

### III

## ON THE BENCH

The most picturesque portion of the official life of Mayor Jones was that which he passed as a police magistrate. If it is hard for an employer to express love for a neighbor in his life, how much more so is it for a magistrate and chief of police! As mayor, he had to fulfil the functions of both, and the result was sometimes amusing and instructive. The charter of Toledo provided that in the absence of the police justice the mayor could occupy his place, and on several occasions he did so. He had formed the opinion that our police courts are "largely conducted as institutions that take away the liberties of the people who are poor," and he resolved that they should never be so used in his hands. On the first day that he sat there was only one prisoner, a beggar who pleaded guilty, but besought the Mayor to let him leave town. "This man has a divine right to beg," said the Mayor. The policeman informed him that the prisoner had been arrested for drunkenness the preceding

## Golden Rule Jones

Friday. "Only the poor are arrested for drunkenness," replied Jones. "You would not arrest a rich man for drunkenness. You would send him home in a hack." The beggar asked again to be allowed to leave Toledo. "I do not see what good that would do," said the Mayor. "You would only go somewhere else and would not be any better off. We cannot drive a man off the earth, and the worst thing that can happen to any man is to be out of work. Under the circumstances I think we shall have to let you go; but you must keep out of the way of the officers. You are dismissed."

On the next court day three men were brought before him on charges of burglary and petty larceny, and two of them pleaded guilty. The newspapers report that the Mayor watched the men during their arraignment with a "peculiar expression of face." Then he began to philosophize: "I do not know how it would benefit you," he said, "to send you to the workhouse. If I thought it would do any good to send you to the penitentiary, I would send you there for five or ten years, but I never heard of any person being benefited by serving time in that institution. I would not send a son of mine to the penitentiary, although it is not a matter of sentiment with me. If

## On the Bench

I thought it would do him any good, I might send him there. . . . Now take the case of this young man," and he pointed to one of the prisoners, "he is suffering from a loathsome disease—crime is a disease, you know—and imprisonment would not to my mind effect a cure for him. I will continue the case for decision."

On the following morning before going to the court room the Mayor went to the turnkey's office, and calling the three men before him he gave them a good talk. "He reminded the Wilsons," says the newspaper reporter, "it was a crime to steal from the poor, at least that was the way his argument sounded" (but perhaps the reporter missed its full effect). "He spoke to the men at length, and then, shaking hands all round, told them to go home and be good citizens." No announcement of any decision was made in court, but on the docket the Mayor entered the words, "dismissed, sentence reserved," the meaning of which is perhaps a little hazy.

On this day another case came before him involving the misdemeanor of using a gambling device in the form of a "penny-in-the-slot" machine. The Mayor was very impatient of the time consumed by the lawyers, and apparently was not much shocked by the transgression. "The best way to dispose

## Golden Rule Jones

of this case in my opinion," he said in conclusion, "is to turn the machine over to the owner and let him stand it face to the wall. . . . The defendant is dismissed."

Two months later the Mayor again held court in place of the regular magistrate. Five men were brought before him on the charge of begging. The Mayor addressed them paternally. "It was like a parent threatening to chastise wayward children, but withholding the rod in view of their promises to be good," said the Toledo Bee. They were discharged. Then came the case of a tramp, found drunk with a loaded pistol on his person. The Mayor held the pistol up so that everyone could see it and declared that it was a devilish weapon, intended solely to kill human beings. It was worse than useless; it was hellish, and worse than whiskey a thousand times. The prisoner was sentenced to smash the revolver to pieces with a sledge hammer, and the court adjourned to another room to see the sentence carried out. As they left the court room "the Mayor laid his arm affectionately over the shoulder of the prisoner, who grasped his hand with a sudden pressure that indicated how little he had expected the unusual sentence." So runs the newspaper report. A policeman put the pistol in a vise, the prisoner was given a sledge

hammer, and in an instant he had smashed the weapon to fragments and was a free man again. The last case which came before Mayor Jones was that of three young men who had indulged in a free fight over a game of ball and whose appearance testified to the fact.

"You stand up where I can see you!" cried the Mayor. "There you have it without saying a word—brute force," and after a stern lecture he let them go.

The Legislature of Ohio soon got wind of the fact that a man with a heart was holding court in Toledo and they promptly repealed the law allowing the mayor to take the magistrate's place. At his last appearance on the bench Jones made a little farewell address which explains his course. He said: "The Legislature is greater than the people and it has seen fit to take the power of appointing temporary police judges from the hands of the mayor. I have no fault to find with the arrangement. I have no unkind feeling toward anyone connected with this police court, and I have made friends down here who will last as long as life. It is a comfort to reflect that in all my experience as acting police judge I have done nothing either as judge or as a mayor that I would not do as a man. I have done by the unfortunate men and women who have

## Golden Rule Jones

come before me in this court everything in my power to help them to live better lives and nothing to hinder them. I have sent no one to prison, nor imposed fines upon people for their being poor. In short, I have done by them just as I would have another judge do by my son if he were a drunkard or a thief, or by my sister or daughter, if she were a prostitute. I am aware of the fact that many people believe in the virtue of brute force, but I do not. For my part, I would be glad to see every revolver and every club in the world go over Niagara Falls, or better still, over the brink of hell." In a letter to the Toledo press he further explains that his actions in court were based upon the Golden Rule. "There are two methods," he says, "of dealing with people whose liberty makes them a menace to society—on the one hand, prisons, penalties, punishment, hatred and hopeless despair; and on the other, asylums, sympathy, love, help and hope."

In case Mayor Jones had been obliged by the law to do violence to his own sentiments in sentencing a prisoner, he would promptly have refused to apply the law and have handed in his resignation. He told me this in a letter dated February 26, 1902. "I have been somewhat perplexed," he says, "to know just what to do if I should meet

## On the Bench

a 'bad case,' and the prosecutor should inform me that the law says so and so, prescribing something that I did not want to do. For that reason I have been somewhat shy about going on the bench; but this last trip I went four days in succession during the absence of the judge, thoroughly prepared to meet any case. I knew just what I would do if the prosecutor should instruct me that the law prescribed something that I felt would be an insult to my soul—something that I could do as a judge, that I could not do as a man. I thought it would be a splendid occasion for declaring myself and saying that I would not do either as mayor or judge that which I could not do as a man, and therefore the necessity was upon me to resign both offices, for I could not hold the office of mayor and appoint some other man as judge and ask him to do that which I myself refused to do; but no such opportunity presented itself. There was nothing more desperate than a 'common thief,' 'drunk,' 'disturbance,' and on one occasion a 'common prostitute,' and of course I found no difficulty in disposing of these cases by the application of the law of love, even in the poor way that it could be dispensed from the police bench." And it was Mayor Jones who told me of one manly precedent for resigning a public office when

## Golden Rule Jones

the occupant is called upon to offend his conscience. It was Mr. Darby, warden of the Ohio penitentiary, who, during Mayor Jones's term of office, resigned his post rather than take part in the "electrocution" of a convict. "Not for the whole State of Ohio," said he, "would I turn on the electric current to kill a human being!" That is the right kind of talk. Let us never forget the individual in the official; and let us produce more men who, not for the State of Ohio, nor for the whole world, would blow up battleships full of their fellows, or run bayonets into their eyes or slice their faces with sabers. This does not seem to be an utterly unattainable degree of gentility as I write it down. A friend of mine not long ago told me a story which bears upon this matter of doing wrong in office. He was many years ago the correspondent of a New York journal in one of our Indian wars. General Crook was engaged in his final campaign against Geronimo, the Apache chief, I think. One night our troops encamped near a town and my friend entered the tent of the General to obtain news. He found Crook, a gray and grizzled veteran, lying on his back in the sand with an expression of worry upon his face. "Why don't you get a place to sleep in town, General?" said my friend. "There is no reason why you



should be uncomfortable here." "Oh, no," answered General Crook. "I must not fare better than my men. And a little roughing-it does not trouble me. What troubles me is that I have got to wipe out this band of Indians and kill and capture them, and I know perfectly well that they are entirely in the right and that we are altogether in the wrong." It never occurred to General Crook that he might have avoided the commission of this crime, which he so clearly understood, by resigning his commission. But Mayor Jones and Warden Darby had fortunately made the discovery.

The last time I saw Golden Rule Jones (for by this name he was known), only a month or two before his death, he showed me a letter from a condemned murderer in the Toledo jail, a man who has probably since then been executed. It was dated, "Lucas County Jail, April 14, 1904," and contained the following paragraphs: "During my confinement at the Central Station and the County Jail, and of all the large number of men who have come and gone, I have never heard one word of anything except praise and admiration for you. And this is not caused by a false conception of your theories—far from it! They all understand how thoroughly and unreservedly you condemn crime. But the theories of punish-

## Golden Rule Jones

ment advanced by you are what call forth their admiration. And the majority of these men do not fear corporal punishment, for they constitute a class who can never safely be driven, but they can be easily led, providing the leader strikes the proper note." That there is truth in what this man says is shown by the reduced number of arrests in Toledo during Mayor Jones's incumbency, and the improved order of the city, while the number of drinking places under his liberal policy was actually diminished.

Opinions will doubtless differ as to the value of Mayor Jones's contribution to the science of penology, but I am sorry for the man who does not appreciate his spirit. His attitude on the bench and his comments are the natural outgrowth of the heart of a man who takes his place as judge with a deep love of mankind within him. His position was necessarily tentative. The precedents of hatred, fear and retribution are piled up in our law libraries, but the precedents of love and sympathy have yet to be established, and Mayor Jones was a pioneer in this department. The day may yet come when his example on the bench will be cited with greater respect than many a learned decision which is now regarded as impregnable.

The Legislature not only removed Mayor

## On the Bench

Jones from the police court, but from time to time curtailed his power in various ways, taking away the right of appointment to office, and building up hostile forces in the city government. The common council was always opposed to him, and outside of the Mayor's office the franchise-grabbers had it all their own way. \*Still he succeeded in accomplishing a few practical things, which his friend Brand Whitlock has summarized in an article in the "World's Work." He humanized the police, introduced kindergartens, public playgrounds and free concerts, established the eight-hour day for city employes and a minimum day's wages of \$1.50 for common labor. He used the carriages of the Park Department to give the children sleigh rides in winter; devised a system of lodging-houses for tramps; laid out public golf links in the parks, and organized a policemen's band. He gave away all his Mayor's salary to the poor, and his office looked like a charity bureau, so many were the applicants for relief who besieged it. Nor did he turn away from anyone. A thorough

---

\*Mayor Finch, who succeeded Mayor Jones in office, in his first message refers to him as "our late and much beloved Mayor, a man who enjoyed the esteem, respect, love and confidence of all classes of our citizenship more than any chief executive perhaps that Toledo ever had;" and he said that he was "instrumental in bringing about many reforms in the conduct of public affairs," and he goes on to enumerate them much as Mr. Whitlock does. Mr. Whitlock was elected Mayor of Toledo in 1905, and is carrying out the policy of Mayor Jones with success.

## Golden Rule Jones

democrat in feeling, he never was conscious of any inequality when he met the great and rich, or when he dropped in at the jail to talk with the prisoners. In an invitation to me to come and spend a week at his house he enumerates the attractions as follows: "I believe that you would thoroughly enjoy it, and perhaps it would be a help to come in contact with some of my friends of the lower classes—the 'bum' element around market space" (and he names one or two). "Then Blank's saloon is a real curiosity shop. Besides, the workhouse, prison and the jail are fine places."