

ABOLISH CAPITAL PUNISHMENT, SAYS SUPT. C. W. JAMES

Superintendent of Penitentiary Submits Annual Report; Offers Suggestions; Restrict Pardoning Power.

(Salem Bureau of The Journal.)
Salem, Or., Dec. 22.—"It does not appear that the increasing number of executions in this state has operated as a deterrent of the crime of homicide," says Superintendent C. W. James of the Oregon state penitentiary in his annual report to the governor, "and as a result of my investigation, observation and experience during the past seven or eight years, I am fully convinced that capital punishment should be abolished. Life imprisonment," continues Mr. James in his report, "with restricted powers of pardon, would prove equally, if not more effective in protecting society against those who commit the crime for which capital punishment is the penalty and would not only be more in accord with the spirit of our constitution but more in harmony with the progressive spirit and advanced conditions of the present century."

Eighteen Executions in Seven Years.
"Since the adoption of the law in 1902 requiring all executions to take place at the penitentiary 15 men have been executed here and three others have been hanged in various counties of the state, making in all 18 cases of capital punishment in the state within the last seven and one half years, the greatest number ever executed in any similar period in this state."

Restrict Pardoning Power.
Mr. James recommends a method of restricting the pardoning power. He believes that the constitution of the state should be amended so that anyone serving a life sentence could obtain a pardon from the lawmaking department only and the power should be exercised only by pursuing the same forms and legal steps as are essential to the enactment of a law. Then life sentence might be substituted for capital punishment with practicable results.

Mr. James also recommends an extension and a more liberal application of the indeterminate sentence and parole laws. The present indeterminate sentence is only applied at the discretion of the trial court and is used only infrequently, while Mr. James believes that in all cases except life imprisonment, the indeterminate sentence should be obligatory upon the trial court.

Since the present modified parole law went into effect in May, 1905, 1641 convicts have been committed to the penitentiary who might have been given an indeterminate sentence by the court, but the circuit judges of the state gave only 118, or less than 12 per cent, an indeterminate sentence. The other 923 were given a definite sentence, and could not be paroled but must serve the full term unless pardoned by the gov-

ernor. Some of the 118 who had indeterminate sentences were "repeaters," who had served time before, while many of the 923 who were sentenced for a definite period were young men and boys who had never been in previous trouble.

Shows Distinction.
Mr. James believes under this showing that the law should be universal for the circuit judges have not always properly used the discretion conferred upon them by the present law. Convicts who have been committed for the first time under a universal parole law or convicts having a family to support, but who, through association or evil environment or immaturity, have committed their first offense, may be paroled while the hardened criminal may be retained. It is also remarkable, says Mr. James, how much more willing people are to give a paroled convict employment than they are to give employment to an ex-convict who has committed their first offense in the penitentiary.

Few Female Prisoners.
Though the number of prisoners in the penitentiary during the past two years has been greater than for any similar period there has been no female prisoner among the number since December, 1908. The average number of prisoners for the past two years has been 419. Exactly 200 were received between October 1, 1909, and September 30, 1910. Next to Oregon itself New York and Missouri contribute mostly to the Oregon state prison. From Oregon there are but 55, from New York 23 and from Missouri 25. Of foreign countries, Germany contributes the larger portion, its share being 23. Canada is second with 11.

There are 103 convicts classified as laborers in the penitentiary at the time this report was concluded, September 30, 1910. Next to laborers, comes 56 farmers, 50 waiters and 30 cooks, 10 barbers, three bartenders, two school teachers, 14 teamsters, three theatrical

men, 10 engineers and 11 sailors. Nearly all classes and trades are represented, there being no professional men, though one lawyer, James Finch, was hanged during 1910.

Prisoners Are Young.
One hundred and twenty-eight were convicted for larceny, 45 for burglary, 40 for murder in the second degree, 20 for manslaughter, 25 for robbery and 26 for assault to rob. Multnomah county, of course, contributes the greatest number of criminals, her quota of the population of the prison being 132. Umatilla is next with 41, then comes Baker with 35, Wasco with 22, Lane, Union and Marion each with 16, Clackamas 15, Clatsop with 14 and Douglas with 11. The other counties contribute smaller numbers.

The largest number of prisoners are between the ages of 20 to 25 years, there being 96 such; 72 are between 20 and 25, 55 between 25 and 30, and 27 between 30 and 35 years. According to religious classification, 131 are Protestants, 76 Catholics, three Jewish, two Greek and 143 give no creed. One hundred and twenty-five are married and 382 are single.

Oil Money for Chapel.
Chicago, Dec. 22.—President Harry P. Judson of Chicago university announced this afternoon that at least \$1,500,000 of the \$10,000,000 gift of John D. Rockefeller made yesterday to the university was to be used in the construction of a new chapel. In a letter to President Judson, dated December 13, Rockefeller stipulated that the remainder of the gift should be invested in land and buildings and that the endowment should not be used for current expenses.

M'INNIVILLE BOYS' BAND GIVES CONCERT
(Special Dispatch to The Journal.)
McMinnville, Or., Dec. 22.—The Mc-

Minnville boys' band made their initial appearance before the people of this city Tuesday afternoon in a street parade and concert. The band consists of

40 pieces, under the leadership of Fred Bradley and the class of music played by them is a credit to themselves and the town. The boys gave a concert last

week to raise funds for uniforms and new instruments, and when they are fully equipped it will be an organization for any town to be proud of. Mr. Brad-

ley is a leader of experience, and with the support of the citizens of the town, will make this the finest boys' band in the state.

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