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Find No Unjust Hangings

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FIND NO UNJUST HANGINGS

Present status of probation and parole in Illinois; the adult probation law. Should the principle of probation and parole be extended? If so, under what conditions and restrictions.

Paper by E. A. Snively, member Board of Pardons, Springfield.

Discussion by John E. Lewman, State's Attorney, Danville.

Organization of courts. What changes, if any, are desirable?

Paper by Professor Albert M. Kales, Northwestern University Law School.

Discussion by

Criminal procedure. What changes, if any, would result in the improvement of the existing methods of administering the criminal law?

Paper by William N. Gemmill, Judge, Chicago Municipal Court, Chicago.

Discussion by I. M. Wormser, Assistant Professor of Law, University of Illinois Law School, Urbana. CHESTER G. VERNIER, University of Illinois.

Find No Unjust Hangings.—That the people of the United States may learn to have more respect for decisions of the criminal courts, the American Prison Congress, which closed its annual convention in Omaha, in October, 1912, will carefully investigate every reported case of unjust conviction and will try to discover if the death penalty has ever been inflicted upon an innocent man. The congress already has devoted an entire year to its search for a case of capital punishment wherein there was reasonable doubt as to the guilt of the victim. So far it has discovered not a single case. This search was carried out in every prison in the United States and in Canada, a personal letter having been sent to the warden of every state prison in both countries. Each official was asked the following questions:

1. Have you personal knowledge of the execution of any person on conviction of murder whom you believe, from subsequent developments, to have been innocent?

2. Have you personal knowledge of the imprisonment on conviction of heinous crime of any person whom you believe from subsequent developments to have been innocent?

3. If either of the last two questions is answered in the affirmative, was the victim a worthy person?

To the first question, every warden in the United States and Canada answered "No" unequivocally, with the exception of Col. R. W. McClaughry, warden of the government prison at Fort Leavenworth, Kan. Col. McClaughry was not sure, but said: "I know of one or two who may, in my opinion, have been executed wrongfully." Warden Fogarty of the Indiana state prison wrote: "I have no knowledge, personally, of the execution of an innocent person; however, I have no doubt whatever that some innocent men have been executed." To the second question a number of prison officials answered "Yes," qualifying their statements by answering question No. 3 by a negative answer. Warden McClaughry answered, "Yes, a very few," adding, "In neither case could the party have been called worthy." Warden Alston, of Wyoming, says: "Yes, I am confident I know of one man in our state who was convicted and sent here who was innocent." "But," adds the warden in answering No. 3, "he was of a drunken disposition and had he been a sober man would never have been suspected or accused. Warden Russell, of Marquette, Mich., writes: "I don't think from my experience as a warden of this prison that the courts make many mistakes." Dr. Gilmour, of Toronto, answers question No. 2, "Yes,"

and adds, as an answer to No. 3, "Most worthy, and results sadder than the sad." Supt. C. C. McClaughry, of Boonville, Mo., answers "Yes" to both No. 2 and No. 3. Warden Fuller, of Ionia, Mich., writes: "During the seventeen years I have been warden I know of only one case of wrongful conviction, for offences against property. One prisoner was sent here for stealing a cow and another prisoner afterwards confessed he had committed the crime charged against the other man in order to get rid of the man, with whose wife he was infatuated. Warden Fogarty, of the Indiana state prison, writes: "I have not been convinced by subsequent developments that any man convicted and sentenced here for a heinous crime is innocent." The famous case from the Western Penitentiary, Pittsburgh, wherein a prisoner served fifteen years, was pardoned, and pensioned by Carnegie, and heralded as innocent, is treated in the following report: "Your committee had previously taken pains to write to the warden of the prison mentioned, but the information elicited did not indicate that the prisoner had been declared innocent, but was to the effect that the man had been discharged in the usual way." The writer of the report says: "The writer has for some years made it a practice to follow up with correspondence or otherwise the most widely published and sensational accounts of hardships experienced by innocent persons under judicial conviction, and has been surprised at the meager basis upon which such reports rest, though he finds that they are generally given credence by the reading public. Perhaps his (the secretary's) report may tend to establish confidence in the courts on the part of those who are not informed and who have neither the means nor the time, even if they have the inclination, to inform themselves, and it might be a good beginning in the effort on the part of the institutions to be understood by the public." R. H. G.

Prosecutions by Boards of Health and Tenement House Supervision in New Jersey.—The *New Jersey Law Journal* for December comments editorially as follows:

"The State Board of Health and the Board of Tenement House Supervision have had some seventy penal suits brought in this state alleging violations of the laws which the two boards are charged with enforcing. More than fifty of the suits are brought by the State Board of Health as a result of the pure food campaign which is being pressed with vigor by the food and dairy divisions of the board. Most of the health suits in the present batch are for violations of the law regulating the supply of milk, and disposing of a mixture of olive oil and cottonseed oil as pure olive oil. Some twenty more suits are against farmers and dairymen charged with trafficking in bob veal. The preparation of the cases for trial, including the procuring of the necessary evidence and the drawing of the papers, has involved a vast amount of labor and the trials themselves promise to keep the penalties division of the Attorney-General's office busy for some time. The suits were made returnable at various dates extending between November 21 and December 22. Prosecutions for violation of the Tenement House code have thus far been only in Newark and Jersey City." R. H. G.

The Work of the Law Division of the Library of Congress.—"The Law Division of the Library of Congress is making a systematic effort to bring its collection of foreign law to a state of high efficiency. The growing interest