

Real Estate Exchange

OF WHITEHEAD & MITCHELL

Exchange Bank Birmingham Michigan

The following is a partial list of Farms, City and Village Lots, and Real Estate generally which we have for sale. As our list is constantly changing we request that parties will write us if they do not see what they want in this list.

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HE best way to train a child is to begin with his grandfather," is a remark attributed to Oliver Wendell Holmes, and its wisdom is apparent to all students of the history of crime and criminal law.

Whether crime is caused by heredity, environment or just "happens" is a much mooted question. The potency of heredity as a causal factor of crime is doubtful to the casual observer, who is of the opinion that all depends on environment. But "styxian" of the tendency of nature "to return to type," has come to be recognized generally by scientists and historical and anthropological research, undoubtedly prove its existence.

As the criminal stands at the bar and receives his sentence, murmuring like behind the prison walls, little is known of his past, even less is learned of his future by the world at large. The average of mankind may know one or two or possibly three criminals, but in all probability does not know the "pedigree" of even one of them. Looking backward, we find that we have outgrown the friends of our youth whose "pedigree" or ancestry we did know, and so cannot trace them further. Thus it follows that whether their redly tends to criminality cannot be ascertained by every-day or common experience. There seems no doubt, however, that it can be determined by statistical research.

Formerly the theory of the criminal law was retribution—man for an eye, a tooth for a tooth; he who has sinned must be punished. But the advancement of scientific knowledge has furnished the foundation for a new system of penology, which has, at least upon the statute books, taken the place of the old. The trend of the law for many years has been toward the amelioration of punishment and largely because the nature of the criminal is better understood and it is felt that he is one who needs not so much punishment as proper instruction; and moreover, because it is believed that the purpose and intent of our criminal law should be to cure the criminal of his criminal tendencies rather than to righten him.

Under the old theory of "responsibility" whoever or whatever sin was deemed responsible for it and subject to punishment and in the middle ages even animals were tried and punished. In 1454 the bishop of Luzaunce initiated the first trial of a criminal by jury. The legal proceeding against the accused was called the water at Berne. The bishop before the judges at Berne, the bishop being brought into the presence of the accused, leeches, present and absent, were warned to abandon the spots they had the temerity to occupy. The bishop, full of awe, then to evacuate, and a guardian was appointed to their defense. The bishop gained his cause, but the leeches having successfully resisted the decree of the court the bishop finally lost all patience and anathematized them.

Formerly, insanity, even with its apparent responsibility, was not held to be a defense. In 1789 insanity seems to have been unknown to the French law, although the seventeenth-century State prescribes that the state of "insensibility" should be punished. The rule, however, proved of little avail. "Responsibility" as the received close attention and study, and through the period of the men of science, its field has steadily enlarged. The rule, however, proved of little avail. "Responsibility" as the received close attention and study, and through the period of the men of science, its field has steadily enlarged.

much about the shambles where her husband, the boy's father, was a butcher, and the sight of the blood having thus worked into the child's mind.

The beggling of children is the highest of all human functions and carries consequences that beggar description. It is well, therefore, to remember that every falling away from health, every new strain or break in man or woman may be an additional burden on a man or woman yet unborn, perhaps wreck a life or a succession of lives.

Carefully drawn statistics of 4,000 criminals taken from the Elmira reformatory show that drunkenness existed in the parents of 33 per cent and probably more. Dr. Christian, of the Elmira reformatory, reports that of 8,000 prisoners received there during the last eight years 196 per cent were tuberculous, 42.7 per cent were affected with some form of mental disease, and that 37.4 per cent were mentally defective. Marro finds that in a study of a popular opera, disregarding the illogical and grotesque, which shows that when a man had examined had a drunken parent, as against 16 per cent, for normal persons. A large number of the criminals investigated by Marro belonged to criminal families. Dr. Allison, superintendent at the Mattawan State Hospital for the Criminal Insane (New York), is impressed with the frequency with which very serious crime, especially murder and violent assault, occurred in the same family. Morrison reports that among the inmates of English industrial schools 51 per cent are either illegitimates or have one or both parents dead or are the offspring of criminals.

A further proof of the potency of heredity is shown by the investigations of the Rev. Dr. Stocker of Berlin. He traced 834 descendants of two sisters who died in 1825 and found among their 425 who had served 118 years in prison, 102 prostitutes, 106 illegitimate children, 17 plimps, 142 beggars and 64 paupers.

Assuming it, then, as proved, first that all of all criminal law and procedure is public property by inheritance, does there not follow, the night of the day, the logical conclusion that criminals ought not to be allowed to propagate their species?

"By criminal" is meant, of course, that class best described by the criminal who has an instinctive propensity to crime and to whom many authorities refer as "born" or "congenital criminals" and who are possessed of an ingrained malignity of disposition.

If, then, it has been shown that heredity is the most potent source of crime and that society is coming to protect itself by preventing the further breeding of criminals, how may society accomplish this?

Various methods have been suggested, among them a rigid regulation of marriage, which shall prohibit the criminal from mating, segregation or colonization of the criminal, and vasectomy. It may be possible by legislation to diminish marriage, but doubtless the effort would be to the number of illegitimates, thus augmenting instead of diminishing the "mischiefs." The segregation of "congenital" criminals, thus making it impossible the committing of the act, is approved chiefly by those who have apparently never known of vasectomy. As a matter of fact, it has been tried by the law for a time to flow as the memory of man runneth but to the common folk what else is it than imprisonment within four walls, and has this not already proved its ineffectiveness?

Coming, then to vasectomy, a subject which is an increasing number of state legislatures is becoming interested in, the physician furnishes a method of sterilizing the criminal.

This method is in actual operation in at least one state. In March, 1907, the Indiana legislature passed a bill authorizing sterilization.

There appears to be a wonderful unanimity of favoring opinion as to the advisability of the sterilization of criminals and the prevention of their further propagation.

Will public opinion justify the use of this remedy in the case of desperate and incorrigible criminals? While scientific studies of this subject, fraught as it is with appalling public importance, popular ignorance touching it is amazing. It certainly deserves the most careful consideration of all who are interested in the distribution of crime and the uplifting and betterment of the human race.

the transmission of a private revenge into public revenge. At one time or another nearly every fiendish cruelty has been tried as a crime cure. "To make the punishment fit the crime," to quote a popular opera, disregarding the illogical and grotesque, which shows that when a man had examined had a drunken parent, as against 16 per cent, for normal persons. A large number of the criminals investigated by Marro belonged to criminal families. Dr. Allison, superintendent at the Mattawan State Hospital for the Criminal Insane (New York), is impressed with the frequency with which very serious crime, especially murder and violent assault, occurred in the same family. Morrison reports that among the inmates of English industrial schools 51 per cent are either illegitimates or have one or both parents dead or are the offspring of criminals.

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Wisdom of Persian Judge

Common-Sense Means Successfully Employed by Eminent Occupant of the Bench.

There is a story of a Persian cad, or magistrate, who exercised a Sherlock Holmes-like acumen in deciding various cases.

A woman was claimed by two men as wife; one a peasant, the other a noble. Each of the two men swore to the truth of his claim. The woman, for some reason, was silent. The cad, unable to get any evidence which corroborated the claim of either of the men, ordered the woman to remain for a time with his own man. The next day he handed her over to the noble and ordered the peasant to be severely punished. Then the woman broke silence and said that she had been with the peasant the first time and praised the just judge.

The spectators also applauded the justice of the cad, but failed to see the grounds of his judgment. "I told her to milk a cow," said the cad, "and she could not. Then, handing her my writing case, I told her to put it in order. She took the little silver spoon and replenished my ink-bottle with water. Only the wife of a man who could write would have done this correctly. Hence my decision."

The woman's act of replenishing the ink-bottle with water, instead of with ink, is explained by the fact that a Persian scribble writes with India ink. The woman, being ignorant of this, placed in the ink-bottle and with moistening with water to keep it from becoming dry and hard.

Shop Talk.

"Say," remarked the wheelwright to the man who had whinnied away at the tree, "you're a great old rouser."

"Oh, go take a vacation," replied the wheel.

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