

TREATMENT RATHER THAN PRISON SHOULD BE GIVEN THE CHILD

Correction of Defects Would Save Many Children for Useful Lives in Service to Community.

JUDGE CARL B. HYATT IN FORCEFUL ADDRESS

Discusses the Many Phases of Child Life and Juvenile Problems That Can Be Solved By Right Thinking.

(From The Asheville Banner)

(With approaching winter, its hardships, and temptations, with attention of the populace centered upon schools and courts, educational and legal problems and procedures, the address delivered recently by Judge Carl B. Hyatt, of the Juvenile court, is most timely, and should be given serious study by all thinking men and women of this city. Sunday is a good day on which to study the child. The Banner promises you an interesting hour if you will but read and study the following article.)

By JUDGE CARL B. HYATT

A little child was once asked what was the definition of memory. After a moment's hesitation he replied that memory was the thing you forget with. We are all more or less children in this respect. Our memories are the things we forget with, and most especially are our memories deceptive in relation to the past.

There is an element in human nature which we would not dismiss if we could, and that is the tendency to wrap a beautiful memory around the laws, ethics, institutions, incidents, and conditions of the past. Most all of us idealize such and as the years increase, we grow more sensitive to the contrast between yesterday and today.

Upon the canvas of the past we paint a beautiful picture. There are no days like the old days. There are no standards like the standards of years gone by. The swiftly moving pace of the present generation is anticipated out of conformity with the surefooted movement of yesterday.

But from a dreamy, retrospective attitude we turn to another picture, and that is the picture of the wonderful present. This is an age, as someone describes, in which the present generation discovered progress and harnessed it upon reluctant humanity, dragging a thousand years of growth into a few decades. The forces of nature have been conquered for man's benefit. The thundering of trains and the network of highways have made us into one great interdependency. The telephone, the telegraph and the radio have brought into contact the most widely separated peoples and places. The sky itself has fallen victim to man's ingenuity. The thousand results of modern science and invention have naturally upset the established order of things. Never in the history of the world has youth felt the tingle of life at such a vast number of points.

This is a rapidly changing world. Barriers are broken down, standards are cast aside, modes of living are disturbed, and a bewildering situation is produced. No longer can individual conduct be seen or solved in relation to the past, but must be diagnosed in connection with present causes and present social movements. Modern progress, rightly or wrongly, has certainly emancipated youth.

Life is a complex of human relationships and the problem which comprehends all other human problems is the product of living together in harmony, in happiness and in mutual helpfulness. In our midst are the old and the young, the rich and the poor, the vigorous and the feeble, the white and the black, the good and the bad, the intelligent and the mentally defective.

Universal social control directing this complexity of human relationships can be brought about among these unequal folk and in unequal places only by the development of rules and regulations of individual application, and a technique recognizing these human differences.

The new conception of socialized education or social engineering in the educational field very aptly illustrates the situation relating to what should

be the social attitude of the juvenile court.

The educational system is undeniably linked up with the social organization, and a failure in the social organization can in a very large measure be traceable to a failure in the educational system. Education, until recently, delved into the lore of the past, with little or no application to the future, or even the present, and with little or no sympathetic appreciation of biological or other differences.

Compulsory education was written into the statute books, which brought all sorts, classes and conditions of people into the classroom. This necessitated another adjustment, an adjustment adequate to train the individual for his particular place in life for which his peculiar intelligence or other capabilities fitted him. Consequently, thus far, much of our educational effort has been wasted and misdirected. A knowledge of human differences, and that knowledge is obtainable today, reveals an astonishing number that are poorly adjusted, and will so remain, and ultimately become wards of the state unless the state's educational system expands to the point of incorporating within its folds an understanding of human differences and directing those differences along the line of their best endeavor.

If general education is applicable to the general group, then the human race itself is a lie. Yet, we are bestowing a general education upon individuals incapable of understanding or using it, and wondering why the problem child is still in our midst.

Selective or separate processes in the elementary schools rather than in the higher educational systems must come into existence in order to solve this problem. When our elementary education becomes selective in character, sifting and classifying its students, not only the low intelligence will be discovered and dealt with in a way producing the maximum sum total of happiness for both individual and the community, but such a system will discover latent capacity and natural gifts among many who are capable of doing big things in life and yet fall by the wayside because they cannot fit into a system. We must emphasize the beginning, which is in our elementary education.

Standardization is to a large extent eliminating individually, or as one authority puts it, "the mechanical, standardized system has out-ranked the school in importance." Mass education does not educate for life. It becomes more or less routine, thereby sterile and soul destroying.

Seemingly in many instances we are becoming confused. Because standardization and quantity production have succeeded in industry is no argument that it succeeds in the human soul. The human soul is not an industry. It is not an inanimate, materialistic object, subject to the same "magic properties" used in industry. Social agencies can present thousands of cases that are sad victims of the standardized system.

But some schools and educators are making a practical protest. They are not only measuring the mental and physical health of the child, and thoroughly diagnosing his needs, but are fitting subjects to the child rather than the child to the subjects. A child goes ahead or remains behind in accordance with his own ability. The mass drag plays no part. Real ability forges ahead, undelayed by the student whose mentality cannot keep the pace.

The educational system must divorce itself from the psychic state of mass production; it must recognize social differences, and blend its program to meet the same. The physically and mentally sick are discoverable, and should be discovered early in school life. Attitudes of life must be studied; all sorts of conflicts, inhibitions and stagnations should be located and cleared up if possible in childhood. They should not be left for the passing years to disclose and then come out of their hiding places to vex, disturb and sometimes destroy.

The great majority of the maladjusted can be adjusted and made effective in the scheme of society, provided the educational system recognizes its obligations to make such an adjustment. Clinical guidance can and should be secured in the larger units; much scientific grating work is available in the smaller. It is too expensive not to use the selective and sifting process. Too much money and effort are being wasted and misdirected; too little results are obtainable.

The reasons for an emphasis on socialized education is a growing belief that the educational system will ultimately become the clearing house, or at least the census taker for social problems. The machinery is already set up and not other single agency possesses the scope with which to classify or diagnose social difficulty.

I have briefly detailed the changing conditions in the educational field, because of the peculiar analogy between these conditions and the situation appearing in the field of the juvenile court.

Turning now from a consideration of the revolt in the educational system, we find ourselves face to face with established rules of conduct in the legal system, established procedure surrounding every side. Facts and laws are uppermost. Court deal with crime instead of persons. Causes are sublimated to actions. Unending rules of social conduct are opposing socially-minded attitudes.

A boy stole seventeen dollars. Theft of the seventeen dollars was a proved fact; therefore, he was guilty of the crime of larceny and subject to a sentence. Crimes were what we were dealing with, and the law said what the punishment should be for a definite crime. A few days later this boy pulled from his hip pocket a soiled page torn from a Sears-Roebuck catalogue upon which was a picture and an advertisement of earphones. He stole the seventeen dollars to buy something which would enable him to hear normally. An examination by the Health Department revealed his hearing entirely gone in

one ear and very deficient in the other. The department also stated that unless diseased tonsils were removed at once, he would lose his hearing completely. They further reported that if his tonsils had been removed five years previous, his hearing would have been preserved in its normal state. The proximate or immediate cause of the boy's appearance before juvenile court was the larceny of seventeen dollars; the ultimate consideration was tonsils. The law cried out, "Judge this case on the basis of larceny," but the socially-minded attitude spoke in gentler terms and said, "Judge this case on the basis of larceny and health." Beginning with the crime of larceny, we land in the field of health, revealing clearly the need of a super-health organization both physical and mental, to be established, probably, in the school system, the most universal agency touching most nearly all the youth. This is simply an illustration that the legal system is archaic, illogical, unscientific, and entirely out of accord with the recent economic and social changes, and the latest findings in health, psychology and other fields.

Unfortunately the juvenile court is the child of the legal system. Of course, at the time of its birth it would have been difficult to have found a better parent. However, its parentage frequently produces false psychology or expectation. The law of expectation is very dominate in human nature. A child who is taken to a party expects ice cream and cake; he who is taken to the juvenile court expects a thirty days sentence. This false expectancy is a huge stumbling block to an adequate and effective functioning on the part of the juvenile courts. Agelong adherence to court terms, definitions and coloring stand in the way of a proper relationship to the child. So much time is consumed by the court in dissipating the traditional court atmosphere that procedure is greatly retarded and the ultimate results often vitiated.

A boy was brought before an inferior court on a charge of larceny and house-breaking, and since the acts conformed to all the specifications of breaking and entry, he was bound over to the superior court on a felony charge. No antecedent history or other social facts were admitted in the case. The rigors of the law observed the crime and not the individual. However, a sympathetic judge of the superior court referred the matter to the juvenile court. The formality of the law from the superior court brought in a charge of larceny and house-breaking. A complete and full detailed report of forcible entry was given by the officer. The larceny consisted of a cap-buster and seven marbles; but the social investigator of the juvenile court revealed a decidedly anti-social background coupled with a nature starved for play. The case was taken up by the probation officer with the playground and recreation association, which organized marble tournaments in the city schools. Some weeks later the afternoon paper carried a picture on its front page of this particular charge who not only won the championship of his own school, but was designated as the marble champion of the city schools, and by that victory entitled to participate in the National Marble Tournament in Atlantic City. Through this participation in play, the boy found an outlet for impulses which had probably led him into delinquency. The law says, "Judge this case on the basis of larceny and house-breaking," but the attitude of humanity, speaking through the juvenile court, recognized that the causes of crime and play are not distinctly separate states of being and judges this case with reference to its social background and further goes the facilities of the playground in a constructive way for further character-building.

Society, not constitutions and laws, is the substratum of government. In the past we have required only one obligation, and that is the obligation to the law, not recognizing that laws have been imperfect, laws are imperfect, and laws will be imperfect; not recognizing that laws of necessity must be largely the result of the past crystallized in the rules of action governing the present, and that in a rapidly changing society they are not sufficiently elastic to meet the needs of a different society. We have failed in most instances to recognize the dual obligation; first, the obligation that the individual owes to law and government, and second, perhaps greater than the first, the obligation is laid upon the second proposition, we are dealing with flesh and blood; therefore stereotyped processes or standards will not work. When society, in any way, fails in its obligation to the individual, then there rests upon society a solemn responsibility to put forth its best efforts to re-establish that individual.

The juvenile court is not an end, but simply a means toward an end. It should function largely as a clearing house or only in marked crises. It should understand, first, the child and the situation; and secondly, the agencies best suited for remaking of that particular youth. It should function chiefly in establishing the relationship with the constructive agency that will give greatest promise of successful adjustment and development; thus the juvenile court is most successful that understands most fully and cooperates to the greatest degree with all agencies set up for the problem of readjustment. Proper social engineering recognizes that great variety of situations also carries great variety of organizations. Just as standardized mass production will not function in the school system, in the same proportion standardized routine production will not function in the juvenile court. We must strip our juvenile courts of all established customs that do not have a particular bearing on the immediate needs of the definite social beings which we are serving. It is a question in my mind whether we are not tending in the direction

SMALL HOME OWNER RESPONDS TO PLAN OF MR. EHRLINGHAUS

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home owner, Mr. Ehringhaus, in his recent statement, said: "In his behalf I propose an amendment to our Constitution which will give to the Legislature the right to classify for such favorable consideration as it may determine, owner-operated farms of small acres—say 25 or 50 acres—and owner-occupied homes to the extent, say, of the homestead value, with a proviso to prevent duplications in the same occupying household. Such an amendment—followed by appropriate legislation which I would urge—would afford relief where most needed, diminish farm tenancy, encourage home ownership, help create a market for real estate and check a tendency towards concentration which all history has proven dangerous."

Mr. Ehringhaus said that, although he favors a return to the quadriennial valuation of property for taxation, this alone will not solve the problem facing the little man. But, coupled with this plan for actual and direct relief, it will help increase the number of one and two-horse farmers who live and do the work on such farms themselves, and will encourage the wage-earners and small salaried men to own the homes in which they live.

TAX COLLECTIONS SHOW BIG INCREASE

Raleigh, Sept. 9.—North Carolina general fund collections for August were about two-thirds of a million dollars ahead of last August's collections, due almost entirely to seasonal license and franchise tax collections, Commissioner of Revenue Maxwell reporting \$2,099,319.73 for the past August and \$1,365,133.91 for August, 1930.

Automobile taxes showed an increase of \$211,826, or from \$1,111,884 in August, 1930, to \$1,323,711 last August. The gasoline tax increased nearly \$200,000 over the slightly more than \$1,000,000 for August, 1930, thus reflecting the increase in tax of one per cent. Gasoline sales by gallons were about the same for the two Augusts.

License To Wed

License have been issued by Register of Deeds Galloway to the following couple:

R. H. Hale to Percilla Wilson.

of the ultimate abolition of the juvenile courts in their present setting and the establishment of social readjustment elsewhere. Perhaps we will discover that socialized education can locate, diagnose and solve most problems now appearing before the juvenile courts; that probational staffs or clinical guidance, at present recognized as a part of the court, can operate without a definite connection with same. One authority has emphasized the statement that ninety percent of the case work now under the supervision and direction of the courts can be as successfully disposed of by other agencies.

At present, probably the establishment of a substitute for a juvenile court is idealistic; but is an accepted principle that the juvenile court can be strong only in the same proportion that it constructively coordinates all the numerous activities brought into being by human needs. It cannot give accurate expression to the agency particularly adapted for his maladjustment. A solution cannot be brought about in any other way. An organic connection is necessary to achieve this social end.

Our zeal for courts and court activities frequently blinds us to the subtle forces behind and beyond the courts. It so frequently makes it impossible for us to see and understand that the influences which make and mar human happiness and adjustments are really beyond the reach of the law. The law is necessary and fundamental, but stripped of outside agencies, it is effective only as a policeman's club and is completely unable to adjust itself to the individual needs and the finer shadings of life. Unless there is a mutual helpfulness between the court and the outside, there is little left for the law except physical force. But physical force on the part of the law can be reduced in the same proportion that the responsibility is shifted to social agencies outside. The real advance in social problems is made, not through the courts, but through those activities that readjust, create and train the individual. Cooperation is not only beautiful, but economical. Thus, no juvenile court can be a success in itself. All it can do is to start the process of readjustment.

There is an attitude which turns its gaze toward the sunset of the past rather than the sunrise of the future. It worships ancient leaders and deifies them. It establishes institutions, formulates law and procedure and then surrenders its soul to the formula. The individual is judged in relation to such an establishment. I would not be misunderstood. It is wonderful to worship the establishment and wrap our memories around the happenings of yesterday; but the human tide cries that we forsake the dead past and concern ourselves with the living present.

Closing with the quotation: "Sunsets are beautiful, but they have in them the melancholy of things ended. Sunrises are infinitely more beautiful, for they have in them the promise of a boundless hope. Turn your face, therefore, not to the sunset, but to the sunrising. It is the prospect, not the retrospect that should allure us; the day star, not the evening star."

FEW NEW DEBTS ARE BEING CONTRACTED

Raleigh, Sept. 9.—Only \$490,000 in new debts of cities, counties and other governmental units has been authorized by the Local Government Commission since it began operation March 18 of this year, with which period there is no other six months in many years to compare, Director Charles M. Johnson states, following the recent quarterly meeting of the board.

The new debts authorized are considered absolutely essential. They include \$230,000 in bonds for a new courthouse and jail in Haywood county, the old ones having been condemned as unsafe and new ones ordered by the court; water and sewer bonds of \$135,000, of which \$35,000 was for Reidsville; \$25,000 for Elizabeth City, and \$75,000 for Winston-Salem, all considered essential to the health of these cities; and \$125,000 in Chatham county school bonds, that county having built practically no new buildings in the recent building orgy, and requiring buildings now to house the school children.

The commission has been liberal in allowing the units of government to refund indebtedness previously incurred, thus creating no new debts, and in order to allow payments over a longer period and beyond depressed times. Its policy, Mr. Johnson said, is that no new debts, except those vital to the units, should be created, until some of the present debts have been paid.

MAXWELL COMES OUT FOR GOVERNORSHIP

Raleigh, Sept. 9.—Allen J. Maxwell, commissioner of revenue, has announced, in so many words, that he will be a candidate for the nomination for Governor in the Democratic primary in June, opposing R. T. Fountain and J. C. B. Ehringhaus, already announced, and D. G. Brummitt, likely, and Josephus Daniels and Willis Smith, possible candidates, in the following statement for the press:

"Please say that I expect to be a candidate for Governor in the Democratic primary next June, and will present through the press next Sunday an issue and a program that I trust may be deemed worthy of the thoughtful consideration of the people of the State."

In his career as a public official, Mr. Maxwell has been clerk of the Senate, clerk and member of the Corporation Commission, and is now commissioner of revenue, chairman of the State Board of Assessment and of the Local Government Commission. His strong fort is information on the taxation problems.

TOWNS AND CITIES MAY NOT DONATE

Raleigh, Sept. 9.—Municipalities are not permitted to include contributions to chambers of commerce in their appropriations and budgets, but may, under the statutes, make appropriations for the support or aid of libraries, hospitals doing charity work, and other forms of charity, and Y. M. C. A. and Y. W. C. A. and other benevolent institutions, provided they do charity and benevolent work in the city. Attorney General D. G. Brummitt holds in an opinion furnished Director Charles M. Johnson, of the Local Government Commission.

These are general provisions, not taking into consideration any special provisions given to any particular town or city in its own charter, Mr. Brummitt adds. He states that the expenses of firemen to conventions might fairly come under the power of fixing compensation to members of fire departments and thus be considered a part of such compensation. Municipalities may operate their own charities and hospitals, or may aid such work of other bodies, but they cannot aid chambers of commerce without a vote of the majority of qualified voters, he holds.

Owen Reunion

The large Owen family of this section will hold an Owen reunion at the Macedonia church Saturday, September 12. James F. Barrett, Editor of the Brevard News is to be the principal speaker.

COMMITTEE NEEDS GREATER RESPONSE IN ITS RELIEF WORK

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urged to join in this movement, and help in whatever way they can. One citizen donated \$25 in cash with which to purchase cans. More cash donations are needed, for more cans are needed at once. Any one who is interested in the welfare of needy people, is urged to assist in making preparations now for the severe winter soon to be here.

The committee believes that the method adopted of canning all the corn, tomatoes, okra, and such vegetables as have food value, will provide great relief for the needy during the winter, and avert the necessity of calling upon the community to make cash contributions for food later on. Families in town and county are urged to can something for this supply, and inform Mr. Kizer, Prof. Jones, or any minister in town, or The Brevard News, so the donations may be properly listed. A little later on, after corn has been gathered and potatoes have been dug, the committee will expect many donations from the farmers. Those who sell potatoes are urged to bring the "seconds" or culls, to the committee for use this winter. Potatoes too small for sale as firsts are just as good for the table as the better or larger potato, and these can be used to great advantage in feeding the poor this winter.

A county-wide committee is now being organized, and will soon be announced. It is planned to have a member of the relief committee in each community, and this member can keep the central committee informed of the needs in each community, and can also keep the central committee informed as to "professional" beggars, picking out the worthy needy cases and lend assistance in seeing that none go hungry in the county during the winter. C. C. Yongue, Mr. E. O. Shipman for the Everett Farm, and a few others have already been sending in vegetables for canning purposes. Others are urged to take an active interest in the matter at once. Prof. Glazener, Prof. Corbin, Superintendent Jones, Mr. Kizer, or any of the ministers, will be glad to give whatever information needed.

MAYOR'S COURT

Only one case was tried in the Mayor's Court during the past week. Johnny B. Hanson, colored woman, was tried and found guilty of a charge of disorderly conduct. She was sentenced to ten days in the county jail.

C. of C. To Meet

The Brevard Chamber of Commerce will meet Thursday night at 8 o'clock in the Chamber of Commerce building. All members are urged to be present as some important business matters are to be transacted.

CLOSED ON HOLIDAY

Lewis Dept. Store will be closed all day

SATURDAY SEPT. 12

That day being a Jewish Holiday

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