Book Review. The Illinois Crime Survey

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BOOK REVIEWS


Those persons who are happily (for themselves) habituated to a snap disposition of social phenomena will find in the bulk of the volume on the Illinois Crime Survey another reason for accounting for the astounding amount of crime as a characteristic peculiar to Chicago. Unfortunately the reports on the rural districts of Illinois show similar facts. It would, indeed, require a most exceptional optimist to read this careful survey of crime in Illinois and fail to conclude that it is a general American problem; that crime is a serious social problem, that no single formula can remedy the situation; and that there is at the base of the situation a complex aggregate of social, political and economic causes, which invite the deliberation of the wisest scholars in the land.

The Illinois Crime Survey is the third state wide survey to be made, the other two being Missouri and New York. The Survey was directed by Arthur Lashley; Professor Raymond Moley of Columbia was consultant and Professor Gehlke of Western Reserve University was the statistician. One hundred thousand dollars were provided by business men to defray expenses; outstanding scholars, attorneys and judges participated without remuneration; numerous research societies, alienists and experts in the social sciences were active in the survey. Professor Andrew A. Bruce, well known here because of his association with the Law School and Supreme Court, and now connected with Northwestern University was one of the most active participants in the work. Accordingly one cannot escape the conclusion that all the resources of a great state together with all the intelligences of the community have been applied to the problem.

The result is perhaps the outstanding survey of crime made anywhere. Every age is significant. It will undoubtedly become the basis of future studies and investigations in this field.

There are three major divisions of the book. The first, dealing with the machinery of justice, includes reports on Recorded Felonies by Professor Gehlke; The Supreme Court in Felony Cases by Dean Harno of Illinois; the Trial Courts in Felony Cases by Professor Hinton; The Juries; the Prosector in Chicago and outside of Chicago; the Police and the Coroner; the Probation and Parole Systems and a study of Records.

The second major division of the work dealing with types of offenses and offenders, includes: Homicide in Cook County (Chicago); The Juvenile Delinquent; and the Deranged and Defective Delinquent. There is much in this section to instruct persons engaged in all public work. It will be particularly helpful to all persons whose work is concerned with the delinquency of children and abnormal persons by demonstrating the assistance which can be rendered by a psychiatrist, Communities where Juvenile Courts are just being organized should make a careful examination of this section.

The third major division deals with organized crime in Chicago. Fascinating accounts of the gangster are included. The sordid relationship between criminals and politicians is proved; a biography of the outstanding criminals is given and their adventurous history is presented.
What a commentary upon American life! What a challenge to the best instincts of every man! Professor Burgess in his general conclusion to the work makes a number of pertinent recommendations "The control of organized crime," he said, "is always in the last analysis, a problem of public opinion." He notes that "liquor prohibition has introduced the most difficult problems of law enforcement in the field of organized crime. The enormous revenues derived from bootlegging have purchased protection for all forms of criminal activities and have demoralized law enforcing agencies." He makes a number of suggestions for securing accurate information on crime by uniform, scientific recording systems; for the stimulation of research in universities and other organizations and of coping with particular phases of the problem as they are adequately worked out.

In some measure everyone is inclined to assign some general, supposedly fundamental cause to any phenomena. Professor Wigmore, the Editor of the Survey, states in the preface to the work: "that there are a hundred causes for the situation in Illinois." Communities all over the country can read with profit the statement he makes, and they may do so all the more calmly and pleasantly because their community is less harrassed by criminals. Dean Wigmore says 'My guess is that they (the causes of crime situation) are all reducible ultimately to one Prime cause; and that cause is: The Selfishness of the Ordinary Citizen. We all want to achieve some selfish interest, great or small, permanent or passing in the way of favor, graft, special privilege . . . at the cost of regular law and good government. Is there, indeed, any citizen of Chicago,—or shall we say of Illinois—who can go on his knees in the Temple, as did the Pharisee and the Publican in Scripture, lay his hand on his heart, and say in good conscience to his Maker, 'I have never, when I was in a tight place, never sought to get what I wanted by evading or breaking the law, openly or secretly, or by using favor or fear with a public official; and I have never failed to contribute my share of time and work in such public service as came my way; and I have never, as a public official, sought my own profit at the cost of the public interest'"

The Illinois Crime Survey is of national significance. Mr. Lashley, the Director of the Survey, who ought to know, says that the situation in Illinois is typical of that throughout the country and particularly in urban centers. Every person connected with public work of any nature will find a reading of the Survey enormously worth while; everyone will find it most interesting and suggestive.

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This book opens the door to the field of legal accounting to both the practicing lawyer and the practicing accountant. It shows the relationship that exists between the two professions. It emphasizes the fact that in certain special cases a knowledge of law relating to the subject in hand and a knowledge of accounting technique and procedure is the best combination that can be used in solving the problem. It is not contended that this knowledge must be combined in one person but so much the better if it is. There is an indication that today the courts are using both accountants and lawyers in the capacity of assistants known by various titles such as auditors, master in chancery, standing master, special master, commissioner, trustee, referee or receiver.

In this book the terms court auditor and referee usually designate this assistant. The discussion of the problems that are presented in this volume is not idle chatter. It is a presentation of the points involved by one who has faced the problems about which he writes, hence, it is a description of actual experiences. The author was for a number of years auditor for the Supreme Court of the District of Columbia.

The first Chapter describes the authority of a court auditor, and indicates how the work is placed in his hands. It also distinguishes between the finding or report of the court auditor and the ruling of the court. Chapter II deals with Chancery Court procedure. American and English chancery court procedure and practice are compared. Chapter III describes the inherent powers of federal and state courts. It discusses briefly jurisdictional questions, and states how the report of the court auditor may be used. Chapter IV describes the jurisdiction of equity courts. The remedies at law and the New York Civil Practice Act are also discussed. The Chapter is brought to a conclusion with a report which serves as an example embodying the principles which have been discussed. Chapter V presents the duties of court auditors arising out of contract relationships. Chapter VI discusses problems that a court auditor confronts when working on a bank case. Chapter VII deals with the court auditor's work while under the jurisdiction of state courts. Procedure and practice in these courts is emphasized. In Chapter VIII an interesting discussion of the work of the court auditor in patent controversies is presented. A complete court auditor's report is reproduced to illustrate many of the points stressed in the chapter. Chapter IX points out the relationship that exists between constitutional law and the work of the court auditor. Some of the powers of the Supreme Court are also discussed.

Chapter X deals with various types of claims. The author describes how these claims can be proved. He also describes an interesting "follow up" system for use in a court auditor's office. In Chapter XI "composite rules of practice" as affecting the work of the court auditor are presented. Some of the points covered are: ex parte proceedings, reversible errors, documentary evidence, steps precedent to the distribution of funds, exceptions and prerequisites to exceptions to reports of court auditors. The application of many of the rules is illustrated by extracts from court auditor's reports. Chapter XII deals with testimony and evidence in a court auditor's hearing.
In Chapter XIII the various kinds of trusts are classified and defined. The report of the referee in the Jay Gould Trust Case is presented. It is used to illustrate points which arise in the discussion of the law as applied to the proper accounting for funds, nature of investments for trust funds, co-mingling of trust funds, inheritance laws, effect of certain charges and credits on the accounts of life tenant and remainderman, and many other subjects including a discussion of the advantages and disadvantages of the various kinds of fiduciaries.

Chapter XIV the question of fees, commissions and allowances upon which the court auditor must pass is discussed. There are many citations showing the view of the courts upon these points.

Chapters XV, XVI, XVII, XVIII and XIX deal with questions that arise in the administration of estates. The question of dower rights, curtesy, life estates, partition-suits and methods of accounting in these various cases is discussed in Chapter XV. Chapter XVI deals with the duties and responsibilities of corporate and individual fiduciaries when coordinated, realization and liquidation accounts, annuities, tenancy in common, and principles applied in construing the provisions of a will. The principle applicable to these problems is pointed out and emphasized by specimen reports. Chapter XVII shows the effect of the Married Women's Act on the old common law rule in regard to a wife's personal estate. It also takes up points in connection with the handling of claims against alien property custodian and with interest.

Chapter XVIII deals with future estates and annuities. A specimen report illustrates and brings out the accounting that is necessary in this type of work. Chapter XIX takes up the rules governing the work of the court auditor when engaged in the settlement of debts and legacies while settling an estate.

Chapter XX brings out the procedure in condemnation proceedings. The various steps in the process are shown by specimen court orders, and auditor's reports illustrate many of the points. Chapter XXI presents problems that arise in insurance company accounting.

The remainder of the book is devoted to a statement of the revised rules of the Supreme Court of the United States and to the rules of practice for the courts of equity of the United States.

In this book the author has presented us with a picture of the many duties which fall upon the shoulders of a court auditor or referee. It is a field in which the boundary lines lie far apart. Hence it is a difficult task to know just where to begin and where to end, but it seems as though the author does a thorough job in acquainting his readers with the importance of the work of the court auditor or referee while engaged in his varied lines of activity.

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