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Author.

SOME OF THE PRACTICAL RESULTS OF OUR  
CRIMINAL LAWS FROM A SANITARY  
STANDPOINT.

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IT IS simply appalling to read the daily records of crimes committed throughout our country, and still more terrifying when we compare the convictions for crime with the whole number of crimes committed.

What safety is there to the general public when men and women are ruthlessly murdered by desperadoes for a few dollars, or shot down in cold blood for only aiding in securing the intended justice of our laws?

When railroad cars are invaded and their passengers robbed, or their express messengers shot, and their valuables plundered and taken; when officers are mobbed and shot down by gangs of desperadoes for trying to do their duty, or as in the case a few mornings ago when a train was invaded and a captured pall forcibly taken from the officers in charge at the peril of hu-



man life; when even a President's life is in danger for not complying with the desires of some crazy office seeker?

What does all this ruthless and premature destruction of human life mean?

It means that there is something wrong somewhere, and that the practical results of our criminal laws are not what they ought to be.

Only a few days ago, I read in some paper the following proportion of arrests for assault and battery, in thirteen of our leading cities, to their whole number of inhabitants:

	One for every
Cincinnati, - - - - -	4,476
Columbus, - - - - -	2,466
Providence, - - - - -	582
Chicago, : - - - - -	504
Philadelphia, - - - - -	292
Brooklyn, - - - - -	257
Springfield, - - - - -	228
New York, - - - - -	196
Buffalo, - - - - -	174
Boston, - - - - -	133
Albany, - - - - -	116
Baltimore, - - - - -	103
Washington, - - - - -	69

It is true, the vigilance of the officers of a city, and the construction put upon the statutes as to what shall constitute "assault and battery," would modify the statistics of arrests for that grade of crimes; yet making a liberal allowance for all these, the ratio of crimes to the population as shown by the arrests made, which does not include the large number of crimes of the most diabolical character that are annually committed but escape the action of law entirely, is such that we may well call the attention of sanitarians to these facts, and inquire into at least some of their causes, and seek for the best remedies for their prevention. Crime is largely induced by two leading factors, selfishness on the one hand, and the possibilities of escape from justice on the other.

The former may exist in a variety of forms, and be induced



by a multiplicity of circumstances; but the latter is dependent largely on the perfection of our criminal laws and their execution.

The New York *Independent* has at different times taken strong grounds that "Lynch law" should be forcibly suppressed by the prompt and fearless execution on the scaffold of every person connected with its deplorable practice; but much as we despise the principle and practice of "Lynch law" we do not believe the course advised by the *Independent* would either be practicable or advisable.

We must take humanity as it is, and not as we imagine it should be, and just as long as criminals who are guilty of capital crimes are not only protected by the wily constructions placed on legal technicalities, and their merited punishment delayed for even months and years at an enormous expense to the honest and law-abiding taxpayer, or even acquitted through a "fixed" or sympathetic jury, or by the scheming shrewdness of some criminal lawyer, just so long may we expect prompt justice to be sought by an exasperated and abused community through the powers of the "Lynch-law."

Let a murder be committed in a community and at first every paper "in the region round about" joins in denouncing the perpetrator as a scoundrel and demands his prompt execution, but time rolls on, even if captured, and placed in the hands of the law, he must be given a preliminary hearing and be "bound over," if supposed guilty. Then he lies around in jail month in and month out, at public expense. (provided he is unable to procure bail); time after time the case is called, and continued because somebody who is supposed to be an important factor in the case is away, or sick, or a dozen other excuses are raised to delay prompt justice, for well do our legal brethren know the value of public sympathy, and the frailty of human nature and loss of memory, which is nourished by delay, all of which adds to the criminal's chances for escape. Meanwhile sympathetic interviews are had and published, and the once despised desperado becomes the hero of the hour, while all the horror of his atrocious crime is dimmed by time and painted with sympathy until the innocent blood that stained the floors of a once happy home is almost forgotten and the widow and fatherless children, who appear as

prosecutors praying but for simple justice are even looked upon as his persecutors.

How many murderer's can we count on our finger's ends, who have thus escaped their just doom, and are running at large to-day, or will soon have paid the paltry penalty imposed on them in the state prison, or be pardoned by a sympathetic governor, and let loose, to return as the heroes of a sensational tragedy?

Only a few days ago, I was told by a medical friend from a well-known city in the central part of this state of just such a case, where a man who had deliberately committed a prearranged, diabolical murder and accomplished his end, was tried after the usual delay of law, and acquitted, and is running at large to-day in defiance of our law.

Of all the cases that have been tried in our county for murder only one has been found guilty and had justice measured out to him, and he was a colored man. But our county is not the exception. I dare say there are few counties in our state that cannot, if they will will, rake up similar records in their court proceedings in criminal cases.

We have thus far only been discussing some of the practical results of our criminal laws as they affect criminals who have been captured, but how do they affect the criminal who is still at large and *asstst* in his capture?

All that is necessary to prove that they are not what they should be, is for each of us to go back for a moment to our own and neighboring counties, and count again on our finger ends, the murderers who have committed their foul deeds and escaped unharmed, yea, even from suspicion or detection.

It is reported on good authority, and I blush to repeat it, that a score of murders have been committed in Richland county alone with but one arrest and conviction, several of which occurred within the last few years and *every one* without the detection or the arrest of the murderer. Yet I know Richland county, while bad enough, does not stand alone on the black list of the criminal records, of capital crimes.

What effect have our present criminal laws on the prevention of abortion?



What percentage of practical abortionists are ever convicted and found guilty of murder in the second degree when tried, of the number who are annually, and almost defiantly pursuing this foul and murderous occupation for the gain thereof?

In an editorial by Dr. Baldwin, of Columbus, Ohio, in the *Columbus Med. Journal*, Vol. II., page 573, under the title "Is conviction for abortion possible in Ohio," he says: "Three cases which have recently occurred in this city have resulted so disastrously for the State, that physicians, it would seem, need no longer be deterred from producing abortions by any fear of legal processes. Moral motives may restrain them, or 'the fear of something after death,' but they need not fear the law, while public sentiment has long since ceased to condemn, except under very aggravating circumstances."

In this same editorial the doctor goes on to say that "four years ago, a doctor in this city was arrested on the complaint of a young woman, on the charge of having produced an abortion on her." "The doctor lay in jail all summer, being unable to furnish \$500 bail. At the end of this time, when his case came for hearing, his victim refused to appear against him, and he was discharged."

"Two years ago," he says, "a married woman, a few hours before her death, made a 'dying declaration' in the presence of her two physicians, the prosecuting attorney, and others. She charged a certain doctor with having produced an abortion on her, and described, with the minutest detail, her visit to his office, which she made alone, and his method of operation, with the instrument used. The autopsy, performed a few hours later, confirmed her statements as to an abortion having been attempted, and showed that death had resulted therefrom."

Suffice it to say the doctor who did all this for \$5 was arrested, and discharged] "scot-free." A year later another young woman is reported, by the doctor in the same article, of having died from the result of an abortion. The abortionist was arrested, and notwithstanding "the chain of evidence seemed to be perfect] and unyielding at every point," and "the general reputation of the doctor for this kind of work was such that his attorneys made no attempt to prove his previous good character," and yet "the jury returned a verdict of acquittal."

Dr. Baldwin says in conclusion: "First. If the abortionist does his work, his victim alone being privy to it, he is safe; for if she lives she will not inform against him, while if she dies, her statements are entirely worthless as evidence. Second. If others are privy to the act, the prosecution must prove that the fetus was actually *living* at the time of the operation; and this, at least until after 'quickening,' and even then only on the testimony of an expert making an examination at the time, which is of course impossible."

These cases and similar ones could be duplicated by the scores, if necessary, but the few we have given are certainly sufficient to satisfy any unprejudiced mind that our criminal laws on this point are also defective and need some amendments.

But when we know, or at least have every reason to believe, these cases of criminal abortion could be counted by the thousands if not tens of thousands throughout our country, that either go without even suspicion or detection, or, as we have seen by the above, when they are detected are simply winked at by the law—in a manner they dare not mock justice in cases of murder in the first degree "so-called," yet in common experience crime does *practically mock* her, even with apparent impudence, more or less in all these cases—we are led as sanitarians to hoist the red flag of danger and call a halt long enough for reflection, if we can't get anything more.

But some one says what has all this to do with sanitary work? We answer, the first duty of a sanitarian is to save human life, and the second to prevent human suffering.

It is certainly evident that the practical results of our present criminal laws are such that justice is not only delayed, but in many cases *thwarted* in the prosecution of criminals for murder in the first degree, and in some, yea, *many* instances, the murderer in reality becomes the hero of the hour, thus putting a premium on murder, and giving encouragement, rather than deterring the vicious from their cruel purposes, which is still more encouraged by the multitude of chances for their escape entirely without even arrest, which aids in multiplying our murders, and thus increasing, rather than diminishing, the loss of life from these causes.



The practical results of our criminal laws are still more deficient in cases of infanticide and abortions than in murder of the first degree, which added to the former swells the mortality records from these sources to such alarming proportions as to call for reform of the criminal laws of our state; and not until then can we expect to prevent "Lynch-law," or secure justice in all its details in our criminal courts.

Let us have a law that will compel the trial of a criminal arrested for murder, within thirty days after his arrest, give it precedence over every thing else, try him while the deed with all its horrible facts is fresh in the minds of witnesses, try him promptly, fairly, candidly, and allow nothing to retard the promptest dispatch of justice, and when convicted and found guilty, compel him to be executed in not exceeding thirty days, and you will find that more murderers to the number arrested will be convicted, and fewer murders committed.

Instead of waiting for the slow tardy action of county commissioners or other local authorities to offer rewards for the capture and conviction of criminals, have a standing liberal reward offered by and under the authority of the state for the arrest and conviction any murderer of the first degree committed in the state, and made chargeable against the county in which the murder was committed, and in this way you will get prompt and efficient service in every instance; yea, and further, if necessary, have a central authority in the state which shall have the power to employ detectives to hound down every murderer who commits such a crime in the commonwealth, and instead of depending on the unskilled officers of a county managing the capture of these criminals, who, as a rule, are skilled in their part of the work, have at the state's command a few of the best skilled detectives money will procure, whose duty it shall be to ferret out all criminal cases occurring in the state, and to use every means possible to arrest and convict these outlaws in the promptest manner possible, and thus protect and save human life in a manner and with a certainty which under our present unsystematized methods would be and is practically impossible.

In the protection against criminal abortions, we should purge our present statutes of all those technicalities that now stand as

so many open doors for the ready escape of the vilest and most daring criminal, regardless of overwhelming evidence as to his guilt, of these loathsome and pernicious practices, and instead close every avenue of escape, and measure out to the guilty his due portion of punishment without fear or favor.

Then as sanitarians who have the protection of human life and the prevention of human misery at heart, let us seek to find a remedy for all these existing defects in our criminal laws, and thus prevent the practical results that now follow them as natural sequelæ, and instead so modify our criminal code as to make it a real practical supporter instead of a *mock*er of prompt and impartial justice.

In this way, and only by such means can we expect to reduce the annual number of premature deaths that now are caused by the red hand of the daring assassin, and at the same time put an end to the practice of "Lynch Law," with all its horrors and dangers of rash and unwarranted executions, and meanwhile prevent the merciless slaughter of thousands upon thousands of helpless infants annually by the foul hand of the abortionist.

Then I ask you, brother sanitarians, is there not a wide field for you and me to join hearts and hands upon in this direction alone, that merits our attention and warrants our support?

Is not system on the part of the state as essential in the capture of criminals who are guilty of capital crimes in our midst, as it is in our military practice for protection against invasion from abroad, or the suppression of riots within our own borders?

The one is for the maintenance of our rights, and the protection of life from an organized and out-and-out foe; while the other seeks protection from the skulking and unsuspected assassin who pretends to be our friend only that he may take our life and escape justice unharmed and unsuspected.

Then, gentlemen, if our cause is just and right, why should we not "pool" our efforts to secure the enactment of such laws as will provide the best protection against that which God only can give, and no man should be allowed to take away.

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