The Juvenile Court Movement in Indiana¹

By Judge James A. Collins

The creation of a separate court for the trial of juvenile offenders in Indiana was brought about largely through the efforts of George W. Stubbs, who was elected Police Judge of the City of Indianapolis in the fall of 1901. Judge Stubbs had not been in office very long until he was astounded at the large number of children brought into that court charged with violating city ordinances and state laws. The condition confronting him at that time suggested that there should be some better method devised for the handling of juvenile offenders. The arresting of boys and girls and sending them to the station house in the patrol wagon and lodging them in the City Prison was abhorrent to his sense of justice.

His first efforts to bring about a change in these conditions was to secure the cooperation of the Chief of Police in preventing the arrest and detention of children in the City Prison. George A. Taffe, then serving as Chief of Police under Mayor Charles A. Bookwalter, worked out a plan under which patrolmen were instructed, when arresting boys and girls under sixteen years of age, to take them to their homes and instruct the parents to bring them to the police court on the Friday following at 2 o'clock. Judge Stubbs had set apart the afternoon of this day each week for the trial of juvenile offenders. While this plan was only an experiment it was the means of attracting attention to the handling of a new and growing problem in the larger cities of the country.

It was while he was experimenting with juvenile offenders in Indianapolis, that Judge Stubbs learned of the splendid work that was being carried on in Chicago under the direc-

¹ This paper was read at Indianapolis before the Indiana Historical Society on December 12, 1931.
tion of Richard S. Tuthill, Judge of the Cook County Circuit Court. In August of 1902, accompanied by the writer and Wm. M. Herschel of the Indianapolis News, Judge Stubbs went to Chicago and spent three days there watching the proceedings and gathering information that would help in dealing with the problem in Indiana. Judge Tuthill explained the plan by which the Juvenile Court of Chicago had been brought into existence. Under the Board of Children’s Guardian Act of Illinois, the Circuit Courts of that state had jurisdiction in all cases of delinquent and dependent children, and had the power to place them in homes and institutions. This work increased as the years went by and, in order to facilitate the work and give more attention to the individual problems presented, Judge Tuthill set apart the sessions of Wednesday and Thursday afternoons for the consideration of the juvenile cases.

It was not long until they became known as the Juvenile Court sessions of the Cook County Circuit Court. Through these efforts he laid the foundation for the Juvenile Court movement in the United States. When dealing with conditions in Illinois before the enactment of this legislation, Professor Lou, in his work on juvenile courts, wrote:

The Juvenile Court Act of 1899 was the culmination of nearly ten years’ efforts on the part of persons interested in the problem of juvenile delinquency. It was not without a fight that the cause was finally won.

By 1899 the conditions in the State of Illinois were not more deplorable than those in other states. In Illinois the delinquent child between ten and sixteen years of age was still considered a criminal as far as arrest, detention, and trial were concerned. He could still be sent to a house of correction (city prison) to a county jail, or to a state reformatory. It was estimated that in the year 1898, there were 575 children charged with offenses confined in the county jail of Cook County. For the twenty months ending November 1, 1898, there were committed to the house of correction of the City of Chicago 1,988 boys.

To meet this situation a body of socially minded women and lawyers began in the early nineties to study earnestly the problem of juvenile delinquency and to propose a separate court for children. Mr. Lou adds:

After some unsuccessful efforts, a committee was appointed in 1898, by the Chicago Bar Association, at the request of the State Board of

Charities, to make a thorough survey of the situation. Judge Harvey B. Hurd was selected as chairman of the committee and Dr. Hastings H. Hart as secretary. Principally prepared by Dr. Hart, revised by the committee, and highly endorsed by various organizations, the bill with some amendments was passed and became a law on July 1, 1899.

This piece of legislation in Illinois, was the first juvenile court law in the United States, enacted in the interest of dependent, neglected, and delinquent children. It was made to apply to all children under sixteen years of age "not now or hereafter, inmates of a State Institution or any training school for boys or industrial school for girls, or some institution incorporated under the laws of this State."

Jurisdiction was conferred upon all of the Circuit and County Courts of the state and provision was made for trial by a jury of six. In Counties having over 500,000 population the Judges of the Circuit Court were required, at such times as they should determine, to designate one or more of their number whose duty it should be to hear all cases coming under the provisions of the act. A special court room to be designated as the juvenile court room, was provided for the hearing of such cases and the findings of the court were to be entered in a book or books for that purpose, to be known as the juvenile record, and the law stated that the court might for convenience be called the "Juvenile Court."

Provision was made for the appointment of probation officers to serve without compensation and also for the transfer of cases from Justice of the Peace courts and police magistrates, of all children contemplated by the act. A further provision was made prohibiting the incarceration of any child under the age of twelve years in any county jail.

Enthused over his visit to Chicago, Judge Stubbs determined that he must have better quarters than his official chambers to work out his plans for handling juvenile delinquents, and, with the approval of the Board of Public Safety, a room on the third floor of the Police Station, was fitted up as a court room. Existing without any law upon the subject, this embryo court laid the foundation for a juvenile court work that was soon to attract national attention.

The socially minded men and women of Indianapolis, who had encouraged this movement recognized the fact that it

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* Ibid., 21.
* Acts of Illinois, 1899 (approved April 21).
would be difficult to secure the enactment of the contemplated legislation, if the jurisdiction of the court was to be limited to cases arising in the Police Court. Under the Board of Children's Guardian Act of Indiana, the Circuit Courts of the state had jurisdiction in all cases involving delinquent and dependent children; the Criminal Court had jurisdiction of all cases of incorrigible children and confirmed truants, and the Justices of Peace had concurrent jurisdiction with the Criminal Court to punish any parent, guardian or custodian of any child for violating the compulsory education act. This diversity of jurisdiction tended to the punishment of the child and failed to reach and overcome the influences responsible for delinquency.

To prepare legislation that would co-ordinate all of these laws and place juvenile cases under the jurisdiction of a single court was the aim and purpose of the friends of the movement. The suggestion that all of the cases coming under the several existing authorities be administered in a single court, met with opposition, but under the leadership of the late John H. Holliday, a meeting was called at the office of the Union Trust Company. It was attended by Hugh H. Hanna, Thomas C. Day, John L. Griffith, Martin M. Hugg, Senator Charles N. Thompson, Mrs. Julia Goodhart, Rev. Allan B. Phillput, Judge Henry Clay Allen, Judge Fremont Alford, and James A. Collins. Definite steps were taken to urge the enactment of the Senate Bill prepared by Senator Thompson, which covered every phase of the problem of the dependent and neglected child and the juvenile delinquent.

This meeting crystalized sentiment for the passage of the measure and while it met with minor opposition in the House and Senate, it was passed, and approved, by the Governor on March 10, 1903. This act like the Illinois law placed juvenile jurisdiction in all the Circuit Courts of the State, except in Marion County, where provision was made for a separate court. Thus the first separate court created in this country for the exclusive trial of cases involving children was established in Indianapolis.

So much publicity has been given to the Juvenile Court of Denver, and its former Judge Ben B. Lindsay, that the general impression prevails, not only in Indiana, but elsewhere, that the juvenile court movement had its origin in the Rocky Mountains. Three days before the enactment of the law pro-
viding for a separate Juvenile Court for Marion County, Indiana, the Legislature of Colorado enacted a law conferring jurisdiction upon all of the County Judges of the state in juvenile cases. This measure was similar to the Illinois law of 1899.

Professor Lou in his work on juvenile courts, above referred to, states that the Denver Juvenile Court was the next pioneer juvenile court to be established after Illinois. Why this student of juvenile courts should have fallen into this error, it is difficult to understand. The Illinois law did not create a separate Juvenile Court in the sense that superior and probate courts are created, but simply made provision for circuit judges to hold such courts as were outlined in the Illinois law. The Colorado Legislature did not create a separate court in 1903, but on April 3, 1907, four years after the Juvenile Court of Marion County, Indiana, had been started, and after it was beginning to attract nation-wide attention through its unique volunteer probation system.

Governor Winfield T. Durbin within a short time after the law became effective, appointed George W. Stubbs to preside over the newly created court. He served as Judge of the Juvenile Court of Marion County from the time of his appointment until his tragic death in 1911. Newton M. Taylor was appointed by Governor Thomas R. Marshall to fill the vacancy caused by the death of Judge Stubbs.

The outstanding feature of the Indiana law was the provision for the appointment of volunteer probation officers. Mrs. Arthur Kenyon (Helen W.) Rogers was appointed chief probation officer, and through her splendid efforts the volunteer probation system reached a marvelous development. She gathered about her in this work, some of the best men and women of the city, who gave of their time and energy in the development of this new method of dealing with delinquents.

Before the enactment of this law, no legal method existed in Indiana whereby juvenile offenders were accorded any different treatment from adults. This law, with its provisions for adequate investigation before trial of all children brought into that court and its other provision for the appointment of volunteer probation officers, opened the way for a definite and permanent method of dealing with such offenders. To these provisions of the law is due almost entirely the success of

* Lou, Juvenile Courts, 21.
the Marion County Juvenile Court in working out the problem of juvenile reformation.

The records of the Juvenile Court show that for a period of fourteen years, more than 9,000 children brought into the court and charged with violations of the law were placed on probation in the charge of volunteer officers, and that of this number only about fifteen per cent failed to respond to good influences, making it necessary to commit them to institutions for rigid discipline.

The volunteer probation officers who serve the Juvenile Court belong to no particular class or creed—men and women, white and black, Catholic, Protestant and Hebrew, have all gratuitously joined in this movement for the social uplift of the children of Indianapolis.

This volunteer probation system has proved to be not only a moral but an exceedingly practical force in the community. Through its influence hundreds of boys have found steady employment; girls and destitute children have been placed in good homes; poor children suffering from physical defects have been placed in the care of physicians for treatment without any expense to the parents; conditions have been improved and parents aroused to a keener sense of their obligations to their children.

The work in the Juvenile Court in Marion County has never been sentimental. The aim has always been to be practical. While the work of the court may not have assumed the proportions that it has in those courts so widely advertised in magazines, yet I think it can be safely stated without fear of contradiction that the Juvenile Court of Marion County, has set the pace for all such courts in this country and abroad.

Not alone in dealing with the child charged with crime, but in the prosecution of those contributing to the delinquency of children, has the Juvenile Court rendered conspicuous service. Neglected children are no longer a burden upon the taxpayer. Under the child neglect law more than $100,000 in fines are now paid annually into the Court for the Care of such children.

In referring to this court, the Encyclopaedia Brittanica uses the following language: "The court in Indianapolis, however, gained the reputation of being the most complete and perfect in the United States. It works with a large and highly efficient band of volunteer probation officers under a chief."*

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* "Children's Courts", Britannica, VI, 140.
From 1816 to 1881, a period of sixty-five years, the Legislature of Indiana enacted laws concerning child welfare that provided: for an asylum for the Blind (1865); for a Soldiers' and Sailors' Orphans Home (1867); for an Asylum for Feebleminded and a School for Deaf and Dumb (1879); for the care of deserted children, for the regulation of child labor in factories and for the prevention of cruelty to children (1881).

From 1881 up to and including the session of 1917, a period of thirty-six years, additional laws were enacted which provided: for a Board of Children's Guardians, for preventing Cruelty to children, for disposing of any child for an unlawful purpose, for the regulation of child begging and for prohibiting the exhibition of children in dance halls (1889); for preventing the employment of children in prohibited trades and for prohibiting the employment of children under 14 years of age (1893); that dependent children should not be brought into the state (1899); for compulsory education (1901); for a Juvenile Court and for an Indiana Girl's School (1903); for preventing the selling of cigarettes to minors and for prohibiting children in dance halls (1905); for raising the age of consent to 16, for punishing failure to support children and for contributing to delinquency (1907); for regulating the limit of working hours according to age and for the adoption of dependent or neglected children (1911); for compulsory attendance at school, for the care of children by the Juvenile Court and for vocational training (1913); for making child desertion a felony and for the regulation of lazy husbands (1915); for a definition of the term, "delinquent child," and for the obliteration of records of the Juvenile Court (1917). Not alone to the growth and development of the commonwealth is due this increased legislation, but to the growing appreciation of the needs of children.

The Juvenile Court movement in Indiana has had a tremendous influence in developing sentiment in other jurisdictions for the establishment of similar courts. Its unique position as the first separate court of its kind to be created in this country, gave it a prestige and influence that attracted nationwide attention.

It is not the purpose of this paper to detract from the glory of the State of Illinois, as the pioneer in this great movement, but rather to emphasize the fact that Indiana is entitled to the credit of having established the first separate Juvenile Court,
and of radiating an influence for the social regeneration of the boy and girl never equalled in the annals of this or any other country.

After Judge Collins had finished reading his paper, Charles N. Thompson of Indianapolis, who was in the audience and who when a member of the state Senate had introduced the bill, creating a separate juvenile court in Marion County, was called on by the chairman. Senator Thompson told some of the amusing incidents of the session and also something of the legislative history of the important measure. He asserted that there was little opposition to the reform in the Senate, but considerable and serious opposition in the House. The Senator had procured the adoption in the Senate of an amendment which left the way open in the juvenile court for trial by jury, without which he thought the Act might have been regarded as unconstitutional. His provision was left out of the enrolled bill as sent to the Governor's office after passage by the House and the bill was vetoed by the Governor (Durbin) on the ground anticipated by Senator Thompson. However, later in the session, the Senator secured the passage of the measure in its amended form by both the Senate and the House. The new bill was duly signed by the Governor and became a law.