SURVEY OF METROPOLITAN COURTS
DETROIT AREA
Chapter I

Scope and Purpose of the Survey

Section I. In General

This survey was undertaken at the request of the Committee on Judicial Administration in Metropolitan Trial Courts, appointed by the Section of Judicial Administration of the American Bar Association.

It is the object of the survey to make a detailed factual study of the organization and operation of the courts of a metropolitan area in order to find a basis for determining in what respects the problems of metropolitan trial courts differ—in substance as well as in extent—from the problems of courts in nonmetropolitan areas. It is thought that when the distinctive metropolitan problems are identified, it will be possible to devise measures for improving the efficiency of judicial administration in metropolitan trial courts.

The metropolitan area of Detroit, which is largely located in Wayne County, Michigan, was selected as the special subject for this study because of its convenient proximity to the Law School of the University of Michigan, at Ann Arbor, which had undertaken to conduct and finance the survey.

Since the statutes, ordinances, and rules regulating the practice of courts cannot give a complete picture of their actual administration, it has been the aim of this survey to supplement fully the study of these regulatory provisions with detailed observations not only of courtroom proceedings and the administrative organization and practices of the courts, but also of the work of a large number of sup-
pementary agencies. This has required extensive field work throughout the area, including innumerable conferences with judicial and administrative personnel, and the collection of a large amount of statistical data. The generous cooperation of practically all those whose aid and advice were sought in the course of this study is gratefully acknowledged.

It is hoped that by drawing as complete a picture as possible of the organization and operation of the courts of the Detroit area, a pilot survey may be provided which will be useful in making similar studies of other metropolitan areas. A group of such surveys should furnish sufficient comparative data for a sound solution of many of the basic problems of metropolitan courts.

A metropolitan area, in the sense in which the term is used in this survey, is a social and economic unit comprising a large city and the suburbs which cluster around it. The city and its suburbs are usually organized as separate governmental entities.

In 1920, the United States Bureau of the Census took cognizance of the existence of metropolitan areas in analyzing its population reports. In the sense used by the bureau, a metropolitan area is one of 140 areas in the United States, each comprising a district of 100,000 or more inhabitants containing one or more nucleus cities of 50,000 or more within which conditions of life are predominantly influenced by the central city. Detroit is the center of one of the largest of these areas.

Section 2. Governmental Units Comprised in the Detroit Metropolitan District

The Detroit metropolitan district, as defined and mapped by the Bureau of the Census, now includes not only most


The court problems which can be considered characteristically metropolitan are largely concentrated in Detroit, the central city of the area, and for that reason the administration of justice in Detroit has been treated more exhaustively in this survey than that in the outlying sections of the area. At the same time it has been the purpose to give sufficient consideration to these peripheral courts to show clearly their relation to the central courts in regard to jurisdiction, personnel, and case load.

The number of judicial tribunals in the Detroit metropolitan district as defined by the Bureau of the Census in 1947 is set forth in Table I.
TABLE I

COURTS IN THE DETROIT METROPOLITAN DISTRICT

<table>
<thead>
<tr>
<th>Court</th>
<th>Wayne County</th>
<th>Oakland County</th>
<th>Macomb County</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
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<td>Probate</td>
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<td>1</td>
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<td>3</td>
</tr>
<tr>
<td>Juvenile</td>
<td>1</td>
<td>..</td>
<td>..</td>
<td>1</td>
</tr>
<tr>
<td>City of Detroit</td>
<td>..</td>
<td>..</td>
<td>..</td>
<td>3</td>
</tr>
<tr>
<td>Flint Act city courts</td>
<td>2</td>
<td>..</td>
<td>..</td>
<td>2</td>
</tr>
<tr>
<td>Home Rule Act city courts</td>
<td>4</td>
<td>6</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td>City justice courts</td>
<td>8</td>
<td>6</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>Township justices</td>
<td>48</td>
<td>36</td>
<td>20</td>
<td>104</td>
</tr>
<tr>
<td>Total</td>
<td>.68</td>
<td>50</td>
<td>23</td>
<td>145</td>
</tr>
</tbody>
</table>
SCOPE AND PURPOSE OF THE SURVEY

1 Court of common pleas, recorder’s court, and traffic and ordinance court.

2 The Flint Act is a statute providing for consolidated city courts with jurisdiction up to $1,500 in civil matters, and with minor criminal jurisdiction, in cities of more than 100,000 population. Dearborn and Highland Park, both immediately adjacent to Detroit, have established courts under this act. 730.101 et seq. COMP. LAWS (1948); 27.3831 MICH. STATS. ANN.

The Home Rule Act provides for the optional incorporation of cities and for home rule thereafter. In cities which adopt home rule, the laws governing the jurisdiction of justices of the peace remain in effect unless the cities specifically establish a consolidated home rule city court as permitted by the statute. 117.28 et seq. COMP. LAWS (1948); 5.2107 MICH. STATS. ANN.

In Wayne County, the cities of Lincoln Park, River Rouge, Plymouth, and Wyandotte have home rule courts. Hamtramck, although a home rule city, has retained its two separate justice courts.

3 In Oakland County, the cities of Birmingham, Bloomfield Hills, Farmington, Oak Park, Pontiac, and Royal Oak are those within the Detroit metropolitan district which have established home rule courts.

4 In Macomb County, there is, among the cities within the Detroit metropolitan district, only one which has a home rule city court: Mt. Clemens.

5 In the Wayne County portion of the Detroit metropolitan district, the cities of Garden City and Melvindale each have one justice of the peace. The cities of Ecorse, Hamtramck, and Grosse Pointe each have two separate justices of the peace.

6 In the Oakland County portion of the Detroit metropolitan district, the cities of Berkeley, Clawson, Ferndale, Huntington Woods, Pleasant Ridge and Sylvan Lake each have one justice of the peace. No city in this part of the area has two justices.

7 In the Macomb County portion of the Detroit metropolitan district, the cities of Center Line and Utica each have one justice of the peace. East Detroit has two separate justices of the peace.

Information as to the status of the courts in cities outside Detroit within the metropolitan district was obtained by consulting the statutes and the charter of each city, and by addressing a questionnaire to the judges and city attorneys, as listed in the 1948 official directory of the county clerk in each county.

8 The Constitution of the State of Michigan (1908) provides, at article VII, section 15, for a maximum of four justices of the peace in each township. These officers are elected at township elections; one justice may be elected each year. Township justices serve villages within the townships as well as the area that is within the townships but is outside the villages.

In order to learn the number of township justice courts, in the Detroit metropolitan district, the official directory of the county clerk of each county was consulted. Since each justice conducts his own tribunal, the number of justices is also the number of township justice courts.

Each of the twelve townships in the Wayne County portion of the Detroit metropolitan district had four township justices listed in the 1948 directory.

9 Each of the nine townships in the Oakland County portion of the district lists four justices of the peace in the 1948 directory.

10 There are five Macomb County townships in the Detroit metropolitan district. The 1948 Macomb County directory, however, does not include justices of the peace among the township officers. As to Macomb County, therefore, the number given is based on the assumption that four justices have been elected for each township, as is the case in the rest of the district.
Six of these courts are located within the city limits of Detroit; two are in cities—Dearborn and Highland Park—immediately adjoining the city of Detroit.

SECTION 3. CHARACTERISTICS OF METROPOLITAN DISTRICTS

a. Multiple Governmental Units

The coexistence of many independent and partially overlapping political units is the normal condition of a metropolitan district. The term was adopted by the Bureau of the Census, in fact, because of the wide occurrence of large population centers which had outgrown their original legal boundaries. The haphazard application of traditional local government patterns to the needs of rapidly growing physical communities causes "a mere conglomeration of political divisions of various kinds, established at various times, and not bound together in any way."

A study made by the Bureau of the Census in 1942 showed that the 140 metropolitan districts are made up of a grand total of 15,827 organized governmental units: 272 counties, 895 townships, 1,741 municipalities, 11,822 school districts, and 1,097 special districts. The metropolitan district of Detroit at the time of that study was found to contain 458 governmental units: 3 counties, 27 townships, 45 municipalities, 380 school districts, and 3 special districts.

Many of these units, such as the municipalities, have the legal power to develop independent judicial tribunals, which overlap, compete with, and are not integrated with other


courts in the metropolitan district either in jurisdiction or procedure. Thus, a study of the judicial system of the Chicago metropolitan district in 1932 found 556 autonomous courts in the entire region, and 205 in Cook County alone.⁷

Population growth and the independence of various courts within a metropolitan district give rise, then, to a typically metropolitan court problem: there is recurrent shifting and redistribution of court organization and jurisdiction, in response to ephemeral changes in population, in case load, and in the aggressiveness and skill of court personnel. General civil jurisdiction in the Detroit area, for instance, has shifted several times since Michigan was admitted to statehood in 1835. Originally in a circuit court which had jurisdiction beyond the Wayne County line, this jurisdiction was placed in a Wayne County district court in 1843, but that court was abolished in 1846, whereupon general civil jurisdiction reverted to the circuit court, in which the circuits had been redistributed so as to constitute Wayne County a separate circuit. Later, in 1873, the legislature created a special superior court for the city of Detroit, which had jurisdiction over civil cases throughout the city, and which left the circuit court with general superior jurisdiction in that part of Wayne County outside the city limits. But in 1887, the superior court was abolished, and its functions as a civil court of superior jurisdiction were thereby restored to the Circuit Court of Wayne County.⁸ More re-


⁸ The district court was originally established in 1805, prior to the statehood of Michigan. The 1843 statute, therefore, was a revival. The historical development of these and other courts in the Detroit metropolitan district is set forth in MICHIGAN OFFICIAL DIRECTORY AND LEGISLATIVE MANUAL, published by the state of Michigan, 1949–1950, passim; and in Clarence M. and M. Agnes Burton (eds.), HISTORY OF WAYNE COUNTY AND THE CITY OF DETROIT, MICHIGAN (Chicago: The S. J. Clarke Publishing Company, 1930), vol. I, p. 568 et seq.
cently, the court of common pleas, a petty civil tribunal in
the city of Detroit, shows a recurrent growth in monetary
jurisdiction. This suggests that the court is becoming a
general civil court which, within the city limits, will com­
pete with the Circuit Court of Wayne County.9 In like
manner, the criminal jurisdiction within the city of Detroit
has been continually changed by shift and redivision, as is
described in another connection elsewhere.10 Instability of
allocation of jurisdiction, then, is a logical by-product of the
multiplicity of governmental units, and of courts especially,
in a metropolitan area.

b. Heavy Case Load

Density of population is the distinguishing characteristic
of a metropolitan district. The density is greatest in the
central city and decreases toward the periphery of the
district. In 1920, the population of the city of Detroit was
996,321; in 1930, it was 1,568,662. The rate of growth
within the city during this decade was only 57.4 per cent;
for the area inside the district but outside the city, however,
it was 108.9 per cent. The rate of growth for the entire
district from 1920 to 1930 was 68 per cent.11

From 1930 to 1940, the population of the entire district
increased from 2,104,764 to 2,295,867— a rate of growth
of 9.1 per cent. In a special study of the population charac­
teristics of the Detroit metropolitan district in April, 1947,
the United States Bureau of the Census reported that a
further increase of 18 per cent had taken place in the
population of the entire area since 1940.12

9 Infra pp. 219-221.
10 Infra pp. 31-55.
11 Bureau of the Census, Fifteenth Census of the United States: 1930:
Metropolitan Districts, Population and Area (Washington, D. C.: Gov­
ernment Printing Office, 1932), table 4, p. 10.
12 Bureau of the Census, Sixteenth Census of the United States: 1940:
Population, Volume I, Number of Inhabitants (Washington, D. C.: Gov­
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In terms of density, the 1930 population per square mile within the city of Detroit was 11,375.4; in the area outside the city in the metropolitan district it was 880.8, and the population per square mile for the entire district was 2,819.4. In 1940, the population per square mile within the city was 11,772.7; in the area outside the city limits it was 936.0, and in the entire district, the population per square mile was 2,681.4. The land area in square miles is given as 746.52 in 1930 and as 856.3 in 1940.

By way of comparison, the 1940 population per square mile of the Chicago metropolitan district was 3,799.3 (16,433.5 within the city); of Cleveland, 3,613.8 (12,015.5 within the city); of Los Angeles, 1,885.1 (3,355.5 within the city); of New York, 4,565.0 (23,648.7 within the city); and of Philadelphia, 2,838.2 (15,183.4 within the city).

The relatively greater density within the city limits accounts for the greater case loads carried by courts located there. These differences are very great. The Court of Common Pleas of Detroit, for instance, which exercises a minor civil jurisdiction within the city, disposed of 40,466 cases in 1947, while the city justice of Garden City, exercising a similar civil jurisdiction in an outlying part of Wayne County, reports 176 such cases during the same period. The civil case load of the Circuit Court of Wayne County, which has jurisdiction throughout Wayne County in civil cases, was 52.4 per cent of the civil case load of the city. The population of the city of Detroit as of 1940 was 2,104,764, and was 91.6 per cent of the population of the district.

Fifteenth Census of the United States, loc. cit.
Sixteenth Census of the United States, op. cit., table 17, p. 59.
Ibid., table 17, pp. 58-60.
circuit courts for the entire state of Michigan, in the year 1947.

The justice at Garden City disposed of twenty-two minor criminal matters in 1947; the Recorder's Court of Detroit in its misdemeanor division disposed of 20,428 misdemeanors during that period, excluding misdemeanors disposed of at traffic and ordinance court.

The circuit courts of Michigan outside Wayne County disposed of 4,416 criminal cases in 1947. The Circuit Court of Wayne County, which has general criminal jurisdiction outside Detroit, disposed of 500, and the felony division of the Recorder's Court of Detroit disposed of 4,474. Not only did the 4,974 felony dispositions in Wayne County including Detroit outnumber similar dispositions in the rest of the state by 558, but the felony dispositions in the city of Detroit alone outnumbered the felony dispositions in the state outside Wayne County by fifty-eight cases.

The size of the case load of the courts in the central city

17 Eighteenth Annual Report of the Judicial Council of Michigan: Judicial Statistics for the Year 1947 (September, 1948), table II, pp. 31-39, is the source of the figures from which the percentage was computed.

18 Letter from the justice at Garden City to the writer; Annual Report of the Recorder's Court of the City of Detroit for the Year 1947.

See infra pp. 46-47 for an explanation of the treatment of the traffic and ordinance division of the recorder's court as a separate court.


20 Ibid., and Annual Report of the Recorder's Court, supra, n. 18.

21 Ibid. The felony division of the recorder's court has jurisdiction over the same class of cases (classified as felonies and high misdemeanors) as the circuit courts. High misdemeanors are offenses punishable by more than "$100 fine and/or 90 days' imprisonment," and thus are beyond the jurisdiction of a justice of the peace, but which are not covered by the statutory definition of a felony ("an offense punishable by death or imprisonment in the state prison"): 761.1 Comp. Laws (1948); 28.843 Mich. Stats. Ann.; and see 750.7 Comp. Laws (1948); 28.197 Mich. Stats. Ann. High misdemeanors are handled like felonies in the circuit courts and in the felony division of the recorder's court. Hereafter, when the word felony is used in this survey, it will be understood to include high misdemeanor unless the contrary is indicated.
of the metropolitan area distinguish these courts from those outside the central city, and give rise to problems which are encountered only by those persons concerned with judicial administration in such a city. In the Chicago metropolitan district, the same differences between the case load in the central city and the load in outlying portions of the district were found in a 1932 study. In 1931, it was found, the 193 justice courts in Cook County reported that 80,000 cases were filed during the year, as compared to 10 cases filed in the two justice courts in Grundy County. The Municipal Court of Chicago reported 426,756 cases filed, the City Court of Zion, 18 cases. In the County Court of Cook County 7,794 cases were filed and in the County Court of Kendall County 100 were filed. The Circuit and Superior Courts of Cook County reported 46,423 cases filed, as compared with 162 filed in the Circuit Court of Kendall County. In the Cook County Probate Court 10,235 cases were filed and in DuPage County Probate Court 283 were filed.\(^2\)

**Large court staffs**

The existence of comparatively large case loads in the central city is reflected directly by the comparatively large court staffs there. The Circuit Court of Wayne County employs approximately 240 persons; the Probate Court of Wayne County, approximately 75; the Juvenile Court of Wayne County, approximately 176; the Court of Common Pleas of Detroit approximately 139; the Recorder's Court of Detroit approximately 130; and the traffic and ordinance court approximately 150—there are, at a minimum, 910 people working for courts in Detroit, and this

\(^2\)LEPAWSKY, *op. cit.*, appendix I, table I, at p. 237, furnished the data from which the figures given were selected.
figure does not include such occasional personnel as referees and appraisers occasionally appointed in probate court. 23

Similarly large court staffs have been found in other metropolitan cities: in Cook County, which is approximately equivalent geographically to Chicago, there were 2,257 persons comprising the court staffs there in 1932. 24

In the Detroit metropolitan district, large court staffs occur only in the city of Detroit. Even the municipal courts of Dearborn and Highland Park, immediately adjacent to the central city, have total staffs of only nine and ten persons, respectively. The Circuit Court of Macomb County employs eleven persons, that of Oakland County seventeen persons. Most “home rule” courts in the area employ one typist-clerk. In cities with two justices, the justices sometimes co-operate to share the salary of a typist-clerical employee. Township justices ordinarily employ no help, although some of them use, for occasional court work, persons employed by the justices in their private capacities. 25

Conditions favoring judicial specialization

The number of judges per court, like the number of all members of court staffs, is larger in metropolitan districts, and is largest in the central cities. In the Detroit metropolitan district there are nine multi-judge courts, of which seven are located in Wayne County and five are situated within the city limits of Detroit. There are four courts within the city limits of Detroit which have more than three judges apiece, and such courts occur nowhere else in the district. 26 There were 146 judges in the Chicago

23 See infra pp. 56-193 for a classification of the duties of these members of the court staffs, especially pp. 192-193.
25 Information furnished by the clerks of the various courts, by the official county directories of Macomb and of Oakland Counties for 1948, and by several individual justices.
26 Table XV, at infra p. 74, presents the multi-judge courts in the Detroit metropolitan district in detail.
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metropolitan district in 1932, of whom 97 were in Cook County alone. These figures do not include quasi-judicial personnel.

The metropolis especially, and the metropolitan area generally, then, has consistently large case loads handled by multi-judge courts; these two factors seldom occur outside metropolitan areas, and seldom are lacking within them. Such an environment is likely to produce specialized judges, for only in a metropolitan area are there enough cases to justify assignment by subject matter, and only there has the talent of the administrative or presiding judge sufficient scope to mature fully. At a final stage, the specialized docket may develop into a specialized court—e.g., the Juvenile Court in Detroit, the Traffic and Ordinance Court in Detroit, the family courts of Denver and New York, the criminal courts of Cook County, New York, the Parish of Orleans, and many others.

Use of supplementary administrative agencies for investigation and supervision

The tendency to extend the control of courts over individuals for a period of time after trial is apparent in rural, urban, and metropolitan areas—especially in cases involving such social problems as juvenile delinquency, domestic conflict, and criminal offenses, where satisfactory disposition of a single case cannot be obtained by the making of a single court order at the close of the trial. But although a rural or small urban judge may thus extend control, his use of professionally trained psychiatrists, psychologists, case workers, probation officers, and other skilled investigators and supervisors must of necessity be mostly occasional and informal.

27 LEPAWSKY, loc. cit.
28 For quasi-judicial personnel in the Detroit metropolitan district, see pp. 100-107.
In the metropolis, however, the use of supplementary investigating and supervising agencies as part of the court staffs has reached unique proportions, for two reasons: there are more cases involving social problems in metropolitan districts than elsewhere, and the size of the court staffs there permits the use of such specialized personnel on a broad scale. The psychiatric clinic at the recorder's court, the probation department in that court with fifty-five probation officers and four separate divisions, and the Wayne County Circuit Court's "Friend of the Court," with almost a hundred employees, could exist only in a metropolis.

c. Special Types of Cases

The population density in a metropolitan district results in the more frequent occurrence of certain kinds of cases there, and most particularly in the central city, or metropolis.

Mental cases

Where people are crowded together in numbers of almost 12,000 per square mile, as in Detroit, the number of mental cases might be expected to be proportionately higher than in less thickly settled places, for several reasons:

(1) Mental deviations show up more quickly and more frequently in the confusion and frictions of a densely populated area.

(2) In the heart of a metropolis, where living quarters

29 See infra pp. 25-30.
30 See infra pp. 149-192.
31 "A shepherd in Wyoming might be as schizophrenic as can be. He wouldn't last five minutes in Times Square." Dr. Riley H. Guthrie, U. S. Public Health Service, quoted in TIME, November 29, 1948, p. 72. LEWIS MUMFORD, THE CULTURE OF CITIES (New York: Harcourt, Brace and Company, 1938), p. 258, inter alia. Bureau of the Census, PATIENTS IN MENTAL INSTITUTIONS 1934 (Washington, D. C.: Government Printing Office). In this study, which was published as a separate volume, the suggestion was advanced that the conditions under which dwellers in the metropolitan district live tend to contribute to the occurrence of mental deviations.
are small and scarce, there will be less tolerance of mental deviation, and hence a greater desire to shift responsibility from the family to the court.\(^{32}\)

(3) The mobility of population in a metropolitan district results in the presence of more people without family connections or friends who are willing to aid them when mental illness occurs.\(^{33}\)

It has, in fact, been demonstrated that the rate, per unit of population, of admissions to mental hospitals is greater inside metropolitan districts than outside.\(^{34}\)

The weight of this case load in Wayne County may be indicated by the fact that the Probate Court of Wayne County in the year 1947 dealt with 2,694 persons brought before the court on mental petitions: of this number 2,131 persons were committed as insane, 349 petitions were dis-
missed, 104 petitions were denied, 53 petitions were discontinued by the petitioners, 57 persons were transferred to the federal Veterans' Administration. During the first eleven months of 1948, the mental case load had increased by 500 over the 1947 annual total.

Traffic cases

Population density in the metropolis is expressed daily in traffic congestion, not only because of the number of city dwellers, but also because the size of the city necessitates the use of mechanical transportation several times a day by the average dweller. In addition to this daily movement of dwellers within the city, there are several other factors augmenting the traffic case load in the central city of any metropolitan area.

The commercial and financial leadership of the metropolis is the magnet which attracts the population that causes a metropolitan district to develop. Through the automobile, these large centers have extended their influence upon formerly independent towns, villages, and rural territories, which are thus drawn within the metropolitan district. As one study puts it, the concrete highway has eliminated the distinction between the urban and the rural community, through movement of automobile traffic to and from the central city.

Since many who work in the city live in the suburbs, there is heavy daily suburban commuter traffic, and as the rate of suburban growth increases, this commuter movement also increases. The thickly populated Willow Run

35 Annual report of the mental division of the Probate Court of Wayne County, (1947).
36 Information supplied by the head of the mental division, Probate Court of Wayne County.
37 McKenzie, op. cit., pp. 6-7, 85, et seq. See also chap. XX, beginning p. 296, “Trends in Urban Traffic.”
area, located thirty miles below Detroit in Washtenaw County, and spreading into the southern tip of Wayne County, is not included in the 1947 Detroit metropolitan district. There is heavy daily commuter traffic between Detroit and Willow Run.

In a 1930 study of the pattern of motor traffic to and from the city limits of Detroit on five major highways, 170,000 motor vehicles were counted in twenty-four hours within a four-mile circle, 168,000 within a five-mile circle, 103,400 within a ten-mile circle, 61,200 within a twenty-mile circle, 40,400 within a thirty-mile circle, 31,400 within a forty-mile circle, and 35,000 within a fifty-mile circle. And in a seven-hour traffic count made in November, 1932, on five major highways leading into Detroit, it was found that passenger-car traffic composed 88.6 per cent of the total.

Since these data were assembled, vehicular traffic in the city of Detroit has increased. The city-wide vehicular traffic index shows a 17 per cent increase between March, 1941, and March, 1949. In the first three months of 1949, the index is 15 per cent above a comparable period in 1941 and 7 per cent above the same period in 1948.

The Traffic and Ordinance Court of Detroit, a consolidated tribunal originating as a specialized division of the recorder's court and having jurisdiction over all traffic matters whether classified as ordinance violations, mis-

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38 Ibid., p. 87. The data were compiled by the Detroit Rapid Transit Commission from traffic counts made by the Michigan State Highway Department and the city of Detroit. "The five trunk-line routes selected were Fort Road—U.S. 25; Michigan Avenue—U.S. 112; Grand River Avenue—U.S. 16; Woodward Avenue—U.S. 10; and Gratiot Avenue—U.S. 25." See table 40, p. 87.

39 Ibid., p. 88. "7-hour count of traffic made November 26, 1932, under the supervision of Kenneth McGill, University of Michigan, on Detroit highways—count made on U.S. 10, in Royal Oak, on U.S. 25, at Fort Street, and on U.S. 112 in Dearborn..."

40 Letter from Arthur W. Knoske, Safety Engineer, Automobile Club of Michigan, 139 Bagley Avenue, Detroit, April 25, 1949.
demeanors, or felonies, demonstrates the importance of the traffic case load in Detroit. Detroit police report a total number of 535,555 traffic violations known in 1947, and the traffic and ordinance court disposed of 543,151 traffic cases during the same year.41

Criminal offenses

The density of metropolitan population creates friction, and the degree of mobility peculiar to metropolitan places makes for a substantial degree of anonymity. Another factor, also, contributes to a disproportionately heavy criminal load upon courts in a metropolitan area: namely, the phenomenon of population patterning known as "centrifugal drift." This is the tendency of solid, law-abiding families to move outside the central city, to which the breadwinner commutes for business.42 In a study of the residential distribution of over 2,000 of Detroit’s substantial families during a twenty-year period, it was found that 50 per cent maintained residence beyond the city limits.43

41 Information supplied by the Detroit Police Department and by the chief deputy clerk of the traffic and ordinance court. Offenses known to the police include all offenses of which the police take official cognizance in making their statistical reports.

42 "The most conspicuous form of population shift within the metropolitan area is the so-called suburban . . . tendency. This is usually measured in terms of the proportion which the population of the central city or cities bears to the total population of the metropolitan district . . . data indicate the tendency of family groups to establish themselves around the periphery of the community," McKENZIE, op. cit., pp. 173-180. See also table 62 at p. 174 and figure 14, p. 181.

See supra pp. 10-11. Between 1920 and 1930, the total rate of increase in metropolitan areas was: within cities, 19.4 per cent; in areas outside central cities, 39.2 per cent. FIFTEENTH CENSUS OF THE UNITED STATES, op. cit., p. 7.

43 "The families are those whose names are recorded in Dau’s Blue Book and its successor, the Social Secretary, registers of the leading business, professional, and social personages having offices in Detroit." McKENZIE, op. cit., p. 183. See table 65 at p. 184: "Residential Distribution of Detroit’s Substantial Families, 1910-1930" (compiled by Thomas M. Pryor of the University of Michigan): "The general exodus of competent families from the inner zone of the city is apparent." At pp. 184-85: "Whereas in 1910,
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This movement leaves the "weaker and less stable elements of the population" in the metropolis, or central city, wherein remain fewer children, fewer married couples, and more drifting single men. The concentration of single men is of peculiar import in breeding crime, for the single-man-rooming-house district is accompanied by a concentration of saloons, dance halls, and other places which attract the professional degenerates of the city.

The per capita crime rate is known to increase with the density of population. Specifically, it has been established by several studies that there is more crime per capita in the central city of a metropolitan area than elsewhere, and that the rate of crime, like the rate of destitution, increases toward the heart of the city as the density of population increases.

51.8 per cent resided within the Grand Boulevard circle and 9.7 per cent beyond the city's corporate limits; in 1930, 50 per cent lived outside the city's municipal boundaries and 7.5 inside Grand Boulevard. . . . Measured by almost any index, the city shows a tendency toward increasing wholesomeness and social stability with distance from the center.

44 Ibid., pp. 179 et seq. See especially table 64 at p. 182: "Distribution of Four Series of Social Data in Indianapolis, by Zones," from R. Clyd White, "The Relation of Felonies to Environmental Factors in Indianapolis," Journal of Social Forces, vol. X, no. 4, May, 1932, 498-509. There zones were established by drawing circles at successively larger numbers of miles from the geographic center of the city. The per cent of single males in zone I (closest to the center) was 35.5 per cent; in zone II, 31.0 per cent; in zone III, 27.3 per cent; in zone IV, 22.3 per cent; in zone V, 20.4 per cent.

See also Sixteenth Census of the United States, op. cit., p. 8.


See also McKenzie, op. cit., table 66, at p. 185, showing juvenile delinquency rates by zones from center of city outward in Chicago, Philadelphia, Cleveland, Richmond, Birmingham, Denver, and Seattle. And ibid., at
The first, eighth, and thirteenth precincts of the Detroit Police Department are closest to the geographic center of the city, and are the most densely populated. The first and thirteenth precincts are described by the police as predominantly slum areas, more than half of the inhabitants of which are "floaters." Single men, nonwhites, and structures other than family dwellings dominate in these two precincts. The eighth precinct is less distressed economically, has more family dwellings, and has fewer different races. The 1947 report of the Detroit Police Department contains the following classification: "persons charged, resulting in prosecution by the precinct of arresting officer." Of a total of 29,015 offenders so classified, 4,495 were charged from the first precinct, 5,446 from the thirteenth. No other precinct shows more than 2,851 charges; the eighth precinct accounts for only 623. These three precincts together account for 36 per cent of all offenders charged resulting in prosecution. Precincts one and thirteen together account for 34.2 per cent of such offenders.46

The 39,381 criminal offenses reported as known to the Detroit police in 1947—that is, offenses on which tickets were made out—constitute an increase of 26.3 per cent over 1943. Of the known offenders 28,756, or 73.0 per cent, are reported by the police to have received final court disposition in 1947.47

table 67, page 186, are set forth the results of a study of "Felons and Felonies per 1,000 Males 15 to 74 Years of Age and Per Square Mile of Area, by Zones" in Indianapolis, and showing that the rates of both felons and felonies decline rapidly with distance from the business center of the central city.

Rates of destitution: table 64, at p. 182, cited at n. 44 supra. At zone I, 30.0 per cent of families were on welfare; zone II, 17.9 per cent; zone III, 12.8 per cent; zone IV, 6.5 per cent; zone V, 3.2 per cent.

46Detroit Police Department, Eighty-Second Annual Report (Detroit, Michigan: 1947), table X, pp. 98-99; and information supplied by the records bureau of the department, from which percentages were calculated by the writer.

47Information supplied by the records bureau of the Detroit Police Department.
The recorder's court disposed of 4,474 felonies in 1947, the traffic court disposed of 63 traffic felonies, and the Circuit Court of Wayne County disposed of 500 felonies occurring in Wayne County outside the city limits of Detroit. In 1947, the recorder's court disposed of 20,428 misdemeanors, while the traffic court disposed of 3,240 state traffic violations below the level of felonies.\textsuperscript{48}

In Michigan in 1947, 47.3 per cent of all felony dispositions took place in the Recorder's Court of Detroit, and 50.6 per cent of all felony dispositions in the state took place in Wayne County, either in the recorder's court or in the Circuit Court of Wayne County.\textsuperscript{49}

\textit{Habitual drunkenness}

Among criminal offenses, alcoholism, or habitual drunkenness, has been the subject of numerous studies which show that chronic alcoholism has a heavier incidence, per unit of population, in metropolitan districts than elsewhere. In a study made in 1940 of chronic alcoholism by population size groups, it was shown that the total rate of chronic alcoholism for places of 100,000 and more inhabitants was more than twice as great as the rate for less densely populated places.\textsuperscript{50} The same results were obtained by using deaths from alcoholism as the basis for study: using incidence per unit of population, it was found that urban rates for deaths from chronic alcoholism increased 32.3 per cent between 1930 and 1940, while in rural areas such deaths decreased 8.5 per cent in the same decade.\textsuperscript{51}


\textsuperscript{49} Per cent calculated from Annual Report of Michigan Department of Corrections: "Cases Disposed of During Year 1947."

\textsuperscript{50} Jellinek, \textit{op. cit.}, table 14, p. 23.

\textsuperscript{51} \textit{Ibid.}, p. 23.
The rate of chronic alcoholism in Detroit in 1940 was reported to be 1,044 per 100,000 population, or a total of 11,654 chronic alcoholics. Since 1943, the rate of alcoholism at all levels of the population is said to be rising sharply, so that the present rates would be much higher than the figures shown.

In 1946, of 9,002 persons charged with drunkenness resulting in prosecution, 3,518 were charged from the first precinct and 1,930 from the thirteenth precinct, while 254 were charged from the eighth precinct. Of the persons so charged, 62.2 per cent were from all three of these precincts, which are closest to the geographic center of the city, and 59.4 per cent of such persons were accounted for by the first and thirteenth together.

A total of 8,783 persons were reported to Detroit police as intoxicated and later appeared in court as defendants in cases disposed of on that charge during the year. The figure does not include persons who were not charged, nor those who reached court on other charges (such as assault and battery), nor does it include 13,600 persons arrested for drunkenness who were detained overnight and released without action, and for that reason designated by the police as "golden rule" cases.

Eighty-nine of the 1947 referrals to the psychopathic clinic of the recorder's court were charged with drunkenness. Of 1,753 misdemeanor cases disposed of in October, 1948, by the recorder's court, over 32.4 per cent were charged with drunkenness.

Alcoholics are also a problem to the traffic and ordinance

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52 Ibid., at table 19, p. 30.
54 Information supplied by the records section of the Detroit Police Department.
55 Information supplied by the psychopathic clinic of the recorder's court.
56 Information obtained from the court sheets.
court, which disposed of 1,003 cases of "drunk driving" in 1947, and to the Probate Court of Wayne County, where, in 1947, sixty-nine petitions for commitment of chronic alcoholics went to final disposition in the mental division of that court: fifty persons were committed to state mental hospitals, nineteen were not committed.57

**Domestic relations cases**

In a previous study of the Detroit area, it was said: "the problem of the family court is primarily a problem of large urban areas, where modern conditions have produced the greatest disruption in family organization and where the difficulties in producing satisfactory adjustment of family problems is [sic] greatest."58

The special nature of the domestic relations case load in this area was recognized in 1913, when the legislature established a court of domestic relations in counties having upwards of 250,000 population—i.e., Wayne County. The single judge of this court was to have been a judge of the circuit court of the county, and as such was directed by the statute to hear and determine all divorce and annulment suits and other matters assigned to him by the presiding judge of the circuit court of the county. In addition, the statute provided, the court was to have original jurisdiction to try and determine all actions relating to (1) violations of laws compelling support for wife and minor children by husband and father, forbidding desertion and abandonment, prohibiting contribution to delinquency of children, compelling compulsory education of children, and forbidding

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57 Information supplied by chief deputy clerk, traffic and ordinance court, and by head of the mental division of the Probate Court of Wayne County.

cruelty to children; and (2) actions brought to compel support of illegitimate and bastard children.

After election of a judge, but before disposition of any business, the court was attacked by an information in the nature of a quo warranto going to the constitutionality of the statute. The Supreme Court of Michigan declared the statute to be unconstitutional as local and special legislation, because it deprived the probate court of constitutionally bestowed jurisdiction over delinquent children, and for other reasons.\(^{59}\)

Since that time and at present, the various domestic conflict problems are handled piecemeal in the various courts in which jurisdiction over specific actions falls—divorces in the Circuit Court of Wayne County, juvenile matters in the Juvenile Court of Wayne County, and various criminal actions in the circuit court, the recorder’s court, the traffic court, or one of the outlying courts as the case may be.

Although the proportion of marriageable persons is greater inside than outside cities,\(^{60}\) the duration of city marriages is shorter\(^{61}\) and the frequency of broken marriages is greater in cities.\(^{62}\)

Specifically, divorces occur almost twice as often in urban areas. A recent study shows that in both 1930 and 1940 divorced persons made up a larger portion of the population in urban than in rural areas,\(^{63}\) and that in the ten largest cities in the United States, the 1940 population of those

\(^{60}\) Woolston, p. 62.
\(^{61}\) Ibid., table p. 64.
\(^{62}\) Ibid., p. 64.
\(^{63}\) Ernest W. Burgess and Harvey J. Locke, The Family: From Institution to Companion (New York: American Book Company, 1945), p. 633: “Of those, 15 years of age and over, who had the marital status of divorced in 1940 the percentages residing in urban, rural-nonfarm, and rural-farm areas, with the respective percentages of the population 15 years of age and older residing in these three areas were: urban, 72.0, 59.3; rural-nonfarm, 17.8, 19.8, rural-farm 10.2, 20.9. For 1930 the respective per cents
cities showed a disproportionately heavy incidence of the divorced population\(^{64}\) of the states in which the cities were located.

In the Circuit Court of Wayne County, 3,766 divorces were granted in the year 1921,

\[
\begin{array}{ccc}
4,746 & & \\
5,943 & 1925, & \\
9,702 & 1940, & \\
13,062 & 1945, & \\
9,816 & 1946, & \\
13,062 & 1947. &^{65}
\end{array}
\]

In 1947, Wayne County issued 29,036 marriage licenses. In that year the number of divorces granted was 33.8 per cent of the number of the marriage licenses.\(^{66}\)

During 1948, 13,728 petitions for divorce were filed during the calendar year; 9,036 divorces were granted, 37 were refused, 5,583 were disposed of by withdrawal or otherwise.\(^{67}\)

Although city dwellers have fewer children per unit of population than others, illegitimate births are known to

were: urban 69.9, 59.0; rural-nonfarm, 17.7, 18.8; rural-farm, 12.4, 22.2. Thus for both 1940 and 1930 divorces were not distributed in proportion to the distribution of the population; cities had a decided excess, villages a slight deficit, and farming areas a slight deficit.

“Data on the ten largest cities of the United States give additional evidence on the frequency of divorce in cities.” Table 25 shows that in 1940 in Detroit, 31.9 of the state’s population resided in Detroit, and 37.2 of the state’s divorced population were residents of Detroit. Thus the ratio of per cent divorced to per cent urban in Detroit was 1.17. For all ten cities, the percentage of the state’s divorced population 15 years and older residing in the city was significantly higher than the percentage of the state’s entire population of the same age group residing in the city. Table at p. 634.

\(^{64}\) See supra n. 63.

\(^{65}\) Joel D. Hunter (ed.), \textit{Survey of Community Services in Wayne County, Michigan (1948)}, table 22. This and other material cited from the Hunter survey was obtained by a reading of the typescript prior to publication, by permission of the editor.

\(^{66}\) Marriage license data at \textit{ibid.}, table 20.

\(^{67}\) Information supplied by the presiding judge of the Circuit Court of Wayne County.
constitute a larger percentage of all births registered in cities than in the country as a whole. There were 50,100 births in the city of Detroit in 1947; 1,665 illegitimate births occurred in the city during the same year. The ratio, therefore, of illegitimacy to recorded births is 3.3 per cent for that year.

A comparison of illegitimate births for six years both for Wayne County and for the city of Detroit has recently been made, and is reproduced below:

**TABLE II**

**Illegitimate Births in Detroit and in Wayne County from 1942 to 1947 Inclusive**

<table>
<thead>
<tr>
<th>Year</th>
<th>City of Detroit</th>
<th>Outside Detroit</th>
<th>All Wayne County</th>
</tr>
</thead>
<tbody>
<tr>
<td>1942</td>
<td>992</td>
<td>119</td>
<td>1,110</td>
</tr>
<tr>
<td>1943</td>
<td>1,049</td>
<td>142</td>
<td>1,191</td>
</tr>
<tr>
<td>1944</td>
<td>1,168</td>
<td>216</td>
<td>1,384</td>
</tr>
<tr>
<td>1945</td>
<td>1,404</td>
<td>205</td>
<td>1,609</td>
</tr>
<tr>
<td>1946</td>
<td>1,534</td>
<td>257</td>
<td>1,791</td>
</tr>
<tr>
<td>1947</td>
<td>1,665</td>
<td>270</td>
<td>1,935</td>
</tr>
</tbody>
</table>

In 1947, 5,918 boys under seventeen were reported as known to the Detroit police because of circumstances indicating delinquency; this is 13.5 per thousand of population.

In the same year 4,292 children were in care of all Wayne County child-caring institutions and agencies, as compared to 4,152 in 1946. Classified by reason for referral, they are: 1,524 neglect, 1,122 dependency, 1,136 illegitimate, 505 delinquent, 5 feeble-minded.

The Detroit police report 492 prosecutions and convictions for offenses against family and children in 1946,
a 7.0 per cent increase over 1945. They further report 611 court dispositions of offenses against family and children, with 80.5 per cent of convictions in that year. These figures do not include criminal action taken by the circuit court in enforcement of support and custody orders relevant to divorces previously granted, nor do they include service rendered by any of the court staffs previous to the attachment of formal court jurisdiction.

The close connection between defective family relationships and delinquency of both adults and children has been established by a number of studies. About 60 per cent of juvenile delinquents, according to Burt, suffer primarily from defective family relationships. The Friend of the Court of the Circuit Court of Wayne County, the probation officers of the Juvenile Court of Wayne County, and the head of the women’s division of the probation department at recorder’s court regard this estimate as exceedingly conservative.

Of great effect upon the incidence of domestic relations cases as encountered by metropolitan courts is the rate of destitution. Destitution has been found to occur more often in large urban areas, and has even been demonstrated to occur in segregated areas of congestion which also show the high-

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74 Sheldon and Eleanor T. Glueck, 500 Criminal Careers (New York: Alfred A. Knopf, 1930), pp. 116-117; Five Hundred Delinquent Women (New York: Alfred A. Knopf, 1934), pp. 70-73; and One Thousand Juvenile Delinquents: Their Treatment by Court and Clinic (Cambridge: Harvard University Press, 1934), p. 75 (footnote 20 collates several studies noting the point) and pp. 80-83 (summarizing results for the study cited). See also Cyril Burt, The Young Delinquent (Bickley, Kent: University of London Press, Ltd., 1945), pp. 93-101; this study deals with juvenile delinquents known to London juvenile courts over a period of several years.
There are many reasons for this, among which the most often mentioned are the economic pressures which force the unsuccessful into slum neighborhoods, the environmental influences tending to result in antisocial behavior of all kinds, and the natural tendency of irresponsible persons to display their irresponsibility at various levels of behavior.

Burt found that over one half the total amount of juvenile delinquency in London occurs in homes that are poor (i.e., supported by intermittent earnings) or very poor (i.e., those of criminals, loafers, or the chronically destitute). In the Harvard Law School survey of one thousand juvenile delinquents in Boston, the Gluecks found that in "only 121 of the families had there been no assistance of one kind or another from social welfare organizations, while in eighty-eight per cent of the families several agencies had been active." In their study of five hundred delinquent women in Boston, the same authors found that 76.6 per cent of the families of the 500 "were known professionally to social agencies at one time or another prior to the commitment of their daughters to the Reformatory. At least 697 agencies had contact with these families."

Thus the irresponsible family, as such, is the raw material with which the public welfare agencies spend most of their time and with which the courts operating in any large urban area spend much if not most of their time.

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77 BURT, op. cit., pp. 66-70, especially p. 69.
78 GLUECK, ONE THOUSAND JUVENILE DELINQUENTS, pp. 69-70, 81.
79 GLUECK, FIVE HUNDRED DELINQUENT WOMEN, p. 67.