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International Penal and Prison Congress

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Report

OF THE

Official Delegate

OF THE

Dominion of Canada

TO THE

International Prison Congress

WHICH MET IN

Washington, D. C., in October

1910

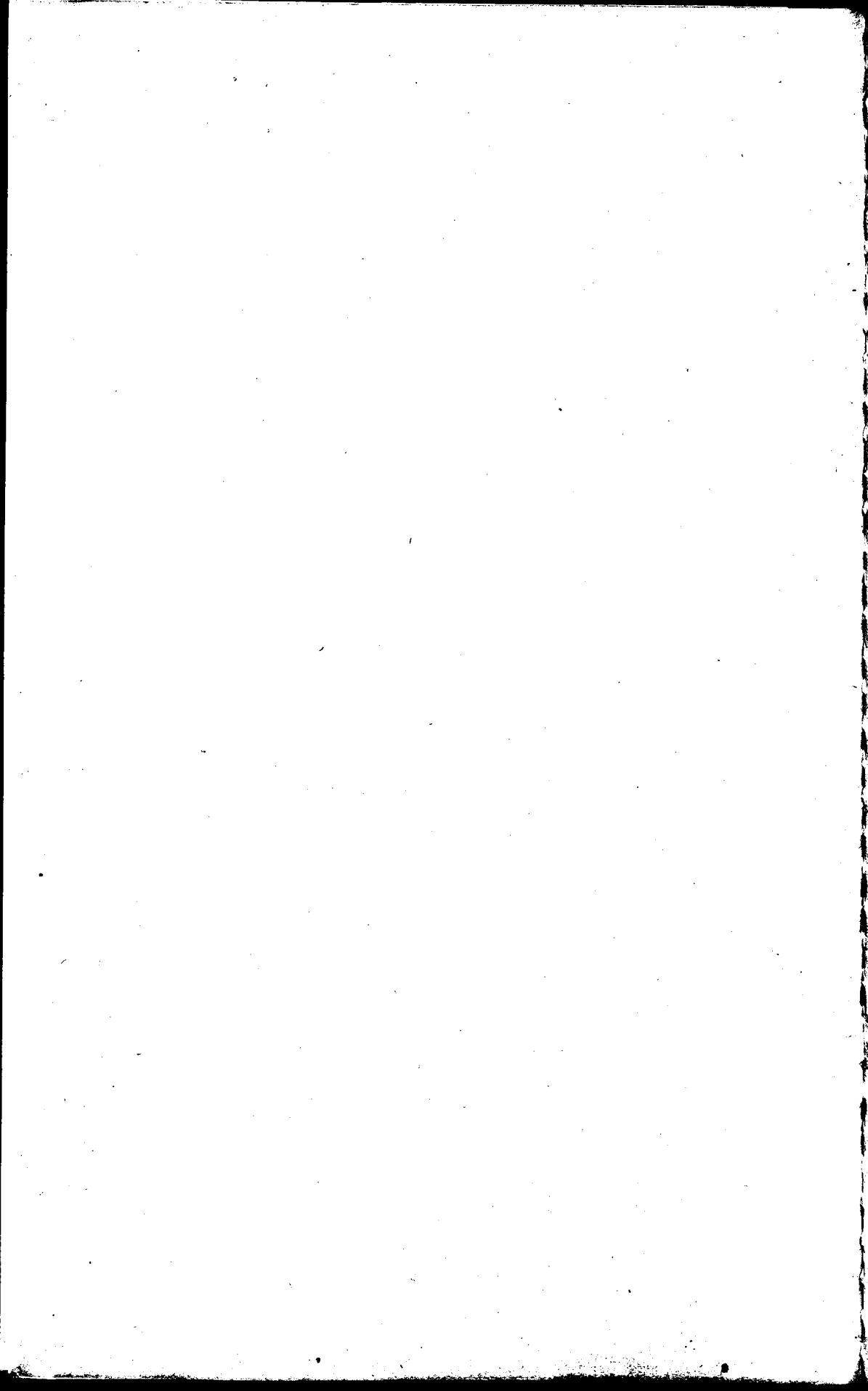
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OTTAWA
GOVERNMENT PRINTING BUREAU
1910



The Honourable

A. B. AYLESWORTH, K.C.,

Minister of Justice.

SIR,—I have the honour to submit the following report respecting the meetings of the International prison congress and of the American prison association, at Washington, D.C., September 28th to October 8th, 1910.

The International prison congress is an organization against crime. Its aim is to promote social order, reduce vice, improve environment, strengthen preventive agencies against crime and promote the rehabilitation of offenders.

The congress was organized under authority of a joint resolution of the congress of the United States of America, passed March 7th, 1871. Rev. Dr. E. C. Wines was appointed a commissioner by President Grant, to secure the co-operation of European governments in the holding of a great international congress for the discussion of all matters relating to the prevention and treatment of crime and the improvement of criminal law and prison administration. Dr. Wines personally interviewed members of the governments of Great Britain, France, Belgium, the Netherlands, Germany, Austria, Italy and Switzerland, and through them secured the co-operation of the governments of the countries named. On the invitation of the government of Great Britain the first meeting of the congress was held in London in 1872. At that congress provision was made for the holding of international congresses once in five years, but, to give continuity to the work of investigation, the diffusion of information, and to secure closer intercourse between the nations, the International prison commission, composed of one official representative of each of the adhering countries, was organized, and serves as the executive committee and permanent council of the congress. The commission meets bi-annually.

Since 1872 congresses have been held at Stockholm, Rome, St. Petersburg, Paris, Brussels, Budapest, and, the eighth, at Washington. The congresses were held on the official invitation of the governments of the countries of which these cities are the capitals. The government of Great Britain extended an invitation to the congress to hold its next meeting in London. By the unanimous vote of the congress the invitation was accepted, and, accordingly, the ninth congress will be held in London in 1915.

Eight countries sent delegates to the first congress. Thirty-eight countries sent delegates to the eighth congress, namely, Argentine, Austria, Australia, Belgium, Canada, China, Colombia, Chile, Cuba, England, Ecuador, Finland, France, Germany, Greece, Guatemala, Hayti, Holland, Honduras, Hungary, Ireland, Italy, Japan, Liberia, Luxemburg, Mexico, Norway, New Zealand, Russia, Salvador, Scotland, Siam, Spain, Sweden, Switzerland, Tunis, Turkey and the United States of America.

Each country was at liberty to send one official delegate and as many other delegates as it chose. China sent nine delegates; Cuba four; France six; Great Britain and Ireland seven; Holland nine; Hungary five; Italy three; Japan four; Russia nine; and other countries one, two or three each. Most of the three hundred delegates to the American Prison Association, from the various states of the Union, remained in Washington and attended the meetings of the congress. Altogether there were about four hundred delegates in attendance.

The commission when organized in 1872 was composed of one commissioner from each of the eight countries represented at the first congress. It is now com-

posed of one commissioner from each of the following countries,—Austria, Australia, Belgium, Bulgaria, Denmark, Egypt, France, Germany, Great Britain and Ireland, Greece, Holland, Hungary, Italy, Norway, Portugal, Russia, Servia, Spain, Sweden, Switzerland and Transvaal and the United States. The government of Canada is entitled to have a representative on the commission.

On the 22nd of August, 1910, I was informed by Dr. Charles R. Henderson, of Chicago university, the president of the International prison commission, that he had received notice from the British embassy at Washington that I had been appointed official delegate of the Dominion of Canada to the International prison congress to meet at Washington, D.C., October 2nd to 8th. Dr. Henderson inclosed an invitation from the government of the United States to accompany the foreign delegates on a tour of inspection of a number of the more important penal and reformatory institutions in the states of New York, Pennsylvania, Ohio, Indiana and Illinois. I accepted the invitation and joined the party in New York on Saturday, September 17th.

The excursion left the Erie railway station in Jersey City at midnight on Sunday, September 18th. Including Americans about one hundred and forty took part in the excursion. We travelled in a special train of eight pullman cars. We visited the New York state reformatory at Elmira, the George junior republic at Freeville, N.Y., the New York state prison at Auburn. The state agricultural and industrial school at Industry, N.Y., the State Reformatory at Mansfield, Ohio, the Chicago house of correction; the state prison at Joliet, Ill., the juvenile court at Indianapolis, Ind., the Indiana (delinquent) boys' school at Plainfield, Ind.; the Indiana (delinquent) girls' school at Clermont; the county jail at Louisville, Ky., and the Indiana reformatory at Jeffersonville, Ind. We arrived at Washington in the evening of September 28th. On the way home from the congress I visited the eastern penitentiary at Philadelphia, Penn., the Tombs and Blackwell Island penitentiary in New York city.

The unflinching courtesy of the officers in charge of the institutions visited, their patience in answering the many questions asked, and their frank invitation to criticise freely anything which the visitors thought might be improved, were keenly appreciated by the foreign delegates.

The New York state reformatory at Elmira was established in 1876, for the reformation of felons, between the ages of sixteen and thirty years, convicted of felony for the first time. In 1906 a second reformatory was established at Napanoch in the eastern part of the state. Hon. Joseph F. Scott is superintendent of both reformatories. Prisoners earn their release through a system of credits and rewards. The state board of managers of reformatories has paroling powers. The board consists of seven members who are appointed by the governor, by and with the advice and consent of the state senate. Their term of office is seven years. They receive no compensation for their services, but their reasonable travelling and other official expenses are paid by the state. They have the general superintendence, management and control of reformatories, of the grounds and buildings, officers and employees thereof, of the prisoners therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof. They make rules for the proper government of the reformatories and of the officers thereof and for the employment, discipline, education, transfer, parole and discharge of prisoners sentenced thereto. They are required to investigate the affairs of the reformatories, inquire into any improper conduct alleged to have been committed by any officer or employee. They are required to meet at least once in each month for the purpose of performing their manifold duties, and to examine monthly or quarterly all the accounts, expenditures and vouchers relating to the business of the reformatories, and to certify their approval or disapproval thereof to the comptrollers of the state. They are required to report to the legislature annually the condition of the said reformatories, the amount of money received and ex-

pended by them, their proceedings in regard to the prisoners and such other matters as they may deem proper, and to make such other reports from time to time as the legislature may require. They appoint the superintendent, and the superintendent, subject to the approval of the board, appoints all other officers and employees.

Thirty industrial trades are taught at Elmira. The shops contain the most approved labour saving machinery. The school of letters is well equipped and is under the management of a qualified public school teacher, who is assisted by seven prisoners. About one-half of the time of the prisoners is spent in school, gymnasium and drill yard. The prisoners are clothed in neat khaki uniform in summer, blue in winter. Their hair is not cut close. They are allowed to receive from their friends, also to purchase such books and weekly newspapers as the superintendent may approve. The reformatory prints and publishes a weekly paper called the 'Summary.' The prisoners contribute all the articles for this paper. The prisoners' library contains nearly 6,000 books. About once a month entertainments are provided for the prisoners. Military drill is taught. A fine band of about twenty-five instruments is maintained and is considered to be a valuable reformatory influence. Religious services are conducted each Sunday by Protestant, Roman Catholic and Jewish chaplains.

The prisoners are divided into three grades. Upon admission each prisoner is put into the second grade, from which by making a good record in demeanour, school of letters, and trades school, he may rise to the first grade, or by failure he may drop to the third grade. Six months is the shortest time during which a prisoner may rise from the second to the first grade. A like period of six months of practically perfect record in the first grade entitles the prisoner to consideration by the board of managers for parole (conditional liberation). Thus all prisoners are required to serve twelve months at least before they are paroled. It is also necessary before release can be granted that the prisoner obtain the promise of suitable employment outside. A paroled prisoner is required to report at least once a month to his parole officer. After six satisfactory monthly reports paroled men are usually given an absolute release from the reformatory. Last year 1,097 prisoners were paroled and 135 were returned for violation of parole.

The George Junior Republic at Freeville—the 'Junior Republic' as Mr. George, the founder, prefers to have it named—is unique. It is a self-governing 'republic' of young citizens who have been anything but satisfactory members of society in the cities whence they came. Some of them have been the torment of the police of New York. Some of them have been sent by well-to-do parents who were in despair owing to the incorrigible conduct of their offspring at school and at home. Some of them are delinquents, the execution of whose sentence was suspended on condition that they would become citizens of the junior republic. Boys and girls of fourteen to eighteen years are admitted, apparently the worse they have been the warmer their welcome seems to be, because the farther they have strayed, the more they need the restraining and helpful influences of the republic.

The citizens elect their own president, vice-president, secretary of state, and secretary of the treasury. The 'town meeting' is the legislative body. They make their own laws and enforce them. A boy judge and a girl judge are appointed by the boy president. The two district attorneys, one a boy and the other a girl, are elected by the citizens. There is a boy chief of police and a youthful keeper of the jail—a well constructed building containing ten strong steel cells, in which violators of law and order are securely incarcerated. Trial by jury is the practice.

Considerable structural work is being carried on and there are several industries and a large farm and garden are cultivated. The motto of the republic is 'nothing without labour' and it is observed. Citizens are expected to work, but, being

free citizens they are not compelled to work. They are, however, compelled to pay their way and if they will not work they are soon unable to do so and become 'vagrants', when they are promptly arrested, tried, convicted and sent to jail, where they are compelled to work for the republic and thus earn their living. I saw half a dozen 'prisoners' hard at work digging a drain. Some of them were 'vagrants' and the others had violated the laws of the republic. Fair wages are paid for labour, out of which the citizen must provide his or her board, lodging and clothing.

There are nine homes in the republic, each occupied by one of the trade instructors and his wife, and two 'hotels', one for boys and one for girls. The citizens find board and lodging in the cottages or 'hotels', for which they pay according to the accommodation provided.

The school house of the republic contains a large study hall, class rooms for various purposes and a chemical and physical laboratory. There are two sessions each day, from eight to twelve and one to five. Citizens are required to attend one or other but not both of these sessions daily. There are eight teachers. Students may be prepared for entrance to the leading colleges and universities. Boys from the republic have entered Cornell, Harvard, Columbia, Pennsylvania and some of the smaller colleges.

The Junior Republic idea was put into operation July 10th, 1895. Many people thoroughly believe in it. It is said that boys that had been regarded as 'problems' had not only turned out fairly well but had gone still further and achieved brilliant success. Very few of the citizens have proved failures.

There are three state prisons in New York state, one at Auburn, one, Sing Sing, at Ossining, and one at Dannemora. The prison at Auburn was built ninety years ago. The prison is overcrowded, for which reason the extremely objectionable practice of locking two prisoners in a cell prevails. Since 1897 the prisoners in the New York state prisons have been classified on the basis of their criminal records into groups as follows:—

- A. Prisoners serving their first term for felony.
- B. Prisoners serving their second term for felony.
- C. Prisoners who have already served two or more terms for felony.

The first offenders are retained at the prisons to which they were originally committed. The second offenders received at Sing Sing and Dannemora prisons are transferred to Auburn, and members of group C. that are received at Sing Sing and Auburn are transferred to Dannemora.

The plant, equipment and machinery in the workshops at Auburn are the best that can be obtained. Large quantities of furniture, office desks, school desks, beds, blankets, cloth, clothing, boots, &c., are manufactured. The product is sold to the state, its political divisions and institutions. The state utilizes the product in its own institutions and credits the prison with the price, equal to the market price for similar products.

Meals are served in a mess hall, not in the cells as with us. The convicts' hair is not cut short. They use knives and forks, and crockery dishes instead of tin, as with us. A dentist visits the prison twice a week and keeps the convicts' teeth in order without cost to them. A female nurse is in charge of the hospital. Convicts are allowed to keep birds. Friends may send convicts money for the purchase of eatables, six times a year. Tobacco may be purchased with the groceries and cigars for the Fourth of July. Friends may send in underwear, shoes, handkerchiefs, stockings, gloves, neckties and other articles, six times a year. The Fourth of July is observed as a holiday in which the convicts take full part.

The state agricultural and industrial school at Industry, N. Y., was established in 1907, to properly care for and train for good citizenship wayward boys

under the age of sixteen committed to its care. Boys between twelve and sixteen may be committed for all offences known to the penal law. Boys under twelve may be committed for offences which if committed by an adult, would amount to a felony. All boys committed to the school are charged with juvenile delinquency and not with any specific crime. All commitments place the boy under the care and custody of the board of managers during minority.

The boys live in widely separated cottages in groups of twenty-five. Each group is known as a colony and is in charge of a man and wife, known as supervisor and matron, with whom the boys of the colony live, and who bear to them, as far as possible, the relationship of foster parents. There are twenty farm colonies and ten industrial colonies.

The health of the inmates is cared for by a resident physician, by a visiting specialist in diseases of the ear, eye, nose and throat, and by a visiting dentist.

The school has a corps of seventeen teachers. Vicious, immoral and otherwise unreliable boys are placed in one of the industrial colonies and are always under observation. A special effort is made to secure the confidence and good will of every boy. Prizes are offered and awarded for best results in agriculture, for best exhibits at the school fair, for thrift and for kindness. Resident chaplains devote their whole time to the boys. There is little or no restraint, yet attempts to escape are very few.

The Ohio state reformatory at Mansfield was built in 1886 as an intermediate penitentiary. In 1891, the name and purpose of the institution was changed from penitentiary to reformatory. It is incumbent upon the courts of Ohio to sentence to this reformatory any male criminal between the ages of sixteen and twenty-one, who is not known to have been previously sentenced, and any court in its discretion may sentence any such male person between the ages of twenty-one and thirty so convicted whom said court may deem amenable to reformatory methods.

The 'inmates' (they are not called convicts) are clothed in neat fitting blue uniforms. They receive a good common school education and are taught mechanical drawing, printing, carpentering, cabinetmaking, iron work, masonry, agriculture and horticulture. The guards are not in uniform. Meals are served in a common dining room. The inmates are allowed to talk during dinner. All avail themselves of the privilege. The uproar is deafening, but the inmates enjoy it. The meals are served in crockery dishes. Knives and forks are used. Brisk military drill is the form of exercise used. A band of twenty-two instruments supplies the music. Owing to overcrowding the practice of placing two inmates in a cell is tolerated. The aim of the management is 'to make good citizens out of those sent us, by preserving to them health of body, training their minds, holding them to useful employment, awakening in all a sense of accountability to God and man.'

The Chicago house of correction was opened about forty years ago. From time to time, it has been added to until it is now a mass of buildings, so arranged that proper oversight of prisoners is well nigh impossible. The prisoners are employed in the making of sewer brick for the use of the city corporation, breaking stone for streetmaking, printing for the city, cabinet making, shoe making, tailoring, laundry work and several other minor industries. A well equipped school is maintained for the instruction of youthful prisoners in letters and manual training. The medical department is well equipped. The regular hospital staff consists of four physicians and two trained nurses who live in the grounds, besides specialists who visit the prison at regular intervals. In addition to these there is a staff of consulting physicians and surgeons, each of whom visit the department at least once a week. From fifty to seventy-five major operations are performed each month. The superintendent exhibited with pride a new cell house for the accommodation of 334 men. The work was all done by prisoners.

The Illinois state penitentiary at Joliet was built about fifty years ago. It will be abandoned soon for a new prison on a site comprising two thousand acres of land. There are 1,500 inmates and only eight hundred cells. Here, as elsewhere in the state prisons, the unpardonable practice of putting two convicts in one cell prevails. The convicts' hair is not cut short. They dine all together in a mess hall. Crockery dishes and knives and forks are used. The guards inside the yard are unarmed. The guards on the walls only are armed. A ration of two ounces of tobacco is issued to each convict weekly. Such weekly newspapers as the warden may approve are admitted. Attendance at chapel is not compulsory. The lock step is used in marching. Convicts may converse with cell mates but not with convicts in adjoining cells. The convicts are allowed to celebrate the Fourth of July in the yard. They may write to friends once in five weeks and receive visitors once in eight weeks. Many industries are carried on. Forty per cent of the product of the convicts' labour may be sold in the open market. The rest of the labour is used in making supplies for the other state institutions.

The Indiana boys' school at Plainfield was founded in 1868. Since then 7,250 boys have been committed to its charge. Of this number 6,600 have been paroled and it is said that 'many of them are now filling useful and honourable positions in society all over the country.' The institution is a farm upon which there is an industrial village with many industries in progress. All the work on the farm and in the village is carried on by the boys under competent instructors. There are fifty-three buildings, and, with few exceptions, the bricks of which they were built were made by the boys and laid in the walls by them.

For crime, boys may be committed from 8 to 16, for truancy from 8 to 14 and for incorrigibility from 10 to 17 years of age. All boys are committed until they reach the age of 21 years. A boy whose conduct has been satisfactory for a year may be paroled for thirty days. If his conduct remains satisfactory, his license to be at large is renewed, if not, it is cancelled and he is recalled to the school. The course of study is that of a common school with manual training for all for whom room cannot be found in the trades school.

There are ten cottages in which the boys live in charge of an officer called a house father or captain. It is claimed that seventy-five per cent of the boys are reclaimed and have made good, industrious and law abiding citizens. There are no walls, no barriers, no guards. Yet there are comparatively few attempts to escape.

The Indiana girls school at Clermont is an institution for the reformation of girls over eight and under nineteen years of age, who have been committed for incorrigible or vicious conduct, vagrancy or depravity, and of girls under sixteen, convicted of crime. All girls are committed to the school until they attain the age of twenty-one years, but they may be released on parole at the age of eighteen, which release shall remain in force during good behaviour. The girls are trained in all kinds of housework, including cooking, baking, canning, dining-room service serving, and laundry work.

Outdoor work is provided and is the means of restoring the health of many girls. The school cultivates a garden of sixty acres and cares for an orchard of fifteen acres. The work is done by the girls under the direction of the farmer and his wife.

The girls are grouped in families of about thirty. The average population is about 280. There are few escapes. There are no walls and no barriers, except on one of the cottages in which the girls who are hardest to manage are segregated from the others. In order to help them to make up for neglected education all first and second grade girls are kept in school all day, while those more advanced attend school but half of each school day. Zealous and earnest teachers are provided. The officers ably sustain the devoted superintendent in her efforts to

reform those, many of them, unhappy victims of society, and a very gratifying measure of success crowns their efforts. Since the opening of the institution over sixteen hundred girls have 'graduated' from the school. Of these eighty-five per cent are reported doing well. The benefit to humanity of such work cannot be overestimated. It is very cheap at any price, and yet the work is said to be hampered because of the inadequacy of the appropriation voted by the legislature.

The Indiana reformatory at Jeffersonville is housed in buildings erected many years ago for state prison purposes. In 1897 the prison became the reformatory. Since then much has been done to adapt the buildings to reformatory purposes.

The age limit for inmates is from sixteen to thirty years. Sentences are indeterminate, with minimum and maximum limits. Once a month the board of trustees resolves itself into a board of parole, before which men who have maintained a clear record and who have served their minimum sentences are brought for consideration. The inmates are given a training in the common branches of an English education, also in some trade or industry. The following trade schools are in operation: printing, bookbinding, tailoring, shoemaking, cabinet work, painting, carpentering, sheet metal and tinsmithing, broom and mop making, masonry, concrete work, machine shop and electrical engineering, laundry work, music, horticulture, agriculture and a school of barbering.

The Indiana reformatory is endeavouring to erect a standard in moral instruction that will be second to none in the penal institutions of the land. Every method is employed to arouse within the inmates a desire for a better life and the development of such traits of character as will make them strong in manhood.

The inmates are clothed in neat uniforms. Their meals are served in a well lighted, cheerful dining hall. A band of twenty-five or thirty instruments is maintained. The members of the band are in charge of a thoroughly efficient bandmaster. Each Sunday morning the band escorts the battalions of inmates to the drill ground, where military drill, dress parade and review are presented, and later on it plays assembly marches while the inmates enter the chapel for devotional service. It plays during the services and later in the dining hall during the progress of dinner. On week days at noon and evening the band plays marches while the lines from the various shops march to the dining hall.

There is a law providing for the sterilization of defectives in effect in Indiana and it is being carried out at the Indiana reformatory. The means used is vasectomy.

The Eastern state penitentiary at Philadelphia was established nearly seventy years ago, in accordance with the ideas of the penologists who believed in the separate system of prison discipline. In their report of 1894, the inspectors say 'under the separate system each prisoner is taught skilled labour of some kind, which he learns because he is the sole recipient of that instruction. The moral influences in like manner are applied to each man as his capacity justifies. It is personal teaching to him, for, since whatever benefits are thus derived, they find their direct effect on one individual. He is the unit. It is a cause of surprise that at this day so few of those who are interested in prison systems of punishment comprehend the moral characteristics of the separate system of prison discipline which this institution has made so successful in its practical operation.'

The 'moral characteristics of the separate system' appear to have failed even in Philadelphia. To-day the 'system' is ignored. The cells all open into corridors as in 'congregate' prisons. Two and sometimes three convicts occupy the same cell. A number of convicts are employed together in structural work and in the bakery and kitchen. The 'separate system' is a theory which apparently has broken down in practice.

Of the Tombs' prison in New York the less said the better.

Blackwell Island penitentiary, structurally, is a disgrace to the city of New York. It was built many years ago. The cells are very small and very dark.

The warden is endeavouring to let in light upon this dark spot, by substituting long wide windows for the absurd little windows in the outside walls, but he is hampered by lack of funds.

On September 28th the excursionists journeyed from Louisville through the mountains of Kentucky and Virginia to Washington, where we arrived in the evening. Every member of the party felt deeply grateful to the director for his unceasing efforts to add to the comfort and enjoyment of the travellers, and to the national government for having enabled them to see so much of the country and so many of its institutions.

On Thursday afternoon September 29th, President Taft honoured the delegates of the International Prison Congress and of the American Prison Association by receiving them at the White House. President Taft, in welcoming the delegates, among other things said: 'Sometimes when I visited the prisons of the United States Government itself, I have thought that we were stronger in theory than in practice . . . I hope that your convention will still more widely spread information on the treatment of criminals and the making of them into useful members of society; and that your deliberations will not be influenced by maudlin sentiment, on the one hand, or by a desire for vengeance on the other. It is easy to err in each direction. If we made our prisons so comfortable as to furnish a motive for violating the law, they will not then serve the use for which they are properly established. On the other hand they are certainly not properly framed and used, if, by associating with hardened criminals men who are not criminals, and who may be saved altogether from becoming criminals, the number of criminals is increased rather than diminished.' The President then shook hands with each of the guests.

The American Prison Association was organized at Cincinnati, October 12, 1870. Its objects are as follows:—

1. The improvement of the laws in relation to public offences and offenders, and the modes of procedure by which such laws are enforced.
2. The study of the causes of crime, the nature of offenders and their social surroundings, the best methods of dealing with offenders and of preventing crime.
3. The improvement of the penal, correctional and reformatory institutions throughout the country, and of the government, management and discipline thereof, including the appointment of boards of trustees and of other officers.
4. The care of, and providing suitable and remunerative employment for discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

It meets annually, usually the sessions occupy a full week, but this year they were concluded in three days to enable the delegates to attend the sessions of the International prison congress. The next meeting will be held in Omaha.

The first session of the American prison association was held in the auditorium of the New Willard Hotel, Washington, on Thursday evening, September 29th. Hon. Amos W. Butler, the president, delivered his annual address. His subject was 'Convicts and Conservatism'. Among other things he said: 'productive labour is essential to the proper treatment of the prisoner. The most valuable labour is that which fits him to make a living when he is released, * * practically all the inmates of the county jails are idle. 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 extent of the competition of convict labour is usually overestimated. * * The insignificant ratio of the prisoners' 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 of one per cent, in Belgium one-third of one per cent, in France one-tenth of one per cent, represents probably the small importance everywhere of the competition of prison products. * * *

In the United States we now have three forms of prison labour: lease, contract and public account. Under the lease system convicts are leased to the highest bidder, who may or may not furnish officers to guard them. * * The contract system may be either for a stipulated wage per day, or at an agreed price for each piece of work done. The public account system is 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, the state employs convicts for its own work, or in its own factories, and furnishes the capital, but restricts the sale of the product to the state, its public institutions, and political subdivisions. This is the state use type.

The lease system is found in some southern states. The abuses of this system have been so notorious that one state after another is abandoning it. * * 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 tried the public account system. Sometimes it has proved satisfactory and again it has not. The state prison of Minnesota has three industries: (1) The manufacture of binder twine, and (2) of farm machinery on public account; the (3) the manufacture of shoes under contract on the piece price plan. * * In Massachusetts the prisons and reformatories 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 (municipalities) of the state, * * * The prisoners in county prisons, however, are largely unemployed, * * The utilization of convict labour 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, New York, Ohio, Pennsylvania, 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 Leavenworth and make good brick of it. They make 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 convicts are employed on levee work in Louisiana. In Washington state 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 boulders from

productive earth; in Minnesota and Louisiana in draining the land; in Ohio, Kansas and California in improving their farms. * * *

Attempts have been made in some northern states to utilize the convicts in building roads. It has, however, uniformly proven unsatisfactory there. * * * 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, have all combined to render such use of the convicts impracticable. * * *

The proper conservation of our natural resources and the proper employment of convicts, are two great problems that must be solved by our people, and they should be solved right. Why cannot these two problems be related? No present plan of employing convict labour is wholly satisfactory. Some methods used bring shame to our land. Others breed scandal, most of them are a reproach to us. Why cannot prisoners reclaim the tide-flats of New Jersey and the everglades of Florida? * * *. In Europe, the courses of streams have been changed, mountains tunnelled and canals built by prisoners. Why not build the Cape Cod canal with prison labour? 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? * * *.

The association met twice on Friday, twice on Saturday and at 10.30 on Sunday proceeded in a body to the New York Avenue Presbyterian Church, where the annual sermon was preached by the Rev. Walter Radcliffe.

The discussions at the meetings were on discharged prisoners, reformatory work, parole, criminal law reform, prison discipline, prevention and probation.

Mr. F. A. Whittier, superintendent of the Minnesota state training school for boys, presented the report of the committee on discharged prisoners. Among other things he said: '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 he becomes discouraged and disheartened. * * * 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 * * *. 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 * * *. All Prisoners' Aid Societies and similar agencies must work to build up in the general public, among the great mass of the 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 * * *. Upon his release from prison, every man should have, at least, a definite chance of employment, where he could, if he would, succeed.'

Warden Benham, of Auburn prison presented the report of the committee on prison discipline. In part he said: '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 * * *. When we contemplate the aims and objects of prison discipline, we find that the national government and the state are endeavouring 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 employment. 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 practicability by actual trial, such 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.'

Mr. Geo. L. Sehon, Superintendent of the Kentucky childrens' home society, presented the report of the committee on prevention and probation. The following quotations from his report are of interest: 'When adequate preventive safeguards are not furnished wholly by the parents, the various institutions of municipal kindergartens, fresh-air schools, public playgrounds, child-placing agencies, orphanages and juvenile courts must be relied upon to supply the deficiency * * *. 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 kindergarten, the playground, 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 towards better citizenship for the future.'

Mr. Sehon expressed the opinion that 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, also between normal persons of blood relationship.

He asserted that fifty to sixty per cent of the children in institutions for the feeble-minded come of defective heredity, and recommended sterilization of the hopelessly insane or idiotic, the feeble-minded and the avowed degenerates, as one of the most important and effective of preventive measures.

Judge DeLacy, of the juvenile court of Washington, D.C., a member of the committee, does not concur in this recommendation, and suggests that '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, which would render such emasculation unnecessary.'

At 2 P.M., on Sunday, October 2nd, the opening session of the International prison congress was held in the auditorium of the bureau of American republics. The Attorney General of the United States presided and opened the session in the name of the American republic. In his address he referred to the severity of the laws of England in the eighteenth century, and their defence on the ground that 'severity alone can deter the savage minds of those who are the objects of that severity from the commission of those outrages and mischiefs against which the severity of our laws is levied.' He quoted Blackstone as stating that 'among the variety of actions which men are daily liable to commit, no less than a hundred and sixty have been declared by act of parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death'. He said the savage codes of the eighteenth century utterly failed to accomplish the purpose of preventing crime, and that 'modern legislature seeks not simply to deter by making an example of offenders, but by convincing the offender of the wisdom of obeying law, and by so restoring him to a useful status in society that it is possible for him to live in conformity with law * * *. Civilized sentiment now concedes that the protection of society is the justification and main purpose of imprisonment, that protection cannot be surely had without the reformation of the criminal, or his continued control by legal authority.'

At the conclusion of the speech of the attorney general, the Hon. Jules Rickl de Belle, councillor of the ministry and chief of the prison system of Hungary, who was president of the Budapest congress in 1905, responded and proposed that Dr. Charles R. Henderson, of the university of Chicago, be president of the International prison commission and of the Washington congress now opened. Dr. Henderson was greeted as president by acclamation, and in accepting, among other things, he said: 'One mighty and commanding purpose has called us together and will inspire all our councils. This purpose is indeed, for the wilful and stubborn foe of social order, a stern and austere determination to make the way of the transgressor hard and thorny, so that dread fear shall hold the wicked in check and unbending force restrain the lawless. Yet, beyond this we look to the evangel of re-education, of reformation, of raising the moral standard of the race where the battle is hottest and victory over evil the hardest. We do, indeed, firmly resolve to make the way of the transgressor hard, but not desperate; we desire him to tremble before the majesty of outraged law, but not despair if he is willing to accept the reasonable yoke of honest and useful labour for the common weal. There is no conflict between justice and mercy; for it is not a wise compassion which permits a vicious man to go on in his own bad way unrestrained. Justice is kind when it deprives a man of liberty abused, and firmly holds him to a habit which gives him a chance of cultivating desires consistent with peace, order and general prosperity.'

On Monday, October 3rd, at 9.30 A.M., the sections were organized, and immediately settled down to business. Four sections were formed. The first section relates to penal law; the second, to prison administration; the third, to preventive means; and the fourth, to child-saving.

At 2 P.M., Professor Van der Aa of Holland, delivered a lecture on the European prison system.

At 3.15 a general assembly was held to which the sections reported progress and submitted resolutions for the consideration and adoption of the assembly.

On Tuesday, Wednesday and Thursday the programme was much the same except that the 2 P.M. lecture on Tuesday was by Mr. Schramack, the director of the prisons of France; on Wednesday, by Dr. B. Vambery, of the university of Budapest, and on Thursday, by Professor G. W. Kirchwey. On Wednesday, at 8 P.M., Mr. Takashi Sanagi, secretary of the prison bureau, department of justice, Tokyo, Japan, lectured on criminal law and prison methods in Japan. The International prison commission met on Friday, and on Saturday a general assembly was held to hear the president's closing address. This concluded the work of the eighth International prison congress.

Mr. Sanagi, in his address, informed the meeting that in Japan, the execution of a sentence for a term of not more than two years may be suspended, and if at the expiration of the fixed term the suspension has not been cancelled, the judgment becomes null and void; that the new criminal code grants the possibility of leave on parole at the expiration of one-third of a short term, and after ten years in a life sentence; that the age of responsibility has been raised from twelve to fourteen; that penitentiaries for children have been abolished, and reformatories substituted; that special provision is made for feeble-minded criminals, and those who need physical care; that a school for prison officers is attached to every prison, with a course of study, of two months or more, under the direction and instruction of chief guards, in prison laws and rules of procedure, duties of guards, service regulations, rules for surveillance and restraint, treatment of prisoners, sanitation, rules regarding posture, etiquette, dress and discipline, gymnastics, fire drill, jiu-jitsu, method of searching, method of personal description; that only those who can pass examinations in these are admitted into the service; that in Tokyo there is a school for prison officers, in which the pupils are chief guards, one or two of whom are chosen from each prison; that instruction lasts for four months, and two

courses are held each year; that instruction is given on the theory and practice of inflicting penalties, the practical working of laws and regulations, and the outlines of prison administration; and that a majority of the prison governors now in office are graduates of this school.

The indeterminate sentence occupied the close attention of the first section (penal legislation) for four days. The following question was submitted:—

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 supplementary penalty; and if so, in what cases, and how is it to be applied?

Prof. Gordon E. Sherman, of Yale university presented his review of the eleven papers offered in answer to the question with the following conclusions:—

1. The principle of determinate punishment should be maintained.

2. The absence of an indeterminate element is compensated by other measures which either take the place of punishment or follow it.

3. Such supplementary measures are: a. regenerative training applied for an indeterminate period in the case of youthful delinquents; b. indeterminate confinement as a measure of security and to which those who form a continuing menace to public order should be subjected; c. conditional liberation.

4. In the case of those condemned to long terms of imprisonment, or of habitual criminals guilty of grave offences found by the court to be of a professional or vagabond character, there should be obligatory an ulterior judgment touching the condition of the prisoner viewed as a menace to public order; such ulterior judgment should take place at the expiration of the determinate sentence and should be rendered by a prison commission whose members should directly represent the judiciary, the police and the prison administration authorities.

Mr. Engelen (Holland) thought the indeterminate sentence was applicable only as a measure of safety in dealing with dangerous criminals.

Mr. Silvela (Spain) thought the principle inapplicable in Europe.

Mr. Castorkis (Greece) would accept the indeterminate sentence entrusted to a prison board, free from all outside influence and acting as a jury in co-operation with the judicial authority and on which the penitentiary authorities should have no further power than to furnish proofs as to the prisoner that might be demanded.

After a lively discussion the principle of the indeterminate sentence was adopted by the section and a committee was appointed to prepare the report for the general assembly.

The next morning the committee submitted to the section a draft of their report, which provoked a long discussion in which delegates from Austria, Italy, Russia, Belgium, Spain, Hungary, Greece, Illinois, Indiana and Canada took part.

The following day the section resumed the discussion and adopted by a great majority certain resolutions which were submitted to the general assembly

on Thursday afternoon, when the president of the section, Prof. Prins of Belgium, proposed:—

1. The congress approves the scientific principle of the indeterminate sentence.

2. The indeterminate sentence should be applied to moral and mental defectives.

Prof. Gleispach, of Austria, M. Vambery, of Hungary and M. Castorkis, of Greece, proposed:—

3. The intermediate sentence should also be applied, as an important part of the reformatory system, to criminals, particularly to juvenile delinquents, who require reformation, and whose offences 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 notions of guilt and punishment are compatible with the principle 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 constituted as to be free from all outside influences, and consist of a committee 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 duration of the sentence only during such a period as may be necessary because of the novelty of the institution and lack of experience with it.

Respecting the indeterminate sentence Mr. Ernest Friedman, of Hungary, is of opinion that the fundamental idea of the indeterminate sentence is 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, that it is harmful and unwise to keep a man in prison who is no longer a 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. He said: 'This is a theory. In practice there is 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 the United States the indeterminate sentence is applied only in cases where there is hope of reformation. In Europe they apply it to habitual recidivists; in America only to those who have never before received any sentence. In America it is not applied for the gravest crimes.'

Sir Evelyn Ruggles-Brise, president of the English prison commission, said 'A law for the prevention of crime passed in England in 1907, added to the English criminal code a supplementary penalty * * *. 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 labour, he may be detained during the good pleasure of His Majesty, this detention to be called preventive detention.'

Prof. Ugo Conti, of Rome, said that in Italy—in place of the indeterminate sentence we propose the supplementary penalty * * *. 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 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.'

Mr. J. V. Roos, director of Transvaal prisons, South Africa, said:—'The Transvaal has inserted in the law of 1909, 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 convict may be liberated on probation.*

Prof. R. Garraud, of Lyons, France, said:—'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.'

Mr. Bruck-Faber, administrator of the penal establishments of Luzembourg, said the principal function of every judicial sentence '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 indeterminate sentence is the means proposed to meet this difficulty. The possibility of detaining him till he has reformed is the only way to obtain 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.

Dr. R. Vambery, of Budapest, said '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 absurd. * * * 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.

Prof. M. W. Mittermaier, of Giessen, Germany, said:—'The indeterminate sentence takes account of the personality of the criminal. When it is a question of studying the crime with the greatest care, or trying to reform the criminal, of securing public safety, then the indeterminate sentence is indicated * * * *. 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.'

The following is an excerpt, from the annual report of the inspectors of penitentiaries, Canada; for the year ended June 30th, 1904, respecting fixed and indefinite sentences:

'The system of fixed sentences, upon which our penal code is based, is open to grave objection. It is illogical in principle, ineffective in results, and also inconsistent with the real object of imprisonment.

Individual freedom is enjoyed as the result of state protection, and the state has the rightful power to take away that which it has given. Such action can only be justified, however, on evidence that it is necessary for the protection of the individuals who compose the state. The right of the state to protect is undoubted; the moral right to avenge or to enforce regeneration has yet to be established. Hence the real and only justifiable object of imprisonment is the protection of society. In the practical operation of the fixed sentence system there is a natural tendency to confuse incidental effects—such as punishment, deterrence and individual regeneration.—with the real object for which the sentence is imposed. In other words the incidental effects overshadow the real object with the result that the imposition of a sentence resolves itself

into an attempt to equalize two unknown quantities. The degree of criminality in a delinquent cannot be even approximately estimated, much less definitely determined, by the exposure of one illegal act; nor can the period of incarceration necessary to fit him for good citizenship be accurately judged in advance by any exercise of the human intellect. Yet this mathematical impossibility is attempted every time a fixed sentence is pronounced. The judicial records are replete with illustrations of the effect of fixed sentences. For example 'A' has been a peaceable and law-abiding citizen for fifty years, but under the impulse of momentary passion commits a serious crime. The realization of the effects of his act may be the most complete safeguard to the public against its repetition. The statute, however, has fixed the penalty for the offence and the automatic action of the court sends him to the penitentiary, at public expenses, for a long period of years. Another man 'B', who is known to be an habitual criminal without other means of livelihood, is convicted of some minor offence and sentenced to the common jail for ten days, after which period he is released to renew his career of crime. In both cases it is the dead crime and not the living criminal that is considered.

From which of these men does society require the greater protection? How is it possible to administer actual justice under such a system?

We submit the opinion that a penological system that fails to safeguard the interests of society and ignores the real object of imprisonment is not compatible with modern civilization. A sentence to imprisonment usually (but not invariably) involves punishment, and it may or may not have a deterrent effect upon others. Imprisonment should be accompanied by all reasonable facilities for moral reformation. These are, however, merely incidental. All that the state requires—all that it has a right to exact—is that society be protected against the delinquent until he shall have given satisfactory evidence that he will comply with the legal requirements of the state and respect the rights of his fellow citizens.

The substitution of indefinite sentences for fixed sentences would involve a radical change in the principle upon which the penal code is based, and would also materially increase the labour and responsibility of the department concerned. It is, however, open to none of the objections that attach to the existing system, and it is absolutely consistent with the object to be attained.

Among other advantages:—

(a) It would provide a safeguard to the delinquent against the undue severity of his sentence, and to society against the inadequacy of the period of restraint.

(b) It would enable the convict to realize that the key to freedom is in his own hands and that the only possible hope of future liberty depends upon his being amenable to advice and discipline until he shall have convinced the authorities of his sincere determination to be lawabiding.

(c) It would obviate the abuses arising from attempts to 'make the punishment fit the crime', and enable the adoption of the more correct principle of making the period of restraint fit the criminal.

(d) It would give perpetual protection to society against the determined and incorrigible criminal; instead of the intermittent protection afforded by the existing system.

(e) The fitness of the delinquent to re-assume full citizenship would be determined only after a reasonable period of observation and by some authority upon uniform principles; thus obviating the scandal and hardship that arise from the inequality of sentences, imposed in advance, by jurists of diverse opinions, each acting upon his individual view of penal requirements.'

The first section then discussed:—

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.”

And submitted the following resolutions which were adopted by the general assembly:—

Resolved,—

‘1. The citizen condemned for crime in a foreign country is liable in his own country to the same incapacities 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 a recidivist to be 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 crimes.

‘5. The organization of an international office of 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 misdemeanours 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.

The section submitted the following resolutions which were adopted by the general assembly.

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 offences for which several persons are responsible, and that these offences 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 offences.

The second section (on prison administration) dealt with:

Question 1.—What are the essential principles of a modern reformatory system and upon what rational methods should it be based? Should its application be limited by age, or other classification? If so, under what limitations?

'Must we not admit the necessity of special treatment for youthful criminals and even recidivists from sixteen to twenty-one or twenty-three years, recognizing the plasticity of that age and the possibility of curing by special methods physical, moral, and intellectual, the perverted instincts of young offenders? In that case is it not desirable to give to the courts the power of imposing a special penalty;

(a) Sufficiently long to permit the full application of all means of reformation?

(b) Permitting the free application of conditional liberation?

The section submitted the following resolutions which were adopted by the general assembly:

Resolved,—

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 deterrent 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. Almquist of Sweden;

'*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?

The section submitted the following resolutions which were adopted by the general assembly:

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 favour 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 recommendation 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?

The section submitted the following resolutions which were adopted by the general assembly after a lively discussion:

Resolved,—

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 labour, 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 labour.

4. Where such concentration is not possible various kinds of labour 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, if feasible, at least one man competent to direct industrial work.

The third section (on preventive means) dealt with four questions:

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, &c., to avoid the necessity of imprisonment, 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? The section submitted the following resolution which were adopted by the general assembly:

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 reason-

ably 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 measures should be taken for the suppression of mendacity and vagabondage, especially in view of modern criminal tendencies?

What rules should be adopted for the organization of workhouses for mendicants and vagabonds?

The section submitted the following resolutions, which were adopted by the general assembly:

Resolved,—

I. The congress re-affirms 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 compulsory. 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 offenders, to lighten the heavy economic burden falling upon families owing to the imprisonment of those upon whom they are dependent?

The section submitted the following resolutions which were adopted by the general assembly:—

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?

After prolonged discussion the section submitted the following resolutions, which were adopted by the general assembly:—

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.

The fourth section (on questions relating to children and to minors) dealt with four questions.

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?

The section submitted the following resolutions, which were adopted by the general assembly:—

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 should not be made public.

4. Whenever 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?

After a full discussion the section submitted the following resolutions, which were adopted by the general assembly:—

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 undertaken 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 come 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?

The section submitted the following resolutions, which were adopted by the general assembly:

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 should be more kindergartens and greater recognition of training in hand-work for the children.

III. Vast additions to playgrounds, wholesome recreation centres, 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?

The section submitted the following resolutions, which were adopted by the general assembly:—

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 relation 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 duties shall be:

(a) To instruct said girl-mothers 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.'

I have the honour to be,

Sir,

Your obedient servant,

G. W. DAWSON,

*Inspector, and official delegate to the
International prison congress.*

OTTAWA, October 15th, 1910.



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