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INDETERMINATE SENTENCE AND RELEASE ON PAROLE.

(REPORT OF COMMITTEE F OF THE INSTITUTE.¹)

EDWIN M. ABBOTT, Chairman.

The development of the system of indeterminate sentence and release on parole has been very rapid throughout the United States during the past few years. While several of the states have been operating parole for the release of exemplary prisoners who have shown desire and probability of returning to a law-abiding life, yet the indeterminate sentence has not been adopted nor has it become as well understood as is the parole system.

There has been considerable doubt expressed as to whether the indeterminate sentence as part of the parole system is logical or necessary. The United States Government and twenty-eight states of the Union are now paroling prisoners under their various laws, while in Missouri, Governor Hadley also has established a parole system which has been evolved from the constitution of his state. There is little doubt as to the beneficent results that have followed this humane method of affording the derelict a chance to reform, for a resume of the statistics will show that between eighty-five and ninety per cent of paroled prisoners have afterwards become law-abiding citizens and never again returned to a career of crime. Such results must necessarily give impetus to the general adoption of a system which not only rebounds to the benefit of the individual prisoner, but to the general citizenship of the state and nation.

There are so many conflicting methods embodied in the various indeterminate sentence and parole laws, that the time has arrived when

¹The committee is composed of the following named gentlemen:

Edwin M. Abbott, of the Philadelphia bar, member of the Pennsylvania legislature, and drafter of the Pennsylvania Indeterminate Sentence Act of 1911, chairman; Joseph P. Byers, Newark, N. J., general secretary of the American Prison Association; Albert H. Hall, of the Minneapolis bar, chairman of the American Prison Association Committee on Law Reform; Charles R. Henderson, Professor of Sociology in the University of Chicago; Edward Lindsey, of the Warren, Pa., bar; Robert Ralston, Judge of the Common Pleas Court No. 5, of Philadelphia county; Samuel W. Salus, of the Philadelphia bar, senator in the Pennsylvania legislature; Samuel G. Smith, St. Paul, clergyman, and author of treatises on Penology; Richard Sylvester, Washington, D. C., chief of police, president of the International Police Association; Henry Wolfer, warden of the state prison, Stillwater, Minn., member of the state board of parole.

a uniform law upon this subject has become most vital and necessary. In the appended Acts of Assembly, the differences in the mode of operation have been specifically set forth, and invite criticism and comparison.

By segregating the wheat from the chaff, a composite bill could be drawn which should be adopted by the states not now using the parole system, and should be considered also by the remaining states and such amendments made to existing statutes as to secure uniformity.

A glance at the many laws will show that an indeterminate sentence can be given (1) to prisoners sent to a penitentiary for every crime except murder, (2) to prisoners sent to a penitentiary for all crimes including murder, (3) to prisoners sent to a penitentiary for all crimes except certain enumerated felonies, (4) to prisoners sent to any penal institution, (5) to first offenders only, (6) to all persons over a certain age, which in the different states is 16, 18, 21 or 30 years, and (7) a restriction of the operation of this law to male prisoners or a provision for different ages for male and female prisoners.

What selection should be made from this list? Which would be most effective? Massachusetts, the pioneer in the movement, provides: "Any convict sentenced to state prison except for life or as a habitual criminal." Pennsylvania provides: "Any person sentenced to the penitentiary" and New York specifies: "All first offenders convicted of felonies other than murder of the first and second degree."

The general system of administering the penal laws has somewhat to do with many of the differences, as in many states the legislature cannot enact laws controlling county jails or workhouses. Which of these systems is best it is difficult to answer as each has been operating successfully. The habitual criminal must be controlled, and whether as such, he should be given an opportunity of again becoming a law-abiding citizen after many failures, is indeed an open question. But to all other classes of criminals, both male and female, this law could be extended, and an opportunity afforded for regeneration.

The provision for the maximum and minimum sentence, however, is one for the gravest consideration. In some states both are prescribed by law and must be imposed as set forth by statute. Again, the minimum and maximum penalties for crime are specified, but the minimum and maximum sentence in each case, is left to the discretion of the trial judge. In some states there is no minimum prescribed, and the duration of imprisonment is left to the parole board. In Pennsylvania, both minimum and maximum sentences are imposed by the trial judge in his discretion, the only limitation being that the maximum sentence

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shall not be more than prescribed by law. In New Mexico, the court fixes both minimum and maximum sentences. Again, in other states, the minimum sentence must be a certain proportion of the maximum sentence, or there is a limitation that a minimum sentence be not less than one year—as in Connecticut.

It is this phase of the law which has raised the question as to whether the indeterminate sentence is a beneficent feature of the parole system or not. To place the term of actual imprisonment subject to the will, caprice, judgment or whim of either a prison board or a parole board, is problematical. Then again, others object to the trial judge's regulating this feature of our criminal jurisprudence on the same ground. Would not a flat sentence with a liberal commutation, the commutation to be earned by good behavior of the prisoner, and this to be followed by strict parole during the balance of the term, meet the exigencies of this conflict? Of course, this question must arise more pertinently when we come to consider the different methods by which a prisoner secures his discharge upon parole, at the expiration of the minimum sentence, or at such other time when he may again be given the opportunity of going among his fellow citizens.

The organization of boards of parole covers such a wide range that this subject should receive most careful consideration. In Indiana, the parole board consists of the warden, the president of the board of directors, the chaplain and the physician. In Connecticut, the board of parole consists of the warden and the board of directors. In Michigan, it consists of the Governor and the Advisory Board. In Massachusetts, of three prison commissioners. In New Hampshire, the Governor and his council act. In Illinois, it is made up of three members of the board of pardons. In Colorado, the Governor has absolute authority. In Kentucky, the parole board is the board of penitentiary commissioners. In Iowa, the board of parole consists of three citizens—one of whom is a duly licensed attorney. In Pennsylvania, the board of prison inspectors of each penitentiary recommend to the board of pardons of the state, who, in turn, recommend to the Governor. In Minnesota, the board of parole consists of the president of the board of control, the warden of the state prison and a citizen appointed by the Governor. Under the United States system, the board consists of the superintendent of prisons of the department of justice, and the warden and physician of each United States penitentiary, all subject to the approval of the Attorney General. In New York, the superintendent of prisons and two appointees of the Governor constitute the board; while in California, a

state board appointed by the Governor, including the wardens of the two state prisons control the situation, with power vested in the Governor to act, either with his board or independently. Thus we have a multiplicity of systems. In Maryland, a commission has been appointed to investigate the penal system and report to the next legislature. They are to consider the parole, probation and indeterminate sentence laws now in force. What can they glean from such a field as this? How should such a parole board be constituted and how can they work most efficiently?

The board of parole should undoubtedly be independent of the board of pardons. The Minnesota system has been the most forceful and successful. A separate body with a definite work and a single purpose should be created in every state to carry out the parole system. Such a board co-operating with the judiciary, the prosecuting attorneys and the officers of the courts, should be encouraged to a larger extent than indicated by any law now in force. Efficient service cannot be properly and fully maintained by a board of pardons which is in no wise in sympathy or in close touch with prisoners and prison methods. To present a petition to a dispassionate body of men who are oftentimes moved by untoward circumstances, either for or against a prisoner, does not work out the solution of the problem to the best advantage. A separate, independent board keeping in close touch with the trial of cases in court, with the home conditions of prisoners, with the conduct of prisoners under duress, and who will further take up the field work of assistance, sympathy and encouragement while convicts are on parole, must undoubtedly bring even greater success than has already been accomplished under any prevailing system.

Another wide variance in the many laws is the provision as to when a prisoner becomes eligible to parole. In some states a model prisoner is automatically entitled to parole upon the expiration of his minimum sentence; in other states no time is specified and it is entirely within the discretion of the parole board. There are many other systems falling between these lines. In some, the board of prison inspectors are given discretion to consider the application for parole prior to the expiration of the minimum sentence, and to grant the convict his parole at or about the expiration of the minimum, or they can postpone his release from time to time until he serves the entire maximum, if they so decide. Then again, onerous burdens are placed upon applicants. In some states they are compelled to secure sponsors who are freeholders and who will obligate themselves to supervise the conduct of the paroled prisoner. Until recently, California insisted upon a deposit of \$25.00

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to insure reimbursement for expenses that might arise should the convict violate his parole. North Dakota still requires a deposit of \$20.00. However, in most of the states, a system has been evolved by which within a reasonable time after the expiration of the minimum sentence the prisoner enters some useful employment upon his parole; a field officer keeps in constant touch with him, and in this way he is encouraged again to resume his standing in the community.

A wise provision has been made in several instances whereby one of the reasons filed in the application, is a statement from the convict as to why he should be paroled, and another requiring applicants to set forth the names of those who might maliciously interfere with his attempt to resume a law-abiding life. All of the states require the prisoner to be in the highest grade of deportment before he can be paroled. Is not that a sufficient qualification to give him the opportunity to go forth among men again? This should be particularly so in the case of a first offender provided, of course, that a competent parole officer keeps in touch with him at all times. Every state requires an agreement that a paroled prisoner shall remain in the custody of the authorities, and immediately upon violation of parole be treated as an escaped prisoner. If uniformity is secured among the states, and reciprocity established as to the return of escaped convicts or paroles, this would tend to obviate the necessity of all burdensome conditions which oftentimes prevent worthy prisoners from securing parole and returning to their proper sphere in the citizenship.

The conditions of parole contain many specifications—most of them necessary—none of them unwise. The object of parole being to restore manhood, no burden could be too great that restricts one of the state's wards from returning again to the environment which caused his downfall. To make men look upward and again see the sunlight, and to look their fellowmen in the face with a steady eye sometimes requires extreme precaution. Therefore, restrictions as to the use of intoxicating liquor, associating with evil companions, gambling, the use of drugs and the visiting of improper places of amusement, cannot be criticized; while the requirements of steady employment, of regular reports, and a general observation of the laws, is vital. In Kansas, there is a provision that the paroled prisoner attend church at least once each Sunday, and that he live with and support his wife or mother. In Minnesota, he cannot marry while on parole without the consent of the board. In New York, he must make restitution or reparation for losses caused by his offense, and shall support his wife and children. In Pennsylvania, he must leave a specimen of his handwriting with the board, and

furnish them with the names and addresses of all immediate relatives, and the names of all persons who might maliciously interfere with his attempt to live a law-abiding life. In Texas, his monthly report must set forth the money he has earned, expended and saved, verified by his employer. No one can object to any of these conditions which all affect the morale of the future law-abiding citizen.

What constitutes a violation of parole also is greatly divergent. In most states, this is left usually to the judgment of the board of parole, or the field officer looking after the paroled prisoners. Any breach of the parole agreement constitutes a violation of parole, and the fact that in many instances the breach of these conditions is brought to the attention of the board or of the field officer by some citizen, makes necessary the statement by the prisoner in his application for parole, as to what persons might maliciously interfere with his return to law-abiding life. Instances have been brought to the attention of a humane field officer where some enemy of the prisoner has attempted to have his parole revoked, but the honest endeavor of the official has thwarted this malicious interference. Therefore, it is well, sometimes, to be on guard and to know the quarter from which such an attack might come, and the parole officer being forewarned, will doubly scrutinize any report that might be made by anyone whom the prisoner has already stated would interfere with his attempt to reform.

With the question of violation of parole arises the consideration of how often a prisoner should be paroled, and whether every violation of the parole should bring revocation. This depends greatly upon the judgment and discretion not only of the field officer, but of the entire board of parole. Many a prisoner could be saved even after a breach, if properly handled. If this were not so, the whole parole system must fall. It is to correct, to reinvigorate and to reform that we give the prisoner the opportunity. Had he not been frail, he would not have fallen in the first instance, and we must forgive infractions of the parole agreement unless they are vital. So again, a separate board of parole in touch with the field officer and the general work becomes more efficient in dispensing justice and discharging its duty than any other body that could be suggested.

The question as to who may arrest for violation of parole, and the conditions that should accompany the arrest, is very well covered in nearly all of the Acts; in some instances a reward accompanies the capture of a violator of parole. This should not be necessary, as it must make a parolee feel as if a price were continually upon his head, and

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must give opportunity for dishonesty. A proper warrant issued by the proper authority as in all cases of arrest, should be sufficient, as considered by most of the states.

The penalty for violation of parole in all instances is a recommitment for the balance of the maximum term except that in some states an opportunity may again be afforded for re-parole. If the parole law is to subserve the best interests of all, the system of re-parole should be extended subject to the discretion of the parole board. Of course, the commission of a new crime must necessarily terminate parole. But there are other breaches of parole, as failure to report regularly, or other minor conditions in which, if the convict were returned to prison to serve six months or a year and then given another opportunity of re-establishing himself, his salvation might be effected. Thus again, is emphasized the argument for a separate parole board in close touch with the situation.

When a prisoner upon parole has faithfully discharged the conditions of his temporary freedom, then arises the method by which he shall be discharged finally. Here again, is afforded an opportunity for comparison and criticism. In some states parole continues until the automatic discharge of the convict at the expiration of the maximum. In many of the states the board has control. In other states, the period of parole is shortened by operation of commutation laws which apply to prisoners upon parole, as well as to those in duress. In Indiana, power to discharge is conferred upon the board to use whenever they feel satisfied that the paroled prisoner will live orderly if freed from parole restrictions. In Illinois, the board may suggest discharge after faithful parole of 12 months. Iowa, also follows this system. In Kansas, 6 months' faithful parole is sufficient. Kentucky, follows the Illinois system. In New Mexico, the superintendent keeps in touch with the parole, and any time after six months of exemplary service, he may recommend to the board a final discharge. If the board considers this recommendation favorably, they certify accordingly to the trial judge for his approval. If this is secured, it is then transmitted to the Governor, whose action is final.

In this latter system, we find co-operation between a separate parole board and the court officials. The field officer keeps in touch with the convict, reports to his board the result of his observations and deductions, the board acts upon the recommendation of their official and submits the result of their labors to the trial judge who initiated the sentence which the parole board is supervising; and subsequently the

final disposition is placed in the hands of the chief executive of the commonwealth, who restores the convict to liberty. Surely, here is a system which should commend itself from among the many in operation, although but little criticism has been advanced against the others.

The great number of prisoners under parole in the various states, and the small number of violations that have occurred is most encouraging. From every part of the country come the reports as to general satisfaction. This means not particularly any system, but the general results. Where we find from 85 to 90 per cent of paroled prisoners making good, and returning to a sustaining position in the community, it must encourage all who are in touch with this progressive system and subject the scoffers to ridicule.

Many states require that the paroled prisoner shall remain within the boundaries of the commonwealth, while again, other states provide a general system of release with the consent of the board. An excellent provision is made in the Michigan agreement, whereby the parole must not return to the county wherein he was confined. This entirely segregates the prisoner from the prison environment, and gives him a fair opportunity to work out his own salvation without the chimera of prison walls continually before him.

Altogether, a general review of the subject must fill those interested with encouragement. Not only in this country but throughout the world the treatment of convicts as persons who are still worthy of reclamation is growing. The extension of the parole system to life-termers after serving a long term in prison, is another evidence of the trend of mind which the public is assuming. Of course, in many states, pardons have been procured for life-termers, but the growing substitution of a system of parole after 15 or 20 years in prison, or in some instances even less, with a close scrutiny upon the actions of the paroled convict, add a humanitarian zest in the expansion of the parole system. In Germany, in England, in Austria, in Norway, in Switzerland, in Finland and in other European nations has this system of parole been established and expanded.

Many of our states follow the same system; many others have not as yet considered this phase of the situation. In some of the states there are no crimes where life imprisonment is the penalty. In Pennsylvania the only crime with a mandatory life imprisonment, is a second offence of second degree murder; kidnaping might result in life imprisonment at the discretion of the court. The usual life-terminer in Pennsylvania is one convicted of first degree murder, sentenced to be hanged, and afterwards commuted by the board of pardons.

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In the parole law of Pennsylvania, therefore, no provision has been made for life-termers; so in other states this feature has been overlooked.

The parole system continues to grow with mighty force. The results have justified the adoption of this system of mercy. Nearly every state, where it has not as yet been given a trial, has the matter under consideration.

An epitome of the law of each state now in effect is hereto appended.

APPENDIX.

The following epitome of the existing laws, both national and state, can be followed by comparing the questions below with the correspondingly numbered statements that follow:

Questions.—1. Who may be committed under the indeterminate sentence.

2. Provisions for maximum and minimum term.

3. Parole board.

4. Duties of the parole board.

5. Regulation of petition or argument.

6. Prisoners eligible to parole.

7. Points considered in granting parole.

8. Conditions of parole.

9. What constitutes violation of parole.

10. System of arrest for violation of parole and fees attached thereto.

11. Penalty for violation of parole.

12. Conditions of final discharge of prisoners from parole.

13. How paroled prisoner is finally discharged.

14. Number of violations of parole.

15. Extent of parole system.

16. Number of prisoners now under parole.

17. Note. Miscellaneous remarks. Special provisions.

Answers.—*United States (National) (1910)*.—1. No provision.—2. A definite term over one year.—3. Superintendent of Prisons of the department of Justice, the Warden and Physician of each United States Penitentiary. The Chief Clerk of each prison shall be Clerk of the Board.—4. Meet three times a year; consider applications and authorize arrest for violation.—5. Prisoner can petition, but Board can act without petition.—6. All prisoners serving a definite term or terms over one year, who have served one-third of the total.—7. Service of one-third of the total term; record showing observations of the rules of the penitentiary; a reasonable probability of becoming a law-abiding citizen, and that release is not incompatible with the welfare of society; subject to approval of Attorney General.—8. To report to an adviser who becomes sponsor; to reside within fixed limits; to report to board in writing each month, said report to be certified by sponsor; to abstain from intoxicating liquors and not to visit any saloons or places where liquors are sold; not to associate with persons of bad reputation; to work honorably and diligently and to answer all inquiries sent to him, and not to violate any other laws.—9. Breach of any of above requirements.—10. United States marshal or any federal officer; ex-

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penses allowed.—11. Must serve balance of term remaining at time when paroled.—12. Faithfully complying with parole until end of sentence.—13. Automatically at end of parole.—14. One.—15. The board of each penitentiary limits the district, either state or county which cannot be extended except by permission.—16. Two hundred thirty-four. (From November, 1910, to June 30th, 1911.)—17. The above system has also been extended to the reform schools for boys and girls in Washington. Where United States prisoners are in state institutions, the state laws or United States laws apply, subject to the approval of the Attorney General. Recommendation has also been made to extend the parole law to life prisoners, after they have served a long period of years, and also to abolish the Parole boards and to appoint one official for this work, who shall report to the Attorney General for approval before paroles become operative.

Arizona (1911).—1. Convicts over eighteen years of age, for any crime, except treason and first degree murder.—2. The maximum or minimum time now or hereafter prescribed by law for the crime.—3. Warden of the state prison, Governor, State Auditor, Attorney General and the physician of the prison. The Warden will be chairman and a parole clerk is appointed by the Governor.—4. Meet at call to consider the case of every prisoner whose minimum has expired, for parole or absolute discharge. Where paroled prisoners have reverted or are about to revert to criminal habits, any member of the board may issue a warrant for him. The parole clerk also revokes parole.—5. Verbal application of the prisoner is the only form. The warden reports on his record before and since incarceration.—6. Any person who has served the minimum, or any person serving a fixed term who has a clean record for the time served.—7. The report of the warden and record before and since incarceration.—8. Prisoner sends report to parole clerk monthly; must abstain from intoxicating liquors; refrain from disreputable associations and live and remain at liberty without violating the law.—9. Any violation of the above provisions.—10. Any officer of the prison; all officers authorized to serve criminal process. Any officer other than the prison officer receives the same fees as for execution of warrant for arrest at the place where prisoner was taken, and will receive the same fees for transportation to the prison as are paid for transportation of any convict from the place of arrest to prison. Any officer of the prison is paid expenses. If the prisoner has money on deposit in the prison, fees will be paid out of it.—11. Imprisonment for balance of maximum term unless again paroled.—12. At any time Board decides he is worthy of discharge.—13. Automatically at the expiration of the maximum sentence, if serving indeterminate sentence; or by expiration of his sentence, if a fixed sentence. Discharge prior thereto controlled absolutely by the board.—14. Four (between August 1st, 1911, and June 2nd, 1912).—15. State system.—16. Sixty-eight, of whom forty-seven are still reporting.—17. Parole act meets favor; indeterminate sentence not well understood. We suggest the indeterminate sentence with neither minimum nor maximum limits.

California (1893-1901).—1. No indeterminate sentence.—2. All flat sentences.—3. State Board appointed by the Governor; including wardens of the two state prisons; Governor can revoke parole.—4. Consider all applications, grant or refuse parole, enforce requirements of parole and revoke same.—5.

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All facts presented in writing; no attorney heard nor argument allowed.—6. Those showing clear record for six months and against whom there are no other charges pending. Life termers after seven years.—7. Antecedents, conduct as prisoner, length of time served; general character, habits and environment, if released.—8. To proceed directly to place of employment; if change of employment is necessary, consent of parole board to be first secured; report to the parole adviser monthly, report to be certified by employer. To live honorably, avoid evil association, obey the law, abstain from the use of liquor, opium, cocaine or drugs except upon prescription; under no circumstances to enter a saloon where liquors are sold or given away.—9. Failure to obey above conditions.—10. Peace officers; there is usually a reward of \$25.00.—11. Returned to prison and forfeit credits; serve balance of term.—12. At expiration of maximum parole preserved. May be discharged sooner by board.—13. The Governor.—14. Two hundred twenty-eight, until February, 1912.—15. State system.—16. Four hundred nineteen (February, 1912).—17. Parole system considered favorably.

Colorado (1899-1907).—1. Any person sentenced for prison offense other than life.—2. Minimum not to be less nor maximum more than prescribed by law for the crime committed.—3. Governor and four members appointed by him.—4. To parole prisoners under proper regulations.—5. Blank petitions furnished by warden after prisoner has served one year. Governor or member of the board may suggest earlier application.—6. At expiration of minimum.—7. General conduct before and since imprisonment.—8. To report monthly for one year, and thereafter once every three months until expiration of maximum, and to abide by such rules and regulations as the warden of the penitentiary and the Governor of the state may from time to time require.—9. Failure to observe above conditions, or leaving state without permission.—10. Warrant of the board of commissioners approved by the Governor. No fees.—11. Must serve maximum, time on parole not to be included.—12. Service of maximum in prison or on parole.—13. Automatically.—14. No number given.—15. State system, but prisoners may leave state after signing agreement to return as required by Governor, and upon signing bond with sureties for costs of return.—16. No answer given.—17. Parole law not so effective as it should be. Not sufficient parole officers. This curtails useful work in securing employment for paroled prisoners. The people desire the system extended.

Connecticut (1901-2).—1. All persons (excepting tramps) committed to prison or reformatory.—2. The maximum not greater than specified by law; the minimum not less than one year.—3. Board of directors, the superintendents and wardens in each case.—4. To control parole and find employment for paroled prisoners.—5. Prisoner appears in person; no argument by outside persons or attorneys.—6. Those having served minimum term of at least twelve months.—7. Prison record; likelihood of return to orderly life outside; employment.—8. Must go direct to place of employment; report monthly to warden; must not change employment without permission; must not frequent saloons.—9. Acting contrary to agreement or leading disorderly life.—10. Any public officer, constable or sheriff; usual fees for similar services.—11. Return to serve maximum term.—12. By expiration of maximum

or unanimous vote of all members of board at any stated meeting.—13. By the board of parole.—14. Twenty-four.—15. State system.—16. One hundred twenty-two.—17. There has been great prejudice against the indeterminate sentence. Courts make the maximum and minimum sentence close together, limiting parole. Parole is gaining in favor.

Idaho (1907).—1. All convicts except for treason or murder of first degree.—2. Maximum shall not exceed the longest term fixed by law; the minimum shall not exceed one-half of the maximum fixed by statute, and no minimum to be less than six months and where the maximum may be for life or a number of years, the court shall fix maximum.—3. Prison board: The Governor, Secretary of State, Attorney General and warden of the penitentiary.—4. Consider the record of trial, investigate career of prisoner, disposition and all facts likely to show capability of again becoming a good citizen; to adopt rules to prevent criminals from returning to career and to help secure self-support and accomplish reformation; arrange for support upon release.—5. Not stated.—6. Prisoners of good behavior who have served minimum.—7. Discretion of the board.—8. To abide by requirements of the board, to be law-abiding and continue in employment.—9. Failure to observe above requirements.—10. Any officer named in warrant issued by warden and certified by clerk of the prison. No fees mentioned.—11. Re-arrest, and imprisonment for balance of term.—12. Faithful observation of parole.—13. Automatically at expiration of parole upon request of warden.—14. Five, April 12, 1912, (covering a period of five years).—15. State, (but not definitely set forth).—16. Forty, on April 12, 1912.—17. There is general satisfaction under this system.

Indiana (1897).—1. Any male person thirty or over, convicted, except of treason, first and second degree murder.—2. As provided by law.—3. Warden, three directors, chaplain and physician.—4. Meet when necessary and pass on applications for parole.—5. Only printed form allowed; no attorney can represent petitioner.—6. Prisoners having served minimum.—7. Life history, demeanor, education, work in prison, ability to live lawfully and keep employed.—8. Must continue in employment and report regularly.—9. Failure to abide by agreement or evidence of return into criminality.—10. Any peace officer with warden's or agent's warrant. Same fee as bringing man to prison.—11. Must serve maximum unless sooner released by board.—12. When board is satisfied he will live orderly if freed from parole restrictions.—13. Parole board.—14. Not given.—15. State system.—16. Not given.—17. Warden can appoint parole agent to secure employment and look after paroled men. The system gives satisfaction.

Illinois (1899).—1. Every male over twenty-one and every female over eighteen convicted of felony, except treason, murder, rape and kidnaping.—2. The maximum shall not exceed maximum provided by law; the minimum not less than one year, making allowance for good time, as provided by law.—3. The state board of pardons of three members appointed by Governor, with advice of the senate. Warden is advisory member.—4. Adopt necessary rules and secure employment for paroles; give audience to, and parole inmates.—5. Friends or attorneys of prisoners can make arguments.—6. Prisoner must serve at least eleven months unless old offender, when twenty-one months

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must be served.—7. History, parentage, education, conduct in prison, ability to live orderly outside.—8. Reputable employment and a home free from criminal influence; must report to the sheriff, who must investigate and forward report to Warden; abstinence from use of liquor.—9. Prisoners leaving the state, committing crime, associating with disreputable characters or visiting saloons.—10. Warden's warrant.—11. Forfeiture of parole and service for as much of balance of term as board thinks proper.—12. Where prisoner has served parole twelve months; board makes order for discharge, which when approved by the Governor is final.—13. Board of pardons with approval of the Governor.—14. About eighty a year.—15. State system.—16. About seven hundred a year.—17. Some dissatisfaction with present law; many feel that the jury or the trial judge should fix the term of imprisonment.

Iowa (1907).—1. Any person over sixteen, convicted of felony, excepting treason or murder.—2. Maximum not more than provided by law; no minimum set forth.—3. Three citizens appointed by the Governor with advice of the Senate.—4. Prepare rules, keep in communication with and assist men on parole.—5. No petition or argument allowed except upon request of the board.—6. Those having served eleven months except where maximum is two years or less; in such a case, six months.—7. Record and character before and after commitment; nature of the crime, future environment, personal impressions of applicant.—8. Must remain in the state, have permanent employment, report monthly, live honestly, avoid evil associations, not change residence without permission.—9. Breach of any requirement.—10. Any officer with order of board, certified by secretary; fees same as sheriff.—11. Must serve maximum, time upon parole not counted.—12. Twelve months' service of parole acceptably and if likely to be reliable and trustworthy in the future.—13. Governor upon recommendation of parole board.—14. Not given.—15. State system.—16. Not given.—17. System appears to be working satisfactorily, particularly as complete trial record is furnished board, by county attorney and court clerk.

Kansas (1903).—1. All convicts, except for murder or treason.—2. Minimum and maximum prescribed by law, subject to control of trial judge.—3. Three members of parole board. This board has charge of penitentiary and state reformatory. At the penitentiary, warden is secretary and member of board.—4. Hear and recommend for parole to the Governor from the penitentiary. The Governor's approval is not necessary (for parole) from the reformatory.—5. No petition or argument allowed.—6. All prisoners having served minimum with six months of clear prison record excepting those committed for murder in the first or second degree, or serving third term.—7. Prisoner's desire and ability to become a law-abiding citizen; record for industry and conduct while in prison.—8. Secure employment; report immediately; not change employment without permission; spend evenings at home; attend church at least once each Sunday; abstain from all intoxicating liquor; avoid evil associates and improper places of amusement; obey and respect the law; that he live with and support wife or mother.—9. Any violation of above rules.—10. Warden's warrant served by any officer. No fees.—11. Must serve balance of unexpired term.—12. May be discharged at any time after faithful parole of six months.—13. The Governor.—14. About sixty during 1911.—15. State system (although not specially set forth).—16. About four

hundred.—17. General satisfaction, with a request for stronger equipment of parole board. As much thought, investigation and care should be used in determining a man's fitness to return to society as is applied in ascertaining his unfitness for society.

Kentucky (1910).—1. Convicts over 30, subject to prison term, or an habitual criminal or incorrigible at reformatory.—2. Provided by law.—3. Board of four penitentiary commissioners.—4. Parole in their discretion; direct arrest of violators.—5. Not set forth.—6. Those having served minimum and life prisoners having served five years. All must have obtained good behavior record for 9 months.—7. Not stated.—8. Employment for six months or sufficient sustaining income; report monthly, live orderly, obey laws and abstain from drink.—9. Breach of requirements or any other reason sufficient to the Board.—10. Any officer with warrant signed by chairman of Board; expense paid.—11. Re-imprisonment until further action of board.—12. Exemplary conduct on parole for twelve months.—13. Board of penitentiary commissioners.—14. Not given.—15. General; (need not remain in the state.)—16. Not given.—17. Generally satisfactory; a special agent of the state looks after employment and conduct of paroles, and assists them in every way possible; visits them frequently.

Massachusetts. (1884-86).—1. Any convict sentenced to state prison, except for life or as habitual criminal.—2. Minimum not less than 2½ years; maximum not more than prescribed by law; additional sentence begins at expiration of first minimum.—3. Five prison commissioners appointed by Governor with consent of council.—4. Consider applications for parole and general supervision over all parole matters.—5. No petition necessary.—6. Must parole at expiration of minimum if record has been perfect; otherwise, date is set by Commissioners.—7. Prison record.—8. Shall not lead idle or dissolute life, must abstain from bad company and intoxicating drinks; report when required; must not become a dependent upon charity.—9. Violation of any condition.—10. Any officer on warrant of Governor, prison commissioners or other duly authorized official.—11. Detention according to terms of original sentence; period of liberty not credited; may again be paroled.—12. At expiration of maximum.—13. Automatically, at expiration of maximum.—14. Six hundred and seventeen in 1911.—15. State system (although not definitely set forth.)—16. Eight hundred and fifty-three on July 29th, 1912.—17. The Governor and council are given power to issue parole to habitual criminals. This covers the remainder of term of sentence and may be upon such terms and conditions as they prescribe. The entire parole system is commended.

Michigan (1905).—1. All convicts except life.—2. Minimum not less than six months; maximum not more than provided by law; judge can recommend proper maximum.—3. Governor and advisory board of four; in some instances the Governor alone; warden makes recommendation.—4. Adopt rules and supervise entire parole system.—5. Personal application only once a year.—6. All convicts except third termers at expiration of minimum, whose period of parole must not exceed four years.—7. Record of the case, life in prison and character.—8. Must leave the county, have honorable employment with responsible person, and report monthly; must not visit saloons nor keep bad company.—9. Any reason satisfactory to warden or superintendent.—10.

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Any officer named in warden's warrant; no fees set forth.—11. Must serve maximum; time at liberty not counted.—12. Faithful observance of requirements until expiration of parole; this period is fixed at the time of parole.—13. Governor; advisory board; warden.—14. Not given.—15. State system, but paroled prisoners must not return to county wherein he was confined.—16. Not given.—17. Governor can act independently but usually relies upon his advisory board after recommendation from the warden. The system gives satisfaction.

Minnesota (1911).—1. All convicts except for treason or murder.—2. Maximum shall not exceed maximum provided by law; minimum not stated.—3. State board of parole; three members: president of the board of control, warden of the prison and a citizen appointed by the Governor.—4. To regulate and control entire parole system.—5. Not necessary, but not prohibited.—6. All prisoners, in board's discretion, except life prisoners, and life prisoners after service of thirty-five years, less commutation for good behavior.—7. Previous history; physical or mental condition; character; prison record.—8. Steady employment; refrain from crime; report regularly; avoid evil associations and the use of intoxicating liquors; must not marry while on parole without consent of board.—9. Violation of any of the conditions of parole.—10. Agents designated by the Board; under salary and receive traveling expenses.—11. Re-imprisonment and loss of grade.—12. Faithful observance of parole.—13. Governor, upon recommendation of the board.—14. About one out of five or six.—15. State system.—16. Sixty-two on April 17th, 1912, from the state prison.—17. Generally favorable; the indeterminate sentence is new, but the parole act has proven very satisfactory.

Missouri.—Under the Constitution of the State of Missouri, Article 5, Section 8, it is provided that:

"The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment; upon such condition and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons."

Under this constitutional provision, Governor Hadley has established a parole system. On April 5th, 1912, about four hundred paroles had been issued. He had had occasion to revoke about twenty-five. The parole system has been extended to young and first offenders, and is entirely within the discretion of the Governor, assisted by the pardon attorney.

Montana (1907).—1. No such law.—2. No provision.—3. State Board of Prison Commissioners.—4. To consider and supervise all questions of parole.—5. No petitions or arguments allowed.—6. First offenders for felony having one-half of term, excepting service of twelve and one-half years where term was more than twenty-five years, and life prisoners having served twenty-five years, less commutation for good behavior.—7. Previous history and character; record in prison.—8. Report regularly; secure employment, and remain in State.—9. Any violation of above conditions.—10. Any officer with warrant of board of commissioners.—11. Loss of good time; punishment in the county jail, or return to complete unexpired term.—12. Faithful fulfillment of requirements.—13. The Governor, upon recommendation.—14. Not stated.

—15. State system.—16. Not stated.—17. An important feature in securing parole, is recommendation by the warden for good conduct, service and diligence in performing work or labor directed by the prison board. This system is giving satisfaction.

Nebraska (1911).—1. All over 18 convicted of penitentiary offenses, excepting murder, treason, rape, kidnaping or having served two previous terms.—2. Provided by law.—3. State prison board appointed by the Governor; one member to be a practicing physician and one a practicing attorney.—4. To investigate the record of trial and the career of the prisoner before conviction; to call upon any person for information as to the capability of the prisoner to become a good citizen; to examine prison record; to make rules to grant parole and imprison for breach thereof; arrange for employment and secure suitable homes free from criminal influences.—5. The Secretary of the board presents applications and no petition or argument is allowed.—6. Those having served the minimum.—7. Prison record and ability to live law-abiding life.—8. To obey the law, follow honorable and useful employment and keep free from criminal influence.—9. Violation of conditions of parole, or commission of new crime.—10. Board order to Warden certified by secretary directed to any officer; no fees.—11. Service of unexpired maximum; if returned for new crime, second sentence follows termination of former.—12. Six months' faithful observance of parole requirements; secretary reports to board who issues certificate which is sent to the Governor.—13. Governor upon recommendation of board.—14. One, (up to April 6th, 1912).—15. General, (although not specified).—16. Fifty-two (on April 6th); of this number, thirty-four under present, and eighteen under old law.—17. The general public consider the system satisfactory. When prisoners are released they are provided with clothing, \$10.00 in money and transportation to place of employment.

New Hampshire (1909).—1. Any convict sentenced to state prison excepting for life, or as habitual criminal.—2. Provided by law for each offense.—3. Governor and council.—4. Have complete charge of parole.—5. Automatically, no petitions needed.—6. Automatically at expiration of minimum sentence if obedient to the rules; otherwise Governor and council determine.—7. Ability to live orderly and become good citizen.—8. Report monthly and oftener if requested; avoid bad company; obey the laws.—9. Any violation of above conditions.—10. Parole officer makes complaints before any justice of the peace, who issues warrant; no fees.—11. Serve maximum; time upon parole not considered.—12. Faithful observation until expiration of maximum.—13. The Governor.—14. Twenty-seven (on May 1st, 1912).—15. State system.—16. Sixty-one (May 1st, 1912).—17. General satisfaction with both the parole and indeterminate laws. The chaplain, who is the parole officer in this state, has supervision of parole matters.

New Jersey (1911).—1. All convicts sent to state prison except first degree murder.—2. Maximum as provided by law; minimum not less than one year, and not more than one-half of maximum; where death sentence has been commuted, minimum must be twenty-five years.—3. Board of pardons composed of six lay judges of the Court of Errors, the chancellor and Governor; under indeterminate sentence law, board of inspectors of the prison are also

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vested with parole power at expiration of minimum sentence, but inspectors can act only after approval by Governor.—4. To remit fines, parole, commute sentences and restore rights of citizenship.—5. No one except applicant is permitted to argue before the board; counsel may file petition.—6. Prisoners whose minimum term is about to expire.—7. Circumstances surrounding the case; prison record, previous history, prospects of employment, ability and desire to lead correct life, and maintain self by honest labor.—8. Avoid evil company, avoid all forms of liquor, live industriously, honestly, and report regularly; must not leave state without permission.—9. Any breach of above requirements.—10. Any duly authorized officer; expenses only.—11. Service of balance of term subject to future action by board.—12. Faithfully observing conditions of parole until maximum has expired; prisoners on parole can earn commutation and thus have maximum expire sooner.—13. Automatically at expiration of maximum, which can be advanced by living a law-abiding life.—14. Thirty-five (until January 1st, 1912).—15. State system, (but permission can be secured to leave state).—16. Thirteen hundred seventy (since inception of parole law in 1905); 104 during 1911.—17. The parole system is considered very successful, and is being extended under the indeterminate sentence law. Eleven prisoners also have been twice paroled successfully. It has been applicable also to prisoners serving flat sentences, the minimum being computed as one-half of a maximum which the court of pardons may determine.

New Mexico (1909).—1. All prisoners sentenced to the penitentiary.—2. Court fixes minimum and maximum.—3. Prison board composed of the board of penitentiary commissioners and superintendent of the penitentiary; the Governor must approve recommendations.—4. Investigate the record of the crime; previous history as to industry and character; to parole, rearrest, and generally to supervise prisoners.—5. No petition nor application allowed.—6. All prisoners having served minimum except those having served two previous terms in any penitentiary.—7. Prison record showing improvement or deterioration of character and probability of becoming a law-abiding citizen; personal history and complete prison record.—8. Total abstinence from alcoholic liquors; permanent employment; a proper and suitable home free from criminal influences.—9. Faithful observance of the requirements.—10. Warrant of the superintendent of the penitentiary to any authorized officer; fees same as ordinary criminal process.—11. Service of unexpired maximum; additional imprisonment and time on parole not counted.—12. Superintendent keeps in communication with all prisoners; when prisoner has served not fewer than six months of his parole acceptably, the superintendent reports to the board, which recommends final discharge; recommendation is sent to trial judge, who enters order which, upon approval of the Governor, constitutes complete discharge.—13. Superintendent reports to board to recommend to the trial judge, who certifies to the Governor, who finally discharges him.—14. Not given.—15. General.—16. Not given.—17. This system is regarded very favorably; all prisoners released upon parole are supplied with suitable clothing, \$5.00 in money, and transportation to place of employment.

New York (1889-1909).—1. All first offenders convicted of felonies other than murder of first or second degree.—2. In all cases where the law provides maximum of five years or less; the maximum to be as prescribed by law,

the minimum to be not less than one year; where minimum is fixed by law, not less than such minimum and the maximum not more than the longest period fixed by law; for second degree murder a minimum of twenty years and the maximum of life.—3. Board of parole for state prisoners composed of three members, superintendent of prisons, and two appointees of the Governor with consent of the senate.—4. To regulate the system of credits to be earned by prisoners as a condition of release by parole; to investigate and recommend for and control prisoners on parole.—5. Prisoners apply in writing; no other form allowed.—6. All prisoners having served minimum.—7. Criminal character, conduct, record of demeanor, education and labor while in prison.—8. Indulge in no injurious, unlawful or vicious habits; shall avoid persons or places of disreputable or harmful character; report regularly; permit visit from probation officer at abode or elsewhere; answer all reasonable inquiries as to conduct or condition; work faithfully at suitable employment; remain or reside within a specified place or locality; abstain for a reasonable period from use of alcoholic beverages; make reparation or restitution for losses caused by offense; support wife or children.—9. Breach of any condition.—10. Warrant to any officer from agent or warden or any member of board; regulation fees as in other cases.—11. Service of unexpired maximum unless sooner released again on parole.—12. When the board considers fit convict will live and remain at liberty without violating the law; or upon action of Governor.—13. The board, if serving indeterminate sentence; the Governor upon recommendation of board if original sentence was determinate.—14. Seven hundred four, on January 1st, 1912.—15. State system (although permits have been granted to return to home state).—16. Total paroled October 1st, 1911, 3894; on that date there were at large in good standing, 665, and delinquent, 413.—17. Note. Over 83 per cent of the prisoners paroled in 1910 and over 81½ per cent in 1911, made good. There is also a system for paroling prisoners who have received flat sentences. The entire parole system is considered favorably.

North Dakota (1911).—1. Anyone convicted of felony.—2. Maximum prescribed by law; minimum determined by board.—3. Board of experts consisting of warden, prison physician, a prison chaplain and one other person designated by the board of control.—4. Meet monthly; pass on applications for parole and applications for release under indeterminate sentence.—5. Blanks furnished; no oral arguments allowed, but written argument may be submitted by attorneys or others.—6. Anyone having served minimum term; employment must be secured and employer recommended by judge of his County court; must deposit \$20.00, and employer must agree to retain 25 per cent of wages to deposit with warden until \$100.00 is on deposit; good record at penitentiary for six months.—7. Prison record; nature and character of crime committed; previous record and environment; information gained from personal interview with applicant; probable surroundings if paroled.—8. To refrain from crime, to lead an honorable life; to remain within the state; to proceed at once to place of employment; to remain there until granted permission to leave; to report regularly; to conduct himself honestly, avoid evil associations, obey the law, and abstain from the use of intoxicating liquors; to report immediately to sponsor and show parole and enter upon employment provided for him.—9. Anything within discretion of the board of experts.—10.

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Any officer; regulation fees, but not to exceed \$100.00.—11. Service of balance of maximum; time on parole excluded.—12. Expiration of the maximum.—13. Warden of the penitentiary.—14. No violations up until April 4th, 1912.—15. State system.—16. Thirty-five up to April 4th, 1912.—17. The law is considered very favorably in this state. Certain inmates cannot be paroled, namely, person convicted and sentenced for first or second degree murder, and a person finally convicted in any jurisdiction of felony other than that for which he is being punished. The Governor also must approve and endorse the recommendation for parole.

Ohio (1891).—1. Compulsory with all prisoners sent to state reformatory, and optional with prisoners sent to state penitentiary.—2. Optional with trial judge but minimum cannot be less than prescribed by law for offense committed, nor maximum greater than prescribed by law.—3. Board of administration composed of eight members: a president and two other lay members, a physician, a fiscal supervisor, a mechanical engineer, a secretary and a parole secretary.—4. Supervise the entire parole system.—5. Blanks are supplied by the chaplain and no other form of petition is allowed; no argument is allowed.—6. Those recommended by the warden and chaplain, who have served a minimum of not less than one year; whose conduct in prison has been of the first grade for six months prior to application; who has never been convicted of felony theretofore; and in cases of life prisoners, those who have served twenty-five years; an agreement, from a reliable property owner certified from the auditor of the county that he is a property owner, that he will give prisoner employment upon release.—7. Previous history; prison record; ability to become law-abiding citizen.—8. To report immediately to employer; to show certificate of parole and remain in employment during term of parole unless change is authorized by parole secretary; to report regularly; to remain within the state; to live honestly; avoid evil associations; to obey the law and abstain from the use of intoxicating liquors.—9. Anything that in the opinion of the board of administration or field officer is contrary to agreement.—10. Any authorized officer; no fees set forth.—11. Serve unexpired period of probation.—12. Upon certificate showing faithful compliance with parole agreement.—13. Board of administration and warden.—14. Fourteen per cent in 21 years.—15. State system.—16. Two thousand one hundred eighty.—17. General satisfaction is felt in Ohio with this system. The separate board of administration is a new feature of the law making the parole and pardon of prisoners entirely independent of each other.

Oklahoma.—1. No such law.—2. No provision.—3. The Governor.—4. As set forth in the constitution.—5. No provision.—6. At any time.—7. Any points that may be thought proper by the Governor.—8. The Governor has the right to impose any conditions in his discretion. Those usually imposed are that the prisoner abstain from use or handling of intoxicating liquors; refrain from gambling or conducting games of chance; find employment; avoid evil associates and improper places of amusement; obey the laws and conduct himself in all respects as an upright citizen; report as to whereabouts and occupation.—9. Any violation of the law or the conditions of parole.—10. Any sheriff or police officer of the state; no fees.—11. Service of unexpired balance of original sentence.—12. Service of entire sentence, unless discharged

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sooner by the Governor.—13. By the Governor, or automatically at expiration of sentence.—14. Forty-two, (on March 29, 1912).—15. State or general, as prescribed by the Governor.—16. About 150 (on March 29, 1912).—17. This system has given general satisfaction.

Pennsylvania (1909-11).—1. Any person sentenced to the penitentiary.—2. In the discretion of the trial judge, but maximum cannot be more than that prescribed by law.—3. Board of five prison inspectors for each penitentiary, who report to the board of pardons—consisting of Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of internal affairs, three of whom must recommend to the Governor for final action.—4. To investigate, make rules and regulations, and send report to the Governor with favorable or unfavorable recommendation.—5. Petition is made by applicant but no argument is allowed.—6. Persons having served minimum and in good standing. Application can be filed any time within three months of the expiration of minimum term.—7. There must be no other indictments pending against applicant; the warden and chaplain must recommend parole; the applicant must have a sponsor who will report regularly; a complete statement from the prisoner concerning past record must be at hand; applicant shall give reasons why parole should be granted; applicant must be in honor class showing record in prison.—8. Must secure a sponsor; must live law-abiding life; must report regularly; must keep employment; must not leave state without permission; sponsor must report monthly as to the conduct of his charge and the number of days employed during the month; parole must leave specimen of handwriting with the board; must furnish board with names and addresses of all immediate relatives and the names of all persons who might maliciously interfere with the convict's attempt to live a law-abiding life.—9. Any breach of parole conditions.—10. Any officer; no fees specified.—11. Imprisonment for the balance of unexpired maximum (time on parole not to be considered) unless again released on parole, or pardoned.—12. Expiration of maximum or the board of inspectors may sooner recommend absolute pardon to the board of pardons, who recommend to the Governor.—13. Automatically at expiration of term, or upon pardon by the Governor.—14. Twenty-eight (from 6, 1909, until December 31, 1911).—15. State system, but permission may be obtained for employment outside state if home is maintained within state.—16. Nine hundred seventy-eight, (from July 6, 1909, to December 31, 1911).—17. The indeterminate sentence and parole system have met with the general approval of all humanitarians and persons who best know the criminal. A system of parole has been established applying also to inmates of county prisons, workhouses and reformatories. This system is entirely under the control of the trial judge, who can parole and re-parole in his discretion.

South Dakota (1911).—1. All first offenders over 16, subject to a penitentiary sentence, except for treason or murder, or convicts with abnormal tendencies.—2. Prescribed by law.—3. The board of charities and corrections, including one parole officer.—4. To regulate the parole of prisoners and cooperate with them while on parole.—5. Prisoner may petition; no argument.—6. Those having served minimum.—7. Character of applicant; standing during confinement and the party with whom he is paroled.—8. Absolute good behavior and attempt to reform.—9. Any attempt at wrong doing.—10. Any

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officer; no fees prescribed.—11. Returned to the prison to serve maximum.—12. Faithfully observing parole conditions until maximum has expired.—13. Order of warden and board of charities and corrections at expiration of parole.—14. Three (on April 3rd, 1912).—15. State system.—16. Twenty-five.—17. The general opinion is that the parole laws work for the good of the prisoner, and they are considered satisfactory.

Texas (1911).—1. No such law.—2. As prescribed by law.—3. Three prison commissioners, requiring the approval of the Governor.—4. To regulate the whole system of parole of prisoners.—5. No arguments allowed; a petition may be presented with the application.—6. Any prisoner with good conduct for twelve months, who has served the minimum term for the offense of which convicted.—7. Trustworthiness and suitable employment.—8. Must report promptly to employer; work and conduct himself properly at all times; make monthly reports of work, money earned, expended and saved, with verification by employer.—9. Any matter in the discretion of the commission.—10. Any officer, upon commission's warrant; reward of \$25.00 is paid.—11. Loses credit for all good time; is fined 25 cents a day for all good time lost, to be taken out of the per diem of 10 cents which is allowed under the law; must serve balance of maximum.—12. Automatically, at the expiration of time originally given in sentences, but commission has power to grant absolute discharge in deserving cases before the expiration thereof.—13. Automatically or by the commission.—14. Three, (since March 11, 1911).—15. State system.—16. Forty-nine.—17. The law is not generally understood, but has not been given sufficient time to secure the confidence of the people.

Virginia (1904).—1. No such law.—2. No provision.—3. Board of five penitentiary directors appointed by the Governor.—4. To parole prisoners in their discretion upon such terms and conditions as they may prescribe.—5. Blanks furnished; no argument required.—6. Prisoners who have served one-half of their sentence and have kept the prison rules for the two years next preceding the date of the expiration of one-half of term; if serving two or more sentences, then one-half of the aggregate; life-termers, upon third conviction for larceny, after 10 years; all other life-termers, after 15 years.—7. Prison record and capability to live law-abiding life in the future and to live with a sponsor who must be recommended by some official of the commonwealth.—8. To keep employment; report regularly; continue independent of public or private charity; conduct himself as an honest, sober, peaceable, industrious and law-abiding citizen.—9. Any breach of the above requirements.—10. Warrant of the board to the superintendent of the penitentiary who directs any authorized officer; no fees mentioned.—11. Serve out the unexpired term of his sentence; time on parole not to be credited.—12. Automatically, after service of maximum.—13. Automatically.—14. Not given.—15. State system.—16. Not given.—17. The sponsor makes a monthly report to the superintendent of the penitentiary as to the conduct and behavior of his ward. The sponsor must guarantee also to give the prisoner steady employment at a stipulated compensation set forth in the petition.

Wisconsin (1907).—1. No such law.—2. No such provision.—3. State board of control of five members.—4. Meet quarterly; consider applications for parole; all applicants are interviewed personally.—5. The board considers

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all literature submitted, but no verbal argument is allowed.—6. Prisoners in state prison who have served one-half of sentence, excepting life-termers, who cannot be considered until they have served thirty years, less commutation, which is sixteen years and three months. No convict previously convicted of felony is eligible.—7. Previous history; prison record; future prospects as to becoming law-abiding citizen.—8. Secure satisfactory employment; both applicant and parole guardian must report monthly. Must not use intoxicating liquors.—9. Fail to perform duties imposed; submit false reports or commit new offense.—10. Parole officer; no fee.—11. Must serve balance of unexpired sentence.—12. Automatically, at the expiration of sentence, less commutation for good behavior.—13. Warden of the state prison.—14. About twelve (since 1907).—15. State system.—16. Two hundred (on March 26, 1912).—17. This law has given great satisfaction; more than four hundred have been paroled since 1907, with very few violations. A parole officer is constantly traveling, looking after paroled convicts and making reports as to their present conditions.

Wyoming (1909).—1. All convicts sentenced to penitentiary otherwise than for life.—2. The maximum not longer than that fixed by law, and the minimum not less than that prescribed. Both can be regulated by the trial judge.—3. Pardon board composed of five members, who are elected; the Governor issues parole upon their recommendation.—4. Consider the question of parole and make recommendations to cover it.—5. Prisoner applies to the board through the warden of the penitentiary, upon blank applications; no other petition allowed nor argument permitted.—6. No parole will be granted to any prisoner who has returned from parole as a delinquent; who has served a previous term in any penitentiary; who has not served the minimum term fixed by law, or the minimum term fixed at the time of sentence by the trial judge; who has violated any of the rules of the penitentiary within six months prior to his application, or who has committed an assault with a deadly weapon upon any officer, employee or other convict in the state penitentiary.—7. Previous history; previous associations; prison record; ability to become a law-abiding citizen.—8. Secure employment; report regularly; remain in state unless granted permission to remove; abstain from use of intoxicating liquor; avoid evil associations; avoid improper places of amusement; live a law-abiding life.—9. Violation of any of the above, or any special conditions imposed.—10. Any officer specified in a warrant from the Governor; the fees as for ordinary criminal process.—11. Service of the balance of unexpired maximum.—12. Automatically at expiration of maximum, or sooner if commutation for good behavior reduces maximum.—13. Automatically.—14. Four, (since February, 1909).—15. State system (but permission may be secured to go elsewhere).—16. Forty-two, (between February 24th, 1909, and April 2nd, 1912).—17. This law is favorably regarded. Efforts which prisoners have made to live up to the requirements of parole, indicate that this law was a step in the right direction. The state board of charities and reform continually keep in touch with paroled prisoners and counsel and advise them.

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Mr. Abbott reported that he had sent a copy of this report to the Commissioner on Uniform Laws from the state of Pennsylvania, and that this matter had been referred to the general conference of com-

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missioners, who thought it of sufficient merit to take up the question of a uniform law upon the question of probation, parole and indeterminate sentence.

E. Stagg Whitin, New York: "I think Mr. Abbott's report is a model of what many of our reports ought to be in this association, a careful national study of the problems. He has contributed much to what we need to know and what those who are out in the country need to know also; and it is going to be a valuable document to be placed in the hands of boards of control and parole.

"There is only one phase that I wish he had included to make the full rounded subject.

"In comparing the powers of boards of control and boards of parole, for they are interchangeable in many cases, I find there are some states in which the Governor himself holds the power which in other states has been delegated to the board of control or the board of parole. I think if you had included the powers of Governors in that, even if we do call it pardon, you would have completed the study and given it still more scientific value.

"I have not found in my study any comprehensive statement of the power of pardon which is in some cases, especially in the South, being abused. The reform of movements in those places has got to take many suggestions. Some questions are going to arise, and among them the question why we should leave that power in the hands of the Governor. What we need is a clear, definite answer from a careful study of the subject; and I hope if this committee is to be continued that it might consider the addition of that subject."

Edwin H. Abbott: "My friend probably overlooked part of the report. It is stated that in Colorado the Governor has absolute authority; in Pennsylvania the matter must be referred back to the Governor, who is the only one who acts. In California, the Governor can act either with the board or independently of the board. Those are the only states. You will find in the appendix an index to all of the acts which show the states wherein the Governor can act. I have also referred to the fact that Gov. Hadley, of Missouri, has taken it upon himself to construe the parole law from their constitution."

E. Stagg Whitin: "To make clear my point, there are states which you have omitted from that list, because there was supposedly no law to cover the point. I spoke of Maryland as one. The Governor pardons in that state; and in a report made to the Governor a year ago, attention was called to the fact that he was pardoning prisoners from the House of Correction at the request of any citizen of reputation, no matter what the case might be, no investigation being made. It is just such points as that that I should like to have the report cover."

Edwin H. Abbott: "We were not a committee on pardon, but were appointed to consider only the question of indeterminate sentence and parole; and Maryland has no such law."

W. O. Hart, New Orleans: "The only objection I have to Mr. Abbott's report is that I did not get the benefit of it sooner.

"If I had had this in the hands of the Governor of my state before our last legislature adjourned, I believe he would have signed several penal reform bills which came before him, because no man, after reading that report could plead ignorance of the subject." The report was referred to the executive board.