

# KENTUCKY'S SIX-YEAR-OLD SLAYER HAS NO CRIMINAL TENDENCIES, TESTS REVEAL

## WHAT THE JUDGES SAY



Judge John W. Butcher, above, and Judge J. Frank Bailey, below.

County Judge John W. Butcher says: "Carl Newton Mahan must go to the reformatory for 15 years for killing Cecil Van Hoose."

In private life a Baptist preacher, he is convinced of the righteousness of his judgment. Being in the reformatory 15 years will do the six-year-old child a great deal of good, he says. The boy has vicious tendencies that will be curbed by the discipline of the reformatory, he asserts. At the end of the 15 years he will come out of the reformatory a good citizen.

"I am doing this for his correction, not for punishment."

Circuit Judge J. Frank Bailey says: "I prohibit the execution of the sentence imposed by Judge Butcher on Carl Newton Mahan."

"The county judge tried this child without authority. It has been the sense of the common law through all the centuries that a child under seven cannot be tried for crime."

"The county court exceeded its authority. It is the law of the state of Kentucky that no child under 10 may be sent to the reformatory."

## Juvenile Court Psychologist Finds Carl Mahan, Given 15 Years for Killing Playmate, Just Like Other Boys and Didn't Realize Wrong He Did

By ALFRED SEGAL

(Written for NEA Service.)  
PAINTSVILLE, Ky., June 1.—This town is rather ashamed of the notoriety it has been getting recently. More than 100 years Paintsville lay sequestered among these hills, unknown to front pages, save for the fame that its millionaire son, John C. Mayo, conferred upon it, occasionally.

Then that dreadful thing happened, and all the front pages were pointing scorn at Paintsville where a county judge had sentenced the 6-year-old boy, Carl Newton Mahan, to the reformatory for 15 years for killing his 6-year-old playmate, Cecil Van Hoose. They had quarreled over a piece of scrap iron.

In all the centers of civilization, including the enlightened portion of Paintsville itself, this was regarded as an unthinkable reversal to a dark time when children as young as seven were imprisoned and even hanged for crime.

A jury of farmers had found Carl Newton Mahan guilty, and a county judge, who in private life is a Baptist preacher, had imposed upon him the sentence of 15 years.

Into the darkness that had fallen upon Paintsville there entered a woman bearing the torch of the scientific method of dealing with delinquent children.

### Tried by Science

She brought with her a portion of the laboratory of the most enlightened juvenile court in America, that of Judge Charles W. Hoffman of Cincinnati. In this juvenile court there is no trial by jury or even by judge. Judge Hoffman's court is a clinic of psychologists, psychiatrists and physicians. The mind and body of the delinquent child are examined, the mental and physical causes of his delinquency are found and treatment for their cure is prescribed.

In order that there might be set before the nation an example of this enlightenment, Judge Hoffman consented to a suggestion that the psychologist of his court, Mrs. Ethel Goldsmith Muegler, be permitted to go to Paintsville and give Carl Newton Mahan trial by science.

Mrs. Muegler set up her clinic in the Mahan cottage which is at the end of an alley where Carl's father keeps his taxicab which meets all the trains. The parents were quite willing and even thankful.

"If there is anything wrong with our baby we want to know it," the mother said.

While the boy had had no understanding whatever of the events in the courthouse, he took joyously to this trial by the scientific method. He delighted to put together the disjointed figure of a

wooden man that is in Mrs. Muegler's laboratory. In this rated perfect. There was the picture of a ship on a sea cut up into blocks and these Carl put together with every wave in its place.

### The Questions

"And what's the difference between an egg and a stone?" Mrs. Muegler asked him.

"A stone is red," replied the child upon whose shoulders judge and jury had imposed the full weight of moral and legal responsibility.

"And what's the difference between a fly and a butterfly?" she inquired.

"A butterfly has big wings," Carl answered.

"How many fingers have you on your left hand?"

He counted them.

"Five!"

"And on your right hand?"

He counted again.

"Five!"

"And on both hands?"

He hesitated.

"Ten!" He was happy at having found the right answer.

"And what is a trial?"

"A trial is when you shoot some body."

## CARL AND HIS MOTHER



Carl Mahan, 6-year-old slayer, is shown above on the lap of his mother, Mrs. Cora Mahan, in the courtroom where the judge sentenced him to 15 years for killing his little playmate. Below is the Mahan home at Paintsville, Ky.

### A Child of Six

He was presented with the figure of a triangle and asked to draw one like it, and his clumsy little hands could do no better than a half circle. And so for an hour Mrs. Muegler continued with the questions and materials of the Stanford-Binet test and in each instance getting the results to be expected from a child of six who has not yet been to school.

She interviewed the mother to determine her fitness to be the boy's guardian. The mother told of small errands the boy used to do for the judge who sentenced him to 15 years in the reformatory.

"I let him do it because I believe a child should learn to earn money," she said. "In that way he gets to know the way to get money by his work."

Mrs. Muegler observed the emotional reactions of the boy. Someone stepped accidentally on the edge of the flower bed.

"Look out!" he exclaimed. "You're gonna hurt them!"

She followed him to the courthouse, where he poured over the colored pictures of a comic page while the judge of the circuit court set aside the doom that had been placed upon the boy by the county judge.

He had at no time been conscious of any shadow of doom. The court adjourned and Carl went home to take up his almost life-size doll which he has not yet outgrown.

Mrs. Muegler gave her verdict, as presented here.



Here is the family of Carl Mahan, Kentucky's 6-year-old slayer. From left to right, Mrs. Cora Mahan, his mother; John Mahan, the father; and Roxie Tackett, the grandmother. Carl is shown in front.

## HIGH TRIBUTE IS PAID PIONEERS OF UMPQUA VALLEY

Judge Austin Mires, Speaker at Annual Reunion, Recites History of Settlers.

Many Outstanding Offices Held by Men Who Had Part in Development of Locality.

The annual reunion of the Umpqua Academy association at Wilbur Saturday was a decided success from every standpoint. Despite the inclement weather, there was an excellent attendance, many of the former students of the old pioneer school coming a long distance to be present at the event.

At the business session, held in the late afternoon, Robert A. Booth, of Eugene, one of those most active in the creation of the association and the perpetuation of the traditions of the old school was elected president. Prof. E. G. Bailey, vice president; Carl C. Hill, secretary; Roy Agnes, treasurer and Mazy Walker, librarian.

The address given by Austin Mires, of the supreme court of the state of Washington, was a masterful tribute to the pioneers who settled in the Umpqua valley. Judge Mires was one of the many students of the school who has reached a place of prominence in public affairs, and in his address he developed the thought of the earliest endeavor of the pioneer settlers of this country to provide education for their children, that they might be equipped to take their place as responsible citizens.

Umpqua Academy, the speaker pointed out, was organized in 1851 and was chartered by the Oregon Territory in 1857, ceasing to function as an institution of education in the fall of 1900. The association was formed in 1917 to carry on the traditions of the school. Judge Mires told of the enjoyable reunions that have since been held, and spoke of the purposes of the association.

Ancestors Honored  
One of the commendations given to Mires, the speaker pointed out, was "Honor thy father and thy mother that they days may be long upon the land with thee."

upon the land with thee. The Lord thy God giveth thee."

"No man has ever amounted to very much, no man has ever built a reputation that has reached very high or has lived very long who has dishonored his father and mother," the speaker declared.

He developed the thought that all nations that have risen to prominence and have wielded influence for very long in the world, have responded to the fundamental truth and wise injunction of the commandment that have been erected to honor deeds of ancestors and heroes showing that it is a human attribute to dwell upon the great deeds and achievements of distinguished and heroic men.

Honor to ancestors, he stated, is not only a duty, but it becomes a moral and political asset of the highest value.

The Umpqua Academy association, he said, is an organization that is fortunate in its ancestry. It then proceeded to trace the history of the Umpqua Valley in pioneer days, showing the hardships through which the early settlers passed, proving their courage, self-reliance and resourcefulness, together with their unflinching trust and abiding faith in God. High tribute was paid to those pioneers who blazed the way for the lasting development that has followed their efforts.

### Men Achieved Prominence

"Umpqua Valley, being all that territory drained by the Umpqua river and its many tributaries, has played a conspicuous and important part in the progress of our state and nation," Judge Mires said.

"Including territorial days, it has furnished one United States senator, one delegate to congress, one nominee for vice-president of the United States, 4 governors, 4 congressmen, 3 supreme court judges, 1 state printer, and 1 U. S. surveyor general for the state of Oregon."

"General Joseph Lane, of Mexico war fame was the first governor of Oregon territory. He early took up a donation land claim in Douglas county, and there and in the town of Roseburg, made his future home until he died. He was elected to congress in territorial days, and when Oregon became a state he was elected an officer of her first United States senators."

In 1859 he was a nominee for vice-president of the United States on the democratic ticket. He has been deservedly criticized for his excessive indulgence, but he was a brave, intelligent, useful and lovable man.

Admission C. Gibbs, an early resident and land claimant of old Umpqua county, was elected governor of Oregon in 1862. He acted well his part in rough pioneer days.

He carried the mail from Yoncalla to Scottsburg for four years, through flood and storm, and never missed a trip.

"Stephen F. Chadwick, a pioneer resident of Roseburg, was elected secretary of state in 1870, and while serving in that office upon the election of Governor L. F. Grover to the United States senate, he became governor."

"Frank L. Benson, one of our Umpqua Academy teachers in 1880 and some years following, was elected secretary of state, and while filling that office, the then governor, Charles E. Chamberlain, was elected to the United States senate, and Mr. Benson became governor."

"LaFayette Lane, a resident of Douglas county, where he was reared from boyhood, was elected to congress October 25, 1875."

"Rufus Mallory arrived in Jacksonville, Oregon, January 1, 1829. He was looking for a job, and learning they wanted a school teacher at Roseburg, started in once on foot for that place. Here he taught school, studied law and was admitted to the bar. He married the daughter of Aaron Rose, the founder of Roseburg, and in 1834 was elected to congress."

"Hilmer Hermann as a young man walked from Coquille county to Yoncalla, where he taught school for some time near the home of Jesse Applegate. He finally fixed his home in Roseburg and there studied law and was admitted to the bar and practiced his profession for a long time of years. He was elected to congress from the state of Oregon in 1884, and represented the state in that capacity for four years, commissioner of the U. S. general land office. To know Hilmer Hermann was to love him."

"Willie C. Hawley, another principal of Old Umpqua Academy, following that of Henry L. Benson, was afterward elected to congress from the state of Oregon and is still serving."

"Edward H. Watson, son of an early Umpqua pioneer farmer and an early student at Umpqua Academy, was elected to the supreme bench of Oregon in June, 1878."

"Henry L. Benson, another principal of our good old academy, was elected to the supreme bench in 1914, and served in that place until he died, October 16, 1921."

"George M. Brown, a native son of another old pioneer family born and reared almost in sight of where we now stand, and a graduate of Umpqua Academy in the class of 1883, with my youngest brother, John S. Mires, is today one of the able judges of the supreme court of Oregon."

### W. H. Byars Honored

"W. H. Byars, an Umpqua pioneer in 1854, and a member of the

first graduating class of Umpqua Academy in the year 1868, filled many important places in Douglas county and in the state. He was the best school teacher I ever saw. He was elected state printer in 1882, and was U. S. surveyor general for Oregon during the administration of President Benjamin Harrison. He was an early day mail carrier from Oakland to Yreka, California, a school teacher, a civil engineer, a journalist and useful man. During all his life, the early years of which were

## Educated Beaver



Tony Barrell, newest Portland acquisition, is playing smart base ball in the outfield and at third base. And he ought to, for he's recently from Muhlenberg college. He's a polished infielder, and most of his hits go for extra bases.

spent among rough frontiersmen in mining camps and on pack trails, he never used profane language, never drank intoxicating liquor, never gambled nor used tobacco. He was the best man I ever knew."

"When the convention met at Salem on August 17, 1857, to formulate a constitution for the new state of Oregon, Umpqua Valley then divided into two counties, Umpqua and Douglas, was represented there by Jesse Applegate and Levi Scott, from Umpqua county, and Matthew P. Deady, Stephen F. Chadwick, Solomon Fitzmaurice and Thomas Whitford from Douglas county. Among the state delegates in that convention there were no better nor abler men than those hailing from Umpqua Valley, and none exercised a greater influence over that convention."

"Matthew P. Deady was elected by viva voce vote, president of the convention. In his early married life he served an apprenticeship of four years as a blacksmith and had thoroughly learned his trade. He had studied law and had been admitted to the bar. He was a man of more than ordinary ability and integrity. He had early taken a donation land claim near our village of Wilbur. He was afterward appointed to the federal bench, where he served for 40 years until he died."

### Tribute Paid Applegate

Jesse Applegate, chief of all Oregon pioneers and known as "The Sage of Yoncalla," was given high tribute by the speakers. He recited some of the history of this famous character and told of his mighty influence over the destiny of Oregon, showing how his influence was largely responsible for the nomination of Abraham Lincoln for president.

Judge Mires stated that he hoped to see the time when Douglas county would place a monument to the memory of Jesse Applegate at his old donation homestead in Yoncalla Valley.

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**CHURCH MERGER FAVORED**  
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# THE RESERVES Save the Day

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