

## SHOULD NOT PUT BOYS IN PRISON

Contact With the Vicious Impels Youths to Life of Crime.

### PROBATION EFFECTIVE

Work of Alberta, Canada, Superintendent Outlined Before Association.

Indianapolis, Oct. 15.—Youthful criminals should not be confined in prisons, where contact with the vicious will impel them to a life of crime, but should be given work in the open, work of the kind to which they are naturally inclined, is the opinion of R. B. Chadwick, superintendent of Dependent and Neglected Children for Alberta, Canada. Mr. Chadwick's views were voiced before the American Prison association, at its annual meeting here, in an address today entitled "Outside Work as a Preventive Measure and as a Reformatory Method." The growth of outside work in prisons, Mr. Chadwick asserted, is productive of justice toward boys and men which cannot be overestimated. The basis of such a system, he continued, should be common sense. On the one hand he said, a system founded purely on sentiment will prove unsatisfactory and ineffectual; on the other hand, practical, sound administration has brought out that too close incarceration has often fostered a spirit of rebellion. In part, Mr. Chadwick said:

#### Probation Effective.

"Probation has done more work as a preventive agent in dealing with young offenders than any other agency yet devised. Probation in dealing with the hardened type of criminal is futile and useless, as through the probation system the criminal succeeds in getting lenient treatment without proper supervision of his surroundings.

"There is a group of offenders who are not hardened criminals, but who have to be taken care of. This group forms the largest of any of the various classes that have to be dealt with under criminal law. They are not sufficiently hardened to be considered as criminals, but they have gone beyond the stage when they can be considered as possible of correction under the system of probation. When a boy or young man has fallen down under probation, and has become an occasional offender, and it has been deemed advisable to deal with him by some more rigid form of correction than probation offers, the reformatory method has been used with great success.

"The boy is brought before the juvenile or district court in Canada, and handed over to the department of neglected children, as a neglected child, and placed out to work under the supervision of an agent or inspector of the department. His earning capacity must be guarded, as he is liable to be exploited by unprincipled employers of child labor, unless an agreement is entered into and arrangements made as to the particular amount of money he is to receive in addition to board and clothing. The money is placed to the account of the officer who has charge of the boy and a receipt given for each sum deposited or expended, in order that the amount may be justly accounted for in the final settlement with the lad."

Mr. Chadwick outlined the work in Alberta which is being done under his supervision. It was just as important, he said, to find the particular sort of work for which a youthful criminal is naturally fitted as it was to find work at all. "The farm had solved the question in many instances, but not in all. The work at the prison farm, he added, was watched by the provincial authorities and undoubtedly would be copied by the provincial jails in the near future. In conclusion, he said:

"The basis of such a system should be common sense. A theory which takes down and prove unsatisfactory and most ineffectual; on the other hand, practical, sound administration has often proved that too close incarceration has brought out a certain spirit of rebellion, and outside work has developed the principles which go to make a right man, and results in the recognition of the sense of human weakness, in many instances dormant, but in the case of almost all boys easily gettable. To help the boy or the man it is as necessary to know his weakness as it is to know his strength.

"The cost of such a scheme is comparatively small, as both boys and adults can be handled with a great deal less money under this system than any other. Outside work in any form has proved an enormous deterrent to crime, particularly in incipient stages, and properly handled will likely prove the solution to the problem of the vagabonds and first offenders, both of juvenile and adult type."

Indianapolis, Oct. 15.—The committee on reformatory work and parole, in its report to the annual meeting of the American Prison association today, dwelt upon the need of greater specialization in criminal work and the segregation of different classes of law breakers. The petty offender, often young, weak and impressionable, it recommends, should not be subjected to the dangers of association with hardened criminals. "There is an insidious danger," says the report, "that must be insisted upon in the classification and treatment of offenders. It is admitted that in a percentage of evil does certain ameliorating circumstances limit the responsibility of the individual though they make him none the less dangerous to society; most important condition of the body, especially of the central nervous system—a condition either hereditary or accidental; secondly, an unfavorable environment, especially in early life. It is particularly in these cases that classification and isolation are desirable. Our danger lies in accepting a criminal type in looking upon pathological, environmental and hereditary factors as the sole causes of criminality—certainly they are predisposing causes, but in

most cases they are not the necessary causes.

**Appeal to Higher Faculties.**  
"The necessary cause of the majority of criminal acts is the choice of the individual's free will. Therefore to correct the criminal tendency the only method of approach is by way of the individual's higher faculties. In the philosophical aspect this is the province of morality, and the practical application of morality is the function of religion. Religion appeals to the personal responsibility of the individual; unless this feeling is awakened any hope for a permanent cure is futile."

The committee emphasized the benefits of the probation system, the indeterminate sentence and the parole. Each year, it was said, endorsed the wisdom of these reforms. "The warden or superintendent advocates more and more earnestly that when practicable every effort be put forth to save offenders of the law from further evil doing without committing to prison or reformatory. There is no class so opposed to prisons, by whatever name called, as those whose duty it is to superintend them; it is the indifferent public who stolidly look on while their members drift into prison."

**Should Extend System.**  
The report recommends that the present system of medical inspection of schools be extended so that the state shall not resign supervision over the defective class after they pass the stage of compulsory education.

"This is the time when all our machinery should be perfected to safeguard our children—especially do I plead it for our girls—the community knows it needs no repetition here, that the unprotected feeble minded girl is a greater source of evil in a community than a youth of the same class. "Institutions for women of which I have any knowledge, if the lamentable results of neglect of this class were taken out of them, would show an amazing decrease in their population. Even with careful provision for sufficient custodial care of this class of weak minded, there will be a percentage that will slip through, and for this reason, if no other, there should be the examination into the social, mental and moral conditions of those brought before the courts before sentence is passed upon them by the magistrate or judge."

## FIXING PENALTY FOR CRIMINALS

No Judge Has Right to Say "The Soul That Sineth Shall Die."

### MORAL DISORDERS

Sentences Should Be Indeterminate—Punishment With Reformation Its Object.

Indianapolis, Oct. 15.—No human judge can fix intelligently the penalty a criminal should pay for his crime, in the opinion of W. H. Berry, for six years a member of the Iowa Board of Parole, and only "the judge of all the earth has a right to say, 'the soul that sinneth, it shall die.'"

Nor should punishment be the object of enforcing penalties, according to Mr. Berry; rather, punishment should be an indirect result with reformation the object. For one prisoner may have but moral whooping enough and may soon be cured, while another may be a moral leper and may never be cured; yet both may be discharged together under the present method of administering justice in many states.

**Moral Disorders.**  
The palliative for the long train of moral disorders that lie in the trail of the fixed sentence, in Mr. Berry's opinion, is the indeterminate sentence. In his address today before the American Prison association, Mr. Berry so asserted, adding that it would be better still for judges simply to sentence criminals to imprisonment and leave to another tribunal, inferentially the Board of Parole, the task of determining how long the sentences should be.

"To accomplish most successfully the things desired in the enforcement of the law, the indeterminate sentence in fact as well as in name, I conceive to be a necessity," Mr. Berry said. "First, because judges cannot fix intelligently the amount of penalty a law violator should pay; second, because the penalty one man should have to pay for an offense is no criterion from which to judge what another man should pay for a similar offense unless all the conditions are the same; third, because there are some persons convicted of crime who should by reason of the nature of the crime they committed or the impossibility of reformation, and for the good of society be isolated indefinitely and possibly for life."

**Average Criminal Unknown.**  
"The average criminal is an unknown man to the grand jurors who indicted him, to the county attorney who prosecuted him, to the jurors by whose verdict he was found guilty, and the judge who pronounced the sentence. As a rule the only facts revealed by the trial are those connected with which he is charged; no judge, however learned, however just, however honest, can tell how long the average man should be confined in order to accomplish any one of the objects of the infliction of the penalties of the law as stated above."

"The man before the judge and jury is presumed to be innocent, is entitled to that presumption until he has exhausted all the means provided by law to prevent his final conviction. No judge when he pronounces sentence on the prisoner has a right to demand of the prisoner that he shall reveal himself and his history, for the reason that there are steps which may yet be taken that may result in his acquittal; to compel the prisoner to disclose his history and thereby give evidence against himself would be not only contrary to law but a great injustice. How can the sentencing judge know or guess whether three or thirty years is what the prisoner before him for sentence should receive in order to accomplish his reformation or deter him from repeating or deter others from committing crime? How can the sen-

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encing judge know whether the prisoner before him is a repeater or a first offender?

"No man can determine how much punishment should be visited on his fellow man as a punishment for his offense. As said above, there is punishment inflicted in the enforcing of penalties to prevent repetition, to deter others and become a willing ob-server of the law. Such punishment should receive in the enforcing of these penalties for the accomplishment of the other object. The Almighty alone

has a right to punish for punishment sake.

**Length of Sentences.**  
"The courts of the land should, after giving to an accused man all reasonable safeguards in the investigation of the charge of crime against him, determine his guilt and then sentence him to imprisonment, without limit as to time, and then leave it to another tribunal to determine when he has been sufficiently punished, when he has served long enough to impress on others the seriousness of

the offense and operate to deter others, when it will probably be safe to society to release him, to keep in custody indefinitely such as by their conduct have forfeited all right to associate with their fellows and such others as do not give satisfactory evidence of repentance and reformation. The keeping of a man in custody for life is not necessarily punishment. It is the state protecting itself from the evil influence of a man who has proven himself a menace to it, and in whom there is no such hope of reformation as would justify his release among his fellows.

**Moral Diseases.**  
"There are men in all prisons who have only moral whooping cough, others the measles, scarlet fever, diphtheria, tuberculosis, leprosy, and neither patient nor society will be benefited by paroling out the moral leper. Those suffering from the minor troubles should as soon as they have given evidence of recovery and been in the hospital long enough to impress them with the seriousness of their of-

fense and to operate to deter others from like offenses be allowed their liberty under safeguards which will as best we can guard against relapses. While such as do not should, as in the case of physical and mental derangement, be kept in charge of the state and isolated from their fellows."

—oo—  
And many a man indulges in horse play who doesn't play the races.  
—oo—

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