases, counteract all the good that had been done to him in other directions. His clothing should be carefully washed and repaired at least once each week, and arrangements should be made whereby a prisoner will, at all times, receive his own clothing from the laundry. The plan of indiscriminately distributing clothing, after washing and repairs, is revolting and opposed to the principles of proper discipline. The use of striped uniform and lock step is humiliating; the theory of any benefit arising from their use is wrong. To those who have had personal observation of the change in spirit, pride and demeanor in prisoners whose striped uniform has been substituted by that of plain and non-degrading character, there is no question as to the salutary effects derived therefrom.

The prisoner should be afforded opportunity for frequent bathing and should be permitted to perform his ablution in a separate compartment, so arranged that he may undress, bathe and dress in private. Many immoral features and breaches of discipline which develop in our prisons, have their beginning in the open dressing room and bath house.

Each prisoner should be furnished with a separate lather cup and brush. The old method of the shaving squad, composed of five or six prisoners going from shop to shop and shaving the men in a careless and unsanitary manner, should be abolished. It affords opportunity for the transmission of improper messages, articles of barter, and the spread of loathsome diseases. The cost of a tin cup, shaving brush and proper solution for careful disinfection is infinitesimal when compared with the opportunity of spreading disease among the men, afforded by the antiquated system.

Every facility should be afforded to teach the prisoner and to enable him to properly care for his person. It is absurd to post glaring notices admonishing care and regularity in these respects and then fail to furnish the required articles for the purpose. In many prisons, for example, the inmates are permitted to use only such an amount of tooth powder as they are able to purchase with their own money; this same custom obtains as to tooth brushes. To the man who has been in the habit of using these articles, the deprivation of them is a serious hindrance to a retention of self-respect; those who have never used them should be taught to do so immediately. The importance of proper care of the teeth is sufficient to warrant the small expenditure of money involved in furnishing each prisoner with tooth powder from the prison hospital, and such prisoners as are unable to purchase tooth brushes should be supplied in the same manner. Provision should be made whereby those prisoners who are in need of special attention to the teeth or eyes may have the attention of competent dentists and oculists. Many infractions of the rules occur when the offender is suffering from improper attention in this direction. A man can accomplish a vast amount in the way of his betterment, which is lost in time consumed brooding over the absence of such necessities.

It may be said by those who are in charge of prisons which are old and ancient in architecture and construction, that it is impossible to carry out many details that tend to assist in prison discipline, because of the age and antique surroundings of their prison; but if reform in prison discipline is to await the convenience of providing new prisons, much valuable time will be lost in its introduction.

A great deal can be done in the way of repairs and improvements to old structures. Cells and cell halls which have been treated with whitewash year after year can be made more wholesome, habitable and free from vermin by thoroughly removing all whitewash from the walls and substituting therefor paint with enamel finish. This provides a smooth surface and per-

mits of frequent washing with soap, water and disinfecting solutions.

If the floors of your cells and cell halls are of the old-fashioned stone, with large openings at the joints, permitting the reception and lodgment of bugs and other unsanitary influences, by the outlay of a small amount of money they can be reconstructed with concrete and cement, presenting a much improved appearance to the eye, as well as untold benefits to the sanitary condition.

The ancient style small windows, with bars of such width as to close nearly half of the opening, should be removed, and where there are several small openings constructed over each other, they may all be connected, producing one large window. The small sized glass should be exchanged for the larger, and the modern round prison bars should be introduced, thus increasing, to a surprising extent, the supply of light and air—features of such vast importance to the health of the inmates.

The prison yard should ever present a clean and wholesome condition; the gutters and curbs should be of concrete instead of the loose and separate stones of which they are commonly constructed; they can be kept much cleaner and in a perfectly sanitary condition. The prisoner should have a clean, dry walk upon which to go to and from the workshops; compel him to travel in dirt and mud, endangering his health, and he will naturally question your sincerity in working for his reform.

The workshops should always be light, airy and clean. The machines should be well guarded against accidents to the operators. The State requires all this from the private manufacturer, and should be the first to practice it towards its own wards.

Plants, shrubs and flowers should be provided in abundance. The hardened nature of any man was never made more adamant by the presence of those beautiful and fragrant emblems of nature.

The following verse written, with others, by one confined in prison, should not apply to any of the present-day penal institutions:

“But neither milk-white rose nor red
May bloom in prison air;
The shard, the pebble, and the flint
Are what they give us there;
For flowers have been known to heal
A common man's despair.”

These may appeal as matters of small moment, and perhaps of little interest to you; but from a trial of all such improvements, with many more that time will not permit us to enumerate, in a prison nearly one hundred years old, we can assure you that the results have been satisfactory and beneficial. The aid to discipline arises from the fact that in the performance of the labor involved, work is provided for many of your prisoners who are not otherwise employed, and they, together with the others, soon become interested in the improvements as they progress from day to day, realizing that they are all done in the interest of their health and welfare. In this connection too much importance cannot be attached to the usefulness of the Prison Physician, who, acting in harmony with the Warden, should be ever vigilant in caring for the sanitary conditions of every department of the prison, thus including in his duties the *prevention*, as well as the *cure* of disease. When men become sick in prison, it is far more serious than when they become so amidst the surroundings of freedom, and too much care cannot be taken to prevent illness; during such time as they may be sick they cease to be anything but sick men, and should elicit from us more sympathy than if they were free.

Particular care should be exercised for the detection of all tubercular and insane cases; these should all be separated from the prison population and transferred to institutions especially provided and equipped for their treatment. The Prison Physician with a proper appreciation of his duties is a strong factor and support to the Warden in matters of discipline.

Believing educational instruction the most practical means of reaching the prisoner in a reformatory way, of strengthening his reasoning powers and of quickening his better impulses, efficient and up-to-date methods should be employed in this department; a graded day school should be organized and in its

management co-operation with the State Educational Department should be sought. A citizen head teacher should be employed especially for this work; diligent and painstaking interest upon his part will insure the satisfaction of the accomplishment of inestimable service for the unfortunate in saving him from total illiteracy.

The importance of religious instruction is well established. The Chaplain, who has this branch in charge, may also wield a strong influence in the interest of discipline. He should aim to make his Sunday services cheerful and bright. Men who have been through a hard week of prison life, and who are about ready to despair and lose confidence in their ability to retrieve lost footsteps, are frequently given fresh hopes and encouragement under the influence of a bright, cheerful and entertaining chapel service. It is he who can assist those who come in prison brooding over the alleged injustice which they have received from society, and who are slow to believe that any good motive can influence the officers who have them in charge.

The relation of the officers of a prison to its discipline is important. At the immediate head of the staff of guards is the Principal Keeper; upon him depends much of the success sought to be attained in the discipline of both officers and inmates. His position is one that calls for experience, firmness, and tact; upon his fidelity must the Warden depend for effectual assistance in securing intelligent and honest efforts from employes and prisoners.

When we contemplate the aims and objects of prison discipline, we find that the National Government and the State are endeavoring to change or repair the wrong-doer's whole mental and physical structure. Is it reasonable to expect to secure men with whom these results can be accomplished, who can afford to give their services for the average salary paid to the officials necessary to administer the prisons? Many competent and able men who meet the requirements of good prison officers attempt to devote their lives to this work, but soon find the revenue far inadequate to properly sustain themselves and families in their stations of life, and are compelled to seek more remunerative em-

ployment. Unless the present-day idea of prison reform is only talk and a myth, to be loudly endorsed and promulgated upon public occasions only, and no effort made to test the practicality by actual trial, provision should be made to pay sufficient compensation to the men who are to have the immediate charge of the offender, upon whom we must depend for the success of our ideas, as will attract to and keep in the service those of the desired education, ability and character.

We believe that the Civil Service Reform Law should be applied to every officer of a penal institution, and we are glad to observe that in the National Government and many States this has been done. With this system in vogue there exists no excuse for the Superintendent or Warden to deal with his officers upon any other basis than actual merit, and it encourages the application of the rule of fair play to all, special favors to none.

Officers should fully realize the responsibility of their position and practice a proper poise with both the prisoner and each other; there should be present at all times, among them, a harmonious feeling and a spirit of high respect. This cannot be accomplished or maintained with the existence of factions or strife, and the Superintendent or Warden who deals with his associates upon the high plane of fairness and who refuses to recognize any clique or faction and has no favorites upon whom to bestow special treatment or favors, will be sure to obliterate and keep out this deplorable condition among his men. The subordinate officer should pay special attention to the interest and advancement of his company. He should see that their clothing is properly kept; that each man is in possession of all necessities furnished by the prison for his cleanliness, health and warmth. A Warden should always be pleased to have an officer intercede with him in behalf of a prisoner under his immediate charge, who may have been the victim of some inattention. In this service the officer should be impartial and not confine his interest to a favored few.

We hear frequent complaints and criticism of officers in our various prisons, in some of which there is doubtless a degree of justice; but it is also true that many heroic, manly and faithful

acts of officers, in behalf of the welfare of their men, go unnoticed. Much attention is paid to a life lost in prison, and properly so; but indifferent silence prevails as to the countless incidents of lives saved by the faithful attention and skill of the physician.

The officer who is placed in charge of a company of fifty or sixty men, with whom he is to associate day after day, upon whom we depend to carry out our theory of prison discipline, both in the preservation of order and in the exertion of a proper influence with the prisoner, is entitled to our full support and commendation, and with the criticism should also go a word of approval where credit is due.

Officers should not be prevented from seeking the benefits of proper associations removed from the atmosphere of the prison. From men who are continually confined with prisoners, we cannot expect the judgment, sagacity and temperament, which should be reflected from an officer in charge of prisoners. Healthful recreation should be encouraged and provided for these men at the expiration of their prison duties.

We question the necessity of the Warden residing within the prison walls. The practice is one that tends to deprive the prison and prisoner of much mental and physical vigor which is lost as the result of continued existence in the one atmosphere. The Warden should be at the prison punctually each day during prison hours, but at night he should be permitted to retire to a home, outside the prison walls, at some place easily accessible to the prison, where he may find a true private home atmosphere which he may enjoy quietly with his family, and where the cares and responsibilities of the prison and its inmates may be temporarily laid aside, so that when he enters upon the duties of each day he may be able to solve the many problems arising in the care of the prison with a clear mind, unaffected by a perpetual residence within institution walls. Upon the head of the institution rests the responsibilities of finally determining all the questions arising in the prison. He should, therefore, be enabled to meet them in the best possible physical and mental condition.

The methods and ideas recommended in this report are now being employed in many of the prisons and reformatories, and have been productive of a decided success. That equal or greater results may be obtained by the utilization of other schemes we do not deny; but in the interest of the consideration of each available idea and the final selection and acceptance of the best methods of obtaining the results sought, we submit this our report.

DISCUSSION.

Joseph F. Scott, Superintendent of Reformatories, Elmira, New York: I think Warden Benham is to be congratulated upon the excellent report which he has presented. He makes excuses for our platitudes. Under platitudes lie the fundamentals, and if we are fundamentally right in laying the plans for our prison discipline, we can work along through different methods and come to gratifying results. The prison warden who tries to imitate another prison warden usually makes a mistake, but if he will try and start things on a good basis and work out on the lines of his own qualifications and temperament he will usually have a good prison discipline. That is where we in America have the advantage over our European wardens. The tendency there is to standardize. Here the warden is given a large power of domain. Standardization usually begets mediocrity and inertia. While in some cases we may fall below what we would be if everything was standardized, in most cases it gives the opportunity for an improved prison discipline. To my mind the essentials of a good prison discipline are system and organization. Here the prisons should be so systematized that the superintendent or warden may know each day just what is occurring in his institution, whether he be there or not. There must be a system of reports, taking into consideration every act of every officer and of every inmate of the institution, so that it can be recorded and generalized and referred to at any time with a large degree of accuracy. When a prison is so systematized it is easy to administer. In its organization we should work all the time to develop a good personnel in the official staff. To

do that I believe, as Warden Benham has said, we should have the civil service in each of our States. Under civil service our men come to us and are selected from a larger horizon than any individual warden can choose from among his own acquaintances. It gives us the men who are seeking such positions from all over the State instead of from a limited circle. Then I believe we should pay the officers according to their tenure of office so each man when he comes to the prison or reformatory has something to look forward to and work for to give us a more permanent force. The great detriment to many of our institutions is the frequent change in the personnel of the official staff. Men do not acquire the ability or the knowledge for administering their duties in prison as they should until after they have been there a considerable period of time, and frequent change is always to the detriment and sometimes to the scandal of every institution. I believe in training the prison officers. I have found in the institution of which I am the head that it is very beneficial in the appointment of an officer to give him somewhat at the start the basis of a prisoner. We have in the Elmira reformatory a military system. A new officer is placed in a squad of men with an old officer over them and is marched about and drilled most of the time for the first six weeks or two months. If he has nothing in him he will leave at the end of that time. If he stays he will develop in a way that will enable him to command a squad or company of men and to do his work better than he would in six months' ordinary training. We sometimes feel if an officer does a certain thing he should be discharged. Many times he should be, but if you discharge him and employ a new man the chance is you will have to go through the same things with a new man, and many times a good officer develops out of what at first seemed very poor material; but by patience with them you will secure patience from them with the inmates of the institution.

In dealing with the inmates of an institution it seems to me the essential thing is thoroughness if we are to accomplish the reformation of men. We can do a great many things in the institution, but unless we do them with thoroughness they are of

very little effect. We have to make the prisoner when he comes to the prison realize it means something. He must be put through the steps the same as a horse in training. How do we train a horse? We put him in the ring, snap the whip and put him through his paces the best we know how. And what do we do when through? Usually we go along and pat him on the back. That is just what is to be done in the training of a young man. When in the harness make him go for all he is worth, all the time, but when he is out use him with the same degree of kindness.

The detail of Warden Benham's report can scarcely be added to. It has covered the ground with a thoroughness such as we have scarcely ever had from our Committee on Prison Discipline, and if followed out will develop the best possible discipline.

General Demetrio Castillio, Warden Cuban Penitentiary, Havana: I have attended these meetings for four years and have certainly learned a great deal by coming and by listening and by visiting your institutions. After the report of the Committee on Prison Discipline and Superintendent Scott's remarks there is not much to be said, especially by a new man, you might say, as I am.

The great trouble in our country in prison discipline is that we have not the indeterminate sentence that you enjoy in this country, or the parole feature. If we can get these I think we can do much better than we are doing now. We have an allotment of time for good conduct. A man whose conduct in prison is good is allotted two months every year of his time, and I find this works very well for the behavior of the prisoners in the institution. I thank you for the reception I have had among you all these years.

Frederick G. Pettigrove, Chairman Massachusetts Prison Commission, Boston: After the picture that Warden Benham has drawn of our large prisons and after you have seen the array of wardens on this platform you will consider that I must be a bold man if I attempt to discuss prison discipline. And I shall not discuss it from the standpoint of the warden but from that

of an official who for many years has had opportunity to observe prisons in my own State and elsewhere. Before I describe some of the conditions that exist in the prisons under my own observation, my immediate official observation, I want to say it is a matter of congratulation to all the members of this Association that such a report could be presented by a warden of the oldest prison in the Empire State. And if the American Prison Association has done nothing else than to call the attention of the citizens of the United States to what New York has done in the way of improving her prison system, it has made a large contribution to the cause of civilization. Now, you will notice that the wardens who have spoken have laid stress upon the fact that much of the success of their work depends upon the character and ability of their officers. From my own experience and observation I can say that in some unfortunate times in Massachusetts, when there have been something like outbreaks, there would have been much more violent disturbance and greater danger to life and property if it had not been for the respect the prisoners entertained for the subordinate officers who were in immediate charge over them. The reformatory over which Mr. Scott formerly presided, and where he won his spurs, although he has added very much to his laurels since he went to New York, had some officers of as fine character as you can find in any branch of the public service; so it is important in connection with prison discipline that some attention should be given to the method of selecting these officers. In some States they have the civil service board, which gives an examination and certifies to the appointment of officers from the names of persons who have appeared to be eligible from the examination; but I think you will all agree with me that while it is perfectly easy, perfectly feasible and practical in every way to discover the essential qualifications of persons who may enter the clerical service of the commonwealth or of any political division of the commonwealth, it is not so easy to ascertain in any examination by an outside board whether a candidate possesses that indefinable sense, that tact, that patience which is one of the essential qualifications of a good prison officer. Therefore I believe—

and I believe our civil service board in Massachusetts will come to recognize it—that it is necessary that no appointment of a guard should be confirmed by anybody but the appointing power, the warden himself; that all appointments should be merely tentative and probationary. That is the case, I think, in some States.

There is another thing that sometimes we do not remember, but there is not a warden who has appeared on this platform who would ever forget it, and that is that no matter what regulations you make nor what system you adopt for the government of your prison, the good order of that prison must depend largely and in some instances almost wholly upon the effect the discipline has produced upon the tempers of the prisoners under your charge. Is that not true? Is it not true that in a large prison of a thousand or more inmates the great conservative force that keeps that large body of men in subjection, with perhaps only seventy or eighty guards over them, and in some cases not so many, is it not true that the great majority of well disposed prisoners make the force that keeps the order in that place? That is true in our State. It is true in New York State. It is true wherever we have adopted the modern methods. I have heard it said sometimes that it is necessary that a man should be able to handle a gun. Warden Scott I suspect gives the military discipline in his prison so they can walk straight rather than shoot straight. I know that. In one of the civil service examinations in Massachusetts one of the questions propounded the candidate was this: What in your opinion are the essential qualifications of a good prison officer? In one instance one man said a prison officer should be a large, tall man. I happened to see him and he weighed 250 pounds. Another man said he should be a dead shot. Another man capped the climax, and in my opinion described it exactly when he said that a prison officer should always have a clear head and a warm heart. There is an impression among some persons that an officer should be able to shoot straight. I would very much prefer an officer who could think straight rather than shoot straight. It is true in our prisons the guards are armed, but they carry a rifle or pistol for

the same reason I carried a revolver all the time I was in the mountains of Colorado. I could not have hit a tree twenty yards away, but I carried a gun that I might summon assistance if anything appeared long enough ahead to enable me to give an alarm, and that is the main object of the pistol in many prisons. There is another reason, of course. The men must be armed in case of an uprising to defend the property of the prison and their own lives and the lives of the other inmates. But I do not think there is any reason under the new methods of prison discipline and classified system that have been adopted in many States, and facilities, imperfect as they are, that have been given the prisoners in many communities, that prisoners should be shot on all occasions. When we founded a little while ago in Massachusetts a Prisoners' Aid Camp I said to the superintendent when he asked about revolvers: "Yes, I think your men ought to have revolvers, but blank cartridges would be as good as any other ammunition. All you need is to have a little noise, and for heaven's sake do not let a man shoot any one who is trying to escape, for we will get him back some time; but shoot if he tries to assault a keeper or other official of the prison. I would rather have a dozen men escape who are not actuated by any desire to do violence to their keepers than have one of them shot." If they assault anybody it may be all right and perfectly proper to shoot, but I want to declare as my opinion and as one principle upon which I would stand, that any prison system the wide world over which depends upon the shotgun belongs to the bottomless pit, and the sooner it goes home the better. I know the difficulties that many wardens experience in dealing with unruly populations, but I think the methods that have been described by Warden Benham and that he has used with such great success in his prison, will produce in this country a condition that will make it quite unnecessary to continue anything of that sort.

Again I say that we are to be congratulated upon this splendid report made by Warden Benham, and it is a happy coincidence that it comes from the warden of that prison in the State of New York where was begun what is known as the Congregate

System of imprisonment, the first prison in New York which adopted the plan of separating the prisoners into groups. Massachusetts did the same thing when it built a prison a few years afterwards. But it was in Auburn that they inaugurated the plan of keeping prisoners in groups, putting them in separate cells at night, and that was done at a time when it was felt to be almost rank treason to propose that prisoners should go without fetters or without being constantly under guard.

Dr. D. Phelan, Surgeon Dominion Penitentiary, Kingston, Canada: After the very excellent address of Warden Benham and the subsequent remarks, there is very little left for me to say on the subject of prison discipline. I am not a warden. I am merely a surgeon, and therefore I am not so well posted on disciplinary matters as those who have spoken before me. I have given the matter some consideration. It would indeed be impossible for a physician or surgeon attached to any institution not to become acquainted with the principles which are disciplinary. The best discipline that I can see is a continuously good-will and that discipline must be in harmony with modern thought and ideas and on a penological basis. The prisoners are not there for punishment. They are there for the protection of society and to make them better if possible. It is my opinion from a disciplinary point of view that more can be accomplished by kindness than by any harsh means. A large number of the prisoners are mentally alert. They are not dull of comprehension, and I believe that in a violation of disciplinary matters a small lecture given to them will have more lasting effect than any form of punishment that may be inflicted. I do not mean to say that punishment should never be inflicted. I do not mean to say that—far from it. There are times when it is absolutely necessary, but I do mean to say, appeal to his mind and powers of reason, and that will have more effect upon the majority of prisoners than any form of punishment. This appealing to the mind and reason has been largely resorted to in the asylums for the insane with certain classes of patients who have sufficient mentality left, with more effect than any form of medicine. I believe that every prisoner should be studied in

reference to his instincts, his tendencies, his relations to the outside world, and his discipline will be easy and his reformation more easily effected.

Concerning the spy system in institutions: I believe where it is allowed to continue or where in vogue, it is detrimental to prison discipline. When a prisoner is delegated to spy upon his fellow prisoners or others, he is elevated to the position of an officer. So far as I am concerned I would not believe the majority of prisoners, no matter what they said. As a rule they are most untruthful and where they tell the truth it is with a fraudulent design or with the intention of deceiving.

Regarding the food question; good food is a prerequisite to good discipline. You can apply that to yourself. A well-fed man is more amenable to discipline than a poorly fed man. We know how we ourselves feel when we are hungry. We are irritable and difficult to please, but those conditions are more pronounced in a prisoner because of his restricted liberty; therefore the food should be of first-class quality. It should be carefully cooked and served with a relish. I think good food in a prison is really absolutely necessary for the health of a prisoner and from a disciplinary point of view, because if a man is well fed he is more easily pleased and not likely to violate discipline. Another point in connection with the food is this: I believe that sometimes the poor quality of food is the cause of insanity which sometimes crops up in penal institutions. It has been found by those looking into the matter that those who lose their mentality are in a low state of nutrition. They have a perfect loathing for food, simply, they say, because the food has not been good. I believe better food in prisons would be a great thing and help discipline very much. Not only this, but I am strongly in favor of crockery being used instead of tin dishes, especially from a sanitary point of view. Even if the food is not always of first quality, putting it in a nice dish, it has an appetizing appearance at least. The old tin dishes used for years, and rusty, are revolting in their appearance and unsanitary.

As to the prison hospital: If there is anything which depresses a prisoner and renders him liable to the infringement of

disciplinary measures, it is some physical disease. I make it a rule, therefore, so soon as a prisoner is presented to me, if he is afflicted with any physical disability or any disease, to attend to him at once, simply because that prisoner, feeling that something is done for him, is absolutely satisfied. Those diseases, as we all know, have a depressing effect upon the minds of prisoners, as indeed they would have upon any one, but more particularly on the prisoner who feels the whole world is against him. The hospital, therefore, should be well equipped in every particular; should be equipped as well as any other hospital in the city and have all the modern appliances, sufficient attendants to look after and care for the sick, and carry out instructions to the letter. Particularly is attention at night absolutely required. We all know the sick are worse at night because vitality is lowest at that time, and more deaths occur during the night than at any other time on that account. Therefore, they should be attended carefully at night, more so than in the day. The food for the sick, I think, should be just the same as that used in any outside hospital. We all know when we are sick we lose our personality; we are reduced almost to the condition of childhood. We have to be waited on and served. We want persons who are capable and who know how. In order to have proper diet, there should be a diet kitchen, as in other hospitals. The food cannot be cooked in the general kitchen because the prisoners would consume the delicacies which are for the sick. I merely mention these matters because I think when a prisoner has been sick in a hospital, and is turned out to his work or into the general prison, if he has been served well and waited upon he is satisfied, and a satisfied patient is not likely to infringe upon disciplinary rules.

There is nothing that has contributed so much to improved discipline in an institution as the parole system. Why? Because it gives encouragement and hope. The convict can always see the silver lining in the cloud. He sees by his good conduct that he can work out his own salvation and it behooves him not to violate the prison rules.

Warden Benham, in his report, spoke of segregating the unimprovable prisoners. I am strongly in favor of that.

Mrs. W. Bent Wilson, member of the Board of Trustees of the Indiana Woman's Prison, Lafayette, Indiana: I am sure I have been highly entertained this morning in listening to the report from the chairman of this committee, and I was intensely interested in all Warden Benham has told us in regard to his institution.

We have had the pleasure recently of entertaining in our Indiana Woman's Prison many of the foreign delegates to the International Prison Congress. We were pleased to show them our institution at Indianapolis. We have one of the oldest separate women's prisons in the world, and we felt that our delegates were well impressed with conditions in Indiana in prison work. We have two separate parts to our institution: the penal side and correctional side. In the penal side are long-sentenced women and in the correctional side are short-sentenced women. I believe that Indiana is foremost in the work of a reformatory nature for women because we have, I believe, the only separate state workhouse for women. The women in this correctional institution are taken from the county jails.

We believe in industries for women as well as for men. We do not like to think women in the county jails shall be kept there in idleness, so our State in its wisdom has provided this state workhouse, where they are kept separate from the women on the penal side. We believe cleanliness and sanitation, as the physician has just said, and wholesome food, are requisites in the reformation of women.

I am glad there has been emphasized the crockery ware instead of old and unsanitary tinware. We have clean, white tablecloths on our tables on both sides of the prison. On the penal side we have attractive tables, with flowers in inexpensive vases. The flowers we raise on our ground. We believe in an uplifting influence. We want to keep the right sort of atmosphere.

We teach the women sewing, laundry work, quilting and everything pertaining to the care of the institution. We have perhaps seventeen acres of ground and the women care for the lawns and the garden. After the ground has been plowed they

tend the garden. They can build as good cement walks as any one, and they have built a retaining wall going down to our driveway and barn. They can paint the institution. All that has been done recently has been done by the inmates. I wish I could show you the good, wholesome rooms in our institution. We do not speak of them as cells, but call them rooms. The women have curtains hanging to the windows and we let them feel there is some one who has an interest in them, who is trying to influence them for good.

Mrs. Ophelia Amigh, Superintendent of the Illinois Training School for Girls, Geneva, Ill.: I have listened to the warden's most excellent paper and these talks with a great deal of pleasure, and profit, as well, but there did not one of them touch on that greater problem, the woman convict, and I am going back a little further than that—I am going to say the time has come when these boys and girls, many of them, should be under such direct supervision and good supervision that there will be no chance for them ever to reach a prison. Too many men and too many women are imprisoned today because their mental capacity was not recognized when they were younger and they drifted without the helping hand until they finally reached the penitentiary or state prison. I maintain now that, given the normal brain in a prison or in a reformatory, there is no trouble about the discipline or training of that prison. It is the subnormal classes that trouble us all, and I know the wardens will all say the same thing. There is the trouble. Do you say you would reason a man or woman into a better state of affairs for themselves when they do not understand what you are talking about? All they have ever known was the little they could do to advance themselves for the moment or to gain something for the time. They have no capacity for looking ahead for their future betterment. This is the class we have had, both in the girls' schools, boys' schools and prisons for men and women, and more probably among woman convicts than the others. And the woman is harder than any man to solve.

These questions must take more of our thought than in the past. See how many years there were schools all over the land

for the reformation of boys, when they did not think a girl was worth picking up out of the mud and doing anything with. It seems to be the hardest thing in the world—I sometimes think they forget their mother was a woman—to get them to listen to the things that ought to be done for girls. But let me tell you, men and women, that unless the girl question is taken up and the woman question taken up with a great deal more vigilance, perseverance and thought than in the past, it is going to be the greatest danger to our republic and the greatest menace to society you can possibly imagine, and I do not believe there is a physician or warden or any one who has care of these people who will not agree with me.

Dr. Katharine B. Davis, Superintendent of the New York State Reformatory for Women, Bedford: I would like to say something along the line of Mrs. Amigh's remarks, about the women below par mentally. It is a difficulty we have to meet, not only in the women and children's institutions, but in the men's institutions as well. I was much impressed recently with the report of one of our men's reformatories. The question always is asked, what percentage of your cases do you reform? He did not say that such and such a percentage of his prisoners were reformed, meaning by that that such and such a percentage of those who were paroled kept their parole, which is a different thing from permanent reformation—he said he could not recall the exact figures—something like 75 per cent. of the normal men who were paroled did not violate their parole. That was an honest statement. He did not say what became of them after their parole period expired. In his judgment a considerable percentage, a very large percentage, all things considered, of the men committed to his custody were subnormal.

At the New York Reformatory for Women we have had the difficulty of receiving a large percentage of women who, if not feeble-minded, were at least subnormal. I cannot blame the judges who committed them. Our Institution for the Feeble-Minded is so overcrowded in New York, as everywhere, that it is difficult to secure admission even for a well-recognized imbecile. It is still more difficult to commit border line cases. Last year

our physician and I counted up on one particular day the number of women in our institution whom we believed to be below par mentally, and we figured on that day twenty per cent. of the women in our institution—one-fifth—were in that class. I was so impressed with this fact that this last summer I secured the services of Dr. Rollin, Professor of Psychology at Mt. Holyoke College. She came to make tests of a certain number of women. We fitted up a laboratory. I picked out forty women and distributed them without her knowing anything about them or their record. On the observation of the resident physician and myself, I distributed them into three classes: perfectly normal, those I was sure were abnormal, and border line cases. I gave her the list of inmates, not telling her which girl belonged to which group, leaving that for her to find out. For the entire summer she experimented. She gave me the results when through, and almost without exception the result of her psychological experiment corresponded with the result of the observation of the superintendent and the physician, which interested us very much, because we wanted to know how far our judgment, which was not based on scientific experimentation, but which any careful superintendent can give, was justified in our assigning of these women to places as subnormals. There is great danger to the public in turning loose these subnormal people. Many of these girls were girls who had been the mothers of three or four illegitimate children, who did not know who the fathers of their children were—girls whom it was absolutely certain would go out and debauch any community into which they went. The results of our experience should be to work for a custodial department. If we can not have custodial asylums sufficient to that end, then in each reformatory institution we should have a separate custodial cottage or ward or department, whatever you choose to call it, where such cases can be absolutely safe, and the law so altered that it will give us the privilege of retaining them for a longer, or better, an indefinite time.

W. H. Moyer, Warden U. S. Penitentiary, Atlanta, Georgia: You have heard of the relation of prisoners to each other and the relation of the officers to the prisoners, but you have not

heard one word regarding the relation of the officers to each other. That to me is one of the most important elements of prison discipline. Wardens, how many of you know, as I know, that your guards are sometimes in some localities looked upon with scorn, as being a sort of inferior individual? I do not say it is our fault, possibly it is the fault of the community in which we live, but it is our fault if we permit that sentiment to remain. It should not exist. If you have in your official family any officer who for any reason can not be invited to your home, then for some reason you have an officer in your official family who should not be there. You ask, perhaps, how this can be remedied, and what is the object in the officers knowing each other. If you will impart your good nature and your intentions to your under officers in a good-natured way, so they can impart it to the prisoners, you will be surprised how few reports you will have for violation of the prison discipline. There is no officer in my prison whom I do not invite to visit me at my home. Twice a year I invite every officer and his family and children to meet together and we become acquainted with each other, and you would be surprised to know the feeling that exists when they know they have a place in the warden's heart. I know it is a good thing and I commend it to you who do not have such a system. If you do not have some such organization as this in your institution, let me advise you, as one of the younger members of the association, to try it. Call in your officers—your good wife will enjoy it as much as you do—and let your officers know by your actions more than by your words that you have their interest at heart and that they can come and confide in you any time they wish, no matter what it may be.

Mrs. Margaret Carns, Lincoln, Nebraska: I have a little message to give you that perhaps has not been touched on. I want to say to the mothers and fathers, the great secret of criminality is in the problem of motherhood and fatherhood. If you do not educate your boys and girls from little children to become good fathers and mothers, you can expect your penitentiaries to be full and our State institutions also. Every

thought we give out on the side of wrong helps to make a criminal, and every thought for righteousness helps to break them up. Let us watch our thoughts. Sow the right kind of seed and the years will come when these institutions will be wiped out. You people who cannot bring children into the world can do your part by helping to educate them properly, but the fathers and mothers are the ones that we must reach.

Rev. Canon Cooke, Kingston, Ontario: Prison officials should make it their special duty to understand what we call the peculiarities of every prisoner. No two prisoners are alike, physically or mentally. No two finger prints are alike; no two dispositions are exactly alike; no two faces, and since such is the case it is the duty of every prison and reformatory official to study and understand as far as he can, a prisoner's character, so that he may be able to enter into the man's feeling, to understand not merely his physiology but his psychology as well. That may be the special work of the chaplain, but it is the duty of every one. I could say a great deal about that, but I may say this, it is the chaplain, after all, who understands the man if he does his duty. He tries to reach him through his intelligence, and it is to the chaplain that a prisoner comes when he wants to relieve his feelings and tell all his troubles.

George B. Davis, Superintendent Industrial School, Richmond, Virginia: I have been a student in this work and have been gathering the views of these wardens and superintendents. I believe in the personal touch. We must become more keenly interested in the individual boy and in his personality. We will have to show a heart interest in the boy if we want fruit. I have had no experience with the men in prison, but I know that unless these boys are diverted and kept in the right path they will become the convict of tomorrow. My work is different from the wardens of the prisons. When a boy comes to my institution I know it is my first duty to get from his mind the idea that he is a prisoner. We do not have fences. We deal in the open in a large degree. We should have confidence in the boy. As long as you show you have no confidence you have no influence.

Rev. B. H. Thomas, Chaplain Dorchester Prison, Dorchester, N. B., Canada: I want to say that I have been filled with admiration at the many good, straight, practical, helpful and uplifting things that have been said in connection with this discussion, but personal admiration for one remark that has been made here this morning prompts me to give just an expression and emphasis along that line. I believe lying at the very basis of everything that leads to good discipline in a prison is the highest standard of manhood among the official staff. I am chaplain of an institution. The best thing to uplift and inspire good from and noble conduct in men is the strong, guiding, directing influence in the minds of men who have the highest conceptions of morality and who understand what the highest ideals of Christian citizenship are. I greatly deplore habits of profanity on the part of officials in the presence of prisoners, and stringent measures should be adopted by boards and wardens to eliminate this entirely. Habits of inebriety on the part of officials should be absolutely discountenanced. No man should be allowed to remain on the official staff of an institution who is known to be given to excessive habits of inebriety. I put in a plea for clean speech, clean living. I care not what a man's religion be, but he must live as though influenced and inspired by the highest possible conceptions of Christian citizenship.

Rev. Frank Moore, Superintendent New Jersey Reformatory, Rahway: I want to lay emphasis on a sound mind in a sound body. We believe we can do best by giving our boys good, wholesome exercise. We exercise the men every day when they come from the shops, giving them physical training under the direction of a physical director, in the open air. We found, last month our sick calls were reduced to 25 per cent. of what they were the year before in the corresponding month. We believe that has had much to do, too, with the improvement of discipline. We have a physical director, a physician, who has taught the boys when they come into his office and receive a dose of medicine to say "thanks," and anybody who can say "thanks" for a dose of medicine will perhaps have gratitude

in his heart for the work we are trying to do for him. I think there is great wisdom in teaching the boys and girls to be thankful for the things we are trying to do for them.

Walter Collins, Adj. Volunteers of America, Columbus, Ohio: In connection with the Volunteers' Prison League, I have for six years had the privilege of the Ohio penitentiary. I meet the men, listen to their stories, meet them when they leave the prison. We have a large farm and it has been operated this summer for the first time in its history. The men enjoy the pure, free air, and they do their very utmost for the good of the institution. I see great changes in our institution. We find that our wardens and officials can get along by the same humane treatment used in other institutions.

Major R. W. McClaughry, Warden of the U. S. Penitentiary, Leavenworth, Kansas: After having listened to the paper of our friend Warden Benham, and the remarks that have been made, the most appropriate thing I can say in closing this discussion, is Amen and Amen. I wish, however, to especially emphasize that portion of the report which deals with the question of preparing and serving the food of the prisoners. I think it is an important element in reformation that care should be taken in furnishing the prisoners with proper food, plenty of it and properly cooked and served. I do not believe that reformation has ever taken place in any person where they served sour bread on tin plates and slop for coffee and soup.

There is another question I wish to suggest to you also. We are now in the era of parole, of indefinite terms or indefinite service of prisoners. Our parole law passed by the Congress of the United States is just going into operation in our federal prisons. There is one class of men it cannot reach under the terms of the law. In our prison, for instance, we have 124 life prisoners. They are excluded by the law from the terms of parole, and their cases are indeed pitiful. We have been thinking about them ever since we have organized this parole board, and I wish to suggest to you as a body of students

a question of this kind for your thought and study. Why not deal with our life prisoners along the same line that we are dealing with other prisoners? They are men of like passions with ourselves and with the other prisoners. It has occurred to some of us who have studied the question carefully that we might successfully and safely take in the case of life prisoners the law of life insurance companies, and construe the sentence of life prisoners to be the expectation of life when he reaches the prison as fixed by our best insurance tables. A man who comes into the prison at twenty years of age has fifty years of expectation. That does not exclude him from hope, because from that he can make good time, and you will find he will gladly avail himself of it. It is better than a life sentence. It is better than nothing. I shall be glad to have the members of this Association take up this question and study it, because we have in all our prisons life prisoners who have to be dealt with. Let us see if we cannot work out something that will be helpful in the future.

I beg to say again to our friend, Amen and Amen.

MISSISSIPPI AND HER CONVICTS.

BY DR. A. M'CALLUM, PRISON PHYSICIAN, PARCHMAN, MISS.

What shall we do with our convicts? This is a question which has confronted almost every State in the Union. Every conceivable plan has been tried and threshed over by the various States, with a view to solving the problem along the lines of humanity and economy. A system that may suit one locality might not be successfully applied to another. A system which might prove successful and profitable in a State where the prison population is composed mostly of whites might prove an utter failure in a State where the convicts are nearly all blacks.

In the State of Mississippi the percentage of whites in the penitentiary is less than 10 per cent. of the whole, and it is our intention to show in this brief sketch how Mississippi, with a prison population of 1,786, 90 per cent. of them negroes of

the most ignorant and criminal class, has solved the problem economically, humanely and profitably, without in the least competing with the freedman, to his disadvantage, in the markets of the world.

When the tempests of war had passed over the country, and the South found herself under a military government, the system of leasing out State prisoners was established by the Mississippi authorities. The leasing system meant the hiring out, for a fixed sum for a fixed period, to an individual or firm, the state convicts. To these individuals or firms the destiny of the poor, unfortunate criminals was committed, small attention being given them after closing of the contract. It is to be supposed that the lessees took them for the purpose of making money out of them, and, naturally, the less food and clothing used and the more labor derived from their bodies, the more money in the pockets of the lessee. This system continued in vogue all through the reconstruction period and was handed down to the States government in 1876, when white supremacy once more ruled over the destinies of Mississippi. It was then that the authorities began to pay attention to numerous charges of cruelty to their leased convicts. Investigations disclosed the fact that the prisoners thus leased were in most cases inhumanly treated, poorly clad to the extent that their fingers and toes were almost frozen off in a number of cases, and that they were made to work at the sting of the lash, indiscriminately administered by cruel and inhuman guards.

In 1890 the Constitutional Convention of Mississippi added a laurel to its brow by banishing forever the leasing system. The next legislature, finding it incumbent upon them to make some disposition of the convicts, authorized the purchase of farm lands upon which to work the state prisoners, for the benefit of the State and under the management of state officials. The legislature of 1906 went one step further and passed an act making it unlawful to work the convicts upon any but lands owned by the State. This necessitated the purchasing of additional lands, and all of the state convicts were removed to the several farms, there to be worked for the benefit of the State

alone. The unsightly walls and buildings which had for years decorated the heart of the capital city were torn down, and a magnificent stone edifice, the capitol building, was erected upon the spot where many a poor unfortunate had trodden out his weary days.

At the present writing the Mississippi penitentiary is turning back into the coffers of the State an average of \$100,000 per year net cash; her convicts are better treated, better fed, better clothed and in better health than ever before. In using the word better it is intended to signify near perfection.

OUTLINE OF THE SYSTEM.

The Mississippi State Penitentiary today has a prison population of 1,768, divided as follows:

Whites—	
Male	160
Female	3
	—
Total whites	163
Blacks—	
Male	1,559
Female	46
	—
Total blacks	1,605

It consists of four large farms, distributed in different sections of the State, comprising in all 23,759 acres. It is under the direct management of a superintendent, appointed by the governor, and a board of three trustees, elected by the people. These officials serve a term of four years.

All of the white convicts are kept on one farm. It is not to be supposed that all of the machinery of this vast system is working to perfection, and this farm is one of the exceptions. The State has seldom made any money from the labors of her white convicts, which is due in some respects to the character of the land, but mostly to the character of white labor, which is almost unmanageable without the most rigid discipline.

The women are all kept separate on another farm. They are not worked in the fields, but are kept within the walls, occupied in making wearing apparel for the convicts, bed clothes, cotton sacks, etc., from the material bought in open competition and at wholesale prices.

We will select the largest farm as an illustration of the system. This is known as the Sunflower farm, and consists of 15,789 acres, 2,000 of which have just been purchased adjoining it. On this farm are worked at present 1,215 convicts, distributed over the tract in camps. This farm alone raises from 4,000 to 5,000 bales of cotton per year. This cotton is all ginned and compressed on the farm and is ready for export when sold. The penitentiary paid into the state treasury during the season just ended, from cotton and cotton seed alone, the sum of \$422,705.69.

A magnificent system of roads extends over the Sunflower farm, connecting the various camps, also a telephone and mail delivery system. The State pays no attention to the manufacturing enterprises with exception of a brick and tiling plant, the brick being used on the farm for building foundations and the tiling for drainage purposes, the surplus, if any, being put on the market. The natural place of the negro is in the field, and we have demonstrated that he is much happier and healthier working in the open air than cooped up in the walls of a shop, manufacturing articles which would compete with free labor. Aside from that he is more remunerative in the fields, and it is cheaper to purchase his wearing apparel and keep him healthy in the open air.

In addition to cotton, other crops are raised, such as corn, oats, hay, peas, molasses, and vegetables of all kinds. These products are all first used for sustenance of man and beast on the farm. If there is any surplus same is put on the market for sale.

We use the system of trusty guards very extensively, a very small percentage of them ever escaping. A trusty performing some conspicuous meritorious service is recommended by the superintendent and trustees to the Governor, for a discharge.

The Governor may use his judgment as to liberating the prisoner. Under this system of rewards the inducement for a trusty guard to remain on the farm is much greater than to escape, and it saves thousands of dollars which would otherwise be expended for free guards.

It may be argued by some that it is a crime for a State to make a profit from the labor of her convicts, but when the convict receives better treatment, better clothes, is in better health and far happier than under any other system we have tried, or can conceive of, the crime, if any, sinks into insignificance. Instead of having his toes frozen off he is kept supplied with warm socks and comfortable shoes. He is given a single iron bed with plenty of covering, and lodged in a spacious cage at night, with bathing facilities at hand and an abundant supply of artesian water, every farm and camp having a deep well. His diet consists of coffee, flour and corn bread, bacon, rice, buttermilk, and all vegetables in season. He is not made to work at the sting of the lash, the sergeants being limited to fifteen lashes in one day for a single breach of discipline, the instrument of punishment being a wide leather strap. In rare instances a convict's skin will be broken from punishment. This is the only effective method of punishing the class of criminals in the Mississippi penitentiary and keep them at the labor required of them. As to health conditions, each farm is equipped with a hospital, in charge of a physician. Figures for the past two years will serve to show the close attention given to hygienic conditions and demonstrate how much healthier a convict is when worked in the open air than when down in the mines, or shut up within the walls of factories. Out of an average annual population of 1,483 convicts, there were only 52 deaths during the past two years. Sixteen of these were from tuberculosis, contracted before entrance into the penitentiary, and five were killed while attempting to escape.

A few words as to the financial condition of the penitentiary and I will close:

The original cost of all the farm lands now owned by the State was.....	\$188,734 00
The last inventory valuing the lands, including all permanent improvements, was.....	\$1,113,096 00
An increase in valuation since purchasing the first farm in 1894, of.....	\$924,362 00

During the season just being wound up, from October 1, 1909, to October 1, 1910, the penitentiary has turned into the state treasury the handsome sum of \$179,000, in round numbers, net cash profit.

SATURDAY EVENING SESSION.

The session was called to order at 8:15 p. m., by the President, after which Rev. D. R. Imbrie, of Hoboken, Pennsylvania, delivered the invocation.

President Butler: We have had pleasure in inviting to appear upon our program a representative of the great French Prison Society. Most of us know something about it, but none of us, I fancy, know a great deal about it. We have invited Mr. J. Spach, J. D., Judge Court of Appeals, Paris, France, to give us an account of the Society and its work. I have pleasure in presenting the representative of the French Prison Society to the American Prison Association.

Judge Spach's address was given in French. It was interpreted in English by Dr. J. Simon von der Aa, University of Groningen, Groningen, Holland.

THE FRENCH PRISON SOCIETY.

(Société Générale des Prisons de France.)

MR. J. SPACH, J. D., JUDGE COURT OF APPEALS, PARIS, FRANCE.

Louis XVIII, in the year 1814, ordered a reform in the conduct of prisons. Thus for the first time the principle of prison reform was officially recognized in France—that a prison should be a school for reformation and not a school of vice.

In 1819 money for the improvement of the prisons was voted by Parliament. The task of reform was vast, for not only was the amount of money needed large, but the deeply rooted prejudices of the people against such expenditures had to be overcome.

A group of philanthropists felt that they should aid in the work and give to the prisons of the country the reforms demanded by religion, morality, justice and humanity. Accord-

ingly on the 14th of June, 1819, the Royal Prison Society was organized, the Society from which sprang the present "Société Générale des Prisons de France."

A general committee on prison affairs was appointed by the Minister of the Interior, charged with the duty of studying the best management of prisons. The physical and moral atmosphere of these institutions was greatly improved under these efforts. Eleven years after the foundation of this Royal Society the government ship foundered, dragging to shipwreck these well-laid plans. It was only in 1875 that they were again brought up for consideration, when the National Assembly appointed a commission to report upon penitentiary establishments and the best means of improving their conditions. The most enlightened specialists were called before this commission, and among others Dr. E. C. Wines came to Versailles expressly to appear before it. After three years the commission recommended the introduction of the separate system into the prisons and the amendment of all the laws relative to juvenile delinquents and reform colonies. In addition to the president, M. d'Haussonville, M. Bérenger and M. Voisin appeared before the National Assembly in behalf of these measures, and on the 9th of June, 1875, it was voted to adopt the separate system for the prisons of France. Those persons condemned to long terms were to be allowed to choose between solitary confinement and the common prison, after serving a certain time in the individual cell. All new prisons were to be constructed for solitary confinement, the expense to be divided between the State and the departments.

Although this law was passed there were many difficulties to be met in carrying it out, and it was at that time that Messrs. Dufaure and Bérenger, in conjunction with other men of generous spirit, decided to form a new society to influence public opinion in favor of the law. They showed that the United States of America, England, Switzerland, and other countries had prison reform associations and that through their influence public opinion was made to favor prison reform. They appealed to other nations as well as to France, since crime is international.

to unite in a common effort to suppress it. The objects of the association were to be:

1. To hold periodic meetings for the discussion of prison questions.
2. To publish a review with reports from other lands as well as their own as to what had been accomplished in the way of prison reform.
3. To bring about co-operation between the official prison commissioners and the guardian societies and prisoners' aid societies.

Thanks to these efforts the General Society of Prisons of France was organized on the 22d of May, 1877, with Mr. Du-faure as president. The general secretary was Mr. F. Desportes, a member of the Court of Appeals and also of the Prison Council. It began with 400 members and showed its international character from the first by a discussion of a report presented by Count Sollohub, Privy Councillor of the Emperor of Russia.

Though penologists were in favor of the separate system the public was long in being convinced of its value. There was also objection to the expense. The new Society called for a competition of architects, and the result was that it was seen that the expense would be much less than was feared, and in 1893 the Legislature voted to facilitate the means for establishing the solitary system. On the 25th anniversary of the founding of the Society they were therefore able to report that this reform had been brought about through their aid.

That was not all that was needed, however. It was also necessary to reclaim the prisoner and to prevent his falling again into crime and to rehabilitate him when released. This was to be the work of guardianship societies, which should not only look after the man on his release, but prepare him for life outside by evoking the best in him while he was still in prison. If by visiting him while still a prisoner they could influence him toward reform, then, on his release, they could aid him still more by extending to him a friendly hand, finding him work, reconciling his family, and perhaps assist him to emigrate to some other place where he could begin life anew. To this sort of work

the Prison Society has devoted a great deal of its activity, calling a great congress of these aid societies in 1893, when a permanent union of such societies was formed. These societies form centers for information and for mutual aid. By means of this co-operation facts about particular cases can be obtained and concerning all sorts of preventive institutions, orphanages, refuges, asylums, aid societies, chances for work and opportunities to join the army or the navy. It is also instrumental in organizing branches where hitherto they have not existed.

But guardian societies, and the work connected with them, did not embrace all that the General Prison Society of France desired to cover. There were other principles to be advocated: conditional liberation and education.

The latter principle had been applied both in England and the United States before Senator Bérenger tried to acclimatize it in France. Contrary to the methods in those countries of releasing a man on probation before sentence, in France it was held to be just and proper that sentence should first be imposed, but that it should be suspended, and if amendment followed it could be annulled after a certain time. Senator Bérenger therefore drafted a bill, which became a law on the 26th of March, 1891, for a system of the lessening of penalty in certain cases and increasing it in others, especially for recidivists. This is the well-known "Loi Bérenger."

But the world of crime is not peopled alone with adults. Childhood, unhappily, has its place there, and the Prison Society has never ceased to labor for the redemption of juvenile delinquents. Since 1879 such subjects as industrial schools, reform schools, and correctional education, have been constantly under discussion, and three reports which were submitted resulted in the drawing up of a bill which was placed before the Senate bureau in 1881. The Society has always opposed imprisonment of juvenile delinquents. It has held that they should be sent to schools of different kinds, according to the individual cases, entrusted to their parents or guardians, or treated in such a way as to restore them to normal life without imprisonment, since too often they are more unfortunate than guilty.

The cause of juvenile crime has been one of the studies of the Society; the methods adopted in other countries and the possibility of adapting them to French law; probation for children under surveillance—such are some of the subjects that have occupied the attention of the General Prison Society of France. Its ideas have been formulated in a few words by Mr. Ribot, the president: "Kindness, humanity, pity for the one who falls the first time; greater severity, more energetic and radical measures for those who show themselves incorrigible and who do not yield to moral suasion."

Founded at first to hasten the coming of penitentiary reform it devoted itself actively to that, but it soon became evident that more must be done in the direction of legislation; that it was necessary to study penal law. The Society then enlarged the scope of its work, and to retrace its progress since that time is to study the improvements in penal legislation in France since 1878. Through profound and disinterested study it has greatly helped the work of the legislature. Quite recently Senator Reinach submitted his bill for the suppression of the death penalty to this Society for its criticism. One may say of the General Prison Society that nothing that has to do with penal law is foreign to it.

The doors of this Society have always been open to specialists from other lands, and many a time it has placed on its programs the study of questions proposed by them—among others those of Professor Van Hamel on the indeterminate sentence, of Mr. Lejeune of Belgium on the treatment of habitual drunkards. It is owing to the operation of this generous rivalry of foreign members that the *Revue Pénitentiare* has become a veritable encyclopedia of French penal law and at the same time an international organ, allowing the foreigner, as well as the Frenchman, to keep in touch with the penal institutions of all countries.

But the Society of Prisons has not only been hospitable to others. It has also gone out to share in the work in other lands. In every International Prison Congress, from Stockholm to Washington, it has borne its part, sending its eminent members to share in the discussions and decisions of those gatherings.

For the advancement of penology there should be similar societies in all countries.

President Butler: I am sure members of the American Prison Association desire me to express our appreciation of the kindness of the distinguished member of the French Prison Society for bringing the message which he has brought to us this evening. At the same time I feel equally sure that you desire me to express thanks to the distinguished gentleman from Holland who has translated this speech from one foreign language into another.

Tonight is the time that is assigned by the Program Committee to the report of the Committee on Prevention and Probation. I may say, what many of you know, that the chairman of that committee is one who has done a splendid work with unfortunate children in his own State. I believe it is the finest work that has been done in the Southern States, and we are glad to have him as chairman of this committee and to hear his report at this time.

REPORT OF THE COMMITTEE ON PREVENTION AND PROBATION.

BY GEO. L. SEHON, SUPT. KENTUCKY CHILDREN'S HOME SOCIETY,
LOUISVILLE.

Curbing of all tendencies and inclinations toward criminality in youth is society's effective insurance of its own good health. With the inauguration and development of preventive measures crime must necessarily decrease, and upon a state rests the highest obligation to strengthen by every possible means each agency calculated to turn childish tendencies from wrong to right.

A child must often first be saved from irresponsible and vicious parents. In other words, society's first duty to itself is to inquire into the qualifications of its members to act in the capacity of parents and to combat the evil effects of parental ignorance and indifference. The nearer perfection is ap-

proached in parents, the more readily will the problem of dependency and delinquency be solved. This involves the strengthening of the marriage laws of our different States—society assuredly being entitled to define rules for its own self-preservation. Marriage should be absolutely prohibited in all cases where either party to the proposed contract is found to be mentally, physically or morally unfit for such a union. Likewise is there reason for the strict prohibition of marital contracts between normal persons of blood relationship. The percentage of deficiencies resulting from such marriages is so alarmingly large as to produce astonishment that every State in the Union has not enacted laws preventing the marriage of first cousins.

When adequate preventive safeguards are not furnished wholly by the parents, the various institutions of municipal kindergartens, fresh air schools, public play-grounds, child-placing agencies, orphanages and juvenile courts must be relied upon to supply the deficiency. Reliable statistics are not obtainable as to whether criminality is on the increase among the children of our country, and therefore it is not possible to give in figures an accurate measure of the work accomplished by the various agencies just enumerated. But we must incline to the belief that the helpfulness of such agencies is of inestimable value, because of the multitudinous concrete evidences of their worth.

The kindergartens and fresh air movements have to deal with infants at the earliest possible opportunity and these institutions must, as a matter of course, have a profound influence tending to mental improvement and physical development in the children. The rapid growth of such movements and the popular recognition and aid given them are a splendid tribute to the progress of the times. Probably the public play-ground has the strongest hold on the people of any single preventive effort at this time. There is not a city or large town in the country which has not already established or which is not planning to establish public play-grounds.

Recognizing that the natural home is incomparably above all else best adapted for the normal child and the correctness on which such home is conducted is the scale by which the perfec-

tion of preventive methods is measured, we believe that next in importance come the child-placing agencies. These agencies deal with those classes of children known as dependents and delinquents. We will treat first of the dependents. The Indiana law has admirably defined dependent children as those bereft of one or both parents, children found in poverty so abject that their redemption is impossible until they are removed from their present surroundings, and children being reared amid environments of immorality. Conservation of our natural resources is a national issue with a practical unanimity of opinion on the affirmative side of the question. We must recognize the fact, however, that the nation's greatest conservation problem is how to perpetuate the race itself. The child of today must be developed into a real asset for society of tomorrow. As that child is sent forth, so will that society fulfill its obligations and duties as a section of the human family.

Assuming that parental supervision has been removed, either by death or otherwise, the dependent child is thrust into the care of society. The child-placing agencies and the institutions must then be looked to for the molding of the future of the dependent one.

The conclusions and the recommendations of this committee along this line are adequately summed up in the report to President Roosevelt made by the Conference on the Care of Dependent Children, held in Washington in January, 1909. This committee regards that conference as a preventive step of supreme importance and believes that the conclusions reached by it furnish the most practical formulas thus far offered for the uplift of dependent children.

Concurring with the conclusions of the conference, this committee finds that, next to the natural home, the foster home for the individual is the best for the care of the dependent child. Again attention should be drawn to the fact that the normal child alone is now under consideration. Where the parents are suffering from temporary misfortune, the child-saving agencies should seek to keep the child in the family, supplying external aid to that end. Poverty alone should never be permitted to

break up a natural home, so long as it can be prevented with reasonable aid from without.

Great care must be exercised in the selection of the foster home which is intended to take the place of the natural home. Skilled agents should make the most thorough investigation and be satisfied that the child will receive adequate physical, mental and moral training. Geographical location is a factor which must determine whether the free foster home is best, or whether the foster home where payment is made for board will meet all requirements. In a country representing such varied ideals of social proprieties as the United States, a hard and fast rule cannot govern this subject. Under either plan must be secured, however, the one desired result—contact with family life.

Generally speaking, institutional care of dependent normal children should be only temporary. Then the cottage system is recognized as having advantages not possessed by the older type of institutions. Between the time when a child is taken from its native surroundings and the time when it is placed in a foster home, there usually falls a preparatory period. Seldom is the child fit to pass immediately from first environments into a family home, even though it may be mentally and physically of a correct standard. The cottage system as the best intermediary stage is recommended, because in it is embodied the happy mean between institutional discipline on the one side and family home individuality and independence on the other. While the cottage plan is more expensive, yet as the Washington conference so wisely pointed out, "the results more than justify the increased outlay, and are truly economical."

Institutional life is a necessity in connection with the care of defectives. It is necessary to segregate perpetually the moral defective. Physically defective and apparently defective children respond to proper institutional training and in many instances they are transformed into normal children. When such changes take place, the child is ready for the individual family home, and, like any other normal child, should be put in one whenever possible.

It is the conclusion of this committee that all wholesome agencies are helpful preventives in the lives of the nation's de-

pendent children. The kindergarten, the play-ground, the public swimming pool, the river excursion, the trip to the country, all these and every other sane attention paid the child, kindle sparks of healthful, beneficial enthusiasm which tend toward better citizenship for the future.

Problems presented by dependency are possibly more easily solved than those brought about by delinquency. There are three factors on which responsibility for the fate of delinquents must be fixed, namely, the parent, the court and society (or the State) itself. It is assumed that the probation system of dealing with the first offender is universally recognized as the best method. Then the first probation officer is the parent. His opportunity is greatest. His responsibility for the child's dependency or delinquency is so evident that the parent when living, should be made a direct object, along with the child, of the law's attention.

It should be a penal offense on the part of a mother or father to neglect a child. As the sins of the father are visited upon his offspring, so should punishment for the faults of the father fall with increased force on the parent who has been in such large measure a party before the fact to the child's crime. Society owes to itself the duty of compelling its adult members to rear their children in such manner that they will be a credit to the future state.

It is the conclusion of this committee that our State and National governments have been entirely too lax in their treatment of parents. Ignorant and indifferent fathers should not be tolerated. Adequate punishment should be provided for every man who fails to exhaust every effort looking to the support of his family and the proper training of his children. State aid, in the shape of pensions or in some other form, should be forthcoming for the widows who, because of their poverty, are unable to rear their children above the level of dependency.

So grave is the responsibility of the woman towards society that no wife should become a mother unless she has given serious thought to the duties of motherhood before the birth of the child and has reasonable assurance that her offspring will not

become a dependent, and that its physical and moral development will be along normal lines.

It is high time that the state grasp the situation with a firm hand if we would conserve our human resources. Measures apparently drastic in their intensity, but assuredly emphatic in their results for good, should be resorted to. With such an alarming showing as from 50 to 60 per cent. of the children of our feeble-minded institutes coming of defective heredity, is it not reasonable to suggest and advocate sterilization as one of the most important and effective of preventive measures? Such practice has already been recognized by at least three of our States—Indiana, Connecticut and California—as an absolute check on criminality.

And the practice should not stop here. Suppose it had been in vogue during the lifetime of the female progenitor of the notorious "Jukes Family." Even the scant available lineage, traced in the cold facts of statistics, shows that the descendants of one woman, 1,200 strong, caused the State of New York a loss in seventy-five years of more than a million and a quarter dollars, in criminal prosecutions and maintenance, in addition to infesting society with a scourge of pauperism, imbecility and immorality. Because the efficacy of sterilization as a preventive of criminality has received belated recognition, the necessity is all the greater for the adoption of the practice as a preventive for dependency and delinquency. It is difficult to see where a moral wrong can be committed if such practice is resorted to in the case of the hopelessly insane or idiotic, the feeble-minded and the avowed degenerates. They are wards of the State, subjects of its care, objects of expense to it, and the propagation of their kind should be prohibited at any cost. No stronger argument in favor of the practice can be found than a study of the antecedents of our defective children whose condition is so largely a result of imperfections existing in the parent.

This committee also finds great need for the strengthening of our immigration laws if we would adopt all practical measures looking to prevention of dependency and delinquency. An astonishing percentage of the inmates of almshouses, insane asy-

lums and penal institutions of our eastern States are foreign-born or children of foreigners. While from time to time our National Government has sought to restrict indiscriminate reception of immigrants, our laws are yet by all means too lax. The most careful inspection should be maintained by the government at every port along our coast. No foreigner should be received as a resident of this country unless he is able to present a bona fide certificate from his own government, showing that his character is such as to render him a desirable citizen.

Probation naturally suggests the grand American idea of the juvenile court—a preventive and at the same time remedial institution which has made wonderful advancement in the last few years and which, this committee believes, is already one of our strongest factors tending to an ultimate ideal citizenship. Probation means character-building under the supervision of the court. Hard and fast rules cannot be laid down as to the duration of probation, the period being dictated by the individual need of the child for a guiding and restraining hand and by the nature of the offense which has made probation necessary. It is the conclusion of this committee, however, that the general probation period should be of longer duration than that which has usually been recognized up to this time. A brief period of probation is too likely to cast the child forth at a moment when reformation seems to have been accomplished, and is temporarily effected, but, because of the youth of the subject, disciplinary benefits have not taken root firmly enough to make their influence permanent.

Judge William DeLacy, of the Juvenile Court, of Washington, D. C., relates how a boy of that city was placed on probation after he had been charged with larceny of a thousand dollars in money and jewels from one of the hotels. He was required to make restitution of every cent of the loss sustained by his victim. He was made to break with his habits of gambling and intoxication. He was required to learn a trade and become a self-sustaining and productive member of the community. His own will power was thus so developed that he voluntarily associated himself with a Sunday-school and sought to train others

along lines of correct living. The boy has made good and is now supporting his mother and two sisters. This is given as a fair example of what may be done by the judicious use of the probation method.

Second in responsibility only to the parent of the child under probation, comes the court. Judge Joseph M. Deuel, Justice of the Court of Special Sessions of New York, points out that it is a beautiful thought that the present social machinery is tending to make more watchful and considerate parents, but adds that the judge who admits to and releases from probative supervision should bring to that work all the supposedly superior intelligence that qualifies him for the bench. It is the opinion of this committee that in all instances the judge should dominate the court and never be dominated by the machinery of the court. Every case of suggested probation should receive his direct and immediate inspection and attention.

In order that the court may reach the highest degree of efficiency it is essential that the probation officers be men and women of heart, of energy, of saneness. Personality is a prime factor in the make-up of a good probation officer. It is all-important that a friendly relationship be established between the child and the one who has oversight of him. Excellent results are often obtained by volunteer probation agencies and it is not easy to overestimate the value of the work accomplished by the "Big Brothers" and similar movements, and not infrequently by those exceptional souls who voluntarily place their time and talents at the disposal of the court.

But paid probation officers are recommended. Present methods of selecting the agents of the court are open to criticism. Generally speaking, the volunteer probation officer is an absolute menace to the probation system. He is capable of infinitely more harm to the child and society than he is capable of good towards either. On the other hand, the very fact that one finds a means of livelihood in his rendering of services makes it incumbent on him that he should strive to reach the highest ideals of perfection in order to maintain and increase his earning powers. It is hazardous, to say the least, to experiment with volunteers. While

sentiment must be one of the virtues of a probation officer, yet sentimentality is the most dangerous mantle which can cloak the care of a child. No man or woman should be appointed to the position of probation officer without a previous course of institutional training, and his or her efficiency will necessarily be increased by the addition of academic training. The value of preparation cannot be too strongly emphasized. It should be ever borne in mind that the child of criminal tendency, even the first offender, is a precocious youngster, infinitely shrewder and vastly wiser than the most benevolent volunteer who is moved by sentimentality or a feeling of religious obligation to attend the Juvenile Court and undertake the supervision of a child demanding probation.

In fixing the status of the state, or society, in third place in the list of probation agencies, this committee repeats the conclusion that society's first duty is the conservation of its own best element, just as individual self-preservation is the first law of nature. The state should have absolute supervision and direct power of review over every institution dealing with dependent or delinquent children—just as it now has over defectives. The state has a right to require and should require that records be kept in a careful and uniform manner and through intelligent supervision should satisfy itself constantly that the officials of institutions are faithfully and properly performing their duties. But the state must go about its work always in the spirit of systematic co-operation, senseless antagonism of the state's servants often meaning frustration of the very best objects which society should strive to accomplish for itself.

Hope is expressed that more philanthropists will interest themselves in the solution of the child-saving problem. No benefit so great to mankind can come today. No generation can be so blessed as the next, if we hand down to it posterity from which we have weeded—to the fullness of our opportunities—the dependents, the delinquents, and the defectives. Let the donations to universities and libraries for the moment be diverted to the child-helping and the child-saving agencies. Then tomorrow will find that society is well able to provide itself with these

institutions out of the savings on diminished criminality, pauperism and degeneracy, and at the same time have a race of men and women so much the better prepared to enjoy these accompaniments of higher civilization.

To the foregoing report the following minority reports were submitted:

Miss Julia C. Lathrop disagrees with the chairman's views as being too drastic on probation, immigration and sterilization.

Judge Joseph M. Deuel, of New York: Does not agree that probation officers should not be appointed who are "without a previous course of institutional training" thinks such a training might be detrimental in some individuals. "The probation officer is the eyes and ears of the court; the Judge is and should be the head of the probation department. Ought he to have an 'institutional training' in the narrow sense with which that phrase will be construed?" Concurs in the rest of the report.

Warren F. Spalding, Secretary Massachusetts Prison Association, Cambridge: Dissents from that part of the report which relates to volunteer probation officers for children. He states: "I recognize the necessity of having a very superior type of men and women for volunteers, and the difficulty of securing them. But I recognize, also, the advantage of personal effort in caring for these cases. The important thing is to establish a friendly relation between the child and the one who has the oversight of him. The paid court probation officer is at some disadvantage in this. He (or she) is looked upon as an official, and the visits as duty-calls. It is difficult to convince the child and its parents that the officer is disinterested, and cares only for the child and its welfare. The approach of the volunteer is different.

Again, the visit to (or of) the probation officer is a constant reminder to the child that he is still under the hand of the court—that he is not like other boys, and the visit of the officer to the home reminds the neighbors that the child is still looked upon by the court as a delinquent. The restraint is of value, if it is needed, but the sooner he can forget that he was ever an offender,

the better it is for him. It is especially objectionable to have the child go to the court room to report. He meets other juvenile offenders, and he comes into an atmosphere that is not healthful, as a rule. Besides, the probation officer is usually overloaded with a great number of cases, and can give but little personal attention to each case.

The ideal volunteer is not easily found. He must, first of all, understand and like children—good and bad. Children know their friends at sight. He must know their defects, and how to cure them. He must be able to command their respect, and to this end must not be outgeneraled by them. He must have time, and be willing and able to give the probationer a good share of it. There must be thorough training for the work. Preparation for it is not a natural gift. There must be frequent reports of progress to the court and to the salaried probation officer.

With a careful selection of volunteers, solely on the ground of fitness, with thorough training and careful supervision by the court, the volunteer service, in many cases, may be made very valuable.

One of our Massachusetts courts has jurisdiction over a city of perhaps 20,000 inhabitants and several surrounding small towns of almost the class of country towns. To reach the court from one of these towns is a journey of four or five miles, perhaps, and the probation officer, the general paid officer of that court, is incapacitated from going from place to place. He is physically unable. A man living in one of these towns who has the leisure and who knows boys thoroughly and cares for them, and knows boys' clubs and all the machinery of reaching them, volunteered to go to the court whenever notified that a boy was there from that town. He gets in touch with the boy, his home, surroundings, and everything about him, and he has done splendid work for the boys of that town. There are not more than eight or ten a year, but he has done much to reclaim those boys.

I asked the judge of one of our district courts in Massachusetts if he ever used the volunteer probation officer, and he said, "No, I have never used him," and then stopped, and then

said, "I have had one case. I had two boys brought into court from rather poor homes, and a clergyman, a very wise man, who knows boys thoroughly, came to me and said, 'Judge, if you will put those boys on probation I will see what I can do with them.'" He said he told him they were very discouraging cases but he could take them if he wanted to and try them. One, who was in a florist's store, he taught the elements of botany; the other he taught the elements of bookkeeping. "At the end of six months," the judge said, "the clergyman brought those boys to my house and turned them over to me and we have had no trouble since. That is the work he did, but he is an exceptionally fine man." I was speaking of this one evening to the wife of this clergyman and she asked me if I knew her husband had two boys. I told her yes, that the judge had told me so. She said "the judge did not tell you this which came out of my experience. The boys came to my home unkempt, hair uncombed, faces and hands unwashed—everything which you would expect of a street boy—and after they had come two or three times I noticed they had washed their hands and faces and had combed their hair and finally freshened their clothes, and the whole appearance of those boys has changed." It was a part of this process of reclaiming the boys.

Judge Wm. H. DeLacy, of Washington, D. C., also dissented from the report in the following particulars:

I am sorry that I cannot wholly concur in this admirable report.

First: I want to compliment you (the chairman, Mr. Sehon) on the splendid draft you have prepared of your own views and those of the different members of the committee. I am glad you qualify your second paragraph so as to read that it is from the vicious parent that the child needs to be saved. The many cases that are the result of parental neglect or unfitness should not hurry us into the error that the State may invade, without warrant, parental rights. We in this country hold that the State has been organized to secure our inalienable rights. We in this land have seen the formation of government. We believe

not that the people exist for the State, but, on the contrary, we hold that the State exists for the people and exercises its power for the people and by the people. Hence it is false to say that the State is the ultimate parent of us all, since it would make the creature the father of its creator. But the State, formed to conserve our rights, may and should interfere to secure the rights of neglected children when their parents fail to perform their duties to them of support, protection, and education.

And, in your criticism of the volunteer probation officer "who is moved by sentimentality or a feeling of religious obligation," I am sure that you, at the same time, were impressed with the service that true religion is rendering daily, not only in the uplift of the criminal, but to humanity. The wardens uniformly bear testimony to the value of religious influences, and history avouches how much the world is indebted to religion for the cultivation of even the natural virtues of prudence, justice, fortitude and temperance. In fact, educators feel that the problem of criminology will be largely solved by the more general entry of religion into the education of individuals, so that the conscience may be awakened to carry its sense of responsibility into all the complexities of modern life—*e. g.*, the employer thus influenced to give a fair, living wage under humane conditions; the employe to render faithful service in truth and honesty.

While I approve the views therein expressed concerning probation, juvenile courts, the importance of kindergarten, fresh air methods and preventive measures generally, I must dissent from the view expressed on page three in reference to sterilization. Marriage so vitally concerns not only the safety and prosperity of the State, but the welfare of the race itself, that I am heartily in favor of any law that would cause those contemplating matrimony to weigh its responsibilities, to realize the sacredness of its duties, and that would prevent hasty and ill-considered unions. Your statement that "no wife should become a mother unless she has given serious thoughts to the duties of motherhood," would seem to favor the prevention of conception—a great and admitted evil of the time—other than by way of abstinence from sexual relationship. The statement should go back a step further

and say that "no woman should become a wife unless she has given serious thoughts to the duties of motherhood." Where a woman marries, she has undertaken to become a mother, which is the end of marriage. It is then too late. She has already decided. The end of the sex function is not self-indulgence of either the male or the female. Providence has made sexual enjoyment an impelling motive, but the end of the sex function is the procreation of children. When conception is prevented, then a wife is not a wife, but is the legalized prostitute of her husband. If children be not desired or are undesirable, then there should be abstinence from sexual intercourse. It is only by the awakening of the male to a sense of his responsibility and to the full realization that there is no such thing as a double standard, and the further impressing of the truth, proclaimed by medical science, that sexual relation is not necessary for any given individual, that we will ever be able to grapple with the social evil. If there was no demand for the supply of such women, we would not have the problem of the white-slave traffic. Every effort, therefore, should be made to stamp out this demand, not only by laws forbidding adultery and fornication, but also by further legislation, making it a misdemeanor for males to enter houses of ill-fame.

This leads to the consideration of the recommendation for the sterilization of the insane, feeble-minded, and the degenerate. I do not know the accuracy of the figures from which you draw the estimate as the percentage of the children in our institutions for feeble-minded born of defective and feeble-minded mothers. Anyone who has given the subject any attention knows how difficult it is for the most skilled physician to determine in many cases whether there be either feeble-mindedness or insanity, and that there is grave doubt about the transmissibility of these diseases. Besides modern therapy has thrown a strong ray of hope for the recovery of many among those unfortunates. And the habitual criminal may have procreated before his arrest and conviction, so that sterilization would come too late to stop his breed. Children from him may be in being; and it would not seem reasonable that these unfortunates could be helped by making them

more defective, especially since sterilization does not reduce nor materially affect the sexual appetite. Sterilization would seem to give a rein to licentiousness, because it would remove the fear of conception. Let us heed the warning in the 13th chapter of St. Matthew: "Lest while ye gather up the cockle, you root up with it also good wheat." Besides, it is recognized that it is not heredity but faulty environment that is the most prolific source of crime.

I do not believe in vasectomy or sterilization: First, because it leaves the patient capable of sexual excitement, and a source of demoralization to the opposite sex in the community. Witness the abomination of eunuchs in the Orient. Second, because it does not remove either the disease or the criminal tendency that renders the patient either a dependent or a delinquent. Third, because the end in view in vasectomy can be more safely and legally attained by segregation and isolation in kindly, but custodial care of the feeble-minded, the insane and the habitual criminal (including prostitutes), which would render such emasculation unnecessary. I firmly believe that by changing environment for the better we will most effectually eradicate and prevent crime.

Mr. Sehon: I know you all wish we had more minority reports. I think it shows a committee that is interested when its members speak their own views, and we still have a treat before us. There were three gentlemen selected to discuss this paper. The first is Hon. Charles A. DeCourcy, Justice of the Superior Court, Lawrence, Massachusetts:

Judge DeCourcy: The committee's Report on Probation is so satisfactory that I purpose not to criticise but to supplement it. Probation is no longer an experiment. It is an accepted part of the criminal administration in thirty-seven of our States, and the District of Columbia, in Great Britain and its colonies, in Germany, and elsewhere on the Continent, and is about to be adopted in all the federal courts. And it seems the most promising contribution to the criminal problem now in sight.

The success of the system depends chiefly on the selection of good probation officers. As the Departmental Committee on the English "Probation of Offenders Act, 1907," recently reported:

"The value of probation must necessarily depend on the efficiency of the probation officer. It is a system in which rules are comparatively unimportant, and personality is everything. The probation officer must be a picked man or woman, endowed not only with intelligence and zeal, but, in a high degree, with sympathy and tact and firmness. On his or her individuality the success or failure of the system depends. Probation is what the officer makes it."

The second vital requirement is an intelligent and sympathetic interest on the part of the judges. While giving to all proper cases the benefit of this treatment, they must not discredit probation by loading down the system with cases not intended for it.

The history of probation in the commonwealth of its birth indicates that these two most important results can be best secured by the appointment of a state board, having ample authority to prescribe the form of records to be kept by the officers, and of uniform reports to be made by them to the board; to suggest methods of carrying on the work, with power to enforce such essentials as thorough investigation and personal visits (as set out in the "Recommendations" of the Massachusetts commission); and to exercise a general supervision over the probation work of the State. And while I favor vesting in the judge the power of appointing his probation officer, yet, to prevent unfit appointments, I should make them conditional on the certificate of the state board, after proper investigation, that the appointment is a suitable one.

As to the *personnel* of such a board, I should recommend that a majority of its members be judges, and that its executive officer be a man with a practical knowledge of probation work. With a board so constituted, the judges and officers may be expected to co-operate. Frequent conferences of the judges with the board will awaken their interest in probation, and result in the adoption of uniform standards of cases entitled to probation.

A tabulation of the probation work of similar courts before the organization of such conferences would show startling comparisons as to the number and kind of cases placed on probation, and manifest an indefensible lack of uniform standards.

The influence of such a board, and especially of its executive officer, on the work of the probation officers themselves, would be equally marked. Conferences with the probation officers as a body will impress upon them the importance of thorough investigation in each case; of recommending probation only when such disposition can be made with due regard to the protection of the community, and where the past history and present disposition of the person investigated indicate that he may reasonably be expected to reform without punishment. And the executive officer, in his visits to the several probation officers, will inform and aid them, and inspire them with his own enthusiasm for the work. Once you secure good probation officers for every court, and make the judges realize the possibilities of probation, experience will work out the details and extension of the system—such as the province and limitations of probation, the length of the probation term, the avoidance of imprisonment for non-payment of fines, and the supervision of prisoners discharged on parole.

I concur generally speaking with the report of the chairman. I join, however, in the dissenting opinion of Judge DeLacy.

Dr. H. H. Hart, New York: The report of the committee emphasizes the use of the natural home, the family home, as the most desirable institution for the care, not only of the dependent child, but also of the delinquent child. I do not know whether we realize or understand the rapidity of the change in the public feeling and public practice with reference to this matter. The systematic and organized practice of putting children in family homes has existed for nearly sixty years in this country, but it is comparatively only within a few years there has been a strong current of public sentiment in favor of that method. The use of the institution for a limited proportion of the dependent children is still recognized in most of the States of the Union, but there is a rapid diminution in the use of the institution for the

care of the normal child. For example, in the State of Massachusetts in the last fifteen years there have been thirteen institutions for children closed, gone out of business, and this notwithstanding the great increase in population; and there has been substituted for the institutional plan the placing out system. In Indiana some ten or twelve years ago there were fifty county children's homes. Twelve of those have been closed and gone out of business and others are in process of dissolution. In the State of Minnesota, Archbishop Ireland, as the head of the Catholic Church, stopped building orphan asylums twenty years ago. In the last twenty years, I think, only one has been built in that State. He substituted the placing of children in family homes. In New York, in 1898, there was organized the Catholic Home Bureau, and in its organization there was a departure from the former policy in its child-helping work, in that officers and employes of that society are laymen, and while the co-operation of the clergy, the parish priests, out over the State and other States, is used, nevertheless the responsibility rests upon the laymen who are paid living salaries.

In the State of New Jersey, Father F. A. Foy organized the Catholic Children's Aid Society. The superintendent is a layman who is paid a liberal salary, and he has a paid assistant. That has become one of the most efficient placing-out agencies in the United States. There was held in this city this week the Catholic Conference on Charities, and in that conference there was a manifest sentiment among the friends of dependent children throughout the country in favor of the placing-out method.

We have had to go abroad for much of our inspiration in regard to methods of caring for children in family homes. We have had to go to Great Britain, Germany and New Zealand. In this country the highest development of child-placing work has been realized in Massachusetts, where they began as far back as 1868. The child-placing method has come under reproach and under suspicion many times, very justly in this country, on account of the cheapening of that work. It is unfortunate in the earlier years more emphasis was placed upon the economical side of it. It was proclaimed that you could save a child from infancy until it grew up for the sum of fifty dollars. Thank the

Good Father we have gotten away from that idea and we have come to recognize our duty is first to find out what ought to be done for the child and then proceed to do that thing at whatever necessary cost. The chief inspiration which we get in this country today comes from Massachusetts. I do not know whether you realize the magnitude of the work in that State. Last year that State expended in receiving, placing and supervising and schooling dependent children, most of whom are placed in family homes, something over \$400,000. The city of Boston, which has the most efficient agency, expended last year \$94,000 in the same line. There are in the State four strong societies that are doing this kind of work. They expended over \$100,000 last year.

The future of this method of caring for children is not to be doubted. Other States are coming slowly after Massachusetts. I believe for method we have to look to New Jersey. There the State Board of Guardians for the care of children has been organized. It is a state board whose exclusive duty it is to look after the dependent and neglected children of the State. In Massachusetts and in Indiana, where this work has been quite highly organized, this function is made a branch of the Board of State Charities, but in New Jersey it is recognized that this is a work of so great a responsibility that it needs a board of its own. There is already a strong movement to make the children's department an independent board, and I believe that is the coming method.

The placing out is done efficiently by a multitude of private societies. I have recently made a list of the child-placing societies, and there are over 100 that are doing this work, many with a high degree of efficiency, but I think it has been demonstrated in order to do this fairly we must not only have a private agency, but it is necessary for the great mother State to take a hand in it. We cannot accomplish it without the assistance of the State. In Pennsylvania there is a partnership between the public agency and private society that is worked with good effect, but it is pretty manifest that the partnership between the private society and public agency is not the best way to do this work. We need the public, which shall represent the mother State. This is a line of work which has to be studied, to be observed, to be de-

veloped with conscience. The crux lies in the conscientiousness and wisdom with which the homes are selected. It lies second in the discrimination with which it is supervised.

Father F. A. Foy, Nutley, New Jersey: Mr. Hart has spoken very appreciatingly of the work of the Board of Children's Guardians with which I am connected. I will state why the work in connection with dependent children and delinquent children has been successful. One reason perhaps that such children, in comparison with the average children in society, stand out pretty well, is because at the very outset when such a child comes under public supervision it also comes under medical supervision and inspection. I want to leave this practical suggestion as to the development of child caring work, a suggestion which can be carried out with practically no increase in expense and without the formation of any new society. There is in several States now a compulsory system of medical inspection of the school children. What it amounts to in nineteen cases in twenty is simply this: that at the beginning of the school year a physician examines the children and makes a record of their condition. In the case of contagious or infectious disease of course the children stay at home, but if the child is found simply to be suffering from nervous ailment, or adenoids, which if not attended to will retard its growth and injure it permanently throughout life, nothing is done to follow up that system of inspection. Nothing is done to utilize that information. I believe when it can be shown by such inspection that a child needs medical attention and the parent does not provide it, the parent can be forced to provide treatment for such child. If they cannot afford it, it can be done at public expense. I believe a great deal of good work can be done here that will exert a telling influence in the whole care of dependent children.

Dr. Theodore Cooke, Jr., Baltimore, Maryland: I desire to express appreciation of the report that has been made this evening and to call to your attention the part that the physician should occupy in this prevention of crime. The previous speaker called your attention to the fact that the children are protected in the schools to a certain extent. The idea that I

have presented in previous years has been that there are defects in the criminal. These defects are either mental or physical. Every prisoner who is arrested for crime should be examined by a physician to see if there are any defects. This seems startling at first, but it is not such a serious proposition as it seems. After they have been examined and the defects discovered and removed, then the prisoner may be tried or discharged, within the discretion of the court. This to my mind is an important subject, and the physician should not only see to the criminal before he is convicted, but after he is convicted. He should have more authority in the institution with reference to all matters pertaining to the health of the inmates.

Dr. H. C. Sharp, Member Board of Trustees, Indiana Reformatory, Indianapolis, Indiana: I feel called upon to answer in my discussion the minority rather than the majority report. Judge DeLacy has, with all the dogma of the usual judge, tried, convicted and set seal upon a proposition concerning which his report manifests a lack of knowledge. I am glad these two reports are printed, one by the chairman, who carefully and clearly sets forth the difference between dependency and delinquency—clearly and concisely sets forth the difference between disease and defectiveness, the normal and the abnormal. While on the other hand the honored judge in his report confounds defect with disease, delinquency with dependency, abnormal with the normal, and even ignores the difference between defective insanity and insanities the result of disease. He speaks of crime as a disease.

Now there is a distinct difference between a delinquent and a defective child. There is an absolute difference between a defective condition and disease. The operation of vasectomy or the sterilization law of Indiana was never intended to apply except to the defective, whether such defectiveness be manifest by feeble-mindedness, epilepsy, insanity, criminality or habitual pauperism. So far as depriving such persons of the power of paternity being an outrage upon their finer sensibilities (all of which they do not possess), their issue is the result of the gratification of a selfish lust, and the birth of a child is looked

upon as a calamity rather than a blessing. They have none of the finer thought that they are creating a human being; that through and by their act they are calling a God-like soul into existence. And I appeal to you and your love for humanity, what right have we to stand idly by and permit these poor unfortunate weaklings, through lust and depravity, to bring into existence miserable and helpless beings that, so far as their chances in this world are concerned, are damned the day they are conceived!

As for the contention that persons so sterilized may become a menace to the virtue of the community, I doubt if there is such a thing as a woman preserving her virtue through fear, for when she gets that far along the line, there are so many artificial means at hand by which to prevent conception that her fear is soon overcome.

The immorality of the eunuch has been referred to. This operation does not unsex or make of a man a eunuch, for he is not deprived of the physiological benefit of the glandular secretion. And from my observation I predict that I shall be able to show (when I have time to compile my statistics) that these men are better morally, mentally and physically, following this operation.

So I ask you members of the American Prison Association to be not hasty in passing judgment upon so important a subject and one of which you can have but a very meager knowledge, but to sit patiently by and place no hindrance in the way of the medical profession in its effort to solve this great question.

Mr. Edwin Mulready, Boston, Massachusetts: There are two reasons why I am glad I was not invited in advance to speak here. First, because I suppose that if I had had the time I should have prepared a paper on this most important subject, and then I would be disappointed because there would be no opportunity to read it. I want to say something so different from anyone else that I like to be free to say it. I said the other day at the Catholic Conference that I believed in a national convention that every speaker ought to pass around his biography before he commences to speak, so every one would

know the man they were listening to. Let me tell one or two chapters of my biography. For sixteen years I had something to do as an overseer of the poor in a large manufacturing town. After that I had eleven years of experience as probation officer in the Superior Court of Massachusetts, and for the last two years I have been watching what others are doing as probation officers, as the executive officer of the probation commission of Massachusetts. In addition to that, I have in my own household mixed in with two or three girls, six boys, so I want to speak to you about the boy problem, so-called. I want to tell you there is no boy problem. Every boy is different from every other boy. I have two boys two years apart in age, and they are as unlike as any you could pick out, travel America over. Every boy is a problem to himself and every boy is a study to himself. In Massachusetts last year we put 15,000 persons on probation, and we did not confine our efforts to the boys or the girls, but we took grown-ups, because after all they are only boys a little bigger grown. Some boys are older at fifteen years of age than other boys at twenty-one. We had 150,000 arrests in Massachusetts last year, and do not think for a moment that I am going to admit that Massachusetts is worse than any other State in the Union, for we think we have the best State in the Union, except the city that each one of you comes from. Ten per cent. of those 150,000 were boys. Tonight we have listened to a discussion which would substitute for the heart of man and woman the surgeon's knife. I am not willing to subscribe to it. I would a good deal rather depend upon that heart of man and woman that would go out and work among those who need their services. We have allowed the great system of economic conditions to grow up around us and then, forsooth, because as a result of those conditions and as a result of the environment in which we have allowed the young people to grow and because they have fallen, we are looking around for a remedy to cure not the condition but the individual patient. It is not right, and the first thing we ought to do is to see what can be done to change the conditions which bring about such conditions.

ANNUAL SERMON.

Sunday Morning, October 2.

WALLACE RADCLIFFE, D. D., LL. D., PASTOR NEW YORK AVENUE
PRESBYTERIAN CHURCH.

"The valley of Achor for a door of hope."—Hosea 2:15, second clause.

It is a promise of vineyards and fig trees, of sins and glad surprise, of release and resurrection. Achor was a dismal place. It carried in itself a history of Achan's sins and disaster. It must have somewhere and somehow release, relief, and the prophet uses it to carry to Israel not only the literal but the figurative idea, and in that figure the assurance of relief and redemption. Achan always is troubling Israel, but Achor may always be transformed into a door of hope. The burden may become the benediction. The very repentance and humiliation may have in themselves well-springs of life. The stone pile up on Achan may be built into a palace of praise and the valley of barrenness become a gateway into Paradise.

Let us for a little look at these two contrasted conditions and recognize their teachings and the promise of hope. The valley of Achor has one distinctive characteristic. It has a social experience. One man sins and all Israel is troubled. Achan himself in his independence and his individuality sinned, but in the sin of the one man, all Israel had trouble. You cannot escape me. I can not escape you. No man liveth to himself. There is the inter-penetration and the inter-dependence. It is impossible to get away from the touch of man, one upon another. If there is here the sin, there will be yonder a penalty. The valley of Achor testifies to the intimate, often unseen, but clear, bond, that binds men together and the sin carries of necessity its penalty. There is a profound significance here. Achan cannot get away from that tremendous result. Law is not an ornament. It is a necessity. Law bound Achan to the tribe and all the tribes and his sin was bound, therefore, not to Achan only.

but to his tribe and to all the tribes. Lawlessness is savagery, is chaos. The very presence of law is the assertion of our human dependence. Its voice is the harmony of the world. Its enforcement is the life of society. As long as law exists, society exists, and as long as law exists, penalty must be. They are bound together and there must be somewhere and somehow a channel through that inter-dependence and relationship that shall bring to society its touch of contamination, often of disaster. Achan was a reality; Achor was a reality, and penalty and law are realities as long as society shall live. There is no idea that this country needs more emphatically to have impressed upon it today than the reality and emphasis and necessity of law, and this law carries in itself essentially an idea of retribution. Rebuke means even in the laws of nature the attempted restitution, not for the purpose of possession or revenge. Retribution in punishment is not of revenge, but of reason and of conscience. There must be out of the law a penalty that means somewhere and somehow a price paid and retribution for the wrong done. That is written in nature. We must not misunderstand or misrepresent to ourselves our idea of law. The American Prison Association cannot afford to have itself misunderstood. Its work is not the passing away or destruction of law. It is not licensing the wrongdoer; it is not sentimentalism; it is not paternalism. It is, if I may so express it, a loyal citizenship, expressing itself in terms of human brotherhood. I think that covers it and that is the law for which they seek expression and vindication, and in that law, of course, you and I recognize there is somehow an idea of punishment, of penalty, of retribution. We have not yet gotten to the point where we believe the prison cells should be furnished with telephones and hung with tapestries, but there is somewhere and sometimes a necessity for stone walls, and in exceptional instances, even for the death chair. We must not forget that there is in law essentially an idea of retribution, and with that idea self-protection and self-defense is our first law. Society must somehow protect itself from the lawless. But the chief idea of law, the supreme idea, is the reformation of the man that sins. That is the large protection

of society; that the man shall be delivered from the power of his wrong, have restoration and release through the very law that he has offended. He is still a member of society and society very often forgets that; and yonder discharged prisoner is a member of society, whom we see amidst the privileges and opportunities again of our commonwealth. Man was not created to be wasted and you do not make a man better by degrading him. Law is not for itself alone, but for the man, and when society shall thus recognize and seek by its benefactions and administrations to give to the individual his door of hope, God comes to society and makes everywhere society's valley of Achor its enduring doors of hope and life.

Notice in the next place this transformation of the prisoner that is suggested in the door of hope. The prophet declares the valley of Achor here for me and for you, there for another man; that the valley of Achor shall become the door of hope. First in the right interpretation of society. Nearness implies obligation. The word neighbor carries duty. Seneca very wisely said, "God has divided man into man that we may help one another." That old heathen was ahead of a good many people of the twentieth century—"that we may help one another." That is the idea of society. Gold does not exist for gold; institutions do not exist for institutions; the gospel does not exist for the gospel. Governments, gold, institutions, the gospel itself, exist for man. That is the idea of our place here; that is the purpose of our birth and gifts and opportunities, that man may have help and deliverance. We misinterpret our conditions. We talk now and again of this devoted man, of that good sister, who have found their vocation in some life distinctively and exclusively religious, and we dismiss ourselves in the multitude to the supreme, absorbing and exclusive idea of money making, and we seek and pray for a home and associations as through these we look for the stream of worldly success and worldly fortune. The prayer itself is not for money, but for helpfulness. My fellow does not exist that I may exploit him, but that I may help him. All things are for man. You make shoes; I make sermons. I go to you for shoes; I need them, and a good many

of you need my sermons. One man has the gift that is for the other man, the ministry, and that other man has the gift that is for another man, and all the organization of life is not for the worldly friction, antagonism, struggles and debates of money making, but money itself is only that there shall come more largely and more richly to our fellowmen the thought and opportunity of largeness and of richer life. Government, literature, society, institutions, church, Sabbaths, all of them, are the scaffoldings which are of use for the building of the man. That is what life means. We are here today that yonder fellow may help me and that I may help that other fellow. "Bear ye one another's burdens" is the law announced by Christ. He ties us together in our mutual relationships, inter-dependence, and he means that there shall be from one to the other the hand and the thought and the recognition. We are helped by helping. We get by giving. Our modern civilization must recognize this weakness and more and more rebuke and disown the idea that refuses recognition and the nearness of man, and that we seek more and more a oneness, out of which shall come a largeness and an enduringness of heart and life. The sixteenth century emphasized the word "responsibility." The twentieth century is emphasizing the word "brotherhood." We are moving on. We do not trample underneath the word "responsibility," but it does become even a stepping-stone by which humanity ascends to the true idea of brotherhood. The little child by herself kneeling by her bedside at night says, "Our Father, which art in Heaven," and these words taught centuries ago carried in them essentially the idea of brotherhood, and no man realizes the fatherhood of God save as he loves the brotherhood of man. We will emphasize the Ten Commandments; we will keep them written on the tables of stone; we will read them in the light of the Sermon on the Mount, in the larger light, in the more blessed influences of the brotherhood of our fellows. This transformation will come secondly in a legitimate recognition of humanity. It is the crown of creation. "In the image of God created he him." I do not care what philosophy you may have about creation. We can not get away from the divine idea. Back of all

philosophy lies God, and God, in the image of God, created man, an image deformed, defaced, befouled, yet the image of God, and an image which is not hopeless even in its debasement, but that at any time this side of the grave, carries in itself the promise and hope of restoration and glory. The image of God—a divine image, marred today and oftentimes defaced and offensive. But do not let us forget that there in the image may lie the most precious jewel and in the profoundest depths the richest treasure. Though debased, a man may carry in himself the possibility of Christianity, of heaven or hell, capable of descending to the profoundest depths, capable of rising to the greatest heights. If you want to know what man may be, look at Jesus Christ. He is revealed to us in the image of the invisible God. No man hath seen God at any time, but Jesus Christ, He who is in the bosom of the Father; He has revealed him, and Jesus Christ is the human side of God turned to us, and we see in Him the ideal to which may be lifted every creature, created in the image of the Invisible. We do not know Christ by seeing man. We do understand man by knowing Christ, and the better we know Christ, the more graceful, the stronger, the more majestic and splendid the possibilities and the assurance of the man. Here are the mighty hopes that make us men; that in the very consciousness of our weakness, in the limitations that fret and chafe us and oftentimes rack us, in the darkness and the weakness, in the despair of the soul, here are the hopes; to the lowly and depraved the promise and possibility of this large and glorious likeness of Jesus Christ. That is what salvation means; that is what the promise means. Not a snatching from the flames; not an escape from the world, but an abundant entrance into life, life abundant, life glorious, perfect life, increasing through all the eternities.

Despair is suicide. Hope brings courage and uplifts. It is just in such conditions that we rejoice in your ministry. Here is the gospel for which humanity watches, the gospel of hope, of enduring promise, of abundant life. It is this that gives the cheer and the knowledge and assures to you the crown of success.

This "boys' gang." Why, it is the outgoing of an abundant life, the reaching forth for that thing, the searching of a brother-

hood not yet expressed nor realized, and in this boys' gang there is but the outgoing, the craving for the unknown that may be into largeness and richness. Our christianity is often hopeless, our christian faith is often faithless. This discharged prisoner meets a faithless and unbelieving christianity that looks upon him despairingly and in its despair builds in its path the obstacles, often insuperable. This lost woman, carrying in herself the burden and the darkness, looks through her despairing eyes upon an unbelieving christianity that fails to be lit with the hope from the resurrected Christ and is blind to the graces and glories that yet may be in the life they call lost, lost because we so often hurry it to the darkness and despair; lost to the light and joy and the cheer that in the promise of Christ carries the possibility of certain and enduring deliverance. Realize the humanity of man. See the image of God, and in the boys' gang and in the crowd of the discharged prisoners, in the sad gathering of the lost give them the assurance that the lost may be found, and to the despairing speak the hope that is resurrective and glorious. If we look upon men as machines, simply as human bodies, a matter of bone and blood and nerve and tissue, they may be lost enduringly, but above the body is the soul and the man carrying the possibilities of the divine image is nowhere the despair and has always the possibilities of grace and glory. So we will realize not only the right interpretation of society and humanity, but of the assured help. As we thus interpret man we realize his redemption is God's work and in his redemption you and I are co-workers with Him. The test of a system is in the man it makes. That is a good rule everywhere. Prison reform puts itself to the task of making a man and it makes a man; to the defeated, bringing the promise of hope; to the despairing, an added promise; to the exiled, a return; and to every valley of Achor, the prophet's promise of a door of hope. For in such a gospel, co-working with God, we must not forget that each has the certain promise. You may not realize it. You transfer promises and sacred thoughts to ministers, priests, to churches, to Sabbaths, to sacred organizations, but everything in this world is sacred and every day may be made a Sabbath and all men preachers, priests, kings unto God, therein following in

the footsteps of Christ as He seeks to save those that are lost. They have the claim upon his promise, "Lo. I am with you alway," and to any going down to darkness, to the haunts of crime, to the depth of sin, to the search and effort at reclamation, they carry with them the assurance of the grace for every time of need and the presence of the Almighty Christ. The divine spirit is allied to the human spirit, as we seek the openings of the prison to them that are bound. Now it is a good thing that you realize the association. You are in good company, in the company of the perfect, of the angels, of Christ, and you carry his wondrous promise. You will remember it was the angel that opened the prison doors long ago. It is an angel's work now, and as men go out to the relief of humanity, they go out in the divine company of the good and the true, carrying with them the promise of an assured, inexhaustible help. We need again and again to realize the grandeur and the power of our work, lest we become prosaic or even pessimistic in our service. I remember not only with us but with the subject, there is the promise of supernatural help and deliverance. External reformation does not make the man. We may polish the surface, but it is only the spirit of God that can break and transform and transfigure the stony heart. What the restored man needs is the spirit of God and a reformed life that is not superficial and does endure, has its basis upon the regenerated heart. The man that comes to himself is the man who with heart and life returns to the Father. This promise is to any man and to every man. He, himself, is the image of God. It is the brotherhood of Christ, the enduring life, the glorious estate of divine inheritance. We all, of course, have read Charles Reade's "It Is Never Too Late to Mend." I suppose a great deal of our modern philanthropy finds its motive in that motto, which did so much for the reformation of prisons and prison life. We carry into the individual duty and opportunity the power of his motto, "It is never too late to mend." Legislation cannot make good citizenship; clean clothes do not certify a healthy body, but the indwelling of the divine spirit, the touching of the divine life, carrying in themselves the power and the assurance of a clean heart and a right spirit. Into the

imprisoned heart must shine the light whose rays melt iron chains and give open pathway into love and service.

Now, members, I speak these words because I recognize that along these principles and in these hopes you are following your Christ-like service. I congratulate you upon the work that is already accomplished. The day has gone by of the inner prison of Paul and Silas, of the tower, the dungeon, persecutions, for the disgraceful conditions of John Howard's day. Light has come and we rejoice in your thought and service. I recognize, indeed, that before that door of hope obstructions hard and forbidding remain, whose removal would hasten the transformation:

(1) The politician. Politics must come out of the prison and the prison must come out of politics.

(2) The newspaper whose embellishments and sad attempts at fun-making concerning crime and criminals dishonor the law and debauch conscience.

(3) The open court which offends so seriously the self-respect of women and unnecessarily exposes to shame and further debasement.

(4) The juvenile delinquent whose crime so often is not rebellion but ignorance, whose need is not a policeman but a father, whose protection should not be stone walls but playgrounds, and whose just demands upon the community are recognition, education and opportunity.

We honor men and women who give themselves to a service that carries in itself so much of denial. You are worth more to your government than a hundred Dreadnoughts. They kill men. You save them. This International Prison Congress is in reality the International Peace Conference. We invoke God's blessing that through you and kindred Christ-like service there may come, and speedily, the new heaven and the new earth wherein dwelleth righteousness.

SUNDAY EVENING SESSION.

After invocation by Rev. A. J. Steelman, Seattle, Washington, President Butler called the session to order at 8:15 o'clock.

President Butler: Last night we had as our honored guest a representative from the great French Prison Society, an association engaged in the work of prison reform. Tonight the American Prison Association welcomes to its platform official representatives to the International Prison Congress. The plan has been to have four speakers, two of the most experienced of our American prison administrators and two of the most distinguished students of penology from other lands.

First, it gives me pleasure, as I know it will all of you, to learn that the Nestor of modern penology, a man we all respect and honor and revere, is to be the first speaker, our dear friend, Hon. Z. R. Brockway, of Elmira, New York.

ADDRESS BY HON. Z. B. BROCKWAY, ELMIRA, NEW YORK.

After half a century of varied and continuous actual participation in prison management and recently a decade of reminiscent review, it will be conceded that my viewpoint of the prison question should be a little unusual.

Both Major McClaughry and myself came into the reformatory movement advantaged by experience in the older type of convict prisons. After a long march as with the procession (Major McClaughry is still marching), I now occupy a stationary observation stand and have a cycloramic instead of a panoramic view of things.

There seems to have been, as regards the prison reform movement, more advancement of ideas than of practices. So slowly are practical changes wrought and so dim are the ideals when discovered, that the familiar inquiry recurs whether ideas or practices take precedence in reform movements. The plan of

an ideal prison for a State, which was presented at Cincinnati in 1870, was preceded and suggested by experience; and the published principles of our American Reformatory Prison System, as it appears in the souvenir volumes to be presented to the oversea delegates, are lessons derived in the course of half a century's prison service. Our penitentiary system is but a little more than a century old, and it is yet imperfect in many respects. The problem of crime and the disposal of criminals is by no means completely solved.

When, in 1822, the penitentiary system had become firmly established, it was quite disapproved of after it was subjected to searching inquiry by a committee of a New York philanthropical society and a committee of the New York legislature. The following is a quotation from that report: "Your committee is compelled to adopt the conclusion that so far as reformation is concerned the penitentiary system has wholly failed; and not only so but it operates with alarming efficacy to increase, diffuse and extend the love of vice and knowledge of arts and practices of criminality." However, the committee adds: "We cherish still the conviction that it is not beyond the bounds of human effort to devise a system that will combine, in its tendency, the prevention of crimes and the reformation of the offenders." Let us note that the committee had not then reached the conception of prevention by means of reformation—it says: "Prevention and reformation."

The celebrated Louisiana Penal Code, by Edward Livingston, appeared at about this time. Bishop Whately's great letter to Earl Gray, in reference to transportation and incidentally foreshadowing penitentiary reformations, was published in 1822; and Elizabeth Fry's prison philanthropy moved the heart of England and France during the years from 1830 to 1860.

Montesinos in Spain; Obermaire in Bavaria; Maconochie at Norfolk Island, and at Birmingham in England; Sir Walter Crofton in Ireland and England, apparently demonstrated improved prison management. And Matthew Davenport Hill, forty years recorder of Birmingham, England, in his charges to juries, and his published 700-page book—"Repression of

Crimes"—advocated the the absolute indeterminate sentence principle and a rational reformatory prison management. The book constitutes a manual of the essentials of sound criminal jurisprudence and prison science. It is a suggestive work-a-day guide fit for the present times. And the keynote of it is—"What shall we do with our criminals?"

The prison question increasingly occupied the public attention and interest of philanthropists, yet in 1870 at the American Prison Association, Signor Martino Bertranio Scalia, in his monograph, "A historical sketch of fifteen Congresses held in Europe between 1835 and 1869 at which this topic had been prominent," asks in pathetic tones: "What have we done or what are we doing to control the predisposing causes of crime?" He answers his own question with the remark, "A very little, I am afraid."

In 1877 the New York law was enacted, the Elmira Reformatory was established, and since then, President Butler tells us, twenty-one of the States have adopted some phase of the indeterminate sentence, and none have taken a back step; fourteen reformatories for adult male offenders have been established, and we know that thirty annual congresses of the American Prison Association and seven quinquennial meetings of the International Association have been held, each publishing its volumes of proceedings. And in June, last year, Martinus Nyhoff, at The Hague, prepared a list of works on Criminal Law and Criminology, outside of America, which shows 767 titles.

These century-old theories, and nowadays familiar reformatory measures, are, now and then, naïvely brought forward as original discoveries or novelties by notable literati and even by prison governors who should be better informed.

The Current Literature Magazine for this last September brings up afresh the question, "What shall we do with our criminals?" and cites in reply the suggestions of John Galsworthy, novelist, and of Sir Winston Churchill, the Home Secretary of England, together with some recent utterances of Americans, but without reference or apparent consciousness of what has been hitherto written and demonstrated in this regard.

Years after the Elmira institution was in full commission a visitor, an officer of another reformatory of more recent date, erected and guided by the Elmira establishment, visited it and on taking leave remarked that the Elmira institution had very closely copied after his own.

Such obtuseness suggests that the actual difference between the old and the newer penitentiary theory and practice is not yet common enough and positive enough to make a profound impression, nor are the results of improvement effective enough to attract general observation. There is still room for a more complete realization of the true and very generally accepted ideal both in the criminal jurisprudence and the prison management. Even in the best of our modern reformatory penitentiaries, where enough of wisdom exists to know what should be done, enough of skill, potential or slumbering, exists to properly execute it; the virtue of doing it and doing it now is apparently absent or deficient.

From the more recent viewpoint, it seems that the demand of the hour—that to which prison managers should devote themselves—is a more thorough and scientific reformatory administration of the prisons, for when that is achieved, public confidence will be gained, the true foundation will be laid, namely, the absolute indeterminate in place of the present bastardly indeterminate sentence.

It is perhaps well that, pending perfecting of prison administration, some limitations of sentences, harmful though these are, should remain. Whenever the laws and reformatory penitentiaries shall be so administered that prisoners are only committed because they are dangerous if left at large; once committed shall never, barring unavoidable accidents, again appear as criminals at large; and always be conditionally or absolutely discharged when they are really safe—then, and not until then, will the penitentiary system prove really repressive of crimes and be worth its monetary cost and the painstaking effort involved.

It is deemed to be no sacrilege to say that the reformation of criminals is, signally, a human work, always successful in pro-

portion to knowledge of human nature and wise use of the ordained cultural agencies. It is a human responsibility not shiftable upon the superhuman or subconscious mind. The real sacrilege consists in unwarrantable ignorance, selfish indifference, superficialism, falseness and failure to recognize and work with the mysterious underlying forces that make for righteousness.

I cannot, of course, now elaborate this human reformatory process, but, let me make three suggestive quotations: Charles Dudley Warner said in his Saratoga Social Science address:

“To reform diseased bodies or crooked minds is the work of experts. It is a scientific work. It demands talent, scholarship, investigations by interested students of the laws of the human mind and body.”

President Hyde, of Bowdoin, says:

“To translate the moral laws which the race has worked out for us, into unconscious habits of action is the crowning step in the conquest of character.”

Another affirms that:

“If it is needful as it is desirable to gain the prisoner’s will for habit formation the doing best wins, not pandering, or the so-called ‘personal touch.’”

The reformatory prison science thus reaches to biology and the constructive foundations of human society. Based on such knowledge, skillful administering consists in the balanced adjustment and effective wield of the several natural meliorating means, viz. (just to mention them), physical renovation and development, manual dextrous education, technical practical instruction, schooling for increase of information, morality of good self-control, emotional restraint and cultivation.

All these in unison, in selected combinations or singly according to group or individual ascertained needs of each prisoner. In this connection I would only add, and repetitiously, out of my own experience and observation, that devotion with skillfulness here will unlock hidden treasures of healing force, that are surprising, gladdening, and therefore they fitly reward the scientific endeavor.

Admit, as we must, that no existent prison system has completely attained to the scientific standard of organization; confess, as we may, that the best is but imperfectly administered; however dissatisfied we are, there should be no discouragement for some sound advancement has been achieved, even if it is occasionally lost to view. Our dissatisfaction with the present is, itself, a promise of future betterment—like the false dawn in tropical countries which appears for a brief space, then fades away, giving place to darkness until the true day appears. So our failures and faultiness can only temporarily obscure what is sure to succeed the present agitation, as the day is sure to succeed the night.

Not to detain you with a discussion, not even with a statement of the principles that must prevail in the future treatment of offenders, mention of some probable future conditions may be permitted.

Invention and activity of preventive measures will reduce the ratio, if not the total, of imprisoned offenders, and also reduce the average quality of the mass. The preventive means in mind are: improved hygienic vocational and civil training of the children in the public schools; a new and preventive police function; perfection and extension of the probationary plan for children and casual offenders; more general and thorough state supervision of discharged prisoners, to include colonies for the care of the permanently defective, and secure custodial establishments for restraint of the incorrigible criminals.

The function of the criminal courts will be confined to alternative disposition of arraigned offenders, either their discharge or probation; or their committal to other constituted authority for custody, neither naming its duration or specifically directing the treatment to be given. The reformatory prisons both for juveniles or adults will be graded on the basis of ascertained character alone (with of course separation of the sexes), not so much for separation of classes as to facilitate exact reformatory treatment. So, too, the inmates of each reformatory establishment will be likewise graded or classified.

While the before mentioned very defective and the confirmedly criminous of prisoners may properly be employed on public

works or for profit to the State, not so with the inmates of reformatories proper, or at least the consideration of earnings will remain quite subordinate to the purpose of reformatory training. There is irreconcilable incongruity between the profit-making prison labor and quick effective proper trades training. "No man can serve two masters; for either he will hate the one and love the other; or else he will hold to the one and despise the other," is a truth indelibly written into human nature. The alleged advantage of productive trades work—that it affords the inspiration of usefulness, producing negotiable value, is fully compensated, in the straight trade training, where, under a monetary marking system, the quantity and quality are expressed in credit and debit of dollars and cents that has to do with the prisoner's rate of progress towards release.

The later view is that prisons—wholly or even partly supported by the earnings of the prisoners, are not best for the general interest of the State at large. Support of the prisoners and all the cost of crimes when directly borne by the public and preferably by each civil division in proportion to its crime record, tends to incite an interest in this item of the public welfare that otherwise is not aroused.

The reformatory of the future will be more than it is now—a custodial of veritable criminals. Perfected in its scientific educational activities covering, as they must, physical, manual, technical, mental, moral and spiritual training, it will take on the type of what a French alienist styles "The Moral Orthopedic Institute," where deformed and wayward feet are straightened out and put in proper paths. Besides, it must be a laboratory for study of socially dangerous, human defectiveness; a research station for discovery of the anti-social bacilli and at the same time search for nature's counteracting serum—a search station where may be disclosed the hidden source of individual and social infelicities with remedy and preventives.

Whatever view we may entertain of the movement of human advancement—whether the subjective or the objective takes precedence—such is their intimacy that they are never disassociated. We may congratulate ourselves, then, that the commencement

and forecast of progress of penitentiary reforms may promote what is of vastly more value than the improved penitentiary system itself, namely: a truer, therefore a nobler general public attitude towards offenders and sinners.

President Butler: There is present one tonight who has also had a wide experience in many phases of dealing with crime and criminals, one who has ever been willing to share his learning, his experience with those who are unlearned and inexperienced, and many of us have gone to him in times past, as we will in future times, for his advice and counsel. I have pleasure in presenting Major R. W. McClaughry, Warden of the United States Penitentiary, Leavenworth, Kansas.

ADDRESS BY MAJOR R. W. M'CLAUGHRY.

When the first line of telegraph ever erected in the United States was completed between Washington and Baltimore, the first message that thrilled its wires was the question, "What hath God wrought?"

Many a time since could the same question with propriety have been asked, but at no time more appropriately than tonight, as the intelligent student of history surveys the record of the past forty years, and contrasts the attendance upon that first meeting of the American Prison Association with this magnificent gathering, to which not only this continent but the nations that we proudly claim as our "father lands" have so generously contributed of their wealth of intellect, experience and achievement.

Few are on earth tonight who met in that little "upper room" where the National Prison Association was organized, and which was later chartered by the legislature of New York in April, 1871. Public sentiment regarded it as a small gathering of harmless lunatics. But Governor Seymour of New York had the courage to accept the presidency; the immortal and sainted Dr. Wines was its secretary and its inspiration, and Brockway, whom a kind Providence has spared to be with us tonight, crowned with years and honors, was the St. Paul of the new movement. Thus

was originated a "New Nationalism," worthy of the name! For more than forty years it has grown with the growth and strengthened with the strength of civilization, kept pace with the increase of enlightenment, has permeated all lands and brought to the front the best sentiment of all nations, until, on the threshold of this great gathering of earnest students, those with whom the "silver cord" is growing "worn and slender," can still say, "blessed are our eyes, that they behold this day!"

Time would fail me to detail the steps by which the wonderful change in public sentiment has been wrought which it is so easy now to discover. There has been no change in the public demand that crime be dealt with promptly, firmly and effectively; that the procedure in our courts be improved and the "law's delays" be greatly lessened; but we have learned that the most firm administration of legal penalties is entirely consistent with the work of prevention and probation; and that the making of our prisons, in a sense, clearing houses, where each inmate is to be studied individually and dealt with accordingly, is the surest method of securing genuine and effective reformation in those who are susceptible of it, as well as determining those whom the safety of society requires to be kept permanently or at least indefinitely, under control of the government. We have learned that in the practical administration of prison discipline, cleanliness is not only "next to godliness," but is a part of it—the outward and visible sign of inward and cleansing grace; that good food—though plain—properly cooked and served generously and tastefully, is a most potent force in securing that consent of the mind and will which is necessary to genuine reformation. We have learned that prisons should be considered the last resort and that, while there abide and probably ever must abide, penalty, reformation, prevention,—the greatest of these is prevention, and to that work should the studies of this great Congress be especially addressed. We have learned, also, that reformation of offenders is not accomplished "en masse," but is reached by individual, personal effort. Just here some of our enthusiastic reformers lost heart. But just as the earnest search was made for the *one* lost sheep; as the

house was swept diligently for the *one* piece of money; just as the Good Shepherd called his own sheep by name—one by one—and led them out, so must the successful reformer, whether prison officer or worker in any capacity, accomplish, with faith and great patience, his sublime task. But the field is the world, and the conquest of the world by the principles and ideas represented by this Congress, is but a question of time, and I cannot bring to these delegates, whom we are so glad and proud to welcome, any more cheering message than to quote, in closing, the statement with which a prominent member of the British House of Commons closed a recent address before that body. He said: "The mood and temper of the public, in regard to the treatment of crime and criminals, is one of the most unflinching tests of the civilization of any country. A calm, dispassionate recognition of the rights of the accused against the state, and even of convicted criminals against the state; a constant heart searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts toward the discovery of curative and regenerative processes, unflinching faith that there is a treasure, if you can only find it, in the heart of every man—these are the symbols which, in the treatment of crime and criminals, mark and measure the stored-up strength of a nation and are the sign and proof of the living virtue in it."

President Butler: It has been our effort to have upon this platform during the sessions of the American Prison Association at some time or another each of the former presidents of this Association, a number of whom have been in attendance upon these sessions. To-night there are five gentlemen upon this platform who have presided over sessions of the American (or National) Prison Association. Some of the gentlemen who have heretofore acted in that capacity have modestly declined to accept a position upon the platform, and I may say some of those who are here are here with the understanding that they are not to be called upon for a speech or even to be brought to public notice, but there is one gentleman to whom no such promise has

been made, and I want to present to you a beloved friend, a past president of this Association, who today was honored, and we all are honored by his being chosen as the President of the Eighth International Prison Congress, Dr. Charles R. Henderson, of Chicago, Illinois.

Dr. Henderson: Upon this invitation and suggestion I take occasion to say a word in regard to the relations of our American Association to the International Prison Congress. You have already been reminded that this is a most important historical event in the development of great reformatory ideas. We are reminded certainly by the address of Mr. Brockway of the great assembly in Cincinnati in 1870, and by the presence of Dr. Frederick H. Wines, of another great factor in that event. In 1870 his honored father drew up those resolutions which expressed for that time the consensus of reformatory principles; and his son has worthily carried on that work by his studies, by his administrative practice, by his personal influence and by a book which has gone around the world and which is in the hands of citizens and students and teachers of this subject in all parts of the world.

These two streams of thought and activity arose from the same splendid fountain, and tonight again these streams blend, and we are here uncovered, reverent, grateful to the Father of all spirits that these men have been preserved, and that principles have been expressed by them which will have their fruition in generations yet to come. Mr. Brockway has nobly and beautifully said that ideas have advanced beyond action. That is necessary. Activities, institutions, external expressions must follow the idea. As the architect plans the building and afterwards the masons and the iron workers come and make it visible to the external eye, just as in reality it already existed in his genius before, so long ago our spiritual fathers held forth ideals which we, their spiritual children, are earnestly and honestly endeavoring to put into visible form.

If I should attempt it my emotions would make it impossible for me to express in words to my colleagues of the American Prison Association, not only in the United States, but in Canada

and Cuba, my profound and sincere gratitude for the honor you have shown me; but if I can in any way serve you in any deed of mine, I shall be very happy that in some little sense I have been able to make at least a partial expression of my gratitude to you. You have in the past led in the invitation to this Congress to meet here. You voted it at your Richmond meeting. We have blended our programs in one. You have voted not to suspend activities of this American Prison Association until October 8th, which makes it continuous with the life of the Eighth International Prison Congress. This is suggestive of the fact that there is no discrimination in crime, that in every race, in every country, those who attack life or property or order, are public enemies, to be treated as all enemies are to be treated, with the wisdom which guides throughout in a rational and educational method to protect society, as Mr. Brockway has said, to reform the prisoner if possible, and still more, if it is possible, to prevent criminals from being trained among us.

I hope we shall all be at home with our foreign friends. If you all had made the tour with us, you would feel that they are about as good Americans as any of us. We are all Americans on this side. If you could have been with us you would have heard them say things about us and our institutions that we could not dare to say about ourselves and our institutions. You, I am sure, will welcome them all, and they will welcome you, and we shall be together during the next week in a feast of reason and flow of soul. We shall renew the memories of 1870 and we shall try at least to see if we can not in the coming years make those principles, those ideas, apply in life as they have been also given to us in literary form. I thank you.

President Butler: About the time I began the practical study of institutions in this country my attention was directed to a young Englishman who was also studying institutions and who about the same time visited the United States to study them here. I have been interested in watching his career from that time to this, and it has been a pleasure to note the splendid advances that have been made under his leadership, the wise counsel he has given, the success he has met with. We have him here

tonight. He has promised to speak to us. I have pleasure in presenting Sir Evelyn Ruggles-Brise, K. C. B., Chairman of the Prison Commission, of England.

ADDRESS BY SIR EVELYN RUGGLES-BRISE, K. C. B., CHAIRMAN OF THE
PRISON COMMISSION OF ENGLAND.

I should address this distinguished audience with greater diffidence were I not reassured by the words of the British Ambassador to the United States, who has studied your people profoundly in his great work on the American Commonwealth, viz., "The Americans are a good-natured people, kind and disposed to take a charitable view." I appeal to your charity and kindness tonight.

I propose very shortly to place before you certain reflections that have occurred to me during this memorable excursion, which has brought me in contact with so many earnest and devoted men, engaged in the struggle with crime.

It has been a great education and profit to me to realize what a fund of humanity and benevolence is being applied in the United States at the present time to the rehabilitation of the offender. This is not, if I may quote from a well-known passage in John Morley's life of Voltaire, "humanity in its pale shape of kindly sentiment and blind pity, but humanity strong, aggressive and alert stalking the land like ancient heroes to slay monsters." The monsters which we all are trying to destroy in our respective countries are bad prisons, bad laws and bad criminal procedure. With this humanity goes the remarkable hopefulness of the American in the rehabilitation of the offender. This, I think, has an origin partly religious and partly political. It is the spirit of the Good Samaritan which holds out a helping hand, and the civic spirit which desires to recreate good citizenship, and to convert prisoners into useful assets in the community. This hopefulness, strengthened by these two influences, is a tremendous force, of which the value will be in the method of its application.

Now, this coming of the Old World to the New to learn what lessons the New has to teach is a great historic fact and may be an epoch in human thought and attitude towards the criminal.

If Europe has adhered too closely to what is known as the Classical School in her attitude toward the criminal, or if America has broken away too much from tradition, here, if ever, is the occasion where the balance may be adjusted, and once again in history the one world may be used to redress the balance of the other. What is that balance? It is a common recognition by all countries of the purpose and meaning of punishment. Is America prepared to accept the old-fashioned European formula that punishment shall be retributory, deterrent and reformatory, in this order?

By retributory, of course, I do not mean the vulgar and exploded instinct of vengeance or personal revenge, but the determination of the human consciousness that the system of rights shall be maintained and that he who offends against it shall be punished, and that the punishment shall be of such a nature as to deter him and others from anti-social acts.

By reformatory, I mean the accepted axiom of modern penology that a prisoner has reversionary rights of humanity, and that these must be respected consistently with the due execution of the law, and that no effort must be spared to restore that man to society as a better and a wiser man and a good citizen. Among loose thinkers and loose writers the impression seems to be gaining ground that this historic order of the factors of punishment should be inverted and that the object of punishment shall be altogether reformatory, as little as possible deterrent, and not at all retributory. It is only by preserving this balance that we can hope to follow the wise advice given to us by the President of the United States at the reception yesterday, that we must try to steer a middle course between "maudlin sentiment on one side and a desire for vengeance (that is cruel, unnecessary and unprofitable punishment) on the other."

The question of preserving a common balance is my first reflection. My second is with regard to the indeterminate sentence and the parole law. Can we agree as to the role to be

played in the future by the judicial and executive authority respectively? Can the wisdom and discretion of our judges be respected consistently with the intervention of nonjudicial authority in the determination of penalty? Here is a great battleground for the future, and it may be Europe is not prepared to go as far as America in this respect.

My third reflection is, will America be prepared to adopt the same tests as European countries, as to the success or failure of any new plan that may be proposed for the treatment of crime? In other words, will America be willing to have her institutions tested by full and accurate and annual statistical data of convictions and reconvictions as they are tested in Europe and as public opinion insists that they shall be tested?

My fourth reflection is, whether in order that there may be a complete comparison of rival systems for dealing with crime, is it possible, or likely, that America will follow the lead of Europe and adopt the principle that the State, as supreme authority, shall be responsible for the treatment of crime in all its manifestations; that is, petty as well as serious crime. In England our problem is more with petty than with serious offenses—with the hundreds of thousands who flock to the local prisons over and over again for perhaps trivial breaches of the law and under short sentences. It is on this problem that today our Secretary of State, Mr. Churchill, is bringing the vigor and humanity and ability with which he is so richly endowed to bear. The solution is to be found in classification and differentiation; not in using the rusty instrument of imprisonment for short periods as the panacea for all and every kind of disorder or anti-social conduct, but to classify by groups, vagrants, drunkards, defectives, and to provide special institutions for special categories of offenders. Can America help us to solve this problem? Not, I think, until you recognize that the petty offender and the prisoner awaiting trial is as much a matter for state concern and control as the man under long or indeterminate sentence upon whom you are now expending so much thought and labor and expense in your state prisons and state reformatories.

I earnestly trust that this joint meeting of the American Prison Association and the International Congress will be an historic occasion, where it will be recognized that a good prison system is for the whole and not for a part, and that the petty offender cannot and must not be excluded from the care of the State as the supreme authority for ordering and executing punishment.

And, lastly, there is, I think, one common principle from which we can all start forward today in our campaign throughout the world; that is the common belief in what is known—to borrow a French phrase—as “the individualization of punishment.” By that I mean that each man convicted of crime is to be regarded as an individual, as a separate entity or morality, who, by the application of influences, or discipline, labor, education, moral and religious, backed up on discharge by a well-organized system of patronage, is capable of reinstatement in civic life. In other words, there is no “criminal type.”

Nothing in the past has so much retarded progress as the conviction, deeply rooted and widespread, that the criminal is a class by himself, different from all other classes, with an innate tendency to crime, of which certain peculiarities in the configuration of his body are the outward and visible sign. This superstition, for such I think it must be called, was, as you know, strengthened and encouraged by the findings of the Italian school. It is not based upon disinterested and exact investigation; and not only has the progress of the science of criminal anthropology been retarded by this conception, but it accounts for the unfavorable and skeptical attitude which we still find in many places towards any attempt to reclaim the criminal. It is my own belief that the assumed correlation between the mental and physical characteristics of a man is a superstition and a fallacy. I do not believe that a murderer can be revealed by his frontal curve, or a thief by his bulging forehead or the shape of his nose.

In England we have been at great pains, during the last two or three years, by scientific and exact investigation, to disprove the popular conception of the criminal. We have personally

examined three thousand of our worst convicts, men sentenced to penal servitude and guilty of every form of crime. With regard to each we have collected and tabulated no less than ninety-six statements—that is, measurements, family history, mental and bodily characteristics, etc. The tabulation is now proceeding at the Biometric Laboratory of University College, London, under the direction of Dr. Carl Pearson. The results will be published shortly, and we are only able to say at present that so far no evidence whatever has emerged from this investigation confirming the existence of criminal types such as Lombroso and his disciples have asserted. And, in fact, both with regard to measurements and the presence of physical anomalies in criminals, these statistics present a startling conformity with similar statistics of the law-abiding classes.

I thought it might interest this assembly to know that this investigation has been undertaken. Its results will be what perhaps most of us would have anticipated, but as scientific data they will serve to break down the vulgar superstition or tradition that criminals are a special type and as such, in many cases, beyond the reach of reform.

This will encourage us in our work toward the individualization of punishment. It strengthens the common principle on which we are all working; it gives us faith and hope; and of all the prison systems of the world that will be the best where the arrangements admit of the greatest individual attention being given to each individual case.

These, gentlemen, are my reflections. I do not criticise and am not presumptuous enough to advise. In the great march forward of the International Congress, let us find, if we can, a common ground to work on. Let us understand each other, separated as we are by language, tradition and distance, for it is only by such mutual understanding that the results of this great humanitarian movement can be real and lasting.

President Butler: We have heard from some of those who were the founders of the principles with which we are working at the Cincinnati Congress in 1870. The same spirit which led to the appointment of that Congress was behind the first Inter-

national Prison Congress in 1872. There was a young man, young then and young still, who attended that meeting. He has attended every meeting of the International Prison Congress since that time. Those of us who have not been fortunate enough to visit the Old World have heard of his knowledge, his wisdom, his kindness and his sweet spirit, and since he has come among us we have all learned to love him. I want to present to you now our dear, good friend, Dr. Guillaume, Chief of the Federal Bureau of Statistics, Berne, Switzerland, and Secretary of the International Prison Congress.

ADDRESS BY DR. GUILLAUME, SECRETARY INTERNATIONAL
PRISON CONGRESS.

The prison congresses which have been held successively since the one in London, in 1872, owe their origin to the American Prison Association. It was in that society that there sprang up, forty years ago, that active movement in favor of prison reform and the prevention of crime which has since spread through all civilized countries. One who has attended all of these congresses may well bear witness that the progress which has been noted in one congress after the other has been inaugurated in the United States. Thanks to this movement a marvellous change of opinion has been brought about and the criminal and his treatment are looked at from quite a different point of view from what they once were. The stranger who has watched these grateful reforms and who finds himself in such a gathering as this is happy to have the opportunity to pay homage to the men who brought it about—Dr. Wines, Mr. Brockway and Mr. Sanborn—who formulated the immortal Declaration of Principles which was adopted by the Cincinnati Congress, and which when presented in the London Congress was to most of those who heard it a veritable revelation. The Declaration of Principles was not only a program, but it was a gospel over the whole world for those who were interested in penal law, the treatment of the prisoner and the prevention of crime. The progress which has been made since 1870 in that domain owes so much to that famous Declara-

that it should be read at the opening of every penological congress. That is the reason why it is printed in the first number of the Bulletin.

At the London Congress the American society was represented by eighty-two American members, among whom were Dr. Wines, General Pillsbury, Mr. Chandler and Mr. Milligan. Eight papers were prepared by Americans, among others by Messrs. Brockway, Burr, Bittenger and Sullivan. During that Congress the members had also the opportunity to hear Sir Walter Crofton develop his system of classification.

Before the close of that Congress a commission was chosen to carry on the organization, but later it was found best to have the Commission made up entirely of officially appointed members. Mr. Almquist, the father of our present colleague, director of prisons for Sweden, suggested that his government would perhaps entertain the Congress at Stockholm. To make sure of this, Dr. Wines went to Sweden and was received by the king most cordially. Since that time governments have hastened to invite the Congress to their capitals.

At the Stockholm Congress Dr. Wines took occasion to speak, for the first time, on the indeterminate sentence, which in the meantime had been written into the law of New York. Mr. Bittenger spoke of the evolution of the Pennsylvania system, Mr. Milligan on corporal punishment, and Mr. Randall on the reformatory school of Michigan.

For the St. Petersburg Congress Mr. Brockway contributed a paper on the treatment of the so-called incorrigible criminal; Mr. Randall on the treatment of neglected children; Mr. Reeve on family care of juveniles, and Mr. F. H. Wines sent a paper on the training in reform schools in the United States.

At the Paris Congress we had the pleasure of making the acquaintance of Mr. Samuel Barrows, who had been appointed commissioner for the United States, and who represented his country on the permanent Commission from that time until his death. He won all hearts, for he was the personification of the principles embodied in the Cincinnati Declaration. At the Brussels Congress Mr. Barrows presented a paper on indeterminate

sentences, and at that of Budapest on children's courts and probation, and gave a public lecture showing the most recent reforms. He declared that Americans did not wish to impose their ideas or their way of doing things on other countries, but that they were anxious to have other people visit them and inspect their institutions and see the application of the principles advocated by the Declaration of 1870.

That which Mr. Barrows desired has come to pass. We have come to see you. We have visited your institutions and are convinced that all that you have done in this domain is the intelligent application of the Declaration of Cincinnati. We have everywhere marvelled at what we have seen, and each of us will be able to present to his government a report rich in details and practical methods and facts. We shall tell our countrymen that if they wish to learn the way to reduce crime to a minimum that they must make a pilgrimage, as we have done, to such places as the school for dependent children at Glenwood; if they wish to know how to care for boys and girls they should visit such reformatories as we have seen; if they wish to see a reformatory for men they should see Elmira; if for women, a model reformatory like that at Bedford, managed by Miss Davis.

The United States of America will become the Holy Land for philanthropists the world over who wish to see with what solicitude the abandoned and neglected child is cared for and received into such a home as he never had, given the excellent training which he has always lacked, taught such a trade as will enable him to help himself, and surrounded with an atmosphere of sympathy, kindness and affection such as he has never known.

The Principle of the Declaration which relates to preventive institutions is carried out in a manner worthy of imitation. That which has struck us everywhere is the high character of the men and women who are managing the institutions and who are so well fitted for the delicate task which is laid upon them. The children under their care may well learn to bear their part as useful citizens and the parents of a new generation of children to whom they may give homes of love, with good training in the bosom of their own families.

The same spirit which animates institutions for children we have found in institutions for adults which do not deserve the name of prisons but rather schools of reform, where the spirit of kindness has replaced the old spirit of vengeance.

These are the things that we shall say when we return to our own firesides. And we shall make known the enlightened spirit of the American Prison Association. All that it does is in the interest of society at large and not alone in the interest of the inmates of institutions. The interests of the two are identical.

In leaving you I have but one regret, that I have not again seen our dear friend and president, Samuel J. Barrows, the ideal man whom we had learned to admire and respect, and who would have had so much pleasure in being at the head of this Congress, which was his work. But the memory of his life, so worthy as serving as a model, will abide in the hearts of those who had the happiness to know him. He has bequeathed to us his wife, his faithful and intelligent co-laborer, who still works with zeal in this field of helpful activity. For forty years I have longed to see your land, which Mr. and Mrs. Barrows so well represented, and to make the personal acquaintance of the noble men and women who are members of your association. One of my dearest wishes has been fulfilled and now I may die content.

I have at last a task to perform. I am entrusted to offer to your association a collection of the transactions of the Prison Society of Switzerland, founded in 1867. This collection is a modest token of the admiration of our countrymen for all you have done and expresses the hope that we shall maintain in the future close and useful relations with your association.

I shall not fail to deliver the collection to your General Secretary, Mr. Byers.

President Butler: It is eminently proper that at this time we should publicly express our appreciation to Dr. Guillaume for his kindness in giving us this address to the American Prison Association this evening. (A rising vote of thanks.)

We will now listen to a report from the Committee on Resolutions, prepared by Dr. F. H. Wines, who presided over the

sessions of the American Prison Association at Quincy. I want to present to you Dr. Frederick Howard Wines.

Dr. Wines: I have no formal report to make. The function of a committee on resolutions is to receive such resolutions as may be offered, put them in a pigeon hole and never let them out. Happily, nobody has offered any resolution, and we have none to consider.

I speak for the committee, and I am sure for the entire membership of this association, when I say that we desire to place on record our grateful appreciation of every courtesy extended to us while we have been in Washington, for which we are under obligation, in the first instance, to the Committee on Arrangements.

We want, especially, to thank the President of the United States, Mr. Taft, for his kind reception to our delegates, and still more for his words of wise counsel and warning to the association and to all who are interested in the cause of prison reform.

We are much indebted to the trustees of the New York Avenue Presbyterian Church for the use of their edifice for our annual religious services and were particularly gratified with the able and eloquent address of the pastor of the church, Dr. Radcliffe, with whom I may say in passing it was my good fortune to be a schoolmate many, many years ago. We are obliged to him for what he said and I think still more obliged for what he refrained from saying.

We must thank all those who have, in our behalf and in our name, done anything to promote the happiness and comfort of our foreign visitors, particularly our good friend, Mr. Mills, the business manager of the Congress, who has made all the practical arrangements for its conduct and who personally conducted the tour of which our delegates have spoken with so much appreciation—the tour of inspection of our leading institutions. One of the foreign delegates said of him, “I do not believe that God ever made a better commissary since Moses conducted the Israelites through the wilderness to the promised land.”

We are grateful to the foreign delegates who have honored us with their presence, particularly those who have spoken to us, and I can assure Mr. Brise and Dr. Guillaume that their words tonight have made an indelible impression upon our minds and hearts. The life and work of this Association will be different in the years to come from what it would have been had they not spoken.

I do not need to speak of the pleasure we have had in receiving these foreigners. They are not foreigners. The United States knows no foreign nation. The United States is the only nation that is the friend of every other nation. It has not an enemy on earth. When the immortal Burke was a member of the English Parliament, where he delivered those wonderful orations which sent his name thundering down through the ages, a certain country squire, one of the "bone and sinew" of England, who could not himself make a speech, but always voted right on every question, was in the habit of rising when Mr. Burke sat down, and saying, "I say ditto to Mr. Burke." We all say "ditto" to what Dr. Henderson has said, and there is in fact nothing to be added to what he has said. But before I take my seat I do want to say one word for myself. I was one of those who was present at the Cincinnati Congress forty years ago, and I have been identified with the movement, as have been Mr. Brockway and Mr. Sanborn, from that time to this. There are not more than half a dozen of us now left. I realize that I may never have an opportunity of addressing this audience or any other audience on this question and a strong feeling within impels me to give utterance to a thought which is in my heart. I must say it. Mr. Brockway has spoken ably, eloquently, truthfully, of the methods by which, humanly speaking, the reformation of criminals can be accomplished. In a life of forty years, during which I have been brought into intimate connection not only with prisons and juvenile reformatories, but with charitable institutions of every sort, including institutions for the insane and feeble-minded, I have had to consider every measure that has been devised for the improvement of the condition of the unfortunate, for the alleviation of their suffering, and for the prevention of

the multiplication in their numbers, which we all deplore. The experience of every one of these years has deepened in my mind the conviction that it is vain to cleanse the outside of the cup and platter unless we reach the heart, the conscience, the soul of those for whom we are working. Reformation may not begin at the center. It may be necessary to work upon the body before you reach the mind. It may be necessary to inform the mind before you reach the soul. But reformation is never accomplished until the heart has been reached and regenerated by the grace of Almighty God. I have watched with great interest all the movements for social reform—political, economical and social; and the trouble with most of them is that they do not take into consideration the great fact of human nature. They are Utopian and visionary. Mr. Brockway is anything but visionary. He is a seer, a prophet. No man better understands human nature, and especially criminal human nature, than Mr. Brockway, or has adapted his methods more truly and conformed them more completely to the laws which govern the operations of human nature. Therein I find the secret of his great success. But human nature is not a single thing. We are not mere animals, but living spirits, and have within us a spark which emanates from the Divine. Science cannot formulate the laws of this double human life. We talk of the scientific care of the unfortunate and criminal, which is well enough if we refer only to that with which science has to do; but science will never touch the soul of man. Nothing but religion can do that.

Love is the greatest power upon the earth. The redemption of man can only be effected through the power of love. We do not love enough. We cannot love enough. We cannot make sacrifices enough for those whom we do love. When they are gone we mourn because we have not made them.

But there is one thing greater than love, and that is law. We cannot get away from law—the law of nature. You may think you have gotten away from it, but you cannot get away from it. Love and law must be married to each other. Love without law is degradation, but law without love is brutalizing.

In conclusion I offer one sentiment for your acceptance and adoption. I pray that it may influence your thinking and your

action, after all of us have passed away who are here tonight. It is the wish for a sacramental union between love and law, in this country and throughout all the world, which may enable us to say of them—"Whom God hath joined together, let no man put asunder."

Mr. Butler: I wish to present to you a friend whom you all know, who needs no introduction to you, who has been chosen by your votes to preside over the American Prison Association at its Congress in Omaha next year, Mr. T. B. Patton, Superintendent of the State Reformatory at Huntingdon, Pennsylvania.

Mr. Patton: Mr. Chairman, ladies and gentlemen, members of the American Prison Association—I want only to very briefly express my sincere thanks for this mark of confidence you have conferred on me. In assuming this new duty I am not unmindful of the fact that my predecessors have been men who have given much care and attention to the study of penology, the uplift of humanity and the care of criminals, and I assume this duty with some diffidence because of the consciousness I have of what seems, to me at least, to be an inability to measure up to the standard set before me by these gentlemen. I therefore crave your indulgence and seek your earnest coöperation, both of which I have confidence to believe you will give me.

President Butler: This is our last formal meeting. The sessions of the American Prison Association this year do not conclude until the conclusion of the International Prison Congress. Whatever other duties there may be that may devolve upon the present chairman I understand will continue until that time and then the duties will be turned over to our good friend who has just spoken.

If I may be permitted I wish to express my appreciation of the high honor you have conferred upon me and to express my thanks for your sympathy, your interest and your coöperation. I desire to thank every member of the committees who have assisted so earnestly and effectively in making provision for this meeting, to all of the speakers who have spoken, and particularly to those who have come from afar, not foreigners, but for

the time being Americans. I want to thank them for their kindness in responding so generously to the calls made upon them and for the splendid words they have spoken to us, and I cannot refrain from mentioning by name two or three without whose coöperation, whose devotion I might say, this meeting would not have been what it has been. I want to mention first of all our good friend Mr. Mills for all that he has done to make this meeting a success. And not second to him, but associated with him, our efficient general secretary, Mr. Byers. And our beloved ex-president, now the president of the International Prison Congress, Dr. Henderson.

I again thank you all, my friends, and hope you will find it pleasant and profitable to remain throughout the meetings of the International Prison Congress.

In Memoriam.

EVAN F. MORGAN.

Major Evan F. Morgan was born in Brenham, Tex., December 8, 1863. He came to Virginia in May, 1868, located in Botetourt county, near Cloverdale. In 1875, he moved to Roanoke county. He was the eldest son of Mr. and Mrs. D. A. Morgan. His father died in 1878, and his mother now resides in Roanoke county, near Hollins Institute. After the death of his father he assumed charge of his business in this State, South Carolina and Texas. He came to Richmond, Va., seventeen years ago, accepting a position at the Virginia Penitentiary as guard, later succeeding William T. White as Assistant Superintendent, and then Major Bolling of Bedford county, as Superintendent, which position he held up to the time of his death, which occurred December 4, 1909.

In prison affairs he was recognized as a man of more than usual ability, and for a number of years had been active as a member of the American Prison Association. He was conceded by some of the most prominent authorities to be one of the ablest prison men in America. Under his management the standard of the Penitentiary has been raised to a point where it compares favorably with the foremost criminal institutions of the United States. His ambition and aim in life had been to place the Virginia Penitentiary on a basis equal to that of any penal institution in the country, and there is no doubt that his purpose would have been accomplished could he have lived to carry out his policies.

ROBERT TREAT PAINE.

Robert Treat Paine died at Waltham, Massachusetts, August 12, 1910. Fourth in descent from the signer of the Declaration of Independence, he was born in Boston in 1835 and graduated

from Harvard at the age of twenty. He studied law and was for ten years a practising attorney.

Early in the seventies he was able to give up his legal practice and devote himself first for several years to the supervision of the great project of building Trinity Church. When this task was completed he became, in 1879, the active president of the then just formed Associated Charities, a responsibility which he fulfilled steadily and thoroughly until some three years ago. Mr. Paine was the leader and spokesman of the little group of enlightened and devoted men and women who laid out the lines of the Associated Charities in Boston and for a quarter of a century in breadth and in detail assiduously developed their program until it has, in a large part, become written down in the social conscience of the city and has become embodied in a partly visible, largely invisible, but altogether durable organism for the really effective consideration of the poor.

It is a most significant fact about all of Mr. Paine's work that he followed out in action the implications of every position taken by him. Is it found that the search for employment is too large a problem for the friendly visitor? He helps to establish the Industrial Aid Society. Are the housing conditions bad not only in isolated cases, but in areas? He creates the Better Dwelling Society which finally gets the city beyond the attitude of waiting for a pestilence before instituting sanitary reforms and by periodically prodding the Board of Health secures the destruction of all the worst slums in the older part of the city.

On the other hand he does not merely preach the beauties of friendly visiting, he is a friendly visitor himself. During all the years of his connection with the Associated Charities, as its President, he has also been a faithful and painstaking member of the little local group which is assigned to the Old South Cove district, accepting his full share of the detailed and often seemingly petty duties which fall to the neighborhood visitor in and out of some of the poorest and meanest by-ways in the city.

The establishment of the Wells Memorial with its suggestive group of related activities shows that Mr. Paine was one of the first social students and workers in this country to see clearly

that social service and reorganization was not in its main aspects a problem of the relief of poverty and distress, and not merely a matter of the prevention of small evils, but involved the whole question of associated action with and among the substantial working classes for economic, hygienic and moral progress.

Mr. Paine's plan was for an association like the Y. M. C. A., but entirely unsectarian, which should concretely meet the needs and interests of the mechanic and artisan. He has always emphasized the fact that the Wells Memorial was both a club—with its smoking and game rooms, its concerts and its dances—and also an institute in which men and women received practical training to make them better wage-earners and heads of families.

From the beginning many of the affairs of the Wells Memorial—and of the People's Institute established by Mr. Paine in Roxbury on the same model—have been governed by a managing committee of working men whose members have given generously of their time to make these enterprises successful. At a great proportion of these managing committee meetings Mr. Paine has himself presided.

This close-range work gave suggestion and stimulus to the broader efforts which Mr. Paine made through his connection with the Co-operative Building Company, which has erected blocks of model tenements in several sections of the city, and through the Workingmen's Loan Association, his own creation, through which by effective competition much of the cruel evil of the pawnshop has been done away with.

Besides urging upon workingmen at every opportunity the importance of co-operative action among themselves, Mr. Paine was perhaps the first substantial citizen in Boston to welcome the essential principles of trade-unionism. He opened the halls of the Wells Memorial to their meetings. The fact that Boston has for many years been blessed with an unusual degree of industrial peace, and of working understanding between the body of employes and the rest of the community, is largely to be credited to this large-minded and far-sighted policy.

Mr. Paine was for many years president of the American Peace Society, and had been almost from its foundation a member

of the Executive Board of the Massachusetts Prison Association.

When all his good deeds—and penetratingly good they were—are recounted, the most interesting thing in Mr. Paine's career to many—and this would doubtless have been so to himself—was his devoted and devotedly reciprocated friendship for Phillips Brooks. Classmates in the Latin School and at Harvard, they worked together and shared continuously a high spiritual fellowship. Phillips Brooks' tribute to Mr. Paine's creative share in the development of the idea of the church may, in its full meaning, well stand as a sort of parable of a life which will be all the more fully valued as the perspective of it lengthens: "We never shall forget—I hope history will not let it be forgotten—that we owe it to you that Trinity Church is big and dignified, and not a little thing in a side street which one must hunt to find, and think small things of when he has found it."

MRS. J. ELLEN FOSTER.

A great woman has fallen; one whose life was a continuous sacrifice. She gave her life to find it again.

Mrs. Foster was endowed with the faculty of reaching the right people in any community or place by which public sentiment was shaped. She created leaders out of indifference and changed public opinion by a logic peculiar to her own personality. Her life was devoted to the service of others. Years ago, when she lived in Iowa, where she practiced law as a partner of her husband, they both took up the cause of temperance in that state.

The interests which they opposed caused the burning of their home. Mrs. Foster lost everything, even to the pictures of her children. Her services in the interests of temperance and other reforms were in frequent demand in various parts of the country. With Miss Frances E. Willard, she organized the W. C. T. U., and wrote its constitution with her own hand.

She was President of the Woman's Republican Association which she organized, and was an influential member of the

Daughters of the American Revolution, having given much service as chairman of the child labor committee. She was a life member of the Y. W. C. A., and was also a member of the Woman's Foreign Missionary Society and of the Woman's Home Missionary Society. As a representative of the American Society of the Red Cross, she was sent to St. Petersburg by Secretary of State Hay in 1902 with Miss Clara Barton. She was a member of the Taft party to the Philippines, leaving the party in the island to make a tour of the Foreign Missions of the Methodist Church, of which she was always an active member.

In recent years her work has practically all been toward helping to ameliorate the conditions surrounding the unfortunate. Her service rendered as a Special Agent of the Government, appointed by President Roosevelt in 1906, to investigate child labor conditions in the South, was noteworthy.

She was an advocate of reform and chose as her special field the schools for juvenile delinquents and institutions for adult offenders. She was a member of the National Conference for the Education of Backward, Truant, Delinquent and Dependent Children, and in discussion of the problem before that body, not only showed a broad and comprehensive knowledge of the problem of caring for this class of unfortunates, but also a warm Christian heart which endeavored to secure for this class of juveniles the most munificent treatment.

While Mrs. Foster recognized the hopefulness of the work among juveniles, she at the same time realized that perhaps there was a peculiar need for special work for and with the adult offenders, to the end that more hope might be extended to them; her efforts were to have the agencies dealing with them modern and reformatory in their nature.

She was intensely earnest in her efforts to have satisfactory provision made in one of the Federal prisons for the care of women. Her last public work was to serve on a committee appointed by Attorney General Wickersham to investigate the conditions in Federal prisons. She was largely instrumental in securing the promise of the erection of a woman's wing to the Federal prison at Fort Leavenworth.

Mrs. Foster was also recently appointed to investigate conditions at the District of Columbia jails, her selection for the work growing out of her familiarity with prison conditions. She submitted an exhaustive report to the Department of Justice, containing recommendations, many of which were adopted, toward ameliorating the condition of prisoners confined therein. Mrs. Foster was engaged in general work for the uplifting of womankind throughout the country. She was a friend to all humanity.

She was born in Lowell, Mass., and had Puritan ancestors. Her father, Rev. Jotham Horton, of the Methodist Church, was active in anti-slavery agitation before the war. Mrs. Foster's husband, who was connected with the Department of Justice for many years, died in Washington four years ago. She is survived by a son, William H. Foster, an attorney of Spokane, Wash., and two grandchildren, Warren D. Foster, and Judith M. Foster, the latter being a daughter of the late Emory Foster, a newspaper man well known among the older Washington correspondents.

MISS ALMA J. HERBERT.

Miss Alma J. Herbert was born December 15, 1823, in Concord, N. H. She died in Concord on December 19, 1908. Her grandfather, Lieut. Richard Herbert, was a soldier of the Revolution.

Miss Herbert was endowed with fine intellectual gifts which were enhanced by constant reading and study. She was a natural scholar and eagerly sought all opportunities for mental improvement. In her youth she was a pupil of the Concord Literary Institution, a somewhat noted academy which flourished between 1835 and 1844. Subsequently she taught school for a while in the South. Her middle years were given to the care of an aged mother; and after the old home was broken up, most of her later winters were spent in Washington. An unfortunate accident in the streets of the latter city, resulting in an injury

to the hip, made her a confirmed invalid for the last four years of her life. Although seriously crippled during her latter days, never leaving her bed except for a wheeled chair, Miss Herbert suffered no eclipse of mental vigor. She possessed marked literary tastes, whose expression culminated, during her eighty-third year, in the publication of a volume entitled "Concordia," a collection of poems by native and resident authors of Concord. This compilation, which embraces the gleanings of a lifetime, is of permanent historical value, and is enriched by copious annotations from Miss Herbert's own pen. During previous years she had been an occasional contributor to the Granite Monthly and other publications. In the preface of his History of Concord, Dr. Bouton makes mention of Miss Herbert's assistance in examining ancient records, and of her researches in Indian lore. She also contributed to the genealogical portion of Dr. Bouton's book.

Miss Herbert was exceptionally well informed in matters of local history in her section. She was one of the first to join the New Hampshire Historical Society, and always took an active interest in its proceedings. Hers was a familiar figure at the annual field days, and she was a constant attendant at the other meetings, as long as circumstances permitted. Her religious and philanthropic interests were numerous. She belonged to the Concord Female Anti-Slavery Society in the days when it took courage to express such convictions. She was a life-long member of the Concord Female Charitable Society, the Prisoners' Aid Association, the W. C. T. U., the N. H. Cent Union and many missionary organizations. She was actively identified with the First Congregational Church at Concord all her life, although her membership belonged to a church in Washington.

Miss Herbert had great love for the town of her birth and for the land of either side of Ferry Lane, including many acres of fertile Merrimac intervals, which had been held by her family since 1753. Her conversation was replete with historical allusion and personal reminiscence, and she possessed a fund of information on many subjects. Her keen, incisive comments were always stimulating and she was an interesting letter writer

to the week of her death. Although the last of her generation, Miss Herbert is survived by a nephew, Charles A. Herbert, of Concord, N. H., and by two nieces, Mrs. Carlton, of Boston, and Mrs. Knowles, of East Concord, all three children of the late Captain Charles Horace Herbert.

JAMES D. REID.

James D. Reid was born in Morristown, New York, May 3, 1855. After a residence of some twenty years in South Bend, Indiana, he was appointed, November 1, 1901, Warden of the Indiana State Prison at Michigan City. With no previous institution experience, but with sound, common sense, an unfaltering honesty of purpose, and a mind that accurately recognized the essentials of the problem, he began the work of getting acquainted with the institution, of studying its needs and developing it along broad lines. An extensive reconstruction of the physical equipment was begun in accordance with modern ideas. The area within the wall was more than doubled; the number of beds nearly so; old buildings gave place to others of the highest sanitary standards; in all this, excellence of construction was combined with low cost.

But, important as was the work done in a material way, greater by far was that accomplished in the realm of ethics; exceedingly careful always of the financial interests of the institution, yet it was *men not money* he was anxious to save for the State.

Beginning his term of service when the application of the indeterminate sentence and parole law was still in the experimental stage, he did much by wise counsel and untiring effort to prove this the greatest advance yet made in Indiana for the reformation of delinquents, and the protection of society.

He inaugurated the merit system; established night schools; built up the library; introduced the Bertillon system. He maintained discipline, but made friends of the prisoners. He im-

proved the morals of the official force. He beautified the grounds; planted flowers—but he weeded out politics.

And, working always earnestly and honestly for the uplift of the prison, with great things already accomplished, but with much yet unrealized, he died September 2, 1910, of angina pectoris—while literally still laboring for the institution that he loved.

Often in the hour of our sorrow did prisoners and officers exchange the mutual sentiment, "We have lost our best friend"; for he was kind and just. The work he wrought in brick and stone will stand for many years; but longer by far will endure the good he wrought in the lives of those he touched.

BANQUET BY THE AMERICAN PRISON ASSOCIATION TO
FOREIGN DELEGATES TO THE INTERNATIONAL
PRISON CONGRESS.

October 4, 1910.

The banquet was held in the New Willard Hotel. The guests were welcomed by President Butler, after which he introduced the Toastmaster, Mr. Mills.

Mr. Butler: The American Prison Association, an International American Association of those who are interested in the cause for which it stands, representing as it does the countries typified by the colors that are before us: Mexico; Canada, our neighbor on the north; the new republic of Cuba, and the federation of the United States, unites tonight to welcome you. Men of all races, climes and lands, the American Prison Association gives you a hearty welcome. You who represent so many fatherlands and mother countries have come to see what your ambitious children are doing. You help us in our efforts by your wisdom and your counsel towards better things.

Never before in all history have so many countries by their official representatives been gathered together on this earth. This meeting will be historic. None of us appreciates the great significance or estimates its tremendous importance to the future. Our meeting is not for war but for peace. Its purpose is the betterment of humanity. Here we have exemplified the lesson of all history, that mankind is one, the children of the great Father of us all.

The plea that I make is that in our doing we shall deal not with classes but men. The tendency is to individualize. In our treatment of our unfortunate brother let us recognize not system but persons, the man.

My friends from every clime and every shore, representing all nations of the world, on behalf of the American Prison Association, I bid you hearty welcome here tonight. And now, I propose a toast to the highest success of this great Congress, to your pleasant stay among us, to your safe return home, that you may have long life, happiness and peace.

There is one to whom we have all given allegiance during these past few days, one who has borne our complaint and our trouble, one who has been faithful and true, an efficient servant as well as an efficient master of us all, one to whom credit and honor for the success of these meetings is greatly due, and I feel that it is but right and proper that he should be in command tonight. Without further delay, in order that you may taste of the fine things that are coming, I have pleasure, indeed great pleasure, in presenting to this company the toastmaster of tonight, Mr. Frederick Hamlin Mills.

Mr. Mills: Mr. President, Ladies and Gentlemen—I am indeed most grateful to you for this kind reception, and thankful to my friends on the committee and to Mr. Butler for honoring me as toastmaster this evening.

In the selection of speakers at the banquets that have been tendered to us during our trip and since our arrival in Washington, I have been consulted on each occasion, and it has been a great disappointment to me, and perhaps to you, that I have not before been called upon to address you. My modesty has prevented me from suggesting it, and the pressure of my friends, both American and foreign, have been so persistent and insistent that you have been deprived of a great deal of wisdom.

I have told you of the warnings that have come to me from some of the visitors from time to time, that our speeches were too many and too long. I found, however, that our foreign friends never found an evening's program too long that included themselves, and am delighted to know that in this particular they are quite like our own Americans.

In choosing a topic for my talk to you this evening, I find it difficult to select just the one that would give the most instruction and pleasure. We have had such a pleasant two weeks together, and now that we are so soon to separate, I do not want to delve into some subject which we do not all understand, so I have concluded to divide my speech into forty-seven parts and speak to you in your own language, one speech for each na-

tion, and go over again the events of our trip, and explain all that you have seen.

When I was in Paris last summer with Dr. Henderson, the commissioners impressed upon us the fact that they were anxious to see American life and meet American people, and I believe it is pretty well agreed that we have accomplished this most delightfully.

You have seen in perspective our great cities, looked at our great skyscrapers, ridden in our great elevators, driven through our beautiful parks, and now this week we are in this, our most beautiful capital city of the Union. In all of the cities that you have visited you have met our most representative citizens; our financiers; railroad presidents, manufacturers, merchants, lawyers, physicians, and touched every phase of American life, and now here in Washington, especially, you find the opportunity of meeting our statesmen and our politicians, and becoming acquainted with the men and the women who are particularly interested in the subjects which you have come here to study and to discuss.

It is not my purpose to attempt in any words that I might be able to command to analyze, or to in any way criticize my own country or countrymen, but some discussions in our sessions encourage me to speak a word about the men who would have you believe that America and Americans are different than they appear. The professional reformer is not a *genus specia*, wholly American. You find him in your own country, and he has a remedy for every ill, and a scheme of reform for every wrong. He is usually a man of one idea. If he has worked out, in his own mind, a conclusion that whiskey causes crime, he is a prohibitionist. If he happens to be a physician, whose practice has been principally with criminals, he has worked out a scientific plan for the eradication of crime by surgery. If he is a lawyer, he sometimes believes that the whole criminal procedure is wrong. You heard at the meeting on Monday night that our judges were mediocre, that our lawyers were not learned, that our criminal procedure was all bad. That the men in charge of our institutions were not properly selected nor of sufficient education to

administer the duties prescribed. Now then, these men who talk this way have never met our institution superintendents. I doubt if they ever spent a day in Court, but they can tell you all about both the institutions and the Court procedure. I have been delighted to go with you to our Courts in all the cities which we have visited, and have gone with you to the institutions of our country. You have met the superintendents in charge, and a great many of them have been with you for ten days, and I am sure that you believe with me that the statements which you heard from the lips of the men who study our institutions and Courts from their University libraries will be very much modified when they get the right perspective. It is unfortunate that our legislators very often get their suggestions for legislation from these professional reformers, and we are suffering now from an over production of new laws, emanating from theorists who recommend legislation without a full knowledge of actual conditions. The laws governing the sentences of men in our prisons have entirely changed in the last ten years without the slightest change in the physical condition surrounding the institutions. The day is not far distant, indeed it is here now, when the men in charge of institutions for criminals must be heard, if we are to retain any semblance of orderly procedure. I was particularly interested in the statement made by Mr. Brise on Sunday evening, that an experiment just completed in England demonstrated beyond doubt that there is really no criminal type. He tells that measurements applied to 3,000 criminals, and the same measurements to 3,000 men from the ordinary walks of life, did not differ materially. During all the years I have attended the sessions of the American Prison Congress I have listened to the discussions and heard my friends tell of moral bacilli, criminal anthropology, crime germs, and all that kind of titles and scientific terms applied to human beings, men and women do not differ in their anthropology, nor in their relation to society from you and me, who happen to be classed as normal. And I am reminded in this connection of the gentleman from Ireland, who asked his fellow countryman what was the name of the little seed that carried disease from place to

place and from one person to another, and his Celtic neighbor replied, "It depends altogether on where you are"; in Germany they call them "germs," in Paris they call them "parasites," and in Ireland they call them "mike-robes."

It is through our emotions and impulses that we are led and developed for good or evil, and the seat of our emotions and impulses is the soul, and I have yet to find any one who knows anything more about the soul than they knew 5,000 years ago. I conclude, therefore, that we are all alike in the purpose of the Almighty and that the spirit of Christ in you and the spirit of Christ in me, and the spirit of Christ in the convict is the same, and that whenever the Lord shall make it possible for the human soul to have a spiritual apprehension the man in prison responds as does the man outside. He has said "my sheep hear my voice," and it is He who gives the power to men to become the sons of God, and only sons of God are regenerated. Upon regeneration and the indwelling of the Holy Spirit we build character and "other foundation can no man lay." Reformation founded on regeneration builds character that makes it possible to repress the evil in us and develop the good, and makes good citizens here and fits us for a life hereafter. I know this is too simple for science, but I am delighted to see that every year we are coming nearer and nearer to the acceptance of this theory.

It has been a great pleasure to me during the last year and a half to be associated with so many distinguished gentlemen. As a boy I was secretary to Mr. Brockway, at Elmira, and I have a more or less pleasant memory of the correspondence conducted with the distinguished men who formed the Cincinnati Congress, and I expected that I might have the opportunity this evening of introducing to you some of these men who gave me hours of toil and anguish in days gone by, but as I look over the party here assembled, I find they have not appeared, and I must skip over a generation and come to a happier time of my life, and introduce to you the gentleman who has by stern law and iron hand ruled me during this past year.

I present to you, ladies and gentlemen, Dr. Charles Richmond Henderson.

Charles Richmond Henderson: Mr. Toastmaster—I do not think that I have in my own family the reputation of Dr. Jekyll and Mr. Hyde. I am afraid if I did have that reputation the family arrangements that are so happy might be somewhat disturbed, but I find myself in a somewhat equivocal position. That is to say, as a member in good and regular standing, I hope, of the American Prison Association, first of all to welcome our foreign friends, and then as a member of the International Prison Commission and of the International Prison Congress, to welcome the American Prison Association; and I really do not know whether I shall turn east or west, north or south, for looking before me tonight it is equally attractive in whichever direction I happen to look.

I know perfectly well what Mr. Mills has in his mind. He has a whole catalogue of other things to spring on us, and he wants to get me out of the way as soon as possible. We might well follow at this banquet the fashion of French discussions; that is one of the treats which I want our American friends to enjoy. I have seen in the fair city of Paris, where my friend Schrameck reigns over all the dark places, twenty Frenchmen at once claiming the floor and every one of them speaking eloquently in their beautiful language.

I am reminded of what once happened to me in Berlin when I was called upon suddenly to make a speech in the German language. I was apologizing for the kind of German I was using and the leader of the company said, "Go on, Herr Professor, go on; we like here to listen to the American dialect." Now, my friends, I have heard a very intelligent woman say that it was her highest aspiration and ambition to talk German or French like a little child. I told her that so far as I was concerned, at least, it was not necessary for me to pretend at all, for I had but to open my mouth to show I was much like a child learning the language. So now, our foreign friends are speaking English and we shall have a chance to see how English sounds as spoken by others. We feel, ourselves, that we like the Hungarian dialect of English; we like the Swiss dialect, especially when spoken by Dr. Guillaume and Dr. Borel, only

there is not much of the dialect in these cases. It is one of the miracles of human reason that we can come together from all parts of the world and discuss in an eager, wondrous way, with intelligence, subjects which are of the most delicate and complex character, and after a time come back to the point after meanderings and wanderings. It may be that in a small subcommittee we frame a resolution which will have its influence on the legislators and the kings and rulers of the world. It is no small achievement to have accomplished this, and now all of us sit around these tables together, with these flowers and with this comfortable banquet, and gather strength and energy for tomorrow's task and for that grand, grand tomorrow which we see.

Oh, friends from across the Atlantic, if I could only give just a little expression, if ever so imperfect, to the gratitude that I feel to you. I have sat with you in the banquets at Budapest and heard the Hungarian music, and my soul thrilled with the emotions of a great and progressive race, which has many of the ambitions of my own beloved America; and in fair Paris and in other cities of France have received hospitality; and in the beautiful city of Brussels and in Germany and Switzerland have been received until my sense of obligation and debt is beyond all bounds, but since you have come to us you have put us in still greater debt. And now it is a joy to me, with my friends in America, to welcome you from South America; to welcome also our new recruits from the greatest of all the nations, China, of which in our ignorance we once spoke in terms of disparagement, because we did not know. Amazing spiritual progress there is in the lands of the Orient, and here we are together fighting with one purpose against evil, and yet without hatred in our hearts. Our spirit of faith, our confidence and belief in the fatherhood of God, assembles us together as brothers, struggling with those that struggle, using our superior intelligence and power in service to those that are weakest, and thanking each other, and most of all our God, for the supreme opportunity we have of sharing the lot, the life and death of Him who opened the gates of the prison house and poured out his heart's love and bled upon the cross between two thieves.

Evil shall not prosper forever, but right and truth stand, and as we ally ourselves with those divine forces we have all the powers of the universe on our side.

Mr. Mills: You have some of you read in the magazines of the prisons of Russia, and I have come to know through a third person, because of my defective French (?), the man who has charge of those prisons and who is working at some changes and at what we in this country call reforms. He has charge of 1,200 prisons. I have had charge of him for three weeks. He is a most delightful gentleman. You may not know that the grave of the great John Howard is in St. Petersburg, or near St. Petersburg. It may be that the spirit of John Howard is hovering over our friend. I have great pleasure in introducing M. Etienne de Khrouleff, Chief of the Administration of Prisons, St. Petersburg, Russia.

M. Etienne de Khrouleff: Ladies and Gentlemen—My desire to address you in your native tongue is so great that I dare, in spite of my poor pronunciation, to say a few words in the language of this country.

I have frequently been asked for my impressions of America. Although it is very difficult to say in a few words anything adequate about your great country, which arouses the admiration of a stranger, still I shall make an effort to do so.

I remember that when I was a boy my fellow students in the gymnasium and myself used to read stories of Fenimore Cooper, and he entranced us by his descriptions of this country and the struggle of civilization. Gentlemen, at that time we dreamed of emigration, or even escape, to America. Later on we studied American history and repeated with enthusiasm the great names of Washington, Franklin and Lafayette. In a maturer age we were astounded by American inventions in the field of technical science, and Edison appeared to us as the most striking representative of American inventive genius.

We have always watched with great interest the development of American institutions, and especially the work of Americans in the field of penology, which the American Prison Association

has made such progress in. This personal stay among you has only strengthened my old-time liking for the American people. If I may be allowed to speak frankly, I have found Americans to possess an open, gracious, hospitable nature, and a joy of living, which is a sign of a young heart and a clear conscience. Americans are very energetic, but they are also religious, moral and deeply patriotic. These traits make America a great nation, and I drink to her prosperity and her great future. And as a Russian, I will express one further wish, and that is that Americans may learn to know my country better—for I have found that they are often misinformed about her.

Mr. Mills: The next speaker on the program comes from Holland. He is a Holland attorney. I presume a Holland attorney is a pretty big man. I take pleasure in presenting Dr. A. Van der Elat, Leiden.

Dr. A. Van der Elat, Leiden, Holland: Ladies and Gentlemen—You must not expect of me that I will give you here some opinions about prisons or reformatory questions. I should say you have in the last days heard a great deal of them, and when you want to hear more you had better go tomorrow again to the sessions of the Prison Congress. When you see the list of delegates you will find out that the representation from Holland is one lady and eight gentlemen. We have come to see you and to be friends with you. That is not the only reason. I should say there are more reasons. You are often misinformed about our country. We do not smoke clay pipes. We enjoy our after-dinner cigars as well as you do. Our ladies go about the streets as your ladies do and dress as well as your ladies. Our women don't wear wooden shoes. I tell you, ladies and gentlemen, Holland is not an old curiosity shop.

We hope when you come to Holland you will stay long enough to see us. You all know the famous book on "The Rise of the Dutch Republic," by John Motley. We like to tell you we are thankful for that book. It has made our history known to the whole world. Old Holland possesses seven provinces. You would call them states. Each province is free and quite inde-

pendent, with army and navy. You know, too, that this same old Holland of ours has become one of the mightiest and strongest of European institutions, and we like to tell you that we are proud of it.

Mr. Mills: The local committee in New York made it their business to meet the delegates arriving by the Atlantic ports, and the Government was very kind in extending to the delegates the hospitality of the Treasury Department and allowed their baggage to come in without duty, and it was our duty to inform them of that. We had notice that a delegation was coming from China and that they sailed from Shanghai on the 24th of August. We were not able to locate them before we left New York, and on the trip, at Buffalo, we learned by telegraph that they were hurrying across the country to meet us in Chicago, and we used up half our appropriation to find them. They finally landed. When we reached Washington we rounded them all up and have them here. You will therefore have the pleasure of listening to Mr. Ahlo.

Li Fang Ahlo, Supreme Court of Justice, Pekin, China: Ladies and Gentlemen—I am deeply sensible to the honor of being called upon to say a few words to this distinguished company. When I landed on your hospitable shore by way of the Golden Gate, and not by way of New York, I was greeted, not by members of the American Prison Association, but by the characteristic American hand-shake, the hearty grip so expressive of good cheer and welcome. These gentlemen were very kind, very genial, but also a little curious. This peculiarity I thought was confined to the western States, but my experience has told me its germs are also found in the East here. Among the dozen and one questions which they put to me and which I was beguiled into answering, was this: "Judge, we Americans like you Chinese people, and I believe you like us, too. Our country is anxious that China should do something. Why don't you begin to move along." Now, to the first part of that question I bowed in deep appreciation of this sentiment, for it was not untrue. But to the latter part this was my reply: "We have been invited by

your government to the International Prison Congress. We have come. Is not our presence in this country an indication that no longer is China asleep but fully awake to the progressive achievement of your country? When China sends a prison delegation to this country does it not manifest an international desire not only to listen to the appeals of the criminal for pity and consideration, but also to lift him from the crime and by the beneficial influences of science renovate his whole moral being so he becomes once more a desirable member of society? The country whose moral obligation is aroused to this degree is no longer dead but a living nation."

The world has become accustomed to seeing China plodding contentedly in rough conservatism and has not noted the size of reawakened China. Everywhere in the empire there are abundant evidences of material progress, and educational, industrial and scientific institutions tell the tale of life and activity. The old-time superstitions and customs which stood in the path of its development are now being rudely brushed aside, and today behold China, a nation throbbing with the thrill of a new era, an era of advancement in the cause of humanity!

You ask me what is the power which has set this kingdom into motion? I say it is education, modern education. Great events are productive of great changes. When the smoke cleared from the battlefield in 1900 there arose from the ashes of the slain a spirit strange and yet so divine, breathing into the nostrils of the nation a spirit of light and knowledge. At that moment was born the new renaissance. There came the awakening of the nation from a thousand years of slumber. And now comes the message which I promised to convey to you. It is a message which carries the unanimous goodwill of our people to you American people. I tender the deep and lasting thanks of a great and good people for the return of her indemnity in the form of an educational endowment. It interests you to know that this noble act on your part has given a tremendous stimulus to education in China. Today thousands of students are working day and night in order to compete in the annual examination which is being held in Peking for students who are

to come to this country for higher education. In this manner we send you our brightest students and to you we deliver our young men, confident that you will impart to them the highest and noblest ideals of your civilization, so when these young men come back to us they may be fully able to carry out their duty not only to every country but to themselves, not in the competition of war but in the great causes of peace, industries and arts.

Mr. Mills: The 400,000,000 of China may well be heard from again. I have pleasure in introducing Mr. Kungpah T. King, His Imperial Chinese Majesty's delegate, of the Supreme Court of Justice, Peking.

Mr. King: Mr. Toastmaster, Ladies and Gentlemen—I was called upon to address you by Mr. Mills at 12 o'clock today. That is not giving much time to a foreigner to prepare a speech in English before an international assembly. It was my intention at first to address you in Chinese, but I was afraid you might misinterpret my meaning, although I must tell you I would feel at home in it, a fact in which you will all agree with me. However, in order to keep up the good relations existing so happily between you and our Chinese delegation, I take upon myself the task of expressing our thoughts in your difficult language.

This is my second visit to your country. The first was in 1905, when I entered as contract laborer. This was the classification the customs officers put my brothers and sister and myself under, although at that time I anticipated trouble and so was armed with an official passport from your minister in London and was given letters of introduction by him to prominent men in the city of Boston. We were confined on board the ship for one night, and that gave me the first experience of durance vile in your country. Of course it was a misunderstanding altogether on the part of the customs officers. They seldom met any Chinese gentlemen, except the labor class, and could not think that it was possible for a Chinese to be anything other than a laundryman or a porkchopman. As I said before, it was a great misunderstanding.

But it is true that such misunderstandings—in some cases ignorance—should be removed. It is our mission, therefore, not only to learn all we possibly can gather from your complicated civilization, but also to inform you that your people and our people have a good many things in common and that the human families are much nearer than people think they are, and that finally, as Confucius says—and he says a good many wise things that no one cares to dispute—“Within the four seas we are all brothers.”

We do not study oratory in China. The last great speaker we had was Confucius himself, and he spoke so well in his lifetime that no one has cared to eclipse his reputation. Confucius, for fear possibly of succeeding generations outdoing him in eloquence, left this instruction: “Words are like winged arrows; so be careful how you speak.” Again he said: “He is a wise man who knows how to hold his tongue.” Under such an injunction, from so wise a man, I really feel it is time to conclude, but I cannot do so without first expressing the sincere thanks of the Chinese delegation for the splendid hospitality we have received from the Government of the United States and the kindly courtesy of the American people.

President Butler: I reserved the right to call the toastmaster to order. I do not know what he has done, but something. I do not know what he is guilty of, and I do not know how to frame the charges, so I desire to call upon an attorney, distinguished in his own land, to put in proper form the indictment which is to be made. I will call on Prof. J. Simon von der Aa, of Holland.

Prof. J. Simon von der Aa: Mr. Chairman, Mr. Toastmaster—I reckon that what I am going to say will perhaps surprise a little the toastmaster. It may even be that the purpose of my speech when he gets to know it, will be at the end. I will let him wait. The purpose of my speech may even embarrass him a little, but I know he is a broadminded and a kindhearted man, and that is why I am sure we will all be the better friends. I have to say some words tonight to Frederick Hamlin Mills. I

wanted these words to be particularly understood. To be sure of that I thought the best thing might be to address him in an American way, as far as a foreigner can. I do not mean to say I am just going to "roast him." Perhaps he is a little tired. To do that I could not quite make out how, and then it happened that I met a friend of mine, and that friend whom I met said: "Well, what are you looking so worried for? You do look worried, and people who are in America and enjoying this hospitality and friendship should not look worried." And so I answered that I wanted to address Frederick Hamlin Mills in an American way and that I did not know how to do it. He said: "Why, man, do not worry about that. Don't forget you are in Washington and you can understand in Washington that you need not be in trouble for that. You go to a place where they make such things ready for you. You can understand that in a place like Washington where there are so many congresses held, where there is such a political life, that of course they will provide you with speeches if you want them." We took one of those small, nice carriages and drove to the place. He left me at the door, and I went in and was received by a nice, friendly gentleman, who asked me what I wanted. I told him I wanted a speech. He said, "You can find here everything you can wish for, and you will find the best things in the world." I explained I wanted a good, nice little speech. He said, "We will make you in a moment the most disagreeable and the sharpest speech you can think of; full of accusations." I said I did not want that because the man I wanted to address was a man so good, so kind that none of these accusations would be true. He said: "Well, what is it? Is it politics?" I said I did not want any politics in it. I wanted to speak to a man who is known for what he did in social life to help the poor and unfortunate. He said: "We will provide you with the greatest speech in the world that has yet been spoken, so long that the most patient philosopher will fall asleep over it." I said I did not want such a speech either; I did not think it would be allowed. I said, "The man I want to address is the financial director of the trip we have made," and he said, "I have just the very thing you want. I will give

you a speech full of ciphers and numbers so he can tell what everything all over the United States is worth and what it cost." I said, "I do not want that speech either, because if that man will only put himself in a sight-seeing car he will know it as well as I can tell it." He offered me many other speeches, so I thought I had better describe him the man I wanted to address, and so I did. I described him, who Frederick Hamlin Mills was, and now, I bet you, Mr. Toastmaster, you can not guess the answer he gave me. He said, "If that man is so as you describe him, you better do not make that speech yourself, because that man will like something else. He will like kind and hearty and true and simple words and he will not like speeches," and then he said, "Let that speech be given to him not by you, but let it be said to him by a woman. He will like a few kind words from a graceful lady better than the finest speech we can deliver, and we have the best in all the world."

Mr. Toastmaster, I am not going to address you at all. I am not going to say a word myself, but I will ask a graceful lady to say that kind word from all the foreign delegates, Mme. Jules Rickl de Bellye.

Mme. Jules Rickl de Bellye: Mr. Toastmaster—When at the banquet at Louisville Mr. Lippincott, in the name of the American members of our party, presented Mr. Mills a scarf pin, we other members did not feel quite content at first. It was not that we thought it wrong to offer Mr. Mills a token of affection and gratitude for all he had done, nor that we did not agree with the words Mr. Lippincott spoke. But we felt not quite content that we, the foreigners, were left out; that we had not been asked to join, and having not heard anything about it had not been able to offer to join. We were not content, as I said at first. But soon, thinking it over, we understood the feelings of our American colleagues, and we respected them—the feeling of pride over Mr. Mills which made them consider him and treat him as their man, as their own. But then we others cherished no less gratitude and no less sympathy in our hearts, and we felt just as much, all of us, the necessity of giving expression. So it was decided at once, with universal agreement and pleas-

ure, that we should follow the example to a certain extent. For we did not think it the right thing to adorn Mr. Mills with another piece of jewelry, nor even did we think it right to address ourselves to Mr. Mills alone. One never knows how much a woman is the life of a man. But here we know for certain that Mr. Mills would not have been for us all he has been if he had not had Mrs. Mills. Without a nice and comfortable home, without the care of Mrs. Mills, he could not have the fresh and jovial strength of body and mind necessary for making and carrying through the plan of our nice trip. Therefore, Mr. and Mrs. Mills, we chose something for your home, where we hope you will give it such a place and such a use that may often remind you of the days we passed together under your care. We shall not forget them and we shall not forget you, Mr. and Mrs. Mills. You have made us by your deeds and ways your friends. Remember that whenever you see the tray which I am now to present to you in the name of the foreign delegates and members of the Congress.

[Hereupon a beautiful silver tea service was deposited on the speaker's table in front of Mr. Mills.]

Mr. Mills [momentarily overcome, unable to proceed, turns to his wife]: Mrs. Mills always helps me out. Perhaps she could make a speech now.

Mrs. Mills: I can only say, I thank you, and I am very happy to be the wife of my husband on this occasion.

Mr. Mills: Will you allow me to say how much I appreciate this. We do not need any reminder of this most delightful experience. It could not come again in our lifetime. It seems I have lived all the years just to take in those two weeks before the meeting and make these most delightful acquaintances with you. The friendship and affection which we have formed together will be to me through all of life an oasis in my existence.

We will jump right from China to France and introduce Mr. J. Spach, Judge of the Court of Appeals, Paris:

M. Spach: Directed by the Société Générale des Prisons to tell you how strong the sentiments of friendship are which she feels toward you, it is a great honor for me to speak in the name of a great society before a great society. I really do not ignore the considerable part which the American society of prisons has taken and continues to take. I know that the merit belongs to her to have determined the movement from which came the reforms. I know how fervently you have fought for the abolition of the indeterminate sentence, which in your country gives such fortunate results. At the present hour do you not fight for the salvation of erring children, children more unfortunate than guilty? Such efforts are worthy of admiration.

Fighting against crime, pursuing with all means possible the realization of the good, societies like the American Society of Prisons and the Société Générale des Prisons exercise in their respective countries a salutary influence, collaborating, in all independence, for the ameliorations of the penal law; by their scientific work, by preparing public opinion, these two societies show the necessity of their existence. The similitude of the end pursued by the American Society of Prisons and the Société Générale des Prisons is another reason for them to make the tie of close friendship which unites them still stronger. The one and the other have long prospered and our president would have liked to express the sentiment of sympathy felt on the other side of the ocean. Personal hindrances have not permitted him to do so, also the length and fatigue of the trip, the period somewhat late of the Congress, have prevented the most eminent member of the "Société des Prisons" from coming to Washington. Therefore they have engaged two more courageous colleagues, who were not afraid of the seasickness. Anyhow they are tonight heartily with you. And now, gentlemen, if we are permitted to speak in our personal name, Mr. Bose and myself wish to thank you from the utmost depth of our hearts for the so friendly reception given us by your call. We express a sentiment of gratitude to Mr. Henderson, the President of the Congress, to Mr. Butler, whose guests we are tonight, to Mr. Mills, in whom we have discovered an uncle from America. And we can assure you,

finally, that we take with us an ineffable souvenir of our sojourn in the United States of America.

Mr. Mills: "Japan"—S. Ogawa, Professor Tokio University, and formerly Chief of the Japanese Prison System.

Mr. Ogawa: Mr. Toastmaster, Ladies and Gentlemen—I consider that it is one of the greatest privileges which has ever been given to me to respond to the toast on such an occasion as this. No word can express my heartfelt gratitude for your hospitality and generosity. I well know that hospitality is the chief characteristic of your people, but I am more and more impressed with this beautiful trait of the American people whenever I visit this land.

At first strangers who visit this country are usually impressed only with your magnificent material achievements, but the more they get acquainted with your people and the more they study the institutions in this great land of liberty, the more they are convinced of your thorough devotion to humanity and earnest activities in behalf of the world's peace. I am one of these. It is, I believe, a great pride of this Republic to have bred so many people who are eagerly devoting themselves to that divine task—that is to uplift the helpless and wicked and to endeavor to maintain the world's peace.

As a son of Nippon, I appreciate especially this humanitarian spirit of the American people. Every one of my countrymen recognizes the fact that the great achievement which we have made in the last half century, although we had our own background on which to make this great transformation, is mainly due to the helping hand and the brotherly care which you have constantly extended to us. We all know that it is your people who opened the door of our land to the rest of the world. It is absolutely useless to speak of this matter, for you know well how much we Japanese appreciate your kindness and friendliness, but as one who engages in prison work I cannot remain here without expressing my gratitude to you on this special occasion. We owe you very much in the improvement of the prisons in Japan. Let me explain it to you as I explained it in

an article entitled "History of Japanese Prisons" which was published in Count Okuma's book "Fifty Years of Japan." About thirty-five years ago your countryman, Dr. John C. Belry, to whom we are planning to erect a statue in commemoration of what he did for us, came to our country and investigated a great many prisons in Japan. On finding the imperfection and inefficiency of our prisons, he stated, very frankly, his view in regard to these matters to the authority of that time, Prince Okubo, a great statesman. This fact induced the Japanese Government to move in the improvement of the prisons. While we were doing this, Dr. Wines, of your country, invited the Japanese Government to join the International Prison Congress and advised her to send delegates to investigate the systems of the Western countries. This made it possible for Japan to improve her prisons to their present state. Thus in the past we are greatly indebted to you and at present we also owe you much, for a great many of the present administrators of the prisons in Japan have received instruction in this country under Professor Henderson, Mr. Brockway, the late Mr. Barrows, Mr. Scott, and others. In the future, I trust that you will be friendly and helpful to us as ever in every line of affairs, but especially in the prison work.

I rejoice and thank you for the privilege and honor of attending this Congress in this beautiful city of the Republic, and for the opportunity that I have had on this visit to personally investigate a well-advanced prison system and various institutions, the like of which are not to be found in any other country.

Mr. Mills: While in Brussels last summer, Mrs. Mills and I were delightfully entertained by some friends there. One of the gentlemen asked if there was anything he could do for us to make it pleasant while we were there. I said to him, "I have learned that the king is to be at the opening of the Arts Building this afternoon at half-past two, and if the king would like to see me I would like to call on him." He immediately arranged it, as he did everything else I asked him while I was in Brussels, and he is here tonight with his wife. He will speak to you as the voice from Ghent. It was at Ghent that the first

cellular prison was built, and Prof. Adolpe Prins, of the University of Brussels, and General Inspector of Prisons, will now address you.

Prof. Adolphe Prins: Ladies and Gentlemen—You understand that there is a great difference between you and us, but there are also very great analogies. In my opinion the great difference is this: we, in our country, are like all the old people. We do not like to move. We like to listen. And you, ladies and gentlemen, you are like our young people. You do not like to listen, you like to move and you walk by yourselves, and while I say, you walk by yourselves, I speak not only of the men but also of the women, because everywhere I have seen in all directions where there was something to do or to say, in the schools, in the charity office, everywhere, I have seen women are in the way with the men. Wonderful! The success of your country is so rapid and so great! That is it. And if I was not here at a nice banquet at eleven o'clock, but in a room at the University, I would explain the consequences from this difference, from the difference between our social state institutions and your great system of individuality. I am not in a university. I am at a splendid banquet. I know very well the ladies are not fond of speaking of politics, so I will say nothing. I will say only the great analogies between us are that we have the same laws of existence, the same feeling of our social question, of our social duties.

Ladies and gentlemen, we see here that we are together, that we feel one like the other, that we can work together for the progress of humanity. We can work together for the unity of humanity and of states, not only the unity of States of America but of the whole world. So we are glad on this occasion to meet together, to speak together, and so I drink to your health.

Mr. Mills: We have been abroad. We are coming home now. We land at the port of New York, and without taking your time I will introduce to you the District Attorney of New York, Hon. Charles S. Whitman.

Mr. Whitman: I promise you, you shall not be detained so long at the port of New York as I was when I came back two weeks ago.

The dreams of my childhood are realized, for the first time, tonight. I find myself in Congress and in Washington. But a stranger thing than that, if a stranger thing than that is possible, has happened. For what seemed the impossible, is possible now. The suffragette has apparently been successful and the Congress in Washington is graced and dignified and honored by the presence in its membership of our women.

The toastmaster has asked me to speak not less than two nor more than five minutes. It is what is known in New York as an indeterminate sentence, but as the board of parole in our State has always interpreted the law that the minimum shall be imposed, at least that the parole shall be given at the end of the minimum, I will conform to the law tonight and will not detain you long.

I do not know just how a man is going to respond to a toast on the greatest city in the Western world in three minutes. A good many people have commented on New York after having seen it three minutes or less, but I know I cannot do justice to my city, and you will pardon a little conceit, for we all have our local pride and we love our homes. The great subject, which to me in some sense is the greatest man can discuss in discussing the municipal life of our cities today, is the city of New York. Ladies and gentlemen, our problems are the problems of all the cities of not only the United States, but of the civilized world. We have troubles and difficulties and perplexities, problems almost unsolvable, as it seems today, in New York, that you have in the older cities of the Old World. We are trying to solve some of them. We sometimes think we are getting near a solution until a condition arises which upsets all our theories, and I know you ladies and gentlemen from across the water know that your problems and your difficulties are repeated with us. I have been a little—I will not say amused—but surprised tonight at this gathering and speaking, interesting and entertaining and powerful as it has been. I feel a little as the man who attended

a large gathering to discuss charitable questions and the conditions of the poor, and after four hours one man in the corner arose and said, "Yes, ladies and gentlemen, this is all right, but there are poor people in this country." And another arose and said, "That is so; we have not done much for the poor. Let us do something now. I propose three cheers for the poor." There is such a thing as crime. There is such a thing as the criminal. There is such a thing as a wrong-doing that strikes at the very life of our cities and our States and our Nation, that must be met and must be dealt with not by theorists alone, not by men who are idealists alone, not by those who would ascribe qualities to the criminal which he does not possess and treat him as they do often in public gatherings of this kind, a creature of fashion and of fabrication, and not the man whose hand is raised against our lives, against the men and the women and the little child in the great cities of the nation and of the world.

The District Attorney is usually the most unpopular man on earth. If he is not at the beginning of his term, he is before he gets through. He is not very popular as a rule in gatherings. I do not mean this gathering, but gatherings of those who to a large degree contribute to the amelioration and the betterment of those who are born and have lived and died in the shadow. The saddest and most distressing, the most depressing times or the most disheartening thing a man can do is to stand day after day and year after year facing numbers of criminals, charged with the duty under the law of seeing to it that as far as he and his are concerned, the law must be enforced, to save society and to save the prisoner, too. Now that is the problem that is before you, but it is not before you alone. It is before every judge and every jury and every district attorney in this great land, and I believe in all the countries of all the earth, to save society and to save the criminal, too. We are getting towards it, or nearer some solution. We are getting to see better that there is some good in all, even the worst. But do not let us forget in our efforts, honest and sincere, prompted by the purest and kindest and most charitable and most Christian motives that can prompt human action, that after all evil is evil, wrong is wrong, and

that we have lived and prospered and grown mighty because the majesty and dignity and sovereignty of law can be enforced, and must be enforced in any civilized community, if that community is to grow better and purer and nearer the ideals which you and I and all of us believe are the ideals toward which human nature is constantly tending onward and upward and forward, as we seek the highest in human nature, the divine.

Mr. Mills: "The Great Northwest"—Albert H. Hall, of Minneapolis, Minnesota.

Mr. Hall: Ladies and Gentlemen—It is with no feeling of shame in behalf of the profession I represent in this great problem of the world, I confess that the law in all progressive movements lags behind. It is not necessary for me even here to confess it. It has all been proven to you by distinguished members of the bench and the teachers of law who have addressed you. But that is not true alone of this Congress. It has ever been so. The greatest law giver of the world never entered into the promised land. After he had given his law, he was let to die in the wilderness. I am reminded that after the Infinite had spoken through him his undying law and given him a burial place which no man knoweth, before He took him hence He raised him unto the highest of the mountains and gave him a vision of the days that were to intervene. And through the law that he had uttered he looked far down the ages to the coming again of a new and better law that should not erase one jot or one tittle of what He had written, but should embrace in lieu of all that highest law, "Whatsoever ye would that men should do unto you, do ye even so to them."

I am not ashamed to come here from the West. The East is the spring and the source of all the world holds precious, but the streams have westward turned and in this free land, far out beyond the boundaries of your trip, the law is working out its processes to men.

The lawyer has not the happy situation of the doctor, whose mistakes are all buried. For a long time the judge and the court and the bar, in their dealings with humanity, in the admin-

istration of punitive justice, have sort of fancied that their mistakes were buried. They forget that through the years of every sentence imposed there were keen, sagacious, generous men watching over and checking up their mistakes. And this Prison Association has been and must continue to be, at least in American jurisprudence, the principal agency for the reformation of criminal laws and in the advancement of this great reform: little, I reckon, will be done by the theorists. It must all be tried out before the higher court, the courts of rehabilitation, carried on by the chief judges and the wardens.

I do not at this time care to pay much attention to the debates that have gone forward here. Undoubtedly there is much to be done by the theorists who gather into press and put into words the conclusions of deliberations; but we are living in an age of service. The word counts for little. Punitive justice will march on. It will bring to the depressed, the outcast and erring humanity, its beneficent work by the hands of those who serve long before the legislatures shall have righted their statutes. Work and service are better than word and it is being exemplified peculiarly. Indeed, as I have watched the deliberations of this Congress, I have been reminded of threshing machines I have seen, that were altogether too high geared in the bellows. Much of the grain is going over into the straw pile, but some of it is being left, and perhaps the wise men, long after we have gone, may gather it and preserve it and put it into legislation.

Gentlemen (the ladies in this company are not concerned in what I am about to say), the effort of the future must be to realize the higher ideals and to incorporate into the legislation of the future the message of the human heart. It is not the law of Moses alone that must be the legislation of the future; it must be the message of the Nazarene. And as the highest purpose of the Divine has been to reach the uttermost creatures, so civil law will reach its perfection when it extends its highest beneficence to the maimed and to the lost, and to that end this great federation of the world, this legislature of humanity and these legislators of the heart, are paving the way slowly but surely to the accomplishment of that ideal of a justice upon earth that shall be like to the justice of heaven.

Mr. Mills: We have reserved for the last speech of the evening one of our friends whom we knew you would all wait for and who you will all be delighted to hear. You know it was a big ship that came over and landed on Pilgrim Rock in 1620. I know of at least a million people that came in that boat. Mr. Pettigrove did not, but all his ancestors did, and he is here to-night.

Frederick G. Pettigrove: Mr. Toastmaster, Ladies and Gentlemen—In that marvelous compact that was signed in the cabin of the Mayflower, was the founding of a nation. It is interesting to us as prison students to remember that while they brought all the other elements of nationality, that they also brought the first criminals that were known on the soil of Massachusetts, and the first jail set up in the territory that now comprises the State of Massachusetts was built at Plymouth. It was not a strong jail, for very soon afterwards a man escaped, and what was worse, it being winter, he took the stove that was in it.

I am to speak a word of welcome to the foreign delegates for that section of the American union that was not covered by your recent pilgrimage. In your travels you went through the Empire State of New York, you visited Pennsylvania, Ohio, Indiana, Illinois, Kentucky, Virginia. Perhaps you did not see institutions in all those places, but you visited all those different States. I can assure you that while we have not perhaps as large territory in Massachusetts and not as many institutions—although perhaps we have quite as many according to the population—you would have received in the rigorous climate of Massachusetts just as warm a welcome as you received anywhere on your journey, and if any of the delegates shall choose to supplement their attendance on this Congress by making a second pilgrimage to New England, we will not promise to make the arrangements as elaborate and as perfect as those that were under the charge of Dr. Henderson and Mr. Mills, but we promise to give you a welcome that I trust will gladden your hearts and will make you know that although we live under such stern conditions as to climate, that we are all animated by the same spirit of friendship.

We, in this country, are not able to take up the great sociological questions and the great reforms in criminal law with as much readiness as you in other lands. Where you, under an imperial government, have only to persuade that government to adopt any rule of law, we must go through weary weeks and months and years of persuasion, of argument, of entreaty, before we can have the first attempt at legislation. Then that is often tentative legislation. You all know our difficulties in making any rule or any systematic change in our methods that will extend over this belt of the continent. We are not like the nations you represent. Our nation is not made from consanguinity of races, because we have those from every clime. We welcome those from all the nations of the earth. We do not always receive them with open arms, because sometimes our officials are obliged to reject a few. We do not depend upon our nationality, upon contiguity of territory, because great rivers and great mountains divide us asunder. We are not moulded together in a common bond of nationality, by the joys and sorrows of a thousand years, as many nations are. We are only tied together by a federal constitution that was adopted after angry and bitter debate in many of the thirteen States. One of the original thirteen was so slow in giving its adherence that it was very nearly the fourteenth. Massachusetts, I am happy to say, was the sixth State to adopt it, although it was done after long debate. I just mention that to show you that we have no possibility in the lifetime of any man here of making any national rule of law that will carry out any of the reforms in which we are interested. The ancient prejudice in favor of the plan of the fathers will forbid it now, and perhaps forever will prevent it. There are men on this continent and in this Republic who are so firmly persuaded that our plan of government is the best on the face of the earth, that they would never evade one jot or one tittle of that government to secure a great many reforms, so that we are obliged to proceed slowly; and it is just in this particular that the American Prison Association has served the purpose of calling the attention of the people of all the States to needed reforms in prison adminis-

tration. And you may go all over this nation today and with only one or two exceptions, perhaps, you will find that the seed has been planted that will eventually produce the desired results in the way of reforms in our prison administration. We have come together year after year to discuss them, and we believe that in this way we shall bring them about, but we will never be able to get any national rule unless we can have some amendment to the Constitution, and that is a process which takes so long that we have no hope of seeing it while we live.

I was very much interested in the remarks that have been made in regard to the reformation of prisoners. I have heard considerable discussion since coming here about the parole law. I have heard some of the gentlemen from abroad considering the advisability of making a more stringent rule in regard to the supervision of prisoners who are discharged. I have not any desire to adopt any method of supervision that would be so stringent that the man would think he had not been given his liberty. I do not believe in giving a man his liberty and then keeping a string tied to him. I think the only way you can teach him to swim is to put him in the water and let him try it, and if he cannot, fish him out again. We have heard from a very distinguished critic, from a man we all love and respect, that we ought to have uniform statistics, and there is not a man on this continent who would gainsay that statement; and we will have it. The work that is now being done under the direction of the Sage Foundation, by trained and careful agents, will supply the deficiency that has long existed. We will not be able to get the stamp of the national government upon them, but they will be quite as authoritative, quite as accurate, and they will serve the purpose just as well as if they came from a central bureau. These trained persons will possess the necessary knowledge because they have been trained to the work, but they will find after all that statistics will not tell the whole story. They will find that some things that are gathered are worthless and some even worse than that. You know one man said to another, how do you account for the fact that 30 per cent. of the persons in the United States are left-handed? He

said, that is so because the other 70 per cent. are right-handed. You remember one story Col. Wright told in Washington many years ago, that 300 per cent. of a certain nationality were arrested for drunkenness in one year. They wanted to know how that could happen. "Because," they said, "there is only one man of that nationality and he has been arrested three times." So we see the absurdity of statistics is shown in many ways.

Wherever you go, notwithstanding the fact that we cannot get all the commonwealths to agree officially or be satisfied, you will find that in the last forty years public sentiment has largely changed, so that now every prison is made a reformatory prison and we are trying to instil into the mind of the prisoner a desire to retrieve his mistake, to correct his life and to make him a self-supporting and a self-respecting citizen. You will find prisons are being made places of hope instead of places of fear, and your presence here and your inspiring words, the sympathy shown, the comments made by these gentlemen, will inspire us to move on with new courage, with our faces to the morning until we shall make the American prisons more effective than they have ever been, and then we shall bring about results that we can show you with pride and satisfaction.

Mr. Mills: In Connecticut they make silk flags. A gentleman who is a member of the Board of Trustees of the Connecticut State Prison, Mr. James W. Cheney, has kindly presented to the guests of the evening these beautiful flags, the product of his factory. I propose a toast to him.

The banquet closed with the singing of "The Star Spangled Banner."

MATTERS OF BUSINESS.

Very little business was brought before the Congress. The usual Committees on Resolutions, Organization, and Time and Place were appointed. The Committee on Resolutions, through its chairman, Mr. Wines, reported at the Sunday evening session. See page 183. The committee consisted of the following named: Frederick Howard Wines, Springfield, Ill.; Albert W. Gilchrist, Tallahassee, Fla.; Richard R. Lancis, Havana, Cuba; C. S. Reed, Walla Walla, Wash.; Dr. Katharine B. Davis, Bedford, N. Y.

The Committee on Time and Place, of which committee Frederick H. Pettigrove was chairman, reported in favor of Omaha for the 1911 meeting, the time to be fixed by the Executive Committee.

The report of the Committee on Organization for 1911 will be found at page 497. This committee consisted of the following: William J. Diehl, Pittsburg, Pa.; J. T. Gilmour, Toronto, Canada; Frederick H. Mills, New York, N. Y.; Timothy Nicholson, Richmond, Ind.; George L. Schon, Louisville, Ky.; Henry K. W. Scott, Concord, N. H.; Albert H. Hall, Minneapolis, Minn.

A committee was also appointed, consisting of William J. Diehl and Samuel Fallows, to audit the books of the Treasurer and Financial Secretary. These books, after examination by the committee, were found correct and approved. The report of the Treasurer follows:

F. H. Mills, Treasurer, in account with the American Prison Association.

Amount on hand as per last report.....	\$905 31
Amounts received during the year—	
Aug. —. H. H. Shirer, Seattle meeting.....	\$480 00
Nov. 15. H. H. Shirer.....	247 95
Feb. 8. H. H. Shirer.....	70 50
July 2. H. H. Shirer.....	621 85
Aug. 5. H. H. Shirer.....	278 00
Aug. 31. H. H. Shirer.....	336 00
Sept. 14. H. H. Shirer.....	151 50
	\$2,185 80

Interest on investments—

Coupons	\$90 00	
		\$2,275 80
		3,181 11
Legacy, Miss Alma J. Herbert.....	190 00	
		\$3,371 11

Contra.

1909.		
Sept. 9.	W. B. Burford, printing proceedings.....	\$531 25
Oct. 11.	Jos. P. Byers, Secretary, expenses.....	101 00
Nov. 20.	Frank Cummings, legal services.....	71 12
Dec. 27.	Jos. P. Byers, Secretary, expenses.....	73 13
	W. K. Stewart Co., stationery.....	16 00
	W. B. Burford, printing.....	2 50
	Amos W. Butler, expenses.....	35 33
1910.		
Jan. 8.	State Charities Aid, expenses.....	57 15
	Hollenbeck Press	25 25
Mar. 12.	Stamps	10 00
“ 16.	J. E. Linde Paper Co.....	2 02
	L. Croby, stenographic services	30 00
	J. P. Byers, telegrams.....	1 40
	Ferdinand Cattelan, translation	5 00
Mar. 26.	H. H. Shirer, postage and stationery.....	15 50
Apr. 28.	J. E. Linde Paper Co.....	10 02
	Jos. P. Byers, office expenses.....	58 55
	W. B. Burford, on account.....	250 00
	Exchange on foreign checks.....	34
June 6.	J. E. Linde Paper Co.....	10 45
	Jos. P. Byers, office expenses.....	64 00
	The Globe Wernicke Co.....	12 30
	Wm. B. Burford.....	10 71
	Amos W. Butler.....	35 21
	Amos W. Butler.....	5 39
June 17.	A. Ohman Co.....	120 00
July 7.	Amos W. Butler.....	16 44
“ 14.	Jos. P. Byers, office expenses.....	18 85
	Wm. B. Burford.....	291 56
July 15.	Jos. P. Byers, expenses.....	130 00
	Dr. D. C. Peyton.....	47 88
July 22.	A. Ohman Map Co.....	100 00

BUSINESS MATTERS.

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Aug. 12.	H. H. Shirer.....	\$48 50	
" 16.	Jos. P. Byers, office expenses.....	45 50	
Dec. 15.	John W. Guiteau.....	150 00	
			<hr/>
			\$2,397 35
	Balance on hand.....	\$973 76	

Examined and found correct.

WM. J. DIEHL,
SAMUEL FALLOWS,
Auditing Committee.

THE AMERICAN TOUR OF THE INTERNATIONAL PRISON CONGRESS.

BY FRANK MARSHALL WHITE.

To take a hundred delegates, representing forty foreign nations, with half as many American workers for prison reform, on a 3,000 mile tour of inspection of representative penal institutions of the country, as a preparation for the meeting of the International Prison Congress in Washington in October, was the task assigned to Frederick H. Mills, of the Prison Department of the State of New York, by the Government of the United States. The delegates were the guests of Uncle Sam on a special train of Pullman cars and at the hotels in the various cities and towns visited during the ten days' trip, and of municipalities and citizens whenever they left trains or hotels, all of their expenses being paid from the time they left Jersey City at midnight on Sunday, September 18th, until they arrived in Washington on the night of Wednesday, September 28th. American hospitality never flagged along the line of travel. At every city, town and village where a stop was made, citizens placed their motor cars at the disposal of the distinguished travelers to and from railway stations and hotels, and for sightseeing excursions, and wherever the party remained over night a banquet or reception was given in its honor, while nearly every institution visited provided one or more repasts for the entire number.

At Elmira, the first stop after leaving Jersey City, there was a breakfast at the Reformatory and a luncheon at the City Club; and on reaching Auburn in the evening, a banquet was tendered by the Prison Department of the State of New York and was served at the Osborne House. Arriving at Industry, New York, where the State Agricultural and Industrial School is situated at 2 o'clock the next afternoon, luncheon was served in the handsome assembly hall, and at Buffalo, that evening, a committee of leading citizens gave the visitors a banquet at the Iroquois Hotel, and on the following day entertained them at luncheon at the Country Club. Taken thence by special train,

as guests of the International Traction Company, the members of the Congress dined at the International Hotel at Niagara Falls, after an afternoon of sightseeing, and went aboard their own train, that had preceded them to that city, at 11 o'clock at night. Arriving at Mansfield, Ohio, at 7 o'clock the next morning, the visiting delegates had breakfast and luncheon at the State Reformatory, and dinner at the Westbrook Country Club, whence special trolley cars took them to their train after an evening of merry-making.

The entertainment provided for the visitors during the three following days—Friday, Saturday and Sunday—spent in Chicago and vicinity, consisted of a banquet at the Congress Hotel, tendered by the Chicago Association of Commerce, a luncheon at the South Side Country Club, a reception at the Hamilton Club, and any amount of private hospitality, aside from luncheons at the State Penitentiary at Joliet, at the State Training School for Girls at Geneva, at the School for Boys at St. Charles, at the State Reformatory at Pontiac, and at the Indiana State Prison at Michigan City, to all of which points the delegates were taken by special train. Leaving Chicago Sunday night, the delegates arrived at Indianapolis the next morning, where they breakfasted at the Claypool Hotel, lunched at the Indiana Boys' School at Plainfield, twenty miles away, and after dinner at the hotel were tendered a reception by the Governor at the State House. Tuesday morning saw the special train in Louisville, Ky., where the visitors made the Hotel Seelbach their headquarters, and after breakfast and visits to the local jail and other municipal institutions, luncheon was served them at the Indiana Reformatory, across the Ohio River, in Jeffersonville, while an old-fashioned Southern banquet, given by a committee of citizens, with five-minute speeches and singing by a real darky glee club, wound up the evening. The run from Louisville to Washington occupied the next day, when breakfast, luncheon and dinner, were served on the train.

The guests of Uncle Sam were in every way worthy of the attention they received. The membership of the International Prison Congress comprises the leading penologists of the world,

and meeting once in every five years in the capital of the various nations, the Congress was opened in Sweden by King Oscar in 1875, and in 1880 by King Humbert in Italy. President Taft gave the delegates a special reception at the White House on their arrival in the national capital. Dr. Charles Richmond Henderson, professor of sociology in Chicago University, President of the International Congress that met in Washington, ranks with the leading foreign scholars who took part in its deliberations, and his presence on the tour of prison inspection was esteemed a high compliment by the others. The register of these delegates from other countries who traveled on the Government train reads as follows:

Argentine Republic—

Dr. Armando Claros, Private Secretary to the President of the Republic, and Director of the National Penitentiary, Buenos Ayres.

Austria—

His Excellency, the Privy Councillor, Dr. Josef Baernreither.
Ex-Minister Lunz, Lubens, Bohemia.

Dr. Count Wenzel Gleispach, Professor in University of Prague,
Prague, Bohemia.

Belgium—

Mr. Adolphe Prins, Professor in University of Brussels and General Inspector of Prisons, Brussels. (Accompanied by Mme. Prins.)

British Government—

Sir Evelyn Ruggles-Brise, K. C. B., President of Prison Commission,
Whitehall, London, England.

Hon. Walter George Scott, the Master of Polworth, Chairman of
the Prison Commission for Scotland, as representing Scotland.
(Accompanied by Mrs. Scott.)

Mr. J. S. Gibbons, C. B., Chairman Prison Board of Ireland, as representing Ireland.

Major H. S. Rogers, late of the Royal Engineers, Chief Surveyor
of Prisons for England and Wales.

Captain Arthur J. St. John, Honorable Secretary the Penal Reform
League.

Mr. Thomas Holmes, Secretary Howard Association, London.
England.

Canada—

- Mr. George W. Dawson, Inspector of Penitentiaries, Ottawa.
 Mr. Aylesworth, Canada Minister of Justice, Ottawa.
 Mr. J. J. Kelso, Toronto. (Accompanied by Mrs. Kelso.)

China—

- Hsu Chien, Chief of Bureau of Investigation, Department of Justice.
 Hsu Shih Ying, Chief of Bureau of Court of Records, Department of Justice.
 Chin Shan Cheng, Justice of Third Circuit Court of Justice.
 Li Fang Ahlo, Expectant Justice of the Fifth Rank, High Court of Justice. (Accompanied by two students.)

Colombia—

- Senor Dr. Francisco de P. Bords, Minister of Colombia, Washington, D. C.

Cuba—

- Senor Dr. Domingo Marin, Secretary of the Government, Havana.
 Judge R. Lancis, President Criminal Court, Havana.
 General Demetrio Castillo, Superintendent National Penitentiary, Havana.

Finland—

- Mr. Victor Nyberg, Abo.

France—

- M. A. Schramack, Director French Prison System.
 M. Constantin, General Inspector of Administration Services, Department of Interior.
 M. Danjoy, Chief of Bureau of Prison Administration.
 M. Spach, Doctor of Laws, 66 Rue Turbigo, Paris.
 M. Bosc, Doctor of Laws, 93 Rue St. Jacques, Marseilles.
 M. Henri Blum.

Germany—

- Dr. Ernst Rosenfeld, Secretary of the International Criminalistic Association, N. S. Vonstrasen 13, Berlin.
 Dr. Edouard Heymann, Kammer gerichtreferendar, Berlin.
 Dr. George Stammer, Blucherstrasse 51, Berlin.

Greece—

- Mr. Alexander Sosnes, former Minister for Foreign Affairs, Athens.
 Mr. A. Typaldo-Zassis, Deputy and former Vice-President of the Chamber, Fellow of the National University.
 Mr. N. Gaunarkis.
 Mr. D. Castorkis, Fellow of the National University, Deputy from Ceghallonia.

Guatemala—

- Senor Dr. Don Louis Toledo Herrarte, Minister of Guatemala, Washington, D. C.

Haiti—

Mr. Price Mars, Secretary of the Haitien Legation, Washington.
Mr. Louis J. Simon, Consul-General of Haiti, New York City.

Holland—

Prof. Simon van der Aa (Commissioner), University of Croningen.
H. M. C. Dressulhuys, Director General of Central Prison Administration, Ministry of Justice, The Hague.
Yonkheer, Dr. D. O. Englen, President of the Tribunal, Luechen.
Dr. A. Van der Elat, Royal Attorney, Leiden.
Dr. F. Kranenburg, Attorney, Amsterdam.
Dr. J. A. von Hamel, Attorney, Amsterdam.
M. and Mme. Ver Loren von Thermatt, Huilster Heide, near Utrecht.
Dr. L. De Vries Feyeus, Attorney, Amsterdam.

Honduras—

Senor Licenciado Don Guillermo Noncado, Honduran Consul-General, New York City.

Hungary—

Commissioner M. Jules Rickl de Bellye, Councillor of the Ministry and Chief of the Prison System of Hungary, Budapest, and Mme. Jules Rickl de Bellye.
Dr. Francois de Finkey, Professor of Law in the University of Sarospatsk and Budapest, Budapest.
Dr. B. Vambery, Royal Attorney and Professor in University of Budapest, Budapest.
Dr. Steven Waldhauser, Official Delegate of the Society of Jurista and of the Hungarian Sociological Society.
Dr. A. Szillegyi, Official Delegate of the Hungarian Charity Organization, Budapest.
Mme. Helene d'Ordody, Budapest.

Italy—

Commissioner A. Doris (Commissioner), Rome.
Senator Auguste Pierantoni, Professor in the University of Rome, Rome.
Professor Count Chevalier Ugo Conti, Royal University, Rome.
Sig. Alessandro Bianchi, Delegate of the Becararia Association, Milan.

Japan—

Mr. Takashi Sanagi, Secretary of the Prison Bureau, Department of Justice, Tokyo.
Mr. Shigejiro Owaga.

Liberia—

Mr. Leander T. Chamberlain.

Luxemburg Grand Duchy—

Mr. N. Schoetter, Judge of Peace, and Mme. Schoetter.

Mexico—

Licenciado Emilio Rabasa, President Prison Board, Mexico City.
 Licenciado Ismael Pizarre Suarez, Secretary Prison Board, Mexico City.

New South Wales—

F. W. Neitenstein, Esq., Comptroller of Prisons.

Norway—

Mr. Frederick O. A. Woxen, Secretary General, Department of Justice, and Chief of matters relating to Prisons and Prisoners, Treasurer of the I. P. C., Christiania.

Queensland—

T. B. Robinson, Agent General of Queensland in London.

Russia—

Commissioner M. Etienne de Khrouleff, Chief of the Administration of Prisons of Russia, St. Petersburg.

M. Nicolas Loutchinsky, Editor of the "Prison Messenger," St. Petersburg, Russia.

M. Paul Lublinsky, Associate Professor Imperial University of St. Petersburg.

Private delegates:

Mr. and Mrs. A. S. Goldenweiser, Kiew.

Mr. Goldenweiser.

M. Nicolas Lebedeff, M. D., Head Physician of Hospital in the Prison of Moscow, Moscow, Russia.

Salvador—

Senor Don Frederico Mejia, Minister of San Salvador, Washington, D. C.

Siam—

Mr. Edward H. Loftus, First Secretary of the Siamese Legation, Washington, D. C.

Spain—

Senor Dr. Don Eugenio Silvela y Corral, former Deputy and Attorney in Supreme Court, Madrid, Spain.

Senor Dr. Don Fernando Cadalso, Inspector General of Prisons, Madrid, Spain.

Senor Dr. Don Jose Valdes, Madrid, Spain.

Sweden—

M. Victor Almquist, Chief of the General Prison Division, Stockholm, Sweden.

Switzerland—

Commissioner Dr. Guillaume, Director of the Swiss Bureau of Statistics and Secretary of the Congress, Berne.

Professor Dr. Eugene Borel, Editor-in-Chief of the Congress, Geneva.

Mr. Otto Kellerhals, Director of the Colonie Penitentiaire Witzwilli-Berne.

Tunis—

M. Raoul Damon (Price delegate).

Turkey—

Saadeddin Bey, Judiciary Inspector, Constantinople.

Venezuela—

Senor Dr. Don Esteban Gil Borges, First Secretary of the Venezuelan Legation, Washington, D. C.

Aside from Professor Henderson and Mr. Mills, acting as hosts to the foreign delegates, on the Government train were Amos W. Butler, of Indianapolis, President of the American Prison Association; Mr. Joseph P. Byers, Superintendent of the House of Refuge on Randall's Island, New York, and Secretary of the Congress; Joseph F. Scott, Superintendent of the State Reformatory at Elmira, N. Y.; Orlando F. Lewis, Secretary of the Prison Association of New York; Judge Warren W. Foster, of the Court of General Sessions of the County of New York; Miss Katharine B. Davis, Superintendent of the State Reformatory for Women at Bedford, N. Y.; Prof. Franklin H. Briggs, Superintendent of the State Agricultural and Industrial School at Industry, N. Y.; Bishop Samuel Fallows, of Chicago, President of the Board of Trustees of the Illinois State Reformatory at Pontiac; George L. Sehon, of Louisville, Superintendent of the State Children's Home Society, and editor of "Kentucky's Little Children"; Governor A. W. Gilchrist, of Florida; Frank L. Randall, of St. Cloud, Minn.; H. K. W. Scott, Superintendent of the State Reformatory at Concord, N. H.; John P. Powers, of Ossining, N. Y.; Rev. Peter B. Guernsey, of Presbyterian Board of Foreign Missions, New York; Mrs. Isabel C. Barrows, widow of the late Samuel J. Barrows, long identified with prison reform and herself eminent in the cause; Hastings H. Hart, of the Russell Sage Foundation; John H. Calhoun, of the Prison Association of New York; J. W. Hutchinson, chairman of the Friends'

Prison Commission, of New York; the Rt. Rev. W. J. White, Supervisor of the Catholic Charities of the Borough of Brooklyn, N. Y.; the Rt. Rev. Mgr. Reilly, of New York; Rev. George H. Beecher, of Omaha; Colonel Eli H. Brown, of Frankfort, Ky., President of the State Prison Commission; Edward E. Mudd, of Frankfort, Ky., Warden of the State Penitentiary; Mrs. John B. Elam, of Indianapolis, of the State Board of Charities of Indiana; Miss Florence De Forrest, of the State Prison Department at Albany, N. Y.; Dr. Walter N. Thayer, Jr., of Dannemora Prison, New York; Mrs. Hodder and C. C. Carstens, of the Charity Organization Society of Boston; Prof. J. W. Garner, of Champaign, Ill.; Mrs. Charles B. Eaton, Mrs. Victor Hawkins, Charles B. Elliott, Walter Robertson, H. S. Lippincott, J. L. Waldenberg, Daniel Buckman and John A. Murray, of New York; Henry Pope, of Chicago; A. H. Hall, of Minneapolis, Minn.; Timothy Nicholson, of Richmond, Ind.; Mott Ayres, of Fulton, Ky. Professor Henderson, Mr. Mills, Mr. Butler, Mr. Pope and Mr. Lippincott were accompanied by their wives.

There were many accomplished linguists among the foreign delegates on the tour of prison inspection, and while all were familiar with French, in which language, indeed, the deliberations of the Congress at Washington were held, not all of them knew English. Hence it developed upon the Americans who spoke European languages and upon the visitors who were familiar with English, to interpret for the others in their intercourse with sleeping car porters, hotel clerks, bellboys, chauffeurs and waiters, as well as with the ladies and gentlemen who entertained them and the prison officials along the line of travel. This proved no light burden upon the polyglots, but it is doubtful if there was a single instance in which one of them refused the courtesy, or even rendered it ungraciously, during the ten days' tour. An even more arduous task than that of mere ollemdorfian repetition that devolved upon certain of the delegates was that of translating addresses of their colleagues in French and German at banquets and receptions, which involved the necessity of taking full notes in one language and reading them in another. Prof. Van der Aa, of Holland, and Prof. Boral, of

Switzerland, paid the penalty of superior linguistic facility, being most often called upon to render this service, responding on every occasion with unfailing good nature.

It was exactly midnight of Sunday, the 18th of September, that Mr. Mills started the special train of seven Pullman cars, containing the delegates to the Prison Congress on their tour of inspection from the station of the Erie Railroad in Jersey City. Every passenger had a section at least, while husbands and wives were assigned to staterooms. Only hand luggage was carried on the trip, and the travelers had no occasion to concern themselves personally about their belongings, for preparations had been made at the Herald Square Hotel, the New York headquarters of the foreign delegates, whereby every portmanteau, suit case, hat box, or other piece of luggage, was labeled and numbered to correspond to its owner's berth, and here every man and woman found his or her possessions on entering the train. Mr. Mills brought with him a corps of trained assistants, whose duty it was to look out for the comfort of Uncle Sam's guests, and even the colored porters had been selected for politeness and competency. During the continuation of the tour, whenever the travelers spent a day or a night at a hotel, their baggage was left on their seats on leaving the train and delivered to their rooms at the hostelry almost as soon as they got there themselves. So perfect was this service that from the time the baggage was taken from the Herald Square Hotel, in New York, Sunday, the 18th, to the train, although it was carried from train to hotel and back again, over and over again, not even so much as a hand bag was missing when the tourists arrived at the New Willard Hotel, in Washington, on Wednesday, the 28th.

The first stop of Uncle Sam's special train was at Elmira, where it rolled into the Erie railway station promptly at 7 o'clock Monday morning. There were ninety-two motors, loaned by citizens, in line outside of the station to take the visitors to the State Reformatory to breakfast, and a committee of the most prominent residents of the city, headed by Mayor Daniel Sheehan, was waiting on the platform to give them greeting. At

the Reformatory the delegates were met by Superintendent Scott and the Board of Managers, the President of which, Henry Melville, delivered an address of welcome. After breakfast the guests were taken on a tour of inspection, being shown the gymnasium, where a class in physical culture was exercising; visiting the various departments of the institution, the kitchens, dining-room, laundries, bath houses and cell blocks and witnessing the regimental dress parade. At noon the motors that had brought the visitors from the station took the men of the party to the City Club, where Superintendent Scott of the Reformatory had invited a hundred guests to meet them at luncheon, while the ladies were similarly entertained at the handsome new club house of the Woman's Federation. On the way from the Reformatory to the club house the travelers were taken to Woodlawn Cemetery to visit the tomb of Mark Twain, and then were driven through the principal residence streets of the city.

No incident of the entire tour gave the foreign delegates to the Prison Congress greater gratification than the presence at Mr. Scott's luncheon of the former Superintendent of the Reformatory, Mr. Z. R. Brockway, who, as the originator of the idea of the indeterminate sentence and of the probation system, is better known in Europe than any other American penologist. An address of welcome at the club, on behalf of the city, was delivered by Mayor Sheehan, and other speeches were made by Mr. Brockway, Mr. Scott, Mr. Mills, Dr. Guillaume, Professor Vambery and Dr. Almquist. After the luncheon the waiting motors conveyed the visitors to the Lehigh Valley railway station, whence their train left for Auburn at 2:30 o'clock.

The reception committee appointed by Mayor Sheehan to take charge of the delegates during their visit in Elmira was constituted as follows:

Hon. Z. R. Brockway.
Supt. Joseph F. Scott.
Daniel Sheehan, Mayor.
Hon. J. Sloat Fassett.
Judge Walter Lloyd Smith.
Wm. H. Lovell.
Judge George McCann.

William R. Compton.
Wm. H. Etabrook.
E. G. Herendeen.
Jervis Langdon.
Ray Tompkins.
James B. Rathbone.
Clay W. Holmes.

David M. Pratt.	John M. Connelly.
Hon. Seymour Lowman.	John Brand.
Hon. Frederick Collin.	Archie E. Baxter.
Hon. J. J. O'Conndr.	John E. Deister.
Rev. Samuel E. Eastman.	Sampson J. Friendly.
Rev. Jas. J. Bloomer.	Edwyn de N. Sands.
Rev. A. Cameron MacKenzie.	Herbert A. Jaggard.
A. C. Eustace.	A. M. Bovier.
Major John T. Sadler.	Ransome T. Lewis.
Major L. Bogart.	H. L. Rosenbaum.
Major Robert P. Bush.	Antoine Romer.
Frank J. Cassada.	Roy Smith.
Dr. Arthur W. Booth.	Michael Del Papa.
Dr. W. J. Copeland.	Robert O. Mueller.
Milo Shanks.	Chas. E. Rapelyea.
John Moore.	George Painton, Sr.
T. Stanley Day.	

The next institution to be visited was the George Junior Republic at Freeville in Tompkins County, on the Lehigh Valley railroad, a run of two or three hours from Elmira. William R. George, the founder of the Republic, who had joined the party at Elmira, brought with him on the special train to the scene of his labors an exhibit that spoke eloquently of his success. This exhibit consisted of a couple of well-dressed and well-mannered youths of twenty or thereabouts, graduates of the Republic, who had passed their examinations for two leading American Universities, which they were to enter later in the fall. Only an hour could be spared at Freeville, however, and, as the Republic grounds were a mile from the station, the delegates were whisked out in motors and rushed through the Government building, court room, jail, bakery, laundry, carpenter, furniture and plumbing shops and back to the train, with scarcely the opportunity to comprehend the scope of the institution.

Mr. George, with several of the young citizens of the Republic, accompanied the train to Auburn, where they arrived promptly on schedule. the train of Pullman cars coming into the station opposite the Prison at 5:30 o'clock. The visitors lost no time in leaving the stuffy cars for the more ample accommodations of large rooms and baths at the Osborne Hotel. The local committee, assisted by many prison officials and employes, headed

by Superintendent C. V. Collins and Warden George W. Benham, greeted the visitors and took care of the luggage, having it conducted to the hotel. At 7 o'clock a reception was held at the hotel, where the delegates and their friends had an opportunity of meeting Lieutenant Governor Horace White and Superintendent Collins and Mayor Thomas H. O'Neill, of Auburn. At 8 o'clock they were the guests of the Prison Department of the State of New York at a banquet in the palm room of the hotel. Dinner began at 8 o'clock and an orchestra furnished appropriate music during the banquet. Superintendent C. V. Collins, of the New York State Prison Department, acted as toastmaster, and speeches of welcome were delivered by the Governor and Mayor, on behalf of the State and city, and was responded to by Sir Evelyn Ruggles-Brise, K. C. B., Great Britain; Mr. Jules Rickl de Bellye, President of Hungary, for the foreigners, and by Judge Warren W. Foster, of New York, and Thomas M. Osborn, of Auburn, on behalf of the American delegates, and by President Charles R. Henderson, on behalf of the International Prison Congress.

Promptly at 9:30 o'clock on Tuesday morning, the delegates were landed at the Prison, after an automobile ride about the city, and started on a tour of inspection with Warden Benham in the lead. At 12:45 the party left via the New York Central railroad for Industry.

The traveling penologists got the first and perhaps the only real sensation of the trip on arriving at Industry, in Monroe County a two-hour run from Auburn, on the Lehigh Valley railway, where the State Agricultural and Industrial School is situated. They had all been familiar with the work done at Elmira and Auburn, and at the George Junior Republic, and there were no new principles involved in the system employed in the various institutions they visited afterward. At Industry, however, they found a farm of 1,400 acres, tilled by 500 or 600 boys, apparently under no restraint whatever, although these same boys, by the process of sifting through the streets, the truant schools, the courts, and other disciplinary institutions, had been condemned as absolutely the most incorrigible in the central

and western parts of the State. The special train stopped on a siding near the farm, and, as the visitors descended from the cars, they were met by a score of bright looking lads, apparently about 10 or 12 years of age, neatly dressed in khaki, in couples, each bearing a basket of flowers between them, who gallantly approaching the ladies of the party first, presented each member of it, male and female, with a boutonniere. The amazement of the travelers on learning that these polite youngsters were inmates of the school, juvenile delinquents presumably under discipline, was only the beginning of a series of surprises.

By a fortunate coincidence, the annual fair of the State School was in progress, just such a fair as one might find in any agricultural community on the globe, with the difference that every exhibit was an outcome of the work of boys who had been committed by the Courts of the State for offenses against the law. There was nothing amateurish about the fair either. It covered a space of three or four acres, and the exhibits included blooded horses, fancy cattle, sheep, pigs and poultry; all kinds of vegetables and fruits, natural and preserved, home-cured meats, and even cakes, pies and bread, as well as the products of the masonry, tailoring, blacksmithing, printing, carpentry, machinery and laundry schools, and a beautiful display of flowers. Everywhere in charge of the exhibits were eager lads in the khaki uniforms, the majority seeming to be about 16 years of age or a little older, with no more appearance of being inmates of an institution that was primarily at least punitive than so many school boys at any holiday gathering. The school plan of dividing the boys into colonies of twenty-five, each colony living in a separate cottage, as far removed from one another as the two square miles of the farm area will permit, and each one housing and caring for its own live stock at each colony home, and then encouraging competition between the colonies, makes an annual fair possible. The visitors took a sympathetic interest in one particular colony, the members of which stood in line as the touring cars containing the delegates drove into the farm premises and saluted them. The twenty-five lads forming

this colony were in quarantine, by reason of whooping cough among them, and hence were not permitted to come in contact with the others, for fear of spreading the disorder. Although isolation was particularly hard upon them at the time of the fair, the event of the year at the school, not one of the boys had made any complaint. It was almost a pathetic sight to see them later inspecting the exhibits by themselves, after the other boys and the visitors had left.

The most blasé of the visitors took notes of the school at Industry, and so interested were they that the non-speaking (English) delegates insisted that Superintendent Briggs's address, delivered in the Assembly Hall, on the principles of the school and its management, be interpreted into French for them. The Assembly Hall was decorated with flags, representing every nation participating in the International Congress, and while luncheon was being served here, Miss Laura E. Aldridge, President of the Board of Managers of the School, delivered an address of welcome to the visitors, and Mr. Mills told the delegates about the splendid work of Superintendent Briggs in building up the institution. An interesting incident was the singing of Fred Shultis, a former pupil of the school, now a member of a church choir in Rochester. After the luncheon Professor Henderson addressed the boys, who had assembled in the Protestant chapel. Among others who had come from Rochester, Buffalo, Ithaca and Lima to meet the delegates at Industry, were Mayor Hiram H. Edgerton, of Rochester; A. H. Brown, Roger B. Williams, U. B. Moses, John F. White and A. H. Tracy, Jr., of the Board of Managers of the School; Judge J. B. M. Stevens and ex-Senator William W. Armstrong, of Monroe County; Fiscal Supervisor of State Charities Dennis McCarthy; Prof. S. A. Lattimore, Granger A. Hollister and Martin F. Bristol.

Arriving at Buffalo at dusk Tuesday, the delegates were met at the Lehigh Valley Railway station by a committee composed of leading business men and city officials, as at Elmira and Auburn, and escorted to waiting motors that took them to the principal hotel, the Iroquois. In the evening a banquet was given

to the men of the party at the Iroquois, the ladies dining by themselves, and afterward attending a performance at the Star Theater as guests of the Reception Committee. William E. Robertson, President of the Buffalo Chamber of Commerce and also of the Buffalo Manufacturers' Club, presided at the banquet, which was attended by a hundred of the best known residents of the city, and Ansley Wilcox, a prominent lawyer, was toastmaster. In the absence of Mayor Fuhrman from the city, his private secretary, John Sayles, welcomed the guests of the evening on his behalf. Addresses were made by Prof. Borel, M. de Khrouleff, Senator Pierantoni, M. Schrameck, Prof. Henderson, Mr. Mills, Mr. Butler and William H. Gratwick, member of the New York State Board of Charities.

The next morning the foreign delegates found that the principal buildings on both sides of Main Street had been decorated in recognition of their visit with the flags of all nations. Before 10 o'clock scores of touring cars, placed by their owners at the disposal of the visitors, were rolling up to the hotel, and two or three hours were spent motoring through the residence quarter of the beautiful city, with its many miles of asphalt pavement, its handsome residences and extensive drives and parks. At 1 o'clock the motors deposited the visitors at the perfectly appointed Country Club, five miles from the center of the town, where the ladies of Buffalo were assembled to greet them. Luncheon was served here and an hour spent in social intercourse, after which Prof. Von der Aa thanked the hostesses of the occasion in a graceful speech, and the guests were taken to a special train that was to carry them to Niagara Falls, an hour's journey from Buffalo.

The committees in charge of the visitors in Buffalo were:

RECEPTION COMMITTEE.

Ansley Wilcox, Chairman.
C. Walter Betts.
Dr. C. R. Borzilleri.
J. C. Dold.
S. B. Eagan.
Laurens Enos.
W. P. Goodspeed.

J. H. McNulty.
D. D. Martin.
George F. Rand.
De Lancy Rankine.
Police Supt. Michael Hegan.
W. C. Shepard.
E. M. Statler.

Surrogate Louis B. Hart.	I. N. Stewart.
James How.	E. C. Sutton.
Clark Ingram.	M. Emmett Taber.
Sheriff Henry F. Jerge.	George Urban, Jr.
Dr. Charles S. Jones.	Harry Thorp Vars.
Hugh Kennedy.	Park Comm'r M. M. Wall.
Albert F. Laub.	M. L. Wilkinson.
J. A. Murphy.	O. E. Yeager.
	Police Comm'r H. C. Zeller.

ENTERTAINMENT COMMITTEE.

Police Comm'r Henry C. Zeller.	Surrogate Louis B. Hart.
C. Walter Betts.	B. L. Jones.
Dr. Peter C. Cornell.	Hugh Kennedy.
J. L. Clawson.	J. A. Murphy.
Dist. Att'y Wesley C. Dudley.	M. E. Taber.
Laurens Enos.	George Urban, Jr.

BANQUET COMMITTEE.

H. M. Gerrans, Chairman.	Howard A. Forman.
	George Bleistein.

FINANCE COMMITTEE.

W. P. Goodspeed, Chairman.	E. M. Statler.
W. H. Crosby.	Dr. C. F. Howard.
	W. L. Wilkinson.

NIAGARA FALLS TRIP COMMITTEE.

Bert L. Jones, Chairman.	George Urban, Jr.
Thomas Penney.	E. Bert Henshaw.
De Lancy Rankine.	John F. McDonald.

On arriving at Niagara Falls the delegates were provided with special cars for the trip through the Gorge and to Lewiston, and the remainder of the afternoon was spent in visiting the power houses, viewing the Falls from many vantage points on both sides of the river, and exploring the curiosity shops. At 7 o'clock the visitors sat down to dinner at the International Hotel, where they were afterward visited by Mayor Anthony C. Douglass, who personally conducted them on a brief visit to International Park for a moonlight view of the cataract. The spe-

cial train had meanwhile arrived from Buffalo, with each piece of the baggage that had been left at the Iroquois Hotel that morning in its proper section and stateroom, and soon after 11 o'clock the travelers continued their journey westward.

It was 8 o'clock on Thursday morning that Uncle Sam's train stopped on a siding at the Ohio State Reformatory, in the suburb of Mansfield. Breakfast was served in the institution, and afterward the delegates were welcomed by Dr. James A. Leonard, the warden, on behalf of the officials of the reformatory, and on behalf of the State of Ohio by Senator Long, representing Governor Harmon. Short addresses were also made by the Rev. Dr. J. Meese and the Rev. Father F. A. Schreiber, respectively the Protestant and Catholic chaplains. The entire morning was devoted to the inspection of the various departments of the Reformatory, and at 1 o'clock the visitors sat down to luncheon there. Afterward Prof. Henderson presided at a meeting in the chapel, at which a discussion of the cell systems of England and American prisons was participated in by Major Rogers, Mr. Dawson and Governor Gilchrist. Mrs. Barrows and Miss Davis also addressed the meeting.

Later in the afternoon the citizens of Mansfield, following the precedent of all the other cities visited by the delegates, sent their motors to the Reformatory and the visitors were taken on a tour of the town and the surrounding country and then delivered at the beautiful Westbrook Country Club in the suburbs for dinner. The evening spent at the club proved one of the pleasantest of the journey. All of the members of the party knew one another's name by this time, but this was their first opportunity really to get acquainted. Probably so many languages were never spoken at once in the clubhouse before. Mr. Mills, Bishop Fallows and Superintendent Scott, of the Elmira Reformatory, told stories in English that were translated into French, German and Italian, songs were sung in a dozen different tongues, and finally the Virginia Reel was danced, Mrs. Barrows and Dr. Guillaume, the most venerable and venerated members of the party, participating as partners.

A squadron of mounted police and a caravan of omnibuses were drawn up before the Dearborn Street railway station when the special train containing the delegates to the Prison Congress on tour arrived in Chicago early on Friday morning. Awaiting them on the station platform were Chief Justice Harry Olsen of the Municipal Court, Warden E. J. Murphy of the Illinois State Penitentiary at Joliet, Superintendent Whitman of the Bridewell and Jailor Davis of the County Jail. From the start on Sunday the tourists had enjoyed perfect autumn weather inso-much that as they neared the home town of the President of the Congress that gentleman's heart began to fail him lest it should not hold out. Prayer was unavailing, however, for it was raining in Chicago, and damp and raw weather obtained during the greater part of the stay of the penologists. Nevertheless climatic conditions entirely failed to affect the visitors and their three days in Chicago and the vicinity were crowded with interest. The delegates were quartered at the Hotel La Salle, and to many of them the splendid hostelry, with its lofty corridors, great parlors and dining-rooms with their rich furnishings, and luxurious sleeping apartments, each with its tiled bathroom and porcelain tub, and every other conceivable modern convenience, was a revelation. A dining-room was set apart for the delegates, where they were served at any hour of the day or evening that any one of them might appear, and every effort was made to make them feel at home. Special attention was paid to the guests unacquainted with the English language, so that scarcely one failed to find attendants and waiters to speak to him in a familiar tongue.

Scarcely had the visitors breakfasted at the La Salle on the morning of their arrival when motors by the score began to assemble in the street before the hotel, preparatory to taking them for a tour of the city as guests of the owners. The rain could not interfere with the comfort of the occupants of the glass-enclosed touring cars, and they were taken through the boulevard and park system of the big town, visiting the House of Correction, the John Worthy School For Boys and the Girls' Refuge

Home en route to Chicago University, where they were received by President Harry Pratt Judson. Another revelation to most of the delegates was the magnificence of the South Shore Country Club, where they were entertained at luncheon, T. Edward Wilder presiding and President Frederick Bode of the club delivering the address of welcome.

In the evening the delegates were given a banquet in the Gold Room of the Congress Hotel by the Chicago Association of Commerce, presided over by President Homer A. Stillwell, and attended by many prominent residents. The guests were welcomed to the State on behalf of Governor Charles S. Deneen by Chief Justice Olsen, and to the city by Chief of Police Leroy T. Steward on behalf of Mayor Fred A. Busse. Other addresses were made by Prof. Henderson, Prof. Borel, Mr. Gibbons, Mr. Dreselhuys, Prof. Prins, Prof. Vambery and M. de Khrouleff. An incident of the occasion was the momentary opening of the door between the Gold Room and the Francis L. Room at the bidding of Mr. Stillwell, when the banquet was half over, to disclose the ladies of the visiting party dining in the other apartment. Mrs. Henderson presided at the ladies' table, and associated with her as hostesses were Mrs. Stillwell, Mrs. T. Edward Wilder, Mrs. Edward E. Swadener, Mrs. Jacob L. Kesner, Mrs. Elmer H. Adams, Mrs. Walter D. Moody, Mrs. Gray, Mrs. Pope, Mrs. McCarthy, Mrs. Doud, Mrs. Shaw, Mrs. Hackney, Mrs. Wiggin, Mrs. Baldwin and Mrs. Ristine, all of Chicago.

On Saturday morning special trains were waiting to take the delegates as they might choose, either to the Illinois State Penitentiary at Joliet, forty miles from Chicago; the State Training School for Girls at Geneva, thirty-five miles distant; the State School for Boys at St. Charles, thirty miles distant, or the State Reformatory at Pontiac, sixty miles distant. That the trend of interest among the penologists is in the treatment of juvenile delinquents rather than adults is indicated by the fact that two-thirds of the delegates chose to visit the institutions at Geneva and St. Charles.

At each of the institutions the delegates were shown the particular work being carried on there, and the parties returned to

Chicago with great appreciation of the hospitality extended and the knowledge gained.

Returning to Chicago late in the afternoon, most of the visitors dined informally at the Hotel La Salle, while some of the foreign delegates accepted entertainments arranged in their behalf by Chicago residents of the same nationalities as their guests. In the evening the Hamilton Club gave a reception to the travelers, at which addresses were made by Prof. Henderson, Mr. Whitman, Prof. Van der Aa, Judge Engelen and Mr. Mills.

Sunday was constituted a day of rest by many of the delegates, but about fifty of them rose early to take the special train that crossed the Illinois border for Michigan City, fifty-five miles away, where the Indiana State Prison is situated. A pathetic interest attached to the visit to this institution owing to the death only a week before of James D. Reid, the warden, who had devoted the best years of his life to prison reform, and had himself been appointed by Governor Marshall a delegate from Indiana to the International Congress at Washington. Mr. Robert C. Houston, Mr. Hubert R. Koffel and Mr. Franck C. Baird, of the State Board of Parole, formed a reception committee that met the delegates at the railway station on their arrival at Michigan City. The party arrived in time to attend the morning service in the capacious church recently erected in the prison grounds. This service, which was principally musical, was participated in by the thousand inmates of the institution, who sang hymns to the accompaniment of the prison band, afterward listening with the most respectful attention to a stirring twenty-minute sermon by the chaplain, the Rev. Orville L. Kiplinger. After the service luncheon was served to the visitors in the residence quarters of the prison, Acting Warden W. A. Garner presiding. An address of welcome was delivered by Mr. Michael E. Foley of the Board of Trustees, and was responded to on behalf of the visitors by the Hon. Mr. Scott. Other speeches were made by Mr. Garner and the Rev. Mr. Kiplinger.

The delegates got back to Chicago from Michigan City in time for dinner at the Hotel La Salle, and by the time the repast was finished their special train was waiting for them at the Big Four

railway station, with the baggage of every passenger in his or her own section. The train did not leave Chicago until midnight, but most of the travelers had retired before it started.

Seven o'clock Monday morning saw Uncle Sam's train pull into the Union Station at Indianapolis, the home city of Mr. Butler, where a reception committee with the usual string of motors was waiting to escort the delegates to the Claypool Hotel, where they breakfasted. The chairman of the committee on arrangements that was to show the visitors Indianapolis and its penal institutions was no less a personage than former Vice-President Charles W. Fairbanks, who held an informal reception in the lobby of the hotel after breakfast, Mr. Butler acting as master of ceremonies. Immediately afterward the motors were brought into requisition for a tour of the city, the Soldiers' and Sailors' Monument, "The Pride of Indiana;" the County Juvenile Court, the County Criminal Court, the County Jail, the County Detention Home, the Manual Training High School and the Shortridge High School being visited en route. About noon the visitors returned to the hotel, where they divided up into four parties, to visit respectively the State Girls' School at Clermont, the State Boys' School at Plainfield, and the Women's Prison and the Central Hospital for the Insane in Indianapolis, at all of which institutions luncheon was served. At 3 o'clock a committee of ladies, of which Mrs. Elam was chairman, gave a tea to the ladies of the visiting party at the residence of Mrs. Charles Layman, which, the guests were interested in learning, had been the home of a former President of the United States, the late Benjamin Harrison.

The delegates dined at the Claypool Hotel, and at 8 o'clock were tendered a reception by Governor Thomas W. Marshall at the State Capitol. Addresses of welcome were delivered by the Governor, Mr. Fairbanks, Justice Oscar H. Montgomery, of the Supreme Court of Indiana, and Mr. Butler, and were responded to by Prof. Henderson, M. Schrameck, Dr. Baernreither, Dr. Rosenfeld, and Sir Evelyn Ruggles-Brise. Serving on the various committees, made up of the leading citizens of Indianapolis, who assisted in entertaining the visitors, aside from Governor

Marshall, Mr. Fairbanks and Mr. Butler, were Mayor S. L. Shank, John E. Hollett, Robert G. McClure, William D. Allison, Demarchus C. Brown, Hilton U. Brown, Dr. George F. Edenharter, W. H. Eichorn, John H. Furnas, William Helfenberger, John H. Holliday, Franck C. Jordan, Sol S. Kiser, Dr. John Kolmer, T. B. Laycock, J. K. Lilly, Joseph A. McGowan, J. George Mueller, Meredith Nicholson, G. A. Schnull, Frank D. Stalnaker, Dr. J. H. Taylor, Franklin Vonnegut, Ross H. Wallace, Harry J. Milligan, Hugh Dougherty and J. Irving Holcomb.

On leaving the reception at the Indiana Capitol, late in the evening, the delegates were taken to their special train, which reached Louisville, the home of Mr. Sehon, in the adjoining State of Kentucky, at 7 o'clock on Tuesday morning. On the platform of the Seventh-street Station when the train arrived were such distinguished members of the reception committee as Mayor W. O. Head, Thomas W. Osborne and John R. Castleman, who were presented to the visitors by Mr. Sehon on their way to the motors that took them to the Seelbach Hotel for a Kentucky breakfast of cantaloupe, fried chicken, bacon, hominy, corn bread and honey. After breakfast the delegates split up into groups and were taken in touring cars, loaned by the citizens of Louisville, of course, to see the city and its institutions—such as the Jefferson County Jail, the Louisville Industrial School, the Central Kentucky Asylum for the Insane, the Printing House for the Blind and the Blind School, the Juvenile Court, the Kentucky Children's Home, the Kentucky Colored Children's Home, the Kentucky Confederate Home, the Catholic Hospital and the Detention Home.

At noon all the delegates met at the Interstate Electric Railway Station, where a special train was waiting to take them back into Indiana, across the Ohio River, to Jeffersonville, to visit the State Reformatory. Major David C. Peyton, the superintendent, had risen from a sick bed to greet his guests, and they assembled in the chapel of the Reformatory, where he read an address of welcome. Other speeches were made by Dr. Harry C. Sharp, the physician to the institution, and by Mr. Mills. Fol-

lowing luncheon in the court of the Reformatory, the visitors were escorted through the institution, and were then taken to the parade ground, where a regiment of the inmates went through complicated military evolutions.

The delegates returned to Louisville at 5 o'clock, and three hours later sat down to an old-fashioned southern dinner at the Seelbach Hotel, at which the Governor of the State, Augustus E. Willson, presided. After the fried chicken, sweet potatoes and other indigenous delicacies had been disposed of, there were speeches, interspersed with the singing of glees by a colored quartette, Mr. Osborne acting as toastmaster. Mr. Mills began the post-prandial ceremonies with the introduction of the delegates, when Governor Willson, on behalf of the State of Kentucky, and Mayor Head, on behalf of the city of Louisville, delivered welcoming addresses, which were responded to by the Hon. Mr. Scott. Other speeches were made by M. Constantine, Prof. van Hamel, M. Kellerhals, M. Kastorkis, Prof. Henderson, Col. Brown, and the Rev. W. W. Landrum of Louisville.

The event of the evening, however, was the presentation by the delegates of a magnificent scarfpin to Mr. Mills, who had played the part of host on behalf of Uncle Sam since they left New York. Louisville being the last stop before Washington, the end of the journey, and the dinner at the Seelbach Hotel the final gathering of the tourists before the labors of the Congress began, advantage was taken of the occasion to pay a compliment to the man who had personally conducted the expedition. As Mr. Lippincott, who made the presentation address, pointed out, it was entirely due to the executive ability and energy of Mr. Mills that the first tour of the kind in the history of the International Congress, or any similar body, had gone through without a hitch—scarcely so much as a ten-minute delay in the train schedule. "For He's a Jolly Good Fellow" was sung so many times after the presentation that those of the delegates who did not know the English language learned the words of the song and were able to join in the final choruses.

The personnel of the entertainment committee at Louisville was as follows: Gilmer S. Adams, Maxwell S. Barker, I. P. Bar-

nard, Pendleton Beckley, Bernard Bernheim, William R. Belknap, Robert W. Bingham, Judge Randolph H. Blain, J. W. Brown, Robert W. Brown, Dr. Ben L. Bruner of Frankfort, Dr. S. Brzozowski, James F. Buckner, Dr. J. H. Bushmeyer, Samuel S. Blitz, Peter Caldwell, Gen. John B. Castleman, Col. Andrew Cowan, J. P. Cuneo, Brinton B. Davis, the Rev. Louis G. Deppen, Bernard Flexner, Finley E. Fogg of Paintsville, Pat Filburn, J. T. Funk, Dr. W. Ed Grant, Ed Grauman, Maj. Samuel W. Green, Col. William B. Haldeman, F. N. Hartwell, Ben Howe, Mayor W. O. Head, Henry L. Stone, S. N. Wilhite, A. T. Hert, Joseph Hubbuch, Sr.; B. B. Huntoon, Frank P. James of Frankfort, Richard W. Knott, Maj. John H. Leathers, Judge Walter Lincoln, Edward J. McDermott, Dr. I. N. McCormack, William K. McKay, the Rev. Dr. E. Y. Mullins, Robert J. McBryde, Dr. J. B. Marvin, Logan C. Murray, W. C. Nones, Charles Neumeyer, George C. Norton, C. G. Norwood of Lexington, F. C. Nune-macher, Judge Matt O'Doherty, Thomas D. Osborne, J. J. Pappas, J. R. Pfanz, Judge Arthur Peter, Dr. C. H. Parrish, O. E. Pfouts, Dr. E. L. Powell, E. Regenstein of Frankfort, George L. Schon, George Weissinger Smith, Otto Seelbach, Col. Albert Scott, C. C. Stoll, J. B. Speed, Christopher Urwich, Col. Harry Weissinger, Judge Muir Weissinger, Judge A. J. G. Wells of Murray, Col. John A. Whallen, Gov. Augustus E. Willson, Boyd Winchester, John L. Woodbury, Col. Bennett H. Young and William Y. Yust.

The ladies' committee was composed thus: Mrs. W. O. Head, honorary chairman; Mrs. John L. Woodbury, active chairman, and Mrs. Gilmer S. Adams, Mrs. Robert W. Brown, Mrs. John B. Castleman, Mrs. Ben Hardin Helm, Mrs. C. E. Craik, Mrs. W. C. Dugan, Mrs. E. M. Caldwell, Mrs. Frank Johnson, Mrs. Charles P. Weaver, Mrs. Louis Seelbach, Mrs. A. T. Hert, Mrs. J. B. Judah, Mrs. Matt O'Doherty, Mrs. Christopher Urwich, Mrs. Augustus E. Willson, Mrs. W. W. Landrum, Mrs. Charles F. Smith, Mrs. Bruce Haldeman, Mrs. A. E. Norman, Mrs. R. P. Halleck, Miss Anna Blanche McGill, Miss Caroline Leib, Miss Fannie Rawson, Miss Octavia Queen and Miss Emily Yunker.

It was just before midnight on Tuesday that the delegates took the special train at the Louisville station for the last stage of their journey across the States of Kentucky, and Virginia by the picturesque route of the Chesapeake and Ohio Railway, over the Allegheny and Appalachian mountains, to Washington. A dining car was attached to the train on Wednesday morning, wherein were served breakfasts, luncheons and dinners, with scarcely long enough intermissions to clear the tables, during the remainder of the run. An incident of this last day's journey was the presentation by the delegates to Mr. Mills's staff of workers, who had so skillfully assisted him to eliminate the usual discomforts of railway travel, of souvenirs of the event in the form of watches and jewelry and the making up of a handsome purse for the Pullman porters and the train crew.

On Wednesday evening, at 10:30 o'clock, the ten-day tour, unmarked by a single mishap or unpleasantness, came to an end with the arrival of the special train at the Union Station in Washington. Here again the delegates were welcomed by a committee of leading citizens, and a quarter of an hour later the tourists and their luggage were delivered at the New Willard Hotel.

Local Executive Committee, Washington, D. C.:

JOHN JOY EDSON, Chairman;	R. V. SYLVESTER,
WENDELL P. STAFFORD,	O. E. DARNELL,
R. V. LA DOW,	WILLIAM H. DE LACY,
ERNEST P. BICKNELL,	L. F. ZINKHAN.
GEORGE S. WILSON,	

THE INTERNATIONAL PRISON CONGRESS.

The following pages are devoted to the resolutions and conclusions of the Eighth International Prison Congress held in Washington, D. C., October 2-8, 1910, and to a résumé of papers prepared for that Congress by representatives of many countries. They are included in this volume because of their great value, and for the additional reason that the American Prison Association having, by resolution, adopted as a part of its own program that of the International body, these papers and the conclusions reached through their discussion become very properly a part of the record of the American Prison Association.

RESOLUTIONS ADOPTED BY THE 1910 INTERNATIONAL
PRISON CONGRESS.

FIRST SECTION.

PENAL LEGISLATION.

Question 1: "Assuming that a rational relation exists between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence—

"(a) What class of delinquents should be submitted to, and what class excluded from its application ?

"(b) How may a sentence of this kind without minimum or maximum limits be applied without danger to individual liberty ?

"If it is not admitted that there is a rational relation between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence, is there ground for adding to the definite sentence with respect to a particular individual a restriction in the form of a supplemental penalty; and if so, in what cases, and how is it to be applied ?"

Resolved, that:

"1. The Congress approves the scientific principle of the indeterminate sentence.

"2. The indeterminate sentence should be applied to moral and mental defectives.

"3. The indeterminate sentence should also be applied, as an important part of the reformatory system, to criminals (particularly by juvenile delinquents) who require reformation and whose offenses are due chiefly to circumstances of an individual character.

"4. The introduction of this system should be conditioned upon the following suppositions:

"I. That the prevailing conception of guilt and punishment are compatible with the notice of the indeterminate sentence.

"II. That an individualized treatment of the offender should be assured.

“III. That the Board of Parole or Conditional Release be so constructed as to all outside influences, and consist of a commission made up of at least one representative of the magistracy, at least one representative of the prison administration, and at least one representative of medical science.

“It is advisable to fix the maximum penalty only during such a period as it may be necessary because of the novelty of the institution and lack of experience with it.”

Question 2: “How and in what manner may effect be given to penal sentences pronounced by foreign tribunals, especially with reference to habitual criminality and legal incapacity?”

Resolved:

“1. The citizen condemned for crime in a foreign country is liable in his own country to the same capacities and loss of status which he would have incurred had he been condemned there; in the actual conditions of International Law the Congress does not ask that such forfeitures, incapacities and loss of status should be the direct result of the foreign sentence, but that they should be pronounced, as the result of a special action (action of forfeiture) by the courts of the criminal’s own country.

“2. This special action may be extended to the case of a foreigner sentenced for crime in a foreign country.

“3. The tribunal before which the crime is prosecuted may declare recidivist an individual precedently condemned by a foreign court, and may recognize this precedent condemnation as though it had been pronounced by a court of the same State as the latter tribunal.

“4. It should be agreed by treaty between all civilized States, (a) That each country should receive from the others notice of sentences pronounced by their own citizens; (b) each country should, on request of the appropriate judicial authority, communicate to the others the records of condemnation for crime.

“5. The organization of an International Office for Information for record of antecedents and for the identification of criminals ought to be studied.

“Political crimes are not within the purview of these resolutions.”

The Congress also expressed the wish that the following propositions be comprised in an International Code to be adopted by the next Congress:

“1. Incapacities pronounced in one country should be given effect in every other.

“2. Crimes and misdemeanors of which a person is guilty in one country should, as touching conditional liberation, be recognized with reference to establishing recidivism in every other country.

“3. A bureau should be created for international exchange of criminal sentences.”

Question 3: “To resist the tendency of criminals to band themselves together is it not desirable to make participation in criminal acts or agreements a distinct crime, or at least to make all such complicity a legal aggravation?”

Resolved:

“1. It does not appear to be in conformity with the spirit of penal law to make of every preliminary agreement to break the law a special crime.

“2. Noting the increase of offenses for which several persons are responsible, and that these offenses are committed chiefly by habitual criminals, *i. e.*, those most dangerous to society, it is desirable to consider participation as an aggravating circumstance and to augment the power of the judge to increase the penalty for such offenses.”

SECOND SECTION.

REFORMATION AND PAROLE.

Question 1: Resolved, that:

“A. The essential principles on which the modern reformatory method is based are:

“1. That no person, no matter whatever his age or past record, should be assumed to be incapable of improvement.

“2. The conviction that it is in the interest of the public, not merely to impose a sentence which is retributive and deter-

rent, but also to make an earnest effort for the reformation of the criminal.

“3. That this reformation is most likely to be accomplished by religious and moral instruction, mental quickening, physical development, and such employment as would place the prisoner on a good industrial basis.

“4. That the reformatory system is incompatible with short sentences, and a relatively long period of reformatory treatment is more likely to be beneficial than repeated short terms of imprisonment under severer conditions.

“5. That reformatory treatment should be combined with a system of liberation on parole under suitable guardianship and supervision on the advice of a suitable board.

“B. It is strongly to be desired that a system of special treatment be adopted for adolescent criminals whether recidivists or not.

“C. Tribunals should be able to sentence to special treatment which (a) should be sufficiently long to permit of the full application of all possible means of reformation; (b) shall admit the right of conditional liberation as mentioned above.”

The section adopted also the following motion of Mr. Almqvist:

“Exhibit 1. Expresses the opinion that for prisoners awaiting trial, and prisoners serving short sentences there should be separate confinement.”

Question 2: “What improvements may be made in the parole system or the system of conditional liberation already existing in certain countries?”

Resolved:

“Accepting the principle of conditional liberation on parole as an indispensable aid to the reformation of the prisoner the Congress approves of the following resolutions:

“1. Conditional release should be given not by favor but in accordance with definite rules. Prisoners of all classes, including workhouse prisoners, should be eligible for conditional release after serving for a definite minimum period.”

“2. Conditional liberation should be given on the recom-

mentation of a properly constituted board, but reserving always the control of the government. This board should have the power of recalling the prisoner in case of unsatisfactory conduct.

“3. The duty of caring for conditionally liberated prisoners should be undertaken by State agents, specially approved associations, or individuals who will undertake to befriend and supervise them, and to report on their conduct for a sufficiently long period.

“4. Where the ordinary rules for parole are not applicable to life prisoners their cases should be dealt with by the supreme government as a matter of clemency.”

Question 3: “What are the best means for assuring productive work for prisoners in small prisons?”

Resolved, that:

“1. All penal institutions, including houses of detention and jails, should be under the control of a central authority.

“2. All persons, whether sentenced for long or short terms, and whether confined in large or small prisons, should be employed at useful labor, either inside or outside the prison.

“3. So far as local conditions permit all persons serving sentences should be concentrated in institutions large enough to permit of the effective organization of labor.

“4. Where such concentration is not possible various kinds of labor should be introduced depending upon the economic conditions in a given locality.

“5. It would be desirable that the large prisons with well organized industries and effective industrial equipment should serve as training schools for the men who will later take charge of the smaller institutions.

“6. The officials of small prisons should include at least one man competent to direct industrial work.”

THIRD SECTION.

PROBATION—JUVENILE DELINQUENCY—VAGABONDS—WORKHOUSE.

Question 1: “What is the effect upon criminality of the legal measures taken in different States in the form of probation or suspension of sentence, etc., to avoid the necessity of impris-

onment, especially at the time of first conviction, taking account of the age, character and antecedents of the person? And is it desirable that these and similar laws should be extended?"

Resolved:

"1. That the effects of probation are beneficial when applied with due regard to the protection of the community, and to persons who may reasonably be expected to reform, without resorting to imprisonment; and when the probationers are placed for a reasonable length of time under the supervision of competent officers.

"2. That the effects of suspended sentence, without probationary oversight, are difficult, if not impossible, to ascertain.

"3. That it is desirable to introduce and extend laws providing for probation and to provide, in each State or country, some central authority which will exercise general supervision over probation work."

Question 2: "What measure should be taken for the suppression of mendicity and vagabondage, especially in view of modern criminal tendencies?

"What rules should be adopted for the organization of work-houses for mendicants and vagabonds?"

Resolved, that:

"1. The Congress reaffirms the resolution of the Congress of 1895 as to the classification of vagrants and mendicants, as follows:

"1. Society has the right to take measures of social preservation, even compulsory against mendicants and beggars. This right involves also the duty, on the other hand, of systematically organizing public and private charity societies in aid of prisoners.

"2. There is need of different treatment of mendicants and vagrants, according as they are (a) incapacitated or infirm, needy persons; (b) accidental mendicants or vagrants; (c) professional mendicants or vagrants.

"3. The first need assistance until they shall have recovered the necessary ability to support themselves. The second class should receive public or private assistance or should be received in refuges or relief stations where work will be compul-

sory. The third class should be subject to severe repressive measures of a nature to check recidivism.

“II. As a necessary means for aiding in the suppression of wilful and professional vagrancy and mendicancy, workhouses (maisons de travail) for professional mendicants and vagrants should be established. Within these institutions comprehensive systems of classification of inmates should be made, separating the inmates requiring discipline from the other inmates, and providing a class or classes for the more industrious or better behaved, with such inducements as are proper and conducive to the reformation and progress of the inmates toward rehabilitation.

“III. Such workhouses should make a prominent feature of agricultural and industrial training, and the period of detention should be sufficiently long to provide for a thorough training, and also to act as a deterrent to offenders.

“IV. The physical and mental condition of the inmates should be carefully observed and studied.

“V. Conditional liberation and a system of subsequent supervision and, if possible, co-operation between official and outside charitable authorities are indispensable parts of a proper system of treating mendicancy and vagrancy.

“VI. The extension or establishment of a system of identification and classification of professional mendicants and vagrants is advocated.”

Question 3: “How is it possible, while paying due attention to the correction of the offender, to lighten the heavy economic burden falling upon families owing to the imprisonment of those upon whom they are dependent?”

Resolved:

“It is desirable that the State should allow payment to be made to prisoners and that steps should be taken to provide that any sum of money credited to prisoners should be available for the assistance of their families if in need.

“As the practice in different countries varies considerably it would be an advantage if fuller information could be placed at the disposal of the next Congress with a view to further discussion as to the best means to adopt for the relief of the families of prisoners.”

Question 4: "Have the experiments of the last ten years made in certain countries providing special establishments for the detention of inebriate criminals, even recidivists, for long periods (two or three years) been successful or not?"

"Is it necessary to complete the penitentiary discipline of these special establishments, by special medical treatment?"

Resolved:

"1. That the experiments of the last ten years made in certain countries providing special establishments for the detention of habitual criminal drunkards for long periods, two or three years, have been successful.

"2. That it is not necessary to complete the discipline of these establishments by special medical treatment, but it is essential to the success of the method that the hygienic and medical treatment of the inmates of establishments of this class shall be directed by qualified medical practitioners.

"3. That further extension of this kind of detention of the inebriate criminal under State control with a view especially to arresting the habit in its early stages and to the avoidance of useless and repeated sentences to imprisonment is desirable."

FOURTH SECTION.

QUESTIONS RELATING TO CHILDREN AND TO MINORS.

Question 1: "Should young delinquents be subjected to the penal procedure applicable to adults? If not, what principles should guide the procedure applied to children and youthful offenders?"

Resolved:

"I. Young delinquents should not be subjected to the penal procedure now applied to adults.

"II. The principles that should guide the procedure applied to young delinquents are as follows:

"1. Those who are entrusted with the cognizance of the cases of young delinquents should be primarily chosen for their ability to understand and sympathize with children, and should have some special knowledge of the social and psychological sciences.

"2. They should have the assistance of probation officers to make preliminary examination in each case and to watch over and help those put on probation.

"3. There should be made in connection with the cases of young delinquents, such examinations as will contribute to the fund of information on juvenile delinquency and the results should be used wherever practicable to help in the disposition of the case. Medical examinations should be made only by physicians who have some special knowledge of the social and psychological sciences. The personal information obtained in these examinations shall not be made public.

"4. Wherever possible in the case of young delinquents, arrest should be avoided in bringing them before the authorities and orders for arrest should be issued only in exceptional cases.

"5. When necessary to detain young delinquents, the detention should not be in quarters used for adults.

"6. In those countries where a court is entrusted with the cognizance of the cases of young delinquents:

"(a) Such cases should never be heard at the same session with cases of adults, and

(b) It should be the tendency in the trial of juveniles to proceed as far as practicable by way of conference for the good of the child instead of contest about and over the child.

"III. Those who are entrusted with the cognizance of the cases of young delinquents should also have the cognizance of the measures needed in the interest of abandoned or maltreated children."

Question 2: "Should special establishments be maintained for abnormal, backward, and feeble-minded children showing dangerous moral tendencies?"

Resolved:

"That it is the sense of this Congress, in discussing the question of the establishment of separate institutions for mentally defective children with dangerous moral tendencies, that too little practical investigation of the subject has hitherto been undertaken for us to competently render a verdict. We, however, earnestly recommend that investigation be rapidly under-

taken by well qualified persons under private initiative or State authority—using the mental tests and classification which prominent students of the abnormal psychology of children have agreed upon and working with clear definition of the ends in view—such investigation to be primarily directed towards ascertainment of:

“I. How many children numerically and proportionately there are—

“(a) With dangerous moral tendencies in institutions for abnormal children.

“(b) With mental defect in institutions of the reformatory type, or who came before juvenile courts.

“II. How the directors of such institutions (a) regard the desirability of such cases as inmates of their institutions; (b) find it advisable to treat them; (c) estimate the success of their efforts.”

Question 3: “What measures should be taken to correct the idleness and vagabondage of children in large cities?”

Resolved:

“That to prevent habits of vagrancy and idleness among children in large cities, there should be:

“I. Laws making parents responsible for the wrong-doing of their children; to compel deserting fathers to return to their duty or to support their children; allowing children to be taken from unfit homes and properly placed for training and care.

“II. Greater co-operation between school authorities and the public; better adaptation of school curricula both in interest and in practical use to the individual needs of the children; and that there shall be more kindergartens and greater recognition of training in hand work for the children.

“III. Vast additions to playgrounds, wholesome recreation centers, gymnasiums and athletic fields, as the surest preventives of juvenile mischief and crime and as affording young people places where they may learn to bear defeat with courage and success with modesty.

“IV. Lectures to parents on practical subjects that shall tend to make better and happier homes as the wisest way to keep children from the idle, wandering life.

“V. A stronger influence on the part of the press and the pulpit to enforce the sentiment that the best bulwark against juvenile delinquency is to care for the children in such a way as to prevent them from becoming vagrants and idlers.”

Question 4: “Are special measures necessary for the protection of children born out of wedlock, and if so, what measures?”

Resolved:

“1. That in the opinion of this Congress legislative measures and moral and social propaganda are necessary for the protection of illegitimate children.

“2. That the object of legislative action should be so to modify existing laws as to make the care, support and inheritance of illegitimate and legitimate children as near as possible identical.

“3. That, after the nursing period is over, the decision as to which parent shall have the future care of an illegitimate child should be based upon the child’s best interests and its needs as a future citizen.

“4. That whichever parent has not the care of the child should contribute toward its support and education.

“5. That as illegitimacy is often the result of ignorance, it shall be the object of a moral propaganda:

“(a) To instruct young people in matters of sex and its relations to the life and welfare of the State.

“(b) To help build up a single moral standard applicable to men and women alike.

“6. That as girl mothers often attempt abortion, abandonment of their child, or drift into prostitution, it shall be the object of a social propaganda to have connected with hospitals and all institutions where such girl mothers may go for advice and care, a trained staff of workers whose duty shall be: (a) To instruct said girl mother in the care of herself in view of her child’s needs before and after birth; (b) To secure from the child’s father acknowledgment of paternity and the necessary financial provisions; (c) to act as friend to the mother, and guardian or trustee for the child.”

THE DEATH PENALTY IN GERMANY.

BY DR. GENNAT, PRISON DIRECTOR, HAMBURG.

Germany is a confederation of twenty-five states, each of which lives its own life, either under its own laws or those imposed upon it by the Empire. In the matter of justice each has almost complete sovereignty. The supreme court of the Empire excepted, each has its own independent tribunals. It must be remembered that the Empire has existed only since 1871, while the statistics with which we are concerned go back to 1859. For these reasons I limit myself to Hamburg, with a population of 977,744, and to the period during which I have acted as prison director, that is seventeen years.

The death penalty cannot be decreed in the code of any of the states, it is exclusively in the domain of the laws of the Empire. The crimes punishable by death are assassination, the attempt to assassinate the Emperor, or the head of any of the confederated states; the intentional use of explosives, if followed by death, and the accused could have foreseen this result; causing the death of any person in an expedition for the capturing of slaves.

The number of crimes which entail the death penalty has not decreased. In a general way it may be said that in Hamburg, only assassination may be taken into account here. Since 1899 the sentence of death has been pronounced against eight persons in Hamburg and there have been four executions. The other sentences were commuted to hard labor for life. No one condemned to death has committed suicide.

Not only am I not in favor of the present limitation, but I would make other crimes subject to the death penalty: derailing a train, causing inundation, a shipwreck, or the loss of a vessel if they result in death, and the author of the crime could have foreseen that result.

The death penalty was introduced with great difficulty in 1871. It was vigorously opposed in the parliament (Reichstag). I cannot say whether the Reichstag faithfully interpreted the

popular feeling. At the present time public opinion stands for the state of things created by the penal code of the Empire. Some would increase the number of crimes for which the death penalty should be pronounced, some would limit it to certain forms of assassination, and others would do away with it altogether.

I have never witnessed an execution, but I hold the guillotine in horror. I would choose some other method of execution.

In a study of eight assassins I have not been able to discover any striking abnormalities in them. In general culture they are not below the average prisoner. That is, they have all attended the public school. Those who killed for plunder were cruel in their crime. All but one had had previous convictions of crime. Of the three who were married two chose their wives as their victims. None of the eight was a native of Hamburg. The woman denied her guilt even on the scaffold.

THE DEATH PENALTY IN NORWAY.

BY HARTVIG NISSEN, SECRETARY TO THE MINISTER OF JUSTICE,
CHRISTIANIA, NORWAY.

Under the code of 1842 the death penalty was provided for a great number of crimes in Norway. It was abolished in 1902 by a law which went into force the first of January, 1905. According to the code of 1842 the executions were public, by day, and consisted in decapitation with the axe. The code of 1887 modified this procedure: decapitation was to be by guillotine, within an enclosure, and only a few officials were to be present, but as there were no executions these new rules were not practiced. For thirty years there have been no death sentences which have been followed by execution, and the number of condemned has been smaller than when there were executions. The suppression of the death penalty has had no detrimental effect on crime.

In Norway, as elsewhere, opinion has been divided on the death penalty, and during a discussion of the new penal code a proposal was made to retain it, but in one house it was defeated fifty-seven to twenty-five and in the other by twenty-five to three.

THE DEATH PENALTY IN FRANCE.

BY E. DEMOGUE, PROFESSOR OF LAW IN THE UNIVERSITY OF LILLE;
MEMBER OF THE PRISON SOCIETY OF FRANCE.

The death penalty has always existed in French legislation. It is true that a decree of November 5, 1796, declared that dating from the establishment of general peace the death penalty should be abolished, but it had no practical effect. On the 28th of December, 1802, it was enacted that that penalty should continue to be imposed in cases determined by law.

Though the death penalty still exists, its abolition has many a time been demanded by the deputies in parliament: in 1838, 1850, 1868, 1870, 1872, 1876, 1881, 1882, 1886, 1894, 1898. But even more significant, on the 5th of November, 1906, the lord keeper of the great seal presented to the Chamber of Deputies a bill for the abolition of the death penalty and the substitution of perpetual imprisonment, six years of which should be in cellular confinement. It was at first approved by the commission of legal reform. But public opinion in general was unfavorable to the reform. During the years 1907 and 1908 votes in favor of the death penalty were sent to the government by 127 juries. Meantime capital punishments multiplied: 41 in 1907 instead of 14 in 1905. A large daily paper having opened a referendum, 1,083,000 persons favored the death penalty, while 328,000 were opposed to it. Only one *conseil général* and 42 sections of the League for Human Rights ranged themselves with the latter. In the face of this state of public opinion the commission, July 2, 1908, reported in favor of retaining capital punishment, and on the 7th of the following December the Chamber voted it by a large majority. The death penalty has been in continual operation since that time by law. As a matter of fact during those two years those condemned to death were successively pardoned. The penalty then is inoperative and that fact has seemed to stir up public opinion.

If the principle of capital punishment has never disappeared from the law, the decision as to the cases where it should

be applied has undergone many changes. Under the old régime the judges had arbitrary power, and usage alone determined which cases should receive the death penalty. The penal code of 1791 made 32 crimes punishable with death. The code of 1795 suppressed two of them. The penal code of 1810 applied it for 37. The law of 1824 authorized magistrates to admit extenuating circumstances for infanticide committed by mothers. Though the sentence of death was pronounced it was often changed to hard labor for life.

Since 1825, when our criminal statistics began, the law has been repeatedly modified. The law of 1832 modified twelve articles; also in certain cases replaced the death sentence with imprisonment for life at hard labor, deportation or imprisonment from five to twenty years.

A still more important reform in 1832 was allowing the jury to consider extenuating circumstances. This allowed the jury, when it desired, to avoid the application of the death sentence which formerly would have followed the verdict of guilty.

The constitution of 1848 abolished the death penalty for political reasons. The law of 1901 suppressed the death penalty for mothers guilty of infanticide, replacing it with life imprisonment at hard labor, or for a definite term, according as there was premeditation or not.

At the present time the penalty of death is provided for the following crimes, attempted or committed, or for complicity in them: striking or wounding a magistrate, a ministerial officer, an agent of the public force, a citizen charged with public service, in the exercise of that service, with intent to kill; assassination, parricide, poisoning, infanticide by any except the mother; any crime accompanied by torture; murder without premeditation accompanied, preceded or followed by another crime; castration with death within forty days; sequestration accompanied by bodily torture; false witness resulting in condemnation to death; intentional burning of any residence or vehicles containing persons; destruction of the same by explosives; the commission of another crime calling for this sentence by a life prisoner, etc. For soldiers and sailors death is prescribed for 22 causes in the army and 29 in the navy.

As statistics have been kept only since 1825 only vague reports can be given of the period before that. According to recent investigations in one province, whose population is estimated to be 800,000 between the years 1750 and 1765, an average of seven or eight a year were accused of homicide, or 117 in all, with 49 executions. (Seven tables of statistics follow. These tables are for France alone, not including the colonies nor the crimes coming before military tribunals.)

Crimes are more frequent, especially crimes of blood, at the time of changes in the government, as in France in 1830, 1848-51 and 1870. Every regime begins with frequent use of the death penalty and little by little the sentences are fewer.

It is remarkable how many crimes are committed which are not followed by prosecutions. It is also found that in spite of chemistry there are fewer cases of poisoning than formerly. Today there are hardly a dozen a year; half a century ago there were twenty or thirty. Crimes usually diminish with bad harvests of wine, though sometimes they are more frequent in good years. Condemnation to capital punishment, very frequent before 1832, have greatly diminished since then by the acceptance of extenuating circumstances. They increased from 1840 to 1854, owing to a new jury law. Very rare between 1860 and 1870, they increased to about thirty a year between the years 1871 and 1894. After that they were rare till, as a protest against the proposed abolition of the death sentence, they increased in 1906. The executions kept about the same step, save about 1880, when there were many pardons, and again in 1906-7. The large number of pardons from 1878 to 1883 brought about a reaction, and after 1880 condemnations were more frequent. The jury is influenced not only by the number of those accused, but by the crimes known through the journals. If there is much crime followed by few prosecutions the jury is severe. Too many pardons lead to a reaction of severity.

From 1873 to 1880, 51 per cent. of those accused of capital offenses were declared guilty; 92 per cent. with extenuating circumstances. From 1881 to 1905, there were 34 per cent. found guilty, 87 per cent. with extenuating circumstances.

No person has committed suicide to escape a death sentence within forty years.

In France executions have always been public. They take place in one of the public squares. This often gives rise to scandalous scenes. The crowd is held in order by a large armed force. The morning hour is generally chosen. Bills have often been introduced to suppress this publicity; the last attempt to do away with it was in January, 1908. The mode is decapitation by the guillotine. Soldiers and those belonging to the navy are shot. Execution can not take place on festival days nor Sundays. If a pregnant woman is condemned to death she is not executed till after the birth of the child, but it is a long time since any woman has been executed in France. The bodies are given up to the families if they claim them. A *procès-verbal* of the execution is drawn up by the clerk, but the civil records do not tell the kind of death, in order not to injure the family.

Conclusion. It is certain if one looks at the law and the practice, that the present tendency is to restrict the death penalty to cases of wilful homicide and even to certain of such cases: aggravated murder, assassination, etc. It would be very hard to get a jury to pass a sentence of death for striking a magistrate or burning an inhabited house, etc. There is a tendency to suppress capital punishment for women. From 1833 to 1880 there were 45 women executed, two only since then.

It is not less certain that public opinion has been hostile to the attempt to do away with capital punishment. There are two reasons for this. First, the time was badly chosen, these later years having shown an increase in crimes of violence. This increase was manifested under a form which has disappeared, crimes committed by bands. In the second place the attempt to do away with it was not made with tact. It was thought that it would be sufficient to pardon those condemned to death, and commute their punishment into hard labor for life and sanction the abolition by law. But public opinion, wrong in part, it seems, has always held that hard labor, as it exists in the colonies, is not very intimidating. Criminals have little fear of

it, and indeed at one time they committed crimes in the prisons to be sent to hard labor in the colonies rather than stay in the prisons in France, but the law of 1880 compelled such prisoners to stay in France.

To secure a chance to obtain the abolition of the penalty of death it would be necessary first to fix at once on perpetual imprisonment, with six months cellular confinement, in place of the death sentences. When public opinion, and criminals in particular, are convinced of the severity of this penalty then the abolition of capital punishment would be comparatively easy. But the bill presented in 1906 did not take this way, and the public saw in it only the abolition of the death sentence and the substitution of hard labor for it. In 1907 the violation of a child, followed by murder, brought about a change of opinion about the abolition of the death penalty in some who had favored that abolition. It is not absolutely certain that with time and more adroit tactics the death penalty may not be made to disappear without arousing an adverse public opinion.

THE DEATH PENALTY IN THE TRANSVAAL.

BY J. V. ROOS, DIRECTOR OF PRISONS, PRETORIA.

In the Transvaal, which comprises a population of 288,000 of the white race and a million of other races, it has been found necessary to keep the death penalty, though the tendency has been to reduce the number of crimes for which it is applied. The chief crimes are murder and the violation of white women by colored men. The violation of colored women by white men does not entail the same punishment. The death penalty is also given for treason and brigandage and it may be for incest, for rape of a minor, for sodomy, bestiality and abortion. Since 1902 forty-eight persons have been hung, and the same number have had the death sentence commuted into hard labor for life. When the accused has been declared guilty by a jury of nine, of whom seven must vote in the affirmative, the judge puts on

a black cap and solemnly reads the death sentence. He afterwards sends a circumstantial report to the governor of the colony, which is accompanied by another from the minister of justice. The governor either confirms the sentence or exercises his prerogative of granting pardon. All the executions take place in Pretoria. The trap is used and the gallows is on the same landing with the cell. The hands are bound in the cell and a white cap put on which covers the face and head, and the condemned is led into the death chamber. The legs are then tied and the trap falls. Death is instantaneous. The executions are private, the public disapproving of public executions. The only witnesses are the high sheriff, the prison director, the physician, the executioner and his assistants. No other prison officer is allowed to be present. After post mortem examination by the physician the body is buried, without religious ceremony, in a part of the cemetery reserved for that purpose.

THE DEATH PENALTY IN SWEDEN.

BY VICTOR ALMQUIST, HEAD OF THE PRISON ADMINISTRATION, STOCKHOLM, SWEDEN.

The death penalty was employed in the beginning of the 19th century and has existed since 1864 in full force. It is imposed for homicide committed by a prisoner with a life sentence unless there are mitigating circumstances. Death, or hard labor for life, may be imposed for an attempt against the life of the king; for high treason; for murder, except the infanticide of an illegitimate child; for abortion which causes the death of the woman; for rape with the aid of a narcotic; for arsenic which causes the death of any person. The number punishable by death has been reduced since 1864. Since 1864, 124 persons have been condemned to death; only one since 1904.

The executions are in the presence of a limited number of official witnesses within the prison, by decapitation by the guillotine. Between 1859 and 1909 there was one commutation of sentence, and during that time no one was known to commit suicide to escape the death penalty.

Statistics show that homicides have been reduced almost one-half during the last four decades, that is since the death penalty has been so rarely applied. It is evident that the restriction of the death penalty has not increased crime. I am tempted to say that the man who sees the state shedding blood fears less to shed it himself.

Public sentiment is generally in favor of the restriction of capital punishment. There are always persons who demand the death of the criminal when a brutal murder has been committed, but that is not the attitude of the courts nor of the king. The effect of doing away with the publicity of execution has been favorable to public morality and upon crime.

THE INDETERMINATE SENTENCE.

BY GABRIELE NAPODANO, PROFESSOR IN THE UNIVERSITY OF PISA.

The idea of an indeterminate sentence is opposed to the judicial idea that the judge should pronounce a sentence with a minimum and a maximum limit, according to circumstances and the gravity of the crime, but it is in accord with the idea of penal substitution for the correction of juveniles, by the establishment of institutions to care for those juvenile offenders who are insensible to reformatory treatment. For incorrigibles there should be similar provision. The child and the delinquent who is abnormal are both irresponsible before the law. Neither should be considered delinquents. Government has discretionary power to use means to defend itself against those who, if left to themselves, would certainly become criminals and against those who without being delinquents, in the true sense of the word, are a menace to public safety. In this way the indeterminate sentence is changed for the minor and the juvenile delinquent into an institution for correction and education, like that practiced in Illinois, Michigan, Minnesota, Ohio, Pennsylvania, and especially in New York, in the famous reformatory at Elmira. The principle of this law was laid down in 1824 by Livingston

in his proposed penal code. It was limited then to recidivists who had been repeatedly convicted. Since then it has been accepted by the International Congress of St. Petersburg, in 1890, and in the Congress for Criminal Anthropology, in Brussels, in 1892, for dangerous delinquents.

RESULTS OF THE INDETERMINATE SENTENCE LAW.

BY AMOS W. BUTLER, PRESIDENT AMERICAN PRISON ASSOCIATION.

This law is in effect in many states, but has not been adopted by the federal government. A better name for it would be the indefinite sentence, to distinguish it from the definite sentence still in use in many states.

The following states have reformatories, under the indeterminate sentence and parole system: Colorado, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania and Washington. The state reformatory of Wisconsin has the indeterminate sentence so worded as to make it definite for the maximum term.

In Indiana, Iowa, Massachusetts, Michigan, New Hampshire and New Mexico the indeterminate sentence applies also to the state prison.

In Arizona, Connecticut, Illinois, Kansas, Michigan, Minnesota, New York, North Dakota, Oregon, Pennsylvania, Vermont, West Virginia and Wyoming, prisoners are committed to state prisons under either definite or indeterminate sentences.

Those imprisoned under the indeterminate sentence are usually released upon parole. Who should be paroled? Those who by their ability to keep the rules inside the prison give evidence of their ability to keep the law on the outside. They may be released under supervision and should report monthly to the institution while on parole.

The indeterminate sentence can not be efficiently administered in an institution controlled by partisan politics. A non-partisan basis and the merit system are necessary to success.

The most important part of the parole work is proper supervision. In some states the work of local agents is supplemented by private societies. Some states give little or no supervision. In some, private agencies alone supervise those released on parole.

There is variation as to the time of supervision. The Elmira Reformatory requires six months, Pennsylvania seven, Illinois nine. In Concord, Mass., and Bedford and Albion, N. Y., reformatories require supervision till the expiration of the maximum sentence. Transportation, clothing and some cash are generally given to the men going out on parole.

In considering the results, one of the first is that the public has been led to take a more humane interest in the prisoner since the adoption of this system. Another result is seen in its deterrent effect. The statistics of the states employing the parole system and the indeterminate sentence (which are given in this paper), show that it is a very great improvement over the old system of imprisonment and release. Many prison wardens who are still working under the old system testify that a majority of their discharged prisoners return to criminal ways, while it is the exception, rather than the rule, for paroled prisoners to be again convicted of crime.

Summing up the operations of the indeterminate sentence law, some interesting results are noted:

1. We usually regard the record of the men on parole as the chief result. Approximately 25 per cent. of those so released violate the terms of their parole. This does not necessarily mean that they commit a crime, but that they fail to observe the conditions of their release.
2. The average length of sentence under it is increased above that of the former system of definite sentences.
3. It is not popular with the confirmed or professional criminal.
4. The less experienced offender believes in it and profits by it.

5. Wherever the law is well administered the prison officers approve it, both as a help to the prisoners and as a means of discipline.

6. The views of prison officials, members of the bar, the press and most of the public have changed favorably toward this law.

7. There has been an awakening and extension of interest in correctional institutions through the parole work.

8. It should be observed that no state which has adopted the law has repealed or unfavorably amended it.

THE INDETERMINATE SENTENCE.

BY PEDRO DORADO, PROFESSOR OF PENAL LAW, SALAMANCA.

In the field of the prevention of crime the repressive notion has been almost completely abandoned. There is now a tendency among penologists and others to use reformatory means in the treatment of crime. The end is to turn criminals into inoffensive members of society. This becomes a measure of social preservation, of education and of rehabilitation, and it is preferable to the method of restraint with severity. Certain criminals have shown that they are not amenable to amendment; shall we then throw the helve after the hatchet and believe that all our trouble is wasted? No, it is much better to hold out a helping hand, and if it is in vain, then place these persons where they cannot give rein to their vicious propensities. The penalty looks not so much to the past as to the future if it has in view the reformation of the criminal. That being the case no one can fix in advance the length of time that will be necessary to bring about the desired result. To try to fit the penalty to the crime is impossible. You might as well make the whole work of the courts mechanical and press a spring corresponding to the crime. If the idea of 'expiation' is held it is equally difficult. What is punishment to one person is not to another. Again, if a penalty is given for the

sake of intimidation and the criminal does not need such intimidation, as he has no intention of again committing crime, then the penalty is useless and unnecessary and an unnecessary penalty is unjust. And after a penalty has been applied, if it loses its character of intimidation it should be replaced by something more useful. All educative and correctional penalties should have an indefinite character in order to secure reformation. As in medical treatment, where the cause and the remedy are sought and the treatment is varied and indefinite, so penal treatment of criminals should be varied and indeterminate.

The question of the categories of delinquents to whom the indeterminate sentence should be applied has not been settled. How long an individual should be treated under this system has not been decided. It cannot be in advance. That is why I have always held that the preventive sentence, by which one seeks to prevent crime instead of aiming at the punishment of crime already committed, should be applied with great judgment and circumspection. The penalty should always be individualized to obtain the best result. Delinquents cannot be treated in classes.

The strongest argument, not to say the only one, against the indeterminate sentence is the danger it might be to individual rights, if everything is left to the arbitrary discretion of the judge. However, that is one of the arguments which prove too little because they try to prove too much. The guilty person is more or less at the mercy of the authority charged with administering justice in any case.

What is the best means of warding off criminality? Is it not to try to acquire the ascendancy over human personality? To me this seems settled. If we gain the confidence of a man whose tendencies are evil and whose actions make us mistrust him we shall have nothing more to fear from him. He was our enemy, but has ceased to be so; perhaps we have even made a friend and co-laborer of him. He no longer desires the evil, but the good. He had desired to act in a criminal way; now he desires to be upright. The law-maker, the judge, the authority who shall secure such a result will merit the approval of society even if they have punished no one.

But, says some one, under such conditions the penal law would be a dead letter. The law that looks to retribution and intimidation is already a dead letter, and no matter how much serum they may inject into it they cannot rejuvenate it. It is like a boat which leaks at every crevice and is past repair. However, if the old law dies there is another ready to replace it, which perhaps we must cease to call penal, in the sense in which that word has been used for ages, and qualify it as a social law, or protective law, protective of criminals, as there exist laws protective of workmen, women, the insane, vagabonds, in short all who are exposed to dangers from a social point of view. This new law applied to delinquents is a fruit of the growing humanity that characterizes human life. The indeterminate sentence is in harmony with the spiritual tendency which has in view the transformation of the individual who formerly was dangerous to society, that he may rise to the plane of useful and rational men by his own effort, aided by the help of his fellows.

THE INDETERMINATE SENTENCE.

BY FREDERICK HOWARD WINES, LL.D., ILLINOIS.

Criminology is the science that deals with crime and criminals. It includes criminal jurisprudence, whereas penology treats solely of the infliction of penalty. The new criminology is the inevitable reaction against the old codes which it seeks to replace by others more in harmony with modern civilization. The sentence referred to in this question is the indeterminate sentence with a definite maximum limit, and sometimes with a minimum limit also.

Conditional liberation, sometimes called the ticket-of-leave, preceded the indeterminate sentence. They are logically related to each other as component elements of an advanced prison system. The indeterminate sentence is the central feature of the new criminology. Its abandonment would be a retrograde step.

It is nearly half a century since my father, Dr. E. C. Wines, interested me in prison reform. There were then three great wrongs that called for redress: Political, partisan control of

prisons; contract labor, as practiced in America; and the severity of disciplinary punishments. It is true the law said that the reformation of the prisoner was one end to be sought in imprisonment, but few prison keepers had faith in his reformation. Public sentiment required three things of the warden: a secure hold of the prisoner, a self-supporting prison, and that life should be made so insupportable to the prisoner while in prison that he would be deterred from again committing crime.

Not many prisons became self-supporting, but many contractors amassed fortunes, from which they contributed liberally to campaign funds for political parties. Coercion of prisoners was practiced to a cruel extent. The system was inconsistent with the principles of economics; its brutality was shocking to every humane instinct. At length it dawned on the men who administered prisons that human conduct is regulated by two contrasted motives, of which one, fear, is degrading; while the other, hope, is inspiring. It was decided to try the effect of rewards instead of punishments as an incentive to industry and obedience. The first was to grant the prisoner a share in his earnings; the second to abridge his term of imprisonment. The latter took the form of commutation of sentence, on a fixed scale, by law. This aided discipline. The commutation acts provided for the absolute discharge of their beneficiaries. The paroled prisoner is still in legal custody, though at large, and he is liable to rearrest, in case of breaking parole.

Another factor which led to the conditional liberation of prisoners was the successful experiment made with reference to juvenile delinquents. As far back as 1846 this had been successfully applied in Paris to such delinquents.

The old codes are founded on retributive justice, looking not at the future of the criminal, but at his act, which is a thing of the past. The effort has been to make the punishment fit the crime. No code has ever succeeded in this attempt, nor ever will. Thoughtful men must see that this is true. If so, the time has arrived for building on a more stable foundation.

What shall it be? Suppose we substitute for "crime" the word "criminal," and "treatment" for "punishment." The

phrase will then read: "The purpose of the criminal law is to insure the proper treatment of the criminal." Why not? In his treatment we seek not his good alone, but also that of the community. The community is most effectually protected by the removal, or reformation, of the offender. His permanent detention is merely an undesirable alternative. Unquestionably some convicts are reclaimable and others not, but what should be said of a prison that fails to use enlightened disciplinary methods because all the inmates cannot be reformed? Failure to provide such discipline and insist upon its maintenance is a governmental crime.

As an aid to a truly reformatory discipline there can be nothing equal to the indeterminate sentence. In itself it constitutes no part of the discipline: it is an aid, nothing more. Neither courts nor legislatures can prevent inequality of sentences, yet nothing causes so much unrest in a prison as the inequality of sentence to which the prisoners have been subjected. The only equal sentence is the indeterminate sentence, with an identical maximum term of imprisonment for all convicted of a violation of a given section of the code, coupled with identical conditions by conformity to which it may be reduced to the minimum prescribed by law. This removes ground for complaint of injustice.

It also puts an end to the injurious hope of an unconditional pardon. The prisoner understands that the date of his release depends entirely upon himself. The authorities will help him to earn that release. They are his friends. He is disarmed of hostility to them. Without the prisoner's cooperation it is impossible to effect a cure. The indeterminate sentence goes a long way to secure it. The hope of an early release prevents depression, stimulates to diligence and good conduct and aids in the formation of habits of industry and diligence.

Under the indeterminate sentence the prison itself undergoes a transformation. Better men are put in control, men of higher education, purer moral character, broader culture, loftier aims, greater devotion. They have a new responsibility, but they rise to meet it.

The prisoner leaves the prison with new hope. He goes to a home ready to receive him. He has a trade, money in his pocket, a chance to earn an honest living. During his probation he is watched over, encouraged, warned, steadied by the knowledge that failure on his part will result in his reincarceration. His prospects in life are a hundredfold better than under an absolute discharge.

In proportion as the new criminology comes to be understood it commends itself to popular approval. That it has been imperfectly administered must be conceded. Not all the officials are properly equipped for their work; but, developed in accordance with its real spirit and administered in accordance with that spirit and purpose, the new system will do away with the evils of the old.

No doubt many prisoners have relapsed into crime. Some have never entertained the thought of abandoning a life of crime. They have succeeded in deceiving their keepers, but this does not often happen. How many, on the other hand, have been saved from continuing a life of crime! Those who have resisted the efforts for their reformation under the indeterminate sentence would have been equally obdurate under a definite sentence, and there would have been a great many more of them. The figures of the penitentiary in Joliet, Illinois, show that under the operation of the indeterminate sentence law the commitments in a decade were forty per cent less than in the previous ten years, notwithstanding an immense increase in general population. One of the best circuit judges in Illinois testifies that during the twelve years prior to the passage of the indeterminate sentence act he resentenced not less than one hundred prisoners tried in his court, some of them three or four times, but in the twelve years following he had occasion to resentence but four.

It is a statistical fact that the average period of detention of convicts under the indeterminate sentence is longer than under a definite sentence, owing to the sifting out of the dangerous men who can be held for the whole maximum term. Society is therefore better protected under the new system than it was under the old.

The principle of the indeterminate sentence is identical with that which gives validity to the commutation acts already in force and which are held to be constitutional. The points of difference are nonessential. The maximum term may be fixed by the legislature for a crime. The legislature, in the code of criminal procedure under the definite sentence, confers this right upon the court. Under the indeterminate sentence, it withholds it. Under the commutation act the prisoner is absolutely discharged; under the indeterminate sentence, he is conditionally released. In either case his sentence is commuted. Executive commutation is derived from the written constitution; legislative commutation is created by statute. The former is an act of grace; the latter is a privilege of which any prisoner can avail himself by complying with the conditions expressed in a general law. Executive commutation is subsequent to sentence; legislative commutation precedes and modifies it.

The legislative branch of the government defines crimes and prescribes penalties; the judiciary proves them and renders judgment against the guilty; the executive enforces the judgments.

If the law forbids the court to pronounce a definite sentence, it may not do so. If it ordains that it shall pronounce an indeterminate sentence, it has no option to do otherwise. It has no discretionary power in the premises. The sentenced prisoner passes to the custody of the executive and is subject to no other control. From this it is clear that the grant of a parole, upon conditions expressed in the statute, or formulated by the executive branch of the government, is no invasion of the judicial prerogative. The act of granting a parole under the indeterminate sentence is not the reversal or modification of a judgment; it is its execution.

All that a parole board does is to decide whether a convict has fulfilled the conditions and is entitled to go outside the prison. (He is not removed from legal custody.) The delegation of the power to an agency selected by himself cannot be construed to be an invasion of the executive prerogative.

The legal aspects of the indeterminate sentence once settled, the question is reduced to one of public policy. Is it desirable? If so, how shall the greatest good be insured to the greatest number?

Certain practical questions must be met. First, as to the penalties. The legislature must bear in mind that the purpose of the indeterminate sentence is a reformatory purpose. To reduce the maximum term of detention to a point where the prisoner will not feel the pressure which will induce him to yield to the means for his reformation is to defeat its aim. All reductions in the possible maximum which assimilate an indeterminate to a definite sentence are to be deprecated.

As to the power vested in the courts, they should be given no discretion in the imposition of sentences. The courts should not decide in any case whether a definite or indefinite sentence is preferable. They should in no case have the right to name a maximum term other than that named in the code.

Finally, the right of the chief executive to administer the law in accordance with its avowed intent must be untrammelled. The prisoner is required by law to earn his release: he should be held to that. His record will show whether he has done so. The law in this regard should act automatically. The chief factor in the decision should be the authorities having him under observation. Hence the importance of carefully selected prison officials and of retaining them in position. With properly trained officials in the prisons the governor should be chary of granting commutation as an act of grace, lest he should defeat the purpose of the law.

The powers of darkness do not take kindly to the new criminology. They have ridiculed and denounced it. And yet, in every state where the constitutionality of the indeterminate sentence has been judicially contested, the supreme court has declared in its favor. It has been upheld with greater unanimity, perhaps, than any disputed statute ever enacted by any legislative body in America.

Incompetent prison officials do not approve the indeterminate sentence. Prison contractors may be expected to oppose

it, since it robs them of their best workers. Corrupt police officials protest against it. So do many prosecuting attorneys. Politicians of the baser sort have no use for it. Nevertheless the new criminology, which is the joint product of religion and science, constantly gains fresh adherents, and it begins to be taught in universities and professional schools. No reactionary effort to arrest the movement of the twentieth century toward higher ethical ideals can succeed. The hand that marks upon the dial-plate of time the slow advance of civilization will not turn back.

THE INDETERMINATE SENTENCE.

BY J. V. ROOS, DIRECTOR OF TRANSVAAL PRISONS, PRETORIA.

The number of criminals in the Transvaal is increasing with alarming rapidity. Those of European origin are largely the flotsam of the Boer war or foreigners drawn to the gold fields. Many of them were criminals in their own land, and they lead the colored people of the Transvaal into criminal ways. Very few of those who commit serious crime belong in the Transvaal.

The government has been trying to meet this rising tide of crime, and for that purpose has studied the methods adopted in other countries, especially the laws of Great Britain and the United States. But in all these laws there is the objection that they have not carried to its logical consequence the principle of the indeterminate sentence, but have clung to minimum and maximum limits. The Australian colonies are the only countries which do not have this reproach to bear. New South Wales in particular has applied with great success the very practical system of Mr. F. Neitenstein, controller-general of prisons, who has recently retired after a long and honorable career.

As a result of this study the government of the Transvaal resolved to adopt as a model the enactment of New South Wales and it has inserted in the law of 1909 (No. 38) the principle of the indeterminate sentence, without minimum or maximum limit, for all criminals who have committed, in any country and

at any time, three or more grave crimes. The crimes included are brigandage, arson, fraud, counterfeiting, theft, concealing stolen goods, extortion, rape, immorality, etc. (The law is given in full, but is omitted here as the main points have been stated.) The convict may be liberated on probation. Each institution is to have a board of visitors to whom the director will annually present a written report of each prisoner. The law provides for probation and for a commission of surveillance, composed of the director of the house of detention, who acts as president, two citizens of good repute, the inspector of prisons and the consulting physician of the principal penal establishment. The chief judge of the Transvaal has an equal consulting voice in the commission and all the papers are submitted to him. No one whose duty it is to have active guardianship of the convict is allowed to sit on the commission. Upon the favorable report of the commission the governor can release the inveterate criminal on probation. These measures to protect the individual rights of the convict are considered sufficient in the Transvaal.

THE INDETERMINATE SENTENCE.

RY A. BERLET, PRESIDENT OF THE TRIBUNAL OF PONT-AUDEMER,
FRANCE.

Respecting above all else individual liberty, we cannot admit the system of the indeterminate sentence. We see in it a backward step, not progress. There would not even be a legal minimum limit if the ideas of some of the partisans of the indeterminate sentence were adopted. Such a change would be going back several centuries, putting absolute power into the hands of those charged with the execution of the sentence, an annihilation of the fundamental principle of the separation of executive and judicial powers.

Is there then no other means of proportioning the length of penalty to the reformation of the convict? We see only one, conditional liberation. Not the form that was instituted in France in 1885, but such as has been adopted by several other

governments, with the addition that the sentence should include the possibility of conditional liberation. The judges having all the facts, are better able to decide on the minimum of penalty to be given. If the objection is made that the court may be deceived as to the incorrigibility of the prisoner and wrongly refuse him liberation, or put it off too long, it may be said that the court may be too lenient. If the prison administration should find the penalty excessive or should find on the other hand that the convict should be kept beyond the term given, there could be a revision of the case demanded and the judges might give a new sentence, softening or re-enforcing the first one. The prison administration should be free to refuse or to grant liberation between the minimum and maximum fixed by the sentence. But, desirous to safeguard individual liberty as much as social interest permits, we think that on the expiration of the minimum limit the prison administration ought to make a report to the judiciary as to the necessity of refusal, or postponement of liberation; or in case of liberation to so inform that authority. That report will show to the judges that the question of the reformation of the convict has been considered. It will draw the attention of the judiciary to certain questions to be studied, and it will help the prison administration. No surprise can then be possible and a decision will be adopted only after careful examination.

By dividing the power between these competent authorities we hope to see full effect given to the penal treatment of the convict. The following is what we ask the Congress to adopt:

I. Every sentence should take into consideration conditional liberation and should fix the earliest date at which the convict may be conditionally liberated. The prison administration should inform the court of this liberation if it takes place at that date. If the period of detention appears too long, the same administration should refer the matter to the court before the expiration of the minimum. In case of refusal to prolong it, the term of detention should end on the day fixed.

II. If the prison administration regards the minimum as too long in consideration of the good conduct of the prisoner, a report should be addressed to the court and the court may be called on to fix anew the term of detention.

III. After the expiration of the minimum fixed by the court the prison administration has the right to grant or to refuse conditional liberation after preliminary advice from the judicial authority.

THE INDETERMINATE SENTENCE.

BY ERNEST FRIEDMAN, LL.D., SECRETARY-GENERAL OF THE HUNGARIAN GROUP IN THE SOCIETY FOR INTERNATIONAL PENAL LAW.

Criminality has changed greatly in Europe. It is distinguished at present by two characteristics. The great industrial development has brought crowds to the cities, among whom are many who live from crime. Another trait of the criminal life is that it draws its recruits from neuropathics. The conflict for existence uses up brain and nerve force much faster than was true in olden times, and this results in producing persons who become criminals. Neuropathics, epileptics and alcoholic persons form a large group of criminals. As to the criminal acts committed in passion they are legion. If we ask how these different forms are met in the way of penalties for crime we must confess that they are far from being met.

Formerly the mode and amount of punishment were decided without the least thought of the individual nor of the social danger that he represented. The modern tendency is to look at the result of the penalty only from the point of view of social imperfection. It seems to forget that the penalty is only the reaction of the action provoked by the crime.

At first the adherents of the modern tendency formulated their requirements in such a way that it was impossible to punish individuals upon whom punishment had had no effect nor led to the hope that by it they would be deterred from further crime. However, as such persons were a social peril, they declared that they should be imprisoned as long as they were a danger to society. But as a result of much discussion these views have been modified.

What is the fundamental idea of the indeterminate sentence? Simply a recognition of the fact that it is impossible in advance

to say how long a time it will take for a prisoner to be reformed. Now, it is harmful and unwise to keep a man in prison who is no longer a source of danger to society, but on the other hand it is unjustifiable to turn loose upon society one who is not fit for life outside the prison. The careful study of the convict during his incarceration can alone show how much time it will require to temper the small amount of will that he possesses. This fundamental idea means that there should be no more penalty than is really necessary. This is the theory. But if you search through the three continents how it is obliterated! It is not possible to go so far in practice.

In practice there are the most radical differences. In the European continent and in New South Wales they apply the indeterminate sentence to individuals of whom there is little hope of reform. They are isolated rather for the protection of society. On the contrary, in America the indeterminate sentence is applied only in cases where there is hope of reformation. On the continent they apply it to habitual recidivists; in America only to those who have never before received any severe sentence. In Europe it is used for youthful criminals; in America only for adults. In America it is not applied for the gravest crimes, like murder.

There is another distinction to be made: Is the sentence to be completely indeterminate, or is there any limit? If there is to be a maximum and a minimum limit, how are they to be determined, by the law itself, or by the judge?

The partisans for the indeterminate sentence maintain that it is easy to raise theoretical objections to it, but that when seen in practice it is much more difficult to find fault with it. I object to it as practiced. In theory one may agree that the possibility of reformation would justify its application, but as we have seen, on the continent it is used for persons of whom there is no hope of betterment, while in America it is employed for those who give promise of amendment. One seeks in vain for a uniform principle.

Youth is the time when reforms can be effected and in dealing with the young penalty may give place to other measures of

reform. It is a tremendous work to save the young from crime and in its bearings it perhaps surpasses all other duties. And there is this advantage that in reform work of this kind one does not run counter to the basic ideas of penal law. In this field America has had great success.

It is not without pride that I point to the fact that Hungary has recently adopted laws of great import in this direction. Since the first of January, 1910, they have applied in my country an entirely different regime for youthful offenders from the old penal law. The reform owes much to Dr. Eugene Balogh, professor in the University of Budapest, who was not only the author of the law, but the soul of this important social reform. After a careful examination of the culprit the judge may employ one of many expedients. He may reprimand him, he may put him on probation under surveillance, he may give him a domestic education, he may imprison him for an indefinite time, and in the gravest cases may send to prison for ten years.

Two other forms of the indeterminate sentence may be mentioned, the isolation of those who are a peril to society, and conditional liberation.

To sum up what I believe :

1. The principle of the fixed sentence should be preserved.
2. The absence of the indeterminate idea is compensated by other measures.
3. The supplementary measures are corrective education to be applied for an indeterminate period to juvenile delinquents; indeterminate detention for the sake of safety for those who are a constant public danger, and conditional liberation.

In any case it is evident that times have changed and measures must also change. It is not enough to say that the old laws are sufficient. If the life has changed we must adopt new measures to regulate it. But these changes need not be so revolutionary as to overthrow the existing foundations.

THE INDETERMINATE SENTENCE.

BY UGO CONTI, PROFESSOR OF PENAL LAW IN THE UNIVERSITY OF
ROME.

For misdemeanants we need special sentences or substitutes for the ordinary sentence, something tempering the execution of the penalty, like conditional liberation. For ordinary delinquents, and for those almost incorrigible there are needed the ordinary sentence, the severe sentence, the supplementary penalty. An indeterminate sentence meets neither one case nor the other.

As to children and the insane, if they commit crime, they are subject to special measures that are always "indeterminate" in character, but they cannot be applied to those persons who are fit subjects for judicial procedure. American reformatories confound "correction" and "punishment," while Italian reformatories are institutions for "correction," quite apart from establishments for "punishment." Certainly we respect and admire penal establishments in North America, but for theoretical and practical reasons we must avoid imitating them blindly. In place of the indeterminate sentence we propose the supplementary penalty, as I myself proposed to the International Prison Commission. This supplementary penalty may be added to the penalty after the expiration of sentence, with a new restriction of liberty. The law looks at crime in the abstract; the judge sees it in the person of the individual who has committed it; the administration considers it in the man who is undergoing sentence; and the same judge and the same administration officers consider the individual at the expiration of his sentence with a view to prevent him from perpetrating crime again.

Recidivism by itself does not determine the application of the supplementary penalty, but ordinary recidivism is an aggravating circumstance, for it increases public disquiet and it justifies an increase of penalty, which may go even to perpetual punishment. Habitual recidivism renders the application of the supplementary penalty necessary.

The final authority in deciding these cases might be called a penitentiary commission. The judicial authority in the commission would be represented by the judge; the police by the chief of police in the place where the sentence was pronounced. The prison would be represented by the director of the establishment in which the convict had been held and he would give all the facts about the convict's physical condition, his morality, his aptitude for work, etc. This commission, after hearing the reports, written and oral, would hear the convict himself.

We have the honor to propose the following conclusions: While recognizing the merits of penitentiary institutions inspired by the idea of the indeterminate sentence, yet we cannot accept that method. In that which concerns persons under long sentences, habitual recidivists guilty of serious crimes or offenses considered by the judge or by the law as professional in character, or vagabondage, there is room for an extension of penalty at the expiration of their sentences. This may be entrusted to a penitentiary commission duly constituted, made up from the penal judicial authority, from the police and from the prison administration.

If this Commission decides that an extension of sentence is desirable, constituting a supplementary penalty, the person under consideration should be heard in his own behalf or through his counsel. If he is found deserving of such extension of penalty the Commission should pronounce an indeterminate sentence, with surveillance, or any other measure authorized by law. The measure adopted may be made more or less severe, and at the end of a year the Commission should examine the results of the decision, and annually should revise its work.

The person who has been subjected to this supplementary penalty for five years may ask for the benefit of conditional liberation, or after ten years may ask for definite release, and the Commission should give him or his counsel an opportunity to be heard.

THE INDETERMINATE SENTENCE.

BY GIUSTINO DE SANCTIS, INSPECTOR-GENERAL OF PRISONS, ITALY.

This subject interests me deeply, because I believe that for certain classes of criminals it is a means of correction of great importance. The old classic school desired that punishment should be both reformative and protective of society, but the means to that end cannot be the same today that they were yesterday. The only real social defense is to bring these criminals back to the normal way of living by training them in institutions suitable for that purpose under government control, where the principles of a wise pedagogy can be applied.

But penalties as usually pronounced rarely accomplish this end. Reformation of prisoners subjected to the ordinary penal sentence is exceptional. Let us have the courage to confess this sad truth. The increase of habitual criminality has been distressing us for a long time, for it is noticeable in all countries. In Italy the increase is alarming, as seen by statistics. We maintain, without fear of contradiction, that it is because the remedies for crime are inefficacious. We must apply others at once. The time for half measures, or palliative measures, has gone by. Too long we have wasted time in sterile discussions, hesitating to take action. Timid and undecided, we have neglected to sieze our Ariadne thread and in the meantime the evil forces have waxed strong and threatening.

Penal legislation, then, having proved inefficacious as at present enforced, the question arises of some other method and the indeterminate sentence is proposed as the best way of meeting these difficulties.

The indeterminate sentence may be applied to advantage in certain cases. Apart from persons found guilty of premeditated, serious crimes, who have been sentenced to long terms; and those who have become delinquent by lack of intelligence, imbecility, insanity, etc., there are still criminals of occasion and some habitual criminals who should be submitted to the educative, but severe, discipline of the indeterminate sentence.

The sentence, however, ought not to lose its character of penalty, therefore there should be a minimum limit, according to the circumstances preceding and accompanying the crime. After the expiration of that minimum the convict should be held till he shows himself fitted to be restored to society.

But there should also be a maximum fixed beyond which the indeterminate sentence should not go, for reasons of justice and equity. Release, however, should be decided by a commission. No convict at Elmira can be held beyond the expiration of the maximum limit of his sentence. I conclude, then, as follows:

1. The indeterminate sentence may be applied to occasional and habitual delinquents, but not to those guilty of premeditated grave crimes.

2. There should be a minimum and a maximum limit; the sentence to be pronounced only after a careful juridic and psycho-physiologic study of the crime and the criminal. The imprisoned should be held in institutions suitable for the purpose and under officers trained to carry on the work of education and reformation in a rational manner.

The time of detention should be divided into four periods, in which the convict may gradually become used to liberty.

There should be a commission to determine matters of discipline and the transition from one period to another.

There should be proper oversight of those who are liberated and care should be exercised with reference to those who are to be released by expiration of sentence who have not given evidence of amendment.

I believe that there should be farther restriction of the liberty of those who have not amended, especially if the person is a recidivist, or has no means of subsistence, and no trade. Regard must also be had to the age of the person, the young being more susceptible to reformation. This final measure should be pronounced by a court acting after an enquiry by the commission already mentioned. Such convicts, held for further treatment, should be kept in institutions of an educational character, rather than in a prison, and organized in a special way.

But, I ask myself, do not these expedients have the character of an indeterminate sentence? If so, why not adopt the indeterminate sentence? That would be the best solution of the question and would meet the exigencies of society. Let us then demand it at once.

THE INDETERMINATE SENTENCE AND CONDITIONAL RELEASE.

BY R. GARRAUD, PROFESSOR OF CRIMINAL LAW, LYONS, FRANCE.

Conditional release and the indeterminate sentence are designed to bring about the amendment of the prisoner if wisely administered. Just as one may desire to release a prisoner before the expiration of his sentence if the object of imprisonment has been accomplished, so we may desire to retain him in prison until that object is accomplished and he has given proof of a serious determination to amend his ways. But these two conceptions have not had the same good fortune. Conditional liberation was an idea received with enthusiasm by almost all civilized countries. It made the tour of the world. The indeterminate sentence, on the contrary, has only been tried here and there, enough to show that it is one of the means, but not the only one, to secure the reclamation of the convict.

The indeterminate sentence is a system which has a minimum and a maximum limit. Commissions made up of jurists, penitentiary officers, specialists, might, at certain periods fixed by law, examine to see if the convict might be released, but their power would be limited because they could not open the prison doors before the expiration of the minimum term nor retain the prisoners behind bolts after the expiration of the maximum period. This method has advantages and few disadvantages. It would, in the first place, do away with that scourge of the present system, the short sentence. All the criminalists of the world are agreed as to the folly of short sentences, but the more penal science disapproves them the more does repressive justice seem to pronounce them.

Second, such an indeterminate sentence would conciliate the two parties who are concerned in the best solution of the problem. We all find it repugnant to our ideas of justice that a man should be sentenced without knowing what may be the limit of that sentence. A limit fixed in advance by the code and by the judge who applies it reassures the public and safeguards the individual. It is true that life sentences with the possibility of pardon or conditional release are indeterminate sentences, but the law does not allow perpetual imprisonment except for the greatest criminals.

But those who oppose the indeterminate sentence for all criminals are usually ready to admit it for those persons who need so-called "treatment." This system has long been applied to minors. For the insane there should be special institutions. For the great mass of criminals who are defective there is greater difficulty in providing. There are many who are abnormal through various causes—neurasthenics, alcoholics, epileptics, habitual drinkers, morphine eaters, nervous people of all kinds. Various proposals have been made for such criminals: Some would have penal treatment and medical treatment applied successively; some would have special asylums where they could be both treated and punished and kept from doing injury, but whatever the plan adopted for these defective and abnormal individuals the only rational sentence would be the indeterminate.

For vagabonds and beggars the French Code provided in 1832 what is practically an indeterminate sentence. The person who is considered a danger receives a short sentence at first and after that the government assumes the right to dispose of him for a time the duration of which is not fixed. In the case of the person who is a menace to society, whose condition calls for imprisonment more as a means of safety than as a punishment, the duration of it cannot be fixed in advance by the court.

If then the absolute indeterminate sentence is incompatible with our ideas of penalty, it is adapted to the treatment of those persons who are a danger to society and for whom no prescribed period of treatment can be given.

THE INDETERMINATE SENTENCE.

BY M. W. MITTERMAIER, PROFESSOR IN THE UNIVERSITY OF GIESSEN,
GERMANY.

All that can be needed today is to examine anew the indeterminate sentence to see if it can be made to harmonize with the fundamental principles of penal law; to show the experience already derived from the exercise of that sentence; and to learn the view of those who have made a profound study of this question. The Commission having expressed itself in the first question, it only remains for me to give my opinion as an observer and critic. I could do it briefly by saying that I agree completely with the conclusions of Dr. Freudenthal in his work on the reform of German penal law. (*Vergleichende Darstellung des deutschen und ausländischen Strafrechts. Allgemeiner Teil, Band III. Berlin*), but it may be better to give my individual opinion.

The practical execution of a sentence differs according to the way it is understood. He who sees in a sentence only reparation for the crime will trouble himself less with the reformation of the convict and the protection of society which must be considered in carrying out an indeterminate sentence. And if it is granted that that sentence may be applied to certain categories of delinquents and not to others, it must be asked if the end of punishment permits such a distinction.

Now I say that the penalty should not be for reparation alone, but that the amendment of the criminal and the safety of society are to be considered, though reparation must be considered, of course. In juvenile crime the preference is always given to the idea of reformation rather than to that of reparation, and in all civilized countries the principle of reformation and of protection play as large a part as the principle of reparation.

The amount of reparation must be measured by the act and the guilt of the offender. Today that measure is fixed by the judge before the execution of the penalty; but I say, as do many other penologists, that it is just as well to wait to fix that meas-

ure till the execution of the sentence. During the trial the judge can not measure the guilt of the offender as accurately as it can be measured during the carrying out of the sentence. The personality of the criminal and the character of his crime are certainly better revealed in the course of months and years of observation than during a trial which lasts a few minutes or a few hours. I may add also that with an indeterminate sentence the conduct of the convict is not always an index for liberation. A man should not be set at liberty because his conduct in imprisonment is without reproach, but because he has given proof that he is not wholly bad. Those who are familiar with the penal system know that a capable and vigilant prison officer very quickly reads the real character of a convict. And there are several officers who are observing the prisoner at the same time: the superintendent, the physician, the chaplain, the instructor, and others who know the daily life of the convict and are able to judge it with exactness. These institutions also offer to the convict the chance to show his real character. Consequently, if one wishes to learn the measure of reparation necessary to meet the crime one certainly is not subject to so many errors by doing it in the prison during the execution of the sentence as in the court-room. It must be remembered, too, that the officers of prisons know their duties, and though they are not clothed with the powers of the judge, yet we may have confidence in them.

Conditional liberation has already exercised a large influence in prison affairs. I believe that progress will lead us some day to employ the penalty itself, as much as possible, for the reformation of the convict and for public security, and that when it alone does not secure these ends other means will be found to secure them. Even now we are organizing our penitentiaries on that principle. We try reformation, and if that fails then measures must be taken to deal with habitual, dangerous and incorrigible criminals that will conduce to the safety of society as, for instance, longer sentences.

Every one knows that as a measure of prudence a dangerous criminal must be held a longer time than an ordinary convict. The indeterminate sentence allows that and at the same time the

very fact that he is under an indeterminate sentence may incite the convict to reform.

Though in theory the indeterminate sentence might be applied to all offenses, yet in practice there must be restrictions. So long as we consider short term sentences necessary we shall not give to them the character of an indeterminate sentence. There are thousands of cases in which by inflicting a penalty we wish to show not only the offender, but all the people, that the state will not tolerate such acts. In such cases we do not pay so much regard to the individuality of the offender as to the nature of the crime. The indeterminate sentence takes account of the personality of the criminal. When it is a question of studying the crime with the greatest care, of trying to reform the criminal, of securing public safety, and to having a sentence that shall show the gravity of the case, then the indeterminate sentence is indicated.

That rule applies to adolescents up to the age of 25 and to recidivists in serious cases, but not in those of less importance. It is already practically realized in those cases, or looked forward to in the United States, England, Australia, Norway, Sweden, Switzerland and Austria. Even where reform methods take the place of penalties the character of the indeterminate period of detention prevails. For practical reasons an indeterminate sentence must be considered indispensable for the two classes mentioned, while for others it may be desirable, though not necessary. They are the cases where we have rather reparation in mind than the reform of the criminal, and where we are looking for public safety. Personally I am convinced that as a rule, with a counterfeiter, a fraudulent bankrupt, a murderer who acts under passion, a political criminal, the possibility of moral reformation is an illusion, and that even a prolonged confinement would not bring it about. In those cases we may dispense with the indeterminate sentence. The opportunity to secure conditional liberation would be sufficient for such cases.

It may be objected that it is not rational to apply the indeterminate sentence to one category of offenses and not to others. That objection is not justified. How many courts now pro-

nounce different penalties for different crimes. It is not fair to say that the establishment of the indeterminate sentence would interfere with the necessary balance of penalties. Any one who says that shows that he is ignorant of the modern principle of the individualization of penalty. One would not give the same penalty to a beggar, a counterfeiter, a political offender, but the principle of the indeterminate sentence would be the same for all.

The objectors fear that the rights of the convict will not be sufficiently guarded. I can not share their fears. For determinate sentences that guaranty resides in the attitude of the judge. But here the influence of the penitentiary administration is considerable, and, in fact, it is from that that emanates the true significance of the sentence. Yet no one fears that the personal liberty of the convict is not sufficiently safeguarded by the penitentiary administration. I should have perfect confidence in the penal authorities to carry out the law, but it might be possible to strengthen the guaranty. At first there might be a minimum and a maximum. The officials would then be limited. Then there is a guaranty in the fact that the physician, the chaplain, and others are associated with the superintendent and with good officers there would be little danger to the liberty of the convict. Promotion from grade to grade, employment at various industries, all these help to influence the convict. It would be imprudent to leave the fate of the prisoner to one officer alone. The best guaranty of the just treatment of the convict is the combined decisions of several officers who are working toward a common end. Such officials can tell whether a convict is a hypocrite or not. The idea of those theorists who imagine that every prison director is deceived is as absurd as the ideas of the people who think that doctors are duped by those who pretend to be sick.

Finally the authority established to decide on liberation furnishes a new and important guaranty. Details are unimportant, but the principle is practical, as may be seen from the results in the United States. Thus I see no real obstacle to the introduction of the indeterminate sentence. Some other suggestions as

to sentences have been made. Let them be tried. They are only advance-couriers of the indeterminate sentence.

A definite sentence followed by "preventive imprisonment" would be practically of the same effect as the indeterminate sentence. In both cases the individuality of the prisoner would have to be taken into account. Therefore I conclude that the indeterminate sentence is the best form of prolonged imprisonment for delinquent adolescents up to the age of 25, who are susceptible of reformation; and for incorrigibles and recidivists of every kind. It is not opposed to the principles of penal law, and it is in harmony with the protection of personal liberty. For dangerous criminals there can be preventive imprisonment succeeding a definite sentence.

THE INDETERMINATE SENTENCE.

BY DR. GUSTAVE BECK, SWITZERLAND.

To reply to this question there must be a clear understanding of the terms imputability and responsibility. The imputability of an act supposes that the person who does it has sufficient intellectual development to permit him to distinguish between an act which is permissible and one that is not; why one act is forbidden and another is allowable.

On the other hand the quality of being responsible does not depend on the development of the intelligence alone, but on that of the character, which should have acquired enough maturity to be able to subdue evil inclinations and habits.

Strictly speaking all who are not yet responsible for their acts, or are no longer so, should not be subject to penalties, but it would be a mistake to say that the state should have nothing to say about their treatment. They are precisely the ones—men powerless to repress their illegal acts, to rule their irregular lives, and guilty habits—who are the greatest menace to the state. To protect itself from them is the first duty of the state. For this class measures of safety should be adopted, rather than measures of punishment. For such cases extenuat-

ing circumstances are not to be considered. Whenever the examinations show that an offender is irresponsible then he should be committed to the authorities, who will see that the public is secure from his criminal acts.

I am not a partisan of that extreme tendency which denies any measure of prevention in the principle of compensatory penalty. If properly applied it may serve as a warning and as deterrent to those who are responsible and who may learn to curb their unlawful deeds, even if it does not reform their character. To rob such first offenders of their freedom for an indefinite time, because of a first offense, more or less serious, would be an infringement of their personal rights which would not be justified and the best treatment while in prison would harden rather than reform the convict under such circumstances.

But if a man has repeated his crime several times, showing that he is a habitual criminal, or a criminal by profession, then the time has come for the administration to deal with him summarily. It is a time when war measures may be adopted for the civil life.

The category of those not yet responsible, would include children who have not reached the age of penal responsibility. In all civil codes the state is empowered to look after such juveniles, not only after their property, but after their personal interests. For that reason it provides schools for them in all civilized countries. Unfortunately the obligatory instruction is only the intellectual education, the development of discernment, while the formation of character and the feeling of personal responsibility, more indispensable than intellectual training, leaves much to be desired in all countries. Of course, the pedagogic end in the confinement of youth demands an indefinite time. It must be left to the director of the establishment. But any experienced head of an institution will say that the gravity of a crime is not an infallible index to the character of the youth who commits it. Young people with good dispositions may easily be led into committing grave crimes, while often good-for-nothings are arrested for offenses which are not serious in the eye of the law. In the first case a sharp rebuke might bring the youth back to

the right path without imprisonment; in the other case it might require prolonged discipline to develop the sense of responsibility in the good-for-nothing.

The best way to prevent recidivism is to develop the sense of responsibility. United with that should be the system of well-organized professional guardianship, with ample resources. This guardianship would be exercised over the different categories of those who are liberated as each should need.

THE INDETERMINATE SENTENCE.

BY DR. RUSZTEM VAMBERY, BUDAPEST.

After discussing the relation of the indeterminate sentence to the common idea of penalty as a means of punishment the writer asks: Is there not, then, among the things prescribed by the classical penal law more than one method of dealing with criminals which excludes the idea of chastisement,—as for example, pardon, suspended sentence, conditional release? The real aim of the penalty should be the protection of society, and to attain that there is needed beyond punishment methods of education and protection as well as of repression. The justice of the indeterminate sentence and its compatibility with the fundamental principles of modern penal law depend on these two things, the protection of society and the minimum limitation of individual liberty. There is no need of arguing at length that the necessity of protecting society springs not from the crime committed, but from the character of the criminal. Still, one encounters great difficulty in deciding exactly to what classes of criminals the indeterminate sentence should be applied. The original plan of Mr. Brockway, first presented in Cincinnati, in 1870, and afterwards embodied in law in New York in 1877, and which has been carried out at Elmira ever since,—as well as in seventeen other institutions—applies to adolescents; while in Australia, South Africa and New Zealand, it applies to recidivists, as do the English and Norwegian laws. This difference does not alter the essence of the measure. Neither of these two

groups of laws can serve as a base of departure. Both sin through the same fault. They seek to classify criminals according to distinctions furnished by the penal codes still in force. These, however, do not distinguish between men, but between the actions of men, which are characterized by different degrees of gravity, considered ethically.

It must not be forgotten that the indeterminate sentence is only a form of procedure, which makes possible the educative idea. The value of it is closely bound up with the reformatory system of which it is the corollary and with which it lives or dies. It is indisputable that when the individual is concerned the indeterminate is the educative sentence par excellence. He who looks seriously at the end of the penalty and who recognizes the incompatibility of vengeance and reformation, will not hesitate to say that the indeterminate is the only acceptable reformatory sentence. To suppose that a person dangerous to society can be transformed into a useful citizen by sentencing him to a definite term of imprisonment is as absurd as when the soldier who took leave of his wife cried, "Adieu, I am off for the thirty-years war." It is hard to understand how any one who recognizes reformation as the object of the penalty should not hold to the indeterminate sentence. It is clear that if the training of the minor needs an indeterminate time, it is even more true of the adult, whose way of thinking, feelings, and inclinations, are more strongly fixed. It goes without saying that the training and discipline would be different for men above thirty from what they would be for juvenile delinquents of fifteen, but the indeterminate character of the sentence is equally indispensable in both cases.

Certain groups of criminals may be excluded from the indeterminate sentence: political, accidental, and those who have committed a crime in passion, but who ordinarily are not a source of danger to the public. Those who are incapable of profiting by the educative side of the treatment, but are a source of danger, may be held for the sake of society, with a guaranty that such incorrigibles should not be held longer than the interests of society demands.

I must confess that in some of my writings ten years ago I was opposed to the indeterminate sentence, and if the works of Barrows, Herr, Hartman, Baernreither and Freudenthal, as well as the instructive facts gathered from the practice in America, have convinced me of the error of my former opinion, I comfort myself by thinking that one of the most illustrious representatives of our science, Mr. Adolphe Prins, is guilty of the same inconsistency. At the same time I have not lost all my skepticism. I still doubt the possibility of securing individual liberty by a purely institutional guaranty. If the maximum limit be adopted, that scruple would at once vanish. I see no objection to a maximum of ten years.

Another objection, that the duration of confinement would be left to the arbitrary authority of the administrative authorities, is met by establishing the method of authorizing the court to decide upon the time of release, or a body constituted to make such decisions, as suggested by V. Liszt and Dr. Freudenthal. But the true guaranty of individual liberty always resides in the moral and intellectual qualities of the officers charged with carrying out the indeterminate sentence. There is no reason why a prison officer should not exercise the function of judging whether a man is to be trusted to meet the requirements of the indeterminate sentence.

The battle of the pen that is kept up, especially in Germany, against the indeterminate sentence seems to be on account of a lack of confidence in reformatory methods. To cite only one example: Mr. Schoetensack is out of patience because the prisoners in a reformatory have good food, that they quench their thirst at the inexhaustible fountain of Victor Hugo instead of drinking from the everlasting little religious tracts and stories with morals; that the convicts should be treated with gentleness and politeness. In short, it does not seem to occur to him that they should be treated other than in a Prussian prison. He is nettled that the classes in ethics at Elmira should have discussions which might awaken in their souls the spirit of opposition, even—God forgive me!—to conceptions of social order! In giving wing to his imagination he seems to forget that the reformatory

aspires not only to discipline men, but to fit them to fight with honor the battle of life. All the same the American conception, which meets the exigencies of practical life, overcomes theoretic scruples, and I am convinced that the time will come when the reformatory idea will sweep away the last vestiges of the revengeful side of penal sentences.

SUPPLEMENTARY SENTENCES.

BY MR. BRUECK-FABER, ADMINISTRATOR OF PENAL ESTABLISHMENTS OF LUXEMBOURG.

It is generally admitted that each psychic function has its corresponding *neuron* and that the intensity of these functions is proportional to the development of the neurons. As a point of departure for a psychologic diagnosis of delinquents, with a view to their amendment, we may consider:

(a) The existence of neurons with antisocial tendencies whose special functions are revealed by the nature and circumstances of the crime;

(b) The association of the will with unlawful pleasures demanded by these propensities.

As bodily exercise strengthens the muscles, so psychic exercises strengthen the corresponding neurons. It is the part of the prison administration to employ psychic exercises among convicts that will arrest the development of vicious neurons and will make more active those that lean to virtue. I have given to such treatment the name *orthoneuronic*. It is based on the finding out of the nature and intensity of the antisocial proclivities, the rational grouping of the convicts, individual treatment by psychologic exercises, and stimulation of the co-operation of the convict himself. These preliminary suggestions are the result of my professional experience.

Every judicial sentence ought to be just, that is, proportioned to the crime. Its principal function is to reform the delinquent. If he is not reformed when he leaves the prison he becomes a menace to society against whom steps must be taken. The in-

determinate sentence is the means proposed to meet this difficulty. The possibility of detaining him till he has reformed is the only way to attain the desired end. That could be secured by making it possible for the government to hold the incorrigible prisoner, after the expiration of his sentence, till his amendment. That would be sequestration in the interest of public safety. It would perfectly realize the end sought by the indeterminate sentence, while at the same time respecting the principle of justice.

This method could be applied to all convicts whose antisocial proclivities are so strong that they give themselves up to anti-social lawlessness.

If it be asked under what régime this prophylactic sequestration shall be carried on, it would seem logical to continue the same régime under which the penalty has been executed, with a special division in the prison for this category of delinquents. This could be interrupted when real amendment was seen. It would depend on good conduct. After a stage of probation long enough to admit of real reformation, perhaps an average of five years, the convict held at the disposition of the government could be liberated by higher authority.

SUPPLEMENTARY PENALTIES.

BY SIR EVELYN RUGGLES-BRISE, PRESIDENT OF THE ENGLISH PRISON COMMISSION.

A law for the prevention of crime, passed in England in 1907, added to the English criminal code a supplementary penalty. An investigation made by the government in 1904 drew public attention to the alarming increase of recidivism. The statistics showed that although 70 per cent. of the first offenders were not again found in prison, yet those convicted a second, third, fourth and fifth time were respectively 48, 64, 71 and 79 per cent. The committee reported that it was useless to punish recidivists for the crime for which they were arrested; that their real crime was in their voluntary persistence in criminal habits, and it proposed that the courts should be allowed to pass a new

sentence by which such criminals could be isolated for longer periods, that the community might be better protected.

An analysis of the sentences pronounced in 1905 by the superior courts shows that about three-fifths of those found guilty had been previously convicted and that a third had had five or more sentences. In cases of breaking and entering three-fourths of the cases were of recidivists.

The tenor of the law is as follows: When a person has been found guilty of a crime and is known as a recidivist by the jury, the court may pronounce an additional sentence ordering that at the expiration of the penal sentence to labor he may be detained during the good pleasure of His Majesty, this detention to be called preventive detention.

The person will not be declared a recidivist unless the evidence has shown to the jury that the person is guilty of the crime with which he is charged and that he had previously been found guilty at least three times and that he had led a dishonest and criminal life.

This recognizes the principle of the indeterminate sentence. After a long discussion in Parliament the principle of an accessory penalty was accepted, for the protection of the public, but with the clause that the period could not be over ten nor less than five years. This limitation was a compromise between the different currents of opinion. It was recognized that severe measures must be adopted to prevent repeated depredations on society. The results will be awaited with interest. At present a prison is in process of construction which will be as secure as any ordinary prison, but which will grant certain indulgences for good conduct and render the conditions less hard than in ordinary penal servitude. This system ought to lead to the reformation of the prisoner so that with the lapse of time he may be a candidate for conditional liberation.

CRIMINAL SENTENCES IN FOREIGN COUNTRIES.

BY A. LE POITTEVIN, PROFESSOR OF LAW, UNIVERSITY OF PARIS.

1. Crime knows no frontier, but the frontiers limit the domain of penal law and repressive sentences. A nation does not carry out the sentences of an alien country. A sentence passed by a tribunal is executed only in the country where it is passed. But in this discussion we are not to consider the executions of sentences, nor extradition, nor the competency of one or more states in dealing with the same criminal act. We are supposing that the person convicted of crime by any given state has suffered the penalty before venturing into other lands. The country in which he now finds himself has no judicial motive to prosecute him anew for the crime which caused the sentence elsewhere.

2. But even after the expiration of the sentence the judgment lasts, and brings, or may bring, certain consequences in its train.

In the first place the convict is affected in his rights because of the moral unfitness that his crime has betrayed. In the next place he is threatened with more severe punishment should he again break the law.

3. These consequences may occur only in the country that condemned, and not elsewhere. No sovereignty recognizes any penal sentences which have not been pronounced in its name; at least it does not attach to them any positive effect. Consequently, officially, an alien judgment does not count. In going to another country the convict arrives *integri status*, with all the rights of an honest man. Legally he will be a first offender if some day (which unfortunately is not improbable) he falls again into crime.

If these old principles are outgrown we shall see that an effort has been made to improve upon them. Several remedies have been proposed to meet this situation which neither satisfies the idea of justice nor gives social security.

4. If the convict is an alien in the country which he wishes to enter he may run the risk of not being admitted or of being expelled as an "undesirable immigrant." Several legislatures have shown a tendency to preserve themselves from a dangerous immigration and have affirmed the right to keep out persons who have been convicted of felony or any other crime implying moral turpitude. (Art. 2, law of Feb. 20, 1907, U. S., and the English law, Aug. 11, 1905, article 1.)

5. Our problem then must confine itself to the native-born, since we cannot turn them back, whatever their past has been. Besides, they are the ones who will exercise the most rights unless their previous conviction elsewhere shall make that impossible, seeing that all legislatures even now limit more or less the legal rights of foreigners because of their quality as aliens.

In considering the condition of the native-born, then, we will make three divisions:

- I. Disqualification.
- II. Recidivism.
- III. International exchange of sentences pronounced for penal offenses.

I. It is evidently a grave imprudence to allow an ex-convict, on his return to his own country, to have a complete exercise of his rights, but at the same time it seems difficult to give effect to an alien sentence in that which concerns forfeitures and disqualifications which might be the result of his crime. This is the more difficult because one cannot know the circumstances of the crime, and *a priori* cannot always have absolute faith in the decision of a court differently organized.

There is another consideration: penal disqualifications vary according to different codes.

7. All this is expressed in a special action which has often been called "*l'action en déchéance*," by which the court may pronounce against the native-born, who has been convicted of crime abroad, the same disqualifications that he would have incurred had he been convicted in his own country. This action has been approved by the International Prison Congress. The

vote passed by the Congress of Paris, and which it is to be hoped will be passed by the Washington Congress, is as follows:

“First section, third question. Response: It is desirable that the native-born convicted of crime or offense against the common law abroad should incur in his own country the same forfeitures, disqualifications and deprivations that he would have incurred had he been convicted there. In the present state of international law the Congress does not demand that these forfeitures, disqualifications and deprivations shall be the direct result of the alien sentence, but that they shall be pronounced as the consequence of special action in the courts of his own country.”

There are precedents for this, viz., Art. 24, Prussian Code, 1851; Art. 7, Italian Penal Code; French laws, Nov. 30, 1892, Art. 25, and March 21, 1905, Art. 4, 5; Art. 32 of Norwegian Penal Code; Art. 12, Russian Code; Bill of Swiss Penal Code, 1908, Art. 8.

8. There are variations in the texts of these codes. It is more just to the condemned and more in conformity with the reciprocal independence of the jurisdictions of different countries if this action should include the verification of the foreign procedure, estimation of the offense, legal designation of the crime, and that it should discuss the guilt of the offender if he can present good grounds for such discussion. The action ought to leave the judges free to pronounce or not to pronounce the penal disqualifications or to pronounce those less severe than the foreign sentence might have imposed. In a word, the judicial decision of the *action en déchéance* ought to be optional (*facultatif*).

The essential thing is that all legislatures should adopt this special action. It is relatively a secondary matter that they should have a variety of expression. It is even desirable that they should modify their decisions according to the countries where the sentence was given.

9. The principle being admitted the *action en déchéance* is susceptible of extension. First, when private individuals bring a suit against a person they may invoke a previous sentence if

the person has been already convicted of crime in his own country. It would be logical that they might also invoke a sentence against the person by another country.

10. Second, the convicted person, in addition to forfeiting certain rights, may also be the subject of measures meant to reform him, to prevent his relapse into crime: surveillance of the police, prohibition of certain places of residence, etc. One does not see why he should escape these severities if they are needed for the general good of the public simply because it chanced to be discovered abroad that he was a dangerous character.

11. Third, the preceding is on the supposition that the native-born returns to his own country. There is no reason why the same theories should not be applied to the foreigner in such cases as would be advantageous.

12. Here attention must be called to the case of a person, a stranger here in France, for example, who had been previously convicted in his own country. This has been discussed by the International Prison Congress, and the Paris Congress voted: "Section I, Question 3: It is desirable that the disqualifications incurred by a person by reason of judgments pronounced against him for crime or offenses against the common law by the tribunals of his own country should follow him by law into all countries."

II. 14. In considering recidivism it must be remembered that although a former crime is the basis for it, yet there are distinctions and exceptions made as to the conditions of recidivism. A first offender may have the benefit of conditional liberation, "*la loi Berenger*," as we like to say in France—and out of France. The recidivist cannot have it. What if the first offense has been in another country? What if the previous judgment has been pronounced by a foreign tribunal?

15. There is one reply to make. If the foreign sentence has been followed by an *action en déchéance* in the country where the convict has committed another crime the judgment of *déchéance* has, so to speak, naturalized the first sentence; the effect is that another crime is recognized as recidivism.

16. Let us look at the different codes. The Italian code declares that in the recognition of recidivism, sentences pronounced

by alien courts are not to be counted. The French laws by their silence on the point put no legal obstacle to obtaining conditional liberation on account of foreign sentences. Recidivism is considered a national, not an international, thing.

17. But there are other laws. According to the Norwegian law, Art. 61, "The court can recognize as a reason for increase of penalty those penalties inflicted by a foreign court as well as those pronounced at home."

The idea of an international recidivism would seem to have penetrated into Swiss penal law in a very positive way. The penal law of the canton of Geneva (Feb. 10, 1904) permits the judge to suspend sentence when the incriminated has not previously been sentenced in Switzerland or abroad. The code of Neuchâtel permits it where the accused has not been previously convicted in any other canton or in any country with which Switzerland has a treaty of extradition. Recidivism is internationalized. It might be expressed thus: The courts may declare a person to be a recidivist who has been convicted previously by a foreign court.

It is not, however, incumbent on these congresses, whose purpose is to formulate universal principles, to embarrass itself with the details of these questions, which without the least trouble may be settled by each country for itself. But we maintain that this legal declaration of an international recidivism should be optional, as we have done for the *action en déchéance*.

Progress is slow but sure. The sentiment of universal human justice is a very elevated conception, but practice cannot soar so high. The universe is divided up into nations with different civilizations, and even though there might be similarity of ideas, yet with legal customs and perhaps prejudices they cannot act alike. A remnant of distrust in regard to foreign convictions survives in spite of the need of collective organization to combat international crime. It is wiser therefore to begin with modest reforms without trying to reach the ideal with a single bound. We may, however, reach the desired reform by gradual steps. The first step might be to have all accept the idea that the declaration of recidivism should be optional. That would be the first and important stage. The judges in each

country would then grow accustomed to welcome more frequently the normal results of foreign sentences. We might wish that this should become imperative, but step by step we may reach that ideal in the course of years.

III. Whatever may be the effects that one wishes to attach in the future to sentences passed in foreign countries it is first of all needful that they be known. There exist conventions by virtue of which two countries may transmit to each other bulletins of the sentences passed on the natives of either on the territory of the other. France, for example, thus receives reports of the sentences passed on Frenchmen by the courts of the countries with which it has concluded such a treaty. Our laws recognize this exchange, so that our courts are not ignorant of what is passing beyond our borders. But this ought to be general. Whatever our theories there can be no practical results till there is general acceptance of the formulas of international law concerning convictions. It is shocking to think that delinquents are unequally treated according as countries exchange or do not exchange information about convictions; that convicts are known or not known according to the chance of their committing their first crime in one country or another.

This generalization is comparatively easy when it concerns the native-born. Each country might receive information of all the convictions of its subjects in other lands. We do not say that there would not be errors and omissions and it would involve much clerical labor, but this is at the basis of the replies that must be given to the question. It is the first step in effective joint judicial proceedings in the domain of criminal law.

The theory is more difficult to carry out if it concerns foreigners convicted in some one country who then go to other lands. How to organize a method to meet these cases and to find out where they have been convicted will be difficult. But if each country had lists of all its natives convicted in other countries, by knowing the birthplace of the convict his history could be learned in this particular.

We have said that each country should receive notice of all sentences pronounced on its native-born. It should be added that it should send to others the court record of its native-born

on request of the judicial authorities. A central bureau might be organized which could furnish the necessary data to the different countries. It may be said that this is too vast a project. Nevertheless it is worth studying. If foreign criminal sentences are to have any international effect they must be known methodically.

CONCERNING SENTENCES PRONOUNCED BY FOREIGN TRIBUNALS.

BY DR. E. ZÜRCHER, PROFESSOR OF LAW, UNIVERSITY OF ZÜRICH, SWITZERLAND.

Ought an individual condemned in one country for a crime to escape the consequences of that condemnation, direct and indirect, by going to another country? It seems to us that one may reply to that question with an unreserved categorical negative. The interest of the state in which the judge has pronounced the sentence of condemnation requires that that sentence should be respected and executed in all circumstances. The interest of the state where the criminal has taken refuge, on the other hand, requires that its population should be purged, as far as possible, of those criminal elements which are a menace to the life and property of its people and are a source of moral contamination as well. Consequently that country must protect itself as well as the country where the sentence was pronounced. Not only is each country to be protected, but the common interests of civilization ought to be safeguarded. Nevertheless cases which might arise might put the question in a different way. The application of the principle just laid down may vary.

The execution of sentences which deprive the accused of liberty is assured in the most important cases by the laws of extradition. In federated states the execution of the penalty can be deferred. The Swiss law on extradition says that the federal council, with the consent of all interested, may authorize the penalty to be carried out in a prison of the country where the sentence was imposed.

Besides penalties involving the loss of liberty the new codes for Switzerland, Austria and Germany provide for certain meas-

ures of protection consisting in part of deprivation of liberty: for habitual criminals, for irresponsible persons, and for sending to proper institutions vagrants and drunkards. If one of these measures has been pronounced in a sentence declaring the author of a crime guilty, for which extradition is granted, this can be demanded, provided the obligation to extradite is according to the crime and not according to the nature of the punishment or the measure pronounced. It follows that the law of extradition cannot be invoked, for example, if the person has been sent to the insane asylum as a dangerous individual, against whom prosecution must be suspended.

If measures of protection are assured up to a certain point it is to be feared that courts may apply them only to natives and content themselves with simply expelling foreigners. Thus the proposed code of Austria provides only for the imprisonment of natives who are habitual criminals; for foreigners it is expulsion. Between countries having the same kind of laws agreements might be concluded by virtue of which the country of origin would be charged with itself applying the ulterior curative treatment to dangerous criminals, to tramps and drunkards. That would be preferable to simply expelling them.

But the most important and the most complex question is how to proceed with reference to accessory penalties and the judicial consequences of a penalty which restrains for a time the exercise of civil rights.

The question of recidivism would seem more simple. The laws differ greatly on this point. They recognize two sorts, simple recidivism and repeated recidivism.

Another subject to be considered is the relation of suspension of sentence to the principle under consideration. A condemnation abroad ought to be taken into consideration as well as a penalty pronounced in the country. Experience shows that the conditional delay of sentence exercises a happy influence on the condemned and leads to reform if the conditions are carefully observed. The judge may well be left to decide in each individual case when this is to be taken into consideration.

(The paper contains many references to Swiss and other laws which must necessarily be omitted here.)

SENTENCES PRONOUNCED BY FOREIGN TRIBUNALS.

BY DR. ALFRED DE DOLESCHALL, PROFESSOR IN THE UNIVERSITY OF BUDAPEST.

Strictly speaking extradition is an act of international loyalty, a manifestation of the confidence of one country in the penal justice of another. The question under consideration is not new. More than six hundred years ago they discussed whether in case of recidivism account should be taken of sentences incurred abroad. According to our view—admitting that the question is concerning countries occupying about the same round in the ladder of civilization—there is no serious reason, either doctrinally or historically, why the question should not be answered in the affirmative. And there are good practical reasons why it should not be answered in the negative. The more international crime becomes, the less should it know any frontier. In the presence of this imperious necessity it would be puerile to hold obstinately to the principle of judicial sovereignty, to the differentiation of public law from private law. It has long been proved that in judicial matters you make no progress if you cling to formulas, dogmas, ideas, which are in a sense fossil. The difficulty is in the details.

According to the laws of the United States immigrants who have been convicted of felony in some other country can be deported. The deportation takes place entirely on account of the penalty passed by that other country, and not in the least because the immigrant has come in conflict with American penal law. That is as much respect for the power of foreign tribunals as could possibly be found. But that is a preventive measure. It corresponds to the expulsion by administrative process in some European countries of individuals who would compromise the safety of the state. This shows that extraterritorial sentences are recognized.

The question to be considered bears upon two points: Ought a sentence inflicted by a foreign country to be of effect outside of that country; and, second, ought such a sentence to count in the person's own country? The practical question is whether a

penalty inflicted abroad shall be considered an aggravating circumstance, as leading to a sentence provided for recidivism, and is it necessary to take account of it in an application for suspension of sentence? That is a much more complicated question.

When it is necessary to know, in the country of the convict, if the sentence pronounced abroad ought or ought not to have an effect as to the disabilities that it inflicts, he has an undoubted right to demand that the question be decided in the meaning of the laws of his own country, to the exclusion of the laws of the country in which he was convicted.

The question presents less practical interest when the convict finds himself in another country of which he is not a native. Still no country that admits him would grant that any other country had a right to decide what public rights he might have in the country in which he should find refuge.

The withdrawal of the right to exercise a liberal profession, or one requiring special knowledge, as, for example, medicine, midwifery, pharmacy, etc., or the withdrawal of paternal rights, are not repressive, but preventive measures. When through ignorance, or by abuse of his knowledge, or powers, any one has committed some act which reveals his moral unworthiness, the disability which is inflicted is not properly speaking a penalty, but a precaution that society takes against ignorance, unworthiness, moral weakness or intellectual incapacity, in that person. For a long time it has been admitted that in this domain sentences rendered in foreign countries up to a certain point are of force in the land of the man's nativity. Crime ignores frontiers, so the more universal and international crime is, the less should penal action be considered as being national in character, with effects limited to the territory of the country that condemns. On the other hand it must be remembered that there are great differences in penal legislation, even in countries most closely related by civilization, and that we cannot yet abandon the principle of territorial rights in the matter of penal law. It is especially impossible in all that concerns accessory penalties which have a national character.

It would seem extraordinary and almost inexplicable that the most of the penal laws actually in force do not recognize in principle, either in general cases or when the criminal is an habitual offender, that there should be no distinction between the penalties at home and the penalties abroad so far as the purpose of the penalty is concerned. We complain with good right of the universality of crime, but what are we doing to prevent it? Here and there timid remedies are undertaken to repress certain crimes and to combat the great flood of crime and vagabondage. But one seeks in vain in the different penal systems for a truly international attempt to overcome cosmopolitan banditism. Yet it would not be difficult to change this state of things. To begin with there should be an international recognition of penal sentences and their consequences. With a little uniformity in the different codes that would not be a serious matter. We boast of our progress in penal law in modern times, but do we not see poverty in our conceptions in the fact that even today we are obliged to adopt as an axiom what was proclaimed six hundred years ago, that in determining recidivism the penalties incurred abroad should be of the same effect as national penalties. For ourselves, we hold that penalties or sentences incurred abroad should be taken into absolute consideration as of the same value as intraterritorial sentences or penalties; and that in all cases the recidivism must be proved, or the existence of an aggravating circumstance and it must be ascertained whether suspension of sentence is applicable. In these last three points resides the interest of the question. If a person shows a determination to continue in wrong-doing what does it matter which side of the frontier first developed the evil?

There is no way to arrive at the knowledge between country and country as to these matters, except through an international police register, or an exchange of penal sentences. When such a system has been adopted there will be no more need to depend on chance to know the criminal record of any person. Those who profit most by the present lack of system are the hardened offenders who are careful not to betray the sentences they have received in other lands.

FOREIGN SENTENCES.

BY A. BERLET, PRESIDENT OF THE TRIBUNAL OF PONT-AUDEMER,
- FRANCE.

Under the influence of the Lombrosian doctrine the courts have come to pay more attention to the antecedents of the criminal and to his individuality. A slip giving his personal marks and mental peculiarities and his place in society must now be attached to the papers in criminal cases. This list is of great use to the judge in learning something about the past of the defendant. Would it not also be desirable that sentences passed abroad on a native should be known to the court which has to try a recidivist? There are certain countries which exchange bulletins giving such information. Should this not be made more general? Why should not the sentences passed upon a native in a foreign land be considered in examining one guilty of recidivism? To make this practicable it would be sufficient to have an exchange of bulletins of the police notes. An agreement of this kind would not be opposed to the principle of the judicial sovereignty of the different states, since it would be reciprocal.

The International Prison Congress of Paris voted that it was desirable that forfeitures resulting from foreign sentences should be accepted without revision of process. It is to be desired that the Washington Congress will reiterate this, extending it to recidivism, to the means of establishing it and of giving it full effect between countries bound to each other by reciprocal agreements.

COMPLICITY IN CRIME.

BY J. SAINT-AUBIN, DOCTOR OF LAW; PRESIDENT OF THE COURT OF
APPEALS, PARIS.

Among the natural tendencies, we might almost say, the necessities, of man is that of association; the effort to attain by union things which no one could accomplish alone. It may be association against the oppression of one person, or against the violence of many; sometimes for the defence of common inter-

ests. In our own days we see associations of all kinds to protect material and economic interests. This right of association, which has great advantages, has also grave dangers. Legitimate in itself, it may become a source of peril to a state by organizations against public order. That is why government has had to intervene, not to suppress the right of association (one does not suppress a natural right), but to regulate it and to mete out penalties when the association is criminal.

The nations themselves have had to submit to this natural law. We cite as an instance the agreements between governments for the extradition of criminals, which unite nations against crime in the ends of furthering justice. Among nations, as among individuals, there is this natural tendency to association, usually for defence or for protection.

This power of association, which has proved such a powerful lever among modern peoples, could not escape the watchful attention of criminals. If a crime requires for its accomplishment the union of a certain number of persons, it would seem the duty of the lawmaker to provide a penalty for such a union, so that those who associate themselves for the purposes of crime should suffer the same penalties as those really guilty of breaking the law. In fact laws relating to this have from time to time been passed, and it is certain that organized bands of criminals are less heard of at present than formerly. But to know exactly the situation of a country in this respect and whether crime is increasing or decreasing, one must know the number of crimes really committed whose authors escape arrest. Looked at in this way it is evident that bands of criminals still exist in France as well as in other countries. In the United States the Black Hand is an organization which is not only national, but is related to an analogous organization in Sicily. In Italy we have the "Banana," the "Camorra" and the "Maffia," which in spite of incessant efforts against them dissolve only to reunite, a greater menace than ever. In England and Spain and all European countries there are similar criminal bands, and in the interest of public safety they should be put an end to at all hazards.

If we pass now to the large cities we find that there are organizations of criminals for night attacks, robbery, assassination and especially for swindling.

The truth is that with civilization there has been an evolution of crime. If it has not created the criminal it at least has not had the power to destroy him and he has known how to profit by civilization and to change the outer appearance of his crime. When railroads were invented the robber could no longer stop the diligence, but he carried on his murder and robbery on the train.

At a certain epoch associations of malefactors had a political character and a penalty was pronounced against association. With that intent the French Code of 1810 was modified by the law of 1893 so that unions which formerly escaped all repression could be legally prosecuted. One can now charge with crime those criminal associations which have no chief and no set rules, but which plan to commit crime. That is a step toward the extension of the theory which considers the association of malefactors as criminal in itself, and as an act which the law can repress. It is a penalty of a preventive character, since its object is to prevent the tendency of criminals to associate with each other.

Such is the condition of French legislation. Ought we to extend the principle admitted by the penal code and apply it to any association which has for its end the commission of misdemeanors as well as of felonies? To answer this question we must consider the change that has come with civilization. Fraud has been substituted for violence. With the institution of financial and other associations fraud and cunning have taken the place of brute force, and we find in place of highwaymen more aristocratic and civilized types who are moral murderers, and who steal millions without moving a piece of furniture. Methods have changed. Even criminals feel the softening of manners that comes with civilization. Violent means are repugnant to them. The clever usages of England and America have brought about this evolution. The thief who robs on the street corner is a back number in the world of crime. Their ways

are civilized and the new type of crime may be called commercial. It discusses the outcome with its victims. What has been the result? That attempts against life are rarer, but that the gains of the criminals are greater. They take no risks. They steal no more openly, but after the American fashion (*a l'Americaine*), which secures the greatest advantages and permits the greatest hope of impunity. The two types of crime which mark our day are swindling (*escroquerie*) and the extortion of hush-money (*chantage*) (blackmail). Swindling is now carried on in such a careful way by its authors that it is like a scientific problem how to compass their ends and at the same time escape the clutches of the law.

“*Chantage*” is a crime that has developed with the power of the press. It is the exploitation of the individual by the individual who profits by the vices, faults, weaknesses of humanity, making of these a source of revenue. By the aid of the papers, by perfidious publicity and deadly insinuations, the master blackmailer pitilessly exacts his booty from victims who certainly never will lodge a complaint against them. These crimes demand patient and often difficult preparation, and for their success the assistance of several persons is necessary. If civilization extends the field of crime, it also lessens the number that can be committed alone. Should we then apply penalties to those who form associations for these projects?

We reply negatively, except in extraordinary cases. When social peril is such that it is necessary to prevent it by any means then exceptions to the common law may be made. The safety of society does not require such measures by associations formed of ordinary delinquents. Let the government, if forewarned of the existence of an international association of criminals, warn other governments, but that the judicial authorities should be called on to attach a penalty for anything which is not an accomplished crime we can not admit.

The true way to combat the tendency of criminals to league together is to make complicity an aggravating circumstance. The French code makes three divisions of complicity; antecedent, concomitant and subsequent. Complicity has for its ob-

ject facilitating the commission of the deed. It is a danger in itself against which society has the right to defend itself. It is not enough to divide the guilt among the participants, as is done at present by the French code. The penalty should be increased if the crime is the work of several.

Complicity is most frequently to be found among habitual criminals. Recidivists often bind themselves together in the prisons where they are confined and make their plans for future operations. The tendency to associate themselves is therefore to be found among the most dangerous criminals and for that reason the law-maker should make complicity an aggravating circumstance.

Crimes of complicity are increasing, especially those that rest on cupidity and swindling. Crimes of passion are usually the work of a single person. The increased social danger from crimes of complicity affords another reason for increasing the penalty in those cases.

From these various reasons we can only propose the adoption of a system which will reach the desired result without running the risk of the reproach that might fall on one who should advocate punishing the mere act of association without a criminal attempt. Accomplices may not be punished for a criminal act which they have not accomplished, but they must render an account of their copartnership, and it becomes an aggravating circumstance and permits the increase of the penalty which attaches to the crime if committed. This would seem to be sufficient to put criminals on their guard against associating themselves for crime.

The French penal code punishes those who have shared in a felony or misdemeanor for that felony or misdemeanor. In five cases it may exceptionally increase the punishment by reason of the number of the guilty: in case of rebellion, when the crime is committed by more than 20 persons; in case of mendicancy; in case of violation of public morals; in case of pillage; in case of theft. It is this idea which we propose to make more general. We therefore express the following opinion:

I. It does not seem to be in conformity with the spirit of penal law to make of any preliminary agreement to break the law a special crime.

II. Since it is seen that there is an increase of crimes in which there is complicity; and since the latter are the deeds of habitual criminals who are most dangerous to society, there is reason to consider complicity in crime an aggravating circumstance and to apply to those who have shared in it a special penalty, beyond that which they would have incurred had they committed the crime alone.

ACCOMPLICES IN CRIME.

BY A. BERLET, PRESIDENT OF THE TRIBUNAL OF PONT-AUDEMER,
EURE, FRANCE.

French law allows the punishment of an accomplice even though the chief offender may escape. As a general rule it is contrary to equity to punish the accomplice more severely than the chief offender. However, there are cases where the accomplice is more guilty than the chief actor. Such is the case of one who instigates a minor to commit a crime, especially when the latter is not as vicious as the instigator. It is the same with a masculine accomplice where the woman is influenced by her bad associate. It is so when intelligent men influence ignorant and starving workmen to evil. It is especially so when one hypnotizes another to induce him to commit crime; or the man who makes another drink enough till he is ready to steal or kill. In all these cases the accomplice should be punished more severely than the one who committed the offense, who may even be acquitted if it is proved that he acted without discernment.

Why should it not be decided that sharing in the commission of a crime or misdemeanor is a special offense, or at least a cause of aggravation in the penalty of the coactors, especially when the crime has been committed with premeditation? The instigators to crime, to revolt, to pillage, to incendiarism, to murder would thus be reached by the penal law, even if they have

only given advice as to these crimes and not instruction. It is not always easy to prove that "instructions" have been given, while advice, the encouragement to commit the crime or misdemeanor, very often has plenty of witnesses. Is "advice" then less guilty than "instructions?" Has it less fatal results? It is only by punishing it as a distinct offense that it will be possible to prevent certain crimes which are committed by association.

ACCOMPLICES IN CRIME.

BY E. GARÇON, PROFESSOR OF CRIMINAL LAW, PARIS.

Association augments the power of individuals and in criminal affairs such association becomes dangerous. The sense of honor and of esprit de corps which inspires to the greatest virtues, the most praiseworthy actions and noble self-sacrifice, may lead to great evils if they are exercised collectively by persons of a low moral standard. The question is whether criminal association should be penalized and considered a crime in itself; and is such association to be considered an aggravating circumstance. After a rapid review of the French legislation the author says that his object in such a review was twofold: First, to make known the French law on this subject; and, second, to show why it was difficult to make of participation in crimes a distinct offense. Such incrimination would be dangerous; it would not correspond to popular feeling and there would be the risk of the carrying out of such a law. Its rigor would prevent judges and juries from pronouncing the full penalties prescribed in the law if they were too severe, and if they were too light they would be of no effect. To be sure that such association is truly dangerous to the public it would be necessary to have the certainty that the accomplices will have the energy to go from the plan to its execution. How, except in exceptional cases, would such certainty be obtained? The simple fact that two or more individuals have agreed to commit a crime is not enough in itself to prove that measures of safety are to be adopted against them. It seems necessary to come back to the idea that the penal law can only punish the real associations of criminals

by profession whose crimes already committed prove that they are dangerous to society and public order. The affiliations of such bands of criminals can be easily proved and dealt with judicially, and those who voluntarily associate themselves with such bands show that they are to be held responsible for willingness to commit crime. The prosecution may not be able to show that each one has committed some crime individually, but it is sufficient to show that they are dangerous members of society if they are willing to ally themselves with bands of criminals. It would be useful and just to punish such association, especially if made up of recidivists.

In regard to the whole subject under discussion the following would be our conclusions:

1. The understanding between two or several individuals that they shall commit a crime or a misdemeanor ought not to be set up as a special offense.

2. The associations of dangerous criminals ought to be penalized by the law. The legal definition should be broad enough to include the actual forms of societies of malefactors.

3. It does not seem desirable, nor even possible, to make complicity an aggravating circumstance.

4. It would be legitimate to extend to new crimes or offenses special aggravating circumstance resulting from the plurality of guilty agents.

5. As a general rule this aggravating circumstance should follow not only from the coöperation of several co-authors, but from the association in a criminal undertaking of a chief actor and accomplices.

CONSPIRACY IN CRIME.

BY MR. BRUECK-FABER, LUXEMBOURG.

After discussing the question whether associating for crime should be a distinct crime, the writer sums up in the following resolution:

1. Civilized countries should enact legislation making it a special infraction of the laws to organize an association of criminals, or to take part in it in any way.

2. These infractions should be punished by imprisonment from one to five years and with a fine.

3. In regard to authors or accomplices in any other crime, their belonging to a society of criminals will be considered a special aggravating circumstance, not cumulative in regard to other aggravating circumstances which might occur.

4. The judicial proof of the existence of associations of criminals will depend on circumstances. The courts will have discretionary power in this matter. The ordinary means of evidence will establish whether there is affiliation with such societies.

5. The courts will have power to sentence delinquents affiliated with a society of criminals to be at the disposition of the government for an indefinite time after the expiration of their sentences.

COMPLICITY AS AN AGGRAVATING CIRCUMSTANCE.

BY JUDGE J. SLINGENBERG, AMSTERDAM.

Collective criminals constitute about one-fifth of all the persons sentenced. Among them is a large proportion of recidivists, of juvenile delinquents, of professional criminals, and, in short, one is led to believe that in such assemblies of criminals crime is propagated with great facility, and the question rises, How are we to combat this tendency of criminals to associate themselves together?

It seems to me very difficult. It may be held that the association of several persons in a crime is an aggravating circumstance, as is already done in some codes. This would be justified, because many associated criminals are much more dangerous than single offenders, but we must have no illusion about the efficacy of an increased penalty.

To make a distinct crime of any participation, or any criminal understanding or agreement, would seem to me useless, except in the case of organized bands. The fight must be against all criminality, never losing sight of the fact that the tendency of criminals is to associate themselves together.

My conclusions then would be:

I. We must examine with care: (a) The extent of collective criminality and the characteristic traits of the delinquents who participate in it;

(b) The tendency to premeditated or accidental association for criminal ends, especially among recidivists.

II. It would be necessary to simplify the penal law with reference to participation, applying to it the principle that the associates must be punished according to the antisocial tendencies which they manifest.

III. The power of the judge to raise or lessen the amount of the penalty ought to be increased: the raising of the maximum of the penalty one-half in the case of conspiracy is to be recommended as a general aggravating circumstance.

IV. (a) For recidivists one might have recourse to the indeterminate sentence or something analogous.

(b) For juvenile delinquents who have committed a crime in concert with others, especially with recidivists, it is much more important to have recourse to energetic measures of reformatory education.

ACCOMPLICES IN CRIME.

BY SERGE POSNISCHIEFF, PROFESSOR OF PENAL LAW, MOSCOW.

For the sake of clearness I divide this into three questions and will examine each of them separately.

I. A man is responsible for his criminal acts whether he has committed them directly or indirectly. Those who are responsible with him for the crime are:

1. All those who have knowingly taken any part in this infraction of the law, or have contributed material objects to accomplish such a crime.

2. Those persons who have knowingly inspired others to commit the crime.

3. Those who by promises or advice have urged another to commit a crime, or have tempted him to do so. In other words, the three types of accomplices are the authors, the instigators and the assistants.

The indispensable condition for establishing the guilt of an accomplice is that he should know the nature of the acts with which he was associating his own acts. The penal code should give a concise definition of the different kinds of criminal participation. The penal responsibility of all participants will be the same in principle, but should be adapted to the circumstances which are personal to them. The instigator and the aid, in cases of crimes punishable by fine or by short sentences, will be responsible only by virtue of special provision of law.

II. Can an understanding between persons to commit crime be considered a crime? The simple consent of a person to participate in a criminal act is not in itself an act that calls for punishment. A man may accept propositions, may promise many things, but from that to action is a long way. Simple agreements then are not punishable, but conspiracies.

Under the term conspiracies, or criminal associations, must be understood a group of individuals who have already determined on a criminal act, to be executed by themselves or others. They must have determined on the crime and the rôle of each participant must have been assigned.

What are the offenses to be thus considered? First let us consider the difference between crimes and misdemeanors. Crimes are actions which show the author to be below the moral plane of the surrounding world. The average plane of morality takes for granted a certain degree of respect for human personality and compassion for one's fellows; of honesty between man and man and towards the state and society, and a regard for the property of others. This average plane of morality differs according to nations and times. Every act contrary to this moral ideal cannot be catalogued in the penal code, but among those found there are many that show a lack of morality, or of vice. Of course crimes may be committed by persons who are not immoral, but they are exceptional. There is no absolute line of demarcation between a crime and a misdemeanor, nevertheless the distinction is important for the legislator.

Punishment has two missions: the moral improvement of the individual and the suggestion to him that there is a close relation between the breaking of a law and the penalty; that the

law not only threatens, but carries out its threats. Imprisonment, however, should be carried out in such a way as not to demoralize the person on whom it is inflicted. Convicts should be classified, they should be allowed to work and not accustomed to habits of idleness.

The moral influences should be such as to change the character of the offender. Only in exceptional cases can imprisonment reform the convict, but it may change him enough to prevent his falling again into crime. It ought, however, not only to instill a respect for the law, but to raise his own moral plane, to develop his intelligence, and by means of schools, reading and religious instruction to develop his intelligence and to form habits of industry.

Having determined what punishment is needed, either for the man's moral improvement or his reformation as a member of the body politic, it should be decided that certain offenses should have certain penalties and other offenses other penalties, and the offenses calling for one kind should be considered crimes and the other misdemeanors. This division of infractions of the law into two classes is based on sound psychology.

The answer to the question under consideration then depends on this classification. Those conspiracies formed to commit crime should be punishable. Why? Every man who is not vicious feels a certain repulsion at the idea of committing crime under such association. The fact that he is associated with others to commit crime shows a weakness, or absence of moral strength. Association strengthens the criminal tendency of the separate individuals. It weakens the moral resistance to evil. Consequently individuals who band themselves together to commit crime become more dangerous than if each one stood alone.

To combat these criminal associations repression is necessary. Forming such an association for the express object of crime is in itself dangerous and may be regarded as *delictum sui generis*.

Penal legislation may distinguish among such associations:

1. Those which are formed to carry out some crime determined upon.
2. Bands formed to execute different crimes, of a nature determined on. The union of such a band shows their decision

to become professional criminals, and they demand severe methods of dealing with them. Methods of reformation should be applied, but penalties less complicated and of shorter duration than would be applied for the crimes which these associations were proposing.

III. The third question involves no difficulties. The fact that a person in concert with others has committed a crime does not prove that all the participants are equally guilty, and the lawmaker ought not in the code to attribute to this the significance of an aggravating circumstance. There are cases where complicity might be considered an aggravating circumstance. In other cases if the individual has been drawn into it by lack of will, complicity for him may be a mitigating circumstance, as proving a character less vicious.

The legislator may allow the court to give a more severe sentence to those who have played the chief part or to have drawn others into the crime, but the penalty should always be something that will tend to the moral amendment of the individual.

CONSPIRACY IN CRIME.

BY DR. CESAR PEROZZI, ASSISTANT DIRECTOR OF PRISONS, ITALY.

After a brief historic reference to the old Roman law, the German and the Italian laws with reference to the subject of the questions involved in the First Section, Dr. Perozzi says that he answers the first part of the question in the affirmative without any hesitation. The danger that is to be feared from men associating from crime does not depend on the number associated, but that human beings should associate themselves for an antisocial purpose. This force may be made up of five, or three, or only two persons, but it is the same in essence; the fact that a number of persons unite for that purpose is a greater menace than is exerted by one person alone.

I hold that the principles adopted should apply to all forms of complicity, whether the accomplices are numbered by two or five or a thousand; that they should apply to the crimes com-

mitted by thousands of rioting citizens. It is true that when criminals associate for crime they are usually habitual criminals, but it is also true that in a tumult even honest men sometimes commit crime. It is absurd to consider the crowd as a unit. In a crowd one should see distinct personalities, each of whom should be responsible for his own actions. The deportment of a man when he is alone changes at once when he is with another person. Men lose the sense of individual responsibility in the crowd. But whenever citizens, profiting by their number in the crowd, break these bonds of responsibility to the extent of committing crime, then their responsibility increases, because they become more dangerous, and repression must be more severe.

A word must be said about ringleaders. An imprudent demagogue may make a speech before a crowd of ignorant people, inveighing against existing social institutions which he considers bad, but he is not to be held responsible for any crimes that may afterwards be committed. He is not a ringleader. His connivance should be severely judged, but he cannot be held responsible for the individual crimes committed by others. He is the ringleader, who after having urged the crowd to do illegal things, lets them be done in his presence, though he may not take part in them himself. The ringleader is a type of criminal of very dangerous character and society is justified in acting in a very energetic fashion with reference to him.

THE REFORMATION OF JUVENILE OFFENDERS.

BY THE ABBE ALEXANDER BIANCHI, FORMER DIRECTOR OF THE REFORMATORY, MILAN, ITALY.

I understand by the reformatory system the manner in which we should treat our fellows who have been deprived of their liberty in consequence of having knowingly broken the laws. The aim should be to help them to amend their ways that they may return to society as honest citizens. Severity should not exceed the requirements of discipline and order. The prisoners should not be degraded physically nor morally and work is

absolutely necessary for their reformation. The modern method demands individual study and treatment of each particular case and it differs according to the degree of responsibility and the chance of reformation. As not one remedy can be used as a panacea for all sickness, so no one prescription is applicable to all moral ills. It is necessary, therefore, to take the management of such institutions from the hands of persons incapable of making this delicate discrimination, no matter how well they may understand the mechanical routine of institution life, and give it to the persons specially qualified morally, physically and administratively.

Large prisons are not to be recommended, for the prison should not be a nursery for crime. Small groups are better, not only for separation of the sexes, but that there may be distinctions of age, and of moral and physical characteristics. The inmates should have religious and secular education, for it is from lack of this that they have usually fallen. They should be properly fed and supplied with suitable employment and they should be kept in touch with the world outside, so far as it is compatible with order. They should not be allowed to cultivate hatred of society, but rather taught to be at peace with their fellows, to obey law and order and to respect others and try to do them good. The convict should not be looked on as an inferior being, but as our neighbor, who through various circumstances has failed to preserve his moral equilibrium. He should have all the rights of a citizen so far as they can be harmonized with his position as a prisoner. Society, which perhaps has been the cause of his downfall, through its own defects, and has taken from him his liberty, owes this to the convict. I would not diminish the guilt of the criminal—he deserves his sentence—but I hasten to add that he alone does not bear the responsibility of it: society is also guilty, and like a faithful mother she ought to do her share toward meeting criminality with wise measures. And one must not believe in the impossibility of improving any prisoner. There are examples where the most perverted have become saints. One must not lose courage. But in this work those should have the most pains taken with them who seem to

offer the best hope of reformation. In dealing with juveniles and with recidivists it must be remembered that there is more hope with the young person. He is more accessible to a sense of honor, more attracted by a high ideal. The task of the physician who understands psychology is to study each case and to suggest the best means of reform.

Long sentences, it has been found, are not useful in dealing with juvenile delinquents, but whether long or short they should correspond to the end in view. The judge has it in his power to decide the penalty as well as conditional liberation. The authority to decide about the length of imprisonment ought also to be given to the director of the prison, or to a council of competent persons. It is many years since Howard and Beccaria showed the way we should follow. It is for us, the men of the twentieth century, to take that way.

JUVENILE DELINQUENTS.

BY DR. EUGENE DE BALOGH, PROFESSOR IN THE UNIVERSITY
OF BUDAPEST.

A sentence for a few weeks or even for a few months is not sufficient to make the person subjected to it a proper member of society. Quite the contrary. The few weeks spent in common detention—as they are in Hungary—with professionals in crime, with vagabonds who are trying to escape from work, with recidivists of many sentences, exercise a deplorable influence on any one, but especially on the juvenile delinquent. Yet in my country thousands of persons suffer it, and there are many who have had three or four short sentences before they are twenty years old.

Not only do these short sentences prove insufficient for doing any good to the prisoner, but they often prevent the individual from getting honest work on his liberation. Such a sentence does not protect society, for after the detention of only a few weeks the convict goes back to his old surroundings and usually commits a new crime. All this shows that there must be a rad-

ical change in the penal régime, especially in relation to adolescents.

A rational penal régime in our day should have for its first object the transformation into useful members of society of all those who give any promise of success, especially adolescents under twenty-three, by compulsory labor, by developing their will power and by scrupulously observing the rules of the institution.

The detention of such delinquents should be long enough to have this transformation take place, under an indeterminate sentence. When released conditionally they should be under careful surveillance.

Since the first of January, 1910, eleven special prisons for adolescent criminals have been organized in Hungary. Regulations have also been adopted for caring for delinquent minors. In connection with these there are fifty guardianship societies (*sociétés de patronage*) which work in harmony with the authorities having surveillance. The system is still too new to present the results to the Prison Congress.

JUVENILE DELINQUENTS.

BY P. GRIMANELLI, HONORARY DIRECTOR, MINISTRY OF THE INTERIOR, PRISON SOCIETY OF PARIS, ETC.

By "young delinquents" and "children and adolescents," penal minors are meant. In France, since the law of April 12, 1906, penal minority, which was formerly up to the age of 16, is now extended to the age of 18. The term "procedure" must not be taken too strictly. It is not only the form of prosecution, of examination, of discussion and decision, which are to be considered. The character and choice of the magistrates who are to deal with juvenile offenders, their competence, their manner of procedure, the provisional measures to be adopted while waiting decision, are doubtless intended to be included in this study. But there are other things to be thought of. Are you convinced that in general, when it is a question of a minor, that it is not

so much the act alone which has to be considered, but the act as it is an index revealing the tendency and the conditions of life of the one who has committed it? Have you thought that greater social security, as well as the social duty toward the child, demands measures that will preserve him from growing worse, and to reform him morally and physically, often by changing his environment? Do you appreciate that that is the true way, rather than a system of penal measures? If you have considered all these things you will have seen that "procedure" can not be identical for the different ages even of minors.

I. Let us recall the chief essentials of French legislation in regard to this subject.

1. Prosecution and examination are entrusted to the same magistrates and subject to the same legal rules for minors of all ages as for adults.

2. Minors of all ages are subject to the same legal provisions touching detention and provisional release, except that juvenile criminals are kept apart, in separate quarters.

3. The custody of a child may be entrusted to a relative, or a charitable institution, till the judicial decision is given, provided he is less than sixteen.

4. If the act ascribed to a minor is a misdemeanor (*délit*) the tribunal is the same as for adults, no matter what the age of the minor (*le tribunal correctionnel*).

5. If the act is a felony (*crime*) and if the minor is less than sixteen, it is still the *tribunal correctionnel* which is competent to take charge of the case, unless the minor had accomplices older than himself, or unless he is charged with a crime punishable by death, or imprisonment at hard labor, or deportation. In these exceptional cases it is the *cour d'assises*.

6. The rules regulating publicity are the same for minors of all ages as for adults.

7. Whatever the age of the minor, up to eighteen, the court, or the jury, must decide whether the said minor has acted with or without discretion.

There has been an evolution in legislation in these subjects outside of France. The limit of criminal minority varies from seven in Russia to 15 in Sweden. Several countries have organized special courts for juveniles. Within ten years we have seen a change in this direction, as for example in Denmark, Norway, Germany, Austria, Holland and in the Swiss cantons. Under different names and differently organized there are in these countries chambers, or courts of guardianship, generally of a civil order, though having disciplinary power in some cases. They are destined in some states to replace parental authority, to look after juvenile delinquents and morally abandoned children. The Holland law, for example, differs from the Danish. In Holland it is rather for the protection of childhood, without jurisdiction over juvenile crime. In Denmark it has three degrees of jurisdiction: With regard to juvenile offenders under 14 who are not prosecuted before the court they have paternal powers, pronouncing no sentences; for older children they act as aids to the court; for all juvenile and morally abandoned offenders they have the right of guardianship.

May we not here pay our respects, which is their due, to the American children's courts? Without forgetting the part played by Australia in the starting of juvenile courts, it is just to give the principal honor to the United States for them. The late and deeply mourned Samuel J. Barrows, wrote proudly in 1904: "If one asks what thing marks the greatest progress in the United States in the last five years in judicial methods and principles, one would reply without hesitation: The creation of courts for children." It is not to a congress gathered in Washington, at the gracious invitation of the federal government of the great republic, that we could try to describe the children's courts of the United States, nor to tell their history. There is nothing better on the subject than the excellent account of it given by Mr. Barrows himself in 1904: "Children's courts in the United States, their origin, development and results," and for the spread of ideas in France relative to this institution, the remarkable work published by Edouard Julhiet (Arthur Rousseau, 1906). Nor would we forget the studies of the accomplished Miss Lucy Bartlett.

Since 1906, twenty-four states have adopted the institution on which Judge Tuthill of Chicago and Judge Lindsey of Denver have put their imperishable imprint.

The children's court has jurisdiction over minors up to the age of 16, rarely to the age of 18. A special judge presides over them. The audience is limited. The court room is apart from the general court room. The magistrate sits near the child. No one is admitted except those duly authorized. There is no technical procedure. The forms are reduced to the greatest simplicity. The magistrate conducts the investigation and makes the decision, always with the idea of finding the best method of dealing with the case, whether by probation or by reformatory discipline.

The organization of children's courts is completed by the appointment of probation officers. The two are inseparable. The probation officers may be benevolent citizens, men or women, paid or unpaid, or they may be public officials. They secure the information about the child, his family, and his surroundings. The importance of their service does not need to be demonstrated. Partial adoption of these methods has been made in England, Scotland, Ireland, Germany and Italy, as well as in the Swiss cantons. . . . But the partisans of reform in regard to proposed legislation are divided. One side, jealous guardians of tradition, prefer amendments to existing laws rather than reform legislation. They believe in having magistrates who understand the cases of minors, for juveniles, but that they should in all cases be the ordinary trial judges and magistrates of repressive courts. Even for very young children they reject special magistrates and whatever the age of the accused they believe in entire publicity. They recognize the dangers, but think the police powers of the presiding officer are sufficient to ward them off.

The other side, without dreaming of overthrowing existing judicial institutions are less opposed to important changes. They do not think that identical rules can be applied to all juveniles. The forms of justice do not seem to them forms that can not be touched. Struck by the grave effects of the mixed audience,

even in cases where children above twelve are concerned, they do not hesitate to suggest restricting the audiences, at the hearings, on condition that justice shall be secured by useful assistants and witnesses, whose presence is a guaranty for the judges as well as for the defendant. In a general way they believe that what is demanded is not less dignity, but more simplicity. Frequent discussions of this subject have taken place in the *Société générale des Prisons*, in the *Comité de défense des enfants traduits en justice*, in the *Congrès de patronage*, in the *Conseil supérieur des prisons*, etc. With reference to these subjects one may read with profit the luminous work on "*Les Procédures d'information relatives aux mineurs*," by M. de Casabianca.

The bill proposed by the *Conseil Supérieur des Prisons* in 1909, must be mentioned here. It deals with all juvenile offenders under the age of 18. In this is laid down the principle that no child under twelve who is held to be guilty of breaking the law should go before a repressive court. He is to be transferred by the public minister to a new and special court that shall take charge of the case, and if found guilty, measures of security, of surveillance, of discipline, and of such assistance as may be necessary, are to be under this court. The accused is to be held for safety wherever the magistrate may direct, under the provisions of the bill, but never in a prison. But these are only negative provisions. It is further necessary to verify the facts about the child, to learn all that is possible about him, and to take measures for his interest and for the interest of society, often measures of long duration; to follow up the carrying out of these measures and to modify them when there is need. To carry out this complex program an organ is necessary. What organ? A court, or magistracy, at the same time social and paternal (*familial*) which will watch over the child without the interference of any other jurisdiction.

Various suggestions were made in discussion, but the majority of the *Conseil supérieur* preferred to place the jurisdiction in the hands of a single judge, that responsibility might be concentrated. He is to be called the family adviser (*Conseil familial*). Without giving the details we may sketch this portion of the bill.

The *Conseil familial* is to be aided by an indefinite number of deputies, men and women, for all that concerns, not the decisions, but the surveillance and care of the children. They should also aid in the inquiries about cases of children from 12 to 18 years of age. They are to be, in short, American probation officers in French dress.

In everything concerning children under twelve the *Conseil familial* would investigate and decide. His own investigations should be supplemented by physical examinations by a physician. The child and the parents may have counsel. The trial is not public. Magistrates, delegates from the *Conseil*, members of the societies of guardianship and relief societies, admitted by him, may be present. Appeal may be made to the minister against any decisions of the *Conseil*. These might arise in case of putting the child out of the custody of the family without their consent, or charging the whole or part of the maintenance of the child on the family.

None of the measures taken having anything of the nature of a penalty or condemnation, the question of "discernment" does not come up. The state attorney (*procureur*) of the republic is charged with the responsibility of seeing that the decisions of the *Conseil* are executed.

Youth between the ages of 12 and 18 would continue to be brought before the repressive judge (criminal court). They may be held for detention in a prison, but in separate quarters. They may be released under surveillance.

Conclusions. I. Juvenile offenders ought to be submitted to a different régime from that applicable to adults. The knowledge of the psychology of juvenile delinquency, of the condition of existence, of the duty of society in the protection, correction and reformation of children and youth; of the need of society to protect itself from juvenile crime, shows that there should be a different method for treating youthful offenders.

II. The little child who has been accused of breaking the law before he has reached the age of twelve, ought not to be brought before the criminal court, nor submitted to criminal procedure nor even brought before a so-called judge. He should

be brought before an authority competent to verify the facts, to investigate his usual conduct, his education, his surroundings, and if necessary to take means for taking care of him, watching over his education, and giving such training, discipline and aid as may be needed according to the circumstances of the case.

III. This principle granted, it does not permit identical modes of application for all ages included in the period of penal minority.

IV. This important work requires a special magistracy, which, without being a tribunal, should advise and decide with regard to juvenile delinquents under twelve years of age. There may be, however, difference of opinion as to the name to give to this court and as to its organization; whether the power shall rest in one, two or several persons, or in a select council, where the judicial element should always be represented, but should not be the only representant.

V. This court, which should be under the public minister, should act for the good of the helpless as well as for the safety of society, and the forms of procedure should be simple. The hearings should not be public, but public authorities should be represented, and independent persons known to be interested in childhood may attend. The decisions, which may always be modified under certain conditions, may be appealed. Families may have right of appeal in certain cases and to the minister in all cases.

VI. This court, whatever the mode of its organization, ought not only to give decisions, but to make investigations, to exercise the power of probation, and release under surveillance, acting as a central office, with deputies of both sexes analogous to American probation officers.

VII. It will always be necessary to have the custody of the child under twelve. Suitable means of guarding and caring for him ought to be put at the disposal of the magistracy. But detention in a prison should not be allowed on account of its corrupting effect on a child if in contact with other prisoners, and as too severe if placed in solitary confinement.

VIII. Juveniles accused of crime, after the age of twelve, should be prosecuted before the criminal court, but always after examination.

IX. In regard to these cases the authorities having the power to examine and sentence, should, without going beyond the limit of the existing judiciary, as far as possible be specialized. In France, for example, they should still be trial justices (*Juges d'instruction*) and criminal courts (*tribunaux correctionnels*), but under the following conditions:

X. Everywhere where there are already, or where they might be created, several trial judges, one or several of them should be specially charged to be the permanent examiners of these juvenile cases.

XI. Wherever it is possible there should be in these tribunals a special chamber for the hearing. If that is impossible the hearing should at least be by itself.

XII. The criminal court thus constituted should have competence not only in dealing with misdemeanors, but with felonies (*crimes*).

XIII. Detention may be in a prison in cases where it is necessary, but with separate provision. Liberty must be given to the examining magistrate to grant temporary guardianship, before sentence, in the family or outside the family, with surveillance.

XIV. The special court instituted for accused under the age of twelve as already hinted, may co-operate with the examining magistrate by furnishing facts concerning accused youth above twelve. This co-operation would have weight in the investigations and in the surveillance. It would not exclude the co-operation of guardianship societies.

The examination should always be followed by medical opinion.

XV. The hearings should not be public. The law should determine who may be present and they should be opened to certain qualified persons. These restrictions should also be applied to cases where minors and adults are implicated together, and

in criminal processes where minors of from sixteen to eighteen are liable to severe penalties.

XVI. The question of the age of discernment, or non-discernment, should be replaced by some method better adapted to meet the great diversity of cases.

JUVENILE DELINQUENTS.

BY J. D. ROBERTSON, INSPECTOR OF REFORMATORY AND INDUSTRIAL SCHOOLS, GREAT BRITAIN.

The Children's Act, which went into force in Great Britain and Ireland the first of April, 1909, fixed the penal age of children at 12. Children below 12 accused of crime for the first time may be sent to an industrial school, and those between 12 and 14, also, if it is their first crime, and if it be thought that their influence would not be pernicious. Others under 16 can be sent to reformatory schools. In treating these juvenile delinquents they are encouraged to begin a new life in the school, where every effort is made to give them a normal education. They play cricket and foot-ball and have all sorts of gymnastic exercises as well as studies in the class room. Disciplinary cells have almost disappeared and there are no more bars and bolts than in any public school. Industrial education is carried to a certain extent, but if one specializes too much it tends to discourage the pupil who is well fitted to a trade if he cannot find work on going out in that trade.

Private benevolence is allowed to do its share of the work. The schools are under private management, the state aiding in their support, but exercising a minimum of supervision. The consequence is a most cordial relation between the authorities and the schools. The children retain their relations with the school in a pleasant way, and only the other day one of them, who is now in good circumstances, wrote, promising \$250 a year to boys leaving the reformatory of which he himself had been an inmate. The feeble-minded are provided for in special institutions as are also epileptics.

Among the principles for managing the schools one is that there should be as many women as possible in the personnel and that teachers and nurses should be well fitted for their duties, especially for abnormal children. The greater number of the children can be usefully occupied in manual work and nothing helps more to develop their intelligence.

There are also industrial day schools, open from six in the morning till six at night, to which children can be sent. They are served with three meals a day and have ordinary elementary education as well as manual training. Boys learn carpentering, tailoring, shoe-making, printing and brush-making.. The girls learn cutting and sewing, laundry work and cooking. These schools often become real social centres and some of the directors do their best to improve the homes of the children and to find suitable places for them when they leave school. The parents are expected to contribute to the expenses of these schools according to their means. The directors, who are members of the local school boards, receive on an average about five dollars annually from the parents for each child.

JUVENILE DELINQUENTS.

DR. GODIN, ACTING ATTORNEY REPUBLIC AT GUELMA, ALGERIA.

Vagrancy and begging in childhood form the primary school of vice. The city furnishes a great army of these young vagabonds, though the police are well organized. Modern economic life sets the children free to run in the streets without protection from evil influences. The child who runs in the street is fated to vice and crime. Criminality in general has tripled in the last fifty years, and one of the chief causes of this desolating advance is the precocious depravity of children. If we could suppress vagrancy among children the chief cause of this crime would disappear. It therefore becomes a social, rather than a judicial matter.

This prevention of crime can best be effected by strengthening the family. If that is impossible and the family is unworthy the child should be taken away and educated.

We divide childhood into three periods: 1, from 1 to 7; 2, from 7 to 13; that is the school age; 3, from 13 to 18. During the first period the child is in the home and the home should be made better if it is to prevent these children from wandering into the streets, for the home is the normal place for the child to be trained. It is to the child what the soil is to the shrub. If you transplant it it withers. It is then necessary, to prevent juvenile crime, to combat the disorganization of the family which so frequently leads to juvenile delinquency. And the first thing is to overcome the indifference of the parents. They are quite willing to let the children run in the street. We must show them the danger that threatens them there and the evil habits which will be acquired that cannot afterwards be easily eradicated. This cannot be done by law. It must be a moral influence. Lectures to parents cannot be given where they will be instructed and they must be taught how to make the children love their homes and what steps to take if the children are refractory and what authorities or institutions can aid them in their task. Popular universities, workmen's clubs, reading rooms, etc., should be used for reaching the parents and teaching them moral hygiene.

It may be said that this will be of little effect if both father and mother go off to work and leave the child alone at home or under the care of obliging neighbors, for the child will soon be on the street. That is true and is the reason why there should be auxiliary help in the form of maternal schools, day nurseries, guarding places (*garderies*), where the children can stay while the parents are at work and where the parents will be obliged to place them if they cannot care for them at home. These should be free. Of course this means expense, but the government should not hesitate to spend money in saving children.

The school age is important, for the school saves from vagrancy. It is therefore necessary that there should be truant laws. If a child plays truant how shall he be disciplined? In England they have truant schools, but they do not give very good results, as there is a large amount of recidivism,—more than 40 per cent. In my view the whip is more efficacious. It certainly

intimidates children. I think it is a mistake to have given it up in schools. It is not long since it was used in the colleges and public schools of France. True, it is no longer the fashion there, but the reason is to be found in the fact that the love of children has degenerated into sentimentality, which, however, does not save them at times from brutal treatment in moments of impatience. Some countries are coming back to this method of punishing children, and some, like England, have never given it up. Whipping is there used for refractory children and it is found very efficacious. It is sanctioned by law and is applied only with the consent of the parents or guardians, and not to girls. The number of blows varies with the age and a police officer is always present during the application of the punishment. This method ought to be adopted, for it is particularly adapted to lead the child to prefer the primary school to the school of vagrancy.

Truancy is often connived at by the parents, though sometimes, when they are both at work, they think the child is in school. Such parents are fined in some countries. For children of school age there should be places where they can be kept out of school hours while their parents are away. They should have food supplied in these "*garderies*." For the older ones there should be day industrial schools and vacation schools.

After the school age if the child is not put to an apprenticeship, but is allowed to go out and hunt up work for himself he is again subjected to temptation of all kinds. What is the remedy for this? The guardian societies should come to their aid and help to place them. If that proves impossible then the state should establish trade schools, where attendance should be compulsory. This will be a great expense to any country, but they are cheaper than prisons.

Germany has set the example here. She has many state apprentice schools. In 1901 Berlin had fifteen for girls and sixty-two for boys, with more than thirty thousand pupils, and the budget for schools was less than the budget for prisons.

If all preventive measures fail and the juvenile delinquent must be punished, how shall that be done? Prison has a de-

plorable effect on the young. It must be some other kind of repression. It must be educational and reformatory. Any minor under eighteen found guilty should be under the guardianship of the state till his majority and he should be placed in a special school where proper means will be employed for his training and reformation. Girls, as well as boys, should be treated in this way. There should be agricultural and trade colonies to which they should be sent when they have given proof that they can be trusted.

To sum up: juvenile delinquency is almost always the result of poverty, ignorance, a broken family. Vicious instincts have little to do with it. Any measures which lead to uniting the family and improving it will help to preserve childhood from crime. With the combination of private and state assistance it would not be difficult to organize methods to meet this problem of vagabondage, which would be of importance to the children themselves, and to the country at large.

JUVENILE COURTS.

BY PAUL NEANDER, DIRECTOR OF THE BOUKAVICHNIKOFF ASYLUM,
MOSCOW, RUSSIA.

The United States has set the example in the establishment of children's courts. Other countries have followed, as Germany with her juvenile courts. In Russia, on the 17th of April, 1909, the two chambers, the Douma and the Council of the Empire, in voting upon correctional establishments, confirmed the principle established by imperial ukase, December 5, 1866, that children and minors found delinquent should not be held in prisons, but in establishments for correctional education. The law of April 17, 1909, then looks on juvenile offenders not as criminals to be punished, but as children to be corrected and saved. They are to be sent to reform institutions, where every attempt will be made to lead them to honest and moral lives.

Judicial procedure is to be rather pedagogical than penal. It will have an intimate character and the court will be more

like a confessional than a tribunal. To assure this the public will be absolutely excluded. The preliminary investigations will be made by a single person, who will feel himself more of a pedagogue than a judge. Questions will be direct, and the child will feel that the judge wishes to help him rather than punish him. There will be as small a number of jurors as possible, chosen from those who understand psychology in general and the psychology of children in particular—doctors, teachers, clergymen. The accusation should be a simple statement of facts, and the procedure should be as rapid as possible. Preliminary detention should be brief, and never in a prison. Children's asylums should always have special sections that can be used for this purpose, as the asylum Roukavichnikoff has. There will be no more weeks of suspense in prison, no more policemen in uniform with weapons in their hands, as is still unhappily the way in Russia, no officer seated at each side of the child with drawn sabres and loaded revolvers, no solemn bench with judges in robes—nothing, in short, to terrify the child. A simple room, simply furnished, a simple table around which people in everyday clothes are gathered, and where the child will feel that he is to explain things rather than to be judged.

The verdict, depending on circumstances, may be from a simple admonition up to detention to the age of twenty-one in a correctional institution.

Probation officers will visit the family and will inform the court of facts that should be known. The work of the probation officer in this field is invaluable.

At the moment of writing these pages the first effort to carry out this whole scheme is being made in St. Petersburg, where the judges have chosen one among themselves to be the children's judge. Thus the idea is incarnating itself and is approaching, however modestly, the longed-for ideal.

THE PROCEDURE FOR JUVENILE DELINQUENTS.

BY A. S. GOLDENWEISER, ADVOCATE OF THE COURT OF APPEAL, KIEF,
RUSSIA.

From the comments on this question by Samuel J. Barrows, whose death has greatly saddened the members of this congress, it is evident that there was a desire to bring the subject to a vote in this body. The new system of procedure in dealing with juvenile delinquents is a complete change from the old methods. It has been the function of these congresses to popularize new conceptions in penological matters, and they have had a great influence. The general public has little knowledge and less thought, about penological problems. Even in the United States, as one may convince himself by reading the last report of the Prison Society of Pennsylvania, there are jails in which young offenders are kept with adult recidivists of the worst type. This promiscuity is still possible in a country which diffused throughout the world the humanitarian system which bears the name of the Pennsylvania system. We see by this that the masses—ready as Americans are to accept humane ideas—are still far from comprehending the daily problems in this domain. They are quite indifferent to the way prisoners are treated, provided they can get them behind the bars. The differences between the opinions of people in general and those of specialists in these subjects are so great that sometimes it seems as though they must be expressed in different languages.

It is true that the terrible cruelties, the tortures, the mutilations, of the past are no longer countenanced by the authorities, but in some of the penalties there still remain antique conceptions. Criminal justice in our day is only more or less of a compromise between the past and the present. The idea of retaliation and intimidation have not been given up. If you suppress the idea of punishment in a criminal case, the procedure seems to have no meaning. The character of a criminal trial does not the least in the world resemble an enquiry made in the interest of the accused, as for example the way a doctor examines a patient. It is rather an attempt on the part of the

judges to secure their own peace of mind in giving the verdict. In other words they are working for themselves. When the whole end of the trial is to apply punishment the entire examination is spent in trying to prove the crime, and the proceeding is built up on that. But if the object of the trial is solicitude and protection for the accused, as in the best minds is coming to be the case, especially in dealing with minors, the procedure will become quite different.

It may seem premature to ask that the procedure in the fight against crime should be turned from the idea of punishment to solicitude, even for minors, since the representatives of advanced thought in the school of anthropology and the school of sociology do not agree. The anthropological school explains the criminal acts by faults of organization. The sociological school sees the origin of criminal activity in the environment of the criminal; the moral qualities have been changed and they must be reformed by education, gradual and obligatory. These schools separate completely in their views of punishment. The anthropological school is not in the least inclined to gentleness, to pardon, to surveillance; it prefers repression, severe and decisive; it believes in capital punishment. The sociological school, on the contrary, believes that the moral influences to which the criminal inclinations owe their origin can be changed to moral influences of another order. It approves of mild sentences and the largest application of reformatory measures. The irreconcilability of their points of departure is, however, only seeming, in the question we are discussing. In reality the two schools agree on the essential things. It is as impossible to conceive that the moral faculties of man exist without corresponding physical attributes, as it is to conceive that a physical vice would not manifest its influence on the moral side. Both conform to the law of heredity, which manifests itself in both spheres.

In one way or another we must recognize that the treatment of juvenile criminals has entirely changed. The practice is wholly different from the system of punishment for adults. One has but to study the juvenile courts of America to see this.

The rapidity of this new current and the destruction of past methods that it has wrought, are significant of a new era. These International Prison Congresses, called together once in five years, play an important part in the practical legislation of all countries. In the London Congress, in 1872 (thanks to the remarkable paper by Miss Carpenter) the question was raised of the proper care of abandoned and disinherited children, as one way of preventing juvenile crime. At the Congress in Stockholm, it was recognized that there was not such a difference between criminal children and simply vicious children as to place them in different categories. The Rome Congress went farther, and recognized that even if they acted with discernment it was within the province of the judge to place the offenders in a house of correction or a reform school. The Congress at St. Petersburg developed this idea still further and said that the age of discernment should not be below sixteen. The Paris Congress and those which have succeeded, have given a whole section to the question of minors. The practical result of all this was that the Emperor of Russia took under his own protection all the institutions for correcting minors. He could not have taken under his protection jails and prisons—places simply for punishment. By the law of 1897 the limit of age in such institutions was raised to eighteen, and by the new law of April 17, 1909, the Douma and the Council of State raised it to civil majority, the age of twenty-one.

It will be the glory of our epoch, not that we have established finger-print methods of identification, but that we have established a new principle in the treatment of offenders of a tender age; a treatment not looking to the conviction and punishment of the accused, but to benevolent assistance, with the object of determining the moral peculiarities in the personality of each. That method means a change in the fundamental principle of procedure, and it comes to the aid of the one who has infringed the laws of society. The world will look to the proceedings of the present Congress for further progress, all the more because it meets in the capital of a country whose people are as ready to accept the good as are the people of the United States.

THE CHILDREN'S ACT.

BY MISS ROSA M. BARRETT, KINGSTOWN, IRELAND.

Since the last International Prison Congress England has made notable progress in legislation concerning juvenile delinquents. Those under 14 are considered children and from 14 to 21 adolescents. Minors cannot be tried with other criminals and they must be tried in separate chambers. On arrest they may not be taken to a jail but must be kept in detention elsewhere. A child under fourteen can be released with admonition, or with a fine, or he may be whipped. If he has not a good home he may be sent elsewhere, to persons qualified to look after him, or he may be sent to a reform school till he is released and placed under a probation agent.

The death penalty and penal servitude have been abolished for juvenile delinquents.

The law has many useful clauses. It is forbidden to sell cigarettes to children under sixteen, or to allow those under fourteen in a beer saloon, or to give alcoholic drink to a child under five, except by medical order.

Children and youth have been tried apart from adults for some years in England and Ireland. In Dublin there has been great progress in these matters within recent years. The best children's court in Great Britain is in Birmingham, where great success has been achieved. From visiting the juvenile courts in the United States and in Great Britain I am convinced that the personality of the judge is the most important factor. In New York, though the law is good the court is overcrowded. The judge has no time for the individual cases. In Chicago, where the court is better organized, they have under one roof a detention home, a temporary home for abandoned children and lodgings for those connected with the court. The probation officers are both men and women, some being salaried and some giving their services. In Boston, though the court is not imposing, consisting simply of two modest rooms, I was particularly struck

by the procedure and by the spirit of the judge. The hearings are absolutely private and there is nothing that reminds one of the ordinary police court. I was delighted to see there how the state looks after its weakest members, even, if necessary, at the expense of the parents.

JUVENILE DELINQUENTS.

BY DR. EUGENE DE BALOGH, PROFESSOR IN THE UNIVERSITY
OF BUDAPEST.

In answer to the first question it may be said that the general laws of criminal procedure concerning adults should not be applied to minors without important modifications. There must be radical changes in methods. It is indispensable to have special courts for minors in every state where juvenile crime is assuming disquieting proportions. The special magistrate should receive such information as will enable him to wisely dispose of the cases that come before him. Such a special tribunal will not have been in operation many months before it will be evident how many types of juvenile depravity are to be found in the large cities. And in making use of the methods of investigation, in studying the problems connected with the criminality of youth, it will soon become evident how closely related are poverty, the indifference and ignorance of parents, and the circumstances which govern the work and the pay of children, with the obstinacy, the turbulence and the general lack of discipline of the young. The judge should always be a man who shows an interest in his duties in dealing with children and one who is ready to study the individuality of each child.

Within the past few years my country has adopted the new idea which we owe to American legislation and the merits of which were pointed out to us by the eminent and deeply regretted Dr. Barrows. By a ministerial decision, published in 1908, minors brought before the court were entrusted to a special judge. Probation officers were also appointed to aid the judge in his efforts to know the young delinquents, and to gain

the data necessary to know how to make the right disposition of the youthful culprits.

The organization of juvenile courts ought to be immediately followed by legislative action fixing the jurisdiction of these courts. The necessity for this is seen in the fact that the procedure for minors must be quite different from that for adults, and the judge must keep up with the wonderful progress in penal science. It is forbidden him to swerve from the new duties imposed upon him by recent legislation.

In trying juvenile delinquents the question of guilt is not the chief one. The interest of the child is the important factor to be considered. There must be an inquiry as to his life before the alleged offense, his occupation, his manner of living, his conduct, his social position and environment, his moral and intellectual development, the influence of his surroundings, whether he has had pernicious influences about him in his home and among his neighbors, or whether it was not in the home that his depravity manifested itself. In other words one must learn the most important facts about him in order to know how to arrange his future.

The court does not limit itself to learning the guilt of the child, but it assumes paternal authority, and, if necessary it may suspend, at least temporarily, the parental authority of the father and mother and take such measures as are needed to prevent the child from falling into further wrong-doing.

The judge will be in close touch with guardian societies and with persons who are prepared to give information and aid.

If the accused minor is a morally abandoned child, an orphan, or one driven to crime through hunger, he may be treated with more leniency than if he is one of a band of street gamins.

I lay great stress on several things in dealing with young delinquents. First, that there should be a special physician in connection with the juvenile court, to decide upon the mental condition of the child as well as to give other information. Second, that there should be probation officers.

The new penal law for dealing with juvenile delinquents, with all that it includes, will not be settled in one year or two.

It may take ten years to develop it properly, as it has taken decades to develop penal procedure for adults. When it shall have been crystallized it will be the beginning of a new era in the treatment of young delinquents.

JUVENILE DELINQUENTS.

BY MR. DE CASABIANCA, MEMBER OF THE PRISON SOCIETY OF PARIS.

The following are the conclusions reached in the course of a long paper by Mr. Casabianca :

1. Below a certain age, ten years, for example, a child should be held penally irresponsible and should not be subject to judicial prosecution.

2. From the time of his arrest until the termination of the prosecution the accused child should be kept apart from older minors and from adults.

3. Every prosecution of a minor before a court with power to punish should be preceded by a regular judicial inquiry.

4. All judicial inquiries concerning minors charged with crime should be examined and decided by special magistrates.

5. Every judicial inquiry concerning a minor charged with an offense implies a thorough investigation, a medical examination, and that the child should be kept under observation for some time. Counsel should be assigned to him from the outset.

6. The precautionary detention of an accused minor should be in a place entirely free from the character of a prison.

7. If, pending the examination, the magistrate entrusts the minor to his family or to a probation officer, the child should be under careful supervision.

8. In cases involving both children and adults the examination of the latter should be separate from that of the minors.

9. Minor delinquents should be tried by special judges only, and at private hearings.

10. Every judgment which concerns a delinquent minor should be pronounced conditionally, for later modification or withdrawal.

11. If the predicament of a minor delinquent can be imputed to persons having authority over him, their fault or their negligence should be penalized; furthermore, they should be compelled to bear a part of the expense of his maintenance in the institution for correction.

12. Unless the record of a minor in the judicial registry shows the charges preferred against him, the failure to prosecute, and the acquittals of which he has had the benefit, then all the memoranda of the slightest criminal offenses committed by minors should be collated so that magistrates may be fully informed of their antecedent history.

13. Juvenile criminality cannot be successfully combatted without a broad appeal for the co-operation of private societies for the protection of children.

JUVENILE DELINQUENTS.

BY J. A. FELINEAU, CIVIL JUDGE, BARBEZIEUX, FRANCE.

The young vagrant, the young beggar, the young thief, is one day arrested. He is taken to the police station and to the prison of detention, where nine times out of ten he comes in contact with the worst criminals, hears their talk, listens to their advice. Justice does not seem to him so terrible. He sees the arrogance of criminals with the magistrates, hears the laughter of the audience at the coarse jokes, and when his turn comes imitates these chiefs in crime as if he wished to earn his own first decorations. Let no one say that we exaggerate. As advocate and as magistrate this sad spectacle has been too often under our eyes. There is no spectacle more demoralizing.

If the child is returned to his home it is usually a return to vagabondage, to begging, to stealing, to crime. If he is sent to a reform school it is not much better, for there is the daily contact of the bad with the worse, of the curable with the hardened, of the normal with the abnormal. This, of course, might be lessened in evil effects if there could be a closer classification in institutions. Still it is not a palliative that we seek, but a remedy.

It would seem that the United States have found that remedy, for they have inaugurated a system which merits close study. We will give the chief features of this system as reported in the *Musée Social*, 1906 (Arthur Rousseau, editor, Paris, No. 4.

[Statistics concerning the children's courts of Denver, Chicago and Salt Lake City are given.]

It may be summed up in a sentence: children are snatched from the army of crime and saved from a sad destiny. What an excellent social protection! And that is our aim.

We might cite more facts to show the excellence of the American system, but it is superfluous here. We have found here elements which in our opinion characterize penal legislation for juveniles. They are: 1, special courts; 2, liberty under surveillance, social detention; 3, children in moral danger; 4, adult accomplices and negligent parents.

1. The special courts have, if possible, a special judge, a separate room for the hearings, procedure not open to the public, and special decisions.

2. The child who is arrested is never confined in the common police station; never kept in the common prison.

3. In case of incorrigibility or of depraved parents he is sent to a reform school or to some guardian society, but whenever possible he is entrusted to his own family under conditional liberty. That is a characteristic of the American system.

4. There is always an attempt to place the responsibility for juvenile crime on adults, parents or others. Parents or others guilty of negligence or of conduct contributory to juvenile delinquency, are subject to punishment.

The court has within its jurisdiction the care of neglected and abused children and becomes their protector. It is the arbiter in school and child labor laws.

One may say that the American system has foreseen all that in our premises we have considered indispensable to rescue children from crime and to prevent crime among the young.

Conditional liberation under surveillance is logical, rational, normal when it keeps the child in the family and where, save ex-

ceptionally, the child will find care, love, good example and supervision. It recalls its duties to the family, so that it reaches a twofold result: it cures both the child and the family.

The following are our conclusions: Children and youth, delinquent or criminal, ought not to be treated like adults either as to procedure or penalties.

The child must have education and protection. If guilty he must be kept apart from hardened criminals; he is rather to be healed than to be punished.

The reform of the young delinquent or criminal whenever possible, ought to be the work of his own family. Parents and adult accomplices in wrong-doing should be made penally responsible for the crimes of childhood.

We have, then, the honor to present to the Washington Congress the following:

In civilized countries a serious study should be carried on with the object of rapidly creating special courts for children and youth that they may be rescued from crime, with the aid and under the responsibility of their families wherever that is possible.

That there should be an international bureau to take measures to bring this about.

JUVENILE DELINQUENTS.

BY DR. SIMON VAN DER AA, PROFESSOR IN THE UNIVERSITY OF GRONINGEN, HOLLAND.

To the first part of the question the answer must be absolutely negative. The child is not a little man, a duodecimo edition, so to say, but he is an entirely different edition and is to be considered in an entirely different way. He thinks differently, feels differently and acts differently from an adult. For that reason the form of procedure has been changed and penal measures are adapted to the age and conditions of life of the child and the youth. The interest in this question, therefore, centers about the second part. I will give the solution of it as reached by Netherland legislators some years ago.

The penal code fixes penal minority at the age of 18. Up to that age all are treated as juvenile delinquents, though minors between 16 and 18 may be considered as above minority and be punished as adults at the discretion of the judge. Ordinary penalties may then be applied, except in the matter of detention. Children under 16 may be entrusted to their parents or guardians, even if their guilt is proved. The judge is empowered to decide whether to sentence to a fine, a reproof, or to a reform school. Sentence to a reform school may be pronounced conditionally. The child put at the disposition of the government is sent to a state school, or to some educational institution. This lasts till majority, but may be lessened by the minister of justice, after consultation with the counselor-general. At the time of placing a minor at the disposal of the government a sentence to later imprisonment may be pronounced.

In the procedure in the case of minors it is not the deed, but the delinquent himself who is the object of examination. In the proceedings investigation must be made as to the education, the character, the development, the conduct, of the accused. For this purpose the trial judge must hear not only the parents, or the guardians, but witnesses. Unless otherwise ordered by the court, these have the right to be present at the preliminary examination of the child, and also at the hearing, and they are at liberty to make any remarks in his defense. Thus the child feels all the time that he is in touch with those who by nature are called to watch over him. The assistance of counsel is assured to the juvenile delinquent. The task of counsel is not simply to defend the delinquent, but to look after his interests in the widest sense, and if he is found guilty to advise with the judge as to the best way to deal with him, always and before all considering the educative end of the measures that may be applied. Those above 18 must appear at the trial in person.

The public are excluded from the hearing of juvenile cases. The minor held in detention may see counsel and his parents or guardian at any time.

The right to appeal has been enlarged in behalf of minors. The interests of the child and the fact that the judge has great

liberty in the choice of penal measures to be applied have led to this widening of the right to appeal, and thus have another examination. The procedure, in case of appeal, is likewise modified for juvenile offenders.

Certain societies under the name "Pro Juventute," stand ready to aid in the disposal of juvenile cases. The first of these was founded fifteen years ago in Amsterdam, through the initiative of my dear master and honored colleague, the professor of penal law, Dr. van Hamel. They now exist in all the principal cities. They see that an advocate is provided from among their members. From the facts they gather it often happens that they are able to recommend that the case be dropped by the Queen's advocate, and this is sometimes done. The work of these societies is an almost indispensable complement to the regulations of procedure in favor of minors.

The period of four years is not long enough to form a well-founded opinion as to the results of these changes in procedure for juveniles, but the present impression is very favorable. But it seems to me there are some improvements which might be made without further legislation and without much difficulty. First, one chamber of the court might be reserved for all juvenile cases, whether civil or penal, with the same persons to manage them, so that they would acquire a body of experience. These persons should be specially adapted for the work. Then there should be some arrangement by which the results of the measures adopted should be known by the judicial authority. If these two points are provided for there will be a close resemblance between our system and that of the children's courts as they exist in the United States. It cannot be denied that the children's courts seem very attractive, but it is not enough to read about them. We must see them to understand them and the Congress will give us occasion to do that in a happy manner.

It is not enough to study an institution in the place of its origin, but we should study to see how it can be used elsewhere, how it can be adapted to other surroundings. But above all it is necessary to see who are the persons called to execute the laws. And lastly we should see that delinquent minors, as well as adults, should have all the guarantees of personal liberty.

JUVENILE DELINQUENTS.

BY DR. AUREL LENGYL, RECORDER OF THE COURT, BUDAPEST.

The magistrate who has charge of juvenile delinquents should be able to exercise a certain amount of psychiatric knowledge; to look into the conditions of the child, its origin, its education, its moral and physical nature, that he might be able to judge the degree of will power of the child and his sense of responsibility. He should also be to a certain degree a sociologist, that he may judge of the child's relations with social conditions and the responsibility of society; he should also be a psychologist, capable of scrutinizing the soul and recognizing in the arsenal of motives whether the offender is a chance delinquent or an intentional culprit.

The adult criminal is hard to reform, but the minor if submitted to a humane reformatory treatment, may be rescued from the mire of crime by the development of intelligence, a strengthening of the sense of discernment, and his moral power.

In juvenile cases punishment is not always the indispensable result of guilt. The disposition of the offender may be quite different from the disposition of an adult offender.

Oral procedure and direct action are much more necessary in juvenile than in adult cases. It is not rare that the public complainant, who, according to Hungarian law cannot make investigations himself, sees himself driven to the necessity of getting into communication with the minor and his family to secure a base to support his decision. In certain cases the offense appears in quite another light if direct knowledge of facts can in this way be obtained by personal observation and enquiry. The judge of the minor child, who has to look into his moral character, should hear every word of the deposition, draw out the confession himself, observe every intonation and play of features. No decision should be reached without a personal hearing.

Public opinion considers publicity of trial as a guaranty of justice. It is certain that it quickens the conscience of the judge. In juvenile cases, however, there are other things to be

also considered. Psychologic study shows that the law of imitation, the desire to be admired, the love of adventure—all accentuated at the time of puberty—are abundant sources of juvenile crime. To see and hear a trial where the offender is the source of the excitement, exercises upon the child who is present an injurious influence. Minors should be kept out of these trials and a juvenile case should never be tried with any one present but those who are directly interested. But the exclusion of the public is recommended also for the good of the child. To be put in a position where one must respond before an audience as to one's acts causes mortification and may cause bravado. Then there is the publicity given by the press which is to be avoided and this can be only by the court sitting with closed doors. If protective officers are present and agents of the guardian societies, in addition to the members of the court, publicity enough is secured.

For ascertaining certain required facts about juvenile offenders, such as their conduct in school, the condition of the family, the way they behave at home, should be ascertained by discreet persons, by women when it is concerning young girls. According to circumstances such persons could be asked to take care of one case, or they could be asked to assist in an indefinite number of cases, as members of guardian societies. They should be present to bear their testimony at the hearing of the case.

As to probation officers one cannot, for each case, count on finding some enthusiastic citizen or some lady who will consent to take the place of a detective, with zeal and circumspection. Often the affair is such that long and painful examinations must be made, involving too much work for any one occupying a merely honorary position. The judge should have at his disposition persons whose profession it is to do this work. The same officer should look after those put on probation in cases where the legal representative of the child cannot assume this duty and where no private person is found to do it. Whether such a person should be employed by the government or by private associations must be decided according to circumstances.

A juvenile criminal should not be arrested unless it is a matter of necessity, nor should he be subjected to ordinary

places of detention. He should be sent to some establishment specially designed for juveniles.

The children's court is the incarnation of the special treatment of juveniles. The idea is of Anglo-Saxon origin. In principle the following are the methods adopted.

1. The accused minors are kept quite apart from accused adults during the preliminary investigation as well as through the hearing. If the courtroom is in the building where the ordinary trials are held the children should be tried at a different hour.

2. The judge should be specially appointed for this work and should be scientifically prepared for it. American opinion considers this judge one of the chief regulators of public education. His task is important because he has to satisfy the needs of a class who may become dangerous to society.

The task of the children's judge does not end in the hall of trial. He must have the oversight of the juvenile for a certain period. He must protect and stand by him either in person or through his agents.

It would be to nurse a fatal illusion to believe that to organize a children's court and to name ideal magistrates is to solve the problem of juvenile crime. The reprimand, the placing on probation, the doing away with imprisonment, are only the negative side. The positive side is the moral support and the supplying of economic efficiency. Those who have slipped down in the social life, the victims of our social order, can be brought back to the straight path in but one way: the morally weak and economically incapable must have guardianship. As to what is the best system that is a question that will depend upon circumstances. In some countries this is made a part of the sphere of action of the juvenile court. There is much to be gained from the movement recently begun in Germany in favor of official guardianship.

JUVENILE DELINQUENTS.

BY ALBERT VIDAL-NAQUET, PRESIDENT OF THE CHILDREN'S COMMITTEE, MARSEILLES, FRANCE.

My suggestions are the result of eighteen years' practice as president of the committee having in charge the defense of children who have been arrested. The basis of my studies is the result of the examination of the records of 6,000 children.

Childhood is divided into three divisions. In the first, on account of its age the child is absolutely irresponsible. In the second period he has limited responsibility only, which prevents his being punished as an adult might be; that is the true penal minority. The third is the period between penal minority and majority. According to the case the adolescent may be punished as an adult or as a child.

The child of the first period, if he commits an offense, cannot be imprisoned. He must be dealt with in a purely educational or reformatory way, according to circumstances.

The child of the second period if arrested should be kept wholly apart from adults, in special quarters. In procedure it should be the cause of the crime that should be searched out and everything else should be held subordinate to that. The work of both advocate and judge should be to save the child. The magistrate should have the power to either return the child to the family, to place it in an institution, or confide it to probation officers. There should be special judges to examine the cases of children. No child should be sentenced as adults are. Measures of protection and reformation should be adopted in his favor. The child may be returned to his family, released under surveillance, entrusted to other relatives, confided to a guardian society, or placed under the tutelage of the state, according to his character and perversity, the state taking such measures as may seem best, a family home, a reform school or a correctional institution.

For adolescents practically the same things are needed: special magistrates, houses of detention separate from adults,

admission of the defendant to the whole procedure, special judges. If the court finds that the youth has acted with full discernment he is subject to the ordinary penalties of the criminal code. If he has not acted with discernment he will be considered a minor and so treated.

JUVENILE IDLENESS AND VAGABONDAGE.

BY EMMA DE DESSEWFFY.

It is certain that most juvenile criminals take their first steps toward crime by vagabond ways, rather than by abandonment. One reason that they fall into such ways is that the schoolhouses are so far from home that they are led astray by bad companions. This could be prevented by having less pretentious school buildings with their great crowds of children. The cottage system has been decided to be best for many institutions, why not for schools? If the question were carefully studied I feel sure that the extra expense for having small schools scattered among the people, would not be so great as the expense entailed on the state by the care of the vagabonds and criminals who, as the result of having to go to schools so far from home, are subjected to the temptation to truancy, and to pilfering fruits and other things from stands and stalls, and later of taking things of more value. To the expense of caring for them as juvenile criminals should also be added hospital care, for many are ruined physically as well as morally.

Another prevention connected with the schools would be moral instruction in them. At present there is too much attempt to win prizes for high rank and too little attention is paid to fitting the children for the great conflicts in life. Too little is done to give them a love of honest toil. They should learn to love their vocations and to believe that a life of honest and useful industry is an honorable life. Children are apt to despise serious work and to look down on those who do it. I have seen more than one street boy pay a comrade to black his shoes or carry a bundle for him because he thought it was beneath him to do these things for himself.

As children are often taught to be dishonest by adults, there should be severe laws against any one who leads any child or young person into crime. So long as the purveyors of vice can escape by the payment of a fine or a brief imprisonment they are not deterred from the debauching of the young. There should be severe penalties for this.

In France, Italy, Switzerland and Hungary industrial boarding schools have been established that good workmen and workwomen may be trained. The children of working people now seldom learn any useful occupation and they become poor workers when their turn comes. Such schools would take children after the regular schooling and fit them to be able to earn their living usefully and well. At the same time those who have no homes to go to would find a shelter and innocent amusements in such boarding schools.

The most practical measures then to overcome idleness and vagabondage in youth would be:

1. To reform the schools.
2. To secure severe penalties for those who lead youth into vice or crime.
3. To establish industrial boarding schools in industrial centers, to ward off idleness and the tendency to a vagabond life.

JUVENILE VAGABONDS.

BY ERNEST BERTRAND, SECRETARY OF THE COMMITTEE FOR THE PROTECTION OF CHILDHOOD, NAMUR, BELGIUM.

Begging, in some one of its diverse forms, is the chief thing that leads to vagabondage. This should be done away with. On the plea of the expense of looking after so many children they are not prevented from begging and becoming vagrants. That is false economy, for these youthful vagrants are rapidly transformed into parasites and criminals who live at the expense of the city. Some magistrates have little faith in the institutions provided for these children: others doubt the wisdom of reformatory education in institutions.

But vagabondage of children has other causes than begging: the negligence and incapacity of the parents; the ruin of the home through divorce or separation; unfortunate re-marriages.

The gravity of the evil permits no palliatives. Parents should be held responsible for the vagabondage and the mendicancy of their children. In Belgium it is a criminal offense to allow a child under sixteen to beg and it is punishable with imprisonment. In Colorado there are laws which punish the parents for the offenses committed by their children. We must go to the occidant for light.

Why should not the father who abandons his children be punished? The father who should support his family escapes without punishment if he goes off and leaves them. But if the mother, driven to despair by material distress, runs away she is liable to severe punishment. Let us hope that the generous spirit which has breathed through some of the reform laws of the Anglo-Saxon countries with reference to the family may spread over the continent!

The vagabondage of children is only one manifestation of their moral abandonment. It is the lack of the proper home which lies at the bottom of it. Could one diminish the use of alcohol, improve the tenements, teach people how to make and keep their homes, these would be the safest barrier to keep children from running in the streets. It seems unbelievable that girls should be taught geography and history and left utterly ignorant of how to take care of a home or to train up children. These things should be taught in evening school and on Sundays, after the course in the primary school.

But there are certain other things that people must learn: that one should never give anything to children in cafés, or on the corners of the street, nor buy from them. Nothing is more demoralizing. The Namur Society for the protection of Childhood sends letters to managers of hotels, restaurants and similar public places where children directly or indirectly solicit alms of the patrons of these places, asking that they do not allow children to do this. Boxes are placed in these hotels and cafés where those disposed to aid needy children may place their alms and

they are used for the most needy. Communications are sent to the press protesting against false charity. Circulars are distributed bearing such sentences as the following: "The child who begs is learning that he can get money without working for it." "To allow a child to become a habitual beggar is punishable with imprisonment from eight days to three months." "A penny given to a beggar child is so much aid to the one who exploits him." "The more a child brings in from begging the less will his father send him to school." "Give bread to a hungry child, but never money to those who beg."

There are many schools in Belgium which are kept open till the parents return from work and the children learn their lessons there instead of at home. After the school closes they are taken to the street where they live. There are also homes where at any hour of the day children can be cared for so that they need not be on the street. These homes are specially useful during vacations. They should always have a large assembly room and a large place for plays and recreations. In Namur children are taken for long walks during the vacation by paid instructors and this promises to be greatly extended. When children learn that they can gain nothing by trying to beg in the streets the schools and "homes" will be more frequented and the vagabondage and mendicity of children will not require repressive measures.

JUVENILE IDLENESS AND VAGABONDAGE.

BY GEORGE HONNORAT, CHIEF OF POLICE, PARIS.

Idleness is the mother of all vice. If we consider only the effect of idleness on the children of a city the field is large enough. Who has not been saddened by seeing the boys and girls wandering through the streets, playing truant, hanging round the shops, begging for pennies or stealing from the stalls, pushing against each other and against the passers-by, crowding the book stalls and looking at obscene pictures, insulting women, picking pockets and boasting of it? Vagabondage, begging, steal-

ing, prostitution, are only the first steps on the fatal road of idleness. As the child grows he becomes the adult criminal.

The chief cause of idleness and vagabondage in children is the lack of moral training in the home, the relaxing of family ties and want of proper parental supervision. Another cause is the neglect of schooling. In most civilized countries parents are compelled by law to keep their children in school a certain number of years. But in our larger cities there are not schools enough and where there are schools the law does not deal severely enough with parents who keep their children out of school. Again, the schools close too early in the day. The children are freed from them at four o'clock, while the parents do not get home from work till 7 or 8 in the evening. In that interval what are the children doing? They are running the street with all the evil consequences of that sort of life.

Then there are too many school holidays, when the children are turned loose though their parents are away at their daily work. Such days give great opportunity for vagabondage.

Still another reason is that the teachers sometimes forget that something besides scientific teaching is necessary. Is it not this fault in education which explains why we find in the young generation so many young people who have no moral curb, who respect no authority and who have an eye for nothing but an opportunity to gratify their own desires and caprices? Thus, being defrauded of proper guidance from parents and teachers, they are easily perverted, especially those born of parents who are alcoholic, syphilitic, consumptive or with a feeble brain.

Another cause of idleness is the cupidity of parents who want to get their children into shops and factories as early as possible, that they may bring in a little money. In such shops and factories the work is monotonous and the pay small and the children desert them for the street. And if they accept the new life of industry in the factory they are often laid off in the dull seasons against their will and so fall into a life of idleness.

The very measures to protect child-laborers, especially in regard to hours of labor, have had the annoying and unexpected result of throwing them out of industry. Certain laws, like the

French legislation, having decided that where minors and adults work together the hours for the latter must not be longer than for the former, employers have refused to hire juvenile workers at all, and so they are thrown out a prey to the idle life.

Each of these causes demands a remedy. One of the first is to provide a sufficient number of schools for all the children of school age, and where necessary *guardian classes* that shall keep those children whose parents are at work till their return. And little girls should be escorted to their homes when their parents can not come for them. Holidays should be reduced in number. Special classes for backward children should be formed. School colonies in the country should be organized, or by the sea, for delicate children. And finally the school should be not only a place for mental instruction, but for moral training; where the mind should be instructed, and the conscience and the heart as well should be trained.

After school age the best thing would be apprenticeship to a trade if possible; otherwise there should be professional and industrial courses, for this is the most dangerous transition period, between going to school and finding permanent work for life. Later, in the mixed shops, where old and young work together, there should be a special arrangement of hours according to each category of workers.

When parents forfeit their paternal rights so that they let the children drift into lives of vagabondage, idleness and vice the children should be taken away and sent to industrial schools, having no penal character, where they can be taught to earn their living.

It may be added that the police should exercise a more strict and careful guardianship on the streets and not allow children to form bands of idle loafers. Other persons also might be empowered to see that such children are looked after according to proper regulations, and perhaps it may be necessary to establish special courts for them.

Conclusions: The way to meet idleness and vagabondage in the large cities then is twofold: preventive and repressive. In the first group the means are educative and moral, with patience. They may be costly, but it is true economy.

As to the means by repression it should be by more active surveillance on the part of the police, charitable institutions and persons delegated to act in cases where society has to act in place of the family.

The following recommendations may be made:

Multiply the schools.

Give a large place to moral education.

Punish severely parents who break school obligations.

Multiply professional courses.

Modify child labor laws in such a way as to secure apprenticeship.

Deal energetically with parents who forfeit their parental rights.

Create reform schools for vicious children for their own sake and to save the contamination of the community.

Have the police keep better watch of the streets and secure aids to them in this through private institutions. Let such agents question the children and when necessary bring them before the public authorities.

Create, if necessary, special courts for children.

IDLENESS AND BEGGING AMONG CHILDREN.

BY THE ABBE ALEXANDER BIANCHI, FORMER DIRECTOR OF THE REFORMATORY, MILAN.

At the hour of noon—the dinner hour—in Milan, the streets and squares are full of morally abandoned children and young people who believe in no law, religious or secular. They think everything is permitted to them. The police are powerless before this crowd of shameless youth and happy if the brood are guilty of neither murder or robbery. This school of social disorder, with all the obscenity of language which accompanies it, is not peculiar to Milan, but to all great cities. The street is full of evil suggestions for the young—the news stands with their

illustrated journals and postal cards full of indecent suggestion, the cinematographs, the cheap theatres. This degeneracy threatens society like a gangrene and demands from the state immediate treatment at any expense. The state has the duty of trying to save these young delinquents. If it saves but ten out of a hundred that is not to be disdained as a result of its efforts. Cities like Milan that spend their millions in public works should understand that it is for their highest interest, even materially, not to neglect this great work of moral salvage. There should be popular lectures on these subjects, that the people may understand the problems with which we have to deal. There should be gymnasiums, for gymnastics have a particular attraction for youth and athletic exercise is a noble and at the same time useful exercise. It strengthens the body and the mind and turns the young from vice and makes them generous and kind.

Police officers ought to have a course of instruction as to how to deal with juveniles, how to prevent their crimes and to submit to paternal authority. There should also be special inspectors, selected with care, to exercise supervision over moving pictures and theatres and to keep children from the court-room. Over and above all this there should be voluntary aid in prisons to assist in the organization of schools and industries.

There should be better schoolmasters, who have a higher ideal of their useful mission. The influence of some teachers that I know is worse than for the children to have grown up without schooling.

Finally, religion is the great educative power. It should be held in honor and respected, for the words of the great Seneca are eternally true: "*bonus vero vir sine Deo nemo est.*"

JUVENILE IDLENESS AND VAGABONDAGE.

BY D. WIDMER, DIRECTOR OF THE PENITENTIARY, BASEL.

During late years there has been a great attraction to the cities, and consequently an overcrowding of the quarters where working people live, with the further evil that a great many children are left during the day without proper oversight. From wandering about the streets they become subjects of the police, and in great cities like Paris and London they are numbered by the thousands, and it is not strange that many of them become criminals. The most important question is how to prevent this.

The Swiss method for counteracting such tendencies is by the establishment of guardian schools into which are gathered children who have not proper oversight during the hours out of the regular school and in the evenings. The guardian schools of Basel, for instance, are organized and supported by the state, and are open every day and from mid-November till mid-March in the evening. More than a hundred teachers, men and women, from the school force, but receiving extra pay, manage these schools, which are rather recreation classes than schools in the ordinary acceptation of the word. They play games, tell stories, sing, crotchet, knit, embroider, sew and in good weather are taken out doors for games or on walks. The teachers devote their entire time to supervising the work or the play, not being allowed to read, or knit, or sew, themselves. Each class is supposed to have about 35 children in it. An inspector general for the city visits all of the schools and reports to the school authorities. The cost of materials for games and work, as well as for luncheon, are borne by the state. Basel, with a population of 130,000, has 2,000 children in these guardian schools.

Basel has also a Play Association, which looks after games for youth. The report for 1908 shows that more than eighty-five hundred children took part in these games, which are also supervised by teachers appointed for the purpose. The government allows 3,000 francs for these games. Swimming, rowing, skating and coasting are also under the charge of this society. It

also organizes recreation evenings for the young, when a thousand children in an evening are entertained by singing, declamations, fireworks. Manual instruction is also given. More than 1,600 pupils of the upper classes attend the evening schools where this instruction is given. There are likewise schools giving military drill and in summer there are vacation colonies. Kindergartens care for nearly four thousand little children in public schools while fourteen private kindergartens care for 533 more.

There should be propaganda in favor of all such institutions and of guardian societies which should watch street children and save those that are morally abandoned from falling into crime.

There should also be bureaus for guiding the young in the choice of work which would help to fill the gap between going to school and taking hold of the permanent work of life. Boys of the age to be apprenticed in Basel have the benefit of another society, which has just celebrated its twenty-fifth anniversary, a society for giving useful instruction and recreation to boys on Sundays and in the evenings. Last year the evening schools under the care of this society had 24,000 in attendance.

The fruits of all this work in caring for the young is seen in Basel, where there is a very small proportion of idle and vagabond children in proportion to the population.

IDLENESS AND MENDICITY IN CHILDREN.

BY PAUL NEANDER, MOSCOW, ST. PETERSBURG.*

The two things that give rise to the frightful increase of juvenile crime are idleness and vagabondage. The remedies are work and shelter, in an institution or family. A preventive measure would be obligatory primary instruction for every child above the age of seven. This schooling is compulsory in most countries, and the Douma is about to vote to have it in Russia, and when that is done we shall have the most efficacious means of protection from mendicity and vagabondage in children. That

such regulation should not be a dead letter there must be a sufficient number of schools under the strict control of the government. There should be agents to visit the homes and see that the children go to school. In Germany such agents visit poor families and make sure that the children go to school instead of run the streets, and they visit rich families to be sure that the children are receiving instruction.

But that is not all,—far from it. When the father alone works the mother can take care of the children. That is one of the objects of labor legislation, to make it possible for the mother to remain at home, but even then the mother of a large family cannot watch over all the children old enough to go out in the street or to school. Private charity has provided many shelters, day-nurseries, kindergartens, day schools, in the large industrial centres, which show the interest in this subject. But there should be many more such refuges. Where great establishments do not provide them voluntarily the state should compel them to do so. We have examples in what may be done by what the houses of Morozoff and Prokhoroff have done, in establishing day nurseries, schools, hospitals, homes for old men, etc., all in conformity with the latest views of health. But there are hundreds of factories and whole mining districts where the families of workmen are abandoned to themselves. The state must come to their aid to save the children and youth. There should be refuges where children can be taken by day or by night. In that way the time might come,—far away now,—which every civilized city should reach, when there should not be a child left to beg in the streets by day and to sleep under its bridges by night.

It seems needless to say that these asylums should furnish food for the children, simple, frugal, but healthful and sufficient. Where you have hungry children you will have crime to punish.

There must be work, different trades, agricultural colonies, vacation colonies. There must be recreations and good times, for a bad child is half saved if he can learn to laugh joyously.

The state cannot do all this work alone. The public must aid. In England there is a union of child-helping societies, a sort of

protectorate of childhood. The members come from all classes of society and they represent many vocations, but all are united in a profound feeling of human solidarity and of personal responsibility for the children who are to be the men of the future. Such a protectorate should have a legal right over the children in its care. In Russia the ukase of 1866 in a regulation for a "council of protection" gave a legal right to the members of it for placing children and minors in shops and other establishments above the rights of the parents. The co-operation of the state and of society in this work would save a great many children from vice and crime.

SPECIAL INSTITUTIONS FOR ABNORMAL CHILDREN.

BY D. DRILL, PROFESSOR OF PSYCHO-NEUROLOGY, ST. PETERSBURG.

The reply to the question as to special institutions for abnormal children with dangerous moral tendencies was answered by Mr. Drill by a brief description of the way in which abnormal children are to be cared for in Russia. The following is a résumé of the Russian plan :

Schools for compulsory education were established as early as 1840 in the Baltic provinces, and by 1866 they were scattered throughout the country. After 1881 conferences to discuss educational matters were organized, made up of representatives of private institutions, which, however, received subsidies from the government. In these conferences the question of the care of "difficult pupils" came up. Having only limited resources the private schools did not know how to deal with pupils whose presence was injurious in a school. These children were largely degenerate, chiefly as the inherited effect of the use of alcoholic drink, and they were victims of physical and intellectual ills which were incurable. In discussing these matters the representatives of the reform schools reached two conclusions: That there should be created medico-pedagogic departments in all correctional institutions; and that there should be a model government institution to which such pupils could be transferred.

The plan for such an institution for incorrigibles provided that they should be transferred from other institutions after it was proved that they could not be kept where they were with advantage to themselves and the other inmates; that the head should be a competent person appointed by the prison department; that the education of these incorrigibles should be individual or in little groups not exceeding ten in number, under a preceptor specially fitted for the work; that every hour should be provided for, either by labor or recreation, always under the supervision of the preceptor; that there should be a hospital and an establishment for the observation of psychics conformably with modern ideas; that careful statistics of the incorrigibles should be filed, giving their past history, facts as to their families, environment, conduct in shops and schools, health, etc. Punishment was to be commendation and deprivation of rewards. Solitary confinement—not to exceed three days, with work—was to be as infrequent as possible, and in case of such punishment the pupil was to have frequent visits from the director and preceptor, the clergyman and members of the patronage society, if such a society existed. Rewards were to be numerous and varied. Not only were good actions to be rewarded, but the giving up of bad habits, and good conduct in general. At the head of the rewards was to be conditional liberation. Besides the director, there was to be the pedagogic council, composed of the chaplains, the physician, teachers and instructors. This council was to decide on the treatment of each incorrigible and was to meet once a week at least.

In this projected institution special attention will be given to physical education in the broadest sense of the word. With the creation of establishments of this kind one may well reply to the second question of Section IV: The incarceration in special asylums of those abnormal individuals who are by organization predisposed to break with the established order and inclined to commit offenses, is desirable.

Is it desirable to create other institutions for those who show dangerous moral tendencies? To this question one should answer no, according to my opinion. Those who show moral tendencies

which are dangerous may easily be placed in a department of an institution designed for other abnormal and irresponsible persons.

SPECIAL INSTITUTIONS FOR ABNORMAL CHILDREN.

BY DANIEL PHELAN, M. D., SURGEON, DOMINION PENITENTIARY,
KINGSTON, CANADA.

Thus far we have not provided institutions for abnormal children who manifest dangerous moral tendencies. Is there need for such institutions and should they be separate? Neither the prison nor the ordinary institution for the feeble-minded is the place for such children, so that there can be but one answer to the first question. There *should* be special institutions for them. Children received into them should receive education suited to their mental condition. All diseases or imperfections demanding surgical measures should be looked after: adenoids, enlarged tonsils, discharges from the ears, diseases of the eyes and lids, strabismus, cleft palate, hair lip, club foot, decayed teeth and dental irregularities. Defects of vision should be corrected, if possible, by glasses. The correction of all these evils may improve the disposition and temper of the children, and they may thus be prevented from developing a tendency to commit criminal acts as a result of fits of passion.

No country has thus far made provision for this special class which has been overlooked and allowed to grow up a menace to society.

What kind of institutions should they be? They should be distinct from ordinary industrial and reformatory institutions. Many of the inmates of penitentiaries are from this class, and had they received proper training the crimes they have committed might have been prevented.

Each child should have individual instruction, for their criminal tendencies vary with each one. The child having inherited a feeble will is easily led into evil habits. He lacks both the moral and physical strength to resist temptation, and he re-

quires efficient supervision, more than he would have in the ordinary institution for the feeble-minded. Not only must he have his physical defects remedied and such an education as he is capable of receiving, but his better tastes and tendencies must be developed.

The persons in charge of such an institution should be trained not only to deal with special cases, but to detect the early stages of such proclivity to crime. Parents are usually the last to detect weakness in their own children. The expert is therefore needed.

After such training as the institution could give them it might be possible to liberate such children to return to their friends. For the sake of society it might be necessary to transfer them to a reformatory. In doing all of this work it would be necessary to study the antecedents of the child.

SPECIAL INSTITUTIONS FOR ABNORMAL CHILDREN.

BY DR. ARNOLD RYPPERDA WIERDSMA, HOLLAND, PHYSICIAN OF THE REFORM SCHOOL AT NIMEGUE.

Between feeble-minded and normal children there is now a recognized classification of the backward, who are put into separate classes, or into separate institutions. The backward child is frequently found among juvenile criminals. Whether they should be kept by themselves depends on the question whether they are to receive special instruction only or a general education. The motto of the auxiliary (Hilfsschulen) schools in Germany is "Very little, but that little good." That applies well to normal children, but the abnormal child, and the backward child, do not need to learn as much as the normal child. There must be special training for the special classes. Deaf children in Rotterdam are not kept in a boarding school. They are boarded in private families, because a special school does not give them the practical social education that they need. The difficulties with the feeble-minded are even greater. The backward child must above all things have what may be called

social education. Without improvement in their social actions they are lost. The backward child may not read or write or speak correctly, and one is not angry with him, because it is known that he is not normal; but if he steals, society will never excuse him, even though it knows that he is not normal. From the social point of view there is no choice; criminal tendencies must be restrained.

Feeble-mindedness in a child shows itself in the intellectual domain; in the moral domain it may be seen in the class, at work and at play. Our reform school often has charge of boys whose minds are not equal to much of an education, but they are so susceptible of moral training that they may meet their social demands, as for example in the modest work of a farm servant. There are others whose work in the class-room is good enough, but who inspire little faith in their future. It is very difficult to judge the moral qualities of young people, for at that age even the conduct of normal boys leaves something to be desired. There are normal men of good lives who at the egocentric age of puberty were irritable, selfish and showed such propensities as to make one fear cerebral trouble. One must, however, persevere in individual and firm instruction and discipline, with courage and optimism. Many of these seemingly abnormal children should be treated from the beginning in such a way that we require of them what society will require of them later.

In all reform schools there are abnormal youth. It should be the duty of those institutions to educate as many of the backward with the normal as possible; at the same time close attention should be given to the psychological condition of the abnormal so that there shall be no injury to the other pupils from association with them. There should be enough employes, so that when necessary auxiliary classes are needed they may be formed.

If it should be deemed best to have special institutions for the backward they should be selected with great care. The "Hilfsschule" might serve as examples, where children are removed only after two years' trial have proved their incapacity to profit by general instruction. Teachers have said that when

a backward boy is removed from an ordinary reform school they doubt if he can ever be expected to be a social being. The boy himself feels this. It is the turning point in his life; let us carefully recognize this.

INSTITUTIONS FOR ABNORMAL CHILDREN.

BY JUDGE JULES LE CLEC'H, MORLAIX, FRANCE.

On an examination of the divers causes of physical and moral degeneration it may be said that alcoholism is the chief. The child comes to the world marked from birth with this indelible stamp and is thrown into an environment that intensifies the tendency toward evil. Is it not possible to turn aside this evil tendency? Where children are concerned there is always hope, but in the modern struggle for existence there is little mercy for those who by their very nature are disarmed. It is however because we have been inspired with the hope of prevention that classes for backward children have been added to the elementary public schools. Unfortunately that is not enough, for it is these abnormal children who manifest dangerous moral tendencies. One may perhaps do something, but it is too much to expect that they can greatly diminish the number of crimes committed by children of sixteen, and even less, which are absolutely brutal. The necessity of establishing separate institutions for these abnormal children may be looked at in two ways.

First, from the point of self-preservation on the part of society. The being who yesterday was only a poor idiot worthy of our deep pity, may tomorrow be a monster, the author of an odious crime, or of a tragedy which overwhelms us with its horrors. That is why society has the right to preserve itself from these latent instincts to perversity in these abnormal children.

Second, from a humane point of view these unfortunate children must be properly cared for and it is much easier to do that when they are kept apart from other children more favored by nature.

What are we to understand by an abnormal child with dangerous moral tendencies? According to our opinion any minor

of sixteen, backward, feeble-minded, who has tried to commit any crime, in whom there has been noticed any tendency toward vice or vagabondage. Vagabondage, that is habitually absenting himself from his own home, from school, from the factory, or the workshop, is the first step which a child takes on the road to crime. The conditions in which the child has been living should be learned; his antecedents, his habits, his aptitudes, should be studied, by persons of ripe judgment and experience who are ready to do this as a public duty. And further we believe the problem insoluble where there are not juvenile courts. Where this happy institution exists there will be of course special judges familiar with all the questions concerning children, who will decide their fate, after physical and mental examination made by experts.

Such institutions as we suggest ought to be medico-pedagogical, where children shall be placed as young as possible. Thanks to modern medical science certain forms of degeneration may be lessened, such as scrofula, rickets, etc. Then teachers chosen with great care, women for the little ones, will try by education and by affectionate care, to develop the minds and souls of these unfortunate children. At least it may be possible to instill the love and habit of manual work. In any case they will make the lives of these children less miserable.

SPECIAL INSTITUTIONS FOR CHILDREN WITH DANGEROUS MORAL TENDENCIES.

BY J. CHR. HAGEN, DIRECTOR OF THE REFORM SCHOOL, FALSTAD, NORWAY.

Any one who has had close relations with these children will have found that they may be divided into three groups:

1. Children with bad manners and habits and an obstinate disposition, coming from bad training, over-indulgence, etc.
2. Children whose feeling and will have violent abnormal oscillations periodically, or who are inert and apathetic, the result of inherited or acquired morbidity.
3. Children who are actually insane.

The second of these groups is the one which furnishes the chief contingent in reform schools. If we look over the lists of recidivists, for whom the reform school has been in vain, you will find that in general they belong to this class. Measures have not heretofore been adopted looking to the best treatment of these children. A physician should always be on the board to decide as to their care, a physician having sufficient psychiatric knowledge. By their lack of equilibrium in feeling, intelligence and will power, it is evident these children require special treatment. One cannot call them sick, but neither are they sound. Their place is neither in the insane asylum nor in the institution for the feeble-minded. But even if their nature is such that it must be feared they will not live in peace with the rest of the world, still they are not subjects fit for the ordinary reform school, whose discipline they sadly interfere with. They are always on a war-footing with the other inmates of such institutions and have an injurious influence on them.

In Norway, as in other countries, special attention has been called to this class of children within recent years, and a committee has prepared a report as to the best way of dealing with these morally abandoned children. This committee proposed, among other things, that the state should make a larger allowance to the different localities to establish special correctional schools, in accordance with the law of 1896, for children who are truants from other schools, and to place them under the daily oversight of a psychiatrist, so that these schools may serve as places of observation. By the aid of experts, who would visit the institution, the best treatment could then be devised for those needing special care. The committee proposed having a special section for them annexed to an existing institution. As to the limit of age they proposed the eighth year. Some such plan as this would free the ordinary institutions from a great cross in caring for these abnormal children.

As to disciplinary methods, of course these children must be kept with a firm rein, but it is equally sure that ordinary methods cannot be used, especially corporal punishment or shutting up in a cell. The Danish criminalist, Goll, said character-

istically, "I have whipped with rods probably two hundred of these vagabonds when they were small, and it was the least effective of all punishments. In fact, 50.5 per cent. became recidivists, something that no other punishment would show."

For violent attacks of naughtiness, serious wrong-doing, etc., there must be other measures, in accordance with medical advice. Their treatment must be medico-pedagogical.

As I have said, the Norwegians have thought of making a special section as an annex to some existing institution, from motives of economy, but the task of such a section is such that it seems to me a special institution is required. I would therefore recommend that there should be special institutions for abnormal children who show dangerous moral tendencies.

SPECIAL INSTITUTIONS FOR CHILDREN WITH DANGEROUS MORAL TENDENCIES.

BY DR. DECROLY, DIRECTOR OF THE SPECIAL INSTITUTION FOR INSTRUCTION, BRUSSELS, AND NIKO GUNZBERG, ADVOCATE, ANTWERP, BELGIUM.

Reasons for a special institution for abnormal children—(backward, feeble-minded): A. Relative to the child himself; B. Relative to the environment.

A. (1) Mental inferiority disposes the child to commit wrong acts or to be an accomplice in them.

(2) His judgment, his will, his resistance to suggestion are insufficient to curb the solicitations of his instincts or to prevent his yielding to the temptations offered by his environment.

B. (1) The parents are often neuropathics, degenerates or feeble-minded and are consequently incapable of guiding the child.

(2) In the ordinary school it is not possible to reach these children: the time is too short, the children too numerous, the schooling not individual enough.

(3) The mocking, scoffing attitude of schoolmates, the encouragement to do wrong, etc., stifle the social instincts of the child and increase his growing anti-social feelings.

(4) The difficulties that these children find in securing remunerative employment corresponding to their age and ability makes life hard for them.

(5) The infinite dangers of a great city, where surveillance is difficult, and temptations many, and bad example frequent, explain why measures to remove them from the great centers are necessary.

(6) On the other hand, these abnormal children are a great source of sorrow, care, shame and dishonor in their families.

When several of these reasons are joined the removal of the child is indicated in his own interest, and to secure as soon as possible the prophylactic treatment which such an institution as proposed has to offer.

Law must be invoked to establish such institutions and to give authority to place the children in them. Such laws have been passed in some of the states in the United States. There should also be guardian societies supported by private funds. Private initiative aided by subsidies can accomplish marvels.

The procedure in dealing with such children should be simple. The competence of the court should not be simply repressive. Along with the judges there should be physicians and pedagogues. The spirit of the children's court of Illinois, established in 1899, and since then in other states, seems to be excellent for this purpose.

The court may take charge of other children, not delinquent, who show dangerous moral tendencies, at the request of the public minister, of the police, of the father, mother or guardian.

After investigation the court should put the case at the disposal of the government.

A Belgian law permits juveniles to the age of eighteen, to be placed till the age of twenty-one, in a state institution. The same law permits conditional liberation.

When the parents are suitable persons the child may be entrusted to them for care; if not to other guardians carefully selected. Private institutions can render great service in caring for this class of children.

In organizing special schools for these abnormal children the first consideration should be to have them as much like homes as possible. We could not have great buildings with large numbers of children. They should be in small groups. The management of each little home should be confided to married people, preferably without children, who have a special preparation for the work. They should not number more than from ten to twenty, according to age and peculiarities. In some groups they may be of different ages and of both sexes. The older ones will care for the younger, under competent surveillance, looking after the possibility of bad example. Their training should fit them to support themselves by manual labor. The establishment should be in the country, where the work requires little skill and is healthful. Surveillance is also easier in the country.

FEEBLE-MINDED CHILDREN WITH DANGEROUS TENDENCIES.

BY HENRY H. GODDARD, DIRECTOR OF PSYCHOLOGICAL RESEARCH,
TRAINING SCHOOL FOR FEEBLE-MINDED, VINELAND, N. J.

An institution for the harmlessly feeble-minded cannot well adapt itself to children criminally inclined, but the real question to be decided is, Under what plan are the best results to be obtained? The feeble-minded child with criminal tendencies is a child that has become arrested at just that stage in its development when those instincts that lead to what we call criminal acts are strong and before his higher faculties which would tend to control those instincts have been developed. Had his arrest taken place a little earlier he would not have been a thief or a liar because those instincts would not have manifested themselves. On the other hand, had he been arrested in his development a little later he would not have been considered a feeble-minded child with criminal tendencies, because he would have had mind enough to control those tendencies, although he had not enough to enable him to take care of himself in the

world. It is an illusion that leads people to think these children are normally intelligent.

Facts seem to show that at the age of nine, or about that time, the instincts that lead to criminal acts develop. Self-control, will power and judgment have not yet developed. If they are placed in institutions early enough and carefully trained, many a child gets past the danger period in spite of his lack of judgment and his mental defect.

We see then the importance of considering whether this special group should be segregated. Is it not just possible that the feeble-minded with criminal tendencies need the presence and society of the other children who do not have these tendencies? The feeble-minded with criminal tendencies differ from the others by the mere chance of the time when the arrest of development has taken place. This is not a sufficient reason for segregating them in separate institutions. Are they injurious to the others? No. They never endanger life more than so-called normal persons do. Sexually they are troublesome, but the sexes would have to be watched in any institution. They steal and they lie. That also compels watching. Would they be better in an institution by themselves? It is difficult to imagine it. The problem is vastly more than an administrative one. It is a fundamental principle that the different grades need each other. They understand each other far better than we understand them. There are no teachers so good as feeble-minded teachers along certain lines. The child with the criminal tendencies needs the feeble-minded child of higher grade than he is who has outgrown these tendencies, that he may have his example, his precepts, for there is more or less precept passing from the higher grade to the lower. He needs the lower grades that he, in some things at least, may see his own superiority. This is a point too little appreciated. Many troublesome children, even those with criminal tendency, are brought up to a higher plane by making them feel the responsibility of guarding a lower grade child from the very errors into which they have fallen. Without the possibility of doing this the moral development of the children would be impeded.

My conclusion is that we do not need separate institutions nor even separate departments in the institutions we have. The feeble-minded within their own group constitute a perfect human society. Break it up and we destroy stability and moral tone. We must use our superior intelligence to provide an environment for them where they can endanger neither themselves nor others. They must not marry nor reproduce their kind. They must not endanger life; they must not destroy property beyond reasonable limits. But they must live their life and they must have all the human and social influences that can come to them. All segregation by smaller groups than the main one of the feeble-minded violates this principle at every point.

ABNORMAL CHILDREN WITH VICIOUS PROPENSITIES.

BY PAUL NEANDER, DIRECTOR OF THE BOUKAVICHNIKOFF ASYLUM,
MOSCOW, RUSSIA.

In answer to the question whether there should be special asylums for abnormal children with dangerous moral tendencies, I should certainly reply in the affirmative. The more asylums there are for these abnormal and vicious children the better will be their chances for a little sunshine in their lives, and the more hope for making relatively moral and useful beings of them. For the lowest types—idiots, cretins, advanced epileptics—there should of course be special institutions, as there are for the blind, the mute, the crippled, for often these miserable beings are exploited by criminal mendicancy, and lead a pitiful existence in the great cities.

Whether these special asylums should be parts of existing institutions is a secondary question.

Many of these children who are arrested for unlawful acts are not responsible, and if they are placed in institutions with other children they are disturbers of the peace and may even be dangerous. Special institutions of this kind offer an unlimited field for psychological study. They should be in close relation

with different types of correctional institutions, so that, if need be, the children can be transferred from one to the other.

It seems needless to add that the country is the best place for them, or at least the quiet suburbs of a city.

BACKWARD CHILDREN.

BY DR. GEORGES PAUL-BONCOUR, HEAD PHYSICIAN IN MEDICO-PEDAGOGIC INSTITUTION AT VITRY.

The mentality of the backward child is clearly distinguished from that of the idiot or the imbecile. The idiot, at the foot of the ladder, has only a vegetative life, showing a change of nerve centers, so that he can neither comprehend the thought of others nor express his own. The imbecile, whose mentality is not so poor as the idiot's, can communicate with his fellows by speech, but it is imperfect. He can not use his knowledge because he can not express his thoughts in writing, nor comprehend what he reads. The backward child more nearly resembles the normal child, but his faculties are not developed like those of the normal child at the same age. He is not devoid of intelligence, only less intelligent. There is a delay in mental development. It may not affect all of his faculties, so that in some cases the backwardness escapes a superficial examination. Backward children may be divided into several categories: (a) with character normal or neutral; (b) with unstable character; (c) with impulsive character; (d) with apathetic or asthenic character.

The first are generally gentle, affectionate and obedient. The second are restless, impatient, irritable, obstinate, selfish and hard to manage. At home and at school they are a constant source of trouble, and they easily become vagabonds. The third class give free rein to their desires and passions and commit all sorts of acts of violence. The last class find any sort of action fatiguing and they follow the law of least resistance. Their inertia saves them from the acts which the impulsive backward child would commit.

The first will do well if properly guarded, and if they do not fall into bad comradeship. That is not true of the second class. They have no moral resistance and they have no mental power to resist wrong-doing. Unless watched they fall victims to alcohol, to immorality and vice.

Whatever the type of backward child they are inferior to the normal child. The treatment to which they should be submitted is that for all psychic abnormals: medical, since they are physically unsound; educational, in special classes, for they can not profit by ordinary pedagogic methods. It is this double treatment which is known as medico-pedagogic. The first condition is that the backward child should be removed from his habitual environment and placed in an institution. If the expense is not to be considered there should be special institutions established for them. If that is impossible they should be associated with insane asylums or reform schools. In a general way the education of the backward who are not perverts is like that for other psychic abnormals. Between the backward boy who "has a bone to pick" with the police officer and the one who is reputed honest, the barrier is very slight. Backward individuals in the great majority of cases manifest more or less dangerous tendencies. The mothers recognize this and constantly beg to have something done with their children before they shall become bad boys. Many countries have special classes for backward children, but that is of absolutely no avail for the delinquent backward. A day school can not meet the needs of these children, who must have their evil tendencies uprooted and good moral habits instilled. Special education for such children must have some boarding schools.

I would reply then to the question asked: It is useless to create institutions specially destined for backward children with dangerous tendencies, but it is urgent that there should be special instruction of psychic abnormals organized in conformity with their biologic and social needs. Schools with provision for day pupils and for boarders should be established.

VAGRANT CHILDREN.

BY F. GROSSEN, DIRECTOR OF THE CORRECTIONAL SCHOOL, BERNE,
SWITZERLAND.

In the brief space here allowed only the principal causes of idleness and vagrancy (truancy) in children and the most suitable remedies can be sketched.

One of the chief causes of the demoralization of children is the overcrowded tenement, with the lack of air, of light and the danger to morality. This crowded tenement house life, which has been brought about by industrial pressure, is a real foe to humane culture, to morals and to health. From this sort of habitation the children are crowded out upon the streets, where they run still further moral peril. Vicious surroundings are the principal cause of moral degeneration in children and youth, and consequently the source of crime.

Another frequent cause of the unhappy condition of family life is that, as the result of changed economic conditions, the mother is taken from her home and her children to follow some industry. In many a place there are no longer mothers, nor educators, nor protectors of childhood in the home, for these women are compelled to work for the support of their families. The family is thus broken up and the children are morally abandoned and fall into idleness and vice. I do not hesitate to say that the increase in juvenile crime bears a direct relation to the fact that so many married women work in factories and that the children are not properly cared for and watched over.

Schooling is an excellent means of improving morals, but it loses its good effect if the rest of the time the child is in a bad environment. The public authorities ought to energetically combat the habit of children roving about the streets.

The evil is still greater when the demon of alcohol, the thirst for luxuries and sensuality, unfit the parents to care for their children and to bring them up properly.

The reports of educational institutions for reform show that the great majority of juvenile delinquents come from cities

which are industrial centers. In the institution which I superintend 74 per cent of the inmates come from the city, where before their entrance they had led idle, roving lives. In reformatory institutions one learns to know the sad results of idleness in youth. If, on the one hand, philanthropy ought to protest against the premature exploitation of child labor in factories and shops, on the other hand it cannot be denied that idleness is the pernicious foe to all normal development.

The means which I should propose to combat the evils of idleness and vagabondage in children would be:

1. Withdrawal of the paternal rights when the parents show themselves unworthy or incapable of bringing up their children properly and the appointment of a guardian who should take charge of the morally abandoned child and be responsible for his training till the child is of age. If the guardian is animated by love for the child he will be able to exercise a great influence over him. He would be of special aid in looking after illegitimate children, the most of all to be pitied, and would be a help to their mothers. He should try to find the fathers of these illegitimate children and see that they pay something regularly toward their support and education.

2. The establishment of day nurseries and guardian schools. These are of great help in caring for children whose parents must go out to work. In Berne, for example, twelve such institutions show what a demand there is for this sort of help. In replacing the family they keep the children off from the streets with its pernicious influences.

3. Placing morally abandoned children in good families or in industrial schools in the country. The farmer has work for people of all ages. Children can learn to work in the country in a way that will insure them employment when they are older. The young girl can aid in the house and learn to cook, the care of poultry and of the house, while the boys will learn the work of the stable, the fields and the woods. With nourishing food and milk instead of alcohol, and with suitable work they soon feel like members of the household and are looked on by the farmer as his own children. By thus securing young, strong

recruits the work of farming will itself be better for this method.

Children who prefer some other occupation ought to have a chance to follow their tastes, and they should be apprenticed till majority.

The task of the institution is to train those who are more or less degenerate, who have bad habits, and to strengthen their characters and instil habits of order and industry by teaching and by example, so that on leaving the children will lead an honest, regular life. In the institutions there should be proper attention paid to work, rest, food, dress, hygiene; with such treatment many a child who had seemed idle and disobedient has overcome his reluctance to work and has learned to be obedient and industrious, thanks to the regular life which reigned in the institution. It goes without saying that they should exist only for special cases, for after all the family training is the best for a child.

The work of guardians and of schools should be inspected and reports made to the authorities.

One cannot tell in advance what such methods would cost, but there is no work for the state or for the people of so great importance as looking after the welfare of childhood.

4. Among other things that must be done is the placing of vicious parents in workhouses or homes for the intemperate, fighting against alcoholism and lack of employment; in general raising the economic and moral plane of the people by educating childhood, by social legislation and by humanitarian efforts. By public and private cooperation one will surely prevent the causes of the neglect of children and will effectively do away with juvenile delinquency.

CHILDREN BORN OUT OF WEDLOCK.

BY PAUL NEANDER, MOSCOW, RUSSIA.

Children born out of wedlock ought, without any restriction, to benefit by anything that the state can do for them or that it would do for any abandoned and needy child. Certain special measures, such as compelling the father to pay an amount fixed

for the support and education of the child would certainly contribute much to the material comfort of the little one. But nothing but the moral influence of a society becoming more humane and more Christian can give these girl mothers courage to keep their children instead of abandoning them to charity or leaving them on the street. A protectorate of childhood could do excellent service here, as elsewhere, in protecting these fatherless, and sometimes motherless, children from the cruelty of their comrades and of their masters. The foundling homes ought to watch over them more carefully and follow them out into their hard life. Schools, workshops and employment of different kinds ought to be connected with these asylums that the little orphans may learn to lead an honest and useful life. It was the Empress Catherine II, of Russia, who was the first to declare that these unhappy children were not guilty of their birth and that it was too cruel to make them suffer for the sins of their parents. It was she who, in founding these orphanages, ordered that there should always be a basket with warm wraps, ready day and night, to receive foundlings and that the guards should not show themselves and never ask the least question of those who placed the babies in the basket, which was drawn inside through an opening in the door. This method has been exchanged for declarations, papers, the payment of charges, etc., things that hinder the saving of the lives of the children. It is evident that some other way must be adopted to save as many as possible. As for legislation, it can at least make all children equal before the law, born during marriage out of wedlock, under all conditions, especially in the matter of inheritance. It is the duty of society to relieve the sufferings of these defenseless, innocent children. Perhaps then we may ask legislation to give special protection to those whose natural protectors have abandoned them. Until then two things should be required: equality before the law, and charity on the part of man.

CHILDREN BORN OUT OF WEDLOCK.

BY GUSTAVE CORREVEON, MEMBER OF THE TRIBUNAL, LAUSANNE.

The special object of this report is to report to the members of the Congress recent legislation in Switzerland with reference to penal law. Switzerland has a population of about 3,500,000, with no fewer than twenty-five different civil legislative bodies, one for each canton or demi-canton. Since 1870 there has been a movement to unify civil and penal laws. In 1907 by unanimous vote a civil code was adopted for the whole country, which goes into effect in 1912. I will speak only of that part of the code which refers to the education of children and relative to the fathers and rights of illegitimate children.

Within recent years the idea has grown that the state cannot respect the rights of the father of a family if he abuses his privileges or gives a bad education to his children. The state has a great interest in having well educated and trained children. Many countries permit unworthy parents to be deprived of their rights over their children that the children may be brought up under the protection of the state.

As to children born out of wedlock the question arises whether, as is the case in some countries, there should be no inquiry as to the fathers of such children. It is true that such search develops scandals and is a pretext for hush-money being demanded, but it seems to me that the advantages outweigh the disadvantages and that women ought to be no longer the victims of their seducers. As for the children it is needless to point out the grave consequences to them of being deprived of the help of a father. As to the mother, though many unmarried mothers are devoted to their children, yet too often they abandon them because, as the father is allowed to go scot-free, they see no way of bringing the children up and supporting them. It is only too well known that illegitimate children in proportion to legitimate children furnish a very dangerous element to society. In France, where the inquiry as to the paternity of the child is not required, the courts have laid down the principle that the unmarried

mother may bring an action against the father of her child on the principle that whoever damages another must make reparation. There is a proposed law which will permit the search for paternity in that country.

Concerning the education of children, in Switzerland the code gives the parents the right to correct their children and to demand their obedience and respect, but they must give them a suitable education and professional instruction according to their abilities. Any child above 16 is to have religious freedom, liberty to choose his own confession. If the parents do not fulfill their duties the authorities have power to take measures to protect the child and to place him in an institution, or a selected family. If the child is disobedient and obstinate the parents may call upon the state to train him, but in that case they must bear the expense if they are able, otherwise the support comes on the canton. If the parents are unworthy the child may be taken from them. All the regulations with relation to children apply to illegitimate as well as to legitimate children.

The new code introduces the search for the paternity of children born out of wedlock in all Switzerland. It was remarkable that there was no dissenting voice. The code provides for either the voluntary recognition of the natural child on the part of the father or the right to sue on the part of the mother and child. It does not go so far as to declare the paternity unless there has been promise of marriage. The paternity cannot be declared if the father was already married. If the suit is only on financial grounds the child takes the name and follows the conditions of the mother. If it is for recognition of paternity the child takes the father's name and condition. Marriage between the father and mother legitimizes the child. The child has all the rights on its mother's side as if it were legitimate, even to the rights of inheritance. If the paternity is certain or highly probable, either from voluntary recognition, or if there has been promise of marriage, the code recognizes a natural filial relation between father and child, and the child bears the same relation to the father's family as to his mother's, except that it can inherit but half as much as the legitimate child. That is the only

difference in Swiss law between natural and legitimate children. This humanitarian work owes much to Professor Huber of the University of Berne. These ideas may be thought too revolutionary by some, but I do not share these fears. I believe they will meet the wishes of the Swiss people.

ILLEGITIMATE CHILDREN.

BY HENRI JOLY, HONORARY PRESIDENT PRISON SOCIETY, PARIS.

A child can demand the intervention of the public for its care when it is evidently badly used by the adults who have accepted the charge of caring for it, or who should have accepted such charge. An illegitimate child may be brought up in an irreproachable manner by its mother if she does not abandon it, or by its father if he acknowledges it as his. On the other hand, a legitimate child may be abandoned, maltreated, driven into wrongdoing by its own parents. And it must not be forgotten that besides children born out of wedlock there are others *thrown* out of wedlock, out of the family, through divorce. The same dangers may confront each of these classes of children.

Society has every interest in encouraging marriage and the family. In the total population of France there are eight illegitimate children to the hundred. In the population of reform schools they form 14 per cent of the boys and 19 per cent of the girls. There is reason to regret the indifference which puts on the same footing the free union and the legal union, and which in certain cases gives the same aid to the concubine as to the legal wife, but when a juvenile commits an act contrary to the law it is that act which calls for the attention of society, whatever the antecedents of those who brought him into the world. Whether a juvenile offender be a natural child or a legitimate one, he is treated only according to the common law.

The minor child is not alone responsible for his act, and that must be remembered in giving him his liberty. It is clear that in releasing him it is easier to give him back to his legal family than to an unmarried mother, living alone, without the protection of a husband, or to a father and a mother living together,

to be sure, but with a legal right to separate next day. But in choosing measures for these children the judge must follow for all the common law.

The lawmaker will not go wrong if he takes measures to make it more difficult for the father to abandon his natural child, if he will see that there is an equitable treatment of seduction, and that promises of marriage are observed and that one who assumes certain relations shall be held to his responsibility.

It is to the common law that one must appeal to see that guardianship is provided for every child without legal parents or having them no longer. The unacknowledged natural child is in a particularly dangerous position. It is well known that illegitimate children who were not acknowledged during their earlier years, when they reach fifteen or sixteen become suddenly the objects of attention and apparent solicitude from those who claim them with a desire to exercise paternal authority over them. It has been often enough seen that this is only to secure the labor of the young boy or the young girl. The mere affirmation of a man or a woman who were missing when there was a duty to fulfill and who reappear only to claim a right, is not to be accepted without sufficient guaranty. The formation of a court of guardians would permit such tardy claims to be investigated and submitted to the judicial authorities. That would be but one of the advantages of the establishment of such an association of guardians as the friends of neglected children have long pleaded for.

ILLEGITIMATE CHILDREN.

BY DR. ARTHUR CHARLES SZILAGYI, BUDAPEST.

The illegitimate child is inferior to the legitimate in more than one sense. As the mother must fight for its life as well as her own, usually under unfavorable circumstances, the child is not physically up to the standard. This means that it is less able to resist disease; consequently the mortality among such children is greater. When grown it is restricted in the choice of a career,

is not so well-fitted for military service, and, from the social point of view, is in danger of becoming a criminal. On the other hand, as women can now earn their own living in so many ways, there is a decrease in the number of marriages and an increase in the number of illegitimate children. This means a loss to the state, and this question, therefore, is of interest to the whole civilized world, how to equalize the difference between these children.

After giving certain facts about the Hungarian code and statistics showing the increase of illegitimate births in Hungary, the writer condenses his paper as follows:

The proportion of illegitimate children born in cities is larger than elsewhere. The number depends less on the degree of morality of a people than on the matrimonial régime.

Almost half of the natural births that are legitimized are made legal before the age of two. After the age of 14 it is very rare.

Half of the women who marry after having had an illegitimate child marry some other man than the father of the child.

The number of births as a whole decreases; that of illegitimate children increases.

In civilized countries the number of marriages is decreasing and divorces increase more rapidly than the population. In the greater number of these cases it is the woman who applies for the divorce.

The mortality among illegitimate children is greater than among legitimate children. There are more stillborn infants born out of wedlock than in marriage. In villages and small communities the circumstances are worse for illegitimate children. In the cities conditions are better, but even there children born out of wedlock run greater dangers than the offspring of legitimate marriage.

A third of the mothers of illegitimate children are in domestic service, a fourth are laborers and a fourth have some industrial profession.

In Hungary the mothers of illegitimate children are younger than legitimate mothers.

Among the measures to meet this condition of things are three:

I. To safeguard the rights and interests of children born out of wedlock there must be legislative measures: 1. The legal condition of children born out of wedlock should be regulated so as to eliminate completely the difference which now exists between children born in marriage and out of marriage, with reference to the mother and the maternal branch and to reduce to the minimum all that pertains to the natural father and his relatives. 2. The obligation of support imposed on the natural father should be considered as having its origin in the ties of blood, etc. 3. The legal condition of a natural child which has been acknowledged by the natural father should conform to the legal condition of the legitimate child. 4. Every child materially or morally abandoned should have the right to have the state act *in loco parentis* and such a child should be supported and educated up to the age of eighteen if necessary. 5. These measures are to be also a protection to the mother. Three weeks before the birth of the child and three weeks after, the woman should not work and the contract for her labor should make that arrangement, her pay not to cease. The period may be prolonged if necessary, when the employer need not be expected to pay for that extra time. While waiting for legislative action private and religious societies should look after maternal cases more carefully.

II. The procedure should be simplified so that the natural father may more easily acknowledge his natural child, or adopt him.

III. Legislative and administrative measures ought to result in more intense social propaganda. Leagues for the protection of childhood and maternity should extend their action in this direction. Another reform should be that the nursing child should nurse the mother instead of being fed artificially. To make this possible aid must be given to the mother in different ways, by gratuitous medical advice, by confinement in a free maternity hospital, etc.

THE CLASSIFICATION OF PRISONERS.

BY A. BERLET, PRESIDENT OF THE TRIBUNAL OF PONT-AUDEMER,
FRANCE.

The essential principle in classification of convicts is that there should be separation according to age, the young to be kept apart from adults. Then comes the important division according to the nature of the crime or misdemeanors, a difficult separation to make in small prisons. The greatest difficulty in dealing with minors is to know the age up to which they are susceptible of amendment. It seems impossible to fix that in advance. French law fixes it at eighteen, but one too often finds hardened criminals between sixteen and eighteen. It has been determined, therefore, to keep minors apart up to sixteen. The larger the number of divisions of juvenile offenders the easier it will be to reform them. Of course they are kept apart in their cells at night. But how keep them apart when they work by day in common, especially in agricultural colonies, where emulation in work must be stimulated? They can at least be worked in squads and under sufficient oversight.

What is to be done with minors between the ages of sixteen and eighteen? We can think of no other punishment than sending them either to the reform school, the agricultural colony, or the reformatory. As to corporal punishment, which has been restored in some countries, as in Denmark, it may terrify and intimidate, but it does not reform. One should not have recourse to it except in case of necessity, and in the case of children, only for the gravest faults denoting absolute wickedness or bestiality.

Finally, provided minors above sixteen are not to be kept with younger children the same treatment should be applied to both classes. Both must learn the habit of work, lacking which they have tried to satisfy their desires by stealing and by acts of violence. We are hoping great things from the apprentice schools which are being established everywhere. The apprentice who gets a thorough knowledge of a trade, or perhaps two, will no longer commit crime to get his living. The unfortunate youth

who has not received such training, but who has fallen into vice and crime, should receive it in reformatory institutions. There is no more imperative duty for society.

Unfortunately for boys and girls between sixteen and eighteen there is not time to thoroughly learn a trade in prison, no matter how close the instruction. It would be desirable to prolong their terms of confinement till they are trained. They should be sentenced till penal majority (the age of twenty in France), which may be abridged by conditional liberation.

THE CLASSIFICATION OF CRIMINALS.

BY GIUSTINO DE SANCTIS, INSPECTOR-GENERAL OF PRISONS, ITALY.

There should be at least four divisions of criminals: 1, juvenile delinquents up to the age of 16. These should not be sentenced, but should have good reformatory education, with the best means available. 2. Those between 16 and 20. 3. Young men between 20 and 25. 4. Those above 25. I would like to recall here what my eminent and lamented friend, S. J. Barrows—to whose memory I would bear respectful homage—said on the subject of juvenile delinquents at the Congress in Brussels: that we must recognize the fact that the division is absolutely arbitrary, for there are persons of thirty who are really minors in all that concerns intellectual and moral development.

If the indeterminate sentence were once admitted it must have certain characteristics: imprisonment must be long enough for the full application of these reformatory methods; and it must be associated with conditional liberation.

If it seemed best to divide the term into four periods they would be as follows: 1. During the first period the convict would be submitted to the restrictions and severity of discipline, and compulsory education. 2. In the second period the discipline would be lessened, the educational work continuing as strict as before. The minimum limit would expire in these periods. 3. In this period the convict would come more or less in contact with free people, perhaps by working with them, entrusting him a few

hours a day to responsible masons, or other reliable workers, surrounded with all the guaranties possible. 4. The period of conditional liberation, under surveillance for a time.

The duration of these periods should be fixed by a commission composed of the director of the prison, the judicial authority, and the president of the guardian society, or the society for the aid of discharged prisoners.

I would have different buildings for these different classes, each of these divided into three sections, which should serve for the three stages of the sentence.

Juveniles under 16 should not be subject to a penalty. They should be sent to reform schools or to farm colonies. The vision of one of these farms comes to me. I see it in a wide extent of green meadows under a shining sun, where harvests ripen and fruits abound; where bees are humming and domestic animals graze, and the industrious silkworm winds its precious cocoon. There our proteges scattered about in different cottages gain health and strength of body while their inner life is made better by work and instruction. Each cottage would have not more than twenty inmates, with a head of the family. Separated during the week days, these families would come together on Sunday in the chapel under the cross of Christ to have their souls revived with the word of truth and love, and where hymns of love and praise should be upon their lips. These young people should have recreation and games, athletics and sports; on holidays they should be taken to picture galleries and evenings they should reassemble in their little homes in peace and tranquility.

Over the entrance to such an establishment should be the legend: Reformation and Social Security by Education.

I would like to see such reform schools in all countries and scattered throughout my beloved Italy as flourishing as those of free America, and I believe that day will come. We are making progress in Italy in this direction. We have new prisons and we shall shortly have improved prison administration. All this admirable work is very gratifying to us, and our gratitude is due to that wise man so fertile in excellent ideas, who has accomplished so much, Alexandro Doria.

THE BORSTAL SYSTEM.

BY JAMES S. GIBBONS, PRESIDENT OF THE IRISH PRISON SYSTEM.

The Borstal system of treating criminals between the ages of 16 and 21—so named because first used in the English prison of Borstal—was introduced into Ireland in 1906, certain prisons having been set apart and arranged for youthful criminals. This system is not intended for first offenders, but for those below 21 who have shown that they are specially depraved. The law permits taking proper subjects for this treatment from other prisons and placing them at Clonmel. The imprisonment may not be less than one nor more than three years, but the prisoner may be held till he is 23. The inmates of the Borstal institutions are subject to general prison regulations, except where specially modified, the rules being a little less rigorous. The inmates are taught trades. They work together; they have physical exercise and take walks. They have a well-selected library; they can write letters and receive frequent visits; they have better food and may earn more gratifications than the ordinary prisoner. When they reach the grade called "special" they receive a small sum of money which they may expend for food or send to their friends. They have some social life in a recreation hall. Their cells are better furnished and they may be liberated, by special favor, after six months' detention. A "Borstal Association" or society to aid prisoners, helps them to return to life outside under good influences. It looks after their earnings and sees that they are used properly. Up to December 31, 1910, there had been 115 inmates of the Borstal institution at Clonmel. Of the whole number 81 were liberated, 72 by expiration of sentence, 9 by commutation and 3 were transferred to other prisons.

The inmates learn carpentry, gardening, laundry work, painting, shoemaking, tailoring and housework in general. They have made some chairs, tables and other things for use in the prison. Much attention is paid to religious teaching and many good books are read aloud to them. The conduct in the recrea-

tion hall is very good. Most of those who have been released have thus far continued to do well. Some have been returned for other crimes or misdemeanors.

THE RÔLE OF PUNISHMENT.

BY GEORGE VIDAL, PROFESSOR OF PENAL LAW, TOULOUSE, FRANCE.

Mr. Vidal sums up his long paper as follows :

1. Special reformatory institutions should be established for the reform and education of juvenile delinquents of both sexes between the ages of 18 and 25. They should be entirely separate from institutions for minors between the ages of 16 and 18, and from the prisons to which are condemned adults over 25.

2. To these institutions should be sent juvenile delinquents, whether recidivists or not, provided the number and character of their previous offenses do not make them seem incorrigible.

3. The reformatory imprisonment should begin with a period of observation in a separate cell, both by day and by night, lasting a variable time, according to the antecedents of the individual. Work after the Sloyd system should be furnished.

4. After the expiration of the period of observation the convict should be subjected to a graded system of education, physical, intellectual, moral, religious and professional. He should be able to rise according to marks for good conduct and application, being degraded to lower classes in case of misconduct or negligence.

5. The duration of imprisonment may be abridged by good time.

6. Before the expiration of the sentence, if enough good conduct warrants it, the convict may have conditional liberty under a probation officer.

7. The period of confinement should be at least a year, save for the lessening of good time. The time should be extended for recidivists.

8. Every convict who is not on the roll of those reformed should have his sentence increased not to exceed a fifth of the original sentence; except for recidivists whose increase may be

double that of others. At the same time the unreformed convict may escape this supplementary increase of sentence by giving bonds for good behavior for two years after his liberation. This guaranty could be given by a guardian society or a probation officer.

9. Guardian societies should watch over the reformed convicts and assist them in finding places and work.

10. The public police record against the convict may be conditionally erased as a reward for good conduct, by favor of the penal authorities.

11. Delinquents whose antecedents inspire confidence in their promise to do well may be released under the surveillance of guardian societies or probation officers, either conditionally or on suspended sentence.

THE MODERN PENITENTIARY SYSTEM.

BY FERNANDO CADALSO, INSPECTOR-GENERAL OF PRISONS, MADRID, SPAIN.

1. To fix the essential principles and the method to be followed in a modern reformatory penitentiary system, it is necessary to make a distinction between accused and convicted prisoners, to take account of age, conduct, previous penalties, education, social condition, etc.

2. The accused, as well as the convicted, should be in separate confinement and isolated from others, though in relation with such persons as would have a good influence over them. Within the limits of the régime the life should be in conformity with the rules of health and there should be compulsory education and voluntary work and religious exercise. They should have all the rights compatible with the discipline of the establishment.

3. They should be held in different prisons: a, the convicted above sixty years of age; b, the incorrigible; c, political and anarchistic offenders, each category having a special system of treatment according to the personal conditions of each group. The system for the sexagenarians should be protective; for the incorrigibles, severe discipline; for the others, prudent restraint.

4. For those condemned to severe sentences not belonging to the preceding groups, there should be transportation to places remote from the scene of the offence, if the nation has such places; if not, to prisons maintained for this class. The principle of intimidation should be applied to them. They may be employed in works of colonization in undeveloped countries.

5. For convicts above twenty-five the reformatory system may be applied, the discipline being made more or less severe according to the conduct, this to be ascertained by a system of marks.

6. Minors should be placed in reform schools for as long a time as is necessary to secure their reformation. The treatment of minors should always be pedagogical.

7. Juveniles between 16 and 23 should be held in separate institutions, the treatment to be repressive or reformatory, according to the character of the convict.

8. All should be held till they give evidence of amendment.

9. The officials in these institutions should be capable, well fitted for their work, and permanent.

10. The architecture of the different institutions will vary according to the class of prisoners. The preventive prison should be built with provision for entire separation. In the others a section should be for a period of separation. In the congregate prisons there should be cells for sleeping and the workshops, chapels, schools, etc., should be in size adapted to each class of inmates, with constant regard to health and safety.

11. Conditional liberation should be granted to all classes, but especially to juvenile delinquents and those under 23, when their conduct justifies it. In granting this liberty the prison officials and the judge, or the court that pronounced the sentence, should give the necessary facts and permission should be granted by the government of each respective country.

12. Protective societies should help to keep the prisoner when released from recidivism, and propose to the government his recall if conduct after release warrants such action.

Such, in brief, are the conclusions which I have the honor and the pleasure of submitting.

ADOLESCENT CRIMINALS AND RECIDIVISTS.

BY A. LÉBOUCQ, DIRECTOR OF THE CENTRAL PRISON, GAND, BELGIUM.

To employ the time of imprisonment in teaching the principles of honesty, a way of living in conformity with the law, to watch the progress of the prisoner after his release and to aid him, according to his deserts, to put in practice what he has learned in prison, this is the modern penitentiary method. This is the system applied in Belgium to all convicts over the age of 18 who are sentenced to more than three months' imprisonment. It comprises cellular confinement by day and by night, compulsory labor, moral and intellectual instruction, notions of hygiene, of thrift, etc. It includes classification in grades, with promotion for good conduct and on release the assistance of committees of guardianship. Objectively the end sought is the prevention of recidivism, for the protection of society. Subjectively it is a means of reforming the convict, who is taught how to meet the conditions of existence, to his advantage.

It is the part of justice to inflict penalties in accordance with the gravity of the crime. The increase of the penalty by prolonging the imprisonment is legitimate in treating recidivists who are a constant danger to society. The penalty inflicted on a man is not with the mere object of reforming him; it is to remind him and to remind society that any act contrary to the laws which regulate the social and economic organization, calls for punishment. The question of reformation then does not enter into the determination of the length of incarceration. The reformation of adult criminals is very infrequent. Reformation is only the result of a change in the individual who learns to appreciate the harm of his criminal ways. It may come quickly to some, more slowly to another and not at all to others. Still this method should be applied to all of whatever age, for reformation should be the ideal of the institution.

The method of dealing with criminals between the ages of 16 and 21 is different. Here one may ask whether the prisoner should be held beyond the end of his sentence for the sake of reformation. The principle of continuing the moral education

and training of the convict beyond the limit assigned by his sentence, until reformation, was first applied in the United States about 1875. In Belgium the law of November 27, 1891, accepted the same principle. Minors under eighteen can be kept till they are of age, 21, if they have been committed for vagabondage. Those of the same age who have been found guilty of breaking the law after they have served the sentence prescribed may, if the court so decides, be held till they are 21. The law of 1897 determines that minors under 16, if guilty of misdemeanors punishable by eight days, or less, imprisonment, shall not be sentenced, even if there is a repetition of an offense, but may be held under the oversight of the government till they are of age.

In the prison at Gand there are two sections in the special division for these cases. In one they suffer the penalty and in the other the system of education is carried on. They receive book instruction and are taught a trade. The trades are blacksmithing, carpentering, shoemaking, brushmaking, tailoring, tinsmithing, bookbinding. As the establishment has no land, gardening and farming can not be taught. They receive a small sum of money a day for their work, enough to give them a desire to work and to show its value. This is held for them till their majority. They live together by day, but are isolated at night. Recreation consists in compulsory walking in the courts. On Sundays they have military drill. There are also musical recreations, vocal and instrumental, the pupils belonging to a band and to a chorus. Few are kept till their majority. They are provisionally liberated, either to return to their families or to be apprenticed. The average length of confinement is two years. Too long confinement destroys the initiative and weakens the will and there is always the danger of corruption from the worst element. Reform institutions for young delinquents have their advocates and those who object to them. But with strict discipline, the careful study of the individual, and thorough classification a satisfactory result is generally obtained. Statistics of the prisons show that only from six to eight per cent. of the convicts have ever been in reform schools.

SPECIAL PENALTIES.

BY MR. BRUECK-FABER, OF THE PENITENTIARY ESTABLISHMENTS OF
THE LUXEMBOURG.

A penalty to be effective should result in the reformation of the offender. The necessary means to reach that result depend on the degree of intensity of the vicious tendencies. Those tendencies must be atrophied and replaced by tendencies toward virtue.

Prison life considered as a preparation for the ordinary social life should be adapted as much as possible to the latter. In free society the groupings of individuals are made up of persons of all ages and all temperaments. The impetuosity of youth is tempered by the self-control of the mature; anger is modified by apathy, etc. In a word they modify each other. We are here in the presence of a psycho-physiologic phenomenon which seems to have been neglected as an element of reform in prison life. In classifying criminals similarity of age or character ought not to be the ground for classifying, but we should follow rather the example of the ordinary social life. And as in society the anti-social are eliminated in pursuance of penal legislation, so in prison recidivists deemed dangerous should be eliminated from the groups and they should be isolated so long as they are a menace through their influence. If the numerical grouping has as a maximum but 20 in a group it will be easy for the administration to organize the groups so as to meet the functions of discipline. These groupings cannot be permanent since periodic changes are necessary by way of discipline.

Besides the reformatory element in the treatment of prisoners there is an expiatory element that should be considered and which may be regarded as a special measure. Suppose there were two robbers, one of whom had used skill, the other revolting brutality. The public conscience demands more severe treatment for the latter. The reformatory treatment can make no distinction between them, but the following method may be adopted. Every year; on the anniversary of the crime, or of the

chief crime if there have been several, the convict is to be put under a rigid régime consisting of absolute isolation, with material privation, diminution of food, no work, no visits, no recreations, a hard bed, etc. This régime should last at least three days, without exception, and should go up to three months according to the brutality manifested. The duration for the first year should be fixed by the court. After that it should be decided by the prison administration, according to the conduct of the prisoner.

If a convict does not amend his ways before the expiration of his sentence there should be a prolongation of imprisonment.

I have the honor to submit the following propositions:

1. For mixed prisons the maximum group of convicts should be 20; there should be no distinction of age or character; the incorrigible should be isolated to prevent antisocial contagion; there should be separation by partitions in the schoolroom and in chapel.

2. For mixed and cellular prisons, there should be psychic methods according to a program adapted to free society; as a special penitentiary method there should be the use of psychic means and the repetition of written exercises that the thoughts inculcated may make more impression. If at the end of his term the convict has not reformed there should be supplementary sequestration. In case of amendment before the expiration of the sentence an earlier release is justified.

CONDITIONAL LIBERATION.

BY GASTON LIEGEOIS, EXAMINING MAGISTRATE, EPINAL.

Up to the present time more attention has been paid to the moral side of the convict released on probation than to the economic side. Yet it is on this side, very likely, that he has committed the crime that has brought him to prison. Poverty, loss of work, extravagance, some such cause has been at the bottom of his fall. That the same causes should not produce the same effects again, the economic life of the convict should be regu-

lated. It is because this has seemed to me of prime importance that in 1901-2 I organized the Society of Patronage of Evreux. Since 1908 we have used a form of contract with the convicts which has produced good results. The contract binds the convict to accept work with a given person and to allow that employer to hold back a certain per cent of the wages, in part for the support of the family of the convict and in part to be held as a reserve fund for justifiable expenses, or to be used in times when work may cease. Failure to keep the contract is followed by a fine of ten francs deducted from the money in the hands of the employer, to be used by the Patronage Society for the benefit of men out of work.

It is arranged that if there be no trustworthy wife in the family that the money shall be entrusted to some other person who will expend it for the children or any other person dependent on the wages of the convict. One of the main objects of this arrangement—to leave a large part of the earnings in the hands of the employer—is that the man may have little to expend at the wine-shop, for but a small amount of pocket money is given to him from his wages. The fine is to prevent vagabondage, for a man who likes to shift his work too often will hesitate about giving up a place if he must forfeit ten francs.

This system imposes some work on the employer, but there has been such a lack of hands in France that many farmers are glad to take the extra trouble for the sake of getting men to work for them who are likely to stay with them for a while.

The liquor dealers, on the other hand, help on this reform by declining to give credit to men who have not all of their wages to spend as they please.

There may be some objections to the plans which are being tried, but thus far they have seemed to have good results, and perhaps the men who are liberated under such conditions may so amend their lives that they will desire to remain thrifty and honest. And the method may prove once more that next to bread the first need of a nation is education.

CONDITIONAL LIBERATION.

BY M. BERENGER, PRESIDENT OF THE PRISON SOCIETY, PARIS.

We shall confine ourselves here to a consideration of the French law and the amendments that might be made to it.

The law of 1885, which established conditional liberation for adults, prescribes disciplinary régime in prisons, based on the daily report of conduct and work of the convicts, with the idea of reforming them and preparing them for conditional liberation.

The law provides that anyone who is not recognized as a legal recidivist may be conditionally released after three months if the sentence was for six months; otherwise after the expiration of half his sentence. If he is a legal recidivist he must serve two-thirds of his sentence. He may be recalled after such release in case of habitual and public misconduct duly proved, or by breaking any of the rules and conditions subject to which he was released. Release is absolute at the time of the expiration of the sentence if the person has not been recalled.

The authority to release conditionally or to recall, rests with the Minister of the Interior through the prison administration.

In the case of revocation of the release the rest of the unexpired term must be served in prison.

Those who are conditionally released are under the surveillance of the public administration, which may confide them to a society or to guardian institutions. In that case the society receives ten cents a day for each one conditionally released for the time that his sentence would last, unless that allowance exceeds one hundred francs.

A law of 1904 makes these conditions applicable to army and navy convicts.

This law has worked well and there has been little fault found with it except that too many are liberated under it. These criticisms are baseless, as figures will show. During the last five years that it has been in operation the number of those conditionally released is only one in a hundred of those sentenced, and the number returned is but two in a hundred, while the

recidivists of the other convicts is more than forty per cent. Far from having increased crime, as has been feared, it is the most efficient curb to recidivism, and it is desirable that even more convicts should be conditionally freed.

However, is the law susceptible of amendment? Assuredly in three points.

It is optional with the court to grant conditional release, but the original intention was that there should be a marking system and that no one should be liberated without having the minimum number of points required. But the administration thus far has declared that to be impracticable in French penitentiaries. It certainly is desirable that some substitute, then, should be found to guard against arbitrary decisions.

Another criticism is that the necessity of consulting with so many—the magistrate, the police department in the home of the convict, etc.—makes so much delay that the system can not easily be applied to persons with short sentences. This requirement might be repealed.

A more serious difficulty follows from that part of the law which allows recall for infraction of the special conditions given in the permission for release. The administration may thus forbid a person to stay in a certain place when his sentence made no such interdiction. A list of places forbidden to discharged convicts has been drawn up. At first it was confined to the city of Paris and the suburbs, or to the neighborhood of Lyons, where it was deemed dangerous for public safety to have convicts assemble, but little by little that has been extended. A large number of other cities, rural villages and even whole departments have claimed the favor of being exempt and have obtained it, so that now at least fifty of the chief cities and great industrial centers, three of the departments and all of Algeria and Tunis are on the list. It is easy to see how such a state of things interferes with a convict conditionally released when he is looking for work. The law which made it possible for a man to go out and work, if he deserved to, thus creates a serious obstacle to his reformation, for it is only by securing work that he can be kept from falling again into crime. A bill has been presented to parliament to correct this.

ANTICIPATIVE LIBERATION.

BY MR. BRUECK-FABER, LUXEMBOURG.

Anticipative liberation has two phases: one, preparatory, in prison; the other probationary, at liberty. During the first, good conduct in prison determines the provisional release; good social conduct outside determines definite release. The question is how to decide the merit of the conduct. In principle, rewards, as a means of stimulation, are tempting, but in practice there are serious objections. In the first place it is easy to be deceived. A convict may owe his distinction to pretense employed simply to gain favor. The other convicts, who are better judges, under the circumstances, consider the decision unjust and lose their confidence in the justice of the administration. Other convicts who really deserve the distinction, but who do not reveal their inner life sufficiently, are treated unjustly and are inwardly rebellious. Finally a mark of distinction once given is regarded as a possession which cannot easily be taken away. The only favor desirable would seem to be to soften the regime of the anniversary of expiation, supposing that exceptional method of discipline (which I have had the honor to propose) should be accepted. I suggest, therefore, that no documentary evidence ("notes" or "tickets for good conduct") should be used to mark the moral standing of the convict.

As to the period of probation previous to final release, three questions arise: 1. To whom shall we confide the control of the released convict? 2. How long should the stage of probation last? 3. What should be the method of surveillance?

It would seem to be of advantage to have the control in the penitentiary department, as it would keep it from the action of the police, which is humiliating to the well-intending man who is released on probation.

The time of transition between temporary and permanent release should be long enough to establish a habit of good conduct. A period of five years has been secured by us by interruption of the sentence, without the intervention of the legislature.

After an experience of ten years this has been found to be sufficient.

Reports should, at first, be made every month, in writing, and later as often as it should be deemed wise. The authorities should always have some method of verifying these reports.

The surveillance could be broken by the authorities if it seemed best.

CONDITIONAL LIBERATION.

BY AXEL SMEDAL, DIRECTOR OF THE CENTRAL PRISON, AKERSHUS.
CHRISTIANIA.

Conditional liberation is a new thing for Norwegian legislation. It dates only from October 15, 1900, for prisons, and from August 1, 1907, for the workhouse. Convicts in the prison are eligible to conditional liberation after the expiration of two-thirds of their sentence, or six months at least. The condition of release, of police supervision, of place of sojourn, are regulated in each individual case according to the requirements of law. The law differs from that of some countries, inasmuch as conditional liberation is made an integral part of the sentence and not a special act of grace. It cannot be refused arbitrarily, and it applies also to recidivists, because, as the commission that studied the matter, said: The most important advantage to be derived from this system is that through conditional liberation weak, criminal, natures unaccustomed to liberty, may thus profit by this mode of transition from life within to life without the prison walls. They are the very ones who most need the support that this system can give, and any arrangement that may be established which would not afford this aid to this class must be considered unsatisfactory.

Accordingly when the law was revised in 1903 it was provided that any convict who had served six months at least, or two thirds of his sentence, might be conditionally released if he had conformed to the requirements.

If a released convict commits another crime, or breaks the condition of his parole, he may be re-incarcerated for the remain-

der of his term. If he observes these conditions and is not arrested during three years after conditional release he may be definitely free. If a man has been released conditionally after serving a sentence of twenty years he may be definitely released after ten years.

Unsatisfactory conduct in prison may make a prisoner ineligible to conditional release, and such release is forbidden if it appears that the prisoner will not earn his own living in an honorable manner outside.

Although the regulations do not expressly state it, a man who has been conditionally released is no longer eligible to such release after another sentence. For that reason the per cent. of such liberations is growing less, but about 40 per cent. of the prisoners released are conditionally freed.

On release the convict has to inform the police of his residence and any change of residence. The police are expected to do everything possible to prevent recidivism. Surveillance in the strict sense can be entrusted to guardianship societies. Mothers who have been convicted of taking the life of a new-born child, when conditionally released, may be exempt from police supervision.

If a man breaks his parol he must be warned by the police. If that produces no effect the police reports him to the minister of justice, who decides whether the man shall be reimprisoned or not.

As Norway sets so many men free on probation there are of course, more re-arrests than in countries where there is more restriction in granting this freedom, but thus far it has not seemed best to modify the existing state of things. From April, 1902, to the end of March, 1904, there were released 966 persons, 605 of whom were conditionally released, the other 361 having been released at the expiration of sentence. A comparison between the two groups shows little difference in quality. An examination since, with reference to recidivism, shows that there was much less recidivism among those released on probation than among those definitely released. Of the 344 who finished the three years without re-arrest there remained an average of

seven and a half months per prisoner which they would otherwise have had to spend in prison.

From the workhouse the inmates are conditionally released after serving half their sentence, after having earned a certain amount, which is fixed by the rules, and when they are willing to accept work that is found for them.

In order to have conditional release of real value the prisoner should be well known before he leaves the prison. Papers from his family should be secured, and they should, if best, be brought in touch with him. The season of the year should be considered in releasing men and outside coöperation in looking after them should be secured, through societies or by private individuals. Work should be found, if possible, not day laborer's, but a trade, if it can be, certainly for young offenders. For old men residence for a time in a farm colony is a good thing, and for prostitutes in an asylum for women. From there it is not difficult to find places for them in good families.

In his efforts to lead an honest, industrious life the man conditionally liberated will find little help from legislative prescriptions, no matter how good they are, if he is not received outside by people with good sense, patience, worthy of confidence, and skillful in helping him to help himself.

As to the duration of the period of probation, three years seems a long time to those whose term is nearly expired. There should be some way of favoring those whose conduct is good. As to place of residence that may be arranged in different ways for special cases, but it is objectionable to grant conditional liberation that a man may emigrate. That is dangerous for the convict as well as for society.

CONDITIONAL LIBERATION.

BY DR. A. D. H. FOCKEMA ANDREAE, HOLLAND.

In Holland a prisoner must have served three-fourths of his sentence, with a minimum of three years, before he can be conditionally liberated. The number of those who can have the benefits of a law of conditional liberation is therefore limited. It is

felt that it is a favor which should be extended only to the best prisoners, but really it is a method of treatment which should be applied, not to the best, but to those who on re-entering society need support and supervision to keep them from falling again into crime. The fact that we require the deciding opinion of the public minister, in addition to that of the court which rendered the sentence, is another obstacle to the success of the method of granting conditional release. This is done apparently with the idea of securing the safety of the public, but it is a mistake. Whether a man is fit to be conditionally released should be decided by those who know him personally. The public minister will judge rather from the crime committed than from the personality of the man. Again, the public minister would hardly recommend a recidivist for conditional liberation, yet for the recidivist it might be the most salutary mode of treatment. We assert boldly that the public minister is incompetent to render such decisions, and his action should be eliminated in deciding from the lists presented which prisoners should be allowed conditional release. No one should be released who is not likely to lead an honest and industrious life, and the prison administration is the one to decide that. That is the case in several states in America, where it is not deemed necessary that the governor should decide as to the liberation of a convict conditionally. I recognize that this imposes a great responsibility on prison commissions and authorities, but who would venture to say that they would fail in their duty?

It is of great importance in granting provisional liberation to know the surroundings into which a man will fall, whether he will have work, whether he will act in an antisocial way. Such are some of the things that must be decided in considering whether a man shall be released. Some of these matters, in Holland, are left to the local police, though one rarely expects the police to find them work. That is left rather to the friends of the convict. Many a time this is exceedingly difficult, and one of the needs of this work is a ramification of societies for finding work and good boarding places for discharged convicts. Such associations could make the reports as to the life and behavior of the convict during release.

As to whether the time spent outside in freedom under these conditions should be considered a part of the period of detention I will not discuss. According to my ideas I think the answer should be in the affirmative. Each case should be decided by itself, with relation to age, sex, degree of education, family relations, ability to work, etc.

As to surveillance, in Holland and in most European countries, it is exercised exclusively by the police, but the police are not the best guardians for a prisoner returning to society, and such surveillance rather retards than hastens the best transition of the prisoner into the world outside. The two things necessary for the best supervision,—control and moral support,—are antagonistic in police supervision. The police are not created for this task. With us, as only the best prisoners are released, the police have comparatively little control to exercise over them, and their friends lend them moral support so that they do not fall back into crime. The best control over a man on parole is the feeling that one has confidence in him, and this control can best be exercised by an association whose members should seriously set themselves to reclaim released prisoners. Such control as that would best meet the end of conditional liberation. Let us see how such an association could be formed. It would be divided into local branches and the branch where the convict would find employment on release would be charged with his supervision and would report on him at least once a month to the prison administration. Such societies of guardianship have made a success in other countries.

I may make another suggestion, that indicated by Fuchs in a remarkable essay, and that is that there should be an affiliation of such societies in different countries, so that if a convict, after his release, should wish to go to some other country he might have the aid of such associations.

The duration of conditional liberation is a year, as a rule. That is sufficient. Experience shows that if there is a relapse into crime it is usually within a year. Some would make it two years. I should like to see conditional liberation applied to those sentenced for short terms also. The term of release should be for a year.

AMENDMENTS TO THE SYSTEM OF CONDITIONAL LIBERATION.

BY M. W. MITTERMAIER, PROFESSOR IN THE UNIVERSITY OF GIESSEN,
GERMANY.

Several objects may be attained by conditional liberation, and it will be established in a different way according as the emphasis is laid on one or another of these objects. It may make the sentence short and effective; it may improve the discipline of the prison. It may help the convict to reform, to accustom himself to a life of freedom, and it permits the guidance of the weak. These are the things that seem to me the most important.

Conditional liberation is now granted in several countries, having been adopted in the following order: England, 1853; Canada, 1899; Aargau, 1868; Servia, 1869; Germany, 1870; Zurich, 1870; Lucerne, 1871; Zug, 1871; Mexico, 1871; Tessin, 1873; Denmark, 1873; Neuchatel, 1873; Croatia, 1875; Vaud, 1875; Hungary, 1878; Japan, 1880; Holland, 1881; Schwyz, 1881; France, 1885; Soleure, 1885; Bosnia, 1887; Belgium, 1888; Italy, 1889; Finland, 1889; Uruguay, 1889; Brazil, 1890; Portugal, 1893; Bulgaria, 1896; Egypt, 1897; Norway, 1900; Sweden, 1906. Almost all of the states of the United States since about 1890.

The laws differ greatly. In most of these countries it is exceptionally granted. In France it is granted, however, to 25 per cent. of the convicts, in Norway to 40 per cent. and in England to nearly all.

That conditional liberation may be of the greatest value it should constitute an integral part of the penal law and be applied according to strict regulations and should be regarded as a necessary part of the sentence. As a special measure it has no great value. It is applicable to all kinds of misdemeanors and to all classes of criminals, even those sentenced for life, recidivists and confirmed criminals. Indeed it is of great importance for the last because it allows surveillance to be exercised over them after they leave the prison. It may be applied in all sentences for over a year. It is a mistake to limit it to severe sen-

tences, as in England to "penal servitude," or to long-term sentences. A year of imprisonment makes enough impression on a convict to permit of conditional liberation. For shorter sentences than a year the good-time laws might be applied.

The conditions should be: That the convict should have served two-thirds or three-fourths of his sentence; that he has no longer need of severity of discipline. It is just those who have not been absolutely perfect in confinement whose will should be strengthened by trial outside. The law should embody the principles involved, without laying down too many details of the manner of carrying it out: That should be left to the officials. Provisional liberation is not the reward for good conduct in prison, which may be hypocritical, but the best effect on the convict is to be considered. A previous knowledge of the soul of the convict is not necessary. The conditional freedom will reveal that.

It should not be granted because the convict consents to it or asks for it; it should be granted only when the authorities deem it best for him. I venture to say that it is not necessary to require the assurance of work and a home in advance. These details must be left to the authorities.

The authority to determine when provisional liberation may be granted should be the same that fixed the sentence. The convict must feel that he receives complete and full justice.

According to my idea, conditional liberation is a part of the carrying out of the sentence, and in the acceptance of this view three things are to be considered: the length of time of probation; the conditions of surveillance, and the revocability of the measure.

It is a mistake to make the period simply equal to the remainder of the time of the sentence. If the period of probation is too short it is of little value. The duration need not be the same in all cases; it should be fixed individually. It should last at least two years; that should be the minimum. Nor should it be too long. The main thing is that the convict should show that he is fitted to live a life of freedom. It is well to fix the maximum at the time of conditional liberation, with the understanding that good conduct may shorten the period. I should propose

a maximum of three years, or if the minimum is more than two years, one year more than that. No man should be kept too long under surveillance.

It is a mistake to impose too many conditions. All that should be demanded is a well-regulated life. For this there can be no fixed rule. Many a law contains fine phrases about this, but the administration is often very bad. One can only say that the surveillance should aid the liberated convict as a friend would aid him. When carried out with intelligence and with psychological knowledge, the proper way will easily be found. The police are incompetent for this task as are the voluntary members of guardian societies. They have not the necessary knowledge. The state should have its own officers for this work, after the manner of the American probation officers. It is difficult enough to watch over children; it is much more difficult to exercise surveillance over adults. It requires prudence, tact, patience, energy, and when necessary, severity. The officer must also be in constant touch with penal institutions. It goes without saying that he must act in such a way as not to have his actions known, and yet they must be felt. He must know when to demand visits from the convict; he must be in relations with the employer and he must be ready to call, if need be, on the police, but one thing he must never forget that he must have constant knowledge of the conduct of the convict.

As to revoking the leave. Conditional liberation is sometimes revoked for the slightest cause, as for instance, failure to report. That is absurd. Under such a system a man whose conduct had been exemplary through the whole period might at the last moment break some rule by which he would be reimprisoned till the expiration of his sentence. There should be reincarceration only when it is proved that the character of the ex-convict demands it. Here, again, the authorities should have "free elbows" and the convict himself should have the right to appeal to a higher court if necessary.

Finally, the study of the subject of conditional liberation offers the conviction that the measure can be a success only when it is applied as part of the execution of the sentence and under the same regulations which surround that.

FIRST OFFENDERS AND PROBATION.

BY A. STOPPATO, PROFESSOR OF PENAL LAW, UNIVERSITY OF BOLOGNA.

The program of questions demands not the statement of principles, but the results obtained in different countries, of the application of legislative measures for first offenders. Statistics alone can not give these results. Though the data may be accurate there must be in addition an investigation of a moral and sociological nature. I shall confine myself to a consideration of the character of conditional liberation and the manner in which it has been regulated and applied in Italy.

The evolution of the idea of penalty has not yet reached the last limit of progress, but it is approaching it by the acceptance by legislation of principles, like that of conditional liberation, which confirm anew the principle maintained by César Beccaria that the essence of the penal system should be placed within the limits of a legitimate defense, and that one of the checks to crime should not be the cruelty of punishment, but the certainty of its application.

The principle that punishment in its application should look to the moral improvement of the culprit is of social importance and the mitigation of penalties for certain offenders and making it sharper for habitual criminals, is a truly social duty. It is certain, long experience has demonstrated it, that short sentences, applied without distinction to juvenile delinquents and first offenders, for certain kinds of misdemeanors, have not always produced good results either as measures of prevention or repression. As preventive measures they fail to deter from crime because they do not take away the hope of escaping with impunity, which is the great incentive to wrong-doing. As repressive measures they do not impress the one who submits to them in such a way that he is more disposed to yield to social requirements. A law has only a theoretic value unless it is for social advantage.

The problem may be divided into two parts. On one side, that which concerns juvenile offenders, the victory seems won

for the principle that in dealing with them it is not a question of a true penalty, but measures of discipline, and education, through the intervention of special courts, and institutions of a social and beneficent character. It is to be desired that there should be an even wider substitution of educative for repressive measures for these cases. The triumph of modern social ideas will be reached when the day comes when minors shall be entirely exempt from the action of penal codes and brought under a régime which shall have no appearance of punishment. For minors I believe we should not speak of conditional sentences, but that the efforts of legislators and philanthropists should be concentrated in securing extra-penal methods—purely and simply educative.

As to first offenders, or delinquents who are not first offenders, who by their character, their antecedents, and the nature of their crimes awaken no grave apprehension, the attitude of the public toward them should be different. For these in particular reformatory methods are suitable and should be applied according to the different traditions and customs of different countries. There are offenders who may be called criminals of passion, and of occasion, for whom the short sentence may prove effective, especially as a deterrent. In these cases the punishment is personal, if I may so express myself, rather than social. Here the idea of chastisement is of the first importance. But if crime can be prevented without personal suffering that is sufficient, provided the ends of society are met. A principle is just in so far as it is actually necessary. The human application of penalties is necessarily imperfect and for some cases absolutely dangerous, because it is practically difficult, not to say impossible, to so distribute penalties that they are adapted to each particular individual. Now, if the conditional sentence is opportunely applied the feeling of justice and social beneficence which inspire it produce a feeling of gratitude and a feeling of solidarity between the criminal and society. That is the great benefit which may be derived from it, but it must be applied with prudence and humanity, sinning neither by too little or too much. The social task of the judge is a delicate one. He must

be a jurist to determine the objective elements; and a psychologist to appreciate the subjective conditions and a sociologist to have them conform to the environment.

The Italian law of 1904 did not accept the system of the suspension of sentence which was accepted by the legislatures of America, Australia, England and the canton of Neuchatel, but it accepted that of delay in the execution of the sentence after judgment has been passed, which has been accepted in various European countries, Belgium, France, Portugal, Norway, etc. In pronouncing the sentence the judge announces the period during which the execution of the sentence may be suspended. The delay may not be less than that prescribed in the sentence nor more than five years.

This then is the Italian law, which does not differ essentially from others of its type. I think that in Italy, at this juncture and with the present conditions of criminality, it would be imprudent to apply the more accentuated system of suspension of sentence, except for juvenile delinquents. For the class of criminals in our population it would be very dangerous and would be especially difficult because it requires a probation system for which at present there is no suitable organization and no individual initiative.

[Tables follow giving the statistics, for three years, of the number of criminals who have had the benefit of a conditional sentence—about 26 per cent in 1908, a number called by the writer "*vraiment excessive*." There are also tables giving the crimes for which the conditional sentence was given. He continues:]

I, who make a daily study of the judicial life of my country, say that there is danger of perverting this method. Crimes of violence, blood and resistance are the chief crimes in Italy. One must also deplore offenses against order, against the family, theft, swindling, fraud. But in too many cases the conditional sentence has been applied to cases which should meet with prompt, decided and severe treatment. Again the benefit has been applied too largely to persons condemned to imprisonment with hard labor, rather than to those who show less perversity.

One must reckon also the number of recalls. That number is constantly increasing. In 1905, 1,717 persons had the suspended sentence revoked. In 1907 there were 3,142 such revocations.

It is important to see if the number of recidivists has increased during these years, that one may see how the suspended sentence affects recidivism. The number has increased. It can not then be said that the first three years of the application of the suspended sentence has exercised the beneficial effect on recidivism that was expected. That is why I maintain that if beneficent measures are to be considered as the result of a rational development of a penal system, it is equally necessary to maintain the principle of repressive, intimidating and defensive measures, as a means of education and of social protection. I would say that besides benevolent social justice for first offenders there should be rigid and severe measures, with an indeterminate sentence, for habitual criminals, who are a permanent social danger.

The conditional sentence is a measure of social justice which may be used for delinquents whose crimes are less serious, who do not show dangerous tendencies and who have violated the law under conditions that permit indulgence, so that it may be believed that after the admonition of the judge they may be trusted to return to free life and mingle with honest citizens with safety. At the same time social security would be shaken to its foundation if it were believed that every first offender should be excused. It is against this danger that all countries should guard in adopting the suspended sentence as an act of justice.

Conclusions: 1. In Italy up to the present time the conditional sentence has been applied too often to crimes and to delinquents who were not worthy of it.

2. In a great number of cases its application ought to be subordinated to an equitable indemnification and the payment of the cost of the trial.

3. For juvenile delinquents even the conditional sentence should be excluded and every form of penal procedure and measures of moral reform should be substituted for them.

4. Legally the function of the judge ought not to be confined to the consideration of legal objective conditions, but he should by law be compelled to take into consideration the psychology of the criminal, the quality of the offense and the conditions of criminality.

5. The solemn and public admonition of the judge in pronouncing a conditional (*sursis*) sentence ought to be considered as the confirmation of that sentence.

6. It is not necessary to admit suspension of sentence.

7. To benevolent measures admitting delay of executing sentence for first offenders, there should be added severe measures for recidivists and habitual criminals.

SUSPENDED SENTENCE.

BY ROBERT JACOBSEN, ADVOCATE OF THE SUPREME COURT,
CHRISTIANIA.

Suspended sentence was introduced into Norway in 1894.

It applies for cases of fines or short sentences, sentences that would mean six months in the house of detention or three months of imprisonment. The court takes into consideration the nature and gravity of the crime, the circumstances under which it was committed, the age of the offender, his previous record, etc. If it is some time since the crime was committed it is ascertained whether the accused has made reparation, so far as was possible, or showed penitence.

If the person whose sentence was suspended commits crime within three years and is convicted and sentenced the execution of the suspended sentence also goes into effect. If it was an intentional crime, or if the accused has some other sentence than imprisonment, the court will decide whether the first sentence may still be suspended.

When sentence is suspended the judge will at the same time admonish the accused, and if he is under twenty-one will exhort him as he has opportunity. Conditional sentences are subject to appeal.

One of the objects in adopting this method was to avoid the harm that comes from imprisonments for short periods, which are demoralizing. By a conditional sentence the criminal is spared the sojourn in prison, and if for three years he abstains from committing crime it becomes a powerful stimulant to keep in the right path. That is the side which is of the greatest interest.

Norway has statistics to show the results of this method since it went into operation. From the tables we find that the half of those convicted between the ages of 14 and 18 (14 being the age of criminal responsibility) were conditionally sentenced. Of those above eighteen 11.8 per cent. were conditionally sentenced in 1907. The sentence was applied more frequently to women than to men.

As to the effect of conditional sentences data can be given only of those pronounced from 1903 to 1905. During those years 1,152 persons were so sentenced. Out of that number 4 died, 1 was pardoned, 20 failed to make promised reparation and 201 were again under arrest and reconvicted. But a little over 80 per cent. came out successfully during those three years. Some have fallen since then, but it is safe to say that among all who have been under the suspended sentence not more than ten per cent. have become recidivists. Though these statistics cover only a few years, and it is but five years since the law has been in force they would seem to show that conditional condemnation is an efficacious method of preventing crime.

THE EFFECTS OF MODERN PRISON LEGISLATION.

BY AMEDEE MOURRAL, MEMBER OF THE PRISON SOCIETY OF FRANCE.

The law of March 26, 1891, better known as the law of Berenger, was designed to combat recidivism. It allowed suspension of sentence for five years in certain cases, and it organized more severe repression for recidivists. This law was received by the courts at first with certain reserve, but afterward it extended rapidly. It is difficult to state the exact effects of the law, as the

statistics do not give the precise relations between the number of sentences suspended and the revocations. In the district of Rouen, at the expiration of the five years of probation, out of 3,263 persons who had been conditionally sentenced a little more than twenty per cent. had had their suspended sentence revoked, a considerably larger number of men than of women having suffered this revocation. Minors up to the age of 18 made up nearly half of the revocations, and from that age up to 40 there was a lessening of the number, showing that it is when a man is in his prime, intellectually and physically, that the suspended sentence is of most effect. Revocations for slight offences were rare. These figures are not of absolute value, but they are suggestive.

If the law is indulgent towards first offenders it is much more rigorous for the recidivist. It was plain that if the judge was allowed to be lenient to a person condemned for a first offence, which perhaps might have been accidental, he was the more bound to be severe towards those who were deaf to warnings. But it must be confessed that the courts which rapidly appropriated the generous ideas of the first part of the law seem to have quite forgotten the latter part of it. As a proof of this one has but to consult the statistics on recidivism. These will show that the intentions of the legislators have not been carried out. The proportion of recidivists appearing several times a year before the same court, in Rouen, for instance, is identically the same as in 1891, before the passage of the law. One may say that that part of the law is a dead letter. It has not produced the results hoped for by its author.

Since 1885 we have also had conditional liberation, such as exists in several other countries, and in the United States. That springs from the same generous ideas as the Berenger law, but it differs from it in being a recompense for good endeavors. We have no reports as to the results of this law.

For minors special provision is made. The age of penal majority has been raised to 18, and there are committees to look after juvenile criminals, guardian societies, conditional liberation from reform schools, etc. As statistics are silent as to the

age of recidivists it is impossible to say how many of them are minors.

Neither the law of the suspended sentence nor of conditional liberation appears to have had much influence on criminality in France. Doubtless these two laws are excellent in principle and they have ameliorated our penal system, but they ought to be applied with discretion and only to those persons who are worthy of their benefits. But as a corollary severe repression of recidivism is necessary. Suspended sentence should not be applied to sentences to fines. Conditional release should always be accompanied by careful oversight of those released, and those who have been sentenced several times ought not to have its benefits.

CONDITIONAL SENTENCES.

BY MR. BRUECK-FABER, MANAGER OF THE PENITENTIARY ESTABLISHMENTS OF LUXEMBOURG.

I have the honor to present the following propositions :

1. Conditional sentences constitute a penal reform whose usefulness has been confirmed by practice.
2. The period in which a previous sentence may deprive one of the benefit of a suspended sentence should be limited—to five years, for example.
3. Penalties incurred during probation, if they do not entail the recall of the suspended sentence, should increase the period of probation from one to three years.
4. There should be a general exchange of reports of sentences, with the object of securing international control of the period of probation.
5. The benefit of the suspended sentence should be extended to traveling foreigners.

PRISONERS' FAMILIES.

BY ERNEST BERTRAND, PRISON DIRECTOR, NAMUR, BELGIUM.

The practical difficulty in doing anything for the families of prisoners is hard to surmount. Doubtless some palliative measures might be adopted, such as conditional liberation, or allowing the prisoner to follow a productive industry in prison, to aid his family—an expedient full of obstacles. Heaven keep me from discussing here the hackneyed subject of what is to be done with the product of the work of prisoners. They dispute about the poor little earnings as though it concerned a fortune. The cost of the trial, damages, attorney's fees, restitution to the victim—a crowd of demands, each louder than the other, pounce upon this slender quarry, while the family of the convict, to whom first of all he owes support, are forgotten and perhaps die of hunger. As a third thief the prison administration appears, collecting at first hand the last farthing of the culprit, taking to itself the lion's share. Does it do wrong? One dares not say so.

In Belgium the product of the daily handiwork of long term prisons does not exceed fifty centimes and the average cost of each convict, aside from the cost of buildings and superintendence, amounts to the same sum. Taken together the product of the prisons is not over 25 centimes a day, so that if the administration were generous enough to allow the convicts to dispose of a part of their gains it would be necessary that this amount should be tripled. In other European countries the earnings can be reckoned in centimes. Since moral reform was introduced into prisons work has lost its lucrative character almost as much as its penal. The separate system—why not admit it?—will never be a business success.

So, without overlooking the economic improvements of which prison labor is susceptible, it may be said that the state would have to compete with free labor, and brave its protests, if it would make it possible for that labor to support, or even to aid in the support of the prisoners' families.

Shall we dare to say as much about America? Not absolutely. But fine as are the balance-sheets of some American prisons all that they venture to say is that the value of prison labor is not the same in all latitudes. Besides how could a circumscribed industry, hindered by the material difficulties and obstacles of prison environment, compete with free and normal activity outside?

But in the most favorable supposition, admitting that the convict could help in the support of his family during his detention in prison, there would always be the expense incurred between the time of arrest and the first earnings he could give to them, which might be a critical time for a family suddenly left without support from its head. The need of outside help is evident. Where is it to be had if not from a third party? It remains to be decided whether it shall be from the state, public charity, or private relief.

It would not be looked on favorably to see the state taking charge of the families of men who have fallen into crime. That would be to encourage crime, and to do away with one of the barriers that nature has set up in the human heart against it; it would also make other unfortunate families envy the families of criminals. But the wives, the children, the incapable, those who suffer from the crimes of the fathers, who are contaminated by the moral leprosy of the head of the family—does it not add to the cruelty of their fate to leave them to material suffering? We recognize that it takes persons specially adapted to deal with such cases, but such persons are found who carry with them bread for the soul as well as the body. The guardian societies are imbued with the same spirit and they are bringing about a revolution in our country. It is the families, especially the children, of convicts who are attracting their attention and their beneficent aid. Neighboring nations have shown us examples of the same thing.

These societies in Belgium draw their resources in part from private individuals and in part from the treasury of the state. The state which could not ostensibly support the families of delinquents can lend a hand to those who do. It is only an act

of protection to the weak. Certain German societies have changed their object of aiding prisoners, to "aiding the families of prisoners." It would be our desire to more and more see this aid directed to the children of convicts that their future may be looked after.

Directors and prison officers, let us help these enterprises for the public good. We who talk every day to prisoners, who read their correspondence, who receive the petitions and the entreaties of their families, we are in a better position than any one else to learn the real situation and to recognize which are the cases that merit true interest, to report urgent cases and to co-operate with suitable measures. Let us remember that our most distinguished predecessors were not those who considered their work bounded by walls and regulations. If we accept this co-operation it will be a powerful lever for discipline; it will give us moral strength. How could the convict rebel against severity even, if he saw that it led to charity? Let us then make haste to accept the part of intermediary between the inexorable social needs and their unjust consequences.

Thus living in part by its own industry, in part by public or private aid, under the oversight of the guardianship committee, the family of the convict may succeed in weathering, without too much risk and suffering, the storm it must experience in doubling Cape Forlorn.

THE FAMILIES OF PRISONERS.

BY MR. BRUECK-FABER, LUXEMBOURG.

A father is thrown into prison. The poverty-stricken family, with little children and a mother unable to support them, is plunged into misery. Such a family has an incontestable right to public assistance. The question is how best to give it. If the prisoner can help to support them, how shall he do it? Outdoor employment pays best, but I do not approve of it, for his imprisonment has a double purpose, as punishment and to prevent escape. Besides, outdoor work keeps the prisoner exposed to the

public gaze, which is a reason for giving up that idea. If the work is indoor the daily earnings of a convict run from three to ten cents. With us the prisoner can use that for his family, but it is far from sufficient. It keeps the friendly feeling between the man and his own, but does not keep them from suffering. It would not be permissible to give him wages enough by which he could support his family, for his wages must correspond to the work he accomplishes. There is another way: Aid could be given through the prison budget, instead of through the ordinary channels of charity. The state having taken the bread-winner, can do no less than look after his family. Consequently I have the honor to submit the following propositions:

1. The earnings of the prisoner should be employed to assist his needy family.
2. An increase in wages that he may help his family is not permissible.
3. The needy family has a positive right to aid in proportion to its necessities, and it is the duty of the state to see that adequate relief is given to supplement the earnings of the convict.

PRISONERS' FAMILIES.

BY DR. PAUL ANGYAL DE SIKABONY, PROFESSOR OF LAW, HUNGARY.

It is very rare that a person who is sentenced for crime bears alone the consequences that follow it. In the greater number of cases he is one of a group of persons to whom he is more or less closely bound by moral or economic ties and who have certain claims upon him. If the state deprives such a person of his liberty it is evident that other persons must suffer. That is to say, innocent persons may suffer for his offence. They may be ruined morally and fall into the ways of crime themselves. The protection of innocent relatives and the preservation of the family are necessary if only for the good of the condemned. For what is his hope at the expiration of his sentence? He crosses the threshold of his prison filled with the hope of seeing wife and children. He is buoyed up with the best intention as he thinks of his little

cottage, his bit of garden, the familiar objects. But what if the wife has grown cold, or if his parents refuse to receive a criminal son, or the children have become depraved? What if the little garden, the shop, the furniture, have fallen into the sheriff's hands? What happens to the ex-convict? It is not strange that he falls again into crime. On the other hand, if he returns to find his home waiting for him and his family ready to receive him with open arms, there is much more chance for the germs of reform that may have sprung into life having a chance to develop. It is perfectly true that the warmth of the fireside is the best safeguard against a relapse into crime. It is then of vital importance that in sentences depriving a man of liberty the innocent members of his family should be spared as much as possible and that the home should not be broken up.

The first duty of the authorities, then, is to examine into the condition of the accused before pronouncing sentence.

If the families of prisoners are to suffer from the imprisonment of the head of the family there should be some way of aiding them. According to my view, special arrangements are needed for this purpose. What should they be? Are the courts to see that they are carried out, or shall special agents be provided to look after these matters?

Up to the present time the penal law has indirectly worked for the preservation of the family by granting pardons, by conditional liberation and in suspending sentence. These should be extended, always having in mind the preservation of the family. But even if such regulations were extended, they do not meet all cases. Is there then any means when the imprisonment of the head of the family seems inevitable, which would prevent the ruin of the family?

In our opinion there are three legitimate ways of protecting the interests of the innocent members of the family: probation, work on public works and the granting to the family a share of the earnings. Mild sentences known as *arrêts domestiques* are employed in certain parts of Switzerland, Italy, Austria, Spain and in some states of Central and South America. They can be employed only where the time of imprisonment would be under

15 days. The accused would have to work at home for the support of his family, under surveillance. If that were impossible he should be put at the public works.

For sentences of a longer duration than fifteen days of course the accused would have to go to an institution, but there he should be allowed to work at the trade which he has followed, if it can be arranged. A shoemaker, tailor, hatter, furrier, turner, cabinet-maker, watchmaker, bookbinder, could all work in their cells as well as in their homes. They should be allowed to bring their own tools and to have some member of the family act as intermediary in bringing supplies and carrying away the product. The amount earned should go to the family after the maintenance of the prisoner is paid.

The power to employ these methods of probation and the use of public works should rest with the courts. As to the work in the institutions and the payment of the proceeds to the families, that should rest with the authorities of the establishment where the prisoner is confined, and those authorities should act only after all the data concerning the family are in hand.

These methods would help to safeguard the family economically, and would be a means of protecting society from the results of broken and degraded families who have suffered from the fall of the bread-winner.

THE FAMILIES OF PRISONERS.

BY DR. GENNAT, DIRECTOR OF PRISONS, HAMBURG.

It is not philanthropy alone which must deplore the fact that the prisoner's family suffers for his crime. The economist who sees poverty fall on the family when the head of it is taken away deplores the fact that the public must bear the charge of supporting it; and the penologist and sociologist deplore it because they see in this poverty the source of crime. It is urgent to find remedies for this state of things, but it must be confessed that we lack efficient and decisive ways of preventing the evil. Imprisonment alone is not the only thing which affects the family. Imprisonment with hard labor lessens the possibility

of working for the family; and when there is a fine in addition to be worked off, that also reduces the possible income of the family.

1. The most immediate and efficacious means of diminishing criminality would be to set a bound to the threatening vagueness of penal legislation. Too many legislators are anxious to show themselves capable of great things by passing penal threats. Exact statistics of the condemnations of a single year in the German empire would be stupefying.

2. I do not attach much importance to conditional sentences, to limitation of places of residences, etc., but I believe in a reprimand for certain offenses, even for adults, and I sympathize with efforts in relation to reforms as to fines, such as partial payments, or where impossible of payment, changed into work. I plead also for a sentence to work without deprivation of liberty, for the good of the state as well as the individual. The notion of payment should be excluded or the work would lose its character as a penal measure. The more one tries to prevent the economic loss that comes from deprivation of liberty the more one favors corporal punishment, such as the bastinado and castration. At the risk of provoking anew effusions of tenderness and compassion, senseless jests and abusive criticism, I would declare that I consider such punishment justifiable for certain bestial and brutal acts committed by persons inclined to give themselves up to such immoral habits.

3. So long as there must be penalties depriving the prisoner of liberty, as much as possible must be made of his capacity for work. It is impossible that he should earn as much as the free man. We must be satisfied if the convict earns on an average half as much as a man in freedom. If all of his product were used for his family there would still be a deficit. I hold that any extra money that a prisoner may earn should go to the support of his family.

Public charity looks after the poor. It is complemented by private charity in reference to prisoners, by means of guardian societies. These societies should come to the aid of the families of convicts.

Conditional liberation may be granted, or release without condition. The latter would be very exceptional, perhaps when the family has no sort of relation to the crime of the convict and when it is more to the interest of the state that several persons should be economically free than that a single individual should fully expiate his crime. A frequent exercise of pardon would destroy the prestige of the laws and the courts. The state, as the guardian of the penal law, has to do only with the criminal himself. It has not to take account of his family. It is the delinquent, not the state, who is responsible for the distress of the family. I do not doubt that the misery into which he plunged them has had more effect than his remorse for crime, and that it has kept many a man from recidivism. It is well then, in trying to minimize the results on the family of imprisonment of the head of the family, not to lessen these feelings of regret on his part.

The task before us is worthy the solicitude of noble hearts, but it is impossible to find a satisfactory solution, because it is entangled with such a crowd of other questions that it can not be disentangled without violence.

THE FAMILIES OF PRISONERS.

BY J. A. ROUX, PROFESSOR OF LAW IN DIJON, MEMBER OF THE PRISON SOCIETY, PARIS.

When the principle of personal responsibility entered into penal legislation and only the persons actually committing a crime or their accomplices were held guilty, though it freed many innocent persons from the imputation of guilt, yet too little attention was paid to the economic consequences of this method, since it meant imprisonment with all that that entailed to the families of prisoners. The lawmaker seemed to think that he had completed his task if he had freed the family of the convict from the disgrace of crime and if the children were held innocent of their father's delinquency. But the legislator should go further. He should lessen if possible the amount of suffering and

loss falling on the family. It is true that in some measure that was done, since there was no longer the confiscation of the property of the condemned individual, because by taking away all the resources of a family and leaving them in poverty they too might fall into crime. That was a hint of the humanity to be considered in these cases, but it was not enough.

Is there not a feeling at present that the short sentence to imprisonment is abused? In many cases where a fine might be paid the judge sentences to imprisonment. Now imprisonment throws a greater load on the family of a man convicted of crime than the payment of a fine, especially if it may be paid in installments or by having a part of the man's earnings withheld till it is paid. Certainly it is incumbent on lawmakers to find some way to lessen as far as possible the suffering that falls on the family of the condemned.

Another thing that should be done is to see that when both husband and wife are convicted at the same time of different crimes that they should not be punished simultan ously, but that one should be left at the fireside to look after the children and to earn their support. It is dangerous for social security to wholly disorganize a family. It is neither humane nor farseeing to deprive the children of both parents at the same time, to leave them without means of support, to go upon the streets to beg or perhaps do worse. The law should not count on charity to meet such a state of affairs.

The courts again might defer the execution of a sentence for a year or more. It is true that in France and elsewhere there is often a space of time before the execution of a sentence, but that is not the rule and it may always be forbidden. If it were made legal to have imprisonment deferred it would give time for the father or mother of a family to make provision for the little children during their imprisonment and to arrange their affairs for absence. The unmerited sufferings that so often fall on innocent heads might be prevented by such a plan.

Then at the expiration of the sentence there comes the aid from the societies having that in charge. How much that will be depends on circumstances, but it would seem better if instead

of devoting themselves to the prisoner alone such societies would look after his family while he is in detention. Instead of helping him when he leaves prison it would be better to try to lessen the often frightful misery of his children during his incarceration. Better than repeated visits to prisoners and than sermons to which they turn an inattentive ear, would it be to help the wife left penniless and the children lacking bread. Such action would soften the prisoner's hard heart if there were any affection left in it. Many instances have been known of reform being effected through such solicitude for the family.

The question is asked whether there should be special institutions for the children of prisoners. They do exist in certain countries, especially in Italy, where the sons of assassins and other long-term criminals are brought up. Without wishing to discourage philanthropy or denying that such institutions may relieve families in distress, yet one must be reserved in recommending them. On the one hand they would not form such a tie between the prisoner and the aid given to his family as may be formed when the societies for aiding prisoners aid also the children at home, which acts as a lever in helping the prisoner to reform. On the other hand, is it well for the children of criminals to be brought together in this way? Is there not danger that such comradeship might result unhappily? But granting that the work of education and moral training in such institutions were a success is it fair to the child to have to remember all his life that his education was carried on in a home for the children of criminals? Could he ever disembarrass himself of that dishonor? Finally, when there are so many other unfortunate people to help is it quite fair to choose the children of crime? Would not the honest workman, who manages to keep honest in spite of temptation, find fault and say that in order to be helped he must commit crime? Charity loses its beneficent character when it leads to such murmurs. To sum up then the following theses are proposed:

To lighten as much as possible the economic distress resulting from the imprisonment of the head of the family certain things should be done:

- (1) First of all to shun the abuse of imprisonment.
- (2) Prohibit the imprisonment at the same time of husband and wife, sentenced at the same time for different offenses.
- (3) Give to the courts, when there are little children, the power to defer imprisonment for a year.
- (4) Invite societies that look after discharged prisoners to care for the families of convicts while they are in prison.
- (5) In countries where labor is thoroughly organized, advise with *extreme caution* institutions for the schooling of the sons of convicts.

THE TREATMENT OF INTEMPERATE CRIMINALS.

BY DR. E. W. BRANTHWAITE, INSPECTOR UNDER THE INEBRIATES ACTS,
GREAT BRITAIN.

For ten years intemperate criminals and recidivists could be sent to reformatories for a term not exceeding three years, but the law has not been applied as freely as its promoters expected. Since 1898 fifteen reformatories have been established, but three have been given up. Since 1898 the total number sent to these reformatories is 443. Some crime or misdemeanor was charged against all of these, 350 being for ill-treatment of their children; 33 for attempted suicide, and 35 for stealing. A list of fourteen offences is given.

Under the second section of the law any drunkard who has been found guilty of drunkenness three times within a year may be sent to a reformatory for drunkards, though they may not be criminals, if they have violated the sense of decency and public order. This class is made up largely of persons incapable of staying sober, in spite of kind treatment, good advice, imprisonment. They spend their lives in going between the street and the court room. The number of those sent to the reformatories of this class in ten years was 2,589, absurdly few in proportion to those who should have been sent.

The promoters of the law of 1908 had two objects in view: the reformation of the offender, if possible; if not, the protec-

tion of society. The success or failure must be judged according to these objects. The probability of reforming drunkards depends largely on their mental condition. Those of ordinary mental ability are more susceptible to reformatory treatment. According to a scientific classification, making four groups of these intemperate persons, only ten or fifteen per cent. of the third group—those least abnormal mentally—and forty per cent. of those with ordinary mentality, have proved susceptible of amendment. It is extremely difficult to give accurate figures, but there is good reason to believe that twenty per cent. of the whole number of these persons imprisoned for drunkenness have been improved, and perhaps fifteen per cent. learned to abstain and to become useful members of society. When the law is so amended that they may be incarcerated earlier in their career of intemperance, the results will be better. Under present conditions better results cannot be expected.

The success of the law in the way of protecting the public is undoubted. It is a great thing to have been able to clear the streets of this class. A drunkard is a nuisance in a community. He injures others as well as himself. He is prone to crime, to bring his family on to the public for support, and to neglect and abuse his children. The public has a right to protect itself from such evils and his detention in an institution would be justifiable, even without the possibility of amendment. The committee which has made an investigation of the working of the law recommends the continuance of the law and an enlargement of its field.

As to the question whether special medical treatment should be applied for intemperance in these reformatories, after ten years' experience with intemperate criminals and more than thirty years' experience with noncriminal drunkards, I have no confidence in any specific treatment. Like the insane, the intemperate should have individual treatment, and there is no special medical treatment which can cure drunkards any more than there is any one specific that will cure crazy people. Obligatory abstinence through a long period, ordinary medical treatment to restore the health, good food, regular habits, and stimulating the power of the will, these are the things to be sought in treatment.

Anything that will help to strengthen the power of the will will aid. For this education in the advantage of sobriety and the ill-effects of alcoholism, religious exercises, hypnotism, even colored simples labelled "secret, infallible remedy," or any other quackery judiciously applied, may be efficacious, *provided the subject really believes in the efficacy of the remedy. But we know* no remedy, no special treatment of any kind, which so diminishes the desire for drink, and increases the power to resist that desire, as compulsory residence in an institution for drunkards. But the physician of such an institution should be free to choose his treatment. To impose special treatment would be a retrograde and undesirable step.

THE TREATMENT OF CRIMINAL INEBRIATES.

BY DANIEL PHELAN, M. D., SURGEON DOMINION PENITENTIARY,
KINGSTON, CANADA.

Restraint, with abstinence from alcohol and correct diet, are the great factors in the treatment of inebriates. The criminal inebriate is either a criminal from instinct, and his drinking is a symptom of his degeneration, or he is a criminal because of his continual use of spirits, which has destroyed his moral sense and self-control. Both classes should be deprived of liberty and confined in special institutions where military discipline, hygienic supervision and practical work can be employed in their treatment.

Observations seem to show that American criminal inebriates recover more certainly than those born in other lands. Owing to alcoholic indulgence in ancestral lines the foreign-born seem to lack a certain vigor and spirit which makes them more difficult.

Detention for a year would be enough in many cases. A predetermined sentence of two or three years is discouraging. His condition, physical and mental, should be the criterion by which to judge whether a criminal inebriate should be set at large after treatment.

Drinking is frequently a symptom of insanity which manifests itself sometimes after alcohol has been withheld while the person is in detention. Fully 80 per cent of all inebriates are born with defective brains and are descendants of inebriate insane, epileptic or feeble-minded parentage, and at least 70 per cent of crimes are directly or indirectly attributable to alcohol.

Given an institution for the criminal inebriates carried out on these plans, special medical treatment in the penitentiary would not be needed.

THE TREATMENT OF HABITUAL DRUNKARDS.

BY DR. H. B. DONKIN, PRISON COMMISSIONER FOR ENGLAND
AND WALES.

The law of 1898 stipulates that the court cannot condemn a man without sufficient proof that he is a habitual drunkard. The law takes cognizance of two categories of such persons. First, those who are condemned for having committed a crime making them liable to prison or penal servitude. If, in such case the court has proof that the crime was committed under the influence of drink, or that drunkenness was one of the factors, and that the accused was a habitual drunkard, he can be imprisoned in the reformatory for a period not exceeding three years. This may be added to another condemnation or take the place of one.

Second, those who commit a misdemeanor (one of those mentioned in the first article of the law), and who in the twelve months preceding have been arrested at least three times for similar offenses. These, who are known as intemperate recidivists, may be imprisoned for a period, not to exceed three years, in the reformatory. The great majority of those who have been sentenced under this law belong in the second category.

Of all the persons who have been sentenced to these reformatories fully 25 per cent have been released before the expiration of the period, and the license for release has been revoked in a third of those cases. Seven per cent of the whole have been re-sentenced to the reformatories.

It is fair to say that as to reformation the results have not been good. In only a few cases can one say that reformation has taken place. The great majority of those sentenced to the reformatories have been women, and nothing has been spared to improve the physical and moral condition of the inmates. So long as it is inveterate drunkards who are sent to these institutions little advantage can be expected except freeing society from their presence. It is probably true that some deterrent influence has been exercised on others. Allowing for the possibility of other reasons for recalling the permissions for release, it is safe to say that not more than 16 per cent of the total number sent to these reformatories have been sensibly bettered.

As to the second part of the question, whether special medical treatment prescribed. Those who can be cured are the ones squarely in the negative. It is clearly unjustifiable to restrain the free action of the physicians who are attached to these institutions. Intemperance is too complex in its nature and requires too many shades of treatment to have any special medical treatment should be provided by law, the reply should be who are determined to overcome the habit. Personal influence is often very strong in helping men to overcome it. An earnest desire to be cured and faith in the method are often successful without medication.

INTEMPERATE CRIMINALS: HOW THEY ARE TREATED IN IRELAND.

BY J. S. GIBBONS, PRESIDENT OF THE IRISH PRISON COMMISSION.

There are two kinds of reformatories for intemperate criminals, one "certified" and one maintained by the government. The former are established by local authorities or by religious or philanthropic associations, and the expenses are defrayed in part by the state. They are specially designed for those who have been repeatedly arrested for drunkenness. The expenses of the state institutions are met entirely by the state. They are meant for recidivists who have committed serious offences under the in-

fluence of drink. Two certified reformatories have been established in Ireland, one for Roman Catholic men and one for Roman Catholic women, both under religious orders. As the Irish are peculiarly susceptible to religious influences, great hopes are entertained with reference to these attempts to cure inebriacy. A state reformatory for criminal drunkards was opened in 1899 for both sexes and all communions. Working in the garden affords one means of employment for the inmates. Each has recreation halls and small workshops. The buildings are comfortably furnished and warmed. Newspapers, chessmen, checkers, dominoes, etc., are provided. Each inmate has a room to himself, with a table, a chair, a washstand, a bed, a looking-glass, a hairbrush, etc. The beds are comfortable, with woven wire springs, hair mattresses, and plenty of covering, with a strip of carpet by each bed. On each table is a collection of selected books.

The government names every year a board of inspectors, composed of five justices of the peace, who visit the institutions once a month.

Up to December 31, 1909, two hundred had been committed to the reformatory at Ennis. Of these 128 were released, 27 conditionally, 101 by expiration of sentence or by commutation. Of the 200, 72 were arrested for neglect or abandonment of their children, 34 for theft, 16 for attempting suicide. In age the youngest was 19, while there were three of 60, the greatest number, 64, between 40 and 50. Three were there but six months, 49 for three years. Only 37 had never been convicted before, 11 had been convicted but once, while 7 had been convicted from one to 333 times!

In general the treatment is that of the ordinary prison, with certain modifications. They are allowed to be together by day, at work, which is mostly outdoors. The hours of work are shorter than in the ordinary prison; their rooms, beds and food are better and they are allowed to earn more for their own pleasures. They are allowed to smoke occasionally and to hear lectures and concerts. Good conduct gives them the privilege of going outside the grounds to walk, on parole, and they may be released under certain conditions.

The principal means employed for reformation are total abstinence from drink for at least 18 months, secular and religious instruction, good reading, hard work combined with plenty of recreation, good surroundings, proper food, firm and severe discipline.

The occupations for the men are gardening, carpentry, work at the forge, shoemaking, weaving mats, cutting firewood, masonry, plastering and keeping the buildings in order. For the women: cooking, laundry work, sewing, embroidery, shirtmaking, dressmaking, etc. Prizes in horticulture and in women's work have been taken by the reformatory at some of the expositions. Reading, writing and arithmetic are taught, each inmate receiving at least four hours of instruction a week.

During the year there were but two punishments, consisting of cutting the diet. The presence of a baby, the child of one of the women prisoners, had an excellent influence upon the women. Gymnastics form part of the regular instruction. The courts sentence to these reformatories for a period not to exceed three years. The convicts are not eligible to conditional liberation under 18 months, and then only on good conduct. The convict must also give good reason to believe he will abstain from liquor. There must also be some one outside who agrees to report on his conduct, and these details have to be submitted to the inspection committee before the convict can be liberated. This committee secures permission for the release. The work has been helped by the pastors, by the prisoners' aid societies, the societies for the prevention of cruelty to children, and by the police. The results have been excellent.

As to the use of drugs as a remedy for intemperance, the departmental committee, made up of distinguished medical authorities, does not approve of it. Even if such treatment were applicable to noncriminals, it would not be in the case of men sentenced for long terms.

One of the great advantages of this reformatory treatment is the relief that it gives to the family of the drunkard. The community also benefits by having such evil examples removed.

SPECIAL INSTITUTIONS FOR INTENSE CRIMINALS

BY DR. LEGRAIN, HEAD PHYSICIAN OF THE ASYLUM OF VILLE EVRARD.

For insane criminals special institutions are gradually being organized. For habitual drunkards similar institutions are needed. The question is asked whether those that have been in existence for the last ten years have been a success. Unfortunately there are few documents from which to gather replies.

The Inebriate Act of England, 1898, provided for two classes of the intemperate: 1. Those convicted of crime, directly or indirectly the result of drink; 2, the intemperate guilty of a certain number of misdemeanors attributable to intemperance. Three kinds of institutions are at the disposition of the law: two state asylums; certified reformatories, or private institutions ordinarily founded by religious orders which receive drunkards through the courts or by transference from the state asylums; three retreats, which receive those who desire treatment and those who have been guilty of misdemeanors and who sign a paper before the justice of the peace that they desire to be treated. Little is said in the reports of the results, but it is fair to conclude that the English law, which has made happy progress compared with most legislation, has farther to go before it will be perfect.

After characterizing the laws of several Swiss cantons, and of the United States, Dr. Legrain concludes as follows:

1. From the short and limited experience of institutions for the prolonged detention of intemperate persons, it is evident that this method of treatment is useful and profitable. Permanent reform has followed in many cases. For the success of the cure there should be oversight to see that the subjects keep up the practice of abstinence which is the essential agent in the treatment.

2. The treatment should be given as early as possible and the expense reduced to the lowest limit.

3. It would seem that the best way is to leave this work to private initiative, aided by the government, leaving to the government the incorrigible cases.

4. From examination of the practice of different countries as to the point at issue, to wit, the intervention of the law in cases of evil-doing through the influence of cerebral poisons, it would seem that the best results, and the least costly, are the laws which permit the prolonged detention, in spite of themselves, of habitual drinkers.

5. The method of Judge Pollard, of St. Louis, is to be highly approved. It has excited interest in Sweden and England, and has been adopted in some courts of Great Britain. This method consists in offering to delinquents who are intemperate, whom alcohol alone has led to commit their offences, conditional liberation on condition of their taking the pledge of total abstinence. That may make some smile, but it is a serious matter when urged by a judge of the quality of Judge Pollard and some others. Thanks to their efforts, 95 per cent. of such delinquents have been brought into the right way.

We commend, also, the excellent prophylactic method in vogue in Germany which entrusts to the municipalities themselves the oversight of institutions for keeping the people from the use of alcohol, and looks after them when they have become addicted to its use, through the police, through asylums, abstinence societies, etc.

VAGABONDAGE AND BEGGING.

BY DR. F. DE FINKEY, PROFESSOR OF LAW, SAROSPATAK, HUNGARY.

Vagabondage is a social evil and it must be met first by differentiating the classes of vagabonds or tramps, and mendicants.

Those who are truly infirm, or sick, and who have not physical ability to earn their own subsistence, should be cared for by the state in hospitals and asylums. Occasional beggars and tramps, that is to say those who would work if they could get it or were able to do so, and who are forced to ask aid, equally demand help from the government. For them there should be employment bureaus, public workshops, and lodging houses, for these furnish the best method of meeting this evil. As to the third class, made up of professional beggars and tramps, who

might work, but seek to escape it, they are the class of the greatest importance to the criminologist and give the most trouble to those charged with administering the laws.

In France and Hungary, the two countries for which I have the best data, this class is recruited from strangers and immigrants, especially the nomads who live an absolutely nomadic life in the heart of civilized countries. M. Réville has presented a report to the French Chamber showing that the formidable number of 400,000 such vagabonds terrorize the country. In Hungary these vagabonds belong to the gypsy class; they are of Indian origin, having come into Hungary at the end of the thirteenth century, and they have retained their special characteristics ever since, never having been amalgamated with the Hungarians. In a population of nineteen millions in Hungary they number about 70,000. They move about the country, living by robbing and stealing, doing no regular work. Some of them are musical and furnish rude entertainment at rather noisy social affairs, but apart from that they are a menace to society. The most radical means of changing this state of affairs would be to colonize them. This was tried during the reign of Maria Theresa, but no results are at present to be found in the way of reaching a solution. Still it is to be hoped that energetic measures will be taken to colonize them and to teach them industries.

Vagabondage and mendicity engender all sorts of social ills. The more healthful the conditions of society, the more care it gives to the education of the people, the more deeply the love of industry penetrates every grade of society, the sooner will the per cent. of those who follow a vagabond life be lessened. The improvement of social conditions, the education of the people, the increase of moral influences and the lessening of immorality—such as gaming houses, prostitution, intemperance, etc.—will be the most efficacious means to do away with vagabondage and begging.

I dare to maintain that if governments would all establish a sufficient number of workhouses and recognize in them institutions for the prevention of crime, as prisons are recognized as institutions for repression, the number of professional tramps

and beggars would diminish; and it is to be hoped that with such a consummation the workhouses themselves would in time disappear.

How should workhouses be organized? They should be organized with the object of fitting the persons sent to them for some kind of labor in accordance with their ability to work. And the inmates should leave it better, morally and socially, than when they enter. They should be sent for an indeterminate time, with a minimum limit and a very long maximum limit—from two to six years.

Externally they should resemble a well-managed prison, the building itself healthful, clean, simple and solid, with large work rooms and with separate cells for sleeping, if possible. Near each establishment there should be a large garden and land for cultivation. There should be both agricultural and industrial colonies. The capacity of each should be for only three or four hundred inmates. It would be desirable to have the direction of these institutions entrusted to the minister of justice or to the prison department. The director, the steward, and the industrial superintendents would act as the guards, and would be the indispensable persons connected with the institution. It would not be necessary to have ministers and teachers. The care of the moral and spiritual side could be left to the different religious societies and the societies of guardianship. The presence of a physician would be desirable. The whole day, except at meal time and a short period of rest, from morning till night, should be spent in work in the shops. Sundays and festival days the work would cease and lectures could be given on those days, for imparting useful knowledge and moral instruction.

The inmates should be classified according to age, those under thirty being separate from those above that age. They should be again divided according to conduct and those of exceptionally bad influence could be kept in cells, if they are a moral menace to their companions.

Industry and good conduct should entitle them to more pay, and the diminution of pay should be a means of discipline. At the expiration of the minimum period, two years at least, there

should be an opportunity for conditional liberty under police supervision. For recidivists the maximum should be made longer.

In brief, my propositions would be:

1. The means to repress vagabondage and mendicity are:
 (a) The solution of the question of pauperism by the creation of a sufficient number of asylums to take care of sick mendicants;
 (b) remedies for the labor question by creating employment bureaus and workshops for the occasional vagabonds;
 (c) colonization and training in industry of all the nomadic classes who wander through civilized countries;
 (d) general education of the people;
 (e) the limiting of immoral places and social customs (games of chance, prostitution, intemperance);
 (f) the creation of a sufficient number of workhouses for professional tramps and beggars.

2. Divisions of workhouses: (a) Workshops and industrial and agricultural colonies; (b) in the direction of such establishments regard should be had to the modern prison methods; (c) constant and systematic work for each inmate from the moment of his entrance till he leaves; (d) increase of pay for good conduct; (e) conditional liberation only after a minimum of two years in the institution, with police supervision for two years; (f) the assistance of guardian societies during confinement in the workhouse and when on conditional release.

TRAMPS AND BEGGARS.

BY MR. BRUECK-FABER, LUXEMBOURG.

Vagabonds and mendicants may be divided into four classes: 1, children, who cannot yet earn their own living; 2, old and infirm persons, who can no longer work; 3, workmen temporarily out of employment; 4, tramps and beggars, who may be called professional idlers, who, without being criminal, are still parasites on humanity. For the first three classes charity is proper; for the last the workhouse is the thing.

I have the honor to submit the following propositions:

1. Every sentence for vagabondage or mendicity incurred by persons other than those having a fixed residence in the place where the sentence is imposed, is to be reported to the central anthropometric station of the country of the condemned.

2. The report of the sentence should contain, or be accompanied by a slip comparing the finger prints of the condemned.

3. For every tramp or beggar arrested who is unknown to the police, the public minister should make a demand on the central anthropometric station for any information it may have about the accused, and a copy of his finger prints.

4. The period of imprisonment of tramps and beggars should be from one to ten years, with power to prolong the term if at the expiration of that period the convict still shows a tendency to idleness.

5. The régime of workhouses should conform to those of prisons with a mixed system, with the exclusion of the element of expiation and perpetual imprisonment.

6. The inmates should be employed according to their ability, either outdoors or within doors.

7. Outdoor employment should be chosen in those parts of the country where there is the greatest need of workmen.

8. Those destined for outdoor employment should be divided into bands numbering not more than twenty. Movable barracks, so constructed as to admit of separation at night, are to be recommended, both for the ease of extending outdoor employment and for the grouping of the workmen.

MENDICANTS AND VAGABONDS.

BY L. VERVAECK, M. D., PHYSICIAN OF THE PRISON, BRUSSELS.

It is difficult to specify rational and efficacious remedies without knowing the anthropologic and social conditions which accompany, if they do not explain, vagabondage.

I. According to our investigations vagabondage depends more on the circumstances and environment than on the defects inherited by the individual. There are among vagabonds

who are recidivists numerous abnormal cases, bearing physical and psychic defects, incorrigible, vicious and dangerous individuals who should be indefinitely confined.

On the other hand, there is a category of vagabonds, not very numerous, who are the victims of a series of misfortunes, sickness, trial, loss of property, who are discouraged and despair of regaining an honorable place in society.

With these exceptions nearly all vagabonds owe to intemperance and evil surroundings the occasion, rather than the cause of their fall.

II. The immediate cause of the beginning of vagabondage has to do with the callings of the person in about 50 per cent. of the cases; to physical causes, one-third, and in from 15 to 20 per cent. to intemperance, idleness and evil conduct.

III. In the enormous majority of cases confirmed vagabondage is incurable. In Belgium the number of recidivists oscillates between 85 and 95 per cent. (Through the prison of Minimes in Brussels, of which I have medical charge, 5,000 beggars and tramps pass annually.)

IV. Forty per cent. of the vagabonds have a court record, and many crimes, whose author is unknown are committed by them. Their criminal tendencies have almost a specific character. The motives seem to be envy, hatred, vengeance. They do evil without premeditation and often with no personal gain. Offenses against decency, and sexual criminality characterize them. Beggars rarely have a court record; their misdemeanors are less grave: drunkenness, assault, minor infraction of the law.

V. The etiology of vagabondage is complex.

VII. Among the causes of vagabondage due to a change in the constitution may be mentioned: old age, a state of senility, natural or premature; the results of illness, fag or excess of some kind; bodily infirmities, congenital or acquired; chronic disease, such as asthma, bronchitis, cardiac affections, nervous disease; mental disease, idiocy, dementia, general paralysis; alcoholism and other intoxications; hereditary degenerative defects.

VIII. Among the factors leading to mendicancy and vagabondage great importance must be laid on the breaking up of the family. This may be caused by the premature death of the parents, work outside the home of the two parents, the deaths of the mother, chronic sickness of the father, the bad example of the head of the family, widowhood, celibacy, remarriage, the absence of children, and divorce. Some of these causes lead especially to the moral abandonment of children and their becoming beggars.

Causes relating to employment play a great part. In half the cases the stopping of work, often involuntary, has been the direct and exclusive factor in inducing vagabondage. These cases should be studied because such causes alone seem insufficient to turn an able-bodied man into a tramp. Among other causes are lack of skill, rural exodus, trades with periodic pauses, strikes, industrial crises, discharge of elderly, unskilled or sick workmen from factory and shop, peddling of goods and other easy trades allowed to strong and vigorous men or youth of both sexes too lazy to learn a trade. Added to these are evil conduct, excess in drink, thriftlessness, bad companions, loss of work, etc.

IX. Among the social causes may be mentioned the desire to imitate those in higher social positions and enjoyments, such as can be had only by those privileged by fortune. The diffusion of education, of science and of hygiene opens new horizons to the workmen with corresponding desires, which cannot be granted.

In studying the social etiology of vagabondage more closely one sees in the individual the disappearance of the family feeling, the disregard of old parents, the desire to get rid of infirm members of the family, the love of luxury, the weakening of the sense of duty and of energy and finally the degradation of character from receiving charity.

On the side of the community we see the detestable organization of public charity, creating families to be assisted, and the blind charity of innumerable beneficent institutions founded to aid the suffering and the unfortunate which result in reality in

the raising up of persons who accommodate themselves only too easily to the régime of assistance and soon prefer alms to toil.

We regret also the insufficiency of sane philanthropy, mutual insurance, savings banks, protection of the wife and the woman worker, etc. It is also regrettable that the authorities in rural communities prefer to send their invalids to state asylums instead of uniting and building their own hospitals and asylums. The absence of protection for those injured at work is another thing that puts individuals in social inferiority. Then there is a growing feeling that physical work is dishonorable, with a desire to escape it. The coming into the city of crowds of untrained girls and workmen, leaves the fields untilled. All these things contribute to vagabondage, and finally the laws, which seem made only to meet the conditions of work for the able-bodied laborer, are responsible.

Thanks to the minimum of salary, the limitation of hours, the legal regulations of the relations of workman to employer; thanks to that new social legislation whose theoretic equity rests on the fragile basis of a Utopian individual equality and which takes no account of the sad realities of human existence, we see cast out from the factory and the shop the artisan who has become old or infirm. It has become impossible to keep them in modern industries which require good workmen, skilled and strong so that the employer may pay high wages for short days of labor.

XII. Vagabonds may be divided into several classes: occasional, involuntary, professional.

As to the means for reducing the number of vagabonds and beggars:

1. It is more useful, and perhaps easier, to affect the social conditions which favor their production than to transform the individuals who have lost the habit of work.

2. For the vagabond type, the recidivist, there should be a severe regimen, indefinite confinement in a workhouse. For the involuntary vagabond work should be found and it should be made easily possible for him to find his place again in society. For the great mass of them there should be a variety of meas-

ures provided so that each class should be sure of humane and rational treatment.

It is specially necessary to look after those whom one finds at the first step in vagabondage, from physical or industrial reasons, so that in the very beginning they may be restrained and returned to society.

4. The treatment of recidivists and drunkards—always uncertain—should be such as to secure social safety at the least possible expense.

5. It is necessary to investigate with care the court record of the vagabond and the offenses which are habitual to him in order to find the treatment best suited to him.

6 and 7. The treatment of vagabonds should be such as to combat intoxication and nervous depression; and, besides the medical and moral treatment, there should be such educational efforts as will fit the usually ignorant and unskilled vagabonds to do something.

8. The interposition of the physician is at the basis of the treatment of vagabondism. He should examine the subjects carefully in order to find the course of treatment best suited for them.

9. The reconstitution of the family ties seems indispensable to secure the best results. Isolated, the vagabond, when released, will almost fatally fall back into his evil ways.

10. It is necessary at any cost to prevent the stopping of the work of able-bodied men and to encourage those not able-bodied who desire occupation. For the latter there should be the teaching of a trade adapted to their strength by which they can earn a living.

11. Mutual aid societies and savings societies should be encouraged.

12. There should be careful classification.

13. It is useless, not to say dangerous, to release vagrants incapable of self-support and of behaving themselves.

14. Vagabonds must be looked after for some time after their release so that they may be sustained in their efforts for the first years after their return to the common life.

What improvements should be made in workhouses for tramps? In the first place let us define what the establishments for beggars and tramps should be.

About an agricultural colony there should be two series of institutions. The first should include a trade school with shops for those who are not able-bodied and for cripples; a hospital for the sick; an asylum for the infirm and aged; a refuge for the abnormal, idiots, epileptics and harmless dements. These philanthropic efforts should care for those who need it and give them training in occupations suited to their conditions and infirmities.

The second series should be for the punishment of able-bodied tramps or vagabonds: the idle, the intemperate, the vicious. Besides an asylum for the intemperate and a penal section for sexual perverts, dangerous vagabonds, etc., there should be workshops where the vagabonds should be put at hard work and agricultural work of a milder type.

The central colony should be divided into two sections, workhouses for those whose liberation is near, etc.; where the work should be paid for and a good deal of liberty be allowed. The second section should be devoted to the medical and anthropological examination of the vagabonds in order to classify them.

The whole colony should be under a double direction: the administrative and the medical. It should be in close relations with various charities, mutual benefit societies, guardianship societies and employment bureaus. It is highly important that those who represent such societies should regularly visit the colony. It is important to keep track of these vagabonds after they go out, and the members of the guardian societies should have this delicate task.

The organization of such establishments in Belgium meets the requirements up to a certain degree. The *dépôt de mendicité* is for the able-bodied professional beggars and for vagabonds of a disreputable type. The other part of the house is for those who are more unfortunate than culpable. Young delinquents and morally abandoned children are taken to charity schools.

In the agricultural colony the vagabonds grub up the soil or work in shops for the prisons or for the colony itself, sometimes for private enterprises. Of their wages, 30 centimes a day, a third is given to the men and the rest goes into the common amount.

To sum up the reforms that might be made in Belgian refuges for beggars and vagrants they are as follows:

1. To subdivide those where the population is too large in order to avoid the danger of too many men difficult to direct.
2. To base the classification not on the kind of work but on the moral, mental and physical character of the inmates.
3. To develop the medical service.
4. To create opportunities for trade teaching for those not able-bodied who should have the monopoly of such work.
5. To pay better for the work of the inmates and to see that a better use is made of their earnings when they are released.
6. To interest the heads of charitable institutions and of industrial establishments in the fate of vagabonds.
7. To organize a group of refuges for the first years of return to the common life.

Independent of workhouses what measures might be adopted to repress vagabondage? They are of two kinds:

A. Preventive measures:

1. In the legal domain to have laws making idleness a misdemeanor, and the right of men out of work to labor.

The recent Norwegian law seems to have happily solved the question. An able-bodied man who lives in idleness or lives by begging is compelled to work in a state wood-yard, in a land colony or for some private person. In case of refusal or of repetition of his offense he is put at hard labor in a workhouse.

The right of work for every man, which is the logical corollary of making idleness a misdemeanor, ought also to be sanctioned by law.

2. The creation of intercommunity hospitals and refuges scattered throughout the country.
3. The organization of trade schools and workshops for invalids, crippled and infirm persons.

4. The encouragement of all provident societies, etc.

5. The monopoly of easy ways of making a living for the aged, the infirm and the crippled, such as the sale of papers, the distribution of printed matter, the peddling of fruit, the sale of flowers, in a word, all the street occupations so numerous in cities, and which this class cannot now undertake because of competition with the able-bodied who are perfectly able to work at a trade.

6. Severe repression of the exploitations of public charity, especially childish begging, which too often masks idleness and vice.

7. A more rational organization of official benevolence, whose mission should be to prevent need rather than to minister to it. It ought also to take steps against the heads of families through whose misconduct or intemperance the necessity for public charity is felt by wife and children. It ought also to interest itself in the manual and trade training of children so that they shall not fall to the charge of charity.

8. Radical transformation of the methods of private charity. Alms create the beggar and develop the spirit of idleness. Modern charity instead of helping men to find in their misfortunes the best stimulant to conquer their failures, accustoms them to being helped, and so to lose the feeling of self-respect, ending in their finding it easier to beg than to work.

The principles to be followed in private charity should be: Aid by means of work, refusal to give alms in money, or gifts of any kind to unknown beggars, and especially the cooperation of all philanthropic efforts. That can be secured only by a federation of charities, leaving to each its autonomy and freedom of action. With a central charity office the multiplication of gifts to one family and the exploitation of benevolent people by professional beggars would be avoided.

The free distribution of soup, medicine, clothes, etc., should be reserved only for the indigent. It exercises a detestable influence in many families of working people.

B. Measures to prevent recidivism in vagabondage:

It is useless to spend so much money in reforming vagabonds and beggars if we leave them without moral support when they

are released and thrown back into the common life. Only those should be released who are capable of self-support. The infirm should go to hospitals, public or private. The incorrigible should go to workhouses. The man who means to regain his place in society should be placed in a shop or factory and entrusted to some one who will look after him, a member of a guardian society. It will be his duty to follow the man, to counsel him, to stand by him in his trials and to inspire him with self-respect and courage that he may persevere in the hard road he has to follow to regain his place in the community.

VAGABONDS AND BEGGARS.

BY DR. D. O. ENGELÉN, PRESIDENT OF THE TRIBUNAL, ZUTPHÉN,
HOLLAND.

The state, the community, has always a fund to care for the indigent. By what right then does the state call it unlawful for them to try to get some of it? To hold out the hand, to collect, to ask a thing which one does not possess but that some one else does,—every one does it in his turn, even the richest,—by what right is one punished for doing this? Begging may be a safety valve. When work stops and the workman has no means of living, it is the most natural thing in the world to ask for aid, and it is much better than stealing. By giving alms we encourage people to demand them. And vagabondage, tramping,—what is there wrong in that? By what right do we punish one who walks abroad among the beauties of nature, if he wants to?

But professionals? I will pause a little over that part of the question. The most hardened professional beggar harms no one if he only takes what is given him. It is only when he uses fraudulent means that he commits a crime. And how do you know that the professional objects to work? It is easy to prove that he does not work, but that does not prove that he will not. He will say, "I have tried to find work and have not succeeded," and many a time that is true. But if we offer him work he cannot always do it. "Un tailleur d'habits n'est propre a tailler

des pierres." And is there always work to be had? The answer to that is seen in the necessity there has been of creating work colonies in Germany, where the empire is dotted with them. There any one can find work and food in recompense. It is simply a test to find the lazy. Industry is not localized as it used to be and it is hard to find employment. And if one gets it his fellow workmen will object to his presence if it is found out that he is from a labor colony or from a prison, and again he is thrown out into the street. After a few such experiences our man will no longer look for work. By that time not being willing and not being able to get work are mixed up so that it is hard to know the man's real motive, and no x-ray can find it. Besides we are not to forget that heredity puts in its claims: the alcohol that his father and mother have taken have thrown him down and his environment may have kept him from getting up. So he has both physical and moral lack of resistance, and it would be pretty hard to prove that the man simply will not work. But why punish him? What is the use of it? It seems to me that for begging and vagrancy, then, there should not be punishment, in the accepted sense of the word. To which I add without pausing for breath, that the state has the inscrutable right to take measures to prevent these things. It cannot allow things that interfere with its well-being. Mendicity and vagabondage are closely related to crime and must be prevented. When the beggar is refused, his first desire is to curse the well-dressed man who passes him by deaf to his appeal. His next desire is to possess what that man has in his pocket and he takes it. Then to escape prison there must be no witness to his theft, and from a thief he becomes an assassin. It is the duty of the state to stop these evils, but the remedy should be in the social, not the penal domain.

How is this to be done? It seems to me there are two ways:

1. The judge can put the beggar and the vagrant at the disposition of the government.
2. This implies placing them in colonies or workhouses.

The pivot of our system is this placing of such persons in the hands of the government. It means that they can be placed for

three years, with two prolongations of two years each, in some colony, or house of industry. Those, then, that are to be feared as enemies to the well-being of society can be eliminated, while at the same time they are being trained to do better. The state does not take the monopoly in this, but entrusts them also to private associations, subsidized by the state, on the principle that moral reform is better in the hands of a private association than in the hands of the state. They may also be placed in families. This arrangement is copied from our arrangement for juvenile delinquents, who also may be confided to private societies by the government.

This disposition of tramps and vagrants should be made by the decision of the judge, since it is his function to deprive the offender of his liberty, and the modern judge has a respect for the rights of the individual.

Our definition of vagabondage and mendicity does not enter into the law. The judge may place them at the disposition of the state. Definitions would befog the question.

What rules should be adoted for these workhouses? The private charities to which they are entrusted should satisfy government requirements as to health, morality and professional training. As to colonies belonging to the state which will continue to have large populations, they must be under strict regulations. It is not enough to eliminate beggars from the community. They must be taught to beg no more. The chief things necessary are firm discipline and steady work. The motto of the George Junior Republic is "Nothing without labor." That increases zeal wonderfully, but it may be that the inmates of these colonies might not have strength to earn enough for their needs. There must be moral classification and a separation of classes. I recall the words of the late Dr. Barrows: "Moral classification of prisoners based on their crimes before coming to prison is not satisfactory. The best of criminal codes is arbitrary when it comes to moral distinctions. That does not mean that we are to ignore the previous life; on the contrary it is well to know about it, but the principal object of classification is not that they may expiate their

past faults, but to prepare them for leading a better life henceforth." It is true this referred to criminals, but according to the penal code the distance between them and mendicants is not great.

The Netherland commission proposes four classes. The fourth class would be for the worst, the third for the doubtful, the second for those whose conduct is good. The inmates should wear a uniform with a distinctive mark for the different classes. Financial exigencies should not influence the classification, nothing but the conduct of the individual himself. Each inmate then would be the artisan of his own fate. There should be progression for good conduct, "digression" for bad.

The work should be such as will go towards the expenses of the institution and also looking toward trade instruction.

The first class will include those who offer certainty that they will live honorably after their liberation. There should be instruction in the use of machines that are used outside, in this class. There should be a department for such work and one for agriculture. Attached to the first class should be an agent for finding employment outside for those to be liberated. This first class, the reform class, should be in a different place from the others for the reputation of coming from this class will be much less degrading than from the others, in the ears of the public.

How is the classification to be made? We have suggested that a physician be on the council for placing; also a priest or a pastor and a schoolmaster. As to the time for seclusion, if the inmate is sure of having work, or if he inherits enough to live on, it is useless to keep him longer. But from the third and fourth classes they should not be liberated before a given time. Each can forge for himself the key that unlocks the door to freedom. The placing agent can act as probation officer.

An important point is the amount of money to be given them. Some pay must be granted. It has a moral effect. A part may be expended in the shops and a part held back till the person shall go out. Such provision must be made, for they will not all go out to find "the bed made and the table spread." But one must avoid having these savings go to those who receive the re-

leased inmate with open arms for the sake of what he brings. We have proposed a pass-book on the savings bank of the government, with the picture of the holder, the pass-book to show that the holder is entitled to certain fixed sums on terms indicated, etc. Some such plan will prevent the immediate dissipation of savings.

MENDICANTS AND VAGABONDS.

BY LOUIS RIVIERE, MEMBER OF THE PRISON SOCIETY, PARIS.

Few penological questions have caused more ink to flow than the proper treatment of vagabondage. To travel, even without money, has nothing reprehensible about it. That which calls the attention of the criminologist to it is the possibility of the traveler without means doing something unlawful to secure what he must have for his needs. If a man has no means, no trade, no profession he must live upon others. If he appropriates what he must have by violence he is a thief; if he acquires it by voluntary gifts he is a mendicant. In both cases he is a parasite and lives outside the social law and is always a possible criminal.

The subject of the best methods to be adopted in dealing with mendicants and vagabonds is not now taken up for the first time by the International Prison Congress. In the Congress at Rome in 1885 it was considered. Again in Paris in 1895 the subject was taken up, and after full discussion the following conclusions were reached:

1. Society has the right to take even coercive measures against mendicants and vagabonds (beggars and tramps). Along with this right there should go the duty of providing public and private aid and oversight.
2. The treatment of these two classes should differ according as they are (a) invalid or infirm poor; (b) beggars or accidental vagrants; (c) professional vagrants or tramps.

The first ought to be assisted till they are able to earn their own living; the second relieved by public or private charity or placed in institutions where work is obligatory; the third should

be placed under such severe discipline as will prevent a repetition of the offense.

3. The most efficacious measure for professionals is prolonged imprisonment in work colonies, to be released only after reformation, when further detention seems unnecessary.

This paper considers only what France has done in this direction since 1895. In November, 1897, a commission was appointed to see what means could be found to lessen the evils of vagabondage in rural communities. A bill was introduced on the subject in 1899, but it failed to become a law. In 1907 the same bill, amended and adopted by the commission of criminal legislation, was again presented to the Chamber of Deputies. At the same time two other propositions were introduced. One of these provided that foreign itinerants should be forbidden to enter France unless they had two passes, one from the chief of police at the frontier and one from the police of the place where they planned to stop. Failing to produce such papers their vehicles were to be turned back to the countries from which they came. In addition, foreigners coming in this way to the frontier were to deposit a certain sum of money, the receipt for which they were to show on demand.

(Belgium, Germany, Switzerland, Bavaria, Alsatia, Wurtemberg and Austria jealously guard their frontiers in a similar way.)

The third proposition was made in January, 1908, calling for a rescission of the laws relative to vagabondage and mendicity, organizing work for those capable of it and the inspection of itinerant workmen. This proposition was made the basis of a report which was presented in July, 1908, by a commission appointed to study the subject.

The commission applied itself first to trying to dry up the source of vagabondage by extending to the whole of France the methods adopted for Paris in reference to juvenile vagabonds. When a child is arrested for vagrancy he is not sentenced, but is placed either with his family, if they can give the proper guaranties, or in a public or private institution, under the control of the court. This surveillance may last till the time of majority unless the boy enlists in the army or navy.

The next suggestion was as to the amending of the legal definition of criminal vagabondage so that there should be a distinction between the able-bodied and those unable to work. In the same way there should be a distinction in the treatment of mendicants. Those who are able-bodied should work and each department should have some place where they can find employment.

With such precautions repressive measures may be adopted. Still more severe measures may be employed for recidivists and habitual beggars. After a fourth offense the misdemeanant may be sent to a house of correction from two to five years. Conditional liberation may be granted if conduct is satisfactory.

Great latitude is allowed to the administration in the organization of labor colonies. The inmates are to learn trades which they can follow on release, and they are to be specially employed in cultivating land. The outdoor work is to be looked on as a reward for good conduct, as that constitutes an excellent method to prevent escapes. A colony of five hundred inmates is considered large enough.

On leaving these labor colonies there should be probation officers to look after the persons released from them. It is of little use for a man to learn a trade in such an institution unless there is a place found for him where he can follow it.

Another bill was introduced into the Chamber of Deputies in November, 1908, to regulate the movement of tramps and to distinguish between those called itinerants (*ambulants*) and tramps (*nomades*). The itinerant is one who has an occupation which keeps him moving from place to place. He may be honest and pay a license. He is simply required to register with the chief of police and declare his occupation and the object of his going about. He receives a pass which identifies and protects him as he journeys. Non-declaration is a misdemeanor for which there may be a fine of from one to three dollars or imprisonment of from one to five days.

The tramp may travel alone or with a family. When they go as a family they have only a wagon as a domicile. If they have a trade it is generally a suspicious one. The men are

quacks, horse jockeys, fortune tellers, trainers of bears, or something of that kind; the women interpret dreams, foretell love affairs, etc. In short, these nomads live by lying and stealing and are aided in their ways by children who are not always members of the family living together in the covered wagon. The single tramp usually pretends that he is in search of work, though that is what he most fears to find. He is often a dangerous criminal. The chief crimes in country places are imputed to this class. The bill provides that this class should have a passport from the chief of police. For several together there must be the names of each person. There must be blank pages for the visé of police officers in other places. Whenever they stay more than twenty-four hours in a place they must leave their passport with the chief of police. Non-observance of the law is punishable by fine or imprisonment. If a false passport is presented it may be punished with imprisonment of from six months to three years.

Another provision in the bill is intended to prevent tramps from spreading disease through the country.

CONCLUSIONS.

1. That the necessary corollary of the effort to suppress vagabondage and mendicity, should be the establishment of night refuges and of workshops for the benefit of involuntary tramps, by either public or private funds.

2. That establishments for vagrants and mendicants should afford practical work and that as far as possible they should take the form of agricultural colonies.

3. That there should be probation officers to look after those conditionally liberated.

4. That all foreigners entering the country on itinerant occupation should have identification papers, or should deposit a certain sum in lieu thereof.

5. That an international conference should be called to consider under what conditions itinerants may be allowed to pass from one country to another.

VAGABONDAGE AND MENDICITY.

BY SERGE POSNISCHIEFF, PROFESSOR OF CRIMINAL LAW, MOSCOW,
RUSSIA.

From the penal point of view we must distinguish two classes of mendicants and vagabonds. First, those who beg by force of circumstances, independent of their will; and second, who could work but will not, and who voluntarily choose that mode of life through laziness or moral depravity, which often has some nervous disorder as its base. It would be manifestly unjust to apply repressive measures to those of the first class, those who are too old, too infirm, or too young, to support themselves; or to those who have to support aged or sick persons or little children whom they cannot leave; or to those who, seeking work, have not been able to find it. All such persons should be deemed unfortunate and should be aided in every way possible. Benevolent societies should assist them, or they should be sent to asylums or placed in the country. The large cities attract many such persons, who hope to find employment or help there. The cities, out of their abundance, should establish means of helping this class, either by work or by placing them in suitable institutions. The penal law need not trouble itself about that class.

As to vagabonds and beggars of the second class their acts have the elements of criminality and any act committed by them under either of the two following conditions should come under the penal law: 1. If the act is injurious to the property of others, or, 2. If, for the sake of the public, one is obliged to meet it by repression, preventive measures being insufficient. It is evidently against public safety to have vagabonds and beggars assailing the passer-by, especially when they go in bands. It is also opposed to public safety to have robust men, capable of working, posing as sick or infirm beggars. In order to live the vagabond has either to beg or to steal, for he has no other way of living and he endangers the security of the public and prevents the possibility of a tranquil life. The notion that all men must work in order to live is spreading in society and the law-

maker cannot remain indifferent to such forms of parasitism. In begging, then, in vagabondage and in the trade of the *souteneur* ("cadet") characteristic conditions are found which demand that they should be registered in the penal code.

Of course, all possible preventive measures should be employed to diminish this class, but as soon as an able-bodied man has shown that he does not mean to lead a life of industry there must be a way of removing him from the path he has chosen and of preventing other people from taking it. The penalty is necessary not only for intimidation, but to habituate people to work. The modern law-maker, however, should not fall into the errors of the past and think to inspire fear in beggars and vagrants by cruel measures. To condemn a man for begging it must be proved first, that he is capable of working, and second, that he has chosen begging as the means of supporting himself.

The most efficacious remedy for beggars and tramps is the workhouse, of which they should form one division. There they should learn to respect the property of others, that they must work for a living, learn a trade and accustom themselves to work. Where they have been brutal or have committed acts of violence it will be necessary to pronounce another penalty, which will also teach the sentiment of pity and of respect for others.

In the interest of speedy judgments in cases of vagabondage and mendicity, there should be special judges charged with the duty of trying such cases, and there might be a committee which could make preliminary examinations, such a committee to be elected by the municipality. This committee would pass on to the judges all cases suspected of being professional beggars, tramps, and cadets, and would release those who had begged from need and send them to charitable institutions. The law should be that any beggar or tramp should be arrested by the police and brought at once before the judge or before this committee. Those liable to penalty should be sentenced by the judge to the workhouse, where they should be kept at least six months, with a maximum of five years. The inmates should be classified. For those sent for a short time there could be three

classes: 1. Into this class would go the newly arrived, who would remain there not less than three months if sentenced for not more than a year; for six months for a longer sentence. The second class would take them next, and there they would receive rather more pay for their work. From the third class, the class of honor, they might be discharged before the expiration of the sentence, if they had acquired enough credit. I favor an absolute, not a conditional release.

For the incorrigible there should be a fourth class. In passing from one class to the next above there should be not only increase of payment, but other favors—to receive more visits, permission to make purchases, to wear better clothes, to have better food, etc. In this way the regime would be progressively milder. This would be the result of the improvement of the inmate in industry and deportment.

VAGRANTS AND BEGGARS.

BY C. EARDLEY-WILMOT, ROYAL PRISON COMMISSIONER FOR ENGLAND AND WALES.

Four centuries of repressive legislation have not freed Great Britain from the idle and the shiftless. The Committee on Vagabondage which made investigations from 1904 to 1906, reached the conclusion that the number of habitual vagabonds is from twenty to thirty thousand and that in times of commercial crises there are as many as seventy or eighty thousand homeless persons wandering about the country dependent on public charity. This committee made many recommendations toward remedying this evil. The most important of these was the formation of labor colonies.

There are two distinct groups among these vagabonds, those who love to wander from place to place and who detest work; and the other group, those who are incapacitated from work. Any reform must take these two classes into account and exclude the sick and infirm from professional beggars and tramps. The state has a right to make those who are able earn enough for their maintenance. This principle was adopted in the law com-

pling every county to have a place to shelter tramps without resources, who the next morning must do a certain amount of manual labor to defray their night's lodging and food.

The labor colonies which have been proposed are to be established by the different counties, or communities, and are to be approved by the Secretary of State, and a certain proportion of their expense is to be borne by the state. The period of detention is to vary from six months to three years, industry and good conduct shortening the stay. The arrangements are to be simple and the food merely enough to sustain health, so that the ordinary laborer will not be tempted to adopt the tramp life. The inmates, however, are to be allowed to improve the diet from their own earnings if they wish.

The industries followed are to be as varied as possible. To avoid conflict with free labor, it may be best to let the inmates work only for the different departments of the state.

One of the difficulties to be met is the ease of escape in a densely settled country with so many railroads. It would be too costly to make the buildings as secure as prisons. It is proposed to have the inmates sleep in dormitories with four walls at night, and by day to wear a special costume. If they have all had their finger prints taken they will be easily identified when rearrested, and they should then be confined in a state institution with more severe discipline. If they are not rearrested it may be supposed that they are at honest work somewhere.

It may be objected that there is little difference between a prison and such institutions, but the prison stands rather for punishment, while these labor colonies stand for work—work that shall be remunerative to the inmate as well as to the state.

INDUSTRIES IN SMALL PRISONS.

BY M. BRUECK-FABER, LUXEMBOURG.

Short sentenced prisoners are the inmates of these small prisons. By short sentence is meant anything less than a year. As such sentences cannot be considered reformatory they should at least be intimidating, inspiring the criminal with salutary

fear, especially as they are supposed to be for persons for whom a fine would not be effective. There should be privations of varying degree, according to the number of times the person has been convicted. Not to interfere with the health these privations should not exceed three months. As to work, the prospect of work is agreeable to such prisoners, to chase away ennui. It is a question whether they should be allowed this enjoyment. I would not however recommend idleness. I have the honor to make the following suggestions:

- a. Short imprisonments should not exceed three months.
- b. They should be repressive in character, with absolute isolation and deprivation of all pleasures, according to the amount of recidivism.
- c. Manual labor affording enjoyment to the greater number of convicts should be replaced by reading adapted to the individual and made more useful by repeated copying of the matter read.
- d. Those who cannot read should have pictures in their cells inculcating salutary influences.
- e. This discipline should be intensified or modified according to the conduct of the convict.

WORK IN SMALL PRISONS.

BY LEON BATHES, PRISON DIRECTOR, NIMES, FRANCE.

The criticism of work in small prisons is very different from that of the industries of the establishments for long sentences: the work is insufficient, sometimes there is none at all. In France the central prisons, of which there are nine for men and two for women, belong to the government and are administered by it. They are for sentences longer than a year. The departmental prisons are the property of the different departments and serve for short term prisoners. In the central prisons work is an imperious obligation which discipline and legal dispositions require. In the departmental prisons it is offered, but not imposed, but its organization is incomplete and it meets with material and

financial obstacles unknown in the larger prisons. Fifty years ago, when the central prisons were in full tide of industrial life, the departmental prisons were condemned to the most degrading idleness. At the present time some of the departmental prisons have industries, but it would be incorrect to say that all the short-term prisoners have permanent remunerative work. The fifty-eight departmental cellular prisons have more than a third of the prison population, and among them certain industries have been established: shoe-making, cabinet-making, locksmith's work, brush-making, rope-making, picking of wool and hair, weaving, box-making, toys, paper-making, seating chairs with straw or cane; and for women, sewing and needle work. Several thousand convicts find employment in these industries, but there has been little progress in late years.

But we cannot call all departmental prisons small. Some of them have hundreds of inmates. In these work is assured. By small prisons we mean those that have about thirty prisoners. Among our 375 departmental prisons we have 58 with from one to five inmates; 91 with from 6 to 10; 124 with from 11 to 30; that is 273 out of the 375. In about one hundred and thirty of these it is impossible to find work for the inmates sent for a few days, or three months at most, except in caring for the institutions. Two-thirds of the inmates of the departmental prisons are employed. In 1807 out of a population of 15,808 an average of 9,733 had work. Those only who had been sentenced are compelled to work and in the departmental prisons there is not so much stress laid on this as in the central prisons. They are allowed to follow their own trades so far as it is possible, if that industry is organized in the prison. They may also work for their old masters, or they may work on their own account. But these chances are seldom taken advantage of by the prisoners.

The organization of work in the smaller prisons is not likely to be improved so long as short sentences are pronounced. The disappearance of these institutions themselves is the only solution, a change which must be subordinate to the reform of administrative and judicial organization. The eventuality of this reform and its useful penitentiary significance cannot be dwelt on here.

PRISON LABOR IN SWEDEN.

BY VICTOR ALMQUIST, ASSISTANT DIRECTOR PENITENTIARY ADMINISTRATION.

The penal code of Sweden prescribes four kinds of sentences: death, hard labor, imprisonment and fines. Sentences to hard labor may be for life or for a definite time, not less than two months nor more than ten years. If it is a sentence for less than three years it must be spent in solitary confinement; if for longer than that the first three years must be spent in the cell. After three years the convicts may work together by day, being separated at night.

Every convict is obliged to work, but if sentenced merely to imprisonment he may find work for himself.

Formerly when the great mass of prisoners worked in common, the work was given to contractors who paid so much by day for each prisoner employed, to the state, besides a small amount to the convicts. In the smaller prisons, destined for persons accused of crimes or those sentenced only to imprisonment or for short terms with hard labor, the state formerly allowed the local administration to have the income from the work of the prisoners, on condition that these local officers should find work for the prisoners and should share a part of the income with them. Thanks to this arrangement work enough was found for them, but it proved to be too simple to give a man skill to support himself by his own labor on being free. But as soon as they were employed in industries private industry complained of the competition. This complaint was accentuated by trades unions, by the newspapers, and by the parliament even. The demand was made that prison-made articles should not be sold; that convicts should work directly for the state, and that employments such as basket-making, brush-making, etc., by which the blind, the aged and the crippled could earn their living outside, should not be allowed in prisons.

In 1904 the government prescribed that everything needed by the army, the navy, the state railroads, the post-office and

the telegraph which could be made in the prisons of the state should be manufactured there.

A bureau was created in the general prison administration to direct the industries of all the penal institutions of the country. The head of the bureau is always in touch with the military directors, the railroad officials, etc., and learns what the prisoners can manufacture in whole or in part. He studies the most profitable methods, the best materials, indicates which prisons shall make certain articles and supervises the manufacture of these things.

In the year 1908 there were 2,358 convicts in cellular prisons, but the three largest had only 200 in each. The other 43 had not more than a hundred in each and several as few as 30, numbers too small for the organizations of industries. The simpler forms of work have to be found for these prisoners, who are as a rule persons accused of crime or those who are serving short terms. All the other prisoners are sent to different prisons according to the trades. Those who do tailoring go to one, those working in leather to another; cabinet makers and woodworkers to another; saddlers and harnessmakers to yet others, sewing to the woman's prison in Stockholm, the making of mail bags to another prison, etc. As masters of these different industries the best men are chosen and an effort is made to have the prison wardens men with experience in the trade or industry carried on in his prison. Each convict receives a small sum per day, not to exceed ten or twelve cents, according to his industry and skill, half of which is held for him till after he is free.

Most of the cellular prisons were built before 1860 and they are not adapted for making large articles, but by giving to each convict one cell in which to live and one in which to work much can be done. The larger and more complicated objects are made in the central shops, where the men work together.

Vagabondage in Sweden comes under a special law, with a minimum of one month's work and a maximum of three years in the public workhouses. The work is together by day and the inmates are separated at night. There were 586 such inmates

of workhouses in 1908. There are two for men and two for women. The large central one has about three hundred acres, in fields, forests and quarries, where tramps are employed at wood cutting, hewing of stone, work in dairies, in gardening and general agriculture.

The prison labor of the year 1908 amounted to 588,296 days, of which 247,787 were for the army, navy, the railroads, etc., and 340,509 were for the prisons themselves and private individuals. The revenue for the first category was fifty cents a day, for the latter ten cents a day.

In 1904 before the new organization of prison labor was introduced, the total sum of revenue from prison labor was not over forty-three thousand dollars. In 1908 it was over one hundred and fifty thousand dollars, showing the great economic advantage of the present system. As to the moral profit it cannot be expressed in figures.

WORK FOR SMALL PRISONS.

BY N. LOUTCHINSKY, EDITOR-IN-CHIEF OF "MESSAGER DES PRISONS," ST. PETERSBURG.

At the present time convicts condemned to hard labor in Russia are transported, or are kept in provisional lock-ups designed for hard-labor convicts till they shall be transported to Siberian prisons. They are very much crowded at present, so that more than 11,000 (that is, about half of those to be deported), are waiting in common or provincial prisons where there is little opportunity for work. For this and other reasons the question of prison labor is of great importance in the Russian penitentiary system. Not only must work be found for prisoners with short sentences, but for those with long terms who are incarcerated in small scattered prisons.

The report of the prison administration of Russia shows that in 1907 the convicts did 4,771,000 days of work, not counting the service in caring for the places of detention. Of this number 2,218,000 were spent in out-door employment, which is better paid than work inside. For the outside work they earned

about 824,000 roubles (\$412,000) and for inside work 718,000 roubles. The outside labor consists in road-building, brick-making, earthworks, work in the fields, lading, cutting wood, sweeping streets, sanitary work, building, cutting ice, driving piles, etc. It was all work that could be done without apprenticeship. Some of these employments can be executed far from public ways, where the men can be easily guarded and acquire habits of industry. The labor is also sanitary. This is especially true of making and mending roads: Lading is well paid, but as it has to be done in or near cities it is less to be recommended, and it seems to come more into competition with free labor. Farming, gardening and field labor have the advantage of being work to which the convict has been accustomed from childhood and they make his return to it at the expiration of his sentence much easier. It is to be noted that the rural population never make any objection to the presence of a convoy of prisoners, who work not only for private persons, but for the administration which owns large territory. Much of this land, however, is leased to private individuals, upon which the convicts are employed. In some cases the government owns the agricultural implements used by the convicts, which are moved from place to place as they need them. Carting manure and street cleaning are not always done under the best conditions, but in some cities the custom of having the sweeping done by convicts dates far back into the past. It is not well paid, but it has the advantage of furnishing work for those not very strong, as they do not work all day. It also brings them into touch with free labor—porters, watchmen, etc.—so that its public character is not so demoralizing to the convict himself. Wood cutting is done either in private houses, or industrial establishments belonging to the government. From a sanitary point of view it is excellent. The sanitary work has the objection that it is done mostly at night.

Outdoor work is forbidden to those who have forfeited civil rights, to vagabonds, to those who are under accusation, to those sentenced to exile, to those convicted of state crimes, to those with illegal residence under a false passport, to those who have

tried to escape. Convicts who are condemned to more than three years are not allowed to work outside without special permission from the authorities where the prison is situated and then only when three years remain to serve. No one is allowed to work outside till he has been at least a month in prison. Of course the regular prison work, sweeping the courts, carrying wood and water, washing the clothes of the prisoners, kitchen work, caring for the sick, making fires and attending to the lights—all of which require no apprenticeship—are suitable for short term men. In 1907 the prisoners did 4,376,000 days of such work, almost twice as many as were done outside. An analysis of all the figures shows that out of a total of 36,000 sentenced for less than a year, less than half, or about 15,000, had work either inside or outside. The other twenty thousand were condemned to stagnate in idleness for lack of work.*

Russia has vast territory at present unproductive which might be converted into agricultural lands by the employment of cheap convict labor.

As to labor for short term prisoners which will teach them a trade, that is impossible, however desirable. The requirements that must be met are work that shall meet sanitary exigencies, which is adapted to the convict's ability and with which he was familiar before imprisonment, for those sentenced for less than three months. Those sent for a longer term should have some instruction. In the city prison of St. Petersburg about nine hundred are employed in about twenty-five industries and 159 in the work of the prison itself. For smaller prisons such variety of work is impossible. Some of the latter will have a population of one hundred and fifty in absolute idleness, while

*During the summer of 1909, at an interview granted me in his palace at St. Petersburg, by Mr. Stolypin, Minister of the Interior, he urged that at the International Prison Congress, to be held in Washington in 1910, great attention should be paid to prison labor, saying that it was one of the vital questions in Russia, and that if some way could be provided by which industries for all the prisoners could be secured, there would be much less illness in the prisons. At that time typhus fever was carrying off the prisoners in large numbers, every prison being crowded to its utmost limit with politicals in addition to those incarcerated for crime. Mr. Stolypin said further that delegates would be sent from Russia to attend the Congress who would be experts in prison administration, and he hoped they would bring back plans for meeting the sad condition of affairs in that direction.—ISABEL C. BARROWS, assistant editor.

another of the same class will employ all of the prisoners in small industries,—making bark slippers, fish nets, traveling baskets, horse hair chains, etc. It all depends on the personality of the man at the head: one person desires and knows how to organize work; another sees nothing but obstacles and undertakes nothing. But such an important thing as labor for convicts should not be left to chance, for the consequences of idleness are too well known.

It is true that in America and Austria there is a wide-spread belief that prison labor ought not to compete with free labor, but since the relation of prison to free population is but one to a thousand, one must speak with great reserve of such a thing as prison labor and free labor being in competition.

There are certain principles which should govern penal matters in this direction: Every prisoner should have work; that work should meet the fundamental requirements of penitentiary principles; its organization should be financially satisfactory,—(that is, the expense should be lessened by the productivity of the labor). The realization of these ideals is beyond the present practice, but it is an ideal to strive for. In France the prisoners are employed, but that employment does not always meet penitentiary requirements. You will see a strong man sewing on buttons, or gluing paper lanterns. Certainly that sort of work is not lucrative, nor is it likely to lead to earning a living. It is not prison employment, but is better adapted to an old man's asylum, or for feeble people. However, since any sort of work is better than idleness the system of letting out the work of convicts, it must be confessed, has some advantages. A modification is necessary, however, which shall secure a choice of work for all prisoners, including those with short sentences.

INDUSTRIES IN SMALL PRISONS.

BY SEGELKE THRAP, PRISON DIRECTOR, CHRISTIANA, NORWAY.

Prison labor on one hand is the chief part of the penalty; on the other it is the greatest benefit that can be conferred. It sustains the prisoner intellectually, morally and physically, and contributes in a great measure to the maintenance of discipline. The problem may be summed up in the following foundation principles:

1. The work ought to be suited to the greatest number of convicts possible in order to meet the natural aptitudes, the intellectual development, the physical ability, while at the same time the convicts are submitted to a restraint in keeping with penal discipline.

2. The work ought not to injure the health or strength of the convict, but should prepare him on leaving prison to be able to earn his daily bread.

3. It ought not to interfere with free competition and should be in keeping with the economic administration of the prison. The difficulty of meeting these requirements is very great in the large prisons and becomes increasingly so in small short-term institutions. The simplest way to resolve the problem would be to dispense with the small prisons and have a smaller number of prisons each with a larger number of convicts. That would be to cut the knot rather than to untie it, and that method could be employed only in densely settled countries with ample and rapid communication between the different parts. In Norway, for instance, where the people are scattered and the country is divided by high mountains and long arms of the sea, this concentration would not be possible. Norway must always have small prisons, and the question of labor must be faced there with all its consequences. In these small prisons often there is but one guard and it is impossible to give labor to the prisoners. If the prisons were only meant as places of punishment the question would not be so difficult, but they are usually meant simply as places of detention, or places to

hold those who cannot pay their fines, and as they remain but a short time it is hard to teach them much. The keeper of the small prison should be one familiar with prison service, and though he may not know a trade, yet he should know how to do things with his hands. As trades cannot be taught in the small prisons one has to depend on what may be called the domestic industries. The work must be easy, suitable for all ages and all degrees of physical and mental development. It must require few tools, cheap material and the product must sell easily. The things to be made must vary with the circumstances, such as hand-weaving, basketry, woodwork (toys, hatchet handles, etc.), fish nets.

If it be objected that none of these things will enable the convict to earn his living on his release it may be said that a knowledge of some domestic industry may serve him better than a half-learned trade. After all it depends on the personality of the director of the institution. The right man at the head of a prison will make it possible to have labor in the prison. As all the prisons in Norway are under the administration of the state reforms may be undertaken there that could not be in less privileged countries. It would be possible there to have prison wardens for the smaller institutions trained in the larger prisons. This would mark a step of progress. The large prisons should have some industries that can be followed in the smaller prisons and it should have models which could be used by the smaller ones, and the man who is trained in the great city institution would thus have aid in introducing labor of various kinds in the small prison to which he should be appointed.

A collaboration of this kind, between the larger and smaller establishments, would help to develop work for the little prisons, for, as has been said, it all depends on the director of the labor. In addition every effort should be made to concentrate the prisons as much as possible, for it is almost impossible to carry on any system of industry where but one man is in charge. And work of some kind must be found, for if anywhere in the world it is true that idleness is the mother of all the vices it is true in prison. The idle convict is a prey to evil thoughts, to hatred of

society, to a desire to break the chains of the prison. But it is certain that those chains have much more rarely been broken by the aid of the best tools that have been put into his hands for work than with the tools which in his idleness he has fabricated himself from the furniture of his sad cell.

PRISON LABOR IN SMALL PRISONS.

BY PAUL LEREBOURS-PIGEONNIERE, PROFESSOR OF LAW, UNIVERSITY OF RENNES.

The organization of labor in small prisons would seem to be defective everywhere. Work for prisoners should contribute to their reformation; it should restore the habit of sustained industry or should teach it. In the next place it should afford the prisoner a chance to earn something toward the support of his family, and to support him after release till he shall find regular employment. It ought to be of such nature that it will increase his earning capacity, so that when released he may more easily find work.

If it be admitted that sentences for a few days only forbid the organization of industries which will produce these results, yet sentences of a few weeks would allow much benefit in these various directions.

In France the prisons for long sentences are called *maisons centrales* and to these are sent those condemned for a year and over. Those for short terms are called departmental prisons, or detention houses, because they serve as places of detention as well as for prisoners sentenced for only a year. In the *maisons centrales* work is well organized. In the prisons for short terms the failure in organization is due to the fact that they are so scattered. In France and Algeria there are about 400, having sometimes only three or four prisoners each, those having thirty being in the minority. In many small prisons the only work is picking oakum, making paper bags, and, for women, stringing beads.

Some have shoemaking, brushmaking, tying up kindling wood, breaking stone, stripping willow, etc., according to the locality—employments that require no apprenticeship and are

not very remunerative. They are adapted to small prisons, and thanks to them there is steady employment found for even those who are sentenced but for a few days. But they are unsuitable for those sent for some weeks, and they are not well adapted to lead to the reformation of the convict, for they require only dexterity of the fingers and very little intelligence. They neither give a man a love of work nor greater earning capacity.

In France two improvements have been decided upon, to make the prisons for short sentences into cellular prisons, and to concentrate the houses of detention. Owing to the ease of communication it may not be impossible to suppress two or three hundred of the houses of detention, but that would involve closing as many district courts, but in the meantime the introduction of the cellular system with a larger number of guards will accomplish much. It is certain that solitary confinement leads to a desire for work. Even those held for trial prefer work.

The state should have charge of the work, making it a means of discipline and reform. The prisoner who will not work as he should, ought to be punished by the deprivation of all work, or by deprivation of access to the canteen, by the dungeon, by losing good time or the chance of conditional liberation. This presupposes that the state will not confine itself to surveillance by agents who simply glance through the grating of the cell door, but those who would see that each man is set to work as he should be, and that they are kept at their tasks by constant visits from cell to cell.

The best method would be to let each man follow his own trade, and excellent results have been obtained where that was possible, letting them work for outside shops. But there are few trades except shoemaking which do not require too large an outfit of tools. In some prisons articles made of wire are constructed, salad baskets, clothes-pins, fasteners for champagne bottles, etc., which are in a way remunerative, but do not help the man when released. It is in mechanical industries where there are openings for work. The released convict who has no trade of his own can much more easily find a situation if he has acquired familiarity with working a machine of some kind.

and convicts should have the opportunity to acquire this knowledge.

PRACTICAL CONCLUSIONS.

I. The separate system should be applied in all short term prisons.

II. These prisons should be divided into two classes, local prisons and concentrated prisons.

III. Local prisons should be used only as places of detention and for very short sentences.

IV. Convicts having from fifteen days to a month to serve should be transferred as soon as possible to the concentrated prisons.

V. The work in local prisons should be such as to be within the reach of every prisoner without apprenticeship.

VI. The concentrated prisons should be fitted up industrially as cellular factories with machinery.

VII. As far as possible convicts should be allowed to follow their own trades in prison, if it is a lucrative trade.

VIII. With certain exceptions government administration of labor in all short-term prisons should be substituted for contract work.

IX. The number of guards should be increased and their powers enlarged.

X. The state should not only keep good order in the prison by enough guards, but should employ men to teach the convicts and to supervise their work.

XI. The state should require a certain amount of work from the convicts under various penalties.

THE PAYMENT OF PRISONERS.

BY F. EMORY LYON, PH. D., CHICAGO.

In reply to questions concerning the principle of paying prisoners for their labor twelve American wardens expressed a belief in so doing. In two-thirds of the institutions replying to these questions some sort of remuneration is given to the

inmates. Probably 25 per cent. of all prisoners had contributed to the support of their families before incarceration; a larger per cent. had moral obligations to kindred of some kind.

It may be said that the justification of the state for taking the labor of prisoners without compensation is that they are to be trained and prepared for good citizenship. Whether the payment of prisoners would be a double burden on society depends largely on the use made of their earnings. If it were actually used to prevent their families from becoming public dependents it would be a measure of economy for the state.

The chief objection to paying prisoners is its cost. The popular impression is that the total earnings of prisoners would amount to more than the cost of their maintenance, but this is far from being the case when the cost of administration is included. Where the purpose of the state has been more than custodial, and included the training and reformation of the inmates, an appropriation has invariably been necessary.

Several states have undertaken to pay prisoners in a small way, from one to three dollars a month. In Washington, D. C., during the past two years 50 cents a day has been paid to men with families sentenced to the workhouse. In one year that amounted to \$2,340. The amount was not paid to the prisoner, but was administered by the court to support the family. Under suspension of sentence, while under probation, the wages of the defendant are administered by the court to support the family. In this way \$38,319.35 was earned by the men and contributed for the support of those dependent on them. If men under the supervision of probation officers can be made to support those dependent on them, why may not the same thing be done if the men are in prison?

In New York 10 per cent. of the earnings of the industries are set aside to compensate the prisoners. In another state last year 111 men working at binding twine received \$2,297.97, and the feeling there is that it is a good thing to pay the men.

From the various opinions of wardens one may be quoted: "I am of the opinion that some system of earnings should be devised that in its application will in the main accomplish two

results: Give the prisoner an earning interest in the work he performs while in prison—his earning capacity to be gauged according to his diligence, industry and mental and moral improvement; and to provide means to support the convict's wife and children."

I would respectfully submit the following:

1. That all political influences and considerations be eliminated from the conduct of penal institutions, and their administration be kept solely upon a business basis, with a view to lessening expenses.

2. That no private contract be permitted in any prison or reformatory, but that all industries be established and conducted by the state; either in the manufacture of articles needed by various branches of the commonwealth, or to be sold at the market value of similar products from private concerns.

3. That all prisoners be paid according to their skill, the same as free labor. From the amount thus allowed the total cost of maintenance (not including administration) to be deducted and the remainder to be used for them by the state, to support dependents, to make restitution and reparation and to provide a fund for rehabilitation after release.

4. That a committee be appointed by this Congress to make an extended investigation of this subject and to report such legislative measures to the next Congress as would make the payment of prisoners everywhere not only possible, but practicable and beneficial for the state.

THE FAMILIES OF PRISONERS.

BY DR. GENNAT, DIRECTOR OF PRISONS, HAMBURG.

One may easily understand that from my position as director of prisons and head of five establishments numbering at least two thousand convicts, I take a lively interest in this question. I therefore add a supplement to my former report.

The fact that the German empire proposed to extend legislation in the matter of assurance to widows and orphans clearly

indicates that the greater number of families have to suffer at the death of the head of the household.

When a family has been having a certain annuity, if the head is imprisoned and the family is in distress, this income is allowed, by authority of the charity department, to go to its members, during the term of imprisonment. It may even happen that the family is better off, for the government meets the expenses of the man, and the whole of the fund can be used by the family. Besides that, the convict earns a certain amount by his work which he can give up in whole or in part to his family, which helps their condition.

There are certain penalties which do not carry with them the obligation to work, and if the prisoner does not choose to work his family is robbed of its rights. This almost seems to favor crime. And even among those who work there are always some who earn nothing in money, as, for instance, those engaged in domestic work. Such work is valuable to the state and the family should have the benefit of what the man earns. Many convicts give willingly to their families the small sum they earn ; others ought to be exhorted to do so. To have the best results it would be well to forbid them to buy supplementary food from their funds.

It may be objected that the prisoner has a right to the fruit of his labor, or at least to some recompense, and that after he has paid for his own support his family should have a right to his earnings. But they do not earn their support. The expenses of imprisonment include the purchase of lands, the construction of buildings, furnishings, salaries, etc., which must be taken into account. But if the obligation to work exists it constitutes a part of the penalty and the state considers it as one means of reaching the ends at which it aims by repression. It is for the sake of the prisoner himself as well. If the prisoner is incarcerated it is his own fault, so he is responsible for the expense incurred and it is only just that he should use his strength in the service of the state.

I have not much opinion of conditional liberation, at least as understood by the German code, and I do not believe that it

will aid the needy families of criminals and it should not be employed for that purpose. Conditional liberation ought to be a distinction conferred on the convict for his own benefit. So of the conditional sentence, the utility of which seems to me very doubtful, and it has little chance of being adopted by Germany.

As to emasculation, it is well known that I am not in favor of mutilation or torture, but we may sometimes ask if in exercising humanity toward criminals we are not inhuman to the honest. When I add that according to the statistics of Hamburg for the year 1910 the number of convicts guilty of crimes against decency made 3.7 per cent. of the whole number one must recognize that that is an alarming phenomenon justifying the severest remedies.

THE ORGANIZATION OF WORKHOUSES.

BY JUDGE GASTON LIEGEOIS, OF EPINAL.

Workhouses, good institutions as they are, run the risk of favoring certain kinds of vagabondage for the lack of organization throughout the country. No one of these workhouses has any relation to any other. Professional tramps and vagabonds go from one to the other, facilitated in their career by this lack of association. Such institutions should be pitilessly closed to that kind of vagabonds and reserved for occasional vagabonds and those amenable to reformation. Guardian societies (*Sociétés de patronage*) and these workhouses should be in touch with each other and exchange information. In each there should be lists of applicants for relief which should be strictly confidential and a central bureau should register the same names.

It is to be regretted that these workhouses lead an existence quite apart from the public. They are content to give some hours of work a day, but they do not appear to do anything to find work outside for those who come to them. It is not enough that they should simply be an asylum for a day. Even the honest workman out of a job may need help toward finding em-

ployment. The workhouses should be at the same time an employment office for the neighborhood. In the workhouse which I established at Epinal in 1909 I have had a chance to put this into practice. I have notified the heads of various industries that if they need workmen they should apply to our shops and the individuals demanded are at once found for them. Farmers, also, who need hands, come to us for men. If the men who have a chance to go to work outside refuse, from laziness, they are forced to leave.

I believe that the establishment of workhouses in places where as yet there are none, should be carried on as if they were a business enterprise. As the expense is the main trouble an arrangement might be made with the head of some manufactory to bear the cost if the men admitted to the institution were put at his disposal. Of course, there would have to be protection from abuse and from the exploitation of the men.

There should then be association between workhouses and bureaus for assistance in the organization of institutions for beggars and vagrants.

PRISON LABOR.

BY D. WIDMER, DIRECTOR OF THE BASEL PENITENTIARY.

The subject of prison labor in general has been treated heretofore by the Congress. The question now is how to adapt it to the small prisons and places of detention.

A small prison in a large city can more easily find work for those in detention than one in the country, and a country prison must find very different work from one in a factory center. With the best will it is not always possible to find sufficient work in a small prison. Many have only small, ill-lighted cells; some have not tools and facilities for working; others have no persons able to superintend the work. The greatest difficulty is in finding suitable employment. Certain forms of work, like shoemaking, require knives, which may be dangerous. Almost always one can get orders for tailoring, for sewing, knitting, and basket work, but after these are provided the number of suitable occupa-

tions is very small. At the same time it is fatal to leave the prisoners in idleness, the mother of vice.

Supposing the work to be done in the cells, there should be first of all a superintendent of work. The warden is too much occupied to supervise the labor of the prisoners. No good results are obtained when that method is tried. The expense of the superintendent can be met if an average of eight or ten prisoners work. It is not necessary that he should be a universal genius. He must have a faculty for organizing, know how to buy and sell, and to keep books. For technical work of course a more skilled man would be needed. A superintendent of labor could also supervise the work of construction, which is always a source of benefit to the state.

In looking for occupations one must always remember that nothing should be chosen which would leave machines and dangerous tools in the cells over night.

The chief duty of the superintendent would be to teach the men to work and to supervise their work. He would spend the day in going from cell to cell, giving advice and himself helping when necessary. In this way he would be able to secure a considerable output, even from inexperienced workmen, if everything is well organized.

The product of the labor goes to the state, but there should always be a certain per cent. credited to the prisoner, and the men who work should have better food than the others. These two things will secure workers without any difficulty. If the cells are too small for work, one could be used for work and another for sleeping. In building new prisons attention should be paid to providing facilities for work.

The following occupations are carried on among the convicts in the district prisons of the Grand Duchy of Baden: Picking over coffee, making of reels and spools, sewing buttons onto cardboard, trimming off feathers, stripping tobacco leaves, rolling cigars, basket making, picking hops, picking jute, stripping osiers, preparing wood for gunpowder, making of wooden shoes and sabots, cracking thick-shelled nuts, making envelopes, straightening nails, picking over barley and gum arabic,

straightening out horsehair, breaking hemp; winding cocoons, making charpie, preparing rush for chair seating, caning chairs, making brushes, sorting paper, sewing beads on trimmings, making of labels, and other employments which do not require apprenticeship. Some are employed in knitting and some in mending clothes. Copying and calculations are given to those capable of it.

The occupation most frequently found in Switzerland is the making of "cornucopias" (*cornets*), but they are often imperfectly made, as are envelopes also, unless there is supervision. Another industry to be recommended is the weaving of straw, palm leaf and cocoa fibre carpets. This takes some hours of instruction only and they sell well. Articles made of leather are made in some prisons, from the scraps from shoemaking establishments. A good employment for women is the making of list slippers. Weaving of rushes and straw is another industry. Still another is making cigars, but not to be recommended, as it leads to a breaking of rules. It requires careful supervision. The making of school copy-books is a good industry. In Basel it has had great success, but it requires careful oversight. In Saxony they make brooms. In Baden the financial success has been good, but that is not the chief thing. The main thing is that the prisoners should be kept occupied. But if, as in Baden, the state can draw some profit from it, there is no reason why those detained in small prisons should not have occupation.

THE CARE OF DEFECTIVES.

BY HENRY BAIRD FAVILL, M. D., CHICAGO.

In considering the proper care of defectives the first thing to be decided is the attitude of society toward the defectives who come under its guardianship. The problem of the procreation of defectives is still to be solved. The problem of the care of defectives is upon us. How shall this duty be met?

Practically, under our present conceptions, those who need custodial care are determined, by conditions of economic de-

pendence. But that test is insufficient. It permits full freedom in society to many who for the sake of future generations should be somewhat restricted.

Here, however, I limit myself to asking whether there shall be institutions devoted to vicious defectives solely, or whether they shall be under the charge of institutions more generally administered? They must be cared for with reference to their moral obliquities and also in such a way as to prevent the development of such moral failings.

Two things must be studied: What method is best for the individual? What method is the best for society, especially looking toward the prevention of defectives?

It is questionable whether dangerous tendencies are fundamentally moral defects. In competent hands they can frequently be eliminated: in incompetent they can be developed. They are more matters of accident, opportunity and imitation than moral perversion. Educators agree that the essence of successful education is a small unit. Only with wise classification can the highest efficiency be reached. This requires no argument. The practical question remains how much can society afford to expend for enlightened and adequate management of these defectives? If they are to be permanently in custody the state has less at stake than if they are to be free. If they are to be free, the state can ill afford to spare any pains of an educative and preventive character. The accomplishment of proper development of individual cases is greatest in special institutions. Bad habits are intensely contagious and these dangers are more acute among defectives. In conditions where there is power to transplant from one community to another it ought to be possible to limit this insidious contagion. There is an added advantage in such transfers; it relieves an administration from the need of classifying inmates on the basis of conduct or upon a punitive basis. The less these conceptions enter into the management of the defective the easier the path toward mental reconstruction.

It is important to escape the error of superficial classification. Is a person vicious because his act is vicious? If so, is

it intrinsic and permanent obliquity, or is it amenable to treatment? What factors of extenuation are there? Provisional disposition of abnormal types is perhaps justified by social and economic exigency, but it is not the less inadequate. It must be replaced by the scientific method. Study of the normal is fundamental to social progress, but thorough analysis of the abnormal is as indispensable to social stability. The world can not afford to ignore its defectives as a field of study and as material with which to work toward corrective influences. Every almshouse, prison and insane asylum offers opportunity for such study. The value of such study is in its reflex upon society.

Research, then, is the key to our present need, and for purposes of study there should be the smallest groups, with the highest obtainable ability and permanence in administrative officers. In other words, let there be segregation of vicious defectives under specialists.

This should be with the objects: 1. To eliminate mental and moral contagion. 2. To permit transfer back and forth as classification becomes more accurate. 3. To furnish a laboratory for specific study.

The establishment of a large defective population, wherein classification according to individual needs becomes not only possible, but necessary, will at once create a demand for the highest intelligence in administration.

The advantage of adequate facilities for the study and correction of such individual tendencies will be felt both by society and the individuals and will be of help in the study of many social problems.

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