

352.9  
C432.2  
1913/14  
Cop. 2

UNIVERSITY OF ILLINOIS  
5. Michigan Bldg. CHICAGO

REPORT OF THE WORK  
OF THE  
COURT OF DOMESTIC  
RELATIONS  
1913-1914



THE LIBRARY OF THE  
AUG 4 1943  
UNIVERSITY OF ILLINOIS

HON. JOSEPH Z. UHLIR,  
JUDGE

Dep. U. of I  
R. E.



REPORT OF THE WORK

of the

COURT OF DOMESTIC RELATIONS

1913-1914

---

HON. JOSEPH Z. UHLIR, JUDGE

THE LIBRARY OF THE  
AUG 4 1913  
UNIVERSITY OF ILLINOIS

DEPARTMENT OF SOCIAL INVESTIGATION



2320  
14-24  
1111

THE Court of Domestic Relations, the first one of its kind, was established on April 3, 1911, as a branch of the Municipal Court of Chicago. It was given jurisdiction over violations of laws involving chiefly wrongs to women and children, as the name of the court indicates. Three judges have so far presided over this unique court—Judge Goodnow during the first year of its existence, Judge Gemmill during the second year, and during the third year, from April 3, 1913, to May 4, 1914, I had the honor to hold this court. Each year has witnessed a great growth in the amount of business transacted. During the first year 2796 cases were heard and disposed of; in the second year the number grew to 3699 cases, while the third year saw the disposition of 4413 cases. This surprising growth in the number of cases handled does not mean that Chicago is daily getting more lawless, or that the family life and the morals of the people are growing worse. The increased business is a proof of the efficiency of the court; it demonstrates that the establishment of this court was a wise measure, and that the Court of Domestic Relations, as its work is becoming better known, reaches the wrongs suffered by women and children far more completely than was the case formerly in the police courts. It is merely what one would expect. A judge assigned to hold the Court of Domestic Relations is selected out of a large number of judges because of special qualifications for this kind of work, and he becomes naturally an expert in the handling of cases involving the family relations of the parties before him; he has the assistance of trained and experienced officers and special attaches qualified to handle the particular class of cases coming before his court, and he gets the invaluable co-operation of charitable and civic organizations, such as has enabled the Court of Domestic Relations not merely to punish, but to help and to heal.

### **\$200,000 YEARLY FOR DESERTEED FAMILIES.**

117-24-75

The success of the court is best shown by a few figures. Abandonment and non-support of wife and children constitutes the most important class entrusted to the court. Prior to the opening of this special court only some twelve or thirteen thousand dollars was paid annually to the clerk's office for the support of deserted families upon orders of various judges of the Municipal Court sitting in police stations. This sum was increased in the first year of the Court of Domestic Relations to \$19,618.05. Next year, as the court came to be better known, the amount collected increased to \$75,562.59, and in the third year, during the time I was presiding, \$100,294.94 was paid out by the clerk to women and children upon orders of the

court. These figures do not by any means tell the whole story. No statistics can be obtained of money paid directly to women and children upon orders of the court or in cases, where families have been reunited as a result of the intervention of the court, but there is no doubt that this amount is fully equal to the sum paid into the court. This fact alone—the difference between \$13,000 collected formerly and \$200,000 collected now—proves abundantly the usefulness and efficiency of the Court of Domestic Relations.

### **PROTECTION OF HOME TIES, RATHER THAN PUNISHMENT OF OFFENDER IS THE AIM OF THE COURT.**

The court is a criminal court; it deals with offenders who break the law of the state. But the laws which it enforces are mainly laws for the protection of the weak and for the preservation of those home ties which are the foundation of the community. And so in dealing with infractions of the law, the Court of Domestic Relations does not aim principally at punishing the offender, but at working out such a solution of the whole problem as to prevent its recurrence, if possible, or to remove the causes of it. What the judge of this court needs, is not so much profound erudition in the technicalities of the law, as a sympathetic knowledge of human nature and an instinctive recognition of the right method of handling the individual offender. As a distinguished English visitor expressed it, the judge must be a wise Eastern kaadi. A plain, friendly talk will convince one man that he has behaved badly, and he begs forgiveness of his wife and promises the judge to keep away from liquor or whatever the cause of the trouble may be, while another man gets more stubborn, if the judge is inclined to show him leniency. Sometimes a mere taste of imprisonment will tame a defiant husband. He is sentenced to six months in the House of Correction, and the bailiff locks him up temporarily in a back-room. It is wonderful what an effect a few hours' confinement will have. The man begins to figure how long six months must be, if two hours seems an infinity, and when later in the day he is again brought before the judge, he is a broken man and sincerely anxious to deserve the clemency of the court. It goes without saying that the judge makes extensive use of the provisions of the probation act. Sending the husband to jail or workhouse leaves the family generally in destitute circumstances. So the sentence is suspended, and the offender placed on his good behavior under the supervision of an adult probation officer. Unless there is reason to fear that he would run away, his individual recognizance without sureties is accepted. Those that show no repentance or whose con-

duct has been atrocious or who have broken a promise to make good are sentenced to the House of Correction for a term of six months or a year. But in a few days the wife that had the husband arrested and who testified against him and exhibited black and blue spots where he had struck her, comes back to plead for him. He may be a brute, but he is the father of her children, and she is sure that he will do better, and begs the judge piteously to give him another chance. The judge readily gives in to her plea and orders the man released from Bridewell on probation. In a great majority of cases one lesson is sufficient. The man is told that if he lays a hand on his wife or neglects his family, he will be brought back and made to serve the whole of his term. He is placed under the supervision of an adult probation officer. The officer helps him to find employment, if the probationer is out of work; he settles disputes between husband and wife, sees to it that the order of the court for the support of the family is obeyed, and in general acts the part of a good Samaritan. The people of Chicago do not realize how important and how thorough-going is the work carried on by Judge Houston and his force of adult probation officers.

### **APPEALS ARE RARE.**

The Court of Domestic Relations is primarily a court of poor people and of immigrants. The rich settle their domestic difficulties elsewhere, either by suit for divorce, or by a separation mutually agreed upon, or by retirement to a sanitarium. The parties before the Court of Domestic Relations seldom can afford to employ lawyers, and it is up to the judge to question witnesses and bring out the true state of facts. And further, while this court is technically only a branch of the Municipal Court of Chicago and a court of limited jurisdiction, to all intents and purposes it is a court of last resort. Of the thousands of cases tried by me in the Court of Domestic Relations, only one case was appealed, a Chinaman sentenced to jail for contributing to the delinquency of a girl, and in that case the judgment was affirmed by the Appellate Court.

### **NEED OF AN INTERPRETER.**

So many foreigners, unable to speak English, bring their differences before this court, that a judge who does not understand the chief European languages is handicapped in getting the true facts of each case. The parties may bring a friend who knows some English, or the court clerk or bailiff is called on to do his best. But in the absence of an expert

interpreter the witness does not grasp fully the lawyer's or the judge's question, and the judge does not get the whole effect of the witness's testimony. The court should have an expert interpreter on its staff, so that this unintentional, and sometimes intentional suppression of testimony might be prevented.

### **COURT IS A FRIENDLY COURT.**

As this is the poor man's and particularly the poor woman's court, an effort has been made to impress upon them the fact that it is a friendly court. Both complainants and defendants are treated with consideration and patience by the judge and the officers of the court. In the second year of the court's existence a court room adjoining the room where the court proper is held was fitted up as a rest-room for women waiting to have their cases called. Comfortable chairs and rockers have been installed, as well as cots for babies of whom so many are brought into court every day. There is now a play-room for children with kindergarten material, and the nurse—of whose work a more extensive mention is made later—instructs the mother in the proper care of children. Last Christmas a beautifully trimmed Christmas tree was set up in the waiting room, with toys, fruit and candy for every child whose parents had their difficulties adjusted by the court during the holiday season, and baskets of Christmas cheer were sent to families of men who had been sentenced to the House of Correction by this court. It was surely the first time that a Christmas tree was set up in connection with a court of justice. The money needed was contributed by the court and individuals and organizations co-operating with the court, and to them also is due the existence of a special fund which the judge uses for immediate relief in cases where the facts show it to be necessary, further relief being given later by some one of the charitable organizations represented in the court.

### **LONG DAILY SESSIONS.**

This court is a busy court. It does not adjourn, except for a few minutes at lunch time, until it has disposed of all the cases on the call for that day. The call is always heavy, but the parties are entitled to a patient and full hearing, and so it frequently happens that this court is sitting long after the regular adjournment hour of the Municipal Court. It is no unusual thing to have the officers, as well as the judge of the Court of Domestic Relations work twelve or even fourteen hours in one day. The amount of business, very heavy now and increasing steadily, points to the need of a branch court of Domestic Relations.

## WORK OF THE SECRETARIES.

In addition to clerks and bailiffs, the assistant state's attorney and city prosecuting attorney, the Court of Domestic Relations has a number of special workers on its staff. From the very beginning an experienced social worker, a woman, was employed to interview complainants, sift the facts and relieve the judge of much unnecessary detail work. During my term a second secretary had to be added to the court's working force. These ladies have an office adjoining the restroom, and complainants and applicants for warrants are directed to apply to them. Many times there is no ground for a warrant, but rather need for relief or legal advice, or some other thing which another agency is fitted to give. The secretary refers such persons to the proper agency. Many persons are willing and even anxious to avoid court action, so that a letter requesting husband and wife to come in and talk over their difficulties results in a satisfactory agreement, without either a warrant or trial. Sometimes a letter of warning will accomplish the desired result. From 75 to 100 conferences are held each month with quarrelling couples, and the secretary's mediation results in a large percentage of reconciliations. An important part of the work of the secretaries is to enforce the payment of the weekly sum awarded by the court to the abandoned wife and children. A letter of warning is first sent to the defaulting husband, and if that does not bring results, he is brought before the judge to answer the charge of contempt of court for disobeying the order to pay the stated sum for the support of the family. The two secretaries heard last year 10,765 complaints of all sorts.

## DOCTOR AND NURSE ADDED TO THE STAFF OF THE COURT.

During the second year of the court's existence an attempt was made to determine in some measure the causes which lead to so many family troubles. The judge after hearing the testimony in the case, noted his conclusion of what appeared to him to be the cause of family separation. Drunkenness, immorality, ill temper and abuse, interference of relatives, laziness and venereal diseases were given as chief causes. But it soon became apparent that this analysis did not go deep enough, and that frequently the underlying cause of the trouble was a physical or mental defect. Again, many women applying for warrants appeared to be more in need of medical attention than of justice at the hands of the court, and children, sick and starving, were daily brought into the court by mothers who came to complain of their husbands. As a result of these conditions the Visiting Nurses Association, at my request, detailed

in September 1913 a nurse to give her whole time to needs arising in connection with the Court of Domestic Relations. The importance of the work of the nurse was so manifest that a short time later by a vote of the judges of the Municipal Court the nurse was made a regular attache of the court as a deputy bailiff—the first woman to be appointed a court bailiff. Another important addition to the staff of the court was the assignment of Dr. Anna Dwyer to be the physician of the Court of Domestic Relations. Medical examinations made by Dr. Dwyer at the court's request revealed a startling and distressing state of affairs. She found tuberculosis, epilepsy, syphilis, borderland insanity, idiocy at the source of many domestic troubles. Separation and non-support which the complaining wife attributed to drunkenness was shown to have its origin in disease. Facts brought out by the doctor made more urgent the need of a well-equipped psychopathic laboratory, where the complete physical and mental condition of a person could be determined, a project earnestly advocated by Chief Justice Olson, and the latter part of April of this year saw the establishment of this laboratory by the Municipal Court of Chicago. Even in the short time which elapsed between the opening of the laboratory and the close of my service in the Domestic Relations Court, a number of cases occurred where parents, physically mature, were by the medical expert shown to possess the mentality of a ten or twelve year old child. The judge should be put in possession of facts like these, if he is to decide cases pending before him in accordance with the law of the state and the principles of natural justice.

### **OTHER ATTACHES.**

The working force of the court has been further increased by the addition of an investigator in bastardy cases and of a Juvenile Court Probation officer. The investigator is an employee of the state's attorney's office; she interviews the complaining girls, finds shelter for them, when necessary, and assists in the preparation of these delicate cases. The Juvenile probation officer looks after the interests of the children in cases where facts brought out on hearing before this court show the necessity of action by the Juvenile Court on behalf of the children.

### **HEARTY CO-OPERATION OF CHARITABLE ORGANIZATIONS.**

The great results accomplished by the Court of Domestic Relations are due to a large extent first, to the loyal and efficient manner in which the various officers and attaches of the

court have performed their duties, and secondly to the cordial and single-hearted co-operation of the numerous organizations having for their aim the betterment of the city and help for suffering humanity. Departments of the county and city government, such as the Juvenile Court, the probation officers, the county agent's force—charitable organizations, in particular the United Charities, Catholic Women's League, Polish, German, Jewish, Bohemian and Italian Aid Societies, the Juvenile Protective Association, representatives of social settlements, Legal Aid Society, Houses of Refuge for women and children, and a large number of other charitable, civic and church organizations, have multiplied the power of the court for good many times. They give relief in cases of distress and want, find work for the unemployed, secure medical aid, reunite husband and wife and extend sympathy and aid. It is a credit to the City of Chicago that so many public spirited and charitable women and men are ready to assist the court in its great task. The thanks of all good citizens are due to the tireless and enthusiastic charitable workers, co-operating with the Court of Domestic Relations.

### **GENEROUS PRAISE OF THE COURT.**

The court is attracting much attention and receiving much commendation not merely throughout the United States, but in foreign countries as well. Distinguished visitors to Chicago ask to see this court as one of Chicago's wonderful civic institutions. Commissions, sent by foreign governments, from countries as far distant as Germany and Japan, inspect the workings of the court and recommend a similar court for their own countries. Lord Northcliffe, the well-known English publisher, and his wife could not admire sufficiently the efficient and practical way in which the court disposes of the family wrongs of this great city, and called it an institution that could not be improved upon by any country or any private individual. It will not be long before every large city will establish a court patterned after the Court of Domestic Relations of the City of Chicago.

### **MUCH REMAINS TO BE DONE.**

But proud as Chicago may be of this great court, much remains that could be and should be improved. My experience as presiding judge made me realize that a number of changes

and reforms are needed, if the court is to dispense the "newer justice," and to prevent, as well as to punish crime. And it is the chief aim of this report to call to the attention of our public officials and legislators and of the citizens in general what the needed changes are.

### **ABANDONMENT AND NON-SUPPORT OF WIFE.**

The law covering abandonment of wife needs amendment. A husband deserts his wife and leaves her in utter want. Some time later he is apprehended and brought before the judge of the Court of Domestic Relations. The judge orders him to pay the wife a certain amount a week for her support. Here is where the present law fails. When the delinquent husband has paid the sum ordered for one year, he has done all that this court can require of him. For his continued neglect of the husband's duties he is no longer amenable to the criminal law. The court's power is exhausted. Abandonment and non-support should be made a continuing offense, so that a deserter could be arrested at any time and made to support his wife, while she is in want, or suffer punishment. The law should further be changed so as to make the gist of the offense non-support instead of abandonment coupled with non-support. A woman comes complaining that her husband will not work, but stays at home and loafs and drinks on the wife's earnings. The law is powerless to help this woman. As long as the husband lives with his wife, the fact that he is a worthless fellow and refuses to work does not make him amenable to the criminal law. The law should be changed so as to subject to punishment any husband who willfully refuses to support a wife who is actually dependent upon him for support. Such a change in the law would also cover another class of cases. Often the deserted wife is at first able to support herself and takes no steps to have her husband apprehended. But in a few years her savings disappear or sickness comes, and then she would like to compel her husband to keep her out of the poor house. She comes to the judge's secretary to ask for a warrant and is told that it is too late. She did not make her complaint within eighteen months of the day her husband left her, and now the statute of limitations has intervened. If the law made the willful non-support of wife a crime, she could get her redress.

### **CONTRIBUTING TO DEPENDENCY OF CHILDREN.**

The law making abandonment and non-support of child a crime does not now bear equally on father and mother. If a mother runs away and abandons her small children, she is

not guilty of any offense, as long as the father is able to support the children and they do not become dependent. The law, as it is now, is not fair; father's desertion is a crime, mother's desertion usually is not. Protection of the children should be the aim of our law. The duty of mother to care for and nurture her children should be enforced just as strictly as the father's duty to support them.

### **MONEY NEEDED TO BRING BACK ABSCONDING HUSBANDS.**

In addition to the changes in the law there is also needed an appropriation from the county funds for the arrest and return of deserting husbands who have fled to other states. Running away is such an easy method of avoiding trouble with wife and the law that cases of this sort are extremely numerous. The deserting husband may of course be brought back, but it costs money, and that is lacking. I took up the matter with President McCormick of the County Board, and he at first allowed some money from the emergency fund under his control to be used for this purpose, and sought to obtain an appropriation of \$5000 from the Board, but I am sorry to say that the commissioners saw fit to make an appropriation of \$1000 only. Much has been accomplished with the small sum available, and if a larger sum could be obtained, so that the deserter might almost uniformly be brought back, the number of desertions would decrease very rapidly. The county would not be a loser by this appropriation, for now the support of the deserted families generally falls on the county.

Contributing to the dependency of children is now a continuing offense, but the court in compelling the defendant to pay a certain sum for the support of child or children may make the order for only one year at a time. It should have the power to enter an order for an indefinite time—until the further order of the court or until it is shown that the child is no longer dependent. And the law should also apply to any son or daughter, without regard to age, if he or she is crippled or for any other reason dependent on others for support. The process now available under the pauper's act is too slow and uncertain.

### **HUSBAND AND WIFE NOW INCOMPETENT TO TESTIFY**

In this connection I desire to urge another change in our laws suggested by cases heard in the Court of Domestic Relations. As the law stands, husband cannot testify against wife or wife against husband in cases where the charge is

contributing to the dependency of children. As a rule, if the man is tried on this charge, wife is the best witness, that is she is best acquainted with the facts. Or the wife may be the offender by drinking and neglecting her family, and the strongest testimony could be supplied by her husband. But the testimony is not admissible, and prosecution frequently fails, because there are no other witnesses. There is no reason, why this simple change in our law of evidence should not be promptly made in the interests of justice to children.

### **CONTRIBUTING TO DELINQUENCY OF CHILDREN.**

A serious defect exists in our law under which the charge of contributing to the delinquency of children is prosecuted. As the law has been interpreted by the Appellate Court, defendant cannot be convicted, unless the state shows that before the alleged act of the defendant the child had already been a delinquent child. In other words, the man guilty of the downfall of an immature girl cannot be convicted under this act. He may be guilty of seduction, but conviction under that act is difficult, because the state must prove that the girl was of previous chaste character, and evidence of slight indiscretions brought out by the defense may defeat the prosecution, and so the man who deserves the severest punishment, generally escapes. The act in question should be worded differently, so that punishment might be meted out also to the person primarily responsible for the delinquency of a child.

### **BASTARDY ACT A BARBAROUS LAW.**

The so-called bastardy act which the Court of Domestic Relations is called on to enforce deserves unqualified condemnation. It should not be found among the statutes of such a progressive and enlightened state as the State of Illinois. The very name is a survival of coarse, brutal manners of former times and is entirely out of place in the courtroom of a civilized state of the 20th century. A woman with a new-born baby and a man stand before the judge. She charges the man with being the father of her child, in order to get what little assistance the state extends to her. In the complaint which she has to sign and swear to, she is made to say that "she was delivered of a child which child is by law deemed a bastard." If the jury hear the case and find the defendant guilty, they sign following verdict: "We, the jury, find that the relatrix..... is an unmarried female, and was on the.....day of....."

delivered of a **bastard child** born alive, and we further find that the defendant.....is the father of said child." Upon this verdict, or a similar finding by the court, a judgment is entered. Thus the state, through its duly constituted court of justice, brands a baby—a baby that is innocent, whatever degree of guilt we might attach to the father or the mother—brands it a bastard at its birth. Any person is now justified to call the child a bastard throughout its life.

### **INADEQUATE PUNISHMENT.**

Further, the act falls far short of either doing justice as between the man and the woman, or of providing properly for the interests of the child. The guilty man is ordered by the court to pay for the support of the child a sum not exceeding \$550, not more than \$100 the first year, and not more than \$50 for each of the nine succeeding years, and to give a bond for the payment of this sum. In default of that he is committed to jail for six months, and at the expiration of that term he is free of all obligations to the mother or the child. Frequently a settlement for a much smaller sum is approved in the County Court, and when sometime later the mother comes to request the assistance of the Domestic Relations Court to keep herself and the child alive, the judge is powerless to help her. It is quite evident that even the full sum of \$550 is absurdly insufficient to support and maintain the child; until it becomes self-supporting. It is not fair to place upon the mother almost the entire burden of nursing, feeding, clothing and bringing up of an illegitimate child. The father, as well as the mother, is responsible for bringing the child into the world. The state is taking an unfair advantage of mother's love for her child in imposing on her the duty of the child's support and letting the father off with an insignificant penalty.

### **RIGHTS OF ILLEGITIMATE CHILDREN.**

In fact, the time is here to demand an even more radical change in our "bastardy" act. When it has been judicially ascertained that the defendant is the father of a child born out of wedlock, does it not seem just that the child should get the full benefit of this finding? Why should not the child bear his father's name and have full rights of inheritance and be entitled to support by father, just as much as a child born in lawful wedlock? It is the boast of the modern state that it has a specially tender regard for the interests of the children. A child should not be punished for being born of unmarried parents; the law makers should remove the unfair handicap now placed by law upon illegitimate offspring.

## **TO PROTECT FEEBLE-MINDED WOMEN.**

In dealing with these so-called bastardy complaints, my attention has been forcibly called to another defect of our criminal code. Women with illegitimate children are brought by friends or charity workers into court to institute bastardy proceedings, and when questioned by the court, or examined by the doctor, it frequently appears that they are idiots or possess the mentality of a ten year old child. The man who knowingly takes advantage of a feeble-minded woman of this kind, surely deserves a far more severe punishment than the payment of \$550. Nor is this an infrequent occurrence; every little while newspapers report a scandal in some institution for the insane or feeble-minded; patients confined there give birth to babies, and an attendant may be discharged. There is no law now to punish a brute of that sort, with the exception of the inadequate punishment provided under the bastardy act. It is my conviction that the section of our criminal code dealing with rape should be amended so as to cover carnal knowledge of women incapable of giving intelligent consent.

## **ONE YEAR PROVISION OF DIVORCE LAW.**

An amendment of our divorce law is also urgently needed. The law now provides that neither of the parties divorced may marry again within one year after the entry of the divorce decree, and marriage contracted within that time is invalid, void and criminal. It is a common occurrence in the Court of Domestic Relations to have a woman come and appeal for redress against her husband, while her statements show that he is not her husband, because he married her in a neighboring state within one year after being divorced from a former wife. As long as the man and woman obtain a decree declaring them to be divorced, little attention is paid to the provision forbidding remarriage within one year. A very simple change in law would be sufficient. Let no final decree be granted, until a year after the hearing of the case, but let the parties be free to marry at any time after they obtain the final decree without further restrictions.

## **CONSOLIDATION OF COURTS.**

All of the above changes may easily be effected during the coming session of the legislature, if their importance and the inherent justice of them is sufficiently urged upon the attention of the legislators. A more far reaching reform requiring a change in our fundamental law, suggests itself to one who

has sat in the Court of Domestic Relations. At a time when the idea of a constitutional convention is in the air, it is fitting to point to the expediency of simplifying the judicial system of Cook County. We have now too many courts, each with its special jurisdiction, none able to give full relief which the facts show may be needed. A woman is brought before the Court of Domestic Relations, charged with contributing to the dependency of her children; she is a drunkard and every week or so goes on a spree, leaving her small children uncared for and hungry. The court may commit her to an institution to take the drink cure, but it has no jurisdiction over the children. After the disposition of the case in the Domestic Relations Court the case of the dependent children is taken over into the Juvenile Court, and there the judge hears the evidence over again and takes some action to protect the interests of the children. The domestic troubles of one family may become the subject of litigation in five different courts of Cook County, the Juvenile Court, the Court of Domestic Relations, the County Court, and perhaps a suit for divorce in the Superior or Circuit Court, or appointment of guardian in the Probate Court. Then again, the Court of Domestic Relations is a city court, and its power ends at the Chicago city limits. It is nothing unusual to have women from Oak Park or Cicero come to the court for warrants, which this court is unable to grant. When the constitution of the State of Illinois is revised, the courts of Cook County should be consolidated into one great court, and that branch of it having jurisdiction over domestic relations should have the power to grant complete relief and do complete justice to all concerned.

### **INSTITUTIONAL CARE RECOMMENDED.**

It has already been pointed out that a considerable percentage of persons brought before the Court of Domestic Relations are men and women, victims of the drink or drug habit, defective mentally or afflicted with loathsome and contagious diseases. How is the court to deal with them? Those that are guilty of some offense may be committed to jail or the House of Correction. If the object of the court were merely to punish violations of the laws of the state, this might be sufficient. But justice, as the word is understood in this year of grace in the enlightened state of Illinois, is not satisfied with the punishment of the guilty. It aims at the prevention of crime, at the reformation of the offender, at relief to persons wronged, at protection of the people. When the court sends the lazy, drunken husband to the House of Correction, what becomes of the wife and children? In most cases charitable institutions or the county have to assume the burden of keeping the neglected family from starving, while the guilty man does not always

consider it a great hardship to be compelled to spend a few months in a penal institution conducted as humanely as those places usually are in these days. Is that full justice? And what about the defectives and the diseased? How is the judge to deal with them?

### **FARM FOR BRUTES, DRUNKARDS AND THE LAZY.**

It is apparent that we need institutions of another kind than jails. Earnest and thoughtful consideration of this question points to the establishment first of a farm for brutes, the lazy and the drunkards or the drug fiends. It should be a farm. Confinement in a jail or a workhouse makes the prisoner feel a criminal; it feeds his animosity against the society and those upon whose complaint he was jailed, and whatever physical or mental ill was at the bottom of his delinquency, is thereby aggravated. On a farm he should be treated as a ward of the state, without the constant reminder of his disgrace; work in the open would benefit his health and would be a part of his treatment to conquer the craving for liquor or drugs. Reformation and cure, and not merely punishment, would thus be attained. As an incentive to good conduct, I would allow the detained husband or wife to visit their families once a week, the privilege to be withdrawn for any misconduct, particularly for coming back drunk. And while the man was receiving treatment or correction, his family could be supported from the proceeds of his work, after deducting the expense of his maintenance. It would perhaps be possible to determine the amount allowed by the court to the dependent family by its necessities, particularly the number of children.

### **THE GREAT PROBLEM OF THE DISEASED AND DEFECTIVES.**

A bigger problem is what to do with the diseased and defective members of society. That crime is frequently due to illness, mental or physical, is of course no new discovery, but the work of the doctor and the nurse in connection with the Court of Domestic Relations, and lately the establishment of the psychopathic laboratory in the Municipal Court have revealed the presence of unsuspected causes of crime, delinquency and menace to the public with which neither this court nor other courts are able to deal effectively. That horrible disease, syphilis, is like leprosy in that it gradually affects the whole body of the victim, and like leprosy may be communicated to others. Yet if a leper is discovered, what a menace he is held to be to every individual in the community, and what vigorous

and prompt steps are taken to isolate him. Syphilis is more injurious to the society than leprosy, since it may be and frequently is transmitted to children born to infected parents. Think of babies, born blind and with tainted blood, destined to a life of misery, a menace to those with whom they may come in contact. It is not generally realized how common is this dread disease, as well as other venereal diseases, and how serious and urgent this problem is.

### **WHAT OF THE FUTURE GENERATIONS?**

Then mentally defective persons are just as much a danger to the public as these afflicted with a loathsome disease. Physicians nowadays have much to say about the abnormal or subnormal individuals, big men and women with the mind of a child, boys and men with a craving for blood, sex perverts, hysterical persons, people on the border line of insanity liable unexpectedly to break out into violence. Headlines in newspapers tell every week of detestable crimes committed by mentally deficient, irresponsible individuals, crimes often hard to solve, because of the lack of motive. And to get down to the more common facts, is not a consumptive man a danger to his family and to his neighbors, and should not an epileptic person be cared for by the state so that he might not injure himself or others? Then again what of the future generations? Should mentally and physically defective people be free to marry and bring forth unfortunate beings of their kind into the world? And whatever one may think of eugenics, it is surely against the best interests of society to permit a feeble-minded woman to walk the streets of Chicago, and in the course of a few years give birth to half a dozen subnormal children of different fathers — a case unfortunately by no means rare. Here is a big task for the civilized modern state, and the time is gone for shirking it.

### **COLONIES FOR DEFECTIVE WARDS OF THE STATE.**

Two things are needed: institutions to which these unfortunates might be committed and power in the court to make the commitment. The proper institutions are lacking now; it is evident that the jail and the insane asylum are not the places in which these unfortunates could be properly cared for. The County Hospital, the Detention House and the Oak Forest Home for Consumptives may be used in some cases, but they do not begin to meet the emergency existing. The state or the county must establish special institutions for the treatment of the defective wards of the state and for their segregation from those whom they might injure. Farms out in the county, with

appropriate work for each inmate, under supervision of expert physicians, would cure many unfortunates, and in time restore them to society, while at the same time this would prevent defectives from multiplying their kind and protect society from those who would ever be a menace to it. This is the only comprehensive and humane way of dealing with this difficult problem, far superior to the ineffectual, partial and brutal measures, like the sterilization of criminals.

### **COURT SHOULD HAVE POWER OF COMMITMENT FOR INSTITUTIONAL CARE.**

To make this solution of our social problem effective, the court must have power to commit defective persons and persons with dangerous diseases to the proper institution. Commitment may now be made only as punishment for crime, and it must be to a penal or reformatory institution. A consumptive is greater danger to the community than a petty thief, but court may only persuade, not compel him to enter an institution for treatment. A man charged with contributing to the dependency of his children was found to have consumption in an advanced stage. He was a real danger to his wife and children, as they had all been infected with the same disease by him, and I tried to persuade him to go to the Oak Forest Home for Consumptives. The man stubbornly refused to go, although it was pointed out to him that this step would be best for him and for his family. Finally after some careful questioning it came out that he would not go, because he was afraid that his mustache would be shaved off. When he was assured that his mustache would be perfectly safe at Oak Forest, the man consented to go there for treatment, but remained there only a short time and again returned to his family. — If a case of small-pox is discovered, we do not consult the likes or dislikes of the affected person, but remove him at once to a place where he cannot be a menace to others. If the commissioner of health may be trusted with such an arbitrary power, surely the court should be authorized, after proper investigation and hearing, to commit a diseased and defective person to a public institution, to remain there until recommended for release by the board of physicians in charge.

### **INSTITUTIONS WILL BE SELF-SUPPORTING.**

The question of expense should not stand in the way. It is not an insuperable objection. The initial cost — land, buildings and equipment—would be considerable, but it seems very likely that wealthy, public-spirited citizens who appreciate the

seriousness of the problem would offer land or buildings free to the county for this purpose. It is not rash to say that in a short time the institutions would be self-supporting. Nearly all of the inmates could be given some useful employment in the open, and enough country produce could be raised on these farms to supply the big county institutions — the jail with its population of twelve to fifteen hundred, Bridewell with a still larger number, the enormous new county hospital, the Oak Forest and Insane institutions etc.

### APPEAL FOR ACTION.

Chicago has been a pioneer city in many social, civic and judicial reforms. Its Court of Domestic Relations, Court of Morals, the Juvenile Court are admired and imitated all over the civilized world. It is peculiarly fitting that Chicago should lead other communities in providing an effective, practical and inexpensive method of dealing with the subnormal, the defective, the dangerous waifs of humanity. Here are the facts and here is the remedy. As a man to whose lot it fell for more than a year to deal with these unfortunate beings, I appeal to the people of the City of Chicago, and of the whole State of Illinois, to face the situation and apply a remedy. I appeal to you, men and women of the civic and charitable organizations, to you, the good people of the churches — study the problem and insist on a solution. I appeal to you, men, to whom the people have entrusted the administration of their affairs and the protection of common welfare, to take appropriate action. And in particular I respectfully urge you, Mr. Governor and members of the legislature, Mr. President of the County Board and commissioners, and you, Mr. Mayor and aldermen of the City of Chicago, to give your serious attention to these grave evils, so that the proper cure for them may promptly be found.

**JOSEPH Z. UHLIR,**

Judge of the Municipal Court.







UNIVERSITY OF ILLINOIS-URBANA



3 0112 084209334

THE LIBRARY OF THE  
AUG 4 1943  
UNIVERSITY OF ILLINOIS