This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

Google books

https://books.google.com

Digitized by Google

STATE UNIVERSITY OF IOWA
LIBRARY.

Class 365.05
Book J86
v.14

Acc. 493835

A STATE L[redacted]
[redacted]

WITHDRAWN

CLASS 365 BOOK [illegible] VOL [illegible]

Iowa State Library.
DES MOINES.
IOWA.

Digitized by Google

UNIVERSITY OF IOWA
3 1858 042 530 687

Digitized by Google

John Howard.

Digitized by Google

365.05
J86
v.14

JOURNAL

OF

PRISON DISCIPLINE.

STATE UNIVERSITY
OHIO
LIBRARY

VOL. XIV.—JANUARY, 1859.—No. 1.

JOHN HOWARD.

"Down many a winding step to dungeons dark,
Where anguish wails aloud and fetters clank;
To caves bestrewed with many a mouldering bone,
And cells whose echoes only learn to groan,
He treads, unemulous of fame or wealth,
Profuse of toil and prodigal of health,
With soft assuasive eloquence expands
Power's rigid heart, and opes its clenched hands;
Leads stern-eyed Justice to the dark domains,
If not to sever—to relax the chains."

Seen 30 Nov 40 Ohio State Lib

THE earth has been called a many-chambered temple for the family of man. The roof and spires glitter in the sunshine. In the higher apartments are heard voices of mirth and gladness. Lower down the darkness of sorrow and suffering begins to thicken; and beneath all are the unlighted dungeons from which the groans of agony or the wailings of despair struggle, too often in vain, to reach any human ear. This does very well for a figure, but those who have most fully explored the dwelling, above and below, tell us that this order of things is often reversed, and that the tenants of the upper apartments are found suffering the anguish of disappointment and the corrosion of envy, while the sunshine of contentment makes its way into the abodes of poverty and sickness.

It would seem to be one design of a wise providence in

493365

Digitized by Google

making some measure of suffering the indiscriminate lot of all men, to afford to all an occasion of sympathy. So uncertain and fluctuating are their fortunes that he who withholds such sympathy to-day, may perish for want of it to-morrow. Who will say that no child or grandchild of his will ever feel the sting of guilt in a cell, the pressure of poverty in an alms-house, or the terrors of a "mind diseased" in a hospital? The visitor to our work-houses, gaols, penitentiaries, &c., can tell us of those who have proudly strutted upon the earth, the very dust of which they have been brought to bite; and that those who thought themselves proof against temptation, are found among the lowest and vilest of transgressors.

There are none, however, so low or so vile as to lose their title to pity and protection. To withhold these is a token of barbarism. The offenders against wholesome laws must expect to reap the due reward of their deeds, and it is false and mischievous philanthropy that interposes to prevent it; but it is as impolitic as it is inhuman in inflicting deserved punishment to rouse the resentment of the sufferer by injustice and cruelty.

The history of penal laws and institutions for the last century is yet to be written, and perhaps a farther postponement of twenty-five years will reveal greater changes in both than have yet been seen. In the present brief article we shall refer to two or three incidents in the career of the illustrious *John Howard* which, familiar as they may be to many of our readers, seem to us worthy of frequent contemplation. If he had lived, he would have now been about one hundred and thirty years old, for strange as it may seem, the time and place of his birth are not exactly known. His father was a citizen of London, a dealer in upholstery and a man of considerable means. John seems to have been an only son, and having little taste for books, he was removed from school and indentured to a grocer. The large sum of thirty-five hundred dollars was paid to secure the advantages of such indentures, and the young apprentice was supplied by his father with separate apartments, and two saddle horses for recreation! Before he was eighteen, his father died leaving a large property, including thirty-five

Digitized by Google

thousand dollars in money—but it was provided by the will that the heir should not have possession till he was twenty-four. His guardians, however, had such confidence in his integrity and prudence as to give him the immediate management of his estate.

His natural constitution was feeble, and never during his life did he enjoy full health. To improve it he travelled some time on the continent, and when twenty-eight, embarked for Lisbon. The ship fell into the hands of a French privateer, was carried into Brest, and the passengers and crew committed to the dungeons of the castle. They were removed from one prison to another, and treated with the greatest inhumanity in them all. At length Howard won the confidence of one of the gaolers so far as to obtain extraordinary liberty which he used in ascertaining the condition of other English prisoners of war in France. This knowledge he afterwards communicated to the English government, and had the satisfaction to secure the speedy release of his suffering countrymen. Thus early was Howard familiarized in his own experience with sufferings to the relief of which his best days and all his energies were afterwards given.

Before he entered upon his chief mission, however, he wrought a work in the village of Cardington, where he resided, which is worthy of note. It had been, before he came there, a most unattractive spot. The ignorance, poverty and misery of the people were no less revolting than the low and marshy site they occupied, and the diseases with which it was often visited. Howard's estate embraced part of this village, and almost as soon as he came thither to reside, the whole natural and moral aspect of the place began to improve.

Year by year, the village of Cardington showed a brighter face to the morning sun; year by year, the number of damp, unwholesome cottages grew less; year by year you might see new and different cottages spring up, little kitchen-gardens behind, little flower-gardens before, neat palings fronting the road, roses and creepers looking in at the windows, well-washed, strong-lunged, sunny-faced children frolicking round the doors. These cottages were so placed that they could see the sunlight;

WITHDRAWN
Digitized by Google

the mist and the ague were driven back. Their inhabitants paid an easy rent, sent their children to school, were a contented, orderly, sober people. Cardington became "one of the neatest villages in the kingdom." If you asked one of the villagers to what or whom it owed all this, the answer would have been—John Howard.

It was not by his wealth or superior social position that he made his influence to be felt for the elevation and improvement of the poor about him. He interested himself in their works and ways. He advised them in their perplexities and discreetly aided them when cramped for means. "He might be seen," says one, "entering their cottages and sitting down to chat, and eat an apple, or walking along the road and stopping the children he met to give them a little token of his kindness, and admonishing them to be good children and keep their hands and faces clean."

We pass over an interval of several years during which his personal and domestic history is much chequered. In 1773, being then not far from forty-five, he was elected sheriff of Bedfordshire, and by applying himself personally to the discharge of duties which had before been left to subordinates, he soon discovered abuses which, though occurring "amid the light of a brilliant and boasted civilization were fitted rather to cower, snake-like and slimy, in the jungles of darkest barbarism." We quote these words because there are practices at this day and in Philadelphia, under the very eyes of the ministers of justice, to which they apply with as much force as to any which it so excited the new sheriff to behold. He saw persons against whom their country had nothing whatever to say, enduring the hard affliction of confinement and temporary disgrace;

He saw others conveyed to prison until they should pay certain fees to functionaries connected with the gaol and the court. Others, who also might have suffered months of confinement, and against whom, from the non-appearance of their prosecutors, not even a charge was preferred, were similarly treated. Others still, regarding whom the grand jury could not find such evidence of guilt as rendered it reasonable to try them, went

Digitized by Google

the same way:—all, without semblance of accusation, were taken back to prison. The abuse was undeniable and indefensible; its mode of cure was by paying, in some other manner, the functionaries interested. The justices of the county were the men to be applied to; the application was made. A new thing in the experience of these sedate functionaries; it was proper to proceed with caution, deliberation, and prudence. The good, formal, drowsy justices looked up through their spectacles, and—found it necessary—to satisfy their minds—by seeing a precedent. Here, then, perhaps, the matter would stop, and the justices be troubled in their dozing no further. *Howard* did not stop. He takes horse at once, and proceeds to the neighboring counties. In these counties he met on all hands with injustice and disorder, but found no precedent for his proposed remedy. He saw more than he expected, and more than he came to seek. Gradually it became plain to him that he had discovered a great work to be done, and that he was the man intended by God to do it. In the performance of this work it was that the rest of his life was spent, and that his name became known and reverenced in every land under heaven.

He penetrated into the dungeons of the world, and compelled men to hear the voice of the agony beneath their feet.

There are biographies of Howard which describe in detail, his wearisome and perilous journeys in England and on the continent. Suffice it in this connection to say, that he was accustomed to travel on horseback with a servant—that his average days' rides were forty miles—that he visited the gaols wherever he stopped, and inquired minutely into their condition and management—seeing the prisoners, and ascertaining the causes of their detention, their fare, treatment, &c., and that he pursued this benevolent labor until, as just now said, from personal observation he could report upon the condition of the prisons of the civilized world!

Were the question asked to-day, in the markets, counting-houses, banks or churches of Philadelphia and other cities and country towns, what is the condition of our gaols and penitentiaries, few would probably suggest any doubt that they were answering their end in restraining and punishing the disturbers of the peace, and the invaders of the rights and depredators upon the property of their fellow citizens. That they are ever in our

Digitized by Google

day and country, theatres of iron-heeled oppression, of refined cruelty and of enormous abuses of power under cover of law—few, if any, would believe. And the gentlemen and yeomanry of England had they been asked the same question in 1774, would probably have returned the like answer, and yet Howard found men who had been declared guiltless of crime, detained in dungeons, month in and month out, for some paltry fee of a gaoler!

He found in that land that it was possible for one whose neighbor owed him a paltry sum, to deprive that neighbor of his liberty, and subject himself and family to everything short of absolute starvation: nay, to starvation itself, if it was spread over months instead of days. He found in that enlightened, and religious country, it was possible for men to be farmed out by a fellow-man, and fed from such a miserable pittance, that they must have suffered the perpetual gnawings of hunger. He found dens or holes, under ground, of dimensions such as might have held one wild animal, where several human beings were flung, to gasp and groan the night long. In some, the heat and closeness must have been stifling; in some, the floors were wet and the walls dripping; in some, open and reeking sewers poisoned the air; all that is noisome and revolting in gross uncleanness lay bare to his sickened but unflinching gaze. Death, he discovered, had here a realm of his own, where he escaped the eye of justice and humanity.

Such revelations were not to be slighted. The condition of the public prisons was represented to Parliament, and Howard was summoned to testify to what he had seen. So strange was the spectacle of a man like him, with ample means of self-indulgence, devoting himself to the welfare of the lowest and most despised of his fellows, that a member inquired of him, whether he travelled these long circuits at his own charge? It is said that so strong was his emotion at the bare suggestion of such a thought, that tears filled his eyes as he indignantly repelled the imputation of mercenary motives.

The effect of his representations was such, that in the course of that year, two bills were passed, one for the correction of abuses respecting fees, and another for the improvement of the sanitary condition of the prisons.

Digitized by Google

In 1777, Howard published at his own expense, an important work on the condition of prisons, which passed through several editions; and about the same time he received, by the death of a sister, an accession of $75,000 to his own fortune, and devoted it at once to the prosecution of his benevolent mission. No difficulties appalled him. No obstacles turned him aside. So inured to hardship had he become, that sleeping one night in three, and that in his carriage, would suffice.

The tourist in the Highlands of Scotland might have seen him stopping at the cabin by the wayside to obtain a little milk; among the mountains of Sweden he pushed on, undaunted and tireless, living on sour bread and sour milk; on the bleak plains of Russia, his lean and somewhat sallow face, and small spare figure, might have been marked as he dashed past in his light carriage; he was on the high roads of France, in the mountain gorges of Switzerland, tossing on the Mediterranean or the Adriatic. The little cottages of Cardington were not forgotten. These grew ever more numerous, and their inmates were well remembered; the work of alleviating the sorrow of the world did not prevent the little drops of comfort from falling within them still. And wherever Howard was, it was impossible for men not to discern wherein lay the secret of his indefatigable perseverance, his unwavering valor, his perpetual calm. In whatever land he was, and amid what observers soever, he never forgot or hesitated to join in evening prayer with his attendant; the door was shut, and the master and servant knelt down together as if at home in quiet Cardington.

Among the incidents which show the ruling passion of his life, it is mentioned that on one of his visits to St. Petersburg, the Empress, whose ears the report of his deeds of mercy had reached, invited him to the palace. It was not an ordinary mark of favor. And though he might have no "ambition to shine in courts," he might have embraced so desirable an opportunity to awaken the sympathies of royalty in behalf of his philanthropic enterprise. But the visit might be misinterpreted; the simplicity of his motives might be questioned; his influence for good might be impaired. "He feels instinctively that his work is in the dungeon and not in the palace, and that to encircle it with the blaze of publicity, may interfere with

Digitized by Google

the rugged task he had undertaken." The flattering invitation was declined.

Those who have had much opportunity to investigate the management of our penal and pauper institutions need not be told how often abuses creep in, which escape the notice of ordinary observers, even though clothed with official authority. Nay, this very official authority is sometimes prostituted to the basest ends. It would be well if those whose duty calls them to visit and inspect such places, were not so easily satisfied with a superficial glance, or with the formal reports of parties in charge. An instance occurred during one of Howard's visits to the hulks which is worthy to be kept in remembrance.

The captain brought him a biscuit as a sample of the provisions; it was wholesome as could be wished. Howard put it in his pocket. All necessary information seemed to have been obtained, yet he lingered; there was one on board who wished he would take himself off. He had, in fact, been making observations in his own way; his eyes were open as well as his ears. He remarked that things had a tawdry, disordered look, that the prisoners were sickly and tattered, that there were several things here which the captain's relation, so frankly given, by no means embraced. Accordingly he waited. At length the messes are weighed out, Howard looking on quite calm, but with something of expectation in his face. Here come the biscuits; they are in broken bits, green and mouldy; there is no longer any mystery in the pallid looks of the prisoners. It is now Howard's turn to speak. Out comes the wholesome satisfactory biscuit; it is held up before captain and prisoners, beside the green loathsome fragments, and Howard, indignantly rebukes the former for his cruelty and falsehood.

We purposely omit any reference to the achievements of this remarkable man in other departments of philanthropy, especially in hospitals and lazarettos. It is not strange that one who had awakened the attention of the civilized world to the condition of its prisons, should be thought worthy of some token of public gratitude; but the first proposal of such a measure was rejected with immovable firmness. He was abroad when the news of such a step being in contemplation reached him, and from the lazaretto of Venice, he wrote to a friend

Digitized by Google

requesting him to resist all such attempts, and reminding him of directions given in writing, when he first left Cardington on his benevolent expedition:

"1. As to my burial, not to exceed ten pounds.

"2. My tomb to be a plain slab of marble, placed under that of my dear Harriet's in Cardington Church, with this inscription:—

John Howard, died ——, aged —,
My hope is in Christ."

Even these directions he afterwards modified, for we are told that just before his death, which occurred at a village near the Crimea, in January, 1790, he addressed these words to his friend Admiral Priestman:

Let me beg of you, as you value your old friend, not to suffer any pomp to be used at my funeral, nor any monument, nor monumental inscription whatsoever, to mark where I am laid: but lay me quietly in the earth, place a sun-dial over my grave, and let me be forgotten.

If the memory of the statesman who has maintained by his logic and eloquence, the great principles of human liberty is held in grateful reverence; if the soldier who has shed his own blood, or the blood of his fellow-man in repelling the invaders of his country's altars and fire-sides, is to be borne to the grave with signal honor, who will withhold the palm from him who has carried hope and help to the prisoner and outcast in their solitude and despair, who has sought and obtained redress for the injured and abused, and who has sacrificed life itself, to alleviate the anguish of pestilential disease, and smooth the passage of its victim to the grave. Such a man was JOHN HOWARD.

Of the perseverance and intrepidity of this renowned philanthropist, there are many memorable illustrations. One of them we derive from a letter addressed to the late Dr. Benjamin Rush, of Philadelphia, by Dr. John C. Lettsom, of London, and communicated by Dr. Rush to the Philadelphia Prison Society, at a meeting held October 8, 1787.

Having learned at Marseilles, that an English Protestant

Digitized by Google

was confined in a prison at Lyons, into which the intrusion of a stranger was always punished with confinement to the galleys for life, the difficulty of access only stimulated the enthusiasm of Howard. He learned, as well as he could, the different turnings and windings that led to the prisoner whom he more particularly wished to see. Being a little man, of "extenuated features," who might pass for a Frenchman, with his hat under his arm, he passed hastily by twenty-four officers, and entered the very apartment he wished to see, without suspicion. He declared the secret to the English minister at Lyons, who advised his immediate departure, as he would inevitably be discovered if he remained all night at Lyons. He, therefore, departed hastily, and got to Nice. When he arrived at Paris it was almost eleven o'clock at night, and he had concluded to depart at three in the morning by the Brussels stage. He sent his baggage to the inn, and hoping to get an hour or two's sleep, he went to bed. He had scarcely fallen asleep before his room door was forced open, and in stalked a formal, officially dressed man, preceded by a servant, bearing two lighted candles, and solemnly interrogated him in French—

"Are you John Howard?"

"I am," replied the Englishman.

"Did you travel with such a person?"

"I do not know any thing of him," said Howard.

The question was repeated, and the same reply (though with some warmth) was given to it. The personage left the candles on a table in the room and departed. Immediately Howard dressed himself and repaired to the inn—heard that messengers were in pursuit of him, but arrived at Brussels undiscovered!

As an instance of the respect which was paid to his opinions, it is mentioned in the same letter, that when in Vienna, the Emperor Joseph, hearing of his presence desired to see him; but as Howard had found the prisons of the kingdom constructed on a very bad plan and badly conducted by persons in high favor with the Emperor, he was at first disposed to evade the interview; but the Emperor sending a message that he might choose his own hour for the interview, he con-

Digitized by Google

sented to it, and appeared at the palace. The moment his name was announced, the Emperor left his company and retired with Howard into a little room, in which was neither picture nor looking-glass. Here the Emperor received a man who had never kissed the hand of, or bent the knee to any earthly monarch, and heard from his lips truths that astonished him; and often did he seize hold of Howard's hand with inexpressible satisfaction and approbation. "You have prisoners," said Howard, "who have been confined in dungeons, without seeing daylight for twenty months, who have not yet had a trial, and should they be found innocent, your majesty has it not in your power to make compensation for the violated rights of humanity." To the honor of this great prince, it is to be remembered, that important alterations in the prisons were decreed before Howard's departure from Vienna.

The prominent idea in Howard's mind evidently was, that the true purposes of penitentiary imprisonment were not answered where the amendment and reformation of the prisoners were not secured. This, he maintained, was implied in the very use of that term in the Act of Parliament. In confirmation of this view he referred to the penitentiaries in Holland, which are called *Verbeter Haizen*, or bettering-houses,* from their design to make men better. To these penitentiary houses, (as he called them,) he did not suppose any would be committed "except old and hardened offenders, and those who had" (as the law then stood) "forfeited their lives by robbery, house-breaking, and similar crimes; in short, such as are to be confined for a long time, or for life." He would limit capital punishment to "murder, setting houses on fire, and house-breaking attended with acts of cruelty."

He says—"I the more earnestly embarked in the scheme of erecting penitentiary-houses from seeing cart loads of our fellow creatures carried to execution; many of whom I was fully

* Report of Boston Prison Discipline Society, 1847, p. 18. This English term is often applied in our country to poor-houses, and denotes that the physical condition of their inmates is *bettered* by their removal to it—which is not always the fact.

Digitized by Google

persuaded might, by regular, steady discipline in a penitentiary-house, have been rendered useful members of society, and above all, from the *pleasing hope* that such a plan might be the means of promoting the salvation of some individuals—of which every instance is, according to the unerring word of truth, a more important object than *the gaining of the whole world.*" (The italics are Howard's.)

The lapse of three-fourths of a century, and the intervening changes in the face of human affairs, have brought to view many important principles in the administration of criminal law. A penitentiary, constructed on the plan Howard sketched in the latest of his published works, would be open to many grave objections. But there are two points in his experience which are yet unchanged, viz:

1. That the most benevolent and well-digested plan of doing good may be defeated by those whose opinions have no claim to consideration, but who, from official position or boisterous pretension, abuse their little brief authority to hinder what they have not the wit to comprehend or the ability to promote. Howard was so situated as supervisor (in conjunction with the renowned Dr. Fothergill) of the erection of a prison, and finding that interested parties were involving in controversy even the selection of a site, he declined all further concern with it, and resigned his place.

2. That the question of *money-making* has a ruling influence in determining most points connected with prison structures and discipline. Our conviction has long been, that the presence of this motive has been one of the most prolific sources of abuse and failure in the penal institutions of this country. Howard held, that the earnings of prisoners constituted but a secondary consideration; "For surely," he says, "it is impossible to place any degree of profit in competition with the prospect of meliorating the minds of our fellow-creatures."

Digitized by Google

BOTANY BAY.

It would be an interesting and instructive page in the history of crime and its punishment, which should trace the various plans that legislatures have devised to dispose of lawless men and women, and the success which has attended them. Did our space allow, we should be strongly tempted to try our hand in preparing it. For we are confident it would conduct us to this conclusion, that the best way of diminishing the number of criminals is (1.) to cut off all accessions to their ranks by ample provision for the restraint, education, and industrial training of vicious and neglected children, and (2.) to subject the incorrigible to strict separation from each other, and such discipline and fare as shall convince them that however hard may be the lot of honest industry and inevitable poverty, the lot of transgressors is decidedly harder; so that a man had better be any thing in the world than a convict.

Among the devices to which we refer, perhaps none has occupied a more prominent place than *transportation*. Banishment, as a punishment for crime, was not known to the common law of England, though rare instances occurred in which by act of parliament or royal edict, persons have been banished from the realm. Late in the reign of Queen Elizabeth, a law was passed authorizing the banishment of "such rogues as were dangerous to the inferior people;" and another law is mentioned, under which butchers who sold unsound meat were condemned to leave forever the village or town in which the offence was committed. Among the Romans various forms of banishment prevailed as a judicial punishment; and among the Greeks, perpetual exile attended with confiscation of property, was the doom of the higher grade of criminals, while a temporary exile without loss of property, was sometimes suffered by persons whose large wealth or eminent influence rendered them objects of popular jealousy or envy.

What is known in modern times as transportation originated in banishment; and a statute passed in 1597, for "the banishment of dangerous rogues and vagabonds," became in effect

Digitized by Google

an act for the transportation of such persons to America; and in 1619, the year before the landing of the Pilgrims at Plymouth, a letter was addressed to the agents of the Colony of Virginia, commanding them to send thither "one hundred dissolute persons," which the officers of the law would designate for that purpose. In 1678, the judges were empowered, at their discretion, either to hang or transport to America certain traitors. And from 1718 to 1775, when the Revolutionary war commenced, the mother country made her American colonies the receptacle of the vilest of her criminal population.*

The colonies thus complimented were Virginia, Maryland, Delaware, North Carolina, South Carolina, Georgia, New York, New Jersey and Pennsylvania. It has been estimated that two thousand convicts were thus cast upon our shores annually, but others have fixed the highest number altogether at not more than fifty thousand.

This system differed essentially from modern transportation. The convicts were put in charge of the masters or owners of vessels, who depended for their remuneration upon the sale of them to the colonists, for the term of their sentence. Hence, if the convict or his family could offer a larger sum for his release than the captain or owner of the vessel could expect to get by the sale, he was given up! As the chief end of the system appears to have been to rid the country of its rogues, such a "loop-hole of retreat" would seem to have been unwisely left open.

In the early settlement of the colonies, while labor was scarce and dear, even British felons might be considered as better than nothing. When negro slaves were introduced, however, convict labor became less in demand, and it was not thought well to suffer an intermixture of the two classes, and the legislature of Maryland went so far as to impose a penalty on captains of vessels who should bring felons into that colony.

* The practice would seem not to have been wholly discontinued till a much later period, for the Legislature of Pennsylvania passed a law, March 27, 1789, making it penal to bring into the State any felon, convict or person under legal disability.

Digitized by Google

The practice, though tolerated, was always distasteful to the colonists; and it is said when Dr. Franklin, who remonstrated to the government against it, was told that it was absolutely necessary to remove them from England, and therefore the colonies must take them, he replied, by asking the English ministers if the same reasoning would not justify the Americans in sending their rattle-snakes to England?

It would be difficult to frame an apology for a practice which still obtains to some extent among us, and which is substantially as obnoxious as that of which the colonists complained; we refer to the remission of a sentence on condition that the convict will leave the State. It would seem that Dr. Franklin's logic has force in such a case, and that as no State feels at liberty to turn rattle-snakes into its neighbor's territory, so neither should it rid itself of its convicts by casting them out for others to be burdened with them.

The war produced a vast accumulation of crime, (as wars always do,) and the penitentiaries of the country being totally inadequate to receive the convicts, and the colonies having been converted into a free, sovereign, and independent confederacy, and therefore no longer serving as a cess-pool, the government looked elsewhere, and finally, in 1786, fixed upon the east coast of Australia for the establishment of a convict colony.

Forty-five years before that, a Dutch navigator, Tasman, discovered Van Dieman's land, (hence called Tasmania,) but it was less than twenty years before, (1770,) that Capt. Cook brought it to the notice of the government. It is scarcely possible to conceive that a section of the globe, now of so great commercial importance, should have been so lately the abode of savages. Indeed, it is a world by itself—its native inhabitants being regarded by many as a distinct variety of the human race; and nature having been so lavish of her gifts, as that of 5,710 plants already discovered, 5,440 are known only to this continent; and of fifty-eight species of quadrupeds, forty-six are peculiar to Australia and its adjacent islands. Among these is the kangaroo, the first sight of which so frightened Capt. Cook's men, that one of them rushed into the tent which

Digitized by Google

had been pitched on the shore for the protection of the sick, with horror depicted on his countenance, crying out that he had seen an evil spirit.

Botany Bay, so called from the variety of new plants found on its shores, was the point at which the settlement was to commence, and in January, 1788, a fleet of eleven sail reached that beautiful harbor, (the voyage which is now made in sixty days having occupied eight months,) and on its shores commenced the settlement of what now bears the famous name of Sidney. But what materials were those with which to found a colony!

"The prisoners consisted of the most abandoned persons of all nations; British, Dutch, and Portuguese sailors, the polite swindler, and the audacious highwayman, with their female accomplices. They were shipped off in chains; during the passage outward a detachment of soldiers was constantly on guard; and the voyage was seldom accomplished without bloodshed. The secret plots, in which the prisoners were continually engaged, broke out into open mutiny whenever circumstances offered a chance of success; for this purpose a storm, a leak, or a feigned sickness, was readily taken advantage of. When signs of such disturbances showed themselves, the ringleaders were seized and tried in a summary way by court martial; but the sailors often refused to enforce the sentence, so that it became necessary to compel obedience with loaded muskets.

"The hold of a convict-ship presented a melancholy picture of human depravity. In the course of the voyage most of the felons survived the sense of shame: the sounds of ribaldry and boisterous mirth, mingled with catches from the popular songs of the day, issued unceasingly from the prisoners' deck; this uproar was ever and anon increased by more riotous disturbances; blows and bloodshed followed; and occasionally the monotony of the voyage was broken by mock-trials among the prisoners, to show that even in the most profligate and abandoned the principle of justice was not altogether destroyed. When a prisoner committed an offence against his fellows, a judge was appointed, advocates were assigned to the prosecutor and the accused, a jury was sworn to try according the evidence, witnesses were examined, and the prisoner, being found guilty, was sentenced to an immediate and brutal punishment."*

* Life of Samuel Marsden, Senior Chaplain of New South Wales. London, 1858, p. 20.

Digitized by Google

When a ship arrived a general order was issued to ascertain what kind of labor was most wanted, in order that the trades, ages, capacities, and characters of the convicts might be properly regarded in their distribution. A certain number were set aside for the service of the government. Convicts of more than average talents or education were allowed to seek employment for themselves, and so also were persons unused to active labor. But for the most part they were assigned to farmers or domestic service. Of the first or reserve class, it was required that they should work nine hours daily in gangs, under overseers, upon the public buildings, roads, &c.; the rest of the time was their own for amusement or to work for their own profit. Those who were distributed among the settlers had the same privilege. The master had no judicial power over the convict, but was to appeal to a magistrate for a redress of wrongs. When the term of his sentence expired, the convict was at liberty to leave the colony; but if he decided to remain, he was allowed forty acres of government land if unmarried, and an additional quantity for his wife and for each of his children; his tools and stock were also supplied him; and for eighteen months he and his family were victualled from the government stores—and the same allowance was made to such as were pardoned or emancipated by the governor.

At the end of twenty-two years, the whole population did not exceed 10,000, exclusive of the military. Among these the educated, or "gentleman convicts," became the lawyers, editors, and principal merchants and land-holders. By their superior knowledge they acquired an influence, which they used for their own aggrandisement; and we are told that a convict died at Sidney some fifteen years ago, named Samuel Terry, who was transported when quite young, and whose yearly income at the time of his death was $200,000!

It is almost incredible that the British government, until the year 1816, allowed ardent spirits to be a circulating medium or current coin of such a colony. They were actually given in payment for work of every description. It was no uncommon thing for men to sit around a bucket of intoxicating liquor, and

Digitized by Google

drink in quart pots, until they were unable to stir from the spot. The degradation and brutality of the women were, if possible, still deeper and more disgusting.

The result of this hazardous experiment is full of instruction, and it is for this mainly that we have brought it to the notice of our readers.

Most of the convicts availed themselves of the offer of the government, and coming into this new position, their natural energy and enterprise which had been before expended in criminal exploits, were now applied with vigorous earnestness to farm work. In a little while they acquired something valuable, and needed protection for it. This showed them the necessity of laws against violence and depredation. When the cleared enclosure, the neat orchard, the trim garden, and the snug dwelling were found to be among the rewards of industrious and honest habits, a motive was presented which few minds, even among convicts, could resist.

While we would deprecate and oppose any measure which should give the felon an advantage from his crime, we must still maintain that society has an interest in his reformation, which may justify very liberal means to secure it. And we apprehend that it is practicable to put a public offender in a position sufficiently painful and irksome to answer all the purposes of penal suffering, and at the same time supply motives to a better life, which are adapted to his capacities.

The mere dread of a second or third term serves very imperfectly, if at all, to deter most evil-disposed men from crime, and the deterring influence, whatever its value, grows less with every conviction. If there has been no previous hardening process, and the first conviction is followed by a punishment adequate to express the nature and aggravation of the crime, the sufferer at the end of his sentence, ought to be in a state of mind favorable to reforming influences. He ought to be at least as well off in this respect as a Botany Bay convict was when released from the gang. We may imagine such an one coming from the cell which has been his dwelling place for one, three or five years, and presenting himself at the street en-

Digitized by Google

trance of the Eastern State Penitentiary, or the County prison. The Commonwealth, by its officers or citizens meets him, and admitting that his offence against her laws and dignity has been expiated, inquires what he proposes to do with himself? He may reply, that if his offence is really expiated, he supposes he may be restored to his rights as a citizen. By no means. The mark of infamy is upon him, and will be recognized wherever he goes. This is an interminable supplementary punishment which can never be remitted but by Executive interposition, and by that very partially.

Will he go to his family? If not broken up and scattered, they will be likely to give no very cordial welcome to one who has involved them in distress and disgrace, and what credit could he hope to gain among those who were aware of his previous character and position?

Has he a trade? Probably it was the want of one that mainly brought him into idle and thence into criminal courses. And if he has been fortunate enough to be taught one while under sentence, how is he to know how or where to obtain employment in it? What sort of recommendation will come out in answer to the natural inquiry, "Where did you learn your trade, my friend?"

Has he anything to gain (he being judge,) by a change in his manner of life? Is any motive supplied of sufficient strength to direct his first steps beyond the threshold of the prison or penitentiary, into the path of rectitude? Taking the most favorable view of his case, and assuming that the restraint and discipline he has undergone, have had their best influence and he is now to encounter anew, temptations which but a little while since were too strong for him, is there a reasonable probability that he will not relapse into crime? Is there any thing to induce or warrant such a conclusion, except the vague notion that people who have tried a cell-life for a few years will be careful not to expose themselves to a second taste of it? And yet who that has been at all conversant with this unhappy class of men, needs to be told that this is one of the weakest and most unreliable of deterring influences?

Digitized by Google

As the case now stands it cannot be denied, we think, that a Botany Bay convict at the termination of his sentence, with the gift of a homestead and eighteen months' supply for himself and his family, had much more encouragement to betake himself to an honest life than a thief or burglar, who steps from the cell of one of our penitentiaries into the world, with but a suit of clothes and money enough it may be, to take him to the place whence he came. We may not ask anything more or better than this for the *prisoner's sake.* This forlorn and hopeless condition may be but the legitimate consequence of his reckless life. But do not the safety and interest of the community demand that if by any means consistent with justice, he may be made or persuaded to pursue an honest life, they should be tried? Is not a malignant, revengeful, desperate man an enemy so formidable and dangerous, that extraordinary means would be warranted to transform him into a quiet, orderly citizen? As it is now, crime is not sensibly diminished by penal suffering. Re-convictions throughout the country are not reduced in number. Lawlessness, violence and fraud are certainly not on the decrease. May it not be that we leave the offender to himself at the critical moment when our oversight and care would avail most to secure the desired result of his punishment by etablishing him in better ways?

In every group of fifty lawless men there will usually be found from six to ten who are shrewd and capable, possessed of unusual power over others, and who will keep not only the other forty or forty-four busy in executing their nefarious schemes, but two or three times as many, who escape the clutches of the police. So that if we were permitted to see all the operations of roguery along our streets, and in the several theatres of their enterprise, public and private, we should doubtless be surprised at the number who pursue their calling for months and years, without suspicion or molestation, and still more at the number who are the mere dupes and tools of some small knot of knaves.

It is a great mistake, we apprehend, to put all these offenders on a common level, and especially to give them the same reception upon their exit from the penitentiary. The hitherto

Digitized by Google

493905

"misguided energy" of the few who have more than usual capacity for good or evil, should at once have, not only a choice between a continuance of criminal associations and pursuits on the one hand, and industry, honesty and respectability on the other; but motives, approximating in power to those which the old habits of a wild, roving, adventurous life have presented, must be supplied, or a relapse is all but inevitable. When we reflect how large a portion of the free world are kept in an upright position by motives which begin and end in themselves,—how few, in other words, retain their integrity simply by force of principle,—we shall moderate our anticipations of reform in the prison world, and rather wonder that so many escape repeated convictions.

It is to be borne in mind that in any conflict between society and a determined rogue, the latter has the advantage always and everywhere,—except at the gallows. And hence we maintain that the former *for its own safety and advantage*, independent of the deserts of the culprit, may use means to weaken, and if possible change his determination, though their use may and must incidentally work also to his advantage. It is this view which ought to silence the popular objection to the introduction of trades into our prisons, the products of which might come into competition with the products of free labor. It is not the interest of the dishonest prisoner which is sought by such an employment, at the expense of the honest freeman, as the objector supposes. It is that the public (including all honest freemen,) may have one enemy less—one danger less—one nuisance less, as they assuredly will if we succeed in inducing and enabling an idle, viciously disposed man to betake himself permanently to better ways.

And may we not hope that wisdom will yet be imparted to some benevolent mind to devise a plan which governments may consistently and safely adopt for encouraging every honest effort of a convict to reinstate himself in the confidence of his fellow men, without compromising the claims of justice or making the transgressors ways appear otherwise than very hard?

Digitized by Google

CITY POOR—INTERESTING ITEMS OF NUMBER, COST, &c.—NEW PLAN OF SUPPORTING THEM, &c.

We look at the monthly reports of the Guardians of the Poor with much care. Their proceedings affect some of the most important interests of the community. If they are honest, judicious and humane, they may save the city much money, alleviate much distress among the deserving poor, and gradually reduce the applications for relief; while on the other hand, if they are dishonest, they have rare opportunities to accomplish their sinister ends at the indefinite expense of the public. If they lack judgment, they may increase the burden of pauperism while pretending, and perhaps attempting, to lessen it. And if they are inhumanly disposed, they need be at no loss for victims.

At the monthly meeting, December 20th, the population of the Blockley Almshouse, near Philadelphia, was 2,800, of whom 1,262 were women, and 1,538 men. One would suppose the preponderance of sexes would be the other way; but perhaps it may be that the power of endurance and the strength of resolution in women are greater than in men; or still more likely, that the more general prevalence of intemperate and dissolute habits among men reduces a larger proportion of them to abject poverty. It would be an item of valuable information if the guardians would report what proportion of the monthly admissions are of persons who have physical ability to earn a support. It would seem from the monthly return of the Visitors of the Out-door Poor, that but about half of the applicants for admission during the month were approved, viz: 380 out 755. In the nativity of the inmates, there is a very noticeable blank in the newspaper report, only 2,056 of the 2,800 being accounted for, of whom 879 were Irish. Possibly the remaining 644 had no particular birth place.

The rise and progress of the population and expenses of the Alms-house for seventeen years last past are reported, with the exception of 1851 and 52. We observe that in this report, as published in the newspapers, the number in the house in 1857, is

Digitized by Google

2,288, whereas in the monthly return for December, it is stated at 2,846; being a difference of 600 inmates between December and any other month in the year. The number in 1841, was 1,467, and in 1848, it was 1,700; with a steady annual increase since. The expenditure in 1841, was $73,488 or 96¼ cents a week for each pauper; in 1857, the total expenditure was $193,276, or $1.62 4/10 per week for each pauper.

The price of the staple articles of sustenance is also given for the same period, showing that beef was lowest in 1845 and in 1846, ($3 per cwt.,) and highest in 1857, ($7.38;) mutton was lowest ($2.67) in 1842, and highest ($6.45) in 1857; and flour lowest ($4.31 a barrel) in 1851, and highest ($9.05) in 1855. Whether the report gives the actual expense of each pauper, or whether it merely includes the cost of sustenance without the interest on the capital invested, the salaries of officers, &c., we are not able to say, nor whether the average of 23¾ per day includes children. Twenty-three cents and three-fourths a day to each of a family of five persons, two adults and three children, would be $1.18¾—on which many families of that size live comfortably and pay a moderate rent. With house-room, furniture, fuel, clothing, medicine, &c., furnished, it would be a better income than thousands of our industrious laboring men are able to secure. We have the late returns of the poor-houses of sixty-two counties in the State of New York. In several of them the poor are farmed out, but the average weekly expense of forty-six counties that report that item, is eighty-six cents, or a fraction over twelve cents a day. Why so great a difference between them and us?

We cannot entertain a doubt that our pauper tax might be reduced one-third, if not one half, without diminishing the substantial sustenance of those who occasion it. The recent movement in our City Councils may prepare the way for a needed modification of the system. It is proposed to appropriate a specific sum ($179,000 is named,) to the support of the poor of the several wards for 1859; Councils are to elect twenty-four citizens, (one from each ward,) as visitors of the poor; and an association is to be formed in each ward to

Digitized by Google

have the general oversight of the distribution of so much of the general fund as is appropriated to that ward, the visitor being their agent for that purpose. Should such a measure prevail the proportions suggested in the ordinance will probably undergo some modification, and the salaries of visitors will need to be much increased to secure a class of men who are even in the lowest degree competent to such laborious and perplexing duties.

It is never, without painful misgivings, that we advert to the subject of public provision for the poor. In some aspects it seems to be a necessity, but in many others it is a positive, deplorable evil. As an expression of public charity it is more soulless than the distribution of water or gas. If the public had a conscience, an Alms-house might possibly serve the purposes of "a flattering unction," but it really has as little of the spirit of true charity as it has of moral economy to commend it to favor.

Poverty, *as the result of providential reverses or calamities*, should and might find an attentive ear and a generous hand long before public functionaries are called upon to minister to it, and that which is the result of wilful negligence or open vice, should be dealt with, not harshly nor vindictively, but in a very different way and for very different ends. With the former there needs to be a liberal intermingling of warm, individual Christian sympathy; with the latter, there should be closely connected an active disciplinary and reformatory influence. A common receptacle for all grades and classes of paupers is an object of intense and uncontrollable aversion to the former; to the latter, it is quite acceptable as a temporary lodging and feeding place for sloth and shiftlessness.

If uncorrupted Christianity is what it claims to be, (and it makes no claims which it cannot justify,) its resources are abundant for the supply of all "God's poor." In no communion of the Protestant church with which we have ever been acquainted, are the poor neglected in the daily ministrations of charity. It is her glory that she can adapt her offices at once to the relief of temporal wants, and to the exigencies of a moral

Digitized by Google

nature; nay, she makes her ministrations to the former tributary to the improvement and elevation of the latter. When the laborious and successful City Missionary in Boston, the Rev. E. M. P. WELLS, was appointed, fifteen years ago, to care for the poor and wicked, (a simple but godlike commission,) "it became a question of deep interest," he says, in his late Report, "how I could best get in contact with the class of people to whom I was sent; I found that the souls which it was most important I should get at and influence, were placed in bodies, through which bodies only I could get at those souls; and that these souls, being constantly influenced by the senses of those bodies, I must secure the sympathy of the bodies to reach the souls. This was the more necessary, as I found, too, that the worst souls were generally more under the control of the bodies than others were. I found, also, that I could not get the ear, much less the sympathies of those souls, while their bodies, through which alone I could approach them, were suffering for lack of food, shelter, and, especially, from the lack of human sympathy. I, therefore, asked your aid, to enable me thus to relieve and move the soul through the body. This you readily granted—granted hundreds and then thousands, annually, for fifteen years, without my ever making one *individual* application, personally or by letter.

"But I soon perceived that it was very difficult to relieve distress, without, in some cases, encouraging idleness, imposture, and vice. The effort to remedy these difficulties suggested St. Stephen's House. The floating population who could be visited nowhere; the constant new comers among us, who could not at once be known, and the erring ones, who, for a morsel of meat, would sell their birthright to heaven, unless guarded and governed—these could get shelter, plain food, necessary clothing, MORAL DISCIPLINE, and RELIGIOUS ORDER at St. Stephen's House. The wish was to give relief immediately, without waiting a starving day or a freezing night. In my Fourth Report, 1847, I proposed that if any person would give me the rent of a house, as a temporary home for the unsheltered, I would get it furnished and live in it, and make as many comfortable as I could."

Digitized by Google

This was done by the private munificence of two gentlemen, one of whom (Edmund Dwight, Esq.,) died some years since, when the survivor, (Wm. Appleton, Esq.,) assumed the obligation solely.

If it were a set purpose to confound honest, inevitable poverty, such as may overtake the shrewdest and richest,* with that which is the natural offspring of beastly vice or wilful improvidence, it could not be more effectually accomplished than in the present use of our large alms-houses. The evils of our pauper system will grow broader and deeper the longer it is retained; and no mere human power is adequate to overcome them. Christianity, in its divine origin and in its simplest, purest offices, must be recognized as an indispensable auxiliary, if not a chief agent in the work. To those who are borne down and crushed by the stern, though not fortuitous, reverses of life, her gentle influences and holy sympathies will be as cold water to the thirsty, and as the shadow of a great rock to the weary; and on the other hand, a rigid requisition should be made upon every muscle and sinew of the idle and vicious poor, and the product of their labor should be the measure of their fare.

Whether the plan just suggested will in any degree meet the positions here taken, we are not prepared to say. If they do not, they will only

"Change the place but keep the pain."

* In Mr. Wells' Report, he says, "I have been obliged, this fall, to help many suffering Americans, of good, regular families. Several of them "Boston Boys," of respectable families, good characters, and correct habits. A case has just occurred in point. A very decent young man called to beg for a place to work. Born in Boston; of respectable parents; an orthodox family; brought up at our schools; most excellent character and habits; he learned his trade with one of our most respectable mechanics; and now, with a wife and two children, he has been out of work till he has parted with everything, and there is nothing left in his house to satisfy hunger, but about four pounds of flour. It went to my heart when he said, 'If it were not for my wife and children, I could starve or freeze; but I cannot bear to have them cold or hungry.' Dear brethren in human want and Christian good will, see to it that your children inherit from you true Christian charity, and God will give them the means of practising it.

Digitized by Google

A CASE IN POINT.

In a previous article in this number of our Journal, we have referred to the multiplied difficulties which surround almost every convict, when his sentence has been worked out, and he finds himself again in the busy haunts of men. Since that article was prepared for the press, we have seen a striking illustration of the doctrine there laid down.

A young man in fine health, with a robust frame, a good share of mother wit, and without any of the sullen, stupid, perverse obstinacy which marks and degrades not a few of his class, occupies a cell in one of our county prisons, under a year's sentence, two months of which have already elapsed. He once had a happy though humble home in a district of Philadelphia, where he was born less than twenty-one years ago. When he was a little over seven, he lost his father; but his home was still happy, and, as he says, "nothing could have coaxed him from it." But his mother married a second time, and then he left and "nothing could have coaxed him back to it." Thus thrown upon the world, a bright, active, good-natured boy, he was found by an accomplished rogue and taken to New York, and placed in a house, kept by an infamous woman, the resort of thieves and prostitutes. Here he lived till he was old enough to engage in petty depredations to which he was regularly trained.

He was too young to venture abroad, but from the first day of his residence in New York, he was accustomed to steal any thing he could lay his hands on, by the sale of which he could get money,—no matter how little. Before he was sixteen, he was posted up in all the slang of his craft, was familiar with all the dodges of police officers, and was so clearly a candidate for a career of crime, that his picture was sought to adorn the Police office gallery, and because he would not sit for it, they managed to get him into the Tombs, where he remained long enough to take a degree or two higher in the art and mystery of pocket-picking. After leaving the Tombs, he became a more active partner in marauding expeditions.

Digitized by Google

His principal was a most adroit hand at this business. They both dressed like gentlemen, as their means were abundant. The avails of prostitution and plunder constituted a common fund, and were deposited with the woman who kept the boarding-house, which was their general rendezvous. There were two or three establishments, not pawn-brokers, where pocket-books, watches, and all sorts of stolen goods, would always command a price, and where they were retained, until no farther search was likely to be made for them. Out of the fund thus accumulated, the expenses of the concern were defrayed, and the out-of-door agents well clothed and fed.

Our young adventurer's first exploit was the abstraction of a valuable watch and chain from the cabin of a schooner lying in the East River. It was successful. The article was worth at least $125, but he was satisfied with $50. Several equally fortunate hits brought him into a more conspicuous position, and he was now a travelling pick-pocket. Frequent expeditions from New York to Philadelphia, and thence to Baltimore, and now and then an Eastern or Northern trip gave a pleasant variety to his life. Speaking of his teacher and trainer, whom he accompanied in these excursions, he said very flippantly:—"He operated upon the person," (meaning that he committed the theft,) "and I operated upon the property," (that is, stood by to receive the plunder.) They of course appeared as entire strangers to each other, never exchanging the slightest tokens of recognition.

For four years and more was this apprenticeship in crime faithfully served and detection avoided. At length it was his "ill fortune," as he said, to come on to Philadelphia, in company with two loose girls, (part of the New York gang, and particularly skillful in shop-lifting.) They tried their hand upon a shop in Eighth street, and were "nabbed." His connection with them was soon traced and led to his arrest. The two girls had some money, and contrived to slip out of the hands of justice, at the very low figure of ten dollars each, and the young man was promised the like favor on the same terms, but as he could not raise the fee at once, his case went beyond

Digitized by Google

the reach of such cheap compromise, and after two months of "inglorious ease," waiting for his trial, he was convicted and sentenced for one year. He stated, that the two girls being liberated here, pursued their business until they were again arrested, and were now serving a sentence,—one in Sing Sing, and the other on Blackwell's Island. One of his male confederates was also serving out a sentence at Albany, and perhaps two of them.

In conversation with this young convict, he deeply deplored his ignorance of a trade. He had already learned to weave while in his cell, but he could not expect to obtain a livelihood by this business, even if he were disposed to follow it. He admitted that he had fallen into licentious habits, which in such a house as he called his home, could scarcely have been avoided. To the inquiry, What could you do for yourself were you to receive a pardon to-day? He frankly replied, "I'm sure I don't know." In the course of our interview, he positively and with much spirit declared, that "he never would work for a dollar a day, come what might; and as for starving, nobody would stand that. Money to keep soul and body together a fellow must have, and if he can't get it honestly, he must do the next best thing—steal it." We asked him whether a dollar a day honestly though laboriously earned, would not give him more real satisfaction than ten or one hundred obtained by theft or robbery? He seemed to think that he would prefer the lawless life with all its risks, to the drudgery of labor at a dollar a day, and more than that he supposed he could not get, unless he had a trade.

The case we have thus briefly stated is a representative one. In all substantial features (such as destitution of a trade—aversion to the life of a day-laborer, fondness for the adventurous though perilous life of a rogue, and a strange attachment to confederates,)—hundreds and probably thousands are this day registered on our penitentiary receiving books, who would closely resemble it. The only answer they can make to the question, What will you do for a living when you go out? is in three monosyllables, "STEAL or STARVE."

Digitized by Google

We do not hesitate to say that, taking the country through, crime is engendered rather than repressed, increased rather than diminished, by the present mode of dealing with it. So far as our gaols and penitentiaries serve to deprive lawless men and women, temporarily, of the opportunity to depredate upon the property, or put in jeopardy the lives and limbs of peaceable citizens, they are certainly useful. But may not even this end, desirable as it is, be gained at too great a sacrifice? If by shutting a man up as a clumsy thief, we prepare him to come out at the end of a year or two an accomplished and desperate burglar; or if by a palpable abuse of the forms of law, justice is made to pander to private resentment and official cupidity, it may well be questioned whether the game is not a very losing one for the country to play. If this young culprit, whose case we have summarily stated, could be set to work under a modified form of imprisonment, resembling somewhat the probationary stage in the intermediate system now adopted in the Irish prisons, until he could acquire some means of supporting himself, as well as some power of self-control, the temptations to return to criminal courses and companions would be greatly lessened. And we cannot abandon the hope, that an active and unwearied philanthropy (eschewing all utopian and sentimental vagaries,) will yet discover some mode of disposing of our discharged convicts which will be before them during the whole period of their sentence, as a stimulus to the adoption of better principles and habits, and affording some hope of re-instating themselves in the confidence and respect of their fellow-citizens, which they have forfeited—possibly in a moment of extraordinary temptation.

In the expression of these views, we have had in mind only the few prisons whose construction and discipline are on the separate principle. In all others the work of deterioration must go on in the great body of prisoners, let their prospects at their release be what they may. The individual association to which they are subjected, necessarily reduces them to a common level of degradation; so that whatever self-respect they may retain up to the hour of their reception into the prison,

Digitized by Google

will soon be lost in the consciousness of such ignominious companionship.

We believe the officers of such prisons do not generally count upon the reformation of a convict, as among the ends to be attained. Many of them do not hesitate to avow their unbelief in any such result. They expect, as a matter of course, that the prisoner will resume his occupation, though perhaps in a different form, shifting his companions and leaving pocket-picking to take up horse-stealing, or exchanging robbery for burglary, or counterfeiting for forging. It is to our separate prisons we must look for the legitimate results of an enlightened system of discipline; and when our county gaols are all conducted on this principle, and we have fallen upon the true method of dealing with discharged convicts, we shall reach an epoch in the annals of philanthropy that successive generations will gratefully celebrate.

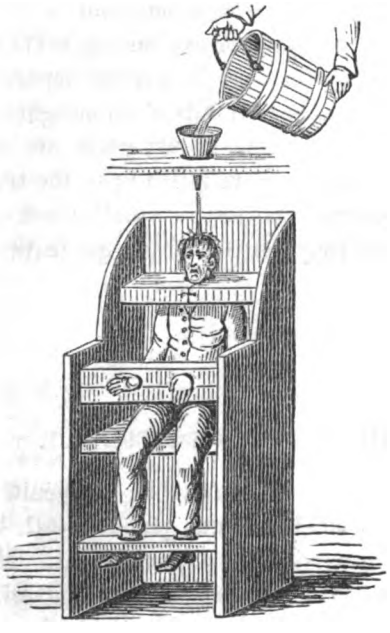
FATAL EFFECTS OF THE DOUCHE ON A CONVICT.

On the 2d of December, a colored convict in the penitentiary at Auburn, by the name of More, was put to death by the use of the *douche* or water-jet, as a punishment. His alleged offence was a fit of bad humor, accompanied with threats of violence. His aversion to this mode of punishment was very strong, and the first attempt to inflict it was unsuccessful, as the offender broke from the several keepers who had seized him, and betook himself to his proper place in the work-shop. Here he was again seized, and after a severe struggle, was confined to the chair or cage, his legs and arms pinioned, and his neck enclosed in a collar. Thus fixed as if in a vice the valve is opened, and a stream descends in a steady current upon the head of the victim. In the present case it is said, that at least three barrels of water, at a temperature of thirty-two degrees, were emptied upon More in the space of half an hour, and that upon his release

Digitized by Google

he fell upon the floor, was removed to his cell and expired in five minutes.

The use of this punishment has been the subject of much discussion, and has often been alluded to in our Journal. The mode of administering it has varied in different prisons. In some it was a simple shower-bath, the water being poured from a bucket elevated two or three feet above the head, as represented in the accompanying rough sketch. In others, the machinery has been more complicated, and the severity and dangers of the process greatly increased. The Report of the Auburn Prison, dated Jan. 4, 1844, states that the shower bath had been abandoned, as it could not be efficiently administered without danger. The Warden of the State Prison of Vermont, in his Report for 1843, refers to the erection of an apparatus for punishing with cold water, on the plan of the Auburn Prison. The Nineteenth Report of the (Boston) Prison Discipline Society, (p. 48,) referring to this fact, says: "If the Superintendent means that a shower-bath like the one used at Auburn, which has been abandoned there, has been constructed and used in Vermont, we have no doubt it should be abandoned in Vermont. It was a *bolt*-bath instead of a shower-bath, capable of having a solid column of water, extended in length, enlarged in size, let down upon the top of a man's head, secured in one position. This was abandoned at Auburn as injurious to health, and will be, we doubt not, in Vermont, if this is the construction. It may be made, if it is not, an instrument of torture, and a most dangerous one."



Digitized by Google

The physician of the Auburn Prison, December, 1848, expressed the opinion, that to confine a convict in the stocks, tight and firm, with his head thrown back, and then "douche the water upon him, is decidedly more dangerous and cruel than the 'cat.' The muscles involuntarily shrink from the application of cold—but here they must bear the shock in all its severity. The first effect is, strangulation to a most painful degree. The next is, aberration of mind, convulsions, congestion of the brain, liver and bowels. The blood receding from the surface is thrown suddenly and violently upon these organs, and the above result is inevitable."*

Emphatic as is the testimony from these and many other equally authoritative sources, to the extreme hazard attending this punishment, it seems to have had no weight with the authorities at Auburn. All the circumstances combined to make it specially hazardous to the convict in the present case. It is one of the peculiarities of his race to shrink from such an application. His extreme aversion to it naturally increased the severity, and still more sensitive would the previous exciting struggle make him to the shock—and then so great a quantity, and the flow continued for so long a period, would seem altogether to render it a deliberate sacrifice of life.

It is one of the cardinal advantages of the separate discipline, that it can afford to dispense with all resorts to violence for the proper subjection of prisoners. It does not indeed preclude abuses, but the individual in seclusion, which is the condition of every prisoner, may be quietly transferred from a well-lighted and comfortably furnished apartment to one with but little, if any light, and no furniture. Liberal rations three times a day may be exchanged for a scanty supply of bread and water; and healthful employment for tedious and all but intolerable idleness. All this can be done in a separate prison without any excitement of passion on either side; and we have yet to hear of the first case in which such a mode of treatment, seasonably adopted, and judi-

* Report of Prison Association of New York, 1849, p. 329.

Digitized by Google

ciously and perseveringly conducted, has failed to subdue the most obdurate and refractory convict. It takes more time, (time being money,) and most of our prisons being administered with a view to *income*, the more expeditious methods of yoking, bucking, crowning, pulleying and ducking, will probably be continued; and if a life is now and then sacrificed, what is that compared with a balance of a couple of thousands of dollars to the credit of the prison and of the political party that controls the appointments?*

QUARTERLY REPORT OF THE TRANSACTIONS OF THE "PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS," WITH LIST OF OFFICERS, &c.

A recent effort to increase the number of contributors to this ancient association, has awakened some inquiry as to its organization and objects. With no external machinery to excite curiosity, or public meetings to draw attention to its existence or doings, it is not surprising that its claims to the sympathy and co-operation of our citizens should have been so generally overlooked. Perhaps if it had more faithfully discharged its functions, those claims would have been more readily recognized. In the early years of its history there were occasions for its active and conspicuous agency, which now rarely occur; but it has a work to do, TO-DAY, which may properly enlist the hearty good will and concurrence of all our citizens; and which, if well done, would repay a hundredfold all its cost.

The title of the Society expresses its design. Its members are elected, and the annual contribution is $2. Its sphere of labor extends to any part of the country where there are prison miseries to be alleviated. Its limited funds are appropriated to the diffusion of information on the principles and results of prison discipline and various cognate subjects, and in supplying

* The Inspectors have since interdicted the further use of this punishment in any of the prisons.

Digitized by Google

the urgent wants of discharged prisoners until they can reach their friends or obtain means to keep them from starvation or crime. The executive power of the Society resides in the Acting Committee, elected annually. This committee is subdivided into two Visiting Committees; one of twenty-two members to visit the Eastern State Penitentiary, and the other, of thirteen members, to visit the County Prison. This department of the Society's labors involves much self-sacrifice on the part of those who give themselves to it. It is obvious that a *thorough* performance of the duty must require much time, and a *judicious* performance of it must require much discrimination and knowledge of character. An interview of from fifteen to thirty minutes with each prisoner seems to be the least that would answer any useful purpose, and from six to ten in an afternoon would be as many visits as one would have ability to pay; so that if no prisoner were seen oftener than once a week, it is easy to perceive that six hundred would demand a large corps of visitors and a minute subdivision of duty.

It is chiefly the difficulty of obtaining the voluntary services of persons competent to discharge a duty of this kind, that has prevented a much more thorough and systematic attention to it. There are periods in the life of a convict under sentence, when the visit of a judicious person is of especial service; such as, first, soon after his admission, when the past, the present and the future of his life seem to present themselves at one view, and with peculiar interest; second, when he is sick in body or mind, or oppressed with a sense of his degraded, and (as he may think,) hopeless condition; and, third, when he is about to be discharged, and to encounter again the temptations which have so often overcome him. To suit a word of counsel and encouragement to the various tempers and characters that are collected in one of our metropolitan prisons at these crises, or indeed any other period of their confinement, is not an easy task, nor is the ability to do it an ordinary accomplishment. If it were not for the fear of discouraging those who have substantial qualifications for such a duty, which a little practice would perfect, we might venture to describe some of the attributes

Digitized by Google

of a good PRISON VISITOR, and some of the defects which are observable in their services. It is much more agreeable, however, to acknowledge the debt of gratitude which is due to those who, with much self-denial and pains-taking, now perform this onerous duty.

The reports of the Visiting Committee to the *Eastern State Penitentiary* speak well for its administration. The convicts are in remarkably good health—are generally supplied with suitable work, and are making satisfactory progress in learning to read and write.

One of the committee refers to the case of a man, whom he was accustomed to visit as a convict. He was formerly intemperate, but is now sober and very respectably dressed—is employed in a reputable and lucrative business, and speaks in very grateful terms of the treatment he received while in prison. During one quarter, sixty discharges took place by expiration of sentence, and several of these prisoners were supplied with clothing, and efforts made to obtain employment for those who could not otherwise obtain it.

From the *County Prison* also, interesting reports have been received, showing that the institution is generally in a prosperous condition.

The agent reports, under date of September 27, that the case of a magistrate, who is alleged to be addicted to intemperate habits, and to have actually officiated while in a state of intoxication, is about to be investigated. He also makes a return of three hundred and eighty-six prisoners, whose discharge he had been instrumental in securing during the preceding quarter, most of whom were committed on trivial grounds; and he very properly asks public attention to an abuse which he represents as still very common, viz: the committing of persons to prison from mere mercenary motives. Of those discharged at the solicitation of the agent, more than one-third were committed on a charge of assault and battery.

We subjoin the names of the officers of the Society and of the "Acting Committee," and "Visiting Committees," as at present organized.

Digitized by Google

President, James J. Barclay. *Vice-Presidents*, Townsend Sharpless,† Dr. William Shippen.‡ *Treasurer*, Edward H. Bonsall.† *Secretaries*, Wm. Parker Foulke, Edward Townsend.† *Counsellors*, Henry J. Williams, N. B. Browne.

*Members of the Acting Committee.**

Charles Ellis,‡ William S. Perot,‡ Thomas Latimer,‡ John M. Wetherill,‡ John J. Lytle,† Joshua T. Jeanes,† Wm. U. Ditzler,‡ Samuel Caley,† Benjamin H. Pitfield,‡ Abram C. Brown,† John Horton,‡ Isaac Barton,† Richard Williams,† Oliver Evans,‡ William L. Edwards,† James E. Kaighn,† Geo. Elkinton,† Charles Robb,‡ Henry H. Kelley,‡ Alfred H. Love,† Julius Theinhardt,† Jeremiah Willets,† Marshall Atmore,† Wm. H. Barr,† D. Shepard Holman,† Nathan Smedley† Owen Jones,† William H. Pearson,‡ Jacob T. Bunting,‡ Thomas T. Miles,‡ William Y. McAllister,† Frederick A. Packard.

THE RICH AND THE POOR.

POVERTY and its causes and the methods of relieving it have often been subjects of discussion in these pages. We had intended in this number to offer some comments on the 15th report of the New York Association, which is a singularly interesting and instructive document; but our space is too limited. We therefore content ourselves with three recommendations, an observance of which will relieve the wants of the poor to the extent of at least one half, and that, too, the half most worthy of relief.

1. We recommend to all who owe the poor anything to pay up. There are bills for washing and ironing, some of them very trifling perhaps to the debtor, but of great consequence in paying a month's room rent, or for a bushel or two of coal. Servants' wages are sometimes months in arrear, and perhaps

* Those marked † are on the Visiting Committee of the Eastern State Penitentiary, and those marked ‡ are on the Visiting Committee of the County Prison.

Digitized by Google

depended on by a poor mother, who must resort to many expensive shifts to get along without it. Let every man or woman that honestly owes a poor man or woman anything, pay it at once, and with interest too, if its only a sixpence. Even if it should cost the sacrifice of a segar or two, cr of an oyster supper, or the delay to buy a new article of apparel or ornament—pay the debt! Don't wait for the party to call again. Send it or take it, and express your regret that it was not paid before. So firm is our conviction that poverty is often a result of injustice in the payment of honest dues, that we should not fear to take the support of half the decent poor of Philadelphia on our own shoulders, if what is honestly due to them and withheld from the thoughtlessness, forgetfulness or dishonesty of their debtors could be put in our hands.

2. We recommend it to all persons who have any work to do, or who can make work suitable for the various classes who are chiefly without employment, and therefore without food, to employ them forthwith and pay them, promptly, a generous price. If a poor fellow will consent to saw and split a cord of hickory-wood for fifty or seventy-five cents, and does the job neatly and well, pay him a dollar and let the extra quarter sweeten his frugal supper. (Of course we have reference in these recommendations to honest and temperate persons who will not abuse and pervert what is done for them.) Your washwoman may agree to take fifty cents a dozen, but if she has to drag the bag home and the basket back to you, sometimes in pinching cold, and with scarcity of clothing, give her a quarter, now and then, to pay for her wearisome tramp, or a cap, or a pair of shoes to her little boy that shares her burdens. It will be better charity than a sixpence given to a lazy street-beggar, who will turn it into whiskey, or lager beer at the next corner.

3. Deny all applications for charity of the merits of which you have no knowledge, except that which you get from the solicitor. Nine-tenths of the honest, deserving poor can have relief from means already in existence. All regular attendants on Protestant places of worship may obtain needful relief without seeking it

Digitized by Google

outside of the congregation. There are scores of charitable and provident institutions, which care for different classes of persons in which national or religious or social claims to relief are promptly recognised. Then come a long succession of associations more or less general in their character, of which the Union Benevolent Society may be considered the leader, and whose province it is to search out and relieve specific cases of want and distress. And over and above all this, is the unseen but ceaseless and abundant flow of private charity most blessed when mingled with the *personal* kindness and sympathy of the giver.

After the legitimate work of these various organizations is done according to their means and opportunity, the cases of suffering from inevitable poverty will be reduced to a very low figure. Street begging will come to a full end, except where it is pursued with a view to depredation or mischief. The depraved and incorrigible poor will be obliged to resort to the almshouse or the station house, and then we shall have a fair chance to put them in the way of earning whatever it costs to keep them. We have our choice whether to exhibit them in rags and wretchedness and loathsome degradation, on the sidewalks and door-steps of our city, to impose upon mistaking charity, or to furnish them with comfortable food, apparel and care, in exchange for what a good House of Correction would get out of them in the way of healthful exercise.

To put all into brief form—

1. Pay all your honest debts,—ESPECIALLY THOSE DUE TO THE POOR.

2. Encourage and reward industry, and if needful, find or make employment for it.

3. Discountenance idleness, intemperance and street-begging by withholding money from those whom you do not KNOW to be deserving objects of charity.

Digitized by Google

HOW THE CELESTIALS DEAL WITH ROGUES.

There is a punishment common in China which is called the Cangue. It is very much like the old-fashioned pillory, with this difference, however, that with us the delinquent endured it but for a few hours on a fixed spot, whereas, in China, a malefactor is often condemned to carry his pillory about with him for months or years. In aggravated cases a criminal is pilloried not only by the neck, but also by one hand, or even by both. In this latter case he is unable to carry his hand to his mouth, and must speedily perish by famine, but for the compassion of the public or the prompt interference of his friends, who are allowed to ameliorate his condition in any way they choose, short of releasing him from his horrible harness. A thief is made to undergo this punishment for three months. For slander, fraud, malversation and rioting, the sentence is but for a few weeks; and fraudulent debtors are sometimes seen who have to carry their burden until they have liquidated their debts. When a criminal is harnessed with this weight of infamy, it is always in presence of the judge, who affixes his seal to the cangue in such a manner that an attempt at release would destroy it. At the same time, the sentence, with the name of the criminal, the crime he has committed, and the duration of his punishment are inscribed in legible characters upon a tablet nailed to the back of the head-board. It is plain that a poor wretch thus dealt with and turned adrift would soon perish if left to total neglect, but in fact his class are generally ready to take him in hand, and they not only contrive that he shall sleep when he needs repose, and that all his wants shall be supplied, but they will relieve him from the burden of the heavy weight he carries by submitting their own shoulders to the load. When the time of his penance has elapsed, the sufferer can only be

Digitized by Google

relieved in presence of the judge who has inflicted the chastisement—who generally consummates it by "a thrashing" with a bamboo rod, and an exhortation to behave better for the future!

CIVILIZED BARBARITY.

The New York dailies of December 14, recorded a (supposed) mortal assault upon a police officer by two notorious characters, who were arrested some four years since for murdering a colored man in Church street, but were never brought to trial; also, the stabbing of three men, all very dangerously, and the stabbing of a woman, who was found lying on the side-walk. A daily return of five or six murders or deadly assaults seems to excite very little attention. A short time previously a respectable young woman, pursuing a proper avocation, was seized by a gang of half-grown men, and most shamefully and cruelly outraged; and more recently, a school girl on her way from school, was pursued by a brute in human form, and grossly insulted.

Again, December 27, a record is given of a young sailor, just returned from a long voyage, whose parents reside in Vermont, and were looking eagerly for his return, who was cruelly murdered in a bawdy-house. He and a noted rowdy fell into a quarrel about the possession of a vile prostitute, and the sailor being likely to prevail in a fair fight, his brutal antagonist drew a knife and foully murdered him. Also, of a colored boy stabbed in five different places, by a white man. Also, of a man stabbed in an affray with a party of Italians. Also, of a man who received a stab in the back (believed to be mortal) from the hand of an unknown assassin.

Perhaps a more terrific idea of the prevalence of these ferocious and bloody deeds could not be given, than is suggested by the fact, that the victims are noticed as a SEPARATE CLASS of the community—one of the New York dailies having a paragraph headed

"CONDITION OF THE STABBED."

not unlike a list of the killed and wounded after a decisive struggle on a field of battle!

Digitized by Google

Brief Notices.

Ill-advised Leniency.—We have often taken occasion to animadvert upon the improvident and pernicious use of the pardoning power; and if the extent and effects of the evil were once fairly understood by the public, we are confident some efficient corrective would be applied. A Baltimore paper refers to a recent case, in terms which we can heartily endorse. We do not know the merits of the particular case to which reference is made, but there are parallels in abundance. "The pernicious influence of the system by which condemned men are turned into objects almost of public affection, and their convict experience emblazoned with shining virtues and fine feelings which their previous life had totally failed to exhibit, has been too often exhibited not to have awakened public attention. The case of the murderer Barrett, whose sentence has recently been commuted by the President, is one in point. There was nothing in the previous life of this man, nor in the wanton murder of which he was convicted, that entitled him to mercy. He was notorious in the annals of outlawry in this city, from whence he fled to escape punishment on indictments still recorded against him. He is believed to have been with the party who murdered officer Jordan, (a murder, we may remark by the way, which, if punished as it ought to have been, might have saved the lives of officers Benton and Rigdon,) and in Washington he committed a murder that was entirely unprovoked, and certainly not the less detestable that it was done in the mere wantonness of ruffian brutality. Yet this man was made the subject of that false sympathy to which we object; his sufferings were eloquently described, his repentance magnified, the despair of his friends, and the sorrowful complainings of his family ostentatiously paraded, the public has been prepared to learn and almost applaud the misguided clemency of the President, which saved his life, and some few years hence will probably open the prison doors and set him free. Every such case is a positive wrong to public justice and a hurt to public security."

In the same connection we may refer to a recent case in New York, which is thus stated and commented upon in the public prints:—*More Mockery of Justice.*—Joseph Jackson, convicted and sentenced only last year, in Brooklyn, to ten years' imprisonment, for one of the most atrocious outrages upon chastity which have shocked the public sensibilities, was last week pardoned, in the beginning of his confinement, by Governor King—in consequence, the papers say, of the unceasing exertions of his wife! The hellish rape of Theresa Spitzlein, aggravated to the extent of

Digitized by Google

murder, met with scarce a shadow of retribution, and if our recollection is not at fault, the hard-hearted quality of executive 'mercy' was in this case also interposed to rob the multitude of helpless females in our city of the little protection the law affords them. No wonder that this demoniacal crime is becoming a prime favorite with the beasts of Belial in our Five Points kennels, when it finds such particular favor with our judges and governors."

Interesting Educational Inquiries.—The Commissioners of Education in England are now engaged in obtaining information concerning the condition, methods and results of the various grades of schools.

Among the various topics to which their attention is directed, the following are not the least interesting:

As to Factory Schools, their condition and efficiency, and whether in the instruction which they give they comply substantially or nominally with the terms of the law; also, whether children destined to factory employments are often left uneducated until they attain the age of eight years, because at that age they must go to school, and whether there are any means by which this can be remedied.

As to Sunday-schools, to what extent they are connected with religious denominations, or whether they are usually independent of them; and how far they are attended by mere children; and how far they serve to keep up the education already acquired in day-schools.

With regard to the intellectual results of education, the Commissioners are to inquire of the employers of labor as to the relative value of educated and uneducated workmen and workwomen as such; to collect trustworthy evidence as to the general level of intellectual power amongst the class in question, always bearing in mind the fact, that talent and force of understanding, though powerfully affected by the acquisition of knowledge, differ from it fundamentally. They are to endeavor to find out whether men and women who have received a good school education make use of it afterwards, and if so, how, or whether they forget what they have learned; whether those who have received a good education themselves value it more than others for their children. In this point of view, inquiry into evening schools for adults would form a most important feature in their investigations. The statistics of reading-rooms, lectures, &c., might also be usefully combined with the sources of information enumerated above. The character of the books read or the information given there, is as important a matter of investigation as the fact that books are read and that information is given.

They are also to endeavor to ascertain how far the extension of popular education has favored the spread of taste; whether it produces an extended demand for music, singing, drawing, and other accomplishments of the same kind.

Digitized by Google

These inquiries, and their results, are too closely connected with the diminution of poverty and crime and the general moral health and social advancement of a community, not to be of deep interest to legislatures, magistrates, and political economists. We would hail such investigations in our own country, if they could be fairly and intelligently made, and on reliable authority, as of inestimable value. Shall we ever have them?

Gaol Birds Flown.—We continue to hear of large gaol deliveries, without the intervention of law officers. Two desperate villains made their escape from Berks County Gaol by means of leaden keys, which one of them (who is a lock-smith by trade) succeeded in making. They unlocked the door leading into the dwelling part, occupied by Sheriff Ely, and from thence into the street. One of the officers missed them within a few minutes, and a large party started in pursuit, with lanterns, tracking them over the snow into a dense thicket, where all traces of the fugitives were lost.

Fifteen prisoners escaped from the Monroe County Gaol, Rochester, N. Y., December 15th, by sawing through five iron bars of their cell-window, with a saw made of a watch spring. They lowered themselves from the window and effected their escape by a boat or swimming the Genesee river, in which, it is supposed, some of them were drowned. Among those who escaped was Locke, the murderer, who has since been recaptured. He managed to communicate with his family, and made various appointments with them! We cannot blame prisoners for availing themselves of opportunities to indulge their social sympathies, which the officers of the government are kind or careless enough to afford.

A man, charged with breaking out of the Chester County Gaol, (Pa.,) was arrested (Dec. 1) in Burlington county, N. J., and would probably have escaped if the officers had not shown a detaining weapon. He is supposed to have been concerned in a murderous affray on one of the Gloucester ferry boats, some months since.

Some time ago a desperate burglar was tried and convicted in West Chester county, N. Y., and received a five years' sentence to Sing Sing, but while confined in the gaol at White Plains, awaiting his removal, he broke gaol and escaped to New York, where he has managed to elude arrest until a few days since. Better see to the fastenings of the White Plains Gaol, or to the man that has the care of them.

A Cage of Unclean Birds.—We have frequent occasion to learn incidentally, some of the important aids for criminal training which our county prisons afford to men, women, and children, who incline to try that mode of life. Sometimes persons are put in gaol in order that they may be forthcoming as witnesses when required. No one accuses them

Digitized by Google

of crime; but that they may be able to judge favorably of the attractions and prospects of a rogue's life, they are put in constant communication with them, and it is not the fault of the authorities of the county if they fail to be converted from witnesses on the stand into defendants in the dock. Young persons are mixed with older ones, that whatever shame or timidity cleaves to their unhackneyed and beardless age, may be worn off by intimacy with those who have run the gauntlet, and can prove to them that the bolder the crime the safer the perpetrator. Then parties charged with crimes, varying in grade from petty larceny to rape and murder, are thrown into mutual council and are able soon to find a common level.

We just now received the report of the inmates of a gaol in one of our most thriving and respectable counties—one was a witness in a case of horse-stealing; a man and his wife were there on a charge of stealing a feather bed; two were in for stealing half a gallon of whiskey; one for selling liquor without a license; one, a lad, on a charge of larceny; and last, though not least, a convict for manslaughter, who was under sentence for two years and six months, and was awaiting his removal to the Eastern State Penitentiary. These eight persons were together for several weeks—day after day—without any occupation, and allowed (may we not say forced?) to beguile the time by an interchange of views and experiences in the last degree corrupt and corrupting, and all this at public expense, and under the pretence of protecting and purifying society!

Foreign Paupers.—Dr. Russ, of New York, has recently called public attention to a Report of the "Ten Governors," which shows that of 44,085 receiving public charity, not including tenants of prisons and nurseries, 36,407 were of foreign birth, leaving only 7,678 natives of the country. He urges the adoption of the plan long pursued in Massachusetts, of charging the support of foreign paupers to the State. We know it was formerly the practice in that State for towns to charge to the Commonwealth the support of all paupers not having a known residence within the State. The practice came to be much abused, however, and in some cases the general treasury was taxed for a large share of the whole expense of pauperism in the town. To remedy such abuses, but chiefly to secure a more economical distribution of charity, and if possible some remuneration from the labor of the paupers, two or three farms were purchased, to which they were all removed, classified and employed; and it is believed that the State has profited very largely by the change. Reports of these establishments have frequently been alluded to in the pages of our Journal.

Dr. Russ doubts whether even the State should be burdened with so large a tax, simply because its location on the coast exposes it to the first influx of foreigners. The emigration is to the country—whatever bene-

Digitized by Google

fits it confers are general, and whatever burdens it imposes should be equally so. Hence he argues that the charge should be to the general government.

A Month's Work.—Twenty-two hundred and twenty-eight arrests, were made by the police of Philadelphia during the month of November; four-fifths of which were for intoxication or disorderly conduct. During the same period the laudable efforts to suppress street-begging were successful in the case of 33 children; 23 of whom were sent to the House of Refuge, and 10 to the Northern Home for Friendless Children. We cannot too heartily commend this healthful process for the relief of the city from one of its most pestiferous nuisances. We hope it will go on till every child under fifteen years of age, who has no better school or home than the street, will be furnished with one in the Refuge or in some kindred institution suited to their age and condition.

The statistics of the County Prison for the month, show 1,436 commitments. Of this number, 997 were white men, 307 white women, 80 colored men, and 52 colored women. The causes of commitment were as follows: assault and battery, 462; burglary, 14; concealing death of children, 2; disorderlies, 425; defrauding, 12; intoxication, 257; passing counterfeit notes, 9; receiving stolen goods, 4; riot 10; robbery, 4; stealing, 136; vagrancy, 255; passing counterfeit coin, 5; malicious mischief, 15; murder, 3; wife desertion, 6; disorderly house, 3; adultery, 1. The discharges during the month were 1,426. The number of prisoners remaining December 1, was 774.

Singular Comment on a Life Sentence.—At the December term of the New York General Sessions, Recorder Barnard on the bench, James Larkin was brought up for sentence. He had been indicted for wilful murder; and on the advice of his counsel had entered a plea of guilty of manslaughter in the first degree. The defendant deliberately and without the slightest provocation, drew a pistol and shot his victim. He then absconded, and was arrested in Rhode Island and brought back to the city. Not a mitigating circumstance was shown; and the Recorder speaks of his offence as a "murder," and alludes to the necessity of inflicting the severest punishment where no palliation or excuse exists; and "in the present case," he says it was a deliberate exhibition of a wicked spirit, with an utter disregard of consequences. With these views the judge sentenced him to Sing Sing for the term of his natural life. But strange to say, he immediately added, that this was better for him than a sentence for a term of years, inasmuch as "for the last forty years, executive clemency has rarely been exercised in cases where the punishment was only for a term of years, while in all but one instance, where the prisoner was sent for life, the clemency of the governor had been successfully appealed to!"

Digitized by Google

Penal Laws Increased in Severity.—It is not strange that the apparent inefficiency of existing laws to repress or punish crime, should lead some to propose more severe penalties. We are not prepared to say that such a measure, discriminately adopted, might not be useful. We think, however, that the grand defect lies in another direction, and is to be reached by a different process. The Legislature of Georgia is now endeavoring to extend the death penalty to other crimes than murder and arson. Two bills have been introduced, with a view to make both night burglary and robbery by force, capital offences; but each has failed in the Senate. They have, however, been amended so as to make the punishment twenty years in the penitentiary, at the discretion of the Court.

A Well-to-do Street-Beggar.—For the benefit of those kind-hearted ladies and gentlemen who give ear to the whining appeals of the street-beggars, we chronicle the case of a sturdy Irishman, who was lately arrested under the name of Matthew Daily, on the charge of being a "professional beggar." It is said, that on the way to the Station-house he offered the officer two dollars and a half, to release him. Upon afterwards being searched twenty dollars were found upon his person. It was subsequently ascertained, that he owns the premises in which he resides, a three-story brick house, in Coombs' alley; altogether he is worth more money, perhaps, than nine-tenths of the people who give alms to street-beggars!

Desirable Winter Quarters.—A man was arrested a few days since at the Falls of the Schuylkill, while he was trading away a pair of new boots, which he had stolen, for a supply of whiskey. He was quite pleased with the call of the officer, and cheerfully accompanied him to the Station-house, saying, that the appropriations to the Alms-house were so niggardly, that he preferred the fare at Moyamensing; and so, instead of applying to the former institution for lodgings without labor, as a favor, he concluded to turn thief, and secure lodgings at the County Prison as a necessity. It is well that such fastidious tastes have a choice of the means of gratification.

Eastern State Penitentiary.—The number of convicts in the Eastern State Penitentiary, December 23, was 379. In June, the number was 414, which is the largest number in confinement there at any one time, except in 1839, when 434 were in charge. There are accommodations for 450, but we question whether true economy will *willingly* allow more than 300 men to be under one set of officers in one prison. The deaths in the Eastern State Penitentiary last year, were eight, but all of chronic diseases, some of which, if not all, had full possession of the convict at the time of his admission.

Digitized by Google

DEGREE OF INSTRUCTION AMONG CRIMINALS.

A table showing the Age, Sex, and degree of instruction of the persons taken into custody, summarily convicted or held to bail by the magistrates, and tried and convicted, during the past year, in the city of London :—

	Total in the Year 1857.			AGES.																	
				Under 10 Years of Age.		10 Years and under 15.		15 Years and under 20.		20 Years and under 25.		25 Years and under 30.		30 Years and under 40.		40 Years and under 50.		50 Years and under 60.		60 Years and upw.	
	Male & Female	Female	Male.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.	Male.	Fem.
Taken into Custody	79,364	50,685	28,679	338	61	4,850	705	10,379	4,562	10,443	6,353	7,236	4,783	8,925	6,280	5,137	3,699	2,345	1,458	1,032	778
Summarily Disposed of, or held to Bail	38,731	26,213	12,518	82	7	2,385	222	5,951	1,445	5,710	2,287	3,627	2,537	4,532	2,971	2,411	2,041	1,056	710	459	298
Tried and Convicted	2,460	1,929	531	1	1	69	9	468	115	530	150	319	89	318	104	140	47	65	13	19	3

	Total in the Year 1857.			DEGREE OF INSTRUCTION.							
				Neither Read nor Write.		Read only, or Read and Write imperfectly.		Read and Write Well.		Superior Instruction.	
	Male & Female	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female	Male.	Female.
Taken into Custody	79,364	50,685	28,679	10,302	8,494	36,242	19,600	3,822	574	319	11
Summarily Disposed of, or held to Bail	38,731	26,213	12,518	4,872	3,165	19,506	9,119	1,673	229	162	5
Tried and Convicted	2,460	1,929	531	417	194	1,138	301	370	35	4	1

Digitized by Google

Digitized by Google

VIEW OF A CELL IN A SEPARATE PRISON.

Digitized by Google

JOURNAL

OF

PRISON DISCIPLINE.

VOL. XIV.—APRIL, 1859.—No. 2.

A CELL IN A SEPARATE PRISON.

If the people of the United States could spend five minutes in a cell in the Eastern or Western State Penitentiaries, and then five minutes in the choicest cell of the best congregate prison that any of them could show, we have no doubt that the popular voice would be emphatic and united in favor of separation, as the most humane, safe and sensible method of treating a man who has incurred the penalty of prison life. All notions of ghosts and hobgoblins, madness and death, would at once be dissipated, or transferred from the separate to the congregate prison; and some probably would think the separate cell was too comfortable to serve a penal purpose. But truth was always slower of foot than error, and even intelligent men and editors of influential papers, who have the means of better information within their reach, are loth to yield their prejudices and unwittingly aid in propagating the most erroneous opinions on the subject.

We have thought that an accurate view of the interior of a separate cell might conduce to more correct views, and perhaps dispel groundless prejudices. Let us pass down one of the corridors of a separate prison, and first notice how pure

Digitized by Google

and fresh is the air, and how clean and nice everything is kept. No sense of closeness, no offensive smells are perceptible. Though four hundred men are confined here, day and night,—sleeping, breathing, and performing all the functions of nature, in their four hundred separate apartments—the atmosphere is untainted, and you breathe as freely as in the outward air.

Open the door of one of the cells. We see an apartment about the size and shape of a roomy omnibus, but with a higher roof or ceiling. The walls are well white-washed, the floor is clean and an air of comfort pervades the place. To one who could go in and come out at pleasure, it must seem a light, airy and cheerful abode. Against the wall on one side is set a wash-basin with a tap of water just above it. At the other end of the cell is the little closet with a free supply of water. On another part of the wall we see the shaded gas-light, and by the door are shelves for the various little articles of furniture. The hammock is swung upon iron staples in the wall, and there is a moveable seat and a little table on which are several books. Hanging upon the wall is a glass, a card containing the prison rules, and two or three other cards inscribed with some moral or religious maxim. In one corner there is a button which being turned causes a small gong in the corridor to sound, and at the same time projects a little plate or index into the corridor, to indicate to the keeper whence the signal came. So that if the occupant of the cell is taken sick, or wants anything which he ought to have and has not, he can at once have a hearing at least.

With this glimpse at the apartment, let us imagine it to be occupied. It is not John Smith nor Peter Jones whom we find there. All names are lost here and numbers are substituted. John Smith becomes "No. 1102—fifth-block," and so is known among all the prison functionaries. If a countryman calls and inquires about Mike McGathery, a convict committed from his county, nobody knows who is meant, but the register of commitments is examined, and the number affixed to Mike's name and by which alone he is known, at once designates his locality.

Digitized by Google

A convict is seldom in his cell many hours before he has a visit from the Warden, and a good long talk ensues about what has been and what is to be. Encouraging words are spoken, and not long after the Warden leaves, the teacher appears and ascertains what he wants in the way of instruction. Then the keeper has a word with the new man, and soon (if competent) he is put to work, or (if incompetent) is instructed in some kind of labor. When Sunday comes, he with others in the same corridor, listens to a religious teacher, and participates, if he pleases, in acts of devotion and songs of praise. In the course of the following week some kind gentleman (or lady, if it is a female prisoner) calls, as a sympathizing friend, and sits down with the new comer and hears his story, if he has one to tell, and gives him good counsel. Then the visiting inspector has a pleasant word to say to him, and by these and other means, his introduction to prison life is divested, as far as possible, of what would depress and dishearten him. True, he is without convict company. He has no one to blunt what little sensibility he may have, by profane or obscene jests. There is no "Cockey Anderson," or "Limy Dick," or "Curly John," to keep him in "good pluck." They may all be in some part of the prison, but they are exiled from him and he from them. He is not in solitude, however. He sees human faces every day. He hears human voices. The hum of busy industry is around him during all his waking hours; and the sound of music—vocal and instrumental—greets his ear many times every day. In such an apartment as we have described, with good food and enough of it, comfortable apparel, healthy labor, schooling, books, and frequent intercourse with honest freemen, what else could humanity ask to be incorporated into the discipline of a prison?

"Only one thing," (still say some) and that is convict company —the sight of convict faces—the tramp of convict feet—and an interchange of convict signals—and now and then the excitement of a revolt, or the murderous despatch of an officer or two, by way of variety!

Will our companion, who has gone thus far with us, look for

Digitized by Google

a moment into a prison of the other class? We will not go with him—but let him ask how the first thirty days of a sentence to the Massachusetts State prison are passed? How many waking hours each prisoner at Auburn or Sing Sing has for "sober second thought." How many visits are paid to him, when alone in his cell, by those who are able and willing to encourage, instruct and befriend him? How far such daily intercourse as there prevails among prisoners by working, eating, walking, worshipping, and parading together, tends to wean them from criminal associations, and give a new mould to their characters and habits?

We intended merely to explain and illustrate—and not to draw comparisons. But a look at an accurate picture of a separate cell, and a vivid remembrance of the apartments called cells, which we have seen in some of the most respectable congregate prisons in the country, and the idea that the latter system finds advocates on the score of *economy* or *humanity* prompted what we have said.

STATE PENITENTIARIES.

ANNUAL REPORT OF THE BOARD OF INSPECTORS OF THE MASSACHUSETTS STATE PRISON. October 1, 1858. pp. 43.

ANNUAL REPORT OF THE CONDITION OF THE NEW JERSEY STATE PRISON. 1859. pp. 42.

ANNUAL REPORT OF THE STATE PRISON COMMISSIONER OF THE STATE OF WISCONSIN, for the year 1858. pp. 64.

REPORT OF THE BOARD OF INSPECTORS OF THE WESTERN PENITENTIARY OF PENNSYLVANIA, for 1858. pp. 30.

THIRTIETH ANNUAL REPORT OF THE INSPECTORS OF THE STATE PENITENTIARY FOR THE EASTERN DISTRICT OF PENNSYLVANIA. 1859. pp. 51.

NEW YORK STATE PENITENTIARIES.

To most men the word prisons presents and suggests just about as definite an idea as the word forests, which brings to mind large collections of trees, growing wild, or the word

Digitized by Google

swamps, the very thought of which gives one "the chills." All swamps and all forests are the same, and a prison is a prison, whoever keeps it or is kept in it. And yet to every one who is not protected in all his interests against any fraud or violence which malicious or mischievous men may be disposed to commit, it cannot be a matter of indifference whether the class of men called prisoners is increased or reduced by the manner of dealing with them. It is true that only here and there one is robbed by a highwayman, maimed in a riot, or burnt out by an incendiary; and it is equally true that only here and there a house or barn is struck with lightning, but nevertheless, conductors are seen oftentimes on almost every building in a village, and sometimes two or three on one.

When the old Walnut Street Prison was in full blast, a man was committed there who had lost one of his hands in the war of 1812. This circumstance led one of the inspectors—who had seen service in the same war—to take a particular interest in him. When his time was out he manifested a strong desire to betake himself to an honest life. A purse was made up for him, and a pension secured from the government, and he was thus enabled to commence business in a limited way, in an interior city of this State. He soon obtained quite a run of custom and all his prospects were flattering, when one day a man came in and hailed him familiarly, whom he at once recognized as one of his gaol companions. With much entreaty and a considerable sum of hush-money, the fellow agreed not to expose him. But the secret of his success was soon known to others, who repeated the annoyance. Some months elapsed when the old inspector met him in Philadelphia and inquired how it fared with him. "Oh," said he, "I would do well enough, Mr. ——, if I could only be let alone, but I am almost crazy with them fellows that were there in the old prison. I can't sleep o' nights for 'em, and I shall have to quit." And the poor fellow was actually obliged to pull up stakes—leave a good business and a good name, and seek a new home and an uncertain livelihood in a distant State. Suppose he had "lost heart," by all this, and finding his prison associations hanging

Digitized by Google

like a millstone about his neck, rashly resolved to make the worst instead of the best of a bad case, and plunged into a system of forging and counterfeiting, which involved hundreds in losses and embarrassments, for which money could not compensate—whom shall the victims of his rascality blame? The officers of the law once had him for a year in their charge, and while there he was compelled to form acquaintances which proved disastrous to his purposes of reformation and finally dragged him down to the lowest depths of crime and infamy. Would dollars and cents serve to measure the difference, *to the community*, between subjecting a prisoner to such associations, and keeping him from them? Could a practical economist, in the light of such a case, look at the cost of a prison in which each inmate shall be separated from the rest, by night and by day, compared with the cost of one in which they should be associated by night or day? If we cannot reform bad men by subjecting them to the discipline of a prison, we surely need not make them worse,—as we are very likely to do under any other system than that of separation.

We have before us reports from several State Penitentiaries. All but two of them are conducted on the Auburn, or congregate plan. We propose to notice them briefly in the order in which they stand at head of this article.

1. *The Massachusetts State Prison.* We presume no candid reader of the present report can fail to see that the money question is in the ascendant in the management of its affairs.

"For the past three years the entire labor of the convicts excepting those employed in the cooking, clothing, laundry and repair departments, &c., has been let to contractors, a system pursued in part for several years previously. We are satisfied that this is incomparably the best plan for the State, and that it is no less advantageous to the contractors. That the bids for the labor are all low at the best, is no fault of the system. We doubt if any other legitimate method of employing the convicts could have been devised by which they would have earned to the State anything like the sum which during the past year has been received by the prompt payments of the contractors."

The living, thinking, feeling prisoners are of the same ac-

Digitized by Google

count as the spindles in a cotton factory or the stones in a flouring mill. Again, say the Inspectors, "It would give us great gratification to be able to render our prison a source of revenue to the State; no pains have been spared, nor will be, to bring it as near this point as possible."

Even a close degree of classification is not favored inasmuch as it would be "in direct collision with labor contracts." Notwithstanding the laudable zeal of the inspectors to make the prison "pay," the revenue falls $15,000 short of the expenses.

The provision which gives the convict the privilege of buying part of his time by good conduct, is regarded with much favor.* By the law passed May, 1857, it is made the duty of the Warden to keep a record of the conduct of each prisoner, and for every month that such prisoner shall have observed the rules, there shall be deducted a portion of the time of his sentence, viz:—For a sentence less than three years, one day—three years or more and less than ten years, two days—and ten years or more, five days for each month. Prisoners under a life sentence, (of which the prison has 34,) would seem to be without any such stimulus to obedience. By a law passed within a few weeks, the privilege of the prisoner is greatly enlarged. Sentences of less than three years are abridged two days for each month's good conduct—from three to seven years, three days—and four days for all over seven years. By this process, a sentence of seven years is reduced nearly a year, and a three years' sentence to about two years and eight months. Of 198 prisoners received last year, 109 were on sentences of three years or less. Besides this the record is submitted once in three months to the Governor and Council, "that the same may be considered by them in the exercise of the Executive clemency, in behalf of each convict, if they shall deem the same conducive to the interests of the prison, and promotive of the reformation and welfare of the convicts confined therein."

With this provision we can have no sympathy. We are not

* A similar law exists in Iowa, and is commended to the Wisconsin Legislature, by the Prison Commissioner of that State.

Digitized by Google

persuaded of the wisdom of the first. The experience of one year, or five years, is no sufficient test. In the hands of a discreet, impartial Warden—keeping the record himself, and using it (as he should all his power,) in carrying out the true intent of the government,—it might be a useful auxiliary to the discipline of the prison. But if the record or any part of it, is to be made up by keepers or contractors, it may become an instrument of cruelty and oppression, more terrific than the gag or the douche.

A prisoner in a fit of passion—excited, perhaps, by the ill-advised speech or action, of the officer, or contractor—may use an offensive expression. Though, perhaps, what he says is true, and warranted by the circumstances of the case, it seals the doom of the offender. All his conduct is, thereafter, seen through a new medium, and if one jot or tittle of his sentence is abated, it will not be through the favor or help of his inexorable enemy outside.

The latter provision contemplates a quarterly review of the sentences of all the convicts, with reference to some modification corresponding with what the record shall show to have been their behavior. If the Executive Council should enter upon a revision of the sentences with a view to *extend* them in cases where the prisoners were not well behaved, such an assumption of the power of a co-ordinate branch of the government would be strongly rebuked. Why should an interference for the abridgement of sentences be regarded with any more favor?

We have not space to show the highly objectionable bearings of such a provision, and will only add that the criterion by which the claim of the prisoner to an abatement or remission of his sentence, is to be determined, is just neither to the prisoner nor the public. No person familiar with convict-history, needs to be told that some of the most tractable and hopeful of them are constantly violating the prison rules. With a peculiar temperament—ardent, irascible, or impulsive—they often transgress, and as often acknowledge their faults and try to amend. Not so with your cunning, deceitful, scheming fellow,

Digitized by Google

who is reading his Bible so gravely when the Inspectors call, and who is so very careful to observe the rules. He thinks this a cheap way of expediting his return to his old haunts and habits. The worst prisoners in moral perceptions and principles, and the most stupid and unsusceptible of improvement, would oftentimes be the prominent objects of favor, if outward obedience to the prison rules were to be the guide, while men who have some materiel for a right course of discipline to act upon, and who would be most favorably affected by judicious indulgence, would be overlooked.

The Inspectors and Commissioners of Lunacy are at odds as to the disposition to be made of insane convicts. We do not wonder at the anxiety which is manifested to rid the prison of this class of its inmates, nor, on the other hand, at the reluctance of the Commissioners to receive convicts into the insane hospitals—but we *do* wonder that the Inspectors should show so little deference to the scruples of the Commissioners, and should even call to their aid a spice of sarcasm. No Legislature, with a proper knowledge of the principle involved, will consent to the use of State Hospitals for the custody and treatment of insane convicts.

The Warden's Report contains emphatic testimony to the salutary influence of isolation on the mind of a convict—though he refers to it only as an element of punishment. In respect to pardons he is also very decided:

"The too frequent exercise of the pardoning power has a very great influence upon the discipline of the prison. There can be no doubt that just in proportion as expectations of release are removed, is the prisoner's happiness advanced; consequently the less the number of pardons, the greater always the contentment and the better our hopes of good order, cheerful submission, and of moral, mental, and religious improvement. The most salutary ingredient of punishment is its certainty. It is now considered a great hardship by the prisoners, if they are kept here after the first half of their sentence has expired; and it is rare that a man is pardoned who does not leave behind him those who have served longer for the same, or perhaps a much lighter offence; so it must be apparent to all that any but pleasant feelings would be engendered

Digitized by Google

in the bosoms of those who remain, by such an act of clemency. They have the impression that no one is pardoned but through the influence of the officers of the institution, consequently the discipline suffers from what they consider favoritism."

After this just condemnation of a gross and growing abuse, the Warden (seemingly a little alarmed lest he should be disturbing his own nest,) approves of all the pardons that have been bestowed in that prison, and then humbly suggests a rule to govern the Executive, which would prove more fickle than the wind.

The medical officer of the prison refers to the increased frequency of imposture in respect to bodily and mental disease. He does not allude to minor instances of imposition "which occur daily," but to those who "have, during a long period, successfully feigned some mental or bodily malady. I might allude," he says, "to two cases of successful imposition which fell under my observation, and continued more than a year before they were exposed. But I deem it unnecessary. Examples of successful deception, in an institution like this, are contagious."

Happily, institutions on the separate plan are not exposed to such contagion. "To aid the physician in his endeavors to detect imposition in the earliest stage of its development, he should have at his command a cell whose interior arrangement should give no clue to its true design, but reveal to the officer outside, at any hour of the day or night, the condition of its occupant." We hope, hereafter, when reference is made to the effects of separation on the minds and bodies of convicts, there will be due reference to such cases as seem to abound in the Charlestown Penitentiary.

2. *The New Jersey State Prison.*—The present Report is for the year ending December 31, 1858, and we wish it disclosed a more creditable condition of the affairs of the prison. The money god rules. The Governor in his Message suggests "a more profitable system of managing the State Prison," as one of the means of saving fifty thousand dollars to the treasury. He admits that the law requires convict separation, but it has been impossible to obey it because—there are more prisoners than

Digitized by Google

cells! His Excellency does not seem to have considered that in ordering a coat it would not lie in the tailor's mouth to say that he had abridged it a foot all around because the cloth did not hold out, for the prompt reply would be, if you accepted the order you must find the stuff to execute it. So in ordering each prisoner to be kept in a separate cell, the Legislature intended that as the prisoners increased the cells should be multiplied. Surely there are materials and workmen enough in that ancient and proud State to make a separate cage for each of their rogues; so that the alleged "impossibility" in the case is entirely fictitious. The simple truth is, the money is grudged. To enlarge the prison, at an expense of $40,000 or $50,000, for the purpose of complying with a wholesome law, would possibly throw the political power of the State into other hands. To use the prison as it is now used is indeed a violation of their own positive laws, but to enlarge it to the required extent would be virtually to forfeit offices and salaries. So, forsooth, they avail themselves of their own wrong and denounce the system! With so few cells and so many prisoners association is unavoidable. To provide a separate cell for each will cost more than our party can afford to pay, and therefore we abolish separation and adopt a system which will suit our accommodations. We have often had occassion to cite the full and unqualified approval of the principle of separate discipline by successive boards of New Jersey Inspectors. Nothing has transpired there to our knowledge which could possibly change the opinion of intelligent men on the subject—and hence we must conclude that with the advantages of that mode fully in view, the proposition to abandon it is made simply and solely for the purpose of saving what it would cost to continue it.

In the Report of the Inspectors, which bears even date with the Message, recommendations are made which are entirely irreconcilable with the idea of separation, and indeed the whole spirit of the document is money-wise:

"It will be seen that the profits arising from the labor of the convicts in the different departments exceeds the cost of maintaining the same. This salutary result reflects the highest

Digitized by Google

credit upon the superior management of the present efficient keeper."

Five hundred dollars were appropriated to build a workshop, but the Inspectors thought it "more to the interest of the State" to expend twelve hundred and build a shop that was worth something. Contractors at once engaged as many of the convicts as the shop would hold, and even enlarged the premises at their own expense in order to employ more. The price paid for this labor is "far more remunerative to the State" than the price that could be obtained for labor performed in separate cells; no doubt—and if the object of the State were *present pecuniary profit*, no one in his senses would advise convict separation as the best means of accomplishing it.

The Inspectors resort to the same line of argument which the Governor urges—"Full two-thirds of the cells are now occupied by two prisoners, thus practically annulling the law requiring solitary (separate) confinement;" and, therefore, let the law be modified to match the practice under it! The only argument for the change, from first to last, is the *saving of expense.* If separation is abandoned and $15,000 expended for additional cells to be occupied by the convicts when not at work, what then? Will the convict be more likely to go from the prison a wiser, better and happier man than when he came in? Will the true intent of punishment be better answered? What result is anticipated by the Directors? Just this and no more—"that the prison will be no longer a burden to the State, but a *source of constant and increasing revenue.*" That's the charm. A net gain of $1,034, says the keeper, and "a very handsome income to the State next year!"

The disposal of insane convicts is here also a source of perplexity, and we regret to say, that the Inspectors urge the importance of a law, requiring their removal to the State Hospital.

With the views entertained by the Governor and Inspectors upon the general subject of dealing with prisoners, we are not unprepared for the very extraordinary fact, that of the one hundred and seventy-seven discharges during the year, eighty-

Digitized by Google

eight, or just HALF, were by pardon! What could more strikingly show the impolicy and absurdity of entrusting such power to such hands? Perhaps the evil will work its own cure, but it will be at a great sacrifice of the public peace and security, and with great license to the worst class of criminals. The medical report speaks of the health of the inmates as comparatively good, and yet twenty-eight were pardoned on the alleged ground of ill-health.

3. *The Wisconsin State Prison.*—We prize the reports of Western institutions of all kinds. They partake more or less of the freshness and boldness of pioneer life. They are thrown out with an air of freedom that disdains all "fossil opinions," and prides itself on doing what was never done or thought of before. In the annual report of the Prison Commissioner of the State of Wisconsin, we have not only an account of the condition of the penitentiary under his care, but we have also the result of a tour of observation he has lately made through the northern and middle States. To some points in this interesting document we must call the attention of our readers.

Our western friends are not indifferent to questions of profit and loss. "The great inquiry during the last session of their Legislature was, 'How can the prison be made to pay its way as in other States?' And it was to solve this problem that the Commissioner undertook his journey. As in solving the problem, why black horses turn white in winter, the first question was, Do they? so in this prison problem the Commissioner's attention was first directed to the question, whether any prisons do pay their way? He reduces the methods of employing the labor of convicts to the three following:—

1. Selling their services to the highest bidder for a term of years, "the State furnishing shops and overseers, and boarding and clothing the prisoners; the contractors finding power and machinery themselves, or, which is the same thing, hiring it from the State, and having the right of keeping an agent or foreman constantly in the shop, who, it is generally stipulated, shall conform to all the laws of the prison."

2. To lease the prison, shops, convicts and all, for a num-

Digitized by Google

ber of years, to the highest bidder, and he clothe and feed the convicts, and perform all the other duties pertaining to the State.

3. The State to find stock and have articles made and sold in the market as those of other dealers.

In order to realize any profit by either of these schemes, the prison must be finished and furnished in such a manner as to give every facility to mechanical operations.

The Commissioner was surprised to find how few prisons paid their expenses. None of the New York prisons pay. Neither the Massachusetts, nor the Ohio, nor the Michigan State prison pays. Where the contract system prevails (which is just now in such repute at Trenton,) large losses are almost inevitable. In any suit between the State and a contractor, the result (so far as New York experience goes) has been, in every instance, disastrous to the interests of the State. If a contractor fails, the convicts are suddenly thrown out of employment—and the balance that may be due from him is generally sacrificed, for if the courts of law do not relieve him, a turn of the political wheel will.

In regard to the contract system generally, the Wisconsin Commissioner entertains much doubt. The sole purpose of those who buy convict labor is to make money. And in a majority of cases their influence over the prisoners is decidedly injurious.

"I have learned this," says the Commissioner, "by conversing with prison officers, and also with men who have been employed as agents for prison contractors. Let me give an instance. I got on board the cars at this place, a short time since to go to Milwaukee. I found several gentlemen engaged in conversation about our prison, and one of them said he had been employed as an agent or foreman, for a company of contractors at Auburn, New York, for a number of years. This man amused his companions for a long time with his *smartness* in conveying forbidden articles to the convicts; his management to prevent the officers detecting a prisoner in the breach of prison law, and his tact in getting the good-will of the men by such means, and himself steering clear of detection! He was suspected, he said, by the prison authorities, and they tried

Digitized by Google

to have him removed, but could not effect it because he could get more work out of the men than any other. * *

"If, by the distribution of five dollars worth of tobacco, they can get ten dollars worth of extra work, they will, in a majority of cases, do it. This can, and is done, in so many ways, that it is, in most cases, impossible to detect it. The convict will, of course, deny it, and a man who will hold such commerce against law, with a State prisoner, is not above falsehood."

The introduction of this foreign influence into a prison is certainly to be deprecated, but surely the worthy Commissioner cannot mean what is clearly implied in the following passage:—"No person but the regularly constituted authority should, by precept or example, encourage or wink at the breach of the least order given;" and yet we do not notice any allusion to it in a list of twenty-three errata.

"The Pennsylvania prisons," he says, "though on the separate plan, and of course losing some of the advantages for making labor profitable, have nevertheless fallen but little short of paying expenses—by no means so largely as others under the contracting system." The Commissioner's observations have led him to the conclusion, that where "a prisoner is removed from all outside interference—especially from persons only interested to make money out of him—and the police of the prison is composed of the right sort of material," the instances would be rare in which he would not leave the place a better and a wiser man than when he entered it. He thinks "a great error has hitherto been, that the reformation of the convict was made secondary to having the prisons pay a revenue to the State."

In respect to the relations of the convict to society, the Commissioner's views seem to us somewhat erratic, though springing from very kind and generous feelings. He seems to confound the rights of a man as an individual, with his rights as a member of society. Three savages, roaming through the woods in search of food, happen to meet. Upon consultation they decide that they can do better together than apart. One of them has a wigwam, a squaw and a papoose. The others are as free as the deer—but of these one has a

Digitized by Google

stock of game laid up, while the other has none—and he who has neither squaw, papoose, nor store, is the swiftest in the chase and most skillful in trading with white men. In their compact it is agreed, that they shall all receive shelter in the wigwam; that the stock on hand shall be used in common, and that whatever fleetness of foot or trading skill there is among them shall be turned to the benefit of the concern. Now suppose the quick runner and sharp trader takes advantage of his first visit to the wigwam to seize all the stock on hand and abscond with it, does he not forfeit all the advantages of the compact? Would not his two comrades, whose confidence he had abused be justified in saying to him—"You are a traitor; you have proved false to your engagements; you are not to be trusted any more, and we must use the power which the compact gives us to protect ourselves against you, and so you must either return to the woods or be shut up."

Or if we reject the idea of a compact as the basis of society, may we not at least insist that every one who receives protection from such an organization, owes something in return. He is not only bound to avoid any trespasses on another's rights, but he is also bound to bear his proportion of the labors and sacrifices involved in defending and protecting the common interest. Society is justified in enforcing these conditions at any cost to the delinquent.

The claim of the Commissioner in behalf of the convict rests upon a false principle. He seems to forget that the rights and privileges which are enjoyed as the present reward of an honest, temperate, industrious life, are forfeited by dishonesty, intemperance and idleness. Why should not a man, who has availed himself of the advantages which society has conferred on him for the purpose of injuring and defrauding his fellow citizens, forfeit the right to take part in the administration of its laws? The picture presented in the report of "a glad and loving wife and little ones whose eyes glisten with joy"—if it has any original—was not, it would seem, attractive enough to keep the husband and father from the groggery and cockpit; and as to the plea that "the State itself carries to their lips the

Digitized by Google

poison whose maddening influence makes them inmates of a prison," it is a sufficient answer that when the question of withdrawing this poison is raised, the loudest voices against it are from the very class that furnishes a large majority of our most incorrigible convicts. We are advocates of a humane administration of our penal laws, but we protest against any theory that puts the law-abiding citizen and the thief or forger any nearer on a level, than are truth and falsehood, integrity and knavery. Injustice and oppression may occur under the forms of law, but this is an imperfection of all human agencies.

The Commissioner raises an objection to the use of the term "hard labor" in the law and in the form of a sentence. He thinks it leads the convict to suppose that hard labor is a part of his punishment and of course to be avoided when possible. We do not see the force of this reasoning. We have always supposed that hard labor was from the first *a doom*. "In the sweat of thy face shalt thou eat bread." To submit patiently to the decree is unquestionably for the happiness and interest of man, and in this sense it is a "virtue and necessity of our (fallen) nature;" but we question very much whether sentencing a convict to three years' imprisonment with the "privilege" of hard labor would make the sentence any more tolerable in sound or substance.

A topic of no little interest is presented in the Report before us, and will soon demand grave attention in those States which substitute imprisonment for life for the death-penalty. In the comparatively new State of Wisconsin there are TWENTY-TWO convicts of this class. The Commissioner says of them: "There are no better behaved men in any place than these murderers. Nearly half of them committed their crimes when drunk, and are now, when sober, amiable, well-disposed men. Notwithstanding, though I hesitate to recommend it, I would call the attention of the legislature to the fact that this class of convicts will be likely to increase, and having nothing to lose, may unite their force in an insurrectionary movement. I would have no fear with any of the present number, but when the body is increased, some more daring and abandoned one

Digitized by Google

may inspire the others to league with him for an evil purpose." He recommends to the Legislature to require that life sentences of murderers in the first degree be passed in solitary confinement.

This leads the Commissioner to speak of the system of separation for all prisoners, and we regret to say that, like many others, he totally misapprehends the cardinal feature of the system. He says: "The convict must necessarily pass his time in solitude and silence." Why not state the simple fact that he is separated from convict society only, but has more honest company than nine-tenths of the convicts in any other class of prisons in the country?

Notwithstanding this radical misapprehension of the principle, he seems to have been favorably impressed with the general features of the administration of these prisons. The prisoners "are better fed than in almost any prison I have seen, have large comfortable rooms, good beds and clothing, and the officers spoke to them when I was there with a feeling and familiarity, which I did not see in some other prisons."

The Report furnishes an inventory of the various departments of the prison, such as stock, tools, furniture, &c., among which is an "inventory of fire-arms," consisting of sixteen revolvers, thirteen muskets, &c.

Among the books in the prison library of which the titles are given, we notice Tom Moore's Poetical Works and Recollections of Shelley and Byron, besides many valuable and appropriate volumes. "There is quite a large amount of books under the denomination of a Christian Library, but are not read, and I have not mentioned them by name." We can scarcely suppose, then, that the use of the library had much to do with putting "the songs of Zion into mouths engaged a short time before in bacchanalian orgies, and singing the songs of sin and folly."

Of the 472 prisoners that have been received in the Wisconsin Penitentiary, all but 200 were foreigners, and fifty, (or more than one in five,) were sentenced for killing a fellow man! Of 270 discharges, 108 were by pardon. Of 202 in custody Jan-

Digitized by Google

uary 1, 1859, only 8 are returned as unable to read or write, and 173 could do both. One hundred and sixty-one, or four-fifths, were accustomed to alcoholic drinks.

The annual Message of the Executive of the State refers to the condition of insane convicts. The law directs the removal of such persons to some place, in or out of the State, where they can be safely kept and properly treated. Application was made to a large number of Insane Asylums of other States, who, we are happy to say, uniformly declined to receive such a class of patients.

The Chaplain's report is evidently the production of a well-meaning man, but if this department of prison economy is to be effective, it must be committed to men who have not only the grace of God in their hearts, but an unusual share of wit and wisdom in their brains. To insist on the latter is no depreciation of the former.

4. *The Western State Penitentiary*, (*Penn.*)—This is the oldest prison in the country on the separate system, and this is its thirty-third annual Report. The first prisoner was received July 1, 1826, and the whole number received to the present time is 2155. The number in custody January 1, 1858, was 187, and on January 1, 1859, 218, being an increase of 31.

The Inspectors refer to some of the principal advantages of separation, and especially the security it affords, not only for the safe keeping of the convicts, but for their peaceful subordination to authority; and they fearlessly assert as the result of their own experience, that "if the Legislatures of other States would save the public treasure, ensure wholesome and uniform discipline, and obey the dictates of an enlightened humanity in reforming as well as punishing wicked men, they will not hesitate to adopt the separate discipline." As the population of the State increases, while such large numbers of adroit and hardened rogues come to us from foreign lands, and especially so long as our prisons and penitentiaries are to so great an extent hinderances rather than helps to the suppression of crime, we must expect a demand for increased prison room. An accession of seven to the number in the Western Penitentiary at the

Digitized by Google

date of their Report, would fill all their vacant cells. They very wisely propose to anticipate such an occurrence, and to use their unoccupied ground for an extension of the building.

The vacancy occasioned by the death of the late Warden, who had occupied the office very reputably for nearly twenty-two years, has been supplied by the election of John Birmingham, Esq.

Of the 218 in confinement July 1, 1859, 186 are reported as first convictions.

The Medical Officer's report presents the following interesting facts:

1. Only four prisoners have required exercise outside of their cells, and these were all convalescents from serious disease. The discipline of the separate system has been strictly enforced.

2. Only one prisoner during the year has shown symptoms of insanity after admission, and he is serving a second sentence for arson. His state of mind was not considered sound when he was admitted on his first sentence, four years ago.

3. The safety of separation to body and mind, is clearly demonstrated. Of 83 discharges by expiration of sentence and pardon, all were in good health, and some better than when they came in. Their average time in prison was over two years. Seven had been in three years; four, four years; seven, five years; and one nine years—giving an average in the thirty-two of three and a half years.

Of five deaths, three were mulattos—all of whom were predisposed to pulmonary disease when received. The proportion of deaths among colored convicts is everywhere larger than among whites. For the last five years the average of mortality among the whites is as one to 127—while among the colored convicts it is as one to seventeen. The ratio of mortality in the prison at large (excluding one who took his life, evidently from the fear of being punished for a second attempt to escape,) was only in 1.30 per cent.

5. *The Eastern State Penitentiary*, (*Penn.*)—Of this institution we have the Thirtieth Report—and a very satisfactory

Digitized by Google

document it is. It shows 583 convicts in custody during the year, of whom 378 remained January 1, 1859. Of the 205 discharges, 22 were by pardon.

No language could more emphatically express the confidence of men in the working of a penal system, than that which the Inspectors use in a review of the history of this prison. They speak of its complete success as affording the highest evidence of which the subject is susceptible, that "both in its punitive and reformatory influence, it has not been equalled by any system now in operation."

We do not think the Inspectors err in their estimate of the importance of INDIVIDUALIZING convicts as a condition of successful discipline. There are such diversities of character, tempers, habits, capacities, and susceptibilities, that any treatment applied to two or three hundred men in mass, must of necessity be inappropriate, and possibly injurious, to very many.

The division of mankind into little groups of six or eight individuals, and giving to two of them a natural influence and authority over the rest, little short of supreme, is an indication of the will of the Creator in this respect. What observing parent has failed to notice peculiarities of temper and disposition in his children, to which it was his delicate and responsible office to adapt the processes of discipline and education? Where is the teacher, worthy of the office or name, who has not found it one of the chief sources of perplexity and anxiety, to make judicious allowances for the idiosyncrasies of pupils? And though in large communities general laws control our social and political relations, yet we find that even there each individual puts himself under influences which his own taste, inclination or judgment prefers. The man chooses the newspaper, the book, the preacher, the club, and the party which best suit him, and they form his character and shape his daily course of conduct. And if an adaptation, more or less perfect, to individual constitutions and temperament is required in moulding a character under ordinary circumstances, how much more necessary must it be where a character stereotyped in vice is to

Digitized by Google

be radically reformed—the current of thoughts and habits completely reversed, new motives put in authority, and new and irksome restraints imposed? A household or a school in which little or no care is taken to adapt moral and intellectual training to the peculiarities of each child or pupil, would be like the surface of a lake whose waters had been suddenly frozen when in a state of violent tumult; while the effect of a wise distribution of praise and blame, excitement and restraint, reward and punishment as individual characters require,—would present a scene resembling the beautiful glassy bosom of the same lake, frozen over when its waters were in perfect tranquillity.

The Inspectors feel safe in affirming that in a majority of cases the discipline of a prison affords no proper place for the instructive teachings of reflection and restraint, or the wholesome resolves of amendment, unless the individual is separated from the prison community. So that we are brought to this point. To put an ill-disposed man in prison for a year or two, is, in itself considered, a mere temporary relief. My pocket or house may be secure from his trespasses while he is there—but the man who was discharged yesterday, by the expiration of his sentence, or an improvident pardon, may be ten times more hostile to his fellow men than he was when committed two years ago. THEN the worst crime he thought of was pocket-picking. Now he is ripe for "treason, stratagems, and death." And so will be the convict who took the cell he vacated. If our prisons are to be anything more than shops in which the Prince of darkness may manufacture or perfect his tools and train his workmen, we must secure for each convict a treatment suited to his individual character and temper.

In a hospital the various classes of patients are assigned to different wards,—the medical, the surgical, the syphilitic, and the lying-in ward, &c., &c. The patients in each ward occupying different beds, the medical attendant examines and prescribes for each, as age, constitution, previous habits, or present symptoms may require. So that probably no two prescriptions, in a ward of one hundred beds, would be precisely alike.

Digitized by Google

So we must make the process of prison discipline from beginning to end, tributary to a radical reformation of character and habits; and this is impracticable except when the most favorable opportunity is given to adapt the various steps of the process to INDIVIDUAL natures. Such an opportunity is afforded only by separating each convict from the society of his fellows, and suiting the physical, intellectual, and moral treatment of each to his individual peculiarities.

We should regret having alluded to the hospital—even for an illustration—if it should be inferred that we regard crime and disease as in sense or degree in the same category. We do not understand what is meant when crime is spoken of as a consequence of "defective constitutional organism." Crime implies guilt, and guilt presupposes moral agency. There must be a "capacity to distinguish between right and wrong and a wilful violation of a known law or rule of duty," or there is no crime. A deaf mute cannot be held responsible for not crying fire! or murder! if he makes such signs as he can to give the alarm. A police officer with the asthma or a wooden-leg is not responsible for not overtaking a thief who is sound in wind and limb.

The Inspectors refer to the large proportion of the unapprenticed, uneducated, uncared for, who are found among the admissions of the last two years. Not one of them, we venture to say, was in this condition without a conscious fault of his own—though he may be "more sinned against than sinning." The case is different with such as are defective in moral or intellectual capacity; and here the need of individualizing is abundantly obvious. The report states that of 534 convicts in confinement in 1857, 20 were admitted with "mental disease;" 85 were admitted with a marked deficiency or defect in mental capacity; and 21 were of "doubtful mental character." How can the discipline of a prison be suitably adjusted to these grades of capacity and responsibility, when the convicts are all turned over in mass, to contractors and overseers—so much money for so much muscle!

Many judicious suggestions are made respecting the internal

Digitized by Google

economy of the institution, which an enlightened Legislature cannot fail to appreciate and adopt.

The interest that is felt in this penitentiary by our fellow-citizens and by foreigners, is evinced by the fact, that the visitors to it, (exclusive of the friends and relatives of the convicts who are admitted at times under certain restrictions, and exclusive also of business calls,) are between thirty-five and forty daily. Not less than 36,898 visitors' names have been entered in the register in the past five years.

The gratifying fact is stated, that of every hundred prisoners discharged since the opening of the penitentiary, not more than ten have been returned on a reconviction.

The Warden's report is modest and sensible. He justly thinks, if there were no other or higher consideration to commend the system of convict separation to universal favor, "the facility with which bad men may be controlled without resorting to harsh and doubtful means of coercion," should have no little weight. He says—

"I sincerely trust the day is yet very distant, when the people of Pennsylvania will listen to any suggestions to change their present admirable method of prison discipline, from whatever source they may arise, or upon whatever expectation of greater pecuniary gain they may be based; believing it to be no more expensive in the main, and much more satisfactory in its tendencies, than most of the congregate prisons of surrounding States."

We are not prepared to admit the conclusion to which the Warden has been led on the subject of pardons. He assumes more than he proves. Of 3,571 convicts who have been discharged, 541 were by pardon. Of these, thirty-one only "have been again returned to prison." Are we to understand that the Warden has traced the history of each of these 541 prisoners since they left the penitentiary? Or does he mean, that so far as he can ascertain, only thirty-one have been recommitted? If the former, it would be an interesting inquiry, what per centage of those who were not pardoned are returned to prison; for if it is *less* than the per centage of the pardoned,

Digitized by Google

it may perhaps be inferred, that to pardon a convict is better for society than to compel him to serve his time out; and so the pardon will become the rule, and the full term the exception. If it is *more*, the argument against pardons is made almost conclusive. But if the Warden means only, that so far as he pushed his inquiries, he found only thirty-one of the 541 returned to prison, then the whole value of his statement must be measured by the proportion of the 541 of whose subsequent history he obtained reliable information. If, on the other hand, he traced them *all*, we see not why equal diligence might not result in giving us the history of the 2,725 who served their time out, and thus furnish the basis of some very interesting calculations.* The pardons last year were nearly double the average of the preceding twenty-nine years.

Forty-eight of the convicts received last year were not of age, and the very large number of 101 were under twenty-five.

The average sentence of the former was a fraction short of two years, and of the whole, it was two years and two and two-third months.

Of the whole number in custody January 1, 1859, there were of twenty-five years of age or under, 183; being forty-eight and a half per cent. of the whole number, and six per cent. more of this class than in the year previous. This is a note-worthy fact for juvenile reformers.

Of the 207 admitted, 36 only were abstainers from strong drink, while 144 could read and write.

The medical officer's report is very flattering to the hygienic arrangements of the institution. The mortality is indeed greater than in some late years, being one and thirty-seven hundredths per cent.; but in every case but one, death was the consequence of chronic disease, existing prior to the reception of the convict. The health returns show, that the effect of the discipline on the body and mind is improving to both.

6. *New York Penitentiaries.*—We have not space for an

* We learn, privately, that the Warden's remark is designed to embrace only returns to the Eastern State Penitentiary.

Digitized by Google

extended notice of these mammoth prisons. The following tabular statement must suffice for statistics.

	Number.	Expenses.	Earnings.	Insane.
Auburn, . . .	747	77,674	59,840	13
Sing-Sing, . .	1,110	119,900	75,916	21
Clinton, . . .	358	55,781	21,420	3

It will be remembered, that for many years the Auburn system, (as it was called,) claimed a decided superiority on the ground of cheapness. Balances in favor of the State were reported from year to year, and legislatures were urged to adopt that system as a means of "making prisons pay." In one instance at least, that argument alone turned the scale against the principle of separation. It now turns out that these balances were all moonshine. The expenditures of the prisons between 1847 and 1858, exceeded the earnings by more than a million and a half of dollars; the difference being paid out of the general treasury.

The present Executive proposes to lodge the supervision of the prisons in one Inspector, (instead of three, as at present,) to be appointed by the Governor and Senate, and removable by the Governor. He regards the present administration of the prisons as more expensive than that of many of the States, and less effective in discipline and management; and a revision of the laws for their regulation is urged as highly important. We hope our friends of the New York Prison Association will avail themselves of the opening of this subject, to diffuse correct information, and secure such results as the interests of society and the dictates of humanity alike demand.

We have no space for even a brief review of the ground over which we have passed, in our notice of these interesting documents. We are more than willing to allow our readers to form their own judgment of the principles and results of the different modes of dealing with offenders which have been presented.

Digitized by Google

THE PREVENTION OF CRIME A COMMON INTEREST—HOW FAR STATE LEGISLATURES MAY CO-OPERATE FOR THIS END—A FRATERNIZING POLICY DESIRABLE AND PRACTICABLE.

THERE is a wonderful simplicity in the machinery of our government; and yet like other machinery it may be required to work up a raw material, which is too stubborn for it. An intelligent, industrious population, occupying such an extent of territory as its legitimate enterprise and resources reasonably demand must thrive under it and become powerful, not in material wealth and physical force only, but in virtue and independence.

The theory is that for certain ends—not attainable by the individual members of the confederacy—a representative power is organized, corresponding in its general features to the representative power of the several States. Each State has an Executive head, a Legislative body, representing in its two departments the two chief elements of social power—money and muscle;—and a judiciary, to determine the constitutionality and application of the laws. So in the general government, there are, 1. The Executive—supreme in his appointed sphere. 2. The Congress—in one branch of which each State sovereignty has an equal representation, in the other a representation based upon population. 3. The judiciary—with limited but ample powers for the objects contemplated. A written constitution prescribes the various functions of this government, a cardinal principle of which is, that all powers not clearly delegated to the federal government are reserved to the individual States, and no power is parted with which is not absolutely essential to the purposes of its organization. All matters involving the general interests of the country—as treaties with foreign powers, national defences, currency, postal facilities, &c., &c.,—are confided to the general government; while laws regulating the internal policy of each State are enacted, interpreted and executed at home.

These principles which are familiar to thousands of school-

Digitized by Google

boys are stated in this connection to show why it is that there is such a diversity in our municipal institutions. We have thirty-three different legislatures to determine what shall be a crime, and how it shall be punished—thirty-three distinct tribunals of judgment, as independent of each other as the Court of Queen's Bench, in London, and the Correctional Police Court, in Paris—and thirty-three different officers, each invested with supreme executive power in his own State. Each of these thirty-three jurisdictions has its own laws for the preservation of the public peace—for the protection of life, liberty, and property—for public instruction and for the repression and punishment of crime.

It is obvious that no general uniformity in the administration of the government—even of adjoining States—is practicable. But whether a degree of comity is not due from one sovereignty to the other, and whether the legislation—especially of bordering States—may not be so modified as to serve a common interest, or at least, to prevent a common evil, with which neither can cope single-handed, is worthy of consideration.

The federal government may not determine what is theft or murder, nor how the thief or man-slayer shall be punished. Nor yet can the State government, on the other hand, define or punish mail robbery or piracy, because the laws regulating the post-office and protecting the highway of nations, are enacted and must be enforced by national authority. But in such a confederation as ours, a generous regard is due, and may be shown, by each constituent member to its fellows—at least so far as to avoid any legislation not necessary to its own welfare —whilst it is prejudicial to sister commonwealths.

If the people of the State of New Jersey were so burdened with the load of poverty and crime which the use of strong drink had imposed upon them, as to rise up in their might and enact a stringent prohibitory liquor law, we should esteem it a very uncourteous measure in the Legislature of our State to offer a premium to those distilleries on the banks of the Delaware—opposite New Jersey—that should manufacture and sell the largest quantity of alcoholic drinks during the year. Even if she kept all her

Digitized by Google

drunkards at home, we should incline to think that we had better help than hinder her in her efforts to throw off such a load. But when it is considered that her frenzied topers are quite as likely to cross the river and set fire to our dwellings, obstruct our railroads, or take our lives, as they are to do the like deeds at home, it becomes our joint interest to suppress intemperance in New Jersey. So if horse-stealing had become very rife in the river towns on the Pennsylvania side, we should think it a discourteous thing for the Legislature of New Jersey to pass a law exempting horse-thieves from liabilities under a requisition.

Somewhat in this light we must regard the late passage of a law by the State of Delaware authorizing a lottery. It is within the knowledge of many of our readers that a vast amount of personal labor and no inconsiderable expenditure of money in the promulgation of facts, were required to make the traffic in lottery tickets illegal in this State. By the Act of February, 1762 "all lotteries—public or private—are declared common and public nuisances, and against the common good and welfare of the province." By the Act of March, 1833, all lotteries and all dealing in lottery tickets were prohibited after the 31st of December of that year, under severe penalties; and the Act of March, 1847, is still more stringent in its prohibitions, embracing the agents and brokers for the sale of tickets, guarding against sundry evasions, and giving extraordinary facilities to prosecutions. With all this bristling array of authority and threat, large and ruinous transactions in lottery tickets are known to take place. Circulars announcing schemes flood the country and find their way into the hands of those who are easily duped

It is believed this species of gambling is now authorized in only three States,* and it has been earnestly hoped that when the last grant of a lottery which has been made in one of them, (Delaware,) should expire, as it would by its own limitation, in 1861—the number of States would be reduced to two. But this hope is blighted. The Legislature of that State—by

* By the laws of Maryland all lottery licenses in that State expired yesterday, March 31, 1859.

Digitized by Google

a majority of one in each branch—has lately granted a scheme of a lottery of twenty years duration—thus visiting upon almost a whole generation the calamitous influence of this most delusive and corrupting species of gambling.

In exchange for this privilege of spreading disappointment, poverty and distress, in some of their most aggravated forms through the families and neighborhoods of that State, and doubtless to some extent into every other State in the Union, they receive the sum of $720,000.

We have seen it stated that the Legislature of Georgia authorized a lottery for the purpose of raising the paltry sum of $5000 for an academy in Sparta—the expenses of which without including the prize money were not less than $300,000. The same ratio would make the new Delaware lottery cost over $43,000,000—besides all the prize money. And the better part of this enormous sum would be extorted from the most impoverished and dependent classes of the community—an annual draft of about two millions, chiefly upon the scantiest avails of hard labor.

We doubt not that strenuous efforts were made to prevent so deep a reproach to the good name of our neighbor—and perhaps it gives a still darker shade to the features, to be told that any man who was thought worthy of a seat in any American Legislature could be persuaded to lend himself to so pernicious a measure. It would seem as if the appeal must have been made to some passion, near akin to gambling in its corrupt influences, before a hand could be found bold enough to open such a Pandora's box.

To get money without earning it, is the principle motive of gambling, as it is also of fraud and theft. One of the safeguards of the order and well being of society is in that irreversible decree of Providence, that by the sweat of his face man shall eat bread. Industry, frugality, and temperance are required to make his labor meet his wants. If they can be supplied as well or better while he indulges in sloth and waste and sensual indulgences, he will eschew labor. If he can avail himself of another's earnings—by theft or robbery—the temptation to

Digitized by Google

many is so strong that they will do it, even at the risk of life. If there is one chance in many thousand that the cast of a die, the stroke of a cue, or the chances of a lottery will empty a bag of gold into the adventurer's lap, the bare possibility of such an event is easily wrought into a probability—so near that every other interest is made subservient to the accomplishment of it.

A man invents a valuable machine or discovers a mine or a guano bed, or strikes upon a new vein of business—the reward of his skill, or discernment, or enterprise, is sometimes a sudden fortune—but much oftener he has the mortification of seeing another and a bolder, step between him and his anticipated and well earned revenue and wrest it from him. It is note-worthy, however, how very rarely the sudden accumulation of property—even by laudable means—proves advantageous. The less it costs the less likely is it to be valued, or wisely improved. The principle of gambling—especially of lottery gambling—is to buy, with a little money, a chance (no matter how remote) of gaining a great sum. The desire of gain and the thirst for the rapid accumulation of wealth, are so deeply implanted in human nature, (says Recorder Barnard, of New York, in a late charge to the Grand Jury,) "that just so long as lotteries are tolerated by the law of any of our States, or of foreign countries, there will be a market for tickets," and however stringent the provisions, or severe the penalties of law, this desire will run the gauntlet of them all.

Complaints are sometimes made against individuals for selling lottery tickets, and we flatter ourselves that this indicates a desire in somebody to suppress such traffic—whereas such complaints are generally instigated by rival venders, in order to break up monopolies and give the trade a wider range for its operations. It is a fact not unfrequently noticed in our public journals, that scarcely any class of offenders so easily slip from the hands of law officers as gamblers. A case recently occurred in our own city in which eight dealers in lottery tickets occupying offices almost adjoining each other, were arrested, had a hearing, were held under recognizance, and went back to their trade. In another instance, two gambling houses were broken

Digitized by Google

up and the delinquent parties gave bail, and the very next day boasted that they did twice the business they had ever done on any previous day. And again: Two men concerned in a faro bank kept in one of the most thronged thoroughfares of the city, were arrested, and the implements of their trade seized; but they were released on fictitious bail and their implements restored to them! So say the public prints. Of all modes of gambling none presents itself to the poor and ignorant classes so plausibly as the lottery. The purchase of a chance is within the means of the most impoverished. Half our paupers in the Alms-house could earn in a single day money enough to buy one. Men must go to the faro bank or to the billiard room to "try their luck," but the lottery comes to the humblest door. A little bit of ornamented paper, folded up and kept snugly in the vest pocket, contains the mysterious charm, and there is just so much uncertainty in the time and place and manner of deciding the fate of the adventurer, as to keep the back door closed against despair while the front door is always open to hope. In most other kinds of gambling the duped party, if he has his eyes open, can see the process by which he is reduced to beggary and desperation, but the lottery gambler consents to be blindfolded while he is robbed of his last penny. So long as they have the means of supplying themselves with one of these little printed tokens of their interest in some lottery-game, their brain (what little they have,) is filled with speculations on the combination of figures in their number, or on the luck of the day of the drawing, or on the use to which their chickens may be put should they be hatched. And thus they live on from week to week, or from month to month, in a sort of dreamy hope, if not belief, that their bags will not be capacious enough to receive the treasure that will flow into them without such toiling and drudging as their less fortunate neighbors endure, and after all gain but a bare livelihood. Does any one need to be told that for such an one to betake himself to honest labor after but a brief indulgence in such reveries, is far more difficult than for a drunkard to turn from his cups or a "sow from her wallowing in the mire?"

Digitized by Google

There are probably few of our readers who have not known instances in their own neighborhoods, or within the sphere of their personal acquaintance, in which individuals and families have been involved in irretrievable disgrace and misery as the direct or indirect consequence of embarking in a lottery. One case is a representative, substantially, of hundreds and thousands. Not long ago we could have taken you to a house in Boston occupied and owned by a prosperous mechanic, with a frugal wife and a happy group of children. His shop was well supplied with tools and stock, and his business was large and increasing. In an unfortunate hour he was induced to purchase a lottery ticket, in the vain hope of obtaining sudden wealth. The first essay in this fascinating path induced a repetition, and soon he was fairly upon his way in the road to ruin. House, land, stock, even to the silver ware of his household, all vanished away, until at last, in a desperate extremity, he was induced to do that which has made him a wanderer upon the face of the earth, away from family and friends.

On the complaint of a German mechanic in Cincinnati, ten men were lately arrested for dealing in lottery tickets. The prosecutor stated that he had been purchasing tickets for years —that he had spent all he earned, and all he could borrow, in these ruinous speculations—that he had impoverished himself and family to such a degree that they have frequently had to live upon a single meal a day, and that of the most scanty character; in short, that he had become almost a maniac upon the subject of drawing a prize, and at last getting his hard-earned money back. Having been driven to the verge of despair and ruin, and knowing at least one hundred persons of his own condition in life who were brought into the same wretched and hopeless condition by giving up everything for lottery tickets, he could no longer forbear to do something to save others from the same folly and ruin.

It is sometimes urged by the advocates of lotteries that there have been periods in our history when they were countenanced by wise and good men, and were employed for raising money for public uses, such as building canals and bridges, and en-

Digitized by Google

dowing institutions of learning, With all the care used in their management by upright and honorable citizens to whom it was entrusted, the evils which are inseparable from them became so manifest that they were abandoned. Great as those evils were they are immeasurably aggravated by the frauds and deceptions which are practiced in modern times, and which are well known to the wary—as well as by the morbid appetite for adventuring in them which rages chiefly among the poorest and most ignorant classes of society.

Putting aside for a moment the notorious fact that the managers of a modern lottery can control the drawing to suit their own purposes, no one can look at the naked scheme without surprise and indignation that such an imposition should be practiced on any portion of the community. A recent scheme of a Delaware lottery presents the following facts: Of all the tickets issued, 30,316 will draw prizes and 45,760 will draw blanks, so that at the outset there are half as many again blanks as prizes! The price of each ticket is $3. Suppose them all sold singly, we have the gross sum of $228,228 obtained from 76,076 individuals. Of this sum $137,280, or about three-fifths, are taken from say 45,760 persons, mostly poor and ignorant, without any consideration whatever. If laws are designed for the protection of such classes, we must admit that this is "such protection as vultures give to lambs." We will dismiss this crowd, (equal to half the population of the State of Delaware by the census of 1850,) to embark in a new lottery when they can scrimp the food of wives and children enough to save the price of a ticket. Of the above purchasers of tickets we have 30,316 left who are to draw prizes, but of these 25,740 can only draw a prize of $3, and this subject to discounts and charges. They cannot possibly be any better off than before they bought the ticket. This reduces the original 76,076 adventurers to 4,576, and for 4,026 of these there is a prize of six dollars—not much of an advance on the investment, all things considered; and there is not one chance in 17 that the adventurer will get this; there is not one chance in 500 that he will get $9 for his three; there is not one chance in 2000 that he will gain $100 by it; nor one in 7000 that he

Digitized by Google

will gain $1000; nor one in 76,000 that he will get more than that!

What would be thought of a man who should invest a thousand dollars in a business in which there was an even chance that he wonld lose it all, and only one chance in 17 that he would gain a penny? Yet such is the folly of 45,760 of the individuals whom the State of Delaware coaxed to adventure in one of her lotteries.

What is the case before us? The people of Delaware sell to a citizen of Baltimore the privilege of drawing lotteries and selling tickets among them for twenty years, in consideration of which he pays them $720,000, to be appropriated to various objects of local or general utility. In some way this large sum of nearly three-fourths of a million of dollars must be reimbursed and also the expenses and risks attending the outlay. To induce so generous a bonus he must anticipate very large returns, and it is probable that at the end of the twenty years not less than three millions of hard-earned money will be drawn chiefly from the scanty pittance of the poor, in return for which they will receive nothing but a worthless scrap of paper. Add to this the poverty and misery and crime which will inevitably show themselves in the train of consequences, and for which the public purse must in the end suffer large drafts; and then the dishonesty, ruin and despair in which the gambling infatuation has involved them, and we shall have a glimpse of the gigantic nuisance which our sister State has brought into being, of which the pestiferous effects will be felt and deplored in the remotest districts of our country. The two citizens of that State whose votes in their respective chambers carried that measure, have done more to impoverish and demoralize the community than all the people of the State, with all their resources of wealth, intelligence and public spirit, could do to improve and enrich it. To build a church, a court-house, or school, with the avails of a lottery—at this day—is as if one should steal money to bestow in charity, or break men's bones that they might get admittance to the hospital.

What is a school worth if it does not teach its pupils (inci-

Digitized by Google

dentally at least,) to keep under the passions which gambling, in all its grades, invariably provokes? What a monstrous paradox to flaunt in the faces of men and women, temptations which are sure to lead the weakest of them astray, and use the avails of their folly to build a church in which they pray not to be led into temptation!

POLICE RETURNS.

QUARTERLY REPORT OF THE GENERAL AND DEPUTY SUPERINTENDENTS OF THE METROPOLITAN POLICE, ending Oct. 31, 1858. New York, pp. 60. Same for quarter ending January 31, 1859.

COMMUNICATION TO HIS EXCELLENCY THE GOVERNOR, TRANSMITTING THE REPORT OF THE BOARD OF COMMISSIONERS OF THE METROPOLITAN POLICE, January, 1859. Albany, pp. 90.

As lately as four years before the birth of Washington, a plan was formed by some adroit villains in London, for robbing the Queen as she was returning from a supper in the city to her palace, but the gang being detained longer than they expected in robbing alderman Heathcote, her majesty escaped. Twenty-five years later, a body of one hundred lawless men was organized in that city for purposes of plunder, with a treasury, officers, periodical meetings and a host of subordinates. They embraced many educated and accomplished men, who appeared in all sorts of disguise and mixed freely in most companies. In 1816, the condition of the metropolis and the rural districts, in respect to crime and criminals, was brought to the notice of parliament by the report of a committee, but it was not till 1829 that an efficient police organization was effected, the prominent feature of which was the *prevention* of crime. The defect of the system which it superseded was, that "men were nursed in crime until the length to which they proceeded led to the offer of rewards for their apprehension." The police of London, (the city proper,) numbers 569, and the population is 128,851, or 1 to 226, while the Metropolitan police, whose jurisdiction is outside of the city and extends ten or twelve miles into the adjoining districts,

Digitized by Google

numbers 5,813, to a population of 2,646,278, or 1 to 455. Manchester has the smallest proportion of officers to people, being 1 to 611. New York, in 1844, had 1 to 414, and in 1858, 1 to 804. The London organization of 1829, which was effected under Sir Robert Peel's favor, is substantially maintained to this day.

The police system of New York has undergone four radical changes within fifteen years. In 1843 the city was protected by a very modest force, consisting of two constables to each ward, the Mayor's marshalls and a night watch, who followed their own private business during the day. In 1841, 1849, 1853, and 1857, severally, a new system was inaugurated, the last being the present Metropolitan police, which a few days' since was condemned by a report to the Legislature in the most unqualified terms; but whether the report or the police will be sustained, is problematical. It has fallen into the maelstrom of politics, and in what form it will reappear, if at all, is quite uncertain.

One of the peculiar phases of crime in American cities, originates in this mutability in our police corps. There is a professional skill which is acquired only by practice; and the possession of this skill, (other things being equal,) should constitute a strong claim to continuance in office; but where the office itself is elective, or dependent on an elective office of brief duration, the uncertainty of tenure diminishes, if it does not destroy, the force of any such motive. How can we expect a thorough police system, while at short intervals a thousand or two of new hands are thrust before the public as conservators of the peace and protectors of the persons, property and comfort of the citizens, who no sooner learn what their duties are and how to discharge them, than they give place to others, who have in their turn the same preliminary training at public expense, from which the public are allowed to reap no benefit? Rogues will, of course, take advantage of this, and, as a consequence, more arrests will be made of guiltless parties, fewer convictions will occur, adepts in crime will drive a successful business and the police office will be made as lucrative as pos-

Digitized by Google

sible in the short time it can be held. A comparison of the proportion of arrests to convictions in New York with those of Paris or London, will show the facts; and we know of no theory to account for them except that which we have suggested. A police officer, ignorant of his duties, is very likely to arrest parties for trivial causes, in order to show that he is not asleep; while for the same cause, cunning and practised villains, of which we have the sharpest the foreign markets can produce, will easily keep out of harm's way. These are notorious facts, but so superficial is the impression made by the commission of crimes, (even the most aggravated,) that after a few days the name of the perpetrator and all the circumstances, pass from memory, unless they are recalled to notice by a public trial. It would scarcely be credited how large a proportion of open and gross offences escape detection and punishment.

But our present business is with the recent reports of the Board of Commissioners of the Metropolitan Police of New York, some items of which may interest our readers.

The report to the Governor calls for an increase of the police force. The present staff for New York and Brooklyn consists of one general and two deputy superintendents, 31 captains, 135 sergeants, and 1,261 patrolmen; and the report states, that this, for a population of 820,000, is but 157 more than were in commission when the population was only 350,000. Is this the scale by which to estimate the sufficiency of a police force?

In support of the call for an increase of strength, the report presents a comparison of the number of arrests made at different periods. For the three years ending Jan'y 1849, the arrests averaged less than 25,000 annually. For the three years ending Jan'y 1857, they averaged over 50,000; and in the year ending Nov. 1858, they were 61,455. It would be much more satisfactory if the report furnished information as to the proportion of *convictions* at the two periods. For if of the 25,000 arrests in 1850, one-half resulted in convictions, while of the 50,000 in 1857, only a fourth so resulted, we should argue that, (to a certain point,) the fewer police officers

Digitized by Google

we have the better off we are; for there is little gained to public virtue or the public purse, by apprehending and disgracing multitudes whose offences are not susceptible of proof.

The report supplies only one item bearing directly on this point, and that shows that of 6,621 cases in the Courts of Oyer and Terminer, and Special Sessions, for the year ending September 30, 1858, 3,194, or very nearly half, failed of conviction.

The number of arrests is often greatly increased by temporary causes. If the police of any of our cities were to seize all persons who transgress ordinances, the majority of the people would be in custody all the time. The enforcement of the law against street-begging, or against profane swearing, might increase the number of arrests by some thousands in a single week. An efficient or lax body of policemen may increase or reduce the per centage almost at pleasure. If it could be shown that a large number of known offenders escape because the police force is numerically inadequate to arrest them—in other words, that each man, in the legitimate discharge of his duty, has more rogues upon his hands than he can dispose of—there would be some reason in the call for an increase. But a large proportion of the arrests are of offenders that require neither skill to detect nor muscular power to retain. A single officer might head a score of them, and they would attend him to the station-house or magistrate's office as a flock of sheep follow a bell-wether into the pasture. Of the 75,373 arrests in New York and Brooklyn, 50,000 were for the very lowest class of offences—more than 20,000 being for intoxication, and needing a strong man with a wheelbarrow or push-cart rather than a police officer, to dispose of them.

We had proposed to call attention to some other topics in the report of the Commissioners, but, as we have said, the whole system has drifted into the stormy sea of politics and whether it will survive the shock is more than doubtful.

The last report, for the quarter ending January 31, 1859, returns 13,765 as the total number of arrests; more than one-third of whom could neither read nor write. Of the whole

Digitized by Google

number 11,055 were foreigners, and of these 8,602 were from Ireland! Sixteen other countries were represented in the batch, and the nativity of 524 could not be ascertained. Five out of six of the arrests were of persons who are in the habitual use of ardent spirits.

The Rogue's Gallery has three hundred and seventy-four faces of "more or less distinguished rascals." It would not be difficult to show a much larger number in private life, many of whom are "distinguished more," and few "less."

New York has nearly eight thousand places where strong drink is sold at retail; five hundred known houses of prostitution and assignation, not including one hundred and seventy lager beer and drinking saloons connected with prostitution. There are nearly two thousand public prostitutes, and several hundred of the same class whose mode of living is more private.

Of the 13,765 arrests, 511 were of females, and 2,932 of males, (in all 5,282,) who were not over twenty years of age!

A statement of the occupations of the parties arrested, suggests some interesting inquiries. Fifty were bar-tenders, 157 butchers, 359 cartmen, 285 clerks, 147 junk dealers, 25 newsboys, 845 prostitutes, 251 peddlers, 380 sailors, 90 saloon keepers, 379 stage and hack drivers, 125 seamstresses, 263 tailors, 47 washwomen, and 2,221 without occupation of any kind. Is it not easy to see a close connection between the nature of the occupation, in some of these items, and a violent temptation to crime? And may not this indicate what part of the body politic stands in most need of care and watchfulness?

Among the items of information which are of general interest, we notice the following:—

1. Reference is made to the increased mortality of the city; which has risen in twenty-five years from 1 in 35½ to 1 in 27 or 28. This is attributed to various causes, but chiefly to the over-stocking of the houses of the poor. Estimating the population at 820,000, it is stated that one-third (or 287,000) occupy houses containing four or more families. In some instances two hundred persons were found occupying one house.

2. The number of lodgers in the station-houses is a notable

Digitized by Google

and suggestive fact. It has risen from 45,375 in 1853, to 121,597 in 1858, or nearly three to one. Between Nov. 1, 1857, and May 1, 1858, (six months,) not less than 160,000 persons applied for shelter, of whom only 85,000 could be accommodated. For the year ending October 31, 1858, 121,597 persons were so lodged.

3. The extent to which violations of wholesome laws are winked at by prosecuting officers, is surprising. More than 26,000 cases of infractions of the law against keeping open liquor shops and groceries and selling liquor on the Sabbath, were reported by the police to the prosecuting officers of New York and Brooklyn, not one of which was prosecuted to conviction. That the enforcement of the laws would prevent a large proportion of crimes, is demonstrated by the fact, that when an effort was made in July 1857, to enforce it, the arrests averaged eighty-five each Sabbath; but when in the succeeding November, it came to be understood that the law would not be enforced, the arrests averaged one hundred and sixty-eight, or two to one.

4. The destruction of counterfeit bank-note plates and dies is very properly urged. Many are supposed to be in the hands of prosecuting officers; but wherever they are, they should be at once committed to some proper functionary to be destroyed, and a certificate of their destruction lodged in the Secretary of State's office; or if coin, with the Clerk of the District Court of the United States. We would include all gambling instruments in the same ruin, instead of surrendering them to the guilty parties, seemingly to facilitate their operations, as has lately been done in some of our courts.

5. Of 75,373 arrests reported by the police, the enormous number of 61,561 were foreigners; 13,812 only being Americans and colored people.

6. The incidental services of police officers are not inconsiderable. During the year 7,552 lost children were restored to their care-takers; 58 abandoned infants were provided for; 751 persons becoming sick or disabled in the streets were taken home; 134 persons were rescued from drowning; 180 fires were

Digitized by Google

extinguished; 1,724 stores and dwellings found open at night were secured, and 584 stray horses returned to their owners.

7. But the most extraordinary item in these returns is that of *insanity*. This is reckoned among "offences against the person;" and twenty-three of the twenty-five wards have at least three of this class; and in one precinct, (17th,) are reported 23 males and 36 females. The whole number is 511, of whom 185 were females. Is it credible that such a number of persons are abroad in the streets of New York in a single year, who may be properly returned in a police report as insane?

ADULTERATION AND FALSE ADVERTISEMENTS.

Brother Jonathan's family profess to be intelligent, well-educated people, and all well able to take care of themselves. Of course they have large liberty, and if they get their feet into the mire or run their heads against a post, the worst is their own and experience is a thorough master. It is a peculiarity of the family that they had rather be cheated out of their eye-teeth, than to have the liberty of others to cheat them abridged. If the milk they buy is half water, the cream they sell is half milk, so that a general license to dealers to make fools of all they can, is tantamount to a general warning to all to look out for themselves. Short-weights and measures —watered milk and wine—patent medicines, cancer doctors, astrologists and spirit-mediums, are launched indiscriminately into the crowd, and he who cajoles the largest number carries off the palm and the purse. When the dupes whimper and fret, Brother Jonathan laughs, boxes their ears and tells them to look sharper next time.

Not so in the old, seedy cities of Europe. There they use bits and bridles, and a busy time they have of it. Lately in Paris, a milkman was fined ten dollars and imprisoned fifteen days, for adding only thirty per cent. of water to his can of milk. A woman convicted for the third time of watering the milk she sold, was fined ten dollars and imprisoned three months. A company of four partners who managed a dairy, were convicted of watering their milk and were sentenced for various terms,—the heaviest being four hundred dollars' fine and eight months' imprisonment. A wine merchant who watered

Digitized by Google

the wine he sold, suffered a fine of ten dollars and six days' imprisonment. And a grocer who mixed chickory with coffee and sold it as coffee, had the same sentence.

The punishments awarded for adulteration, are of three kinds—imprisonment, fine, and the publication, by means of placards, of the name of the offender, the nature of the offence, and the sentence imposed—one of the placards being usually posted up beside the door of the offending shop-keeper. Of these three punishments it has been found that by far the most effective is the publication of the name of the adulterator, and it is this penalty chiefly which Englishmen wish to see inflicted in their country for adulteration.

The use of false weights and measures, the sale of articles deficient either in weight or measure, and the sale of corrupt and unwholesome food of all kinds, are all visited in France with severe penalties at the instance, not of the party defrauded, but of the public prosecutor.

Into the department of quack advertisements also the authorities of the French capital have thrust themselves, to the great annoyance of dealers and the loss of revenue to the newspapers. An article was advertised as efficacious in the cure of a large number of diseases. A female who sold it was prosecuted upon the charge of "deceiving the public in the nature of the merchandise sold," but probably the tribunal thought no one in his senses could be "deceived" by such an absurd pretence, or that the charge was not proved, for the woman was acquitted. In the advertisement of the article, however, it was stated that the ingredients "were collected in distant parts of India, and an engraving was given of negroes gathering the materials, whereas an analysis proved that they were only flour of lentils and beans, tinctured with cochineal, and as they had charged for them fourteen or fifteen times what they were worth—the tribunal convicted her on this charge, and condemned her to a month's imprisonment and ten dollars' fine, and the two men who were concerned with her, each to three months' and the same fine."

Our public papers in the United States are flooded with advertisements which not only deceive multitudes, but lead to the most fearful abuses of health, to a great waste of life, and, in thousands of cases, encourage the grossest immorality. But Brother Jonathan feels a great aversion to all restraints; and when we ask him if he had not better put a little check here and there, the old fellow first shakes his head significantly, then laughs and says, "Give 'em the reins! The worst they can do is to break their necks."

Digitized by Google

Brief Notices.

SCHOOLS OF REFORM.—The second Convention of persons actively engaged in "preventive, correctional and reformatory institutions and agencies for juvenile destitution, delinquency and crime," is appointed to be held in New York, Tuesday, May 10, ensuing. The following are to be subjects of discussion:—

I. *The Distinction which should be observed between Vagrancy and Destitution, on the one hand, and Crime on the other.*—This subject would include a comparison of—1, The extent; 2. The causes; 3. The means of prevention; and 4. The remedies of each of these acknowledged evils.

II. *The Comparative Value of the Family and Congregated Systems in Reformatory Institutions.*—The subject may be considered in respect to—1. Economy; 2. Facilities of classification; 3. Moral influence. A review of the actual working of both systems, in various countries, should of course be made in this connection.

III. *The true Principles of Legislation in respect to Vagrant and Criminal Children.*—1. Method of judicial examination and committal; 2. Time of Detention. 3. Supervision subsequent to discharge. 4. Support of children by parents or guardians.

IV. *The Training of Instructors, both Male and Female, for Reformatory Institutions, Asylums, &c.*—Among the subordinate topics here suggested are—1. The present difficulty of obtaining qualified Instructors; 2. The obstacles which Instructors now encounter, and which might be modified or removed, if such Instructors were practically trained for their arduous duties; 3. The spirit which should animate all who are engaged in reformatories; 4. A review of what has been done in other countries; 5. What is now practicable in our own land.

V. *The best System of Education in Reformatories.*—1. MANUAL.—Can any arts or trades not now taught be advantageously introduced? 2. INTELLECTUAL.—Can anything more than the rudiments of an English education be taught? Is it expedient to encourage the development of superior talent where its possession is indicated? 3. MORAL AND RELIGIOUS.—What rewards and punishments are wise? Is the biblical instruction sufficiently methodical and thorough? Is there not danger that, in avoiding disputed points, the acknowledged verities of the Christian faith receive too little careful study?

VI. *The best System of Discipline.*

PUBLIC MEETING OF THE FRIENDS OF THE "PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES OF PUBLIC PRISONS."—On the evening of March 15, a public meeting was held at the *Musical Fund Hall*, for the purpose of diffusing more general information concerning the designs of this Society, and exciting a deeper interest in its humane enterprise. His Honor, the MAYOR of the city presided, and appropriate addresses were

Digitized by Google

made by the chairman, and Judge KELLEY, and Rev. Mr. WILLITTS. We trust that the views presented on that occasion will awaken new sympathy in the great work which the Society has in hand, and enlist in its behalf the countenance and co-operation of all our intelligent and benevolent citizens. Many popular errors are to be rectified—much prejudice to be overcome—and a multitude of abuses to be corrected.

THE SKETCH which accompanies this number of our *Journal* gives a succinct account of the transactions of the Society in past years, and also indicates several objects to which its earnest and pains-taking efforts need to be directed. A copy will be sent in answer to post-paid orders.

PHILADELPHIA COUNTY PRISON.—The Twelfth Annual Report confirms the impression already deeply made that good judgment and strict economy have the ascendency in our County Prison. There has seldom been exhibited to the public eye a more signal example of the difference between good and bad management in a public institution. Taking five successive years last past, we have the following result:

Year	1854	there were	11,388	prisoners,	costing	$78,288 18
"	1855	"	14,794	"	"	85,499 37
"	1856	"	14,981	"	"	90,352 78
"	1857	"	16,800	"	"	54,841 95
"	1848	"	15,134	"	"	53,283 65

We can imagine a large reduction in the expenses of a prison at the great cost of society and humanity; but in the present instance the health returns and the general condition of the prison, show conclusively, that no true interest of the public, or of the prisoners, has been sacrificed. The Inspectors have just infused into the care of the institution a portion of the prudence, care and foresight which distinguish enterprising and successful men in conducting their own business. The returns of two successive years show a singular variation—not so much in crimes, as in the names given them. The "disorderlies" of 1857 were 553 more numerous than those of 1858; but the "drunkards" of 1858 were 356 more than those of 1857; the "assaults and batteries" of 1857 exceeded those of 1858 by 362; the "vagrants" of 1858 exceeded those of 1857 by 300; while the "misdemeanors" of 1858 were 300 less than those of 1857. The total of these five items gives us 376 less this year than last.

IMPORTED FELONS.—Once in a while there comes to light an invoice of thorough-bred desperadoes, exported to the United States by some of the benevolent societies or governments abroad. Hundreds arrive and disperse themselves through the country whose antecedents are not disclosed. How far this opinion is corroborated by the facts, we leave our readers to determine, but it is stated—and not contradicted—that of 21

Digitized by Google

prisoners confined in the New York Tombs, February 21, 1859, for *capital offences alone*, 12 were of foreign or unknown birth!

A brace of these imported felons landed at New York a few weeks ago —one of whom had served a four years' sentence for burglary, and the other three successive sentenees of twelve, nine, and eight months, in as many different prisons. Their passages to this country were paid by a Prison Aid Society, and they were told that if they would come here they could get work and good wages. They were detained in custody, to be returned in the same ship that brought them over.

We have just escaped another accession of like characters to our already crowded ranks. Three boys, residing at Hull, all well connected, and occupying responsible situations, were charged with stealing a letter containing £100. They were apprehended on board the City of Baltimore just as she was about to sail for New York. They had about £60 with them in cash, and they had each a revolver, and a dagger, as well as a plentiful supply of new clothes and ammunition. Their intention, they said, was to proceed to the Far West, and with their ill-gotten booty commence a life of adventure.

Revolt in Auburn Prison.—On Saturday, March 19, a revolt occurred among a portion of the convicts in the Penitentiary at Auburn. A man employed in the harness shop was ordered to the dungeon for punishment. He turned from the keeper and called to the prisoners to protect him. A melee followed, in the course of which the guard were ordered to fire upon them. Two were mortally wounded and a third slightly, when they were marched to their cells at the point of the bayonet. It is said this shop is generally the theatre of outbreaks. It contains about seventy convicts, and generally men picked for muscular power. Their tools of business serve the purpose of weapons, and while working at the furnaces they have an opportunity to prepare instruments of death and conceal them under their clothes. Quarrels frequently occur between the men and the keepers, and also with each other, it being by no means unusual, says an Albany paper, "for two of them, without any warning or provocation, to drop their work and 'clench' for a fight."

If hundreds of men of depraved minds and ferocious dispositions are brought into personal association in a prison, no matter under what restrictions, scenes of violence, mutiny and bloodshed must be anticipated. That they do not oftener occur may be because the probability of being released by a pardon is so much greater than that of escaping by an insurrection, that the latter is declined.

Hazards of Convict Association.—The Massachusetts Penitentiary has been distinguished for a succession of bloody scenes, such as have been witnessed in no other prison in the country. One of them occurred

Digitized by Google

lately, the circumstances of which furnish a striking comment upon the evils of convict association. Peter York, a colored man, serving a life-sentence for a brutal murder, and Michael Lynch, occupied adjoining cells. Lynch was known to be a desperate fellow. At the time of his trial, a witness who had testified against him, in leaving the court room, passed near the dock, when Lynch sprang forward and gave him all but a mortal stab. These two murderous spirits were in the habit of taunting each other in the most vulgar and abusive manner, which, it is said, *the keepers could not prevent.* A quarrel arose between them about a defaced book and Lynch formed a deliberate purpose to take York's life as soon as an opportunity offered. With this view he sharpened the handle of an iron spoon which was given him to eat with; and on Saturday, January 29, as the men were being taken to the bath-room, Lynch sprang upon York and thrust the sharpened spoon into his neck several times, making very ugly wounds, and he fell bleeding to the floor. The keepers seized Lynch, but he fought like a tiger, calling on them to let him go "that he might finish York!" He was overpowered and heavily ironed and returned to his cell.

Impure Milk a Source of Disease.—A report was recently submitted to the Academy of Medicine, in New York, embracing the results of a long series of observations and experiments in respect to the injurious effects upon the health, of milk drawn from swill-fed cows. We have not seen the report itself, but it is said to show that eighteen pounds of corn and a little straw given daily, are abundant to keep a cow in good flesh; while to obtain the same quantity of nutritive element from swill, 130 gallons of it must be taken daily; 40 gallons to supply the nitrogen, 30 to supply the oleaginous matter, and 60 to supply the hydro-carbonate. In taking so much swill a cow will consume daily one quart of vinegar. In the course of the experiments it was found that this milk gave a strong acid reaction; and from a series of results derived from personal observation, it was discovered that the milk of unhealthy women, living in damp cellars and eating bad food, or habitually intemperate, exhibited the same characteristic. Instances were cited in which children born of healthy parents, and healthy when born, or brought when in a healthy condition from the country to the city, had incurred disease by the use of swill milk and recovered when it was withheld from them.

Insane Convict Asylum.—Our readers are aware that there has lately been erected in connection with the Auburn (N. Y.) Penitentiary, a structure designed for the custody and treatment of convicts who become insane, and we suppose also for persons acquitted of high crimes on the ground of insanity, who are dangerous to be at large. The main building is three hundred feet long and three stories high, with three halls

Digitized by Google

running the entire length of the building, and two wings, each one hundred feet long and two stories high. There are sixty-four dormitories, each eight feet by ten. It is anticipated that the asylum, before it has been opened a year, will prove insufficient to receive all who will be offered. Twenty-two were sent from Sing Sing early in February last, one of whom was under a life sentence, and the terms of the others ranged from two years and a half to six years and a half. How does the argument in favor of the influence of the two systems *on the mind*, stand in the light of these facts?

Maine State Prison.—If memory serves us, there was a time when the Commissioners of the State of Maine reported against a prison on the separate system mainly because of the *expense*. They acknowledged the decided superiority of the discipline, but thought the people would not accept so expensive a boon. How far they have consulted economy in their measures will appear from the following paragraph cut from a recent paper:—

"The state prison at Thomaston cost $21,690 last year, and earned only $6,900. The prisoners cost on an average $200 each. The removal of the prison to a more central place, where the labor of the prisoners can be turned to a more profitable account, is discussed; if it stays at Thomaston, $60,000 to $70,000 will be necessary for new buildings: if removed, a larger investment, not less than $120,000, will be necessary at the start, but the cost of maintenance will be less afterwards."

Parents to Pay the Public for Reforming Their Children.—We have more than once alluded, in these pages, to the propriety of making the parents of children committed to our Reform Schools, contribute something to their maintenance there. We notice the following provisions are contained in a bill which lately passed the popular branch of the Massachusetts Legislature:

"Whenever any boy shall be sentenced to the State Reform School, the city or town wherein such boy has his lawful settlement, shall be held to pay to the treasurer of the school the sum of fifty cents per week towards the support of such boy during the time he remains at the school, upon notice given and request made by the said treasurer. And any sum so paid by any city or town may be recovered by such city or town of any parent, kindred, or guardian liable by law to maintain such boy. All boys sentenced to the State Reform School, shall be sentenced there during their minority."

Help for Disagreeing Juries.—A few days since, a bill was introduced into the British Parliament, which provides that juries in civil causes shall be provided with the necessary refreshments while forming their verdict. If they are unable to agree after deliberating six hours, they shall not be required to deliberate longer, unless they express their unanimous desire to do so. And if nine only of the twelve concur in a verdict, it shall be taken and have the full force and effect of a verdict of the whole twelve.

Digitized by Google

SKETCH

OF THE

PRINCIPAL TRANSACTIONS

OF THE

"Philadelphia Society for Alleviating the Miseries of Public Prisons,"

FROM ITS ORIGIN TO THE PRESENT TIME,

PHILADELPHIA:
MERRIHEW & THOMPSON, PRINTERS,
1859.

Digitized by Google

Digitized by Google

SKETCH.

First Organization.—On the 2d day of February, 1776, a Society was formed in this city under the name of "The Philadelphia Society for Assisting Distressed Prisoners." The following named persons were at the same time elected managers till the ensuing September, viz: *Joseph Allen, Christopher Marshall, Christopher Ludwick, Isaac Howell, Richard Wells, Benjamin Shoemaker, Joseph Paschall, Benjamin Marshall, Joseph Stansbury, Benjamin Poultney, Richard Humphreys,* and *Samuel Sansom;* and for Treasurer, *Thomas Moore.* Many persons became members by an annual contribution of ten shillings, and many prisoners received seasonable relief; but in September of the following year, the British army entered the city and took possession of the gaol, and, after an existence of nineteen months, the Society was dissolved. The abuses which prompted such an organization at that time were probably of the same character with those which were stirring up the sympathies of HOWARD on the other side of the Atlantic; for although the criminal laws of England, (under which an average of two thousand thieves were hung annually, and the bodies of twenty were to be seen suspended on one gibbet,) had been essentially modified, there were still revolting cruelties practised, and enormous abuses of judicial power tolerated.

Second Organization.—Peace being restored, public attention was re-called to the condition of prisoners, and on Tuesday, the 8th day of May, 1787, a number of the citizens* of Philadelphia assembled and agreed to form themselves into a Society, to be called "The Philadelphia Society for Alleviating the Miseries of Public Prisons."

* The meeting was composed of the following persons, only one of whom, (*Richard Wells,*) was connected as Manager with the earlier effort, viz: *Benjamin Rush, John Swanwich, John Morrison, Thomas Harrison, Tench Coxe, Zachariah Poulson, Thomas Lloyd, Joseph*

Digitized by Google

Its Object.—The reasons for such an organization are simply but eloquently set forth in the preamble to the Constitution:—"When we consider that the obligations of benevolence, which are founded on the principles and example of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures; and when we reflect upon the miseries which penury, hunger, and unnecessary severity, unwholesome apartments and guilt (the usual attendants of prisons) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of these miseries. By the aid of humanity their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved, and such degrees and modes of punishment discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness."

The wisdom and humanity of these principles have received daily confirmation during the intervening period, and they control the plans and efforts of the Society at the present time.

Early Action.—The late venerable *William White* was elected the first President of the new Society, and held the office until his death; and so promptly was its benevolent hand extended to the relief of unjust suffering, that at the very first meeting a member reported, that although an order had been issued three days before, from the Supreme Executive Council, that Barrach Martin, who had received a sentence of death but had been pardoned, should be released from his irons,—they still remained on him. The subject was referred to an appropriate committee, who took instant and successful measures to relieve the prisoner of his irons and to liberate him from confinement.

A more favorable juncture for the beneficent labors of such a

Moore, William Rogers, John Kaighn, James Whitall, Richard Wells, Thomas Wistar, Jacob Shoemaker, Isaac Parrish, William Zane, Thomas Rogers, Samuel P. Griffiths, Francis Bailey, Joseph James, Charles Marshall, John Olden, Caleb Lownes, Thomas Parkinson, and John Morris, but with these original members are to be reckoned: *Dr. William White, Dr. Henry Helmuth, Dr. John Jones, Dr. William Shippen, Dr. Gerardus Clarkson, Jonathan Penrose, Lawrence Sickle, John Baker, James Reynolds, Dr. George Duffield, Benjamin Wynkoop*, and *George Krebs.*

Digitized by Google

Society could not have occurred, for it was just when the eyes of the civilized world were opened to the horrible abuses of prisons, and Legislatures were disposed to lend an ear to the suggestions of a wiser, because a more humane policy.

Cause and Cure.—It is not probable that either (certainly not the first) of these organizations contemplated any general change in the principles of discipline then prevailing; but in the investigation of the obvious miseries of prisoners, it was clearly revealed that they were attributable in a great degree to remediable defects in the structure and discipline of the prisons. That crimes increased in number and boldness could not be denied, and no adequate cause could be assigned for it, except the ASSOCIATION of convicts. This being the *evil*, SEPARATION was the obvious remedy; and on this, therefore, as we shall soon see, they ultimately fixed, as the grand point to be aimed at. Thenceforth separation and employment were felt to be the cardinal features of convict discipline; and even at that day it was maintained, that though the strictures which this principle demanded might be somewhat more expensive at the outset, they would, nevertheless, in the end pay for themselves with large interest. In saving in police force; in the avoidance of conspiracies and insurrections; in the dispensing with violent and exciting modes of punishment; in the power to adapt the means of improvement and reformation to individual character and circumstances; in the exemption of the discharged prisoner from recognition by prison acquaintances, and in the moral and disciplinary virtue of seclusion in itself considered,—were to be found a generous compensation for any extraordinary outlay.

Extraordinary Transformation.— Perhaps a more thorough transformation in the character of a penal code, by peaceful legislation, is not recorded in the world's history than that which took place in Pennsylvania during the eighteen years immediately succeeding the Declaration of Independence. When the Revolution commenced, nearly a score of crimes were capital.* In 1794 it

* High treason, petit treason, murder, robbery, burglary, rape, sodomy, malicious maiming, manslaughter by stabbing, witchcraft, arson, and a second conviction of any crime except larceny, counterfeiting, or passing counterfeit money, or bills of credit, current gold or silver coin, were all punished with death.

Digitized by Google

was ordained that no crime should be punishable with death except murder in the first degree.

The old code was not more severe in its penalties than in its definition of offences. The malicious and voluntary burning of a building or place of public worship, or of an academy, or school-house, or library, belonging to any body politic or corporate, was punishable with death. If the birth of an illegitimate child was concealed by the mother, the presumption of law was declared to be that it was born alive and that she murdered it.

In the administration of the old code, too, the exposure of the offender to the gaze and taunts of the rabble with every external mark of degradation,—the clog and chain upon the neck or leg, or both,—subjection to the cropping and branding iron, the pillory and the whipping-post, were conspicuous features. Ten short years pass, and it is decreed that these badges of barbarity shall be abolished, and punishments adopted better fitted to reclaim the transgressor, and not less effective in penal suffering.

It was one of these odious provisions that attracted the attention of the new Society. As early as August, 1787, a Committee was appointed to "inquire into the effects produced upon convicts, then at work in the streets, and also its influence on society, and to collect such observations as might assist in correcting any abuses suffered therein."

Secluded Labor Suggested.—Their inquiries led to the adoption of a memorial to the Legislature in January following, praying that for hard labor, publicly and disgracefully imposed, private and even secluded labor should be substituted. The mingling of the sexes and the use of intoxicating drink in the prisons were also suggested as evils requiring legislative remedy.

Abuses indicated.—In the autumn of 1788 a minute of the Supreme Executive Council engaged the attention of the Society, and the following defects and abuses were indicated in the treatment of prisoners:

1. Insufficient clothing for the untried. Complaint was made that the clothes which the Society had supplied to poor prisoners had been exchanged for rum.

2. The daily allowance to persons committed for trial was only a half of a four-penny loaf, while those detained as witnesses had no allowance at all.

Digitized by Google

A stranger accidentally present at the commission of a crime, without friends to enter security for his appearance, was committed to gaol for the benefit of the community, and suffered more than the actual criminal; and what added greatly to this grievance, he was afterwards detained until he paid the gaol fees! The Society earnestly protested against this practice, and against detaining any prisoners for any such cause after acquittal. This was one of the abuses which Howard ranked among "enormities."

3. No provision was made for decent lodging,—the inmates of the gaol lying indiscriminately upon the floor, unless supplied with something better by their friends. It will scarcely be believed that, in the memory of persons now living, the male and female prisoners in the goals of this city were allowed a promiscuous association, and were even locked up together in the rooms at night.* The new Society remonstrated loudly, and the men and women were soon after confined in separate apartments. Almost equally incredible is the fact, that prisoners complained that they were not allowed to buy intoxicating drinks where they could get them cheapest, but were compelled to buy them in the gaol at a considerable advance. To obtain them they not only stripped themselves, but when new prisoners were brought in, they took their clothing from them by force and exchanged it for rum.

4. The indiscriminate intermingling of criminals, untried prisoners and debtors, was another monstrous abuse, and led, in many instances, to the conversion of debtors and innocent parties into criminals.

5. Parents were allowed to have their children with them in gaol, and young offenders were exposed to all the corrupting influences of association with confirmed and reckless villains.

6. It was presented as a radical evil that a large proportion of the prisoners were unemployed; and farther, it was maintained that labor, even in the public streets, was preferable to sheer idleness within the walls.

Two Essential Elements of Reform.—In view of these several considerations, and as the result of careful observation, the Society resolved that "labor in seclusion, and the interdiction of all intoxi-

* It is affirmed that such a practice is not unknown in some of the County gaols in this State at this day.

Digitized by Google

cating drinks," were the two principal elements of the desired reform.

Publications.—At an early period the aid of the press was invoked in behalf of the Society's objects. Memorials and addresses had been issued before, but in April, 1790, a pamphlet was published entitled, "Extracts and Remarks on the Subject of Punishment and the Reformation of Criminals," and five hundred copies were distributed through the General Assembly, and among the chief functionaries of the government.

Reform of Penal Code.—On the 5th day of April, 1790, an act was passed to reform the penal code of the State. By this act the principle of individual separation was recognized, though applied strictly only to "more hardened and atrocious offenders, who are sentenced for a term of years," while the introduction of intoxicating drinks was prohibited under severe penalties.

Early Fruits of Separation—Under the act of 1794, not only the more hardened and atrocious offenders were subjected to seclusion, but ALL convicts. There being but thirty cells, however, and an average of one hundred convicts, the Inspectors were obliged to exercise their discretion. In some instances, the prisoner, immediately on his admission, was conducted to his cell, and remained in it until his discharge; and we have on record the remarkable fact, that *the cases thus treated were the only instances of reformation which continued throughout the lives of the individuals*, so far as they could be traced, or their condition ascertained by diligent inquiry.*

Gaolors' Fees.—Towards the close of the year 1796 another sore evil was taken in hand, and one so radical and stubborn that even to this day it has a reproachful name and place among us. It was the *practice of exacting fees as a condition of liberation from imprisonment.* A competent salary to the keeper was suggested as the best remedy, so that he should have no interest in any question affecting the liberty of his prisoner. It is to be regretted that this wholesome suggestion did not then receive all the consideration to which it was entitled.

Poor Debtors.—Imprisonment for debt and its appendages came up for distinct investigation by the Society in January, 1798, and an act of the Legislature passed that year ameliorating some of the provisions of existing laws.

* Robert Vaux's letter to Wm. Roscoe, Sept. 21, 1827. p. 7.

Digitized by Google

Instruction.—Little, if any attention, had been given to the prisons of this country or of Europe to *the instruction of ignorant prisoners in useful knowledge.* But in the summer of 1798, our Society expressed a warm sympathy in such efforts, and agreed to allow compensation for services rendered in that behalf.

Vagrants.—Two years later, *the employment of vagrants and convicts*, and the expense of their support, were made a subject of inquiry, and it is a matter of some interest to know that the number of vagrants committed during the four years preceding November, 1798, was 3,698, and of convicts in the same time, 490. The former were in prison on an average thirty-six days, and cost fifteen pence per day for their maintenance. The balance against the county at the end of the four years was £15,587, or less than $10,000 per annum. The appropriation to our County Prison last year was $61,000.

Pardons.—At this early stage in the progress of reform, the Philadelphia Society adjudged it to be unwise to abate any part of a sentence passed on a prisoner, either by lessening the term of his sentence or seeking a pardon from the Executive.

It seems passing strange that so protracted an experiment was needful to satisfy any intelligent community that this position is as wholesome for the prisoner as for the State, and yet up to this time the abuse of this high prerogative is among the most formidable mischiefs with which we have to contend. The decided language used by the Executive of Massachusetts, (not the least offending of our States in this point,) in his late message, leads us to hope that a more just view of the subject is about to prevail. He denies the right of the Executive to interfere with any stage of a judicial process, except facts are proved which, had they been known, would have prevented the law being so framed or so applied. He maintains that the efficiency of discipline is seriously impaired by the prevalence of the impression that a pardon is obtainable, and that weak persons have been induced to confess crimes for the protection of the guilty, under the assurance that it was only *a form*, and that a pardon would at once be secured for them.

Prison Library.—The next prominent measure which is particularly noticeable, is the establishment of a *prison library.* The Inspectors agreed to be at the expense of a case, and a Committee of the Society was appointed to select proper books, and pre-

Digitized by Google

scribe rules for their circulation. At the same time a list of books was reported, with the prices; among them were "Pilgrim's Progress," "Mason on Self-Knowledge," "Law's Serious Call," Young's Night Thoughts," "Blair's Sermons," and "Hervey's Meditations,"—a selection which, however intrinsically good, might, in these palmy days of book-making, be considerably extended without finding an equal number of works so comparatively inappropriate to the object.* It was also agreed to supply convicts and other prisoners with Bibles and Testaments, and a Committee was appointed to report on their distribution and its results.

Digest of Penal Laws.—In 1810, a movement was made towards a general improvement of prison discipline throughout the State, and a committee was appointed to prepare a memorial on the subject; but not long after the Legislature commissioned Jared Ingersoll, then Attorney General of the State, to prepare a digest of its penal laws, and the suggestions of the Society were made to him.

Sundry prison abuses revealed.—In January, 1814, the Grand Jury of Bucks County presented the scanty allowance to poor debtors as a subject deserving the attention of the public authorities. Fourteen cents a day only were allowed for provisions, clothing, bedding and fuel, and even this niggardly allowance was withheld from the debtor until the creditor received notice of his commitment. For some days, therefore, they might be exposed to extreme suffering, unless the gaoler or some kind friend afforded them relief. The rations of convicts were one pound of bread a day, and six cents worth of fuel, and one extra blanket in extreme weather. The subjection of persons committed for

* There are, perhaps, few tasks more perplexing than that of selecting books for a prison library. To induce most prisoners to read at all, they must be supplied with something attractive to them, and to combine with such attraction what is needful and profitable for their mental and moral improvement, is a talent which few authors possess. The Library of the Eastern Penitentiary now contains several hundred volumes, and the following are reported as most in demand :—Chambers' Information for the People, Daguerreotype and Foreign Miscellany, Arthur's Sketches of Life and Character, Cyclopedia of Useful Knowledge, Pictorial Geography, Lights and Shadows of Real Life, Museum of Foreign Literature, Land and Sea, Sea and Sailor, Deck and Port, Irish Tales, and Diary of a Physician, 3 vols.

Digitized by Google

trial to the same fare with convicts, was also presented as a reproach to the community. It was, moreover, urged that the manner and amount of the gaoler's compensation should be such as to remove from him all temptation to benefit himself at the expense of his prisoners. This position, which the Society assumed many years before, is one which the most obvious principles of justice warrant. It extends to magistrates and arresting officers, as well as gaolers. To none of them should there be offered the slightest temptation to distress or annoy those in custody, for the sake of profit to themselves.

Measures to obviate them.—The Society was not indifferent to these suggestions. Measures were soon adopted to ascertain the condition of penal institutions in other States, and a committee was appointed to memorialize our own Legislature in behalf of desired improvements; but various circumstances prevented definite action on the subject until January, 1818, when a memorial was adopted, representing the crowded state of the Philadelphia Prison, and the impracticability of reaching the true end of all penal discipline therein, and urging the erection of penitentiaries in suitable parts of the Commonwealth, for the more effectual separation and employment of prisoners, and so proving the superiority of that system.

Western Penitentiary.—Notwithstanding the impediments to a full trial of separation, the good results were sufficiently manifest to justify the Society in calling public attention to the importance of extending it throughout the State. This was now done, and in the same year the act was passed authorizing the erection of the Western State Penitentiary "on the principle of the solitary confinement of the convicts as the same is or hereafter may be established by law."

At the same time a letter was received from Dr. Lushington, in behalf of the London Society for improving the discipline of prisons, which had been established in 1817, requesting information as to the results of the melioration of our penal code. To this it was replied that the construction of the gaol in this city, (then used as a penitentiary for the whole State,) would not allow the fundamental principle of separation to be observed, except to a very limited extent, while the necessity of discharging prisoners received from remote parts of the State, to be at once exposed to

Digitized by Google

the severe temptations of a thronged city, was felt to be a great hindrance to their restoration to honest ways. Reference was made to the new penitentiary then in progress at Pittsburg, and to the determination to build another in this city, and strong confidence expressed in the full success of the system when these structures were completed.

Abuse of authority by Committing Magistrates.—The crying abuse of authority in committing persons to gaol for trivial offences, which so shamefully prevails at this day, is not of recent origin. It was among the outrages which arrested the attention of JOHN HOWARD, and in 1820, our Society instituted a specific inquiry into the extent of the evil, and the practicability of remedying it.

Inquiries from New York.—In September of the same year, a committee of the citizens of New York addressed a series of inquiries to us, touching the effects of our more lenient treatment of convicts. The reply bears emphatic testimony to its efficacy, so far as facilities to employ it had been afforded. Were a penitentiary established, they say, sufficiently large and so constructed as to keep the prisoners separated from each other during work, meals, and sleep, (in other words, perpetual separation,) and if no pardons were granted except in extraordinary cases, its efficacy would soon be self-evident.

The difficulty of procuring employment, the frequency of pardons, and the forlorn condition of discharged prisoners, were then, as they are now, grave but not necessary evils. To adopt capital punishment to a greater extent than was already allowed, or to resort to transportation, (each of which changes had been suggested,) was regarded as clearly inexpedient.

The chain was also repudiated, and a fair trial of labor in seclusion from other convicts, with moderate diet, under suitable agents, was urged as the *wisest, safest, most humane, most efficient,* and, in the end, *most economical* mode of dealing with criminals.

New Penitentiary in Eastern Pennsylvania.—Impressed with these views, a memorial was addressed to the Legislature, in Jan., 1821, in which notice is first taken of the tendency of the degrading and sanguinary punishments formerly inflicted, to excite the malignant passions of offenders, instead of bringing them to a better mind, and thus frustrating the great ends of law,—and

Digitized by Google

then of the various modifications of the system designed to obviate existing evils. These modifications, it is alleged, had proved quite as valuable as was anticipated, and clearly demonstrated the superiority of the new system if it were fairly tried. They therefore urged the erection of a new penitentiary for the Eastern District of the State, so constructed as to admit of the constant separation and healthful labor of the convicts; and within four months afterwards the act was passed for building the Eastern Penitentiary—that noble monument of the liberal, humane, and economical policy of the Commonwealth.

Abuse of Power by Magistrates.—Again was the illegal exercise of power by magistrates, to the great oppression of the poor and helpless, a subject of inquiry, and in 1822 a committee was appointed to confer with the Executive of the Commonwealth on the subject. It was afterwards (in July, 1822,) made the subject of a memorial to the Legislature.

Asylum for Discharged Convicts.—In November of the same year, the project of an asylum for such discharged convicts as may be unable to obtain employment, was referred to a committee, but the impracticability of securing a suitable building for the purpose seems to have discouraged farther efforts in that direction.

Juvenile Offenders.—At a meeting of the Society, Janury 28, 1823, a committee was instructed to inquire into the condition of juvenile offenders, and what relief is needed in their case. These inquiries were prosecuted from time to time, but did not result in any definite measure till January 21, 1826; when the committee reported warmly in favor of an institution, for their reception, but expressed doubts whether the Society had the needful means to establish it, or the legal powers that would be required for its management. At the same time a resolution was passed, proposing a meeting of citizens on the 1st day of February then ensuing, and an address was agreed upon to be submitted, in which a brief history was given of the melioration of the penal institutions of the State, to be still further improved upon a completion of the two penitentiaries. But as our true policy, as well as our manifest duty, consists not less in preventing crime and checking the tendency to it, than in punishing and reclaiming the overt offender, the restraint and reformation of children and youth exposed to

Digitized by Google

criminal habits becomes an imperative obligation. The new project was therefore earnestly commended to the citizens, and a committee appointed to make arrangements for the meeting.

House of Refuge.—A House of Refuge for juvenile delinquents was forthwith commenced and opened for inmates on the 1st of December, 1828, and the benefits that institution has already conferred on this community abundantly prove its necessity and value.

Suggestions for Improving Criminal Proceedings.—When the Eastern Penitentiary was approaching its completion, (July, 1827,) the Society appointed a Committee to prepare a memorial to the Legislature, setting forth the importance of carrying into full effect the *principle of separation*, &c. July, 1829, another memorial was forwarded embracing the two following suggestions: 1. That the criminal courts be so organized as that the prisons may be speedily delivered of all persons held to answer for offences, &c. 2. That provision be made for the complete separation of all persons committed for trial or as vagrants, as well as those under sentence.

Laws in Public Schools.—In July, 1828, a Committee was raised to report a digest of the most important criminal laws of the State for gratuitous circulation in the public schools.

Publications.—Much interest now began to be exhibited on the subject of the mode of discipline in the new Penitentiary,* and a large edition of a pamphlet clearly vindicating what was known as the Pennsylvania system, showing its humane and reformatory tendencies, was published and circulated.

Opening of the Penitentiary.—The penitentiary was opened Oct. 25, 1829, and the principles of discipline which the Society had steadily advocated for the preceding forty years were now to be tested. Whatever defects in the structure or mode of discipline were revealed by experience, (and that such defects existed no one denies,) were remedied, as far as practicable, and its subsequent annual reports afford most satisfactory evidence of the soundness of the principles recognized in its discipline.

The abuse of the Magistrate's office by the illegal commitment and discharge of vagrants and others so often and loudly

* Some of the conflicting views entertained on the subject at that time may be understood by referring to No. 1, vol. i. of the Pennsylvania Journal of Prison Discipline, p. 8.

Digitized by Google

complained of, seems not to have been corrected; for in Oct. 1830, it was again presented to the Society as a flagrant wrong, and a Committee was appointed to devise a remedy.

County Prison called for.—In 1831 a bill was reported to the Legislature for the erection of four hundred cells within the walls of the Eastern Penitentiary, and for the sale of the Walnut St. prison. The Society, apprehensive that the reception of so large a number of prisoners might interfere with the fundamental principle of separation, again memorialized the Legislature, expressing those fears, and suggesting the expediency of creating another prison on the same principle, for the use of the County.

Defects of County Gaols.—The receptions at the Eastern Penitentiary during two or three years brought constantly to view the miserable condition of the County prisons. Before the salutary discipline of seclusion was brought to bear upon the convict, his residence for weeks, and perhaps months, in a county goal had worked out of him what was most valuable as an element of reform, and prepared him for any thing and every thing but a docile submission to the regulations of the penitentiary. To give consistency to the system or to secure its legitimate results, it was indispensable that county prisons shall adopt the principle of separation for all classes of commitments.

County Prison ordered for Philadelphia.—In March, 1831, the act was passed authorizing the erection of a prison for the City and County of Philadelphia, capable of holding at least three hundred persons, on the principle of separate confinement; and in April, 1832, a Committee was appointed to investigate the condition of county prisons throughout the State.

Matrons.—The propriety of appointing matrons to have charge of female prisoners was made a subject of conference between a Committee of the Society and the Inspectors of the prison in April, 1833, and in the succeeding July the condition of the county gaol was again discussed, and a circular was addressed to various persons in the different counties soliciting information, especially in regard to plans of building, discipline, employment, means of separation, &c.

Much interest was excited at this juncture by the publication

*Chiefly those of Francis Leiber, Esq., and Dr. Julius of Prussia.

Digitized by Google

of various documents* on the subject of penitentiary punishment and the connection of education with crime.

Public Executions.—In April, 1834, an important act was passed requiring all sentences of death to be executed within the walls or yard of the gaol, limiting the number and character of witnesses allowed to be present, and forbidding the attendance of any person under age. It is to be regretted that so wise and humane a law should be so often evaded or violated.

Early in the year 1835, the system of discipline to be adopted in the new county prison, then nearly ready to be occupied, became a matter of deep interest to the Society; for though individual separation was expressly recognized in the act, it was feared the character of the prisoners might lead to a relaxation of the principle. A committee was appointed to have the subject in charge.

Plans of County Gaols.—In 1836 the Acting Committee was instructed to have prepared the best plans for County Gaols on the separate system, and on their report made October 8, 1838, a memorial was forwarded praying the Legislature to appoint Commissioners to investigate the condition of the County gaols.

Annual Returns of Crime—In October, 1839, the Acting Committee was charged with the duty of calling the attention of the Executive to the condition of the county gaols, and in furtherance of this important measure they were also specially charged in January, 1840, with the duty of procuring the passage of a law requiring an annual return to the Secretary of State from the clerk of each county, of the cases presented to the grand jury, and how many were found true billss and how many were ignored; together with the number of convictions and acquittals; and from Sheriffs and Gaolers a return of all persons received into their custody, and the time and manner of their discharge, and the number in custody at the date of the return; also, an account of the receipts and expenditures of the year; an abstract of which returns was to be presented to the Legislature.* Such an account of the stewardship of these important functionaries of the government, is no more than a commercial

*The effort to secure such returns was renewed by the Society in February, 1847. A memorial to the Legislature was adopted, and the draft of a law submitted and enacted, Feb. 27, 1847, but its provisions are thus far inoperative.

Digitized by Google

house or a manufacturing corporation would require of its agents; yet, strange to say, the nearest approximation to a compliance with the law, gave returns from less than half the counties, and these so meagre and imperfect, that the Secretary of State, in despair of any intelligible abstract of them, submitted them in their crude form to the disposal of the Legislature! Had the returns required been made, our State would this day possess an invaluable basis, not only for improvement in her own legislation, but as a contribution to the enlightenment and guidance of other States and nations. It is scarcely credible, that information of so much practical value and obtainable with so little pains or expense, should be still lacking.

Moral and Religious Instruction.—From the first introduction of the separate mode of discipline, the necessity of religious influences, as a constituent part of the process, has been uniformly recognized. The expediency of committing this branch of instruction to a special officer was referred to a committee in 1841, and in 1843 the appointment of such an officer for the Philadelphia County Prison was reported,—his salary being paid by private subscription. A similar office was established in the Eastern Penitentiary in 1838.

New Quarterly Journal.—Although the Society had expended considerable sums of money in printing and distributing occasional pamphlets, calculated to awaken and enlighten the public mind, it seemed desirable to embody in a more permanent form the results of observation, inquiry and experience; and in October, 1844, the Acting Committee submitted to the Society the project of establishing a Quarterly Journal, to be devoted to this and kindred subjects. It was favorably received, and on the first day of January following, the first number of the "Pennsylvania Journal of Prison Discipline and Philanthropy" was issued, and has been continued (with the exception of a year) until the present time, the 14th volume commencing with 1859.

The New York Prison Association was founded near the close of 1844, and has done the State and the country very important service.

Prison for Juvenile Convicts.—The general House of Refuge had now been in successful progress for about twenty years. Of-

Digitized by Google

tentimes boys of a larger growth and precocious habits were sent thither, though proper subjects of a very different discipline. To meet such cases, the want of a prison on the separate plan, but modified in some of its features to adapt it to the peculiar circumstances of youthful culprits, was urged upon the Society in November, 1845, and discussed from time to time. Its establishment would require a considerable outlay, but nothing like what it costs to repair the mischief which one very young head can plot and one very young hand perpetrate. We cannot dismiss the hope, that this want may be made so obvious that our public authorities will take measures to supply it.

Reformation of County Prisons.—In the autumn of 1846, a voluminous report was made to the Society by one of its officers, on the condition of several county gaols which he had personally visited and inspected. The entire neglect of wholesome discipline,—the intermingling of prisoners of both sexes, and all ages, and every grade of crime from murder to misdemeanor, and the idle and vicious habits in which the prisoners were allowed to live, made it almost a matter of doubt whether the public would not, in the end, gain by abandoning most of the gaols. Cases were mentioned in which men had escaped and found honest employment, who, if they had stayed their time out in gaol, would probably have sunk irreclaimably through the influence of such associations as they must have encountered there. Strange as it may seem, there are many county gaols in this State, of whose condition at the present time this is an unexaggerated report.

Vindication of our System.—In 1847, a volume was published in Boston, under the title of "*Prison Discipline in America.*" Its author was a gentleman of standing, and his opinions (so far as they were formed upon a knowledge of facts,) were entitled to much consideration. The work was reviewed with much favor in two of the principal quarterly periodicals published in that city, but both the author and his reviewers were in the position of a lawyer who takes his case as his client makes it out, in the absence of the opposite party and his witnesses. The plausible but erroneous views propagated in this way, have had no little influence in confirming prejudices which had been previously engendered on the same question against the system in vogue here. To remove them as far as possible, and to correct the popu-

Digitized by Google

lar misapprehensions from which they sprang, a pamphlet was published in 1849 by our Society entitled, "*An Inquiry into the Alleged Tendency of the Separation of Convicts one from the other to produce Disease and Derangement.* By a citizen of Pennsylvania: 160 pp. 8vo." It has had a wide circulation, and we trust has accomplished, in a good degree, its design.

Colored Criminals.—In April, 1849, the attention of the Society was called to what was alleged to be a marked difference between the length of sentences passed on colored convicts compared with those passed on whites, and also the comparative mortality of the two classes. The interesting results of the investigation which ensued, will be found in the first number of our Journal, Vol. V., January 1850.

It is probable that this inquiry opened the way for a general examination of the hygienic arrangements of some of our prisons, and for the introduction of improvements in them, the value of which is satisfactorily proved by the reduced mortality of the last few years.*

House of Correction.—It was not possible for the visiting committee of the County Prison to shut their eyes to the fact that of the vast multitude sent thither for vagrancy, intoxication and disorderly conduct, numbers were sufficiently able of body to earn their own support, but as long as they could find food and lodging, either in the almshouse or gaol, so long they would continue in their idle and dissolute habits. To mitigate, if possible, this evil, and to relieve the community to some extent of the burden it imposes, the Society adopted a resolution in 1851, to inquire as to the expediency of establishing a house of correction or probation, intermediate to the almshouse and prison, for the reception and employment of this large class of persons; and such measures were adopted by the parties interested, as led to the passage of an act in 1854, establishing such an house. The appropriation for the object was sufficient for an ample experiment, though the details of the bill might be open to some grave objections. It is to be regretted, that a measure so important to the well being of our community should be frustrated by a conflict of opinions or

* Valuable suggestions on this subject will be found in the successive reports of the medical department of the Eastern State Penitentiary from 1844, when the physician became a resident officer.

Digitized by Google

interests; though it is by no means the first time that a useful project has been delayed or defeated, either through a want of the proper adaptation of means to ends, or through a spasm of economy that comes over representative bodies when their constituents are to be served, but passes off when private or party ends are to be answered.

A well constructed and well administered house of correction, combining strict restraint with coercive labor, for a length of time amply sufficient to eradicate idle, vagrant and intemperate habits, would pay for itself by instalments of at least $30,000 per annum, in the immediate or indirect reduction of the pauper and criminal tax on the community; but the details of such an institution can be conceived and carried out only by those who have surveyed the gigantic evils which it is intended to remedy, and who have faith in this method of cure. To entrust its administration to those whose political affinities constitute their chief recommendation would only be to ensure its perversion or failure.

Separate County Prisons.—Though not properly within the scope of the present sketch, it is not foreign to the purpose of it to mention, that since the Philadelphia County prison was erected, the following counties in our State have done themselves the credit, and the community the service, of erecting prisons on the separate principle, in accordance with the wholesome law which imposes the like duty on every county. They are placed in chronological order:—Dauphin, Chester, Berks, Lancaster, Montgomery, Schuylkill, Cumberland and York.*

* The law is as imperative as words can make it:

"*Whereas* it has long been the policy of this government to combine the separation of convicts one from another, with instruction and suitable manual labor as the best means of discipline and reformation:

"*And whereas* it is necessary, to the equality of penal justice, that the administration of the county prisons shall be uniform, as has been heretofore declared: therefore

"*Be it enacted, &c.* That every county prison which shall be hereafter erected within this commonwealth, shall be so constructed that every person committed thereto, whether upon conviction or otherwise, may be confined separate and apart from every other person committed thereto, due regard being had in the plan of construction to the health of the persons to be so confined; and that before any county prison shall be erected within this commonwealth, the plan of construction of such prison,

Digitized by Google

Last Year's Work.—We are now brought so near to the present period, that memory will supply a record of the prominent transactions of the Society. The committee on the Eastern Penitentiary made not less than 4,000 visits to the convicts during the last twelve months. The number of commitments to the County Prison during the same period was 14,913. Of these, 1,270 were released on application,—most of them on the ground of insufficient cause of imprisonment; a representation by the prison agent to the committing magistrate or court being sufficient for this purpose. The aggregate of costs in these cases, was less than $130. If a true history were to be given of the uses to which the law has been put in this county during the last twelve months, through the ignorance or cupidity of those appointed to execute it, the most credulous would be slow to believe it. Not less surprising would be an exhibit of the offences,—palpable and rank,—that have escaped detection, or if detected, have evaded retribution. Of 4,700 bills presented for the action of the Grand Jury during the year, 2,468 only were found true, leaving 2,333, or nearly half, unsustained; and even of the number returned as true, only 538, or less than one in five, were convicted and sentenced!

If the release of so many persons causelessly imprisoned, is to the credit of humanity, the fact that they could be thus unjustly dealt with under the forms of law, is not less reproachful to the magistracy, or to those who invest them with such power.

We have thus taken a cursory glance over the transactions of of the Society, during a period of seventy years, noting only such as are of prominent and permanent interest. Most of them, indeed, are incorporated into our present laws and institutions. Though it has not been prolific of annual reports, it has not been

drawn sufficiently in detail for the clear comprehension thereof, shall be submitted by the commissioners of the county in which the same is to be built, to the Secretary of the Commonwealth, and shall be inspected and approved by him, and so certified by him upon the plan, a copy of which shall be furnished by the commissioners aforesaid at the time of their submitting the original as aforesaid, and shall be signed by the said Secretary, and be filed and remain in his office.—(*Act of April* 8, 1851, *Pamphlet Laws, page* 353.)

Digitized by Google

barren of useful endeavours. If it has not accomplished *all* its purposes, it has failed in but few.

Extent of Reform illustrated.—Could a stranger step from the court-yard of the old Walnut Street Prison, and from the midst of the congregated hundreds of desperate men that jostled each other in those dreary, sickening avenues, into the centre building of the Eastern Penitentiary, where all is quiet except the click of the weavers' shuttle, or some other token of industrial occupation;—if he could come out from a dense mass of scowling, revengeful thieves and vagabonds that there intermingled their corrupt and corrupting breath, or were assembled to hear the gospel at the mouth of a cannon, all charged and primed, to riddle their ranks at the first token of insubordination, and pass from cell to cell in the Eastern or Western Penitentiary during a religious service, witnessing the subdued and respectful attention given to the voice of instruction, or the cheerful and healthful labor of the inmates on other days of the week;—in a word, if he could compare the influences under which men came to that prison and went from it, with those which bear upon a convict in either of our penitentiaries, or of the county gaols above enumerated, whether they respect physical, intellectual, or moral condition, he would be prepared to form a safe judgment of what the lapse of fifty years has accomplished in behalf of prison reform. We have not the arrogance to ascribe these results to the efforts of our Society exclusively. The thoughts and energies and sympathies of some of the wisest and best men and women of the age, throughout Christendom have been given without stint, not only to the improvement of penal laws, but to the construction of edifices for the merciful enforcement of their functions, and to the methods of discipline best fitted to make them efficacious.

No Distrust of Principles.—At no period during this long interval, has there been the slightest distrust of, or divergence from the great principle which was at first espoused—INDIVIDUAL SEPARATION AND EMPLOYMENT FOR ALL PRISONERS AND ALL GRADES OF PRISONS. There have doubtless been honest opponents of our system. Some have regarded it as prejudicial to the health of both body and mind; others, and by far the most numerous class, have objected to it on the score of expense. These opinions, groundless as they are, have served to influence the

Digitized by Google

minds of legislators and commissioners, in many instances, and thus to retard the more general introduction of the system in other States. The recent exposition of the affairs of the New York prisons (conducted on the opposite principle), will probably aid in removing these prejudices. Their returns of mortality and insanity far exceed those of our penitentiaries; and when we are officially informed that the expenses of the three New York State prisons in the last ten years, have exceeded their receipts by the enormous sum of more than a million and a half, we are prepared to present separation as clearly entitled to preference *on the score of cheapness*, and we cannot but indulge the hope that the legislature of our sister State will avail itself of the present call for reform in the discipline and management of its prisons, to adopt that principle as its only reliable basis.

General Results.—In the brief survey we have taken, it will be noticed how naturally and almost necessarily one effort for the correction of social evils has paved the way for another. To give the convict a chance to recover himself, or at least, to escape further degradation and guilt, we secluded him from convict society; instructed him in good learning, and when possible, in a good trade, and encouraged and aided his purposes of amendment. To expose the untried and (as the law presumes) innocent party to contamination, while we protected the convict from it, was too glaring an inconsistency, and hence we advocated the application of the separate principle to all prisons and all prisoners. This individualizing process disclosed more minutely the incipient stages of crime, and showed to how large an extent parental neglect and the vicious associations of childhood were responsible for it. Then came those most timely and benevolent institutions—Houses of Refuge, Reform Schools, &c., which have won their way to universal favor, and which, in their legitimate use, are among the wisest and most economical institutions of the age. To bring them into disrepute and distrust, it is only needful to use them as juvenile prisons.

Early Processes of Reform.—But why not embrace a still earlier opportunity to rescue children and youth from the exposures and temptations of neglect and abject poverty? To this inquiry, an enlightened philanthropy replied by the opening of Homes, Asylums, and Aid Societies for friendless and forlorn little

Digitized by Google

ones; while the spirit of Christian love and self-denial simultaneously prompted the establishment of Ragged or Mission schools, News-boys and Shoe-black societies, and various other organizations, combining religious and moral influences and sometimes bodily sustenance, with the inculcation of correct personal and social habits; and teaching them that *their* life, not less than *ours*, may have a bright prospect, and must have a momentous end.

Leading features of Reform.—Our survery, brief as it is, will suffice to show the leading features of the prison reform of the last half-century. They are found in the construction of prison edifices, in their sanitary regulations, including ventilation, temperature, clothing, diet, exercise, &c., and provision for the instruction of the ignorant to work and read, and the vicious and wayward to see and pursue a better path; but chiefly, in the effort to *circumscribe and counteract the influence of evil association.* This effort has been attended with various success in the higher and more important grade of penitentiaries. In all prisons, however, except such as adopt the principle of individual separation, it is not only imperfectly accomplished, but is attended with serious disadvantages. The introduction into many prisons of a better class of men as inspectors and resident officers, the specific attention to the moral and religious interests of prisoners, the larger share of sympathy which is manifested in their welfare during their confinement and upon their discharge, and the greater sensitiveness of the public mind to any alleged abuse, are all changes for the better.

Among the the topics which deserve early and earnest attention *in the future*, may be mentioned—

1. A careful revision of our criminal laws, and a more perfect adaptation of them to the existing state of society. Few crimes have a stereotype character. Some of them are incident to a particular period in the growth of a country, or to a particular locality or condition of society, and after a time become obsolete. Others, to times of great public prosperity and advanced civilization, when they suddenly assume a startling prominence and seem to defy any check. No legislation can be perfectly adapted to this shifting phase of crime. Partial provision is made for it in the *maximum* and *minimum* of sentences, but in the pressure and distraction of business in some of our courts of criminal jurisdiction, and the almost unavoidable

Digitized by Google

state of mind which is engendered by familiarity with the scenes and characters which are prominent there, there is little opportunity, even for intelligent and considerate magistrates to adapt the sanctions of the law to the nature and aggravation of each offence. Indeed, it may be said that it is, in most cases, an arbitrary rule which determines the extremes of punishment for various offences, and it would be difficult, in many of them, to assign a reason for what, *to the condemned*, is a terrific difference in their severity. It is to be hoped, the commission recently appointed to revise the penal laws of our State, will be able, not only to correct many defects and inequalities in their provisions, but greatly to imprové the administration of this important branch of the government.

2. *Jurors.*—The office and duties of a juror require grave attention, or the errors and abuses which have insensibly grown up in that province of our Courts, will become too formidable for correction. For many purposes the utility of the jury is unquestionable. But almost from its origin it has demanded unceasing watchfulness to prevent its becoming an engine of monstrous injustice and oppression. The ancient, not less than the modern, difficulty has been to find intelligent and incorruptible men to serve. The great English dramatist tells us that

> "The jury, passing on the prisoner's life,
> May, in the sworn twelve, have a thief or two
> Guiltier than him they try."

The manner of selecting jurors, the methods of adjusting differences of opinion by lot or compromise, the power of an individual juror to control a verdict, and the disposition to overstep the limits of their authority, are present subjects of animadversion. So strangely do they sometimes mistake the province which is assigned to them, that to protect an offender from what one or more of them may regard as too severe a penalty, they render a false verdict—trampling under their feet, not only the law and the evidence, but their own solemn oaths. In the late message of the Executive of Ohio to the legislature of that State, it is mentioned as indicative of a serious defect in the administration of justice, that so many offenders escape merited punishment from this reprehensible practice of juries. It is never to be forgotten that in all our attempts to effect amendments in a convict's char-

Digitized by Google

acter and life, we have a great advantage if his trial, conviction and sentence are in strict accordance with law.

3. *Uncertainty of Punishment.*—The uncertainty of conviction and punishment neutralizes in a great degree the wholesome terror of the law—and often operates as an incentive to crime. Some men pursue a lawless career for years without detection, and almost without suspicion. This impunity generally emboldens them at last to attempt some flagrant act with an incautiousness that betrays them. To make the issue of a criminal act doubtful, is to provoke its commission—and hence every failure to detect crime and every evasion of merited punishment, must be regarded as a sore social evil.

4. *Officers to be above Suspicion.*—The vast disproportion between arrests and convictions, in our cities and principal towns, must have impressed the most superficial observer. The first and most important step towards the radical cure of this evil, is to divest all officers concerned in the apprehension, trial and custody of offenders, of the remotest pecuniary interest in their official acts. If magistrates and police officers gain but a dollar or two by every exercise of their authority, they lay themselves open to the suspicion of mercenary motives, even when they are above any such temptation. If personal liberty is the privilege of an honest citizen, government should be slow to interfere with it on any doubtful pretence; otherwise the privation of it will lose all its virtue as an element in the punishment of the guilty. If the sword of justice is brandished in vain threats, or used in random thrusts, those who bear it will cease to be a terror to evil doers, or a praise to them that do well.

5. *County Gaols.*—The frequent efforts of our Society to put our county gaols on a better footing, have been already noticed; but we regret to say, that the condition of many, nay, most of them, is a deep reproach to the Commonwealth. With the world-wide renown of our benevolent and humane institutions, and especially our lauded improvements in prison discipline, it is to our burning shame that any one of these first receptacles of accused, as well as of convicted offenders, should be justly charged with gross neglects and abuses. Remember, says that enlightened statesman, the late Edward Livingston,* that in Philadelphia, as

* Letter to Roberts Vaux, Oct. 25, 1858.

Digitized by Google

well as in New York, "not one-fourth of those committed are found guilty; so that of every 8000 committed, 6000 (presumed to be innocent) are introduced into a school where every vice and every crime is taught by the ablest masters; and yet we shut our eyes to this enormous evil, and inconsistently go on preaching the necessity of seclusion and labor *after conviction*, as if Penitentaries were the only places where the evils of contamination were to be dreaded." Measures are now in train, which, if they do not lead to the amelioration of the miseries of these prisons, will, we hope, result in such an exposure of abuses as shall excite the attention of our public authorities, and thus bring about their radical improvement.

To confirm the views we have expressed of the indispensableness of separation in our county gaols, we have the very recent testimony of the Ordinary of New Gate, where this principle has been introduced. The period of detention in that prison is but sixteen days on an average; and the Ordinary declares that the moral effect of the change will much more than compensate for the additional expense. He gives the grounds of this opinion at large, and they sustain it impregnably.

6. *Mal-Administration of Criminal Laws.*—In the future of our Society there lies a work of no ordinary interest. No one can read our newspapers, or frequent our courts, without a deep conviction that there are weaknesses and failures in the administration of criminal law, which, if they do not encourage and protect crime, suffer it to grow and spread with fearful rapidity. We need only advert to the loose and contradictory decisions of courts respecting the responsibility of accused parties, who, at the time of the act done, are alleged to have been in a state of voluntary or involuntary alienation of mind, and to the facility with which new trials are obtained because of the merest technical informalities. In a recent case of murder in New York, four trials of the guilty party were had, and two or three convictions. On one of these trials, not less than 1000 jurors were summoned, in order to secure twelve triers.

Were we required to set in order the topics to which primary attention is at this moment due, they would be in substance these:

1. *Offences distinguished.*—To distinguish more broadly between

Digitized by Google

offences involving violence or fraud, and those which involve neither. Vagrants, street beggars, and disorderly persons are all violators of wholesome laws and should be punished. But as there is a wide difference between these offences and cheating, larceny, burglary, robbery, &c., and between the guilt of the persons who commit them, so there should be a corresponding difference in the methods of dealing with them. Though a vagrant is sentenced for thirty days only, and a thief for three hundred, this difference of *time* (both being in the same *place*) does not express the difference in the character of their offences. Vagrants, beggars and drunkards need a totally different management from forgers, counterfeiters and incendiaries,—whether the end be to punish or reform them. The hostility of the latter to the vital interests of the community, justifies the restraint, privation and suffering of imprisonment, and all its consequences to their social position and prospects. The miserable condition of the former justifies all the restraint which is needful to cut off the indulgence of a diseased appetite for strong drink, or inveterate habits of idleness. To this end, a year or two in a well managed work-house or house of correction is their appropriate destination. There they could have a taste of the sweets of industry and regular habits, with the stimulus which a small share in the avails of their labor would supply. To put them in gaol for safe custody is no object, for they are not given to absconding. It entirely fails as a punishment, and serves rather as an accommodation, especially at seasons of the year when the rewards of vagrancy are meagre. This discrimination would lead

2. To the establishment of suitable institutions for the confinement to constant and useful labor, of persons able of body to earn their own support, wholly or partially, but who, through aversion to labor, are a burden to their families and the community. The double saving which such establishments, efficiently managed, would produce in diminishing the burden of idleness and increasing the avails of industry, (to say nothing of moral considerations,) should commend them to large public favor.

3. *Official Visitors to Penitentiaries.*—Though the condition of our penitentiaries is, on the whole, satisfactory and creditable to the Commonwealth, they are susceptible of improvement, both in structure and discipline. The hygienic arrangements introduced

Digitized by Google

of late years, and the increased attention to the moral and intellectual instruction of prisoners, are sensibly felt. The full value of the system will not be seen, however, till a much larger measure of seasonable and discreet sympathy is expressed by the personal intercourse of judicious official visitors. The integrity of the separate principle can be preserved only by constant vigilance. Upon the officers and inspectors it must, in a great measure, depend whether the rules on this subject are inviolably maintained or insensibly relaxed.

4. *Officers of Penitentiaries.*—It should be a subject of ceaseless concern with us to seek the improvement of the resident officers of our public prisons. Like other men, they are liable to become inured to a round of duties, and to forget that those they have to do with are men of like passions with themselves, and though guilty and degraded, are not without claims to sympathy and tenderness. A single sharp word, inconsiderately uttered, may rouse resentments in a prisoner's mind which his very helplesness and degradation will aggravate and keep alive,—no one knows how long,—and thus defeat some of the most important ends of his imprisonment; while, on the contrary, a gentle and humane, yet exact treatment, such as individual separation allows and invites, though it may seem to be wasted on some, finds its way in an auspicious moment to a desolate and depraved, but not utterly callous heart, and begins a hopeful process of reformation. The moral instructer, the distributer of books, the teacher of a trade, and the official visitor, have each a sphere of most important influence, and on that very account requiring of those who occupy it, good judgment and a large knowledge of the character of the class of men with whom they have to do.

5. *Discharged Convicts.*—The mode of caring for discharged convicts, with safety to the interests of the public and due regard to the moral and social welfare of the prisoner, is a problem yet to be solved. It has ever been among the chief concerns of our Society, and will continue to receive their earnest consideration.

6. *Witnesses.*—Suitable provision for the safe custody of witnesses, without any degradation or annoyance, except such as is inseparable from necessary personal restraint, should be made, apart from the receptacle for convicts or accused persons.

By virtue of the New York Police Law of 1857, a house of

Digitized by Google

detention has been opened in that city, under the control of the Police Commissioners. Two five-story brick houses have been thrown into one; one portion being assigned to male and the other to female inmates. The windows are securely fastened, but the free range of the premises is allowed, together with good substantial food, warm rooms and beds, with all needful medical attendance. There is a resident warden, and also a surgeon. We do not know that each inmate has a separate apartment, and in the absence of this, we can conceive that the evils against which such an institution is designed to provide, are but partially obviated. The house was opened February 10th, 1858, and two hundred and ninety-one persons were received during the year.*

7. *Causes of Crime.*—Ninety-nine hundredths of the crimes committed in our community are the fruit of one or more of the following six causes, ranged in the order of their productiveness: 1, intemperance; 2, idleness, (including want of a trade); 3, ignorance; 4, vicious associations, (including improvident marriages); 5, irreligion; and 6, poverty. Every facility and temptation to the indulgence of an appetite for strong drinks is, in effect, a provocative to crime. Every boy and girl not brought up to some steady, appropriate employment is a fair candidate for the prison or poor-house. Children suffered to neglect school, whether through the cupidity or indifference of parents, or by their own folly and perverseness, afford the most common instances of juvenile delinquency. Hasty, improvident and of course unhappy marriages, and acquaintances formed in the street, or at places of questionable amusement, are, directly or indirectly, prolific of crime. To the contempt of religion and its offices, exhibited in the profane oath, the blasphemous jest, or the open desecration of the first day of the week, may be traced a large share of the more daring offences; while poverty, in its extreme pressure, sometimes prompts to dishonest acts, which, growing bolder by impunity, ripen into crimes of graver guilt.

Mission of our Society.—Hence our Society is fulfilling its

* A Bill has been recently reported to the Legislature of New York, prohibiting the imprisonment of witnesses, and authorizing their examination to be taken in writing, with notice to the opposite party, and opportunity for cross-examination; the witness to be discharged on his or her own recognizance.

Digitized by Google

mission by giving countenance and encouragement to the suppression of street begging; by promoting discrimination in the bestowment of charity through systematic and responsible channels; by insisting on the training of all children in good learning and industrial pursuits; by all judicious efforts to abridge, and, if possible, suppress the use of intoxicating drinks as a beverage; and by promoting the intellectual, moral and religious culture of all classes of the community, but especially of the least and the lowest. In this, we include the improvement of their social habits, their dwellings, and their household economy.

Conclusion.—Thus we come to the conclusion which was reached many years ago, by one of the most enlightened jurists and philanthropists of our country, to whom we have already referred; that no patchwork legislation will reach our wants. It is better to force education upon the people than to force them into prisons to expiate crimes, which through ignorance or neglect they are left to commit. Hence, whatever obstacle bigotry or sect jealousy may present, deep and broad foundations of moral and religious as well as of intellectual character, must be laid in our elementary schools, and the children of the people must be there, to be so trained. Temptations and excitements to crime must be removed. If pawnbrokers and receivers of stolen goods (now almost as numerous as thieves), if all gambling houses and lottery offices,* all dealers in obscene prints, all seducers and violators of marriage promises, were dealt with according to their intrinsic deserts, their punishment would be severer than that to which their dupes are doomed. Is the manslayer, whose brain has been set on fire in a drinking house † and who makes a fatal lunge alike towards friend or foe, the only guilty or guiltiest party? Is it right that the miserable woman who, stifling the emotions of

* A very recent Grand Jury (Feb. 1st) presented "gambling and policy vending" as "sadly on the increase" in the city. They represent, very justly we believe, "that its rapid spread, its ensnaring allurements, and contaminating influence, are being felt at many a fireside, where, but for its blasting power, peace plenty and happiness would grace those homes, now made desolate by the wiles of the gambler and the tricks and robbery of policy venders."

† An official report to the Mayor of Cincinnati, made a few days since, shows the number of drinking saloons in that city to be SIXTEEN HUNDRED AND SEVENTY FIVE.

Digitized by Google

nature, casts from her into the cesspool or the river the evidence of her shame, should bear her sin alone? Shall he who spreads the snare for the adventurer at a faro table or in a lottery scheme go "unwhipt of justice," while his unwary victim is overwhelmed with infamy and despair? However moralists and legislators may adjust the proportions of guilt in these and like cases, there is a judgment and a voice in humanity, that will sooner or later be heard and heeded.

Needful Improvement in Criminal Processes.—The processes for the detection and punishment of crime must be plain and easily accessible. One or more officers of the government, raised by character and compensation above the suspicion of sinister motives, should have exclusive charge of this branch of public law. Private prosecutions, or public prosecutions at private instigation or expense, should be discountenanced; and in cases where parties are held to answer, for trifling or insufficient cause, the magistrates or officers concerned in the arrest and binding over should lose their costs. "Charges involving the loss of personal liberty and reputation are too momentous for adjudication by those who have not been fitted therefor by legal training."

At all events, the guilt or innocence of accused parties should be determined as promptly as possible, especially if they are imprisoned during the interval. In case of conviction, the punishment should be equal, certain and inevitable, and in case of acquittal the accused should be restored to his rights with as complete an indemnification as possible for his wrongs.

A Great Work.—Finally, the vast influx of the most reckless and desperate subjects of the old governments of Europe, paupers and criminals, is likely to test the adequacy of our mild and lenient modes of dealing with these classes. A popular journal* says, "we are bound by the laws of ethical, physical and geographical necessity to become the educators and reformers of a *world* of vice and crime." If such a responsibility is indeed laid upon us, we need a measure of public virtue, intelligence and energy from which it is to be feared, we are at present far removed, and which we are not likely to attain while those who make and administer the laws are among the first and foremost to violate them, or wink at their violation by others.

* The Cincinnati Times, Jan. 18, 1859.

Digitized by Google

JOURNAL

OF

PRISON DISCIPLINE.

VOL. XIV.—JULY, 1859.—No. 3.

ART. I.—STATE PENITENTIARIES AS REPRESENTING PRINCIPLES OF DISCIPLINE.

1. REPORT ON THE SYSTEM OF DISBURSEMENTS, LABOR AND DISCIPLINE OF THE MAINE STATE PRISON. By JAMES G. BLAINE, Commissioner appointed under Resolve approved March 27, 1858. Printed by order of the Governor. pp. 94. 1859.
2. ELEVENTH ANNUAL REPORT OF THE INSPECTORS OF STATE PRISONS OF THE STATE OF NEW YORK, transmitted to the Legislature, January 28, 1859. pp. 187.

IT would not be easy to find two more instructive pamphlets on the subject of prison discipline than those whose titles we have just given. One of them furnishes a remarkable instance of the power of correct principles to assert their authority; and the other affords conclusive evidence (if it were needed) that if those who are responsible for the proper administration of the government do not look carefully after their agents, they will be likely to play false.

In running the eye over the voluminous reports of the (late) Boston Prison Discipline Society, there will be found frequent reference to the Maine State Prison. As early as 1833, it was honorably mentioned among the prisons that "*more than paid their way.*" The next year, however, a

Digitized by Google

heavy draft was made upon the treasury to defray current expenses, and this led to the appointment of Commissioners, to take into consideration the location and construction of the prison, as well as the cost of maintenance, etc. In the same year, our Eastern Penitentiary, was condemned by the report of the Boston Prison Discipline Society, for its "enormous first cost"—the excess of expenditure beyond income—and because there was the physical possibility of evil communication. It was also charged with maintaining a discipline which was fatal to mind and body. The Eastern Penitentiary was then, in all substantial respects, what it is now. Most of our readers have in mind the image of its massive walls; its airy and spacious grounds; its clean and wholesome corridors, and its well lighted and ventilated cells—supplied with water, and books, and needful furniture. And what do they suppose was called the State Prison of Maine at that time, and what entitled it to be set forth in favorable contrast with our Eastern Penitentiary? Its cells were in the form "of pits entered through a trap-door made of an open grate of iron, about two feet square"—serving the double purpose of a door and a window—"the only ventilation was through a crooked orifice in the side wall, one and a half by five inches," and all the heat they had, in a stern northern winter, was the admission of warm air through a hole in the bottom of the cell, about one inch in diameter. The cells, or pits, were entered by raising the trap-door—putting down a ladder for the convict to descend, and then drawing up the ladder and fastening the door upon him. Of such a prison, the report, in 1835, was,—"the Sabbath-school is in successful operation," "a revival of religion" is in progress, and a balance of nearly $4,000 in favor of the State! while, alas! the Eastern Penitentiary "does not pay," and has no chapel nor Sabbath-school! The Commissioners who were appointed in 1834 reported the next year unfavorably to the structure and location of the prison. "If there were no inhumanity in the mode of treating a convict," it was urged that "the inconvenience and expense of the daily operation would be a sufficient reason for abandoning the building." But one year passed, and another, and

Digitized by Google

the graves were still opened and closed for their living occupants, with every rising and setting sun.

In 1837, the Executive of the State earnestly invoked the attention of the Legislature to the subject—informing them that the cost of the site, and of the erection and repair of the buildings, had been already nearly $125,000, and that during the ten years preceding, the sums expended on the buildings alone, in addition to the labor of the convicts, would be at the rate of $2 a week for each prisoner! And with all this enormous expenditure, the prison was entirely unsuited to the purposes of a penitentiary. "It seems to have been constructed with a view to inflict the greatest punishment in the shortest time, and at the least expense"—yet this very prison, at this very time, was presented to the people of the United States and of Europe, in the reports to which we have alluded, in favorable contrast with the Eastern State Penitentiary, in regard to expense, humanity, and moral and religious improvement.

In 1838, Commissioners were again appointed, who reported in favor of re-constructing the prison on the same site, and on the Auburn or congregate plan. It is not to our purpose to pursue the history of the institution further. Suffice it to say, that in all tabular, statistical or other statements, designed to place prisons adopting the separate or Pennsylvania plan in disadvantageous comparison with those on the Auburn or congregate plan, Maine has always figured more or less conspicuously—with what propriety, the pamphlet before us may help us to judge.

In the first place, it assures us that "the most superficial examination discloses the fact that the prison is not at this time, and never has been, a self-supporting institution." On the contrary, its annual draft on the State has not been less than nine thousand dollars from the first. The practicability of making it support itself has been constantly affirmed, and the people have been cajoled by the promise that each appropriation to defray debts would be the last. Indeed, the figures were paraded before the public by which it was demonstrated by the officers and inspectors that "unless some unforeseen calamity should occur," the prison, in the next year, must

Digitized by Google

yield a profit to the State, and yet at the end of that year, and without the occurrence of any "unforeseen calamity," and without any explanation of their mistake, they ask for seven or ten thousand dollars to make up deficiencies in the revenue, —and the appropriation is made. The various ways of accomplishing this delusion would have been creditable to the knavery of the shrewdest convict. The articles manufactured in the prison were appraised at a high value, and reckoned as "cash earnings"—though they remained on hand. Thus it came to pass that a "large amount of surplus stock collected at the prison, became unsaleable and comparatively worthless, and yet the articles annually turned up as the representatives of so many dollars in value, and as the evidence that the prison was unquestionably doing a safe and lucrative business,—if it could only find a ready sale for its commodities. It is hardly necessary to remark that this whole *routine* was a delusion (to characterize it by no harsher term,) which, if attempted in the business of an individual, would result only in speedy bankruptcy and ruin." Another method of concealing the true condition of the prison was to appraise the stock on hand at the highest figure at the close of the year, while the same stock, in the appraisement at the beginning of the next year, would sink to a mere nominal value. As examples, the report before us cites the following:

Dec. 31, 1854.		April 1, 1855.	
100 beds in cells, -	$600 00	100 beds in cells, -	$300 00
177 pairs of socks, 50 cts. a pair.		177 pairs of socks, 15 cts. a pair.	
Hand-cart, - - -	$5 00	Hand-cart, - - -	$1 00
Library, - - -	120 00	Library, - - -	60 00
1 horse, - - -	100 00	1 horse, - - -	70 00

The difference in the appraisement of the same articles at the two periods was not less than $3,692!

A still more extraordinary change in the value of the prison assets took place at another time, in the short space of ten weeks. The report informs us that "between December 31, 1855, and March 14, 1856, the difference in the appraisement of 'stock and tools' on hand, was nearly *six thousand* dollars, and it is hazarding nothing to say that the actual difference in the intrinsic value of these articles at the times named, did not

Digitized by Google

amount to $500, if, indeed, it was anything at all. No one who examines these tabular statements can fail to see that arbitrary values were assigned to the articles with the view of having the gross sum in each indicate a particular financial condition of the prison." And it is to be observed, that this magical fluctuation has its ups as well as its downs. "Thus it is seen that '100 beds in the cells' are estimated at $6.00 apiece in December, 1854, and in April, '55, they are put down at $3.00 apiece; in the succeeding December, these same beds rise again to the *par* value of $6.00, and in the ensuing March, fall again to $3.00. So also the 'beds in hospital,' worth $40 in Dec., '54, have no value whatever in April, '55, though nine months after, in December of the same year, they recover the full value of $40,—but in the following March, (1856,) ten weeks after, they are not considered worth appraising at any price! The Prison Library is also worth $120 in Dec., 54, but only $60 in April, '55, though in December, '55, it rises to $120, only to fall to $60 in March, '56. "Horses, by a similar process of appraisal, are found to be worth $200 in the fall, and after a winter's keeping, they lose *five-eighths* of their value, and are estimated at only $75. Hand-carts, stoves, furnaces, wagons, satinets, medicines, cord wood, coals and blacksmiths' tools, are all observed to undergo these rapid and miraculous mutations in value—it being uniformly found that they are worth from 33 to 50 per cent. more in the fall than in the spring. Some articles, indeed, which have very considerable value in December, have not been considered as worth taking into the account at all, in the following March or April."

It will be kept in mind that we are investigating the proceedings of parties charged, by the State, with the care and oversight of convicted rogues. They want to make it appear that their management is profitable to the State. To this end, the Inspectors, in their report of December 31, 1856, express their determination to state everything just as it is—"to appraise things at their cash value" and at their real quantity, and not to do as the previous Board did—call 1,000 casks of lime rock 8,400 casks; and "value things at two or three times their actual

Digitized by Google

worth, to make it appear that the prison is getting rich, when in fact such is not the case." "We are at a loss to know how the bedding, clothing, etc., which was valued April 1, 1855, at $500, should, after being worn nine months, be worth $1,400, and no more supplies of clothing on hand, December 31, than there was April 1st. With such appraisals and such reports as these staring us in the face, *it is very hard work to come at the true state of things.*"

And yet—just two months after this straightening up of what had been crooked in the preceding administration,—a new appraisement of the same stock is made, and those who charged their predecessors with misrepresenting its value, are themselves brought into the like condemnation. They are accused of "adding more than thirty-three per cent. to the actual interest of the State in this department, with no shadow of reason, *except a desire to mislead the public mind in connection with the affairs of the prison*, by over-valuing the property on hand, so that a comparison of the receipts and stock on hand with the actual charges against the prison during the year, would show a large balance in favor of the State, *while no such balance really existed.*"

And again, a committee of the Legislature, in 1857, took notice that "the impression received from the face of the different statements, is *altogether fallacious*, and the attempt made by successive officers *to make the expense of the prison appear much smaller than it really is*, by over-estimating the value of the stock on hand, *should be entirely discountenanced.*"

This mortifying exposure of the unreliableness of the reports of the inspectors and officers is followed by an analysis of the actual disbursements of the institution, by which it appears that the cost of the custody and subsistence of an average of one hundred convicts, is $200 per annum—and the cost of subsistence alone $1.40 per week. The Commissioner thinks this enormously high, and sets its extravagance in the clearest light; he takes the ruling price of each article consumed in the year 1857, and shows that at the rate charged, "each convict must have consumed during the year, *nine hundred pounds*

Digitized by Google

of breadstuffs, six hundred pounds of meat and fish, ten bushels of potatoes, and one bushel of beans, to say nothing of a most generous allowance of such luxuries as *rice, molasses*, and *coffee.* The average ration of a soldier in the United States army is *seventeen ounces of bread* and *one pound of meat.* A lumberman in the forests of Maine, in the coldest winter, will not average *more than fourteen ounces of meat* per day. It is evident, therefore, that the amount consumed in the Maine Prison cannot possibly be eaten by the convicts, and there is consequently a waste of provisions which I am wholly at a loss to account for in any manner consistent with a careful administration and expenditure of the prison funds. Certain it is, if each convict was required to consume the whole seventy-two dollars' worth in a year, his sentence would be a *capital* one, as no human being could eat such an amount of food and escape with his life."

On a general survey of expenses from the beginning, (during all which time it has been ranked among the *self-supporting* prisons,) it appears that if Maine had sent all her convicts to Charlestown, (Mass.,) and paid $2 a week for their maintenance, and *claiming nothing for their labor*, she would have saved within a fraction of $50,000.

The selection of Thomastown as the site of the State Prison was solely with a view to the profitable employment of convict labor in quarrying lime-stone and manufacturing lime. But after the lapse of a few years this was found unprofitable, and various handicrafts were introduced. But the cost of getting stock from the market to the prison or the goods from the prison to the market absorbed all the profits, while the forced appraisals and balances to which we have referred served to keep the real financial state of the prison a profound secret from the executive and legislative functionaries.

The "letting out" of convict labor to contractors is comparatively a recent experiment with our Maine friends—having begun in 1851. After an experience of eight years, it is found that this mode of employment is very unprofitable if the State furnishes stock and disposes of the manufactures. For the

Digitized by Google

year 1858, the actual earnings of each convict was at the rate of not quite ten cents each working day. "Looking at the *gross receipts* from *labor*, and comparing them with the *gross disbursements* for the support of the prison for the year 1858, the result is certainly most disheartening. The *receipts* amounted to $6,979 11, and the *disbursements* summed up $21,690 77; in other words, the labor of the convicts fails to pay even *one-third* of the expenses of the prison. The State is thus called upon to supply an annual deficit of nearly *fifteen thousand dollars*—a sum equal to more than *seven per cent.* of the entire State tax, and levying as heavy a contribution upon the pockets of the people, as would an additional State debt of *a quarter of a million of dollars.*"

The Commissioner thinks the only system of prison labor which will "pay" is that by which "the State retains in its own hands the discipline and government of the convicts, and disposes of their labor for a fixed and definite sum—leaving to the contractor the care of supplying material and selling the manufactures."

On the subject of "*discipline*," the report before us is quite decided in the commendation of what is called the Auburn or "congregate" method; and equally decided in condemning the Pennsylvania or "separate" system; and if he believes his own description of the latter, we should be disposed to coincide in his preference. If the paragraphs before us had been written twenty years ago, when the impressions of our mode of discipline (throughout New England especially) were derived mainly from the reports of the Boston Prison Discipline Society and its agents and advocates, we might have ascribed the gross and palpable misrepresentations they contain to ignorance or prejudice. We know that shrewd and careful men were led to commit themselves to the advocacy of the Auburn discipline at that time, in the belief that its tendency was more humane, economical and reformatory than any other. That they were deceived and misled by the chief organ of information to which they had access, many of them were afterwards aware, and some of them ingenuously retracted their opinions. But the

Digitized by Google

Maine Commissioner seems to have been fossilized at a moment when the tide of prejudice against separating bad men from each other ran highest, and when his mind was steeped deepest in it. Hence we ought not to be surprised, perhaps, that he describes the Auburn system as "opposed to what is known as the *Philadelphia* system;" showing ignorance of even the terms by which the two modes have ever been distinguished.

And how does he represent the simple act of separating convicts one from the other while undergoing punishment?

"The Philadelphia system, rigorously adhered to, is one of extreme cruelty, and its effect upon the mind and the energies of those subjected to it, is deplorable in the extreme. The punishment of absolute solitude, deprived of the sight of human face and the sound of human voice, is too great to be endured without prostration of the physical strength and the wasting away of mental vigor. The consequences to the convict are therefore such as society has no right to impose, even upon its offending members, and such as are often far worse than the infliction of the death penalty itself."

This paragraph is artfully worded. It will make precisely the same impression on the public mind as if all these terrible consequences were affirmed to be the inevitable result of putting a convict into a separate prison; and yet there is a loophole for the Commissioner's retreat, if we should show that not one of them exists. Is the Pennsylvania (not "Philadelphia") system one of "extreme cruelty," and is "its effect upon the mind and energies of those subjected to it deplorable in the extreme?" It is a question of fact, and, like other facts, is susceptible of proof. If the evidence exists it can be produced. Thousands of people in the vicinity of prisons conducted on this principle, and familiar with their daily transactions, must know if such disastrous effects attend or follow the discipline. There is scarcely a day in the year, except Sunday, when some one or more may not be seen coming from a residence of one or more years in a separate prison, whose bodily and mental condition may be readily determined, and who can describe the cruelties they have suffered. We *know* men have been discharged from Auburn prisons who will carry to their graves

Digitized by Google

the marks of the discipline there employed. Cannot some equally incontrovertible evidence be produced of the alleged peculiarities of discipline in separate prisons?

What does he make of the annual reports of the inspectors and officers of separate prisons, here and abroad, as to the effect of the discipline on the mind and energies of those confined in them? There is no place for variations of opinion here, as there is in the appraisement of stock and tools. If prisoners are enervated or crazed, the fact must come out in some form. And yet if we may credit men who certainly have as good standing in the community where they dwell as the Maine Commissioner can claim, these deplorable effects exist only in his imagination. He might as well say that the system of schools in Pennsylvania is producing deplorable effects on the minds and bodies of children. It is true that separate prisons have in custody convicts who are diseased in mind and body—(though we know of no class of prisons in which the proportion is less than in them,) and it is true also that we have children in our public schools of feeble minds and sickly bodies, whose confinement doubtless aggravates their diseases, and oftentimes hastens their death—but in neither case should we charge these "deplorable effects" upon the system, while hundreds under the former, and millions under the latter, are improved in body and mind by the process.

But we have a still graver objection to the statement of the Commissioner. If he does not know what the separate system is, he should forbear to describe it in a public document like this—and if he does know, he is quite reprehensible for so grossly misrepresenting it. We shall take the charitable branch of the alternative, and assume that he is ignorant. He evidently supposes that separation from convict society must be "absolute solitude;" that if a convict cannot see and converse with his fellow convicts, he must be deprived of the sight of a human face, and the sound of a human voice. Honest people may make a perfect thoroughfare of his cell—he may have a teacher or a visitor with him daily, and many times in a day, but a system which separates him from the occupants of other

Digitized by Google

cells, and prevents his knowledge of their persons, and all intercourse with them by the thousand silent tokens which elude a keeper's observation, must prostrate his physical strength and waste away his mental vigor!

If the Commissioner understands the separate system well enough to justify his comparison of it with any other, he must know that "absolute solitude" is no more a feature of it than maiming or hanging. He must know that not a day passes in which every convict, whose ears and eyes are open, may not see human faces and hear human voices,—and, of course, he must know that his statement will inevitably deceive and mislead any one who relies upon it. We do not feel at liberty to impute to him any such evil design; and while we charitably conclude that he *knows* nothing about it, we cannot too much regret that he had not good sense enough to *say* nothing about it. A more preposterous and groundless assertion could scarcely be framed in words than the following, with which the Commissioner closes his judgment of convict separation:

"This odious system was originally adopted in the Maine Prison, and after some years' experience, was abandoned. I trust it will never be renewed."

In respect to *economic* results, the report assumes (but does not attempt to prove) the advantages of congregate employment; and we are not a little surprised, that with such appalling evidence of the facility with which the financial condition of a prison may be misrepresented year after year, as his own investigation supplies—he should venture the broad assertion that "many prisons conducted on the Auburn plan have been enabled to pay all their expenses from the labor of convicts." We know, and so does he, that many prisons on that plan have been reported as self-sustaining with as impudent a disregard to truth as he has charged upon successive administrations of the Thomastown Penitentiary.

The report alludes to the tragic murders of wardens and keepers which have recently startled the country. But the author does not seem to have adverted to the fact that they all occurred in prisons on the Auburn plan. He speaks of the use

Digitized by Google

of the lash as degrading and brutalizing in the extreme, rendering men reckless and bloodthirsty. Does he not know that its use is restricted to prisons on the Auburn plan? He reprehends various cruel and dangerous modes of subduing refractory convicts—are they not practised exclusively in prisons on the Auburn plan? May not some of these evils, or all of them together, serve, in a measure, as a set-off against the "inhumanity" of keeping convicts apart one from another while undergoing their sentence?

That our readers may form some idea of a prison in which the barbarous custom of separating convicts is *not* allowed, we cite a paragraph or two from the report before us, touching the condition of the Maine Penitentiary:

"There is, I am persuaded, too much intercourse between the convicts. This is manifest from the fact, as officers of the prison informed me, that each convict knows the name, crime, and length of sentence of all his fellows, and when one is pardoned, it is known by the others as quickly as though it had been gazetted. This state of affairs certainly implies oral or written communication between the convicts to a very great extent, and suggests the possibility of a conspiracy which might prove serious in the extreme."

Such a conspiracy, should its purpose be successfully carried out, might involve parties whose safety and welfare are quite as important to the public as the social enjoyment of the convicts.

Again—

"The use of periodical magazines and newspapers is also allowed to too great an extent among the convicts. Each one that is able to read, receives a newspaper once a week, and though the journals selected are always of a moral and high-toned character, the effect of their perusal upon the mind of the convict is prejudicial to strict discipline. Information upon events of current interest, and glimpses of the outer world, have a tendency to unsettle the convict's mind and render him restless and uneasy. In so far, too, as the papers furnished contain any allusion to crimes just committed, or to criminals still at large, the effect is unmistakably mischievous and pernicious."

Digitized by Google

Here is certainly something very much like separation or seclusion, and the chief end to be attained by it seems to be to keep the prisoner ignorant of what crimes are perpetrated *outside*, while he may be as familiar with crimes and criminals *within*, as if their history had been "gazetted," and the principle on which this stringent interdiction of all intercourse with the living, stirring world is based, is even commended as salutary in its effect and essential to perfect discipline.

"In many of the prisons of the country, most celebrated for their discipline, nothing of the newspaper or periodical character is admitted—the exclusion being so rigidly stringent as to prohibit the carrying of any bundle within the prison walls, with a printed wrapper around it. So completely are the convicts thus cut off from all connection with the world around them, that in some prisons which I visited, I found them utterly ignorant of the most noted events of the day; such as the Sepoy rebellion in India, the political questions at issue in the country, the laying of the Atlantic telegraph, and other matters of equal import and interest. Rules of this kind may undoubtedly be made needlessly severe, but the principle on which they are based (of separating the convict from all association with the world at large) is unquestionably salutary in its effect, and should be adhered to with uniform strictness by all prisons that aim at perfect discipline."

So that the convict in a congregate prison would seem to be absolutely "shut up" to association with his companions in crime and suffering, to corrupt others or be corrupted by them, as he is himself better or worse than they—but all to find a common level of degradation and depravity. And such a system the Commissioner sets forth as eminently "philanthropic," and one which will, "as he believes, be adopted, in time, by all the prisons of the country."

In respect to moral and religious instruction, we have the Commissioner's views somewhat in detail. The clergymen of the place, it seems, officiate in rotation, for a small stipend, but in order to do this, the service must be held at an early and hurried hour in the morning, so as not to interfere with their pulpit engagements. He recommends the employment of a resident chaplain, whose duties shall embrace the settlement and occupation of convicts after their discharge.

Digitized by Google

"Acquainted, as he would necessarily be, with the character and capabilities of all the unfortunate individuals under his moral guardianship, he could give an intelligent and responsible recommendation to such as deserved it, and by correspondence with employers of artisans in different and distant parts of the State, could procure for each the rightful and inestimable privilege of *working*."

We apprehend the Commissioner has not tried his hand much at this important branch of penitentiary economy. If he had, he would know that the system of discipline he so strenuously advocates presents the gravest obstacles to the employment of convicts after their discharge. Pages of our Journal could be filled with instances, known to us, in which the recognition when at large of persons who have known each other as fellow prisoners has blasted the most flattering prospects of a restoration to character and credit, destroyed the peace of families, driven the unhappy sufferer often to recklessness and irretrievable ruin, and more than once to the gallows. If public attention were once fairly awakened to the value of this single feature of convict separation—we mean the impracticability of recognition—it could not fail to be appreciated. The single case which was stated by a late warden of the Eastern Penitentiary, of four men at work as laborers on one of our wharves, within sight of each other, all in the warden's custody at one time, and all knowing and known to him, but neither of them known to the other, is a voluminous illustration of the principle and of its successful working.

The Commissioner has satisfied himself that the prisons which pay best are managed best. "In the various prisons which I visited and into whose affairs I closely examined, I found without exception that wherever the industry was most systematic and productive, there also was discipline the best, and the bearing of the convicts most contented, hopeful and cheerful." Now which does he report as the best paying prisons? Auburn is one, and Charlestown *would be* another, "but for the fact *that certain circumstances of an unfortunate character* have, in the estimation of those who direct the affairs of the prison, made it necessary to keep a very large force of officers, all of whom have

Digitized by Google

most liberal salaries—the pay-roll for the year 1857 exceeding thirty thousand dollars." Is the Auburn Prison noted for the "best discipline," and is the bearing of the convicts there "contented, hopeful and cheerful?" Have the "unfortunate circumstances" in Charlestown nothing to do with the discipline of the institution or the "bearing of the convicts?" We are confident the Commissioner has not kept himself posted up in the transactions of these "model" prisons.

Our readers may remember that a very intelligent board of commissioners once reported to the Maine Legislature that the separate system as practised in Pennsylvania was undoubtedly the best, but that the first outlay for buildings would of necessity be somewhat larger than for a prison on the Auburn plan; and hence they argued that it would not find favor with the Legislature, whatever its merits. The present worthy Commissioner is evidently embarrassed by the same consideration. The money question is in the ascendant. If we keep the prison in Thomastown, we must enlarge it at an expense of $70,000, and suffer an annual draft of at least $15,000 from the State treasury to support it. If we go elsewhere, we can get a better site and better buildings, but we must pay $50,000 for them over and above what the old prison will bring. The truth is, rogues cost something, dispose of them as we will. What the result of his indefatigable research may be is more than we can predict. The picture he presents of things as they are must be very revolting to tax-payers, and the suggestion of an outlay of some fifty and perhaps one hundred thousand for a new prison is equally disagreeable. Nevertheless, the report is accompanied by the plan of a new prison, "surrounded with imaginary scenery," representing what the site *ought to be*, &c. &c.; and we shall wait with interest for the action of the authorities upon it.

As we said at the beginning, so say we now, we have rarely seen a public document of this size, more likely to mislead and prejudice those who have no other and better means of information; and with the hope that our notice of it will excite an inquiry among our Maine friends for further

Digitized by Google

light, we turn to the eleventh report of the inspectors of the three penitentiaries of New York. Here we find between two and three thousand men in daily custody, and must expect a corresponding magnitude in plans and results.

There are several items of general interest to which we may briefly advert:

1. The number of convicts who can neither read nor write continues to be large, and it is affirmed by the Inspectors that so far as they "have been able to learn, after making thorough and close investigation, in no single instance has there been a re-conviction of those who received the first rudiments of their education in the prisons."

2. The Inspectors enforce a previous recommendation that a portion of the earnings of well-behaved convicts be set apart for the use of their families. However wise and proper such a provision may be, we should be slow to admit the principle on which it is advocated:

"The State, by its constituted authorities, has for its own protection sent the man to spend, it may be long years in a prison, thus *compelling* an abandonment of his wife and children. By every moral consideration they are entitled to the benefit of his best exertions for their support and sustenance, and society has no right to deprive them of it." * * *

"By every consideration his wife and his little ones have a right to demand it."

One of the most natural and powerful considerations which we might suppose would deter a husband and a father from the commission of crime, is the suffering and disgrace in which he would involve his wife and children. We are rapidly approaching a state of things in which many a man may well question whether, so far as a comfortable and easy life is concerned, one is not better off *in* prison than *out* of it. There are many temperate, honest, industrious men in the United States to-day whose dwelling and food and lodging will not compare with those of convicts under sentence; and when even their very punishment shall be made to enure to the pecuniary benefit of their families—*and this as a matter of right*,—the difference

Digitized by Google

between the *ins* and the *outs* will be reduced almost to a shadow.

3. With the suggestion of more liberal aid to discharged prisoners we heartily sympathize. "An appropriation of two or three thousand dollars a year, to be expended under the direction of the 'Prison Association,' or in any other manner that the wisdom of the Legislature may suggest, would, in the opinion of the Inspectors, prove of incalculable benefit to those who are otherwise ready to perish." The sum disbursed and charged in the monthly reports of the Sing Sing Prison alone is nearly $1,500; and the number of discharges from that prison during the year was 355.

And in connection with this is another recommendation which we heartily endorse:

"There are in all our prisons convicts who are entirely unable to speak or understand our language, and some of them we have every reason to believe, by reason of such disability have been wrongfully convicted."

"Entirely unused to our manners and customs, unable to understand our language, and without being able to comprehend the charges made against them, they become the victims of suspicious appearances, which under other circumstances could be easily and innocently explained.

"We suggest whether in all our courts having criminal jurisdiction, some provision ought not to be made, so that by means of interpreters they should be informed of their rights and be properly protected."

4. The overflowing population of all the prisons is a source of much anxiety to the inspectors, and well it may be. The number of convicts in one of the prisons, if not in all of them, so far exceeds the number of cells as to render it necessary to lock two or more prisoners into the same cell at night—thus defeating all hope of their reformation. The present edifices must be enlarged, or a fourth prison must be built, and this alternative suggests an inquiry which the inspectors discuss with commendable frankness. If a new prison is to be built, what shall be the plan and discipline? Has the congregate system of labor in silence and association, which takes its origin and name from

Digitized by Google

Auburn, been so satisfactory in its history and results as to claim precedence of all others? The Maine Commissioner urges the Executive of that State to recommend to the Legislature to adopt the Auburn system, because, he says, "it has been adjudged the best, both in its philanthropic and economic aspects, and will, as he believes, be adopted, in time, by all the prisons in the country." And what do they say of it at home,—in the place where it was born and brought up? Here is what they say:

If the Legislature should, in the exercise of its wisdom, decide the erection of a new prison as necessary, we would suggest whether it would not be well to adopt in it the system known as the "Pennsylvania system," or "separate confinement, with labor," as contradistinguished from our system, which is known as the "Auburn system," or "congregated labor."

That many of our convicts go out of our prisons, under our present system of management, thoroughly reformed, we believe, and that some have done so we know; but are the chances for reformation under our system as great as that of "separate confinement?" If not, are we not bound, when we deprive a man of his liberty for the benefit of the community, to place him in the position best calculated, on his restoration to society, to return to it morally better than when we took charge of him? And is our system the best? If not, should we still cling to it merely because a change in it would involve increased expenditures? It seems to us, that in this age of progress, our penitentiary system ought not to be left without some steps being taken to advance it towards perfection, so far as it may be done, having in view the interest of the State and the welfare of the convict.

Under our present system, it is impossible to prevent communication between convicts, and the *system* of "congregated labor" renders it equally impossible that any classification of them can be made.

Thus it not unfrequently happens, that a young man who is confined for the commission of his first offence, and that perhaps a slight one, is brought in direct contact daily and hourly with one who has made crime a study during his whole life, and is thoroughly educated in all its practices. It cannot be but that this constant communication must tend to destroy all hope of reformation, and the boy who, on his first introduction into the prison, had determined to lead afterwards a life of honesty and

Digitized by Google

integrity, is, from defects inherent in our system, turned loose upon society at the expiration of his term of imprisonment an accomplished criminal, and fully schooled in all the ways and practices of vice.

In addition to this, the convict can hardly get away from the prison before he will meet some of his associates in crime, who he has known in it, and the evil associations there found will be continued, and their corrupting influences strengthened and increased. These are defects that cannot be remedied in any prison conducted on the plan of "congregated labor."

But these difficulties are entirely avoided in prisons conducted on the "separate system." A convict once in prison is shut out from the sight and knowledge of his fellow-convict, and during the whole term of his confinement, does not make the acquaintance of a single associate. Reflection, which cannot be disturbed by others, has opportunities to produce its salutary influence—reason resumes its sway, the young man fully convinced that the way of the transgressor is hard, indeed determines to reform, and that his future good conduct shall expiate his past offences. If he passes in the street one who has been his fellow-convict, he is to him a stranger, no bond of fellowship exists between them, and no evil influences can be brought to bear upon him. He may, if he will, (uninfluenced by associations contracted in prisons, which he cannot shake off,) so conduct himself that the dark spot upon his reputation shall grow less and less distinct, till it shall be completely blotted out by the good character which he shall in the future achieve for himself.

We recommend that when a new prison shall be built, which from necessity must be in a short time, that it be constructed on the "separate confinement" or "Pennsylvania system."

It would be difficult to present the peculiar advantages of convict separation in more concise and intelligible language, and we are confident that not one of them is over-rated. Indeed, several congregate prisons have latterly advocated the system of separation for certain classes of their convicts, without limit of time, and have acknowledged—somewhat reluctantly indeed—the groundlessness of their former opinions and fears respecting its effects. Perhaps no single item in the tabular statements accompanying these reports exhibit more strikingly the disadvantages of the congregate discipline than the report of punishments at Sing Sing, which amounted, in 1858, to 850 show-

Digitized by Google

erings, yokings, buckings, cappings, etc., for offences most of which are never heard of in any separate prison: seventy-eight cases of fighting, fourteen of attempts to escape, sixty-four of insolence, nine of striking fellow-convicts, and fifty-five of neglect of work, &c.

This prison had 1,073 tenants, September 30, 1858, of whom 560, or more than half, were foreigners. Among the crimes of which they were convicted, the enormous number of EIGHTY-FIVE were for killing or attempting to kill, and TWENTY-NINE for rape or the attempt to ravish. Two hundred and four, or one-fifth of the convicts, were under twenty years of age when committed; and the sentences of four hundred and thirty-three, or nearly half, were for three years or less; and twenty-five are serving a life sentence.

The Warden of the Auburn Penitentiary alludes to an evil, the existence of which is much more obvious than the remedy:

"The discipline, and consequently the pecuniary results of this prison, is injuriously affected by frequent changes of the subordinate officers. These changes are, it is true, unavoidable, under our system. Still, it is proper that attention should be called to the fact that exchanging an experienced keeper for one entirely unacquainted with the duties of the place, even if the capacity of the new one is equal to that of his predecessor, must for a time cause confusion. The chances are that the change of officers is for the worse in point of adaptation to the business, as well as experience. Keepers do not possess the art of governing convicts in an equal degree, and some cannot learn at all.

My opinion is, that after obtaining a set of competent and faithful officers, they should hold their places during good behavior. Under such a system, I am satisfied there would be better order and more satisfactory results."

We have already devoted more space than we could well spare to these two reports; but, aside from their intrinsic interest, they have an importance, as the exponents of *principles*, which entitles them to special consideration. In several of the States, new prisons are contemplated, or will soon be required, and it is a matter of grave interest, not to those States only, but to the whole country, that the advantages and disadvan-

Digitized by Google

tages of every mode of construction and discipline should be carefully and candidly weighed, due reference being had to the claims of justice as well as to the dictates of humanity; to the interests of society, as well as the well-being of the offender and his family.

Whatever method of discipline will tend most surely to make the convict a better man, and deter him, and others who are disposed to imitate him, from evil ways, will be, in the end, most effective, benevolent and economical. If, of the ten thousand men and women whom we turn out of our prison cells into the community every year, nine thousand are no better than when they were committed, they are certainly *worse*, and each one of them becomes the nucleus of a new aggregation of vicious elements, to be more widely and thoroughly diffused. It seems preposterous to ask how it is that crimes and criminals increase while so many counteracting agencies are in full blast, (Sunday and daily schools, houses of industry, refuge and reformation,) so long as a vast majority of our penitentiaries and county gaols serve only to train novices, to perfect and stimulate adepts to bolder deeds of fraud and violence. Our legislators and judges must carefully investigate the principles of penology, and their application to the shifting conditions of human society, or their attempts to punish and repress crime will not only be abortive, but will encourage and facilitate its perpetration.

Art. II.—PUBLIC EXECUTIONS.

If we were to advise the opponents of capital punishment as to the most effectual means of accomplishing their end, we should say,—Make all executions as public as possible, and be sure that the scene, in all its minutest particulars, be duly reported whatever it costs. No arguments from Scripture or reason; no appeals to sympathy or humanity will serve you half so good a turn as the exhibition of a human being dangling

Digitized by Google

in the air at the end of a rope, and some thousands of men, women and children gazing upon the spectacle in its reality—and some hundreds of thousands poring over a report of the mental, physical and spiritual phenomena preceding, attending and following the culprit's exit.

The parties who lend themselves to the various steps in this process are not without their apologies. Even in the few States where executions are required to be private, it is not unusual to find hundreds of people admitted to the scene under a very liberal construction of the law. The provisions of our own statute are too plain, one would think, to be evaded without culpability. It is made the duty of the sheriff or coroner to be present at the execution, which must take place within the walls of the prison; and "he shall invite the presence of a physician, the attorney or deputy attorney-general of the county, and twelve reputable citizens to be selected by the sheriff; and, if the criminal request it, the sheriff shall permit such ministers of the gospel, not exceeding two, as he or she may name, and any of his or her immediate relatives, to be present, together with such officers of the prison and such of the sheriff's deputies as the sheriff or coroner in his discretion may think it expedient to have present. And *it shall only be permitted to the persons above designated to witness the said execution:* provided that no person under age shall be present on any account to witness the same."

These are very stringent and positive enactments, and yet it will be remembered that in more than one instance such wholesome restrictions have proved unavailing, and an execution in our county prison has been witnessed by several hundreds, and among them many *boys and youth.*

We have been particularly impressed latterly with the disposition to spread before the public eye the most loathsome particulars of such scenes, showing clearly that there is a taste for that sort of reading; and what does that argue but a very sad depravation of moral feeling?

We have before us at this moment an account of an execution in Indiana—occupying three columns of a country news-

Digitized by Google

paper—in which all the movements and words of a brutal murderer are chronicled with the most disgusting minuteness. The party executed was a monster of wickedness. From his early childhood to the day of his death he was noted for his reckless contempt of God and man. His grandfather died a drunkard; and his father, a man of no education and a violent opposer of schools, religion and government, is an habitual drunkard; and himself addicted from childhood to the use of strong drink. Those who knew him best say of him that "he was vicious, revengeful and stubborn—would sometimes drive his father's family from their home with an axe or other dangerous weapon, and held them in constant awe of him." He married (as he alleged) for the purpose of showing that he was not so bad that no woman would marry him; and in *less than a month* after the marriage he deliberately and instantly killed his wife with an axe, while she was engaged in getting his breakfast for him. He probably anticipated an evasion of punishment on the ground of insanity, and perhaps not without reason, for we are told that "on one occasion he got into a serious difficulty, and when threatened with the penalties of the law he feigned insanity, and thus avoided successful prosecution. He afterwards boasted of having outwitted the officers of the law by that means."

During the whole period of his confinement he exhibited the most callous and obdurate mind and the most beastly inclinations. In short, a more revolting specimen of human degradation and vice could not easily be conceived. How far the impression that he would not after all be hung may have stimulated him to "show pluck," we cannot say. He seemed anxious to know what the common report was, abroad, as to his insanity—thinking that if "the people" were inclined to favor that notion, they would never permit him to be hung. "The idea that his life would not be taken appeared to be with him until his last moment. He seemed to think that every preparation made for his execution was only an additional effort to induce him to confess the crime, and that if he would persevere in denying the charge made against

Digitized by Google

him, he would, finally, escape from the clutches of the law. This delusion attended him, apparently, until he stood upon the drop."

How many convicted felons are braced up by the same delusive hope, begotten and cherished by the shameful abuse of the pardoning prerogative, may not be known. The testimony of wardens and jailors would warrant the opinion that it is one of the most formidable obstacles to the wholesome effect of punishment.

A large part of the account to which we have referred is made up of the foolish jests with which the miserable man treated every thing connected with his terrible fate—the publication of which can be designed only to bring the whole proceeding into contempt. But, as if to crowd into one such scene all the revolting features of which it is capable, there must be a failure in the first attempt to execute the sentence of the law, and a sort of interlude must occur, giving the reporter an opportunity to describe the appearance and conduct of a man who was half hung! and also to pay a compliment to the sheriff and his deputy, "the delicacy and responsibility of whose position was more keenly felt than it would have been but for *the breaking of the rope!*" It would seem that some popular indignation was expressed that such a revolting incident should have occurred, and, to allay it, the odiousness of the whole proceeding is thrown upon the law which authorizes capital punishment!

Perhaps half a column of the account before us is occupied with a minute description of the person of the murderer—his weight, height, color of hair and eyes, size of mouth, nose and ears—phrenological phenomena—how he wore his cravat and cap—how high up he buttoned his vest, and that for want of suspenders his pantaloons did not meet his vest!

The day of the execution was dark and cloudy. A slight, drizzling rain fell during the greater portion of the morning, and the streets presented an unbroken surface of slop and mud. A large crowd had gathered from the country at an early hour—"arriving by the first trains from the east, west, north and south. Many came into town on horseback and in carriages and

Digitized by Google

wagons," and the streets, especially those in the vicinity of the jail, were thronged with a moving mass of human beings, eager to gratify curiosity.

A rope had been stretched around the enclosure in which the gallows stood, at a distance of forty or fifty feet from it, and guards, armed with muskets, were stationed inside of the rope to keep the crowd from pressing upon the place of execution. Outside of the stretched rope the streets were filled, the lots adjacent to the jail crowded, the windows of houses filled, and the roof of every building near by covered. The only incident that diverted the intense interest of this vast multitude was the appearance of a traveling auctioneer, who had selected that time to cry his goods and dispose of his wares!

In Baltimore, recently, three white men, Cropps, Gambrill, and Corrie, and one colored man, Cyphus, were executed at once. They formed a gang of desperate wretches. They had broken into a house when drunk, and created a riot, and then a policeman, named Benton, attempted to arrest them, and they killed him. The chief spectator and of course the chief witness against them, was another police officer, named Rigdon, who was killed by Cropps, (at the instigation of the rest of the party,) to prevent his testifying. Here were two faithful public officers put to a violent death by "riotous outlaws of the worst stamp." Gambrill asserted his innocence, and charged the bloody deed on a companion named Harris. The evidence of their guilt was incontrovertible. It would seem that the execution in this case was within the gaol yard, but the top of the gallows was four feet above the wall, and in full view of the surrounding hills and house tops, all of which "were teeming with human beings, of all ages, sexes, classes, colors and conditions." Not less than *thirty thousand* persons are supposed to have witnessed this "private execution." To crown the whole, the funeral of Gambrill was attended with great pomp, through the very streets which had been stained with the blood of Benton and Rigdon. Sunday afternoon was chosen for the display, and the funeral was from his father's house. "There was an immense turn-out of his friends and asso-

Digitized by Google

ciates, including many notorious characters. There was a line of carriages extending over half a mile. Harris, who was charged by Gambrill, in his dying declaration, with being the real murderer of Benton, was at the family residence, and among the prominent mourners!"

It is said that not less than TWENTY-SEVEN executions were appointed to take place in the States of Missouri and Illinois on the same day. Three of them occurred at St. Louis. The names of the parties were Neuslem, La Point, and Shultz. Neuslem ended a long course of inhuman treatment of his wife, such as would disgrace a Hottentot, "by beating her over the head with a billet of wood till she was stone dead." La Point, who had just been pardoned out of the Illinois Penitentiary, was mad with a man named Robert Wheaton, because he refused to work in the same place with him; so he killed him, by beating him over the head with a shovel *while he lay asleep.* Shultz had an old grudge against a man, and he purchased a pistol for the purpose, and secretly shot him. At a country execution in Missouri, a rude gallows was erected, the ascent to which was by means of a ladder. The father and mother of the culprit were there, and took leave of him at the foot of the ladder. "A large concourse of persons had assembled, from an early hour in the morning, and the gallows was erected upon an open common, to give them room and sight!

A late execution in Chicago was witnessed by "five or six thousand people, many of them women and children. The gallows was erected in the middle of the public street, and the prisoner, with the sheriff, attendant clergymen, newspaper reporters, &c., went to the scene of operations in a procession, escorted by a corps of dragoons and several companies of infantry. A large number of express wagons and other vehicles, filled with men, women and children, joined in the procession. Arrived at the place of execution, the military formed around the gallows to keep off the crowd, and everything appears to have been conducted after the manner of any great public spectacle."

Not less than seven executions were to take place in Canada

Digitized by Google

during the month of June—all of which were probably public!

We have adverted to this subject in the hope of awakening public attention to a practice fraught with boundless evils. We trust the provisions of our own law touching the infliction of capital punishment will be rigidly observed, if unhappily any occasion should arise to apply them; and we cannot doubt that if the Legislatures of other States would seriously consider the effects of such exhibitions upon the moral sensibilities of the community, they would not be tolerated. That the public press will not continue to seize upon such events, and work them up into a dainty dish for the depraved and sickly appetite of the *canaille*, is perhaps more than we can expect at the present time, though we are sure that the practice is as distasteful and offensive to many publishers as it can be to us.

Art. III.—SOCIAL REFORM—THE SUGAR LOAF THEORY—RADICAL DEFECT IN MODERN SCHEMES.*

Caspar Rauchbilder was a German, abstruse of mind and able of body. From his ancestors he inherited a fair complexion and a talent for boiling sugar; so that he had no trouble in acquiring either. His calling he pursued in the suburbs of the city, the thick atmosphere of which suited his thoughtful turn; it favored mental abstraction, and kept aloof those obtrusive materialisms which he deemed the main obstacles to transcendental discovery. His favorite motto was, "*Ex fumo dare lucem;*† and in order to enhance the partial opacity of his abode, he was incessantly smoking tobacco. He used to say that it was no wonder that the Egyptians were the wisest nation of antiquity, after three days of such glorious

* The substance of this sketch is believed to be of foreign origin, but it so strikingly exhibits certain phases of modern philanthropy, in all latitudes, that we cannot resist the request of a friend that we will copy it.

† "To give light from smoke;" a witty allusion to the lamp-black in printers' ink.

Digitized by Google

darkness as they had once enjoyed; and he often thought that if he could live in a dark cavern, he would yet be able to throw some light on the world.

It happened that on one occasion Caspar's more frivolous companions had gone to a holiday show. Our sage found higher employment for time and mind. It was a day of the darkest fog, and he determined on improving the inward light. Before the fire he hung a shaggy coat, which he called a bosom-friend; and it deserved the name. The bosom-friend was saturated with the fog. On the table Caspar placed a German sausage and a can of beer. But ere clogging his faculties with this slight repast, our philosopher thought good to improve the fit of inward clear-seeing with which he then and there felt visited. Accordingly, settling down in his easy chair, and filling the atmosphere with volumes of tobacco smoke, he began to see his way through the mystery of the universe.

It was not long before the sugar-boiler beheld himself a social reformer. He recollected how often he had seen the raw sugar arrive at their factory, and leave it the brilliant, glistening loaf. In that raw article he viewed the emblem of human nature, as it comes from the hands of politicians and teachers, and in that sugar-loaf he saw human nature as it quits the mill of the philosopher. There is the first boiling *in vacuo*. He would put society into the cauldron, but would be careful not to raise the temperature above hot water. And in order to secure a perfect vacuum, he would relieve it of all prejudices and all property. He would pump off those national codes and positive faiths which now weigh with tremendous pressure on the human soul; and as soon as that was accomplished, it would be the work of a moment to bring sentiment and principle into a state of absolute solution—the first object to be sought by a regenerator of the social system.

The next business is to clarify the melted mass. Nothing can be easier. In our works, have we not a filter of charred bones? And have I not seen the current pass into that strainer brown as sherry, and quit it clear as crystal? In like manner let us burn the bones of the old beliefs and

Digitized by Google

the outworn decencies. Ha, ha! they are now but skeletons! And from the ashes we will make a filter, through which this selfish age shall pass, and emerge—a New Moral World. And then, in order to preserve this sweet syrup of refined humanity, it must be caught in moulds, and consolidated, and cast, and kept. For this purpose one recommends as the best form pyramids, and Fourrier dotes about phalanxes. But these simpletons had never seen a sugar-factory. Their purblind optics were never blessed with the sight of an unbroken sugar-loaf. Talk of circles, phalanxes, and pyramids, as if nature abhorred the cone! Is it not the most comprehensive of all figures, embodying the triangle, the circle, the ellipse, the parabola, the hyperbola? And the most graceful—suggesting at once the solidity of the pyramid, and the curving fulness of the sphere? Away with all compromise! I undertake to reconstruct society on the only perfect model. I shall teach every man to be the lover of all, and the friend of none; and this pure and public-spirited product, I shall fix—I shall stereotype. Whilst yet fluent and limpid, I shall draw it off into moulds ready made, and in Cones of Concord, in Sugar-loaves of Sympathy, Society will crystallize into its final and perfect organization. And should there settle down at the inverted apex any dregs of the old system, is there not the turning-lathe to pare away the anti-social feculence? All shall be alike talented, alike strong and healthy; and all equally amiable; rich, and happy. Our crest must be the sugar-cone; our motto, SUAVITY, SOLIDITY, SINCERITY.

At this point of the speculation there mingled, with the odor of the segar smoke, a smell more akin to burning bones. It was not an old belief or an outworn morality, but the shaggy coat too near the fire. The bosom-friend was burning! Caspar brushed the singed and smoking nap, and put his fingers through the brown and crumbling skirt. And lighting the lamp, he found that a neighboring cur had played an old prank, and stolen the sausage during his reverie! However, Caspar comforted himself. The cur had stolen the sausage, but he had left the beer and the sugar-loaf theory.

Digitized by Google

Such speculations are interesting to two classes of readers. There are some profligate persons who catch at everything which puts good for evil, or which offers to relieve them from moral obligation. They are tired of their wives and children; they are tired of working; they are tired of honesty; they would fain be fingering the hard-earned savings of their fellow-laborers; and they do not like the Christian ordinance, "If any man will not work, neither shall he eat." They should be glad to have the pocket of the Shadowless Man, so that if hungry, they might produce a tray with green peas and smoking cutlets, or if drowsy, they might put in their hand and pull out a tent-bed with its blankets. But as the Shadowless Man will not part with his pocket, they will be content, as next best, to

Digitized by Google

eat their neighbor's cutlet and sleep in their neighbor's blanket.

But besides the lazy and licentious, to whom all such schemes are welcome, we believe that at this moment many an industrious man feels so unhappy, that he would hail any change in the social system as a possible change for the better. And if, like us, he has read some of the glowing invectives and prophesies of these eager speculators, the wish may very naturally prove father to the thought, and he may fancy that nothing except a re-arrangement of society is needful to bring about a golden age.

We, too, are social reformers. We see many things which grieve us. We see much extravagance among the rich, and much improvidence among the poor. We see a great deal of pride and bitterness. We see the pride of rank, which believes that itself is porcelain and common men are clay. We see the bitterness of penury, which resents the wealth of others as a crime, and which deems it a proof of spirit to insult a man of higher station. We see a fearful amount of tyranny. We see the tyranny of employers in refusing to their dependents the enjoyment of the Sabbath and freedom to worship God. And we see the tyranny of working-men, compelling their fellows to connive at crime, and enforcing compliance with unreasonable rules, often by means of the greatest cruelty. These things we know, and we mourn over them. We long to see them all redressed. We long to see the rich less stiff, and reserved, and haughty. We long to secure for cottages and cabins not only the gift of charity, but the kind words, and the friendly recognition, and the occasional call. We long to see toleration and fair play. We long to see industry and a competency convertible terms; and we long to see the laborious classes kindly affectioned one to another, and respectful of the rights and the feelings of their hard-working brethren. And on every side we long to see more magnanimity, more confidence, and more mutual forbearance.

But we have no faith in any social reform which overlooks the fact that man is a fallen being. Though we had never read

Digitized by Google

it in the Bible, we think we could read it in the world, that man is no longer what a holy Creator made him. *His heart is not right with God, nor is it right with his fellows.* And every ameliorating scheme which overlooks this two-fold defect is sure to end in vanity.

For many ages the mechanical world labored to create a perpetual motion. But the problem which has been abandoned in physics is now revived in the domain of ethics, and people ask, "How are we to create, within the race, a constant progress towards perfection? Taking man as he is, and taking such aids as he can himself supply, how are we to abolish misery, and make the earth a second Paradise?" And many solutions have been offered. The press teems with them. One day, not long ago, we read of a most popular plan, suggested by a French philosopher. He proposes that the working men of France should resolve themselves, or that government should group them, into huge industrial families, working eight hours a day, for five francs ($1.00) apiece; leaving it to each man's sense of honor how busily he shall labor, and requiring the skilful and the diligent to support the stupid and the lazy. And when we read it we said to ourselves, "this sanguine projector has overlooked friction. The scheme might answer with angelic operatives; but if tried in a world like ours, there are two things which will bring it to a speedy stand-still: the one is man's irreligion; the other is his selfishness. He would need to be a true philanthropist who would work with a steady eye to his neighbor's welfare; and he would need to be a God-fearing man who would continue to labor when he knew that, even if he slept or played, his neighbors would labor for him." Till irreligion is exchanged for piety, and till selfishness is superseded by brotherly love, the world must proceed on the individual plan.

Some people once built a bridge; but it was scarcely erected when it tumbled down. They tried it a second time with no better success. And the third time they changed the plan, and took every precaution, and allowed a long interval for the mortar to harden; but no sooner had they removed the cen-

Digitized by Google

terings than up sprang the key-stone, and in bulged the arches, and with a crash and a plunge the whole ruin poured into the tide below! On this, a council of practical men was convened. The architect came, with his plan so prettily drawn, and rival architects came, not so much to suggest, as to enjoy a little quiet exultation. But the man of skill, and the main hope of the conclave, was a civil engineer from the capital. For a long time he said nothing; but he had evidently scanned it all at a single glance, and it was clear that he was only tracing symbols in the dust with his cane, till the provincials had talked themselves out, and he should be summoned to pronounce his oracle. "Of course," saith that oracle, "the span is too wide, and the ellipsis is by far too eccentric." "Impossible!" cried the horrified architect; "the first plan had arches as round as the Roman, and it went like a house of cards." This by no means shook the judgment of the man of skill; but it emboldened a plain man, who once wrought as a mason in that part of the country, but who had saved a little money, and was now doing business on his own behalf. "Truly, sirs, I wonder that you think of nothing but arches and abutments and spans. Just look at that brick;" and so saying, in his great hand he crushed a fragment as if it were a bit of touchwood or a toadstool. "I never knew a brick come from those fields which would bear the weight of its neighbors. It is not the fault of the plan; it is all the blame of the BRICKS."

And it would be well if projectors in politics and morals adverted more to THE STRENGTH OF THEIR MATERIALS. Like bricks from the same kiln, some specimens of human nature may be better than others; but in building a social structure for a nation or the world, you must look not to picked samples, but to the ordinary run. You must look not to patriots, and saints, and the martyrs of favorite schemes; but you must look at your neighbors, and your shopmates, and the mass of your fellow-men, and say if you are prepared to cast away all your present securities for peace and comfort, and fling yourself entirely on the honor of each and the charities of all? For if you distrust your neighbors as they are, no new arrangement into

Digitized by Google

groups or ateliers, phalanxes or cones, will make them trustworthy. A few bad bricks will spoil the finest arch; but the finest arch will not convert to marble or adamant blocks of untempered clay.

No form of government, republican, representative, or despotic, can cure the real complaints of our species. No law can change vice into virtue, or give to guilt the joys of innocence. No ruler can make the Atheist happy, or kindle a blessed hope in that mephitic mind which has quenched its own lamp of immortality. When Hercules put on the poisoned robe, it did not matter where he went. No change of climate, no breezy height, no balmy sky, could lull the venom in his fiery veins. And let a man of idle or immoral habits, or let an ill-assorted family try all the constitutions in the world, or let a new constitution come to their own country once a year, and they will soon discover that legislation contains no charm to convert personal and domestic wretchedness into virtue and tranquillity. So long as a man is WRONG IN HIMSELF, he wears a poisoned vest. Though he may change the place, he cannot escape the pain.

Art. IV.—WORK AT HOME.

It is with some degree of mortification that we admit the comparatively limited improvement in the condition of the county prisons of Pennsylvania. With the honorable exception of Dauphin, Chester, Berks, Lancaster, Montgomery, Schuylkill, Cumberland and York counties, the general structure and discipline of our gaols are very defective, and the work of reformation is scarcely begun. By what means the attention of the proper authorities can be drawn to the subject, and the sympathy and co-operation of wise and humane citizens be secured, is a problem which it is not easy to solve.

A friend, who has recently visited a few of these institutions, has kindly left with us his memoranda, from which we select such notices as will indicate prevailing defects and abuses.

Digitized by Google

Visited the gaol at ———. A good, new gaol, high, dry and healthy. To prevent communication between the male and female prisoners, a partition has been erected, which prevents a proper circulation of air in the female department. The best and most economical plan of separation is to give each prisoner a room to himself or herself.

In the county of ———, found an old and badly arranged gaol. The male and female prisoners, thirteen of the former and two of the latter, have free intercommunication by day, and all enjoy the range of the building. Four of the males were hoppled with thirty pounds of iron, day and night. The hopples were riveted upon an iron bar, seven-eighths of an inch in diameter and upwards of two feet long, including the rings. They had a padding of old rags, to prevent the iron from cutting into the flesh! Others had been hoppled, but the irons were taken off, it being court time. Some, who had a six months' sentence, just wore out one prison suit, it being impracticable to change it without the trouble of removing the irons! In the poor house, in the same county, the male and female paupers had a common yard and a common stairway. The house fills up when the inclement season approaches, and the winter serves to bring the whole family to a common standard of immorality and degradation, and in the spring they scatter, again to distribute a moral miasma in every direction.

Visited the gaol in ——— county, and coincided with the Sheriff in the opinion that, had the Commissioners been charged to visit all the prisons in the country, and then select the worst for their model, they could not have succeeded better than in such a gaol as they have built. The cells are imperfectly ventilated, and having stone floors, are always damp; the iron soil-pipes small and choked up; the prisoners occupying a common corridor through the day. The female prisoners are in a position to have easy communication with the males, and when the prison is crowded, men are placed in the same entry with women. There were fourteen prisoners—four females.

The gaol at ——— is small, and dirtily kept; six small cells, ten by twelve feet long, for both sexes, and no distinct apart-

Digitized by Google

ment for females. A prisoner here recently escaped. The plugs and spikes which he had driven into the wall, and the rope, made of his bed clothes, by which he let himself down, were all left for the benefit of his successors, and will probably be used when they think they will fare better outside than in.

In the gaol at ———, there were only two prisoners, one of whom was deranged, and the other considered himself a victim of injustice. The gaol small, but cleanly.

Visited the gaol at ———, and found its condition worse than I had anticipated. It has four small rooms, say sixteen feet square; both ceiling and floor so damp that, though it was a summer-like day, fires were kept burning in them. The number of prisoners ten, and one was a female. The gaoler has twenty cents a day for the subsistence of the prisoners. There is no separation of the sexes by day, nor by night, if they choose to be together. The erection of a new prison has been urged upon the Commissioners by the Grand Jury, in connection with a work house, (a measure about which we shall have more to say hereafter.)

The gaol at ——— is old, and small; four rooms, fourteen feet by eleven; one entrance, yard and corridor for both sexes. Only two prisoners, one of whom was a deaf mute, and the other a German, who could not speak a word of English.

The gaol at ——— is under the new court house, so situated that the water often floods the floor of the cells, which is of boards. There are six cells and a dungeon; the cells are nine feet by ten, with ceiling ten feet high. No means of separating the sexes, and no obstruction to free communication with people in the street.

Found the gaol at ——— in anything but a satisfactory condition. Common passage-way, yard and privy for male and female prisoners. Four rooms, eighteen by fourteen, and nothing to prevent free daily intercourse. Down, by steps, under ground, are two dungeons, twelve by fourteen, the use of which has been interdicted since two men were found dead in them. Irons are at hand, to be used when occasion requires. A new court house and gaol are contemplated. Will they have

Digitized by Google

the wisdom and humanity to construct the latter as the law imperatively commands?

The gaol at ——— is of the oldest and meanest class. It is in a farming region, and money, to alter or repair it, is hard to be raised. Three rooms, twelve by eighteen, serve for cells, The prisoners, male and female, and the keeper's family, occupy a common yard. The daughter of a former keeper was seduced by a prisoner, whom she afterwards married! There are three dungeons in the cellar, the bolts of which are rusted fast from disuse.

The prisons at Harrisburg and Reading were visited, and were reaping all the advantages of the separate principle upon which they are administered.

From another, and equally reliable source, we have received information that the prison of one of our most thriving counties is in a state quite discreditable to the people and the age. Some of the prisoners are under a five and six years' sentence, and yet are not allowed any exercise in the open air at any time. There are no means of lighting the cells at night, and in the winter the prisoners are in darkness several hours before bedtime. No instruction is given in reading or writing, and the frequent infractions of the prison rules give the officers much trouble and occasion more punishments.

This brief and partial survey furnishes matter for serious thought. It can scarcely be credited that, in any of the localities referred to there are not intelligent and benevolent men, who are aware of the vast improvements which have been made in the construction and discipline of prisons, and of the claims of humanity as well as sound policy to their introduction into all our county gaols. They need not be told of the facilities with which crime is propagated where offenders are allowed to know each other, and indeed to have unrestricted intercourse. And if no consideration for their own interest would prompt them to the adoption of a better system, a regard to the well-being of others would seem to demand it. Is it too much to hope that the public press in these localities will take the matter in hand, and urge upon the authorities the adoption of

Digitized by Google

measures of reform? One or more of our populous and enterprising counties are contemplating the erection of a new prison shortly, and they would do themselves and the State and mankind no inconsiderable service by adopting a plan which, better than any other now known, combines the punitive and reforming element of criminal law.

It is in vain that we contrive new bolts and bars to protect ourselves from thieves and burglars. Bad men have a thousand ways of accomplishing their purposes, and can outwit the shrewdest of their watchers. Counterfeit plates and dies and a box of matches can work mischief on a scale that puts augers and nippers quite into the shade. And men, who would think theft and robbery quite beneath them, will deal largely in counterfeit bank notes and bogus coin, without wincing. *These arts are taught in county prisons*, and though the connection may not always be traced, it is undoubtedly true, that what a county or State saves, by not making suitable provision for the custody and amendment of its rogues, is lost, ten times over, by the violence or depredation it suffers, directly or indirectly, at their hands.

Art. V.—SWARMING HOUSES.

There can be no doubt that it is for the moral and physical welfare of society that the family relation should be preserved as distinctly and prominently as possible, and the nature of the domestic relations of husband and wife, parents and children, and the duties they involve, clearly indicate "the bounds of their habitation." The sacredness of home can only be preserved by excluding from it those who have not a natural sympathy and a common responsibility. Two families occupying adjoining rooms, with a thin partition between them, must needs suffer many of the disadvantages of dwelling together in the same apartment, and the intermixture of the children and acquaintances of each often leads to lasting mischief.

Digitized by Google

Hence, we have never been friendly to any schemes that favor, or can lead to the weakening of domestic ties, or any essential modification of the FAMILY organization.

In all our cities, however, there are hundreds, and perhaps thousands of families whose means of living are very narrow, and who, in order to live at all, must content themselves with barely house room enough to cover their heads. Those who own the soil, and who are generally disposed to make it pay the largest revenue, cover almost every inch of it with a dwelling, divided into apartments rented at so much a week, or month; and into one of these a family of some half dozen crowd themselves and their scanty furniture, and manage to breathe till their rent falls in arrear, or until some change of fortune invites them to better or forces them to worse accommodations.

We feel warranted in saying that (other things being equal) the proportion of the number of houses—separate dwellings—to the number of families in a given city, would be a fair criterion by which to determine the measure of its civilization, and the susceptibility of its inhabitants to improvement and moral elevation.

The city of New York is divided into twenty-two wards, and from nineteen of them a report has recently been made, showing the number of houses and the number of families in each. By a census taken in 1856, these wards contained 112,833 families, and, according to a report recently published under the authority of a committee of the Sanitary Association, it appears that but 12,717 of those families occupied an entire house. Of the dwellings, 7,148 contain two families, and 4,600 contain each three families, and "thus while 24,465 of these dwellings shelter but 36,243 families, the remaining 13,623 houses have to cover 76,620 families; averaging nearly six families to each house." Showing that about three-fifths of the whole population of New York live but a fraction less, on an average, than six families in a house, while only about one family in ten occupy a whole house. There are many single blocks of dwellings that contain twice the number of families that reside on the whole of Fifth avenue, or than a continuous row of dwellings

Digitized by Google

similar to those on Fifth avenue three or four miles in length. There is a multitude of these squares, any ten of which contains a larger population than the whole of the city of Hartford, which covers an area of several miles.

Our readers may receive a more distinct impression of these returns if they are presented in tabular form, thus:

7,143	houses	contained	2	families	each.	9	houses	contained	25	families	each.
4,600	"	"	3	"	"	26	"	"	26	"	"
3,256	"	"	4	"	"	1	"	"	27	"	"
2,055	"	"	5	"	"	1	"	"	28	"	"
1,000	"	"	6	"	"	1	"	"	29	"	"
1,487	"	"	7	"	"	4	"	"	30	"	"
1,444	"	"	8	"	"	2	"	"	32	"	"
355	"	"	9	"	"	1	"	"	34	"	"
556	"	"	10	"	"	2	"	"	35	"	"
175	"	"	11	"	"	3	"	"	36	"	"
277	"	"	12	"	"	1	"	"	37	"	"
300	"	"	13	"	"	1	"	"	38	"	"
169	"	"	14	"	"	1	"	"	40	"	"
90	"	"	15	"	"	1	"	"	42	"	"
289	"	"	16	"	"	1	"	"	43	"	"
58	"	"	17	"	"	2	"	"	45	"	"
63	"	"	18	"	"	1	"	"	48	"	"
19	"	"	19	"	"	1	"	"	50	"	"
160	"	"	20	"	"	1	"	"	54	"	"
9	"	"	21	"	"	1	"	"	56	"	"
28	"	"	22	"	"	1	"	"	57	"	"
5	"	"	23	"	"	1	"	"	87	"	"
58	"	"	24	"	"	1	"	"	94	"	"
5	"	"	23	"	"						

In Philadelphia we afford much more house room. According to the same report, our city, in 1850, contained a population of 408,762, divided into 72,392 families. To accommodate these families there were 61,278 dwellings. The population has greatly increased since that time, but we doubt whether there is any material change in the proportion of house room. Whether the proportion is correctly given above, we are not prepared to say.

If we do not greatly err in judgment there are few more prolific sources of immorality, ill-health and degradation of mind and body, than city houses, in which all distinction of age and sex are disregarded, and men and women, boys and girls, herd together like the beasts of the field. The wonder is not that we have so many thieves and prostitutes, but that we do not have more.

Digitized by Google

Brief Notices.

THE PENNSYLVANIA HOSPITAL.—If we were asked to indicate to the managers of our public charities an institution that employs its means for the largest measure of relief to the largest and most needy class of sufferers, we should be very likely to name the *Pennsylvania Hospital.* We have before us the report of its deeds of mercy for the year ending April, 1859. During that period there were treated in that house 718 medical cases and 1,082 surgical cases, in all 1,800—and the net amount expended by the institution to afford this relief was less than an average of $12.00 to each patient! To twelve hundred and fifty of the patients this relief was afforded gratuitously, and at the close of the year there were under treatment 52 pay patients and 100 poor. The average population of the Hospital through the year was 164, and the average time of residence was over a month. Seventy per cent. of the cases were cured. Of the patients, 211 were under 18 years of age, and about one-sixth of the whole number were females. Of the patients, it appears that 654 were natives of the United States, and SIX HUNDRED AND SEVENTY-SIX natives of Ireland. That this proportion is nothing new, appears from the fact that during the last ten years the natives of Ireland were 8,075 against 6,255 natives of the United States. Whether it is that our Irish population *fall* more easily than natives, or whether their bones are more brittle, or whether they are more susceptible of wounds and contusions, or whether they have fewer facilities among them for the private treatment of diseases and casualties, is not stated. It is a delicate matter to discuss.

Since the department for the Insane has been separate from the original institution, and appropriate buildings have been erected for the treatment of that class of patients, on the opposite side of the river, an unusual interest has been felt in the success of the new arrangement. The separation took place in 1841, and in the brief interval not less than 3,249 patients have been received there, of whom one-fourth were treated gratuitously. Such is the reputation of the institution that it has been constantly over-populated. Of the whole number received and discharged, more than half were entirely restored. At the close of 1842, there were 109 patients; in 1848, 202; in 1854, 229; and in 1858, 252. The average number for last year was 238. So great was the pressure of applicants, and so eminently successful were the efforts to relieve their malady, that the managers wisely resolved to extend their accommodations. An appeal was made to the benevolence of the citizens,

Digitized by Google

and the response was prompt and generous. A new edifice was planned, to occupy a site already owned by the Hospital, not very far distant, and admirably fitted for the object. With a rapidity and economy highly creditable to the parties concerned, the stately pile has risen, and in its structure and arrangement, it is probably unrivaled. This, of itself, is a great boon conferred on the community; for the influence of all such improvements in building is diffusive. No architect contrives a better mode of lighting, warming or airing a dwelling house than any at present in vogue, without benefiting many parties beside the one whose house he is building, and so whatever methods economize labor, or increase the comforts and curative agencies in an institution like this, must, sooner or later, avail to the general advantage. If he who causes a blade of grass to grow where none grew before is a public benefactor, surely they are eminently such who ease the burdens of the children of sorrow and suffering, by purifying the air they breathe, equalizing the temperature of their abode, cheering their solitude and diverting the morbid tendencies of their minds, or in any other way contributing to their relief and comfort.

In the new edifice there are contrivances for these ends which must excite the admiration of the visitor. The enormous fan, that is to be kept in motion night and day, the year round, silently distributes fresh air through every apartment of the institution. An unfailing supply of pure soft water is found on the premises, and is made available for all the purposes of the institution. The skill and forethought displayed in giving light and in imparting cheerfulness to the whole aspect of the place are admirable. It may suffice for an illustration to mention the ample provision for athletic games, not only in the day time, but in the long winter evenings; in the arrangements for intellectual enjoyment and diversion in the lecture room, which is fitted up with every convenience for the exhibition of experiments in natural science and philosophy; and in the spacious grounds, with a vegetable garden comprising eight acres, and offering opportunities for interesting and healthful out of door labor, and a pleasant avenue for less severe exercise. Perhaps another equally eligible position for such a hospital could not be found within twenty miles of the city.

There is much work still to be done, but the energy and perseverance which have marked the enterprise thus far are relied upon to complete the edifice for the reception of patients in the month of October ensuing. It will be devoted exclusively to males.

Joseph Sturge.—Every true philanthropist must be a lover of Peace. Nothing so surely hinders and puts back all projects for the improvement and elevation of men as *war*. It may be that the great ruler of nations permits so great a calamity to occur, using it as an instru-

Digitized by Google

ment for accomplishing some greater good—as in the case of our revolutionary war. But the direct effects of war, in all its forms, are in the highest degree disastrous to human interests. With these impressions we have regarded the efforts of the friends of peace, through their associations, congresses and publications, with warm approbation, and yet with an oppressive conviction that they would be, to a sad extent, abortive. The disease is within, and no outward applications can reach it. "Whence come wars and fightings? Come they not hence—even of your lusts that war in your members." Avarice, revenge, ambition, reigning in those who are invested with power, influence their counsels and give character and direction to their policy, and thus nations, like individuals, are fretted and bullied into a fight, and after expending untold millions of money, and saturating field after field with human blood, they "draw off"—with an intolerable war debt, a universal depreciation of public morals, a deep wail from homeless widows and orphans, and what else? What tangible, positive, permanent good that could not be as well or better obtained without such an enormous sacrifice?

The seeds of war are planted in nurseries and in groups upon the play ground. They are nourished in street brawls and pugilistic exhibitions, and the public sympathizes with successful boxers and prize fighters. If we would counteract the war spirit of the world, the "things that make for peace" must be diligently sought in the intercourse of life *at its outset*, among the children of the same family and neighborhood. Little tokens of love and kindness must become current in the child-world—and the deep shade which war spreads over the globe will soon lighten up, and in two or three generations disappear.

Joseph Sturge, who died a few days since, at his residence, near Birmingham, (Eng.) was eminently a *man of peace*. With an uncompromising opposition to all forms of oppression and wrong doing, he nevertheless cultivated the most gentle and pacific temper. From early life he had trained himself to a habit of doing good, and making personal sacrifices with that view. That he never erred in the choice of means for accomplishing his ends is not affirmed, but that he was governed by the most generous and unselfish motives, and that he had a hearty faith in the purity and soundness of the principles which he endeavored to propagate, no one who knew him can doubt. But it is with his character as a peace maker that we are now concerned. More than once he ventured into a hostile camp on a mission of reconciliation and peace. During the war between Denmark and the Duchies, in 1848, he went first to the headquarters of the Schleswig-Holsteiners, and then to the capital of Denmark, to endeavor to persuade the belligerents to refer their disputes to arbitration, in accordance with the spirit of Christianity, and with the provisions of the constitution, to which they had both promised allegiance.

At the close of the war with Russia, he formed one of a deputation to

Digitized by Google

the Paris Congress, to urge the importance of recognizing the principle of non-intervention; and in the same year he undertook a journey to Finland, and laboriously investigated the miseries inflicted on the wretched inhabitants of the coast while hostilities lasted.

In the establishment of reformatory schools, he took a prominent part. It was by his exertions that the Birmingham school—the first in the provinces—was commenced, and an impulse thus given to the foundation of these institutions throughout the kingdom. For several years past, Mr. Sturge, and his brother, Mr. Charles Sturge, have themselves supported a reformatory school on their farm at Stoke, near Birmingham. "To public charities and educational institutions he was a constant and liberal donor, and he was also a warm supporter of those religious objects to which his principles, as a member of the Society of Friends, allowed him to contribute."

There is something saddening in the idea that his farewell of the world which he had done so much to pacify and bless, was taken when so many nations were gathering for deadly strife. BUT HIS END WAS PEACE. His health had been impaired for some months, so that he had forborne engagements in active business. Still he had laid his plans to be at London, to preside at some of the annual public meetings; and on the morning of the 14th of May he had risen at his usual early hour, about half-past six o'clock, and his voice was heard cheerfully calling his children to join him in riding out before breakfast, in accordance with their ordinary practice in fine weather. On returning to his chamber, he complained of sudden severe pain in the region of the heart, which lasted about twenty minutes, when it appeared to abate, but his strength was utterly prostrated, and at about a quarter past seven he breathed his last.

Joseph Sturye was in this country in 1841, and his memory is cherished by many among us, with gratitude that a life so pure and philanthropic has been breathed out so sweetly and peacefully.

ACORNS THAT PROMISE WELL.—The most beneficent schemes are not always introduced to the world with much pomp and circumstance; and we often find the most useful projects devised and inaugurated by individual skill and enterprise, having been first suggested by circumstances occurring in their private observation and experience.

As samples of the class of cases to which we refer, we may cite the scheme into which a lady has lately entered in the suburbs of New York, for the advantage of her own sex. She has opened a school, commencing with twenty-five girls, whom she proposes to instruct in the various light branches of horticulture—the cultivation of flowers, the art of preserving fruit, rearing poultry, &c., &c. It is easy to see that skill in such labors would not only be remunerative, but the pursuit of the business

Digitized by Google

would require but little capital, and would greatly conduce to health. We shall look with interest for the results of these laudable efforts to benefit a class of the community who are too much excluded from the sympathies of the wise and the thoughtful. The other case to which we allude is the organization of a society in St. Peter's Church, in this city, to provide for the decent Christian burial of the dead poor. Those who have had much to do with the trials of poverty need not be told what a distressing spectacle is often presented when the natural instincts of humanity, in paying respect to the remains of the dead, are crushed by the iron heel of poverty. In such a case the considerate and seasonable offer of aid is a most grateful relief, and the gentle offices of Christian charity are never more appropriate than when the hand of God has touched one of his creatures, and sorrowing hearts are called to bear the double burden of poverty and grief. Christian burial is the inalienable right of every human being dwelling in a Christian land, and we should be glad if all our religious communities (who have not made other provision for such emergencies) would follow the example of St. Peter's.

City Dispensaries.—Those who have not given attention to the subject, may not be aware of the very large extent to which gratuitous medical aid is supplied to the poor in our large cities.

By the last report of the "Philadelphia Dispensary," it appears that fifteen thousand five hundred and thirty-seven persons were under its care during the last year, of whom 9,740 received medical aid. Of the whole number, 14,277 recovered or were relieved; 126 remained in charge at the date of the report, and 134 had died. This amount of gratuitous aid to the poor, in the trying season of pain and sickness, is very cheaply purchased at an expense of less than seven thousand dollars.

Among the cases, 400 were obstetrical, and of the whole number of patients reported, 2,573 were treated at their houses. Of 9,740 medical patients, 3,444 were males and 5,711 females, and of the latter 490 were obstetrical cases. Eighteen hundred and thirty-nine were children under seven years old. And what is well worthy of observation, 4,851 (or about every other one) were natives of Ireland; only about one-third being natives of this country.

The dispensary business of New York is on a much larger scale. One-eighth of the whole population of the city was under gratuitous medical treatment in the course of the year. The whole number of patients treated in the five dispensaries was 140,141. Of these, 65,255 were under 15, and over 40,000 under 4; 30,000 of the whole number were visited at their homes, by a dispensary physician. Of the whole number, (140,141) 83,188 were of foreign birth, and if the children of foreign-born parents are added, probably two-thirds of the whole number would be absorbed.

Digitized by Google

The total expenses of the year were $21,000, or an average expense to each patient of 14 cents. At 50 cents a visit, and 25 cents for a prescription, the service would have cost $226,422. Fourteen thousand three hundred persons received gratuitous vaccination during the year.

Homeless Nelly.—It was a simple story that I heard, but it might be told of many a "wild-like child" in any of our cities:

"Ye maun ken, sir, that a puir woman, like mysel', wha lived in the garret aboon, took very ill one nicht. I sat a lang time beside her, and as she seemed to be gettin' better, I thought I wad just gang to my ain bed for two or three hours. Sae I lichted the lamp to let me see doon the stair. In the middle o' the passage I heard a rustling amang a pickle straw that was heapit in a wee hole beneath the skylicht. I thought it was a cat; and as my ain was amissin', I just went on to see whether it michtna be my ain Tam, when, lo and behold! what do ye think I saw instead o' a cat? I saw a puir wee lassie, wi' her face as white's the sna', lying huddled up in a corner. It was a stormy nicht, sir, and the puir thing's claes were sae wat that ye micht hae wrung them! God help me, said I to mysel', ye hae but puir uppitten, my bairn! Sae I lifted her up in my arms, and took her down to my ain fireside. When she opened her een, she looked wild-like, and cried, 'O forgive me! Dinna be angry wi' me for sleepin' in your stair—I'll never do it again. I'm fatherless and mitherless, and had nae hame to gang to. O forgive me!' 'Yes,' quo I, 'I'm very angry wi' ye—ye ought to hae come to me, an' I wad hae given ye the share o' my ain bed." 'I was afraid to tell,' said the girl; 'I thought that the fock i' the stair micht think that I wasna guid because I had nae hame." The truth is, sir, the puir thing went about begging through the day, and when the dark nicht came on, and she thought that a' body were sleepin' i' their beds, she crap up the stair, and lay doon in the wretched place where I fand her." 'And where is the poor girl now?' I inquired. 'Alas! after bein' wi' me three or four weeks, she took the fever and died. Her name was Nelly, but I never found out any of her relations."

Think of this, ye who make yourselves miserable if your shoe pinches you, or your ribbon goes wrong on your ball dress. And ye who groan if your pillow be not as soft as down, think of the hard bed of poor Nelly!

Hard-hearted world, thought I, how will it fare with you when these poor outcasts, clothed in the bright robes of the Lamb, shall denounce those who knowingly allowed the poor to go naked when they had garments and to spare—who allowed the houseless to sleep beside the empty palace—and saw them perish where the God of love had showered abundance!

Baron Humboldt and the Professorship of Penology.—A meeting of the Geographical and Statistical Society of New York was held June 2, and was occasioned by intelligence of the death of that distinguished scholar and philosopher, Baron Humboldt. Several gentlemen expatiated upon his wonderful achievements in literature and science. *Prof.*

Digitized by Google

Lieber gave an interesting sketch of his career, introducing several anecdotes occurring in his personal intercourse with him.

It seems that the King of Prussia, chiefly through the influence of Baron Humboldt, erected a professorship of Penology in the University of Berlin. Prof. Lieber had conversed with the King on the superiority of the SEPARATE system of convict discipline over that of associated labor, and at the close of their interview the King said, "I wish you would convince Mr. Von Humboldt of your views. He is rather opposed to them. I shall let him know that you will see him."

"Humboldt and prison discipline in such close connection sounded strangely to my ears. I had an interview with him, and found that he loved truth better than his own opinion or bias. A professorship of the science of punishment, embracing crime and criminals, as connected with human government, was seized upon by his liberal mind. He soon carried the Minister of Justice along with him, and the professorship was duly inaugurated."

PRISON PUNISHMENTS.—It must needs be that in prisons administered on the Auburn or congregate system, practices must be tolerated which, if not positively and uniformly evil in their effect, are open to grave objections. If the individual separation of convicts gave us no advantage other than that of punishing *prison offences without a resort to blows*, we should think its title to precedence well established.

With these convictions, we cannot but regret that the Legislature of the enlightened State of New York, at its last session, should have entertained a proposition to restore the practice of whipping in their penitentiaries. A few years since the punishment fell under severe animadversion, and was positively interdicted in one or two prisons—and in all of them its use was restricted. But it is now affirmed that the punishments which were substituted have not only failed in enforcing discipline, but that they had proved far more injurious to health than the old system of flogging. The question was debated at length in the House of Assembly, and by a vote of 70 yeas to 14 nays, that body gave to the officers of the prisons discretionary powers in respect to the mode of punishing convicts—in other words, permitting them to use the whip when, in their judgment, it may be advisable. Whether it passed into a law, and without modification, we have yet to learn.

BALTIMORE CITY GAOL.—A few days since there were confined at one time in the city gaol of Baltimore six men under sentence of death, four of whom were to be executed on the same day, and seven were awaiting trial for murder—thirteen men charged with or convicted of willful murder in one gaol!

Digitized by Google

Railroad Obstructions.—We have frequently adverted to the enormity of the crime of obstructing railroads. We know of few acts more diabolical, or for which a severer penalty is deserved. If there is one item in the catalogue of public offences which, more than any other, indicates a mind devoid of the fear of God and man, instigated by the devil, and fatally bent on mischief—we know not what it can be, if not the laying of an obstruction upon a public railway, with the intent to throw a train of passenger cars from the track.

A prosecution for such an offence has lately occurred in Chicago, in the course of which it was discovered that a gang of desperate wretches, male and female, were combined in schemes of plunder to be accomplished by various devices—such as murder, arson and railroad obstructions. The parties implicated reside at Buffalo, Cleveland and Chicago, and it is confidently believed that they must be held responsible for some of the most desperate crimes which have lately occurred in that section of the country.

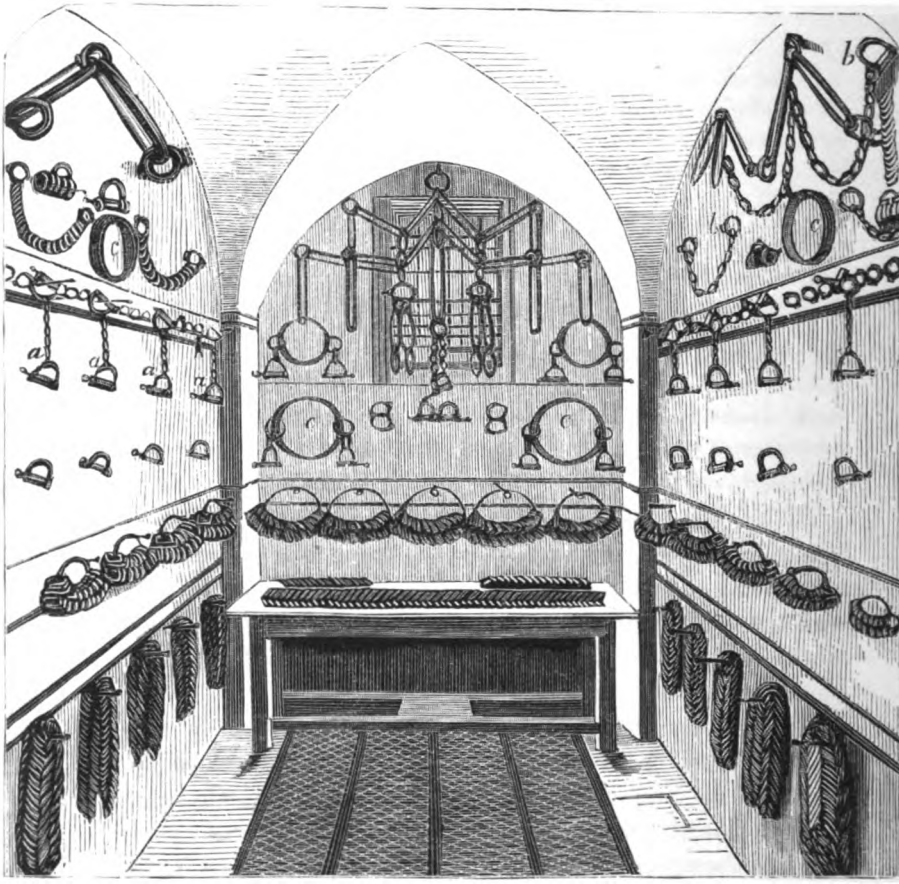
A Cheap Way of Doing Good.—We have always held that there is no *reformatory* to be compared with a good home. If we could put each one of our twenty thousand dirty, idle, ragged, uncared for boys and girls into a decent family, where habits of industry, honesty and temperance prevail, we should feel confident that a very large proportion of them would work their way creditably through the world. But they must be removed very early, or they will only diffuse the vicious and degrading elements of their unhappy social being far and wide, and by a vain attempt to reform ten, we shall corrupt a hundred. We do not know precisely what class of persons are received and disposed of by what is called the Home for the Friendless, in New York, but it is stated, apparently on good authority, that during the last year they provided homes for 2,912 persons, at an expense of $13.23 per head.

A Girl Out of Place.—It is said that the keeper of a county gaol at Chilicothe, Ohio, being invited to a wedding, and feeling disposed to relieve the monotony of official duties, left the gaol in the custody of a young girl. A man in a mask presented himself, and also a pistol, and by means of the latter induced the lady-gaoler to surrender the keys. With these he opened the doors, and liberated three prisoners, one of whom was confined on a charge of murder! Either the gaoler or the girl was out of place—perhaps both.

A Family in Prison.—It is stated that an elderly man was brought as a convict to the State Penitentiary of Kentucky, a few days ago, whose six sons were already there, in the same capacity.

Digitized by Google

Digitized by Google



THE CHAIN-ROOM AT MILBANK.

a. Handcuffs *b.* Shackles for the legs, fastened round the ankle, and secured to *c*, an iron ring for the waist.

p. 184.

Digitized by Google

JOURNAL

OF

PRISON DISCIPLINE.

VOL. XIV.—OCTOBER, 1859.—No. 4.

ART. I.—A DAY IN THE EASTERN STATE PENITENTIARY.

A. HAVE you ever been at the famous prison here? said a sojourner at the La Pierre house (Philadelphia), to one who was a stranger in the city.

B. No, I never have visited it, but I have heard much about it, and have formed no very favorable idea of the plan or discipline pursued there. I understand it is very unhealthy, very expensive, and very apt to make convicts crazy; and on the whole, I have been disposed to regard it as anything but a philanthropic institution.

A. Such impressions, I believe, are quite prevalent. I used to entertain them; and I derived them from sources which I supposed, at the time, were reliable. I was not aware then that two systems of discipline were contending for popular favor, and that methods of carrying a point were adopted which should not have been allowed a place in so serious and important a matter as dealing with the open enemies of the peace and good order of society. My first visit to a separate prison satisfied me of the groundlessness of some of the objections and the frivolousness of others, and the more I have examined the subject in detail, the more fully have I been satisfied that

Digitized by Google

the PRINCIPLE of individual separation is indispensable to any successful attempt to reform convicts or allure them from vicious habits and associates.

B. But I suppose there is no question that perpetual seclusion must be injurious to health of both body and mind, especially when suffered by men of such inferior intellectual powers and resources as most of our convicts—and certainly it must be much the most expensive system.

A. I apprehend that in both points you have been misled, as I was, by partial or false representations. In the first place, you have fallen into the very common error of confounding separation with seclusion or solitude. Neither seclusion nor solitude is an element of convict separation. A father said to me yesterday that his son, who was at school in a neighboring city, had fallen in with evil associates, and he had determined to separate him from them. As the only safe expedient he put him to a school in this town, of which he had heard favorable accounts. The boy was taken from a small school and put in a large one, and yet he was SEPARATED. A fancy picture has sometimes been sketched of a poor prisoner, sitting on his block in his narrow, gloomy cell, shut out from the sight of human faces and the sound of human voices, and gradually sinking from one stage of bodily and mental weakness to another, until at last he is a mere skeleton-idiot. If anything answering to such a picture exists, it must be in some European prison, where political offenders are received to "die out." I have visited several separate prisons, and I must say I have found quite as much appearance of good health and cheerfulness, and intellectual vigor among the inmates, as I have found in prisons on the other plan. Indeed, so far as external tokens indicate their condition, the separate prisons would have a decided advantage. And as to the comparative expense, you are aware, I presume, how very imperfect are our data for forming an opinion. The reports of several of our leading congregate prisons, have proved so fallacious on this point, that no satisfactory judgment can be formed from them—and then the comparative efficiency of the two systems, in reforming their subjects and deterring the

Digitized by Google

tempted from criminal courses, would enter largely into the item of expensiveness. It is certainly cheaper to convert a rogue into an honest man, in a year, at an expense of two hundred dollars, than to confine a rogue a year at an expense of one hundred, and send him out a greater rogue than he was when he came in.

B. Very true; but is there really any material difference between the systems in this respect? Is not the whole machinery of prison discipline a useless burden upon society, except so far as it serves to suspend, for a season, and to a very limited extent, the active operations of lawless men?

A. I must admit that as most of our penal institutions are administered, their influence is anything but reformatory; but I firmly believe in the practicability of persuading, even very bad men, to forsake their evil courses—and I must say that I regard their separation from each other, during the period of their confinement, as an almost indispensable prerequisite to such a transformation. But what say you to my proposition that we should visit the Eastern Penitentiary and see for ourselves?

B. I am inclined to go, but a mere visit will not give us much of an insight into the workings of the system. I suppose we cannot see any of the men.

A. Oh, yes—I propose to get a permit from the inspectors, and I have a letter of introduction to the warden, who is quite an intelligent gentleman, and familiar with all the details which we shall need to know. I will see him, and make an appointment for some day when the largest number of wheels are in motion.

The arrangement was made, and the visitors were on the ground as early on the 23d of July as any attendant was astir.

A. The approach to the prison, as we see it here, gives one a very impressive idea of its character and importance. The space enclosed is ten acres. The wall surrounding it is of solid stone masonry, six feet thick at the base and three at the top. On the front wall, facing south on Coates street, is the main building, resting on a terrace of four feet average height and twelve feet

Digitized by Google

in width. The main building is two hundred feet long, flanked by towers on either end fifty feet high. The front is in the Gothic style, with long narrow windows, and is of dressed freestone. The wall extends from the main building east and west to towers at the corners—making the whole front six hundred and forty-five feet.

The only entrance is that upon the south side, and it is protected by a massive door twenty feet high and sixteen wide, weighing nearly seven tons. Only a portion of this door is in use at present, for the admission of teams, though formerly the whole mass was moved.

A pull at the bell brings a civil officer promptly to the gate, and we step into the area between the inner and outer entrance. This area is forty-two feet long by sixteen feet wide, with a paved passage-way. Turning out of this area to the left, we find a range of apartments appropriated to the gate keeper and physician; also, the disrobing room. Turning to the right, we are conducted to the private residence of the warden, the office for the meetings of the inspectors, &c.

On the arrival of a prisoner, he is taken to a secluded apartment, where an accurate record of his person, size, age, complexion, &c., is made by the warden, and the number by which he is hereafter to be known is assigned him. He is then blindfolded and taken to the bath. After washing he puts on his convict suit, is again blindfolded, and led to his cell. A record of the clothing worn to prison is then made, the cotton garments or under-clothing washed, and all packed carefully away, with his number outside, to be safely kept until the time of his discharge, when they are restored to him.

We pass up the yard, lined on either side with rich beds of flowers, and find ourselves in the centre house, as it is called, or the rotunda from which seven corridors or ranges of cells radiate. Three of these have only a range of ground cells, the others have two tiers of cells and a gallery. As we sit in the centre house, we survey the whole length of each block, above and below, and any unusual sound in any of them is audible there. The passages are flagged with stone, and the premises

Digitized by Google

in every part are eminently in the neatest and cleanliest order. It is all still at this early hour, but hark! the prison clock strikes five, and the prisoners will soon be moving. Many of them go to work at once, and we hear the click of the shuttle and the stroke of the hammer upon the lapstone as soon as the sun is up. An hour passes, and at six our attention is called to a group of eight prisoners, each wearing a wrapper, and his face covered with a hood. They pass along in front of a line of officers, and each enters a separate apartment, supplied with a bath-tub and with hot and cold water. A tepid bath is in readiness, and an officer is waiting outside while they bathe. They then return, in the same manner, to their respective cells, and another squad of eight is brought out, and thus thirty-two are bathed every morning. This occupies an hour, and then the little hand car, laden with food, is trundled across the centre building into the various corridors. Attached to each cell door is a falling shelf of iron, on which the prisoner places his basin or dish, which is to receive his food.

Suppose we step inside. You perceive nothing of the usual prison smell about it. On the right is an iron bedstead, supplied with clean and comfortable bed and bed clothes. It is already made up, and the cell is quite tidy. There is his work bench and a little table, two seats, a shelf, with several books upon it, a looking glass, shaving apparatus, and a free supply of water at the inmate's control. The skylight above is also arranged to be opened and closed at his pleasure. The water closet is entirely inoffensive, and the whole aspect of the apartment is cheerful and comfortable, so far as a space of fifteen by eight feet, and eleven feet to the ceiling, can be so to a prisoner.

Let us see what our friend has for his breakfast. It is Wednesday morning, and the diet table for the week assigns a liberal supply of good wholesome bread and a bowl of coffee to this meal.

The prisoner has ample time to eat his breakfast, and then the overseers are busy till nearly nine in supplying the mate-

Digitized by Google

rials for the day's work. This may or may not require them to enter the cell. Let us step outside again, and we shall better see how they do it. They have a few words now and then with the men, but they get through very rapidly. There comes the warden! He has a stranger with him. It is the sheriff of ——— county. Three men were committed from that county two months since, for various offences, and being in town, he has come out to see them. You notice the warden and visitor enter a cell—stay for a few minutes—come out—pass into another corridor and another cell, until the three men are visited. In a congregate prison this would be quite impracticable. Every minute of every man's time represents value to the contractor, or to some officials who are bound to make the prison pay, or resign.

It lacks fifteen minutes of nine, and there is a general stir in the corridor yonder. Let us go and see what it means. At the rear of each cell is a yard, fifteen feet by eight, open to the blue sky. The outer entrance to this yard is by a wooden door, slightly secured. The entrance into it from the prisoner's cell is strongly guarded, but now the occupant of every alternate cell has the privilege of being for nearly an hour in his yard. The yard is surrounded by a high wall, but is entirely open above. While the prisoners are in their yards, officers are so stationed as to overlook them and to prevent any communication or attempt to escape. They seem generally to avail themselves of the privilege of the yard. There is one with a vine, which he is training upon the wall, and yonder I see one who has a pet bird. The warden informs me that such indulgences are never denied to those who conduct themselves well. The hour has elapsed, and the men return to their cells, and the alternates now come out for the like period. Let us return into the building.

What are those men doing at the lower part of the sixth corridor? Every little while they pass in and out of the cells, sometimes staying several moments and at others making only a hasty call. One of them is the moral instructor, as he is called, answering to the common office of chaplain, and the

Digitized by Google

other is the teacher, whose business it is to instruct the ignorant in the elementary branches of learning.

The time appropriated to the intellectual and moral improvement of the prisoners is not restricted to any particular day or hour. The officers appointed to this duty spend at least seven hours of every day at the prison, and give attention to as large a number as is practicable. Probably not less than twelve prisoners, on an average, see one or the other of them, or both, daily.

Do you observe the many cheerful sounds that reach the ear as we pass along the corridor? We would scarcely think it was a place of involuntary restraint.

That is the medical officer of the prison who just passed. He goes the rounds of the prison every day, and sees each prisoner who is at all indisposed, and oftentimes those who need no professional attendance, giving them a cheery word and an opportunity to complain if there is occasion. Did you ever see a congregate prison where such intercourse was allowed at any and all times between the medical officer and each individual prisoner alone?

B. I never did.

A. But here come the rumbling cars again, bearing another meal. It seems hardly possible that 12 o'clock has come, but it is within a few minutes of it. And what have we now? What is the food? A wholesome beef soup with the meat in it and a supply of potatoes. Certainly, good fare for the best-behaved convict.

Dinner over, one of the two officers who are in charge of each corridor leaves the prison for one hour and goes to his dinner, and, on their return, the others are allowed the same privilege. This hour is usually spent in instructing the men in their work and a general supervision of their industrial habits.

There are two persons in the fourth block, and one in the fifth, who seem to have free access to the prisoners, and yet are not officers. Let us ask the overseer about them. Ah, yes!—they are members of the Acting Committee of the "Philadelphia Society for Alleviating the Miseries of Public Prisons."

Digitized by Google

Two of them are of the Society of Friends. Their services are entirely gratuitous. They sit with the prisoner for an hour or more, hear what he has to say about himself, or his family, or his troubles—if he has any—and give him such counsel and sympathy as may be suitable. Rarely, perhaps, in all his life has the poor wretch had the like opportunity. Perhaps, under no other circumstances, would he value or accept it. But now it is seasonable and grateful to most of them. The visitor asks him about his health, his reading, his treatment, &c., and as the prisoner can assign no motive for this interest in his behalf but a desire to benefit him, it would not be strange if emotions to which he has ever before been a stranger were awakened in his mind.

Ten or twelve calls—some quite brief—are thus made in the space of an afternoon; and if each of the eighteen members, (which I am told is the number constituting the Visiting Committee) had performed his part with the fidelity and patience which these friends seem to manifest, it would be easy to give each prisoner as much society as would consist with the ends of his imprisonment. Did you ever visit or hear of a congregate prison in which the men had as much honest company to keep them in heart?

B. I must say I never did.

A. Let us avail ourselves of the warden's courtesy, turn ourselves into visitors, and spend a few moments with one of the poor fellows. Here is a colored man employed at shoemaking. —We will step in.

"How are you, friend?"

"Well, I thank you—won't you take seats?"

(Brushes off a bench with his handkerchief, and smooths the corners of his bed.)

"And how long have you been here?"

"Two years and a little better."

"And how much longer have you to stay?"

"So as to make up four years in the whole."

"Were you a shoemaker, by trade?"

"No. I hadn't any trade. That's what spoilt me. I never know'd any business."

Digitized by Google

"What did you do for a living?"

"Well, I got jobs in the market and on the steamboats when I could; and then I went on a boat oystering, and after that, I worked in a stable awhile; but never steady at anything."

"Then perhaps it was the best thing that could happen to you to be brought up with a round turn just as you were, for you might have done something worse."

"I guess it was,—for I was getting pretty bad."

"And how have you fared here?"

"Oh, I've nothing to complain of. Its pretty hard to be in prison anyhow, you know, but a fellow couldn't be better used than I've been."

"You know how to read?"

"Only what I've learned while I've been in here. I can read almost any book now, but I did not know the letters when I came."

"Do you get much time to read?"

"Oh, yes. I can read as much as I want to."

"And where do you get books?"

"Why they give us a list of the books in the library, and we choose once every two weeks which we want, and they are given to us."

A friendly voice is just now heard at the door of a cell:

"Well, Peter, how are you to-day,—getting along well I hope?"

That is the visiting inspector. This is the day of the semi-weekly visit. As he sees some company with the prisoner, only a word of salutation passes. At another time, perhaps, he would spend some minutes with him if he seemed to desire conversation.

Before we are aware, 6 o'clock strikes, and supper is served of tea and bread; a lamp is lighted in each cell, and the officers tell us that at 8½ o'clock the sound of the bell denotes that work must cease. When 9 o'clock strikes all the lights are extinguished, unless some special dispensation allows the prisoner a little longer indulgence.

Did you notice that woman in company with a tall girl and

Digitized by Google

a little boy that passed us as we were coming in from the outer yards? The warden says it is the wife and two children of one of the convicts, who is here on a seven years' sentence, four of which have expired. The family and friends of the prisoners are allowed the opportunity, under certain restrictions, to visit them once in three months, and in special cases, oftener. The rule in this respect has been relaxed of late years.

B. Do you know the order of proceeding on Sunday?

A. I am told the meals are served at the same time, except that the supper is half an hour earlier. There is religious service in each corridor, at 9 o'clock on every Lord's day, lasting about an hour. The door of each cell is so far opened as to allow the inmate to hear, while no opportunity is given to see or communicate with the tenant of any other. In the afternoon of the Sabbath several of the members of the Visiting Committee are at the prison and engaged in personal conversation with the men. The cells are lighted on that evening as on every other. And what say you now to the humanity of the separate system of discipline? Does it savor of harshness and cruelty, or does it not, on the other hand, combine in an eminent degree the two grand features of a penal institution, suffering and reformation?"

B. I am not prepared to say whether there is not a needless and dangerous seclusion. There is, however, much more intercourse than I had supposed between the officers and the men. Do you suppose there is really much visiting done by the members of the Society you spoke of?

A. I am not aware of the actual amount of this kind of service; but the person you see standing at the cell-door yonder is one of them. He is familiar with German, and makes it a point to visit convicts of that nation, and does it faithfully, as I am told. Let us ask him how much of this sort of visiting there is.

(*To the Visitor.*) Pray, sir, can you tell us how far this system of visiting these prisoners is carried by your colleagues? for we understand you are one of the Visiting Committee from the Prison Society in this city.

Digitized by Google

Visitor. Yes. I have been engaged in this way for some two or three years, chiefly to a particular class of prisoners. We make periodical reports to the Society of the number of visits paid, and of everything in the condition of the prison or its inmates that requires attention. I have here [taking out his memorandum-book] a minute showing that in the last sixteen weeks, one hundred and twenty-seven visits have been made, and thirteen hundred and thirty-nine interviews had with prisoners in their cells.

A. I suppose a larger amount of this service might be profitably bestowed.

Visitor. No doubt of it. But it requires no little judgment and tact to deal with such a class of men in such circumstances; and a judicious visit once in a couple of weeks is better than a daily visit from such as lack the proper qualifications.

A. What think you now of the extent of intercourse with the honest part of mankind which these poor wretches enjoy while shut out from the company of those in the same condemnation?

B. Why, it certainly looks very well. But we have seen only the bright side of the picture. We have not been taken to the cells of those whose health of body and mind has been impaired if not destroyed.

A. But do tell me what you have seen to suggest such an idea. Are not all the arrangements of the institution admirably fitted to produce the effect desired, viz.: to separate the offender from all the associations and temptations of his past life, and place him under the best reformatory influences which imprisonment allows, and all this with as much compassion and kindness as may consist with a proper measure of penal suffering?

B. All this may be, and I confess I have seen nothing in the system to conflict with that representation, but I have always supposed, as I told you at first, that this method of discipline was open to that objection.

A. Not at all. There are doubtless insane men in every large prison always. They may not always be reported nor even.

Digitized by Google

registered as insane, and, perhaps, they are not less responsible for their acts than other men. But I believe it may be safely said that the prisons on the separate system show a lower per centage of mortality and insanity—both in the United States and in Europe—than those in which association prevails. To determine the relative proportion, however, with satisfaction, all other things must be equal in the prisons compared, except the single principle of separation or association. The warden informed me that he has not a single prisoner of unsound mind in custody at this time whose calamity can be traced, in the remotest degree, to the absence of convict society, or who would have been less likely to be insane in any other prison. Men are sent here oftentimes, he says, who were known to be insane at the time they committed the offence for which they were sentenced. Others have been subject to turns of insanity all their lives, and others still are so little above idiocy as to be scarcely responsible for their acts. In all largely populated prisons this class is found, and if there are apparently more in a separate prison than in others, it must be either that the reports of such prisons are more faithful, or that the separation of each prisoner from his fellows gives the officers a more perfect knowledge of his state and condition in this respect.

But there is the medical officer passing out. Let us inquire of him.—Pray, doctor, what is the actual condition of your prisoners as it respects the influence of your peculiar discipline on the mind?

Doctor. I have a memorandum of the last report I made to the Inspectors, which I need not alter if I were to make a report now. You can judge for yourselves. No. 2330 is a colored male. Was decidedly insane when received and has been so ever since.

No. 2549 is a white male. Sent from the State Lunatic Asylum for safe keeping. He has been here some time, and for the last two years has exhibited no violent symptoms.

No. 2596 is a white male, whose intellectual capacity is of a very low grade, and whose insanity is the result of self-abuse.

No. 3529, white male, was rendered insane by the same

Digitized by Google

habit; but I am happy to say he has improved, and may yet regain what little intellect he before possessed.

No. 2566, colored male, has been registered as insane, but my own impression is that he is a man of violent temper, but not unsound in any sense to make him irresponsible for his conduct.

Nos. 3808 and 3738, both white men, possess naturally such an extremely low grade of intellect that I should regard them much more suitable inmates of an asylum for idiots than subjects of prison discipline.

B. Then you do not report a single prisoner as a sufferer in mind by the course of treatment you adopt.

Doctor. I have told you the actual condition of the prisoners. And in respect to bodily health, I do not know where you can find a free community of five hundred adults that excel them.

B. All this is certainly very satisfactory. But tell me, what do you consider the chief advantage of separation?

A. Why very clearly one advantage is the opportunity of adapting the details of discipline to the character and temperament of each individual. Then there are the facilities afforded to teachers and visitors to be with the prisoners at any time without the embarrassment or interruption of the presence of others, or any encroachment on the rights of contractors. Then there is the opportunity of the convict to survey his past course and contemplate the picture apart from the stimulus and hardihood which would be derived from the company of other criminals. But more than all, perhaps, we may regard the absence of opportunities to form or preserve criminal associations as among the chief advantages of separation. Prisoners cannot recognize each other from having been confined at the same time in such a prison. I think I mentioned to you a singular fact, related by a former warden of the Eastern Penitentiary. He was standing on one of the wharves in this city, and saw four laboring men employed in various ways, and some rods apart. He knew them all as having been in his custody; all of them at the

Digitized by Google

same time recognized him, but neither of them was aware that the other three had ever occupied such a relation! When we consider what multitudes are drawn back into criminal courses by meeting with prison comrades or acquaintances, or under a threat of exposure if they do not comply with the solicitations of evil companions, we cannot but regard the individual separation of each convict from his fellows as a principle essential to every humane and efficient system of prison discipline.

B. I believe the chief point in which the friends of separation regard their system as superior, is that of non-intercourse, and yet I have been assured, upon what I regarded as reliable authority, that there is communication between them, in various ways—that the occupants of adjoining cells have intelligible signals—that the water passages afford avenues for sound, and that in cells which are furnished with looms, on which the prisoner can climb, communication can be had by the skylight.

A. You have been misinformed, I apprehend, or at least you have received a wrong impression. I have never heard that the advocates of convict separation claim to have succeeded in making it physically impossible for any two out of four or five hundred men together in a prison, to find some way of notifying each other of their being there. The most they claim is, first, that their system effectually prevents any such recognition as shall avail either of them for evil purposes, after they leave the prison; and secondly, that it enables a prisoner, who chooses completely to dissolve his connection with his guilty comrades, to do so. A man who is tired of criminal pursuits and associations has a favorable opportunity in a separate prison to break away from them, and this is the first step towards reformation. In a congregate prison this opportunity is denied. There the convict is temporarily separated from the scattered legion of law-breakers who are still at large, to mingle with a captured gang, huddled together in one place.

I cannot frame an apology for the neglect or indifference which is shown in most of our communities on this subject. There is no question that hundreds of convicts this day

Digitized by Google

in the prisons of the United States are contriving schemes of atrocious villany, the accomplishment of which will involve immense losses of property—acts of gross cruelty, the sacrifice of life, and the wide extension of criminal agencies. They are brought together under circumstances eminently favorable to such plots, so far as motives and means are concerned. The timid are emboldened, the novice instructed, and the wavering confirmed in a life of crime. Indeed, it is scarcely credible, that in such a day as this, there could be an honest doubt that the true policy of the State—to say nothing of humanity—demands that *every convict shall pass the term of his imprisonment apart from convict society.* The fact that *one* unhappy wretch *wants* to be alone would justify the government in compelling one hundred to try the same discipline. From my interviews with convicts and untried prisoners, (and it has been considerable,) I am persuaded that more than one-half of them would esteem such a separation a blessed boon, and I am confident that the advantage to the public would be inestimable.

B. I thank you for giving me the opportunity to investigate the subject so fully, and I must say that my own prejudices are removed, and I will do what I can to remove them from the minds of others.

Art. II.—CRIMINAL STATISTICS OF ENGLAND AND WALES FOR 1857.

We never open a document of this sort, from the opposite shore, without a feeling of deep mortification that our returns in similar departments of public affairs are so meagre, incomplete and unreliable.

Perhaps it is not practicable, under a form of government like ours, to improve much in this respect, unless it be in individual States. New York has made great advances within a few years toward accurate statistical reports upon many topics;

Digitized by Google

and if we could persuade our public officers to comply with the provisions of law, we might hope for some interesting returns touching the criminal statistics of our own Commonwealth.

In the document before us we have, in the first place, a complete schedule of the number of offences reported to the police; the number of persons apprehended; the charges against them; and the result of the proceedings—that is, whether discharged, punished, or bound over, during the year ending September 29, 1857. For instance, turning to Bolton, in the county of Lancaster, we find that 2065 persons were arrested, of whom 504 were females; that 1317 were discharged, and 748 convicted. The disposition made of the convicted is also stated, term of imprisonment or other punishment, and the character and condition of the parties previous to arrest—that is, whether thieves, vagrants, prostitutes, &c.

Then (2) we have a return of all the inquests into cases of sudden death during the year 1857, showing the age, actual or probable, of the deceased—the verdict, or cause of death—and total amount of fees, allowances, and expenses in each jurisdiction.

Then (3) we have a return of persons committed for trial, or bailed for appearance at the Assizes or Sessions of each county during the year; the offences charged; the results, whether acquitted or convicted, and the sentences of the latter, and a minute statement of the costs of prosecution in each county, liberty and borough of the kingdom. These tables embrace the number, sex, and description of offences; and each return is divided into six sections—1, offences against the person; 2, against property with, and 3, against property without violence; 4, malicious offences against property; 5, forgery and offences against the currency; and 6, offences not included in the foregoing.

For instance, the return for the county of Bedford, under the first class of offences, shows that two men were tried for manslaughter, one for sodomy, one for rape, one for common assault, and two for assaults on peace officers. Against one of the two first no bill was found, and the other was acquitted by

Digitized by Google

verdict. In the sodomy case the verdict was not guilty. The one charged with common assault was convicted and sentenced to not more than a month's imprisonment; and the two who assaulted officers, were convicted and sentenced to not more than three nor less than one month. A return as minute and methodical as this is given for every county in the kingdom, until we reach a grand total of 20,269 committed or bailed for trial; of whom 135 were not prosecuted; 1004 had no bills found; 3788 were acquitted by verdict; 35 were found insane; and 15,307 were convicted and punished—and the punishment of each convict is specified.

There is also a complete return from every Reformatory School in the kingdom, embracing a similar class of items as the foregoing.

In running our eye over this valuable document, we have noted several statements which are of general interest. 1. Heretofore the number of crimes in a given period has been estimated by the number of persons apprehended; but the present method of return embraces all known crimes, whether the perpetrators are apprehended or not. We have supposed that nothing like half the crimes committed in the United States are traced to or fixed on the guilty party. Nay, we doubt whether, in this proportion of cases, any serious attempt is made to bring the offenders to punishment. But our impression was that the English government succeeded in a very large majority of instances in detecting criminals and giving them their deserts. From the present return it would seem that while 57,273 crimes were committed, only 32,031 persons were apprehended, and of these only 17,861 were committed or bailed for trial, the rest being discharged or punished by summary process before inferior tribunals. It is, however, justly remarked, that any inference from this proportion, touching the number of crimes undetected, would be fallacious, inasmuch as several persons may be engaged in perpetrating one crime, and on the other hand one person may commit many crimes.

2. The number of offenders proceeded against summarily before justices of the peace, was 369,233, of whom 135,474 were

Digitized by Google

discharged, and 233,759 convicted. Of these 50,000 were sentenced to imprisonment one month or less, 143,463 were fined, and 525 whipped!

3. The returns of drunkenness and assaults are curiously similar, the former being 75,859, and the latter 76,029, or an excess of only 140. Thefts and vagrancy also run in close parallel, the former being 38,560, and the latter 32,008. And in support of a position taken in another connection in our present number, it may be observed, that the proportion of vagrants convicted is much larger than that of assaults, drunkenness, or theft.

4. The number of cases determined summarily by magistrates is eighteen times larger than the number submitted to a jury. And it is very much to the credit of the magistracy that their administration should be so unexceptionable as the returns show it to be. In round numbers, 370,000 cases were heard by them, of which 234,000, or about two-thirds, resulted in convictions; and of 20,300 submitted to a jury, 15,300, or about the same proportion, were convicted. From the 234,000 convictions before magistrates, appeals were taken in only fifty cases, and of these only 18 were sustained—showing very clearly that substantial justice was done in this large amount of summary proceedings. The contrast which such a statement presents to the magistracy under which some of us live is very humiliating, especially when it is remembered that our magistrates hold by the choice of the people and theirs by the appointment of the crown.

5. Of 400,000 persons in the hands of the police during the year, 23,000 were known thieves, 24,000 known prostitutes, 20,000 vagrants and tramps, and 46,000 suspected characters. The returns for the year 1858 will show the number of known thieves and depredators, receivers of stolen goods, prostitutes, suspected persons, vagrants, &c., in the jurisdiction of each separate police district, with the number and class of their houses of resort.

6. All but one of the executions in England and Wales for the last 17 years have been for murder. Of twenty persons

Digitized by Google

convicted of this crime in 1857, only thirteen were executed. Five of these murders were committed on very slight and sudden provocations. In four cases the offender was under the influence of liquor, and in two had been actually drinking with the man he murdered. In four cases the wife of the murderer was his victim. In seven convictions the sentence of death was commuted to penal servitude for life.

7. Few of our readers are probably aware of the extent to which the severity of the penal laws of England has been relaxed within the last fifty years. It will appear very impressively in the following tabular view.

SENTENCED TO DEATH.	Shooting at, stabbing, wounding.	Robbery.	Burglary.	Housebreaking.	Larceny from dwellings.	Forging and uttering forged instruments.
1817	26	154	374	152	143	62
1827	35	201	368	240	223	46
1837	36	146	223			
1847	4	9	5			
1857	9	7	6			

8. In one of the positions which the report before us takes we cannot concur.

"Imprisonment changes a man's condition—hardly his nature. Within the bounds of a prison the means for punishment and reformation, which are to go hand in hand, are limited to labor and instruction. These may be applied under many systems, but experience has shown that a prisoner cannot be deprived of association for long, protracted periods, and that success has hitherto depended more upon individual influence than upon any system, however apparently perfect. The real difficulty has indeed to be encountered on the prisoner's discharge. If he ever had a place in society, how is he to be restored to it? If he has always been an outcast, how shall a place be found for him?"

Several terms in the foregoing propositions are vague. What is meant by "instruction?" Does it include all the methods of cultivating the intellectual, moral, and social faculties, or is it

Digitized by Google

confined to letters and a trade? What is meant by "association?" If association with convicts is intended, we should give the assertion a flat denial. All experience is directly in the teeth of any such idea. No man ever suffered for want of convict society. What is the "individual influence" on which so much depends? That of individuals upon the prisoners or that upon prisoners as individuals? In either case the separate system alone offers advantages or opportunities to exert it. In associate prisons all influences are necessarily exerted in the aggregate except those which individual convicts exercise upon each other, and these are almost uniformly lost.

9. Thirty per cent. of the whole number committed during the year had been previously in prison. Thirty-five per cent. of the males and twenty-nine per cent. of the females were under twenty-one when committed. Of the whole number, thirty-five and a half per cent. could neither read nor write, and twenty-two per cent. had no occupation.

10. Of 163,142 individuals in custody during the year, only 353 were discharged by pardons, and only fourteen escaped. At the beginning of the year, 17,073 prisoners were in confinement, and at its close 19,686—or, an increase of 13·3 per cent. The prisons are constructed to contain 26,022; the greatest number in custody at any one time was 23,639, and the daily average 19,009.

11. The average yearly cost per prisoner is $117, including expenses of buildings, repairs, sustenance, officers' salaries, and everything but new buildings. The lowest average in the last ten years was $111, on a daily average of 19,249 prisoners, and the highest $146, on a daily average of 17,754 prisoners; the variation being caused by fluctuation in prices of food, &c., rather than in the number of prisoners.

We have not space for a more extended notice of this valuable document, and shall look impatiently for the like returns of a later date.

Digitized by Google

Art. III.—"OUR MATERIALS."

Nothing is more important to those who would better the condition of society at large, or any particular class of it, than a right knowledge of the materials they have to work upon. Our tools and skill may be perfect in every thing but *adaptation*. A smoothing plane is of no use as a substitute for a sledge-hammer, nor can an axe serve the purposes of a rake or hoe.

Elizabeth Fry was not the first person who attempted to do good among prisoners. With various success, to be sure, but with earnest, self-denying labor, benevolent men had sought to promote their welfare and to persuade them to abandon criminal courses. The obstacles to such efforts were appalling, and the predictions of failure by those who had long been familiar with nothing but failures, were neither few nor faint. When the experiment was to commence, and Mrs. Fry and her co-adjutors were introduced by the officers to a group of seventy women—convicts in Newgate—some of them revoltingly ferocious and squalid in appearance, and all seemingly unsusceptible of any humanizing influences,—the sheriffs addressed the prisoners, expressing their approbation of the plan, and then turning to Mrs. Fry and her companions, said: "*Well, ladies, you see your materials.*" It was a wise reference to the nature of these "materials," and a judicious application of fusing agencies to prepare them for taking new moulds, that gave so much success to the enterprise.

The most superficial observer sees, or may see, that a vast amount of time and pains is wasted in attempting to reach two widely different ends by the same process, or to produce coalescence between principles that have no affinity.

We have before us a confused mass of materials out of which to construct and furnish a house. There is every thing there which is needed to accomplish the work, inside and out. The veneering for the tables and bureaus and the glass for the windows may be on the top of the timber which is designed

Digitized by Google

for the frame, and this again may overlay the stones which are intended for the foundation. Who would think of using for the first stage of the work whatever is uppermost in the collection of stuff? The obvious dictate of common sense, is first to ASSORT the materials, and then arrange them in order, and place them conveniently for use, as they will be needed.

The materials on which our punitive and reformatory schemes bear, lie in a mass equally confused. Here is a thriftless man who, from infancy, has been vegetating in idleness. He is capable of some degree of labor, *as he is*, but he has neither skill nor motive to try. His aversion to work has become a ruling passion. If he were a species by himself which would die out when he dies, we might tolerate him; but he is only one of some hundreds of thousands, and he propagates his species. In all our large cities, there are enough idle men and women of sound health and strong muscles to grind in a hand-mill all the flour that their industrious neighbors want for bread. We do not ask to have idleness treated as a *crime*. We put the obligation to labor on the footing of paying taxes or doing "militia duty." It is not money, but *labor*, on which the world depends for its subsistence, and our doctrine is, that he who contributes neither money nor labor to the commonwealth, may be properly regarded and treated as a ward of society, to be trained and educated for the duties of life. The proper school for such a person will combine two simultaneous processes, one for the correction of idle habits, and the other for instruction in industrial arts. As both processes will be irksome and repulsive, sufficient restraint is needful to compel submission to them for such a length of time as may be required to give them full effect. If drunkenness, vagrancy, and disorderly conduct, be joined with idleness, (as they frequently are, either as cause or effect,) some modification of treatment will be required.

Look for a moment at this department of "our materials." They cannot be safely incorporated into the social fabric in their present form. To put them in the county gaol for three or thirty days, whenever the change happens to run low in an alderman's

Digitized by Google

or constable's pocket, is not the way to work them up to advantage. As to the drunkards, we must first cut off their supply of strong drink, which has been their chief bane, and then, if they are averse to work, we must use their stomachs as a sort of cat-o-nine-tails to put their hands and feet in motion. If they work well they shall live well—thus allowing them to regulate their own dietary. The discipline of any institution, where such a process is to be carried out, must be rigid. To attempt to administer it effectively with a custody of thirty, or sixty, or ninety days, is to make a plaything of it. The habits to be broken up have become, in no figurative sense, a second nature. A man who has lived thirty or forty years in idleness, will not begin to love work by thirty or forty days' compulsory application to it. He is not only to be taught how to work, but he is to be taught to feel the influence of proper motives to work. If the honor and respectability of industry, and the claims of his family or of society upon him are insufficient, we must ply the lower motive of the abdominal nature. The details of the moral and physical economy of such an institution may be easily arranged, and it would be, when completed, a proper *House of Correction*. The certain way to defeat its vast personal and public advantages would be to make it a sort of secondary prison for the lower class of offenders, thus mixing up incongruous materials, and aggravating the evils which we seek to remedy.

By the existing provisions of the statutes of Pennsylvania any person convicted of vagrancy or disorderly conduct before the mayor, recorder, or any alderman, is to be punished by separate confinement at hard labor for the term of one month, unless sooner discharged by the inspectors.* And the law also applies the term "vagrant" to all persons "who not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they are." Also, "all persons going about from door to door, or placing themselves in streets, highways, and other roads, to beg or gather alms, and all other

* April 14, 1835, § 14.

Digitized by Google

persons wandering about and begging." Also, "all persons who shall come from any place without this Commonwealth to any place within it, and shall be found loitering or residing therein, and shall follow no labor, trade, occupation, or business, and have no visible means of subsistence, and give no reasonable account of themselves or their business in such place."* These terms clearly embrace multitudes of persons who little dream that they are described in the penal laws of the State; and no one can doubt that the public interest would be greatly promoted if they were subjected to the penalty which these laws provide.

But who supposes that habits of vagrancy are to be corrected by a month's discipline? The very suggestion is preposterous. Lord Shaftesbury once said in the House of Lords that he had been assured it was easier to reform ten burglars than one vagrant.† Though not a crime in the same sense with theft and forgery and homicide, the welfare of society requires it to be dealt with as a grave offence. After the suppression of the religious houses in England, vagrancy and mendicity became a great burden, and severe penalties were visited upon offenders. "Sturdy beggars," as they were termed, were whipped, put in the stocks and pillory, imprisoned, and put to death. We are told that in the last years of Henry VIII. no fewer than thirty-eight thousand persons suffered death for this species of offence only. The obliteration of all self-respect and the moral and physical degradation inseparable from such a life—the strength which idle and thriftless habits must have acquired before the party has reached the condition of a vagrant, combine to make his case very unpromising. An industrious man, of competent skill and ability to provide for himself and his family, may be subject to periodical cravings for strong drink, and when he indulges he may be disorderly and mischievous; but he has not lost his self-respect. In his intervals of sobriety, longer or shorter, he reproaches himself for his folly and sin. If the habit grows upon him he may ultimately be reduced to a condition of

* June 13, 1836, § 32. † Debate, Feb. 27, 1854.

Digitized by Google

vagrancy; but at present the discipline which a vagrant requires would be entirely unsuited to him. Drunkards sometimes renounce their cups and betake themselves to a sober and industrious life—vagrants never. Hence a month's abstinence from intoxicating drinks, with proper moral and physical treatment, may restore the recent inebriate to self-control; and if proper means were provided for the rescue of such persons, unattended with any degrading associations, many might avail themselves of the opportunity voluntarily. But with vagrants the case is radically different. A long and severe process is required to eradicate the roving, listless, degrading habits to which they have become inured; and anything short of a thorough reform is not only useless but mischievous.

Drunkards, vagrants, and idle and disorderly persons are generally grouped together, and the same general treatment prescribed for them all; but until drunkenness and idleness have reduced their victims to vagrancy, they should be dealt with in a very different manner. The same process will not serve to work up such diverse materials.

Prostitution is another form of public vice which it is folly to visit with the ordinary penalty of thirty days' imprisonment. When the unhappy creature has become bold and shameless in her ways, she may be regarded and treated as a vagrant, and an indefinite term of seclusion and labor may restore her to virtuous ways; but a method of discipline which might be effective in the case of a woman occasionally dishonest or intemperate, would fail entirely in the case of a confirmed prostitute.

In the treatment of juvenile offenders, as they are called, a still greater incongruity is observed. An expensive building, or range of buildings, is provided for the reception of boys or girls, or both, who, from neglect or vicious inclinations, are liable to fall into the rank of criminals. The inmates of some of these institutions are convicts in every sense of the word, having been indicted, tried, convicted and sentenced. Others are received without the formality of a sentence, but not without the conviction of guilt. In these two classes are found as accomplished rogues as ever fell into the hands of justice. They

Digitized by Google

may not have the muscular power or matured skill of older offenders, but they are as truly moved by the instigation of the devil as they, and fall not all behind them in plotting and executing lawless deeds.

But the larger part of those received into such places are not yet familiar with crime in its proper sense. They play truant, disobey their parents, run away from home, frequent places of vicious amusement, keep evil company and late hours, and if not already addicted to petty acts of dishonesty and mischief, are in a fair way to become as bad as the worst, unless brought at once under wholesome restraint and instruction. Looking at these "materials" in the mass, we cannot suppose that the same sort of restraint and discipline is suited to all. There are enough of the first two classes in the most of our old States to justify special provision for them in the form of a modified prison on the separate plan, in which instruction shall be given in some trade or handicraft, by the pursuit of which they may obtain a livelihood, and to be retained in custody until such knowledge is obtained, and until there is, moreover, a fair promise that their habits are permanently reformed.

For the third and larger class, institutions are required in which the parental office shall be largely represented, and the associations of crime and imprisonment be put far away. Much of the parade of bars and bolts could be dispensed with if only those were received who are of tender age and unhackneyed in the ways of transgression. But if their doors are to be opened to thieves, burglars and prostitutes who are precociously steeped in crime, as well as to the neglected, tempted and heedless whose steps we seek to turn from such ways before they are entered upon, we shall of course be embarrassed with very grave difficulties.

There is a value in a well-managed reformatory or house of refuge, in its legitimate use, which ought not to be impaired by the intrusion of delinquents whose offences demand penal retribution, and whose presence exposes the proper inmates to evil. The antecedents of the boy who lately deliberately set fire to the Massachusetts State Reform School and consumed

Digitized by Google

$150,000 worth of public property, might have indicated a very different disposition of him. But that institution is avowedly the receptacle of young convicts, and is not, therefore, chargeable with any inconsistency in receiving such as should never set foot within the gate of a Refuge, properly so-called.

We are not ignorant of the sympathy which must be felt when a beardless youth of sixteen or eighteen presents himself as a new inmate of a house of refuge. His offence is rank,—perhaps a clear case of arson or burglary, or forgery,—and not the first. The neighbors rejoice in their deliverance from an intolerable nuisance, but there is an instinctive repugnance to introducing him into the company of two or three hundred boys, most of whom, in comparison with him, are innocent. Yet when the alternative is brought to view, and the commitment of one so young to a felon's cell is contemplated, kind hearts relent, and the fellow is received in the faint hope that mild discipline may bring him to a better mind. It is soon found, however, that the experiment is fruitless, and the discovery of some mischievous plot, under his leadership, shows that his admission was a grave error. Without determining what principle shall govern such cases, we will venture to suggest whether it would not be practicable to make special provision for them. If the offence is of such a nature as would justify a penitentiary sentence, let the process of law be completed, but the sentence suspended for one, three, or six months, in order to give the offender the opportunity to avert it by an amendment of his life. Let him then be committed to a Reformatory, there to be detained until he is discharged by law, or indentured to some business, or until the managers or directors are satisfied that his evil habits are not likely to yield to such discipline as they employ, and in the latter case, empowering them to notify the clerk of the court in which the conviction took place of their decision, who, upon such notice, shall issue a commitment upon the original sentence. The effect of such a provision would be very helpful to the salutary influence of the Reformatory, and the concessions of public justice to his peculiar circumstances would seem to be all that could be asked.

Digitized by Google

We suppose that no one will pretend that any reformatory institution can do for the children of neglect and poverty what a residence in a well ordered family would do, provided they are introduced to such a family before vicious habits have taken root. Those who have not been familiar with the condition of the degraded class of our city population would be slow to believe at how early an age depraved habits are found. Falsehood, profane oaths, vulgar and obscene phrases, are heard from tongues that are scarcely old enough to articulate plainly. All pretension to decency in person, speech, or apparel, is thrown off, and unchaste and dissolute manners are obtruded upon the visitor with revolting frequency and shamelessness. It is by no means rare to find boys of ten or twelve, and even younger, addicted to habits of intoxication and lewdness, and girls of like tender age are familiar with the lowest grades of infamy. When such materials are presented to our benevolent workmen they are sorely perplexed. Diseased in body, corrupted in mind, and yet infants in age, it is indeed a problem how to deal with them.

That the reformatory process which begins earliest is the most hopeful will be readily conceded, and also that the method of dealing with them should be assimilated as closely as possible to that pursued with children in a well-ordered family. Hence, other things being equal, we should favor those plans that contemplate the wide distribution of quite young children, of the class we have in view, among families disposed to shelter and care for them. When we come to a class more advanced in age and more familiar with vicious haunts and habits, the question becomes more perplexing. A brief judicious preliminary training might check the incipient tendencies to crime, and if succeeded by the influence of a well-regulated family might lay the foundation for respectability and success in life.

But to introduce a bad boy or girl into a family or neighborhood, heretofore exempt from such a calamity, with the hope of reforming him or her, and at the risk of corrupting others, is a grievous wrong. If the antecedents of the delinquent are made known to the party who benevolently receives and cares for

Digitized by Google

him it is all well. He and his neighbors are or may be on their guard, but every attempt to shift the burden or responsibility of bad men or bad children upon the unwary is in the highest degree selfish and impolitic. Let us cure all we can and patiently endure the rest.

It cannot be disguised that the great proportion of children whose earliest associations are with abject poverty and degrading vice (if inherited disease, or neglect, or exposure does not hasten them to the grave), serve only to recruit the ranks of paupers and criminals. The reports of our humane and educational associations show that efforts for their rescue and safety avail to a very gratifying extent; but, alas! there are other reports which show how many are swept into the gulf of infamy and despair. If, after surveying the "materials" which are turned out of the thronged alleys and courts of our cities and populous towns, one is disposed to ask how they shall be "worked up" so as to secure the best results, our first reply would be, separate them, if possible, from each other and from their degrading associations.

Few people are aware of the working of such an institution as our House of Refuge, unless they have personally investigated it, with some knowledge of the previous condition of the inmates. Boys and girls often come thither without a single good habit. They have no idea of time, of regular meals, of decency in eating their food, of personal cleanliness, or of any use of their hands except for mischief. More forlorn and destitute and helpless creatures can scarcely be imagined. The effect of a thorough washing and combing, and a change of apparel, is perfectly magical. Subordination to rules, observance of hours, attention to duty, are strange requirements; yet a few days only elapse and we see them wonderfully metamorphosed. They are at their posts in the shops, in their seats at school and at the table, and have become humanized in their persons and habits.

Let one look at a group of idle boys in some of our "Five Points" localities, in all their listlessness, filth and animalism, and then step into one of our Refuge workshops and see boys, but

Digitized by Google

yesterday of like condition, at their work, earning ten or fifteen cents a day, and feeling the benefit of wholesome restraint and discipline; or in school receiving their first lessons in useful learning; or in their clean and wholesome dormitories, and say whether the interests of such an institution should not be protected and preserved from the introduction of those who, though in their teens, are not behind the most desperate convicts in depravity. For ourselves, we must say that a glimpse of fifteen or twenty little boys in our Refuge shoe-shop, turning off scores of children's shoes every week, would of itself give us unlimited confidence in the practicability of making the worst children worth something if they were not let alone too long nor inhumanly exposed to bad influences in the process of their reformation.

The truth is, that the conversion of human beings to upright and honest ways, whose early years have been passed in the haunts of vice and pollution, is comparatively rare. The great mass of sober, industrious and thriving people in every community are those who had good homes and careful training from the outset. The thousands of instances in which seasonable and judicious means have checked the downward tendency and restored the delinquent party to the path of rectitude, though only exceptions, furnish all needful encouragement to the continuance and multiplication of efforts in that direction, while the inefficacy of the most faithful attempts in so large a proportion of cases must prompt us "to take time by the forelock," and secure the earliest bias of the child's mind towards what is right and good.

The venders of cement often recommend their article by assuring us that the cemented place will be stronger than any other part of the vessel. But we can give no such assurance in respect to our reformatory work. The mended places are at best weak, and require careful handling. We have in mind at this moment several men occupying respectable positions in society, who are indebted to the instrumentality of a reformatory institution for their preservation from a life of crime. Any one of them is a monument of the wisdom and sound

Digitized by Google

policy of such establishments. The cost of such schools has been refunded over and over again in the contribution of industry, thrift and respectability to the Commonwealth, in the place of idleness, pauperism and crime. At the same time, we have in mind also others—not few in number—for whom reformatory influences came too late. The perverse dispositions refused to yield, and they have sunk from bad to worse, until the feeblest hope of their restoration is nearly extinct. A few months' association, before or after conviction, with other gaol birds, will qualify them for any grade of crime to which their depraved minds can aspire.

Assorting "our materials," then, as well as we are able, and leaving out of view the general class of prisoners in our gaols and penitentiaries, we put drunkards by themselves, as subjects of a milder and briefer course of discipline than vagrants, whose habits are thoroughly formed, who shrink from no low and degraded associations, and whom we, therefore, form into another group, whose detention and treatment should be measured by their tractability and the prospect of their return to sober life. And as to the evil-disposed children and youth, whose immaturity protects them from the ordinary operation of our criminal laws, we arrange them in three classes, each requiring a different process to work them up. Those who have gone ahead of their years in criminal dispositions and acts, should be subjected to a discipline but little less rigid than that of offenders of like grade but riper in years. The second grade of juveniles, who are the proper subjects of reformatory discipline, would constitute a class by themselves, requiring the ordinary treatment of a well-managed Refuge; while the most hopeful of all,—the little children,—exposed to the evils of abject poverty, vile associations and corrupting examples, should be withdrawn, if possible, from the polluting influences of their wretched homes, and receive the advantage of such treatment and training as a well-ordered family, or something nearly resembling it, will supply.

In the almost unlimited freedom of our institutions, the leniency of our laws, and the weakness and inequalities of their

Digitized by Google

administration, crime has a license and range among us scarcely known in the old countries. So that it is perhaps matter of gratitude that it is not more rife and bold than it is. But its frequency and audacity can be greatly checked by distributing offenders into proper classes, and adapting the kind and measure of punishment, restraint and discipline to each. For want of such distribution, our penal laws fail to accomplish some of their most important ends, and indeed promote the very evils they are designed to prevent.

Since the above was in type, we have learned, through the public prints, that "near one-tenth of the present convicts in the Massachusetts State Prison, were graduates of the State Reform School." "Of late about three hundred boys annually have left the school, and it would appear that forty or fifty of these terminate their career in the State Prison. This result is the more remarkable, from the fact, that out of the total number admitted into the school, rather more than half have been sent there, not upon any charges of actual criminality, but upon charges of stubbornness, idleness, and vagrancy—the greater proportion on the former charge."

The writer of this paragraph was probably unaware that boys are often sent to such institutions on a charge of "stubbornness," or "insubordination," who have, in fact, been guilty of very grave offences. Boys (and girls too), whose criminal habits are the growth of years, and whose overt acts, if committed a little later in life would have consigned them for three or five years to the penitentiary, are not so likely to profit by a Reform School, as are the proper subjects of such discipline, although they may be sent thither in the character of truants or vagrants. So that, on the whole, we are surprised that so large a number are saved from the State's Prison, rather than that so many are found there.

At this moment we read of two boys in New York—sixteen and seventeen years of age—indicted for burglary in the first degree (lately a capital offence). They forced a window in the back basement of a house, stole twenty dollars' worth of clothing, and were caught in the act of selling their plunder to a clothes-

Digitized by Google

dealer. They demanded a separate trial, and were both convicted. "Judge Russell was not hard upon them," says the reporter, "but kindly sent them to the House of Refuge." There may be some question whether it was a real kindness even to the young culprits—but to the institution and the public it was anything but a kindness.

And at our own door the police lately arrested a German boy, eleven years old, in whose pockets was found a perfect magazine of infernal contrivances. One of these was a set of "iron knuckles;" another consisted of a band of sheepskin, so arranged that it could be tied upon the hand. From this projected the sharp end of a sailmaker's needle, about two inches long. The dirk-knife would be an instrument of mercy in comparison to this savage contrivance. The iron knuckles are formed of a piece of cast iron, with perforations for the fingers. A projecting shank rests in the palm of the hand, and when the latter is closed with this machine upon it, a blow can be struck, by even a child, sufficient to fracture a skull, put out an eye, or break a jaw-bone. The fellow, when arrested, was engaged in a desperate conflict with another boy; and the reporter remarks that, "*a consignment to the House of Refuge would be no more than his deserts.*" Surely the design of such an institution must be misapprehended.

Art. IV.—IS A HOUSE OF CORRECTION WHAT PEOPLE SUPPOSE IT IS, OR WILL IT ACCOMPLISH WHAT IS EXPECTED OF IT?

If the injunctions of the sagacious founder of the Colony of Pennsylvania had been observed by succeeding generations, such questions as the above would have had no place in our time. He ordered that "all children within the province of the age of twelve years, should be taught some useful trade or skill, to the end that none may be idle, but the poor may work to live, and the rich that if they become poor they may not want. All prisons shall be workhouses."

Digitized by Google

For some years our grand juries have no sooner seen the swarm of drunkards and vagrants that overrun our county prisons, than they cry out for a House of Correction; and the ingenious reporters of crimes and casualties for our daily refreshment and instruction, are wont to conclude some frightful picture of vagrancy, or an account of a drunken affray, with an appeal for a House of Correction; whether they have any distinct idea of what such an institution is, or what it can do in the cases to which they refer, is somewhat doubtful.

Houses of Correction were first established in the reign of Queen Elizabeth, and "were originally designed for the *penal* confinement, after conviction, of paupers refusing to work, and other persons falling under the legal description of 'vagrant.'"

In 1597 a Committee of the House of Commons,—of which Sir Francis Bacon, and other eminent legislators were members—was appointed, to determine, 1. What was the best way to provide relief for the deserving poor; and, 2. How to punish and prevent idle and dissolute habits which resulted in poverty. This Committee recommended the establishment of "hospitals or abiding and work-houses" for the former class, and "Houses of Correction, fitted with stocks and materials for the compulsory employment of such as were able but averse to labor." They were designed to *correct* the indisposition to labor. They were penal institutions, inasmuch as the lazy man's unwillingness to work was taken advantage of, and the very toil he was trying to avoid was made the means of his punishment.

There seems to have been no reference to profit, either to the prisoners morally, or to the State pecuniarily, but simply to the punishment of idleness and vagrancy, and hence labor was made as irksome as possible.

It has been said that this process was very irrational; that it was like attempting to cure a child's aversion to medicine by a six months' course upon jalap. So far from making an idler love labor, it would increase his antipathy to it.

Plausible as this objection may appear, it has no substance when urged to a proper House of Correction. Labor here is not required as a *punishment*, but as a *duty*. It is assumed

Digitized by Google

that the delinquent party has (through neglect) been untrained to useful labor, or that his idle and vagrant habits have become incorrigible by any efforts of his own. He is an eater and ought to be a worker. He consumes and ought to produce. To bring his working power into exercise, restraint is necessary, and such a measure of compulsion as his obstinacy may justify. The process is as if a child's aversion to taking medicine should be overcome by withholding sweetmeats. If you refuse this dose of jalap, you must go without that stick of candy. So says the public to the vagrant or vagabond. If you refuse the burden of labor, you must forego the luxury of rest.

In the British Correctional Prisons, as they are called, felons of a lower grade are found—but there would be a grave objection to any such mixture in our country. A House of Correction should be kept totally distinct from a prison; and though in some sense a penal institution, a sentence to it should not work the forfeiture of any privilege beyond that of personal liberty and idleness.

A large part of the offences for which persons are sentenced to a brief imprisonment, are regarded as *vices*, rather than *crimes*. A drunken man, a street beggar, or prostitute, is not looked upon as a criminal, in the popular sense of the term, as a thief or robber is. The sending of such an one to prison is not so much in the nature of punishment, as with a view to deter the offender from a continuance in evil ways. It is now generally admitted, however, that no good comes from such temporary shifts. The same parties are continually returning, and growing worse rather than better. The cost of their keeping, either as prisoners or paupers, is a heavy burden, and the question forces itself upon us, Is there no way of restraining such people, and bringing them to better habits? And, instantly, a House of Correction is proposed.

And what is a House of Correction in our times? In what respect does it differ from a common gaol? We have several such establishments in the country,—oftentimes they are connected with a common gaol. They partake, in some degree, of the character of a workhouse. Persons committed to them are usually

Digitized by Google

the lower class of offenders, for whom restraint and employment seem to be more appropriate than the discipline of a prison. But is not a House of Correction more likely to reform vagrants, drunkards, and disorderly persons than a gaol or penitentiary? Not as it is usually managed. We doubt very much whether there is a House of Correction in the United States that has really reformed either of these characters in one case out of one hundred. The inmates come and go, and soon come again, as they do to our county prisons. The temporary suspension of idle and intemperate habits, regular meals and rest, help to repair their physical nature, but the restraint is usually too brief to work any radical change, and, upon their release, they soon fall into their old ways.

The term House of Correction popularly denotes an institution about midway between a poorhouse and a prison. The parties for whom it is designed can earn their own bread, and have, therefore, no claim to live at the public expense; and they are not disposed to violence or predatory habits, and, therefore, seem hardly deserving of penitentiary suffering. Perhaps, if they were confined to some wholesome labor and denied the opportunity to indulge their vicious appetites, their evil propensities might be, in time, *corrected*, and their after lives become industrious and useful. Hence probably the popular impression of the design and effect of a House of Correction.

A knowledge of the strength of such habits, especially in those who are ignorant and obviously inferior to the average of the race in understanding, would moderate any such expectations. Leviathan is not so tamed. The principal advantage of a House of Correction over a common prison, is the *facilities it affords for employment.* In the construction and furnishing of it, the chief end is to secure the *means of constant and healthy employment for all grades of muscular power.* Many of the inmates will be little better than machines, clumsy and sadly out of repair, and scarcely fit for use; and yet some suitable occupation must be devised for them. Others may have natural capacity and some skill, but protracted self-indulgence has enervated all their powers, and reduced

Digitized by Google

them almost to helplessness. To supply suitable employment for such, and to advance them to higher grades of labor, if they prove competent, is one of the important offices of such a House. The establishment of rigid discipline, and its adaptation to the moral, intellectual, religious and physical nature of such a mixed community, must be no easy task, and yet a serious defect or failure in these arrangements, might make the institution a nuisance rather than a blessing. But the main difficulty lies in the fundamental law,—the law establishing the House, and prescribing the general regulations for the commitment and detention of inmates,—for these regulations will be framed to accord with the ideas the legislature may have of what the House is to be and to do. Short sentences to be lengthened upon successive re-convictions will be fatal to its usefulness. It will prove a mere sewer, through which the filth and offscouring of the city will flow back and forth, as they now do, to some extent, through the county gaol. If the purpose of the legislature were to coax an idle, drunken vagrant to make his home in the House, they could not devise a more effectual method than to accustom him *gradually* to an extension of the time, until the restraint ceases to be irksome, and the place becomes a natural home.

There may be some difference of opinion as to the *number* which one such establishment should contain. Under some administrations, five hundred would be far better managed than half that number under others. The number should be large enough to afford some scope for a variety of occupations, and yet not so large as to prevent the most exact and rigid discipline. There can be no doubt, we presume, that a House of Correction has a much harder task to accomplish than a penitentiary. The heinous offence of robbery or forgery, stands out in bold relief. Its consequences are readily seen, and the right of society to punish the offender requires no vindication in the offender's or the public eye. But habits of idleness, vagrancy, and intemperance, have crept on so stealthily, and have become so incorporated with the bones and muscles of their unhappy victim, that to make him suffer for them, seems almost as unjust as if

Digitized by Google

it were for his gait or for the color of his eyes or skin. And in order to make his restraint of substantial advantage to him or the public, a process must be attempted almost as difficult as that of changing those characteristics of the outward man.

It is with regret that we have seen the suggestion entertained in some quarters of using a portion of the Blockley Almshouse grounds or some other patch of the public domain as a site for a House of Correction. We are quite sure that proximity to the city, and the difficulty of procuring suitable and steady employment would be a serious drawback to its usefulness. The greatest variety of simple occupations are found in connection with farm-labor, and the only self-supporting House of Correction of which we have ever heard, was connected with a farm. Those who have no skill for any other occupation, can use a hoe, a spade or a rake, to advantage; and nothing returns a better or surer income, all things considered, than the proper use of such implements.

A locality easily and cheaply reached with a living freight, as well as with supplies for their support, and furnishing ample facilities for the employment of the simplest species of labor, would seem to be desirable. The tract chosen should be susceptible of various kinds of culture, and the inmates, being properly classified, would work in gangs, under strict surveillance, in such departments as suited their strength and capacity.

Much of the success of such an institution will depend on the exactness and rigidness of the discipline. Those who go thither must be so treated as to make the thought of a second commitment very unwelcome. They must be convinced that it is quite as inconsistent to eat without working, as it is to work without eating, and that if they are not disposed to bear their part of the burden of society voluntarily, they must do it compulsorily. WORK THEY MUST. There are hundreds of men and women passing in and out of our county prisons every year, any one of whom could easily earn thirty cents a day at some healthy and simple employment, which would amply refund the cost of their support including interest on cost of ground, buildings, furniture, officers' salaries, &c. We would

Digitized by Google

not, however, allow the money question to be of any importance, in comparison with the boon conferred on society by withdrawing hordes of idle, wandering, sturdy men and women from our streets, and working their vices out of them, not harshly nor unreasonably, but surely and steadily; and as to length of time, it should be determined by the success of the experiment in each individual case. If the habits to be corrected are too stubborn to yield to such a wise and wholesome regimen as a well-regulated House of Correction would apply, there should be a corresponding stubbornness in holding the party to compulsory labor.

We have not space to enlarge upon the several topics which the questions at the head of this article suggest. If we are to have a House of Correction in Philadelphia, we hope it will be so constructed and administered as to serve as a model to other cities who need such an institution. There is nothing in this country or abroad which will serve as a pattern. The plan, in its chief features, must be original. The class of persons to be subjects of such peculiar discipline must be definitely before the mind; their character, number, strength, capacity, &c. The modes of employment, restraint and training, must be settled; the number, function and qualifications of a corps of officers, and the authority and processes for commitment and discharge determined, and the structure and all its appurtenances fitted to the special purpose in view, viz.: the steady, permanent employment of idle, vagrant, disorderly and habitually intemperate persons, at some wholesome and useful labor, till such time as they evince an ability and willingness to earn their own living. We scarcely know of a project for the amelioration of those most grievous social evils to which we just referred, more worthy of the careful study and earnest elaboration by wise and good men who are familiar with subjects of this nature.

A proper House of Correction would work wonders in clearing our streets of revolting spectacles of vice and wretchedness, and so prove a public blessing. But such an institution, bearing the name only, injudiciously located, unskillfully constructed and incompetently administered, would but aggravate existing evils, and occasion discouragement and mortification.

Digitized by Google

THE CHAIN-ROOM AT MILBANK.

It is scarcely credible that the lapse of a quarter of a century should have brought to pass so great a change as appears in the penal laws and institutions of Protestant Christendom. A tabular view of the offences capitally punishable under British laws, at successive periods—which we give in another connection—is very impressive; and not less so, perhaps, is the sight of some of the apparatus which was once considered indispensable to the restraint and subordination of convicts. When we see a stack of muskets in the vestibule of a prison, or armed sentries marching to and fro upon the walls or over the grounds, we feel an inward satisfaction at the thought that there is a way of effectually restraining offenders, and securing their perfect subordination, without bringing to view deadly weapons—and that is *separation.*

In the Milbank penitentiary, near London, there is an apartment called "*the chain-room.*" It is an ordinary cell, but a reference to the engraving prefixed to our present number will show that it is literally "hung in chains." A visitor beholds walls glistening with bright swivel hand-cuffs, of various sizes, and ankle-cuffs, with chains weighing altogether nearly thirty pounds. Neck-pieces, also, heavy enough to break an ordinary collar-bone, and iron waist-bands of enormous thickness. Some handcuffs were evidently made for juvenile wrists, and some had iron bars attached, and chains for the fastening together of gangs. This museum of fetters, this "depôt of convict harness," as it is sometimes called, cannot be visited without a grateful remembrance of those who nobly led the way in prison reform, and taught legislators and prison-keepers that transgressors do not cease to be *men* when they become *convicts.*

Brief Notices.

Convention at Philadelphia.—We regret that the matter for this number of the Journal was already made up, when we received a report of the proceedings of the Convention of Friends of Prison Reform, who met in Philadelphia, on the 7th of September. We are thus compelled to postpone, until our next issue, the expression of our views upon several important considerations suggested by the report which has reached us.

It appears that the proposal for a meeting of officers of prisons, and

Digitized by Google

other persons interested in the improvement of penal discipline, was made by the Commissioner of the Wisconsin State Prison, Mr. Edward M. McGraw. That gentleman, whose functions comprehended those which in other States are assigned to Inspectors, Warden, and Agent, found, in the variety of his opportunities for observation, many reasons for believing that his public duties would be performed with more advantage after a comparison of the modes of administration practiced in the prisons of the older States. After inspecting the principal of these, he addressed to their executive officers a request to unite with him in the call of a general meeting in our city, to discuss the actual condition of their respective administrations, and the best means of remedying such defects as should be found to exist in any quarter. His proposal received the approval of a large number of the Wardens of congregate prisons, but it was not sufficiently known to receive the general attention which more complete notice might have secured. Notwithstanding this fact, upon a circular, signed by many of the Wardens to whom Mr. McGraw had appealed, there assembled at Philadelphia, the Warden and one of the Inspectors of the Massachusetts State Prison; one of the Inspectors of prisons of New York, and a Deputy Keeper; the Keeper and the Moral Instructor of the New Jersey State Prison; the Warden of the Maryland State Prison; the Warden and two Inspectors of the Indiana State Prison; the Agent and Chaplain of the Michigan State Prison; the Commissioner of the Wisconsin State Prison; the Warden of the Eastern Penitentiary, and a Committee of the Inspectors of the Moyamensing Prison. The Prison Association of New York sent its Agent; and the Baltimore Prisoner's Aid Society was represented by a Committee.

The Philadelphia Society for Alleviating the Miseries of Public Prisons, having received an invitation to attend the sessions of the Convention, appointed a delegation to act in its behalf. This Society has been engaged in the work of prison reform during more than seventy years. It has borne the brunt of difficulty in the introduction of the plan of convict separation; and it has participated in the principal discussions which have been rendered necessary during the progress of the changes which it has stimulated at home and abroad. Although the main grounds of its advocacy of the plan of separation have remained the same during that long period; and although it has fully exhibited through the press, on various occasions, the reasons which have influenced the judgments of its members, yet it holds itself in readiness, whenever a fresh motive is presented, to explain its views, and to assist such investigation as may promote a clearer apprehension of them. It has, too, apart from the fundamental question of discipline, many objects in common with enlightened friends of reform under every form of penal administration. The ends of public discipline; the machinery for the repression, as well as that for the punishment of crime; the temper and tone of government in

Digitized by Google

penal institutions; the qualifications of the ministers of public justice of every grade; the relations of executive magistrates to the judiciary, especially in connection with arrests and pardons; the subject of labor as a means of discipline; and various other considerations of great importance, offer a sufficient number of inducements to unite its counsels with those of every community having kindred purposes with its own.

There were some peculiar reasons to invite hearty co-operation at the recent meeting. In former times the officers of prisons generally considered themselves only as executive agents, whose attention was to be confined to their ministerial responsibility. It is well known that some of the most serious impediments in the way of the humane, were created by unwilling keepers and under-keepers, who desired to exercise their official sway rather with reference to their own convenience and unchastened passions, than in subordination to any dictates of a wholesome Christian policy. In the present case, there has been a spontaneous national movement on the part of the officers themselves; and, perhaps, nothing can better illustrate the benefit which has resulted from the efforts hitherto made to engage the interest of the public in penal reform, than the fact, that so many intelligent and experienced officers have, without external stimulus, thus volunteered a combined endeavor to correct the still remaining evils of prisons.

The circular above mentioned stated the following as the subjects which were expected to engage the attention of the Convention:—

1st. What is the best system of discipline and management of convicts, with a view to their reformation, and the good of society?

2d. What should be the capabilities and moral character of the subordinate officers placed over convicts?

3d. What system of labor is best calculated to impress a sense of justice and right on the mind of the convict, and at the same time remunerate the public for the expense of his keeping?

4th. What is the most economical mode of managing a prison, consistent with the health and physical well-being of the convicts?

It was thought best to limit the discussions to the following, reported for that purpose by a Special Committee, viz.: What are the relative advantages of the separate and congregated systems in promoting the moral reform of the prisoners, with reference to their health, and as regards the economy of their maintenance?

In fact those members of the Convention whose remoteness of residence had prevented their access to the best known examples of American prison discipline, soon manifested a desire rather to profit by the present opportunity to acquire facts, than to repeat controversies already too often renewed without practical advantage. The Eastern Penitentiary and the House of Refuge were visited; and they were freely opened in every respect to the examination of the members. The most liberal access

Digitized by Google

was afforded to all. After a short interchange of the impressions with which the visitors had heretofore regarded the congregate and separate methods, and some remarks on a few of the common topics above mentioned, the Convention gave its attention to the formation of an American Association, towards the organization of which the necessary preliminary steps were taken. The first meeting of this new Society is to be held in New York during the next year.

On the whole, although, as was desired by every one in the circumstances, no final resolutions were adopted to express the result of the deliberations of the Convention, yet the way was opened, we trust, for establishing a community of feeling and of objects among those persons in all parts of the United States, who are seriously interested in the improvement of penal institutions. With kindly personal relations, and with an honest, zealous effort towards complete reform, we cannot doubt that, whatever delay may take place in the final settlement of the question of convict separation, many other questions of grave public importance will be adjusted, and a valuable influence will be exerted upon the Legislatures of our country. We have rejoiced to observe, that from every quarter there has come to us, through the officers in attendance, a full recognition of the truth, that kindness, forbearance, instruction, encouragement, and useful labor, ought to be ensured under every administration of prisons. Let this truth be enforced, and we shall not then be long without reaching a conclusion upon whatever most concerns the frame-work of prison government.

Our County Prison.—The proposition to appropriate to a military parade a part of the ground originally purchased for the use of Philadelphia county prison, has brought out a correspondent of one of our daily papers, whose views are quite worthy of consideration. After alluding to the terms of the purchase, he says,—

"On the southeast portion of this land, on the Passyunk road, the Moyamensing Prison was constructed, with the Debtors' Apartment, occupying nearly the whole front upon the road, and about five hundred and twenty-five feet deep. The cost to the county was more than $450,000.

"With a wise forecast, the Commissioners, instead of confining themselves to three hundred cells, built the prison to contain five hundred and four cells. But of these only four hundred and ninety are available. In 1835, this prison was first occupied, and the other gaols (Walnut and Arch street) were subsequently demolished.

"The Act of 14th April, 1835, (Sections 13, 14, and 16,) directs the separate confinement, in this prison, of all vagrants, as well as of convicts. But for a number of years past, owing to the steady increase of the population of Philadelphia, and the more than corresponding growth of crime, and of traders in crime, the prison is now insufficient to accommodate the multitudes thrust into it. It is too small for the worst criminals alone, independently of the numbers committed for trivial causes.

"The Prison Inspectors, year after year, have complained of its insuffi-

Digitized by Google

ciency. Grand Jury after Grand Jury have represented the same facts. Public spirited men have endeavored to bring the subject to notice. The crowded condition of this prison is inhuman, and disgraceful to Philadelphia. What is everybody's business seems to be nobody's. The matter is worse than disregarded, and possibly will be so, until some friendly pestilence shall come to its relief.

"In the four hundred and ninety cells of the Moyamensing prison capable of being used, there are constantly more than (900) nine hundred persons confined—packed day and night together, often three or four in a cell nine feet wide by thirteen long, in which the claims of common decency cannot be regarded. Can it be realized that, for seven years past, here, in Philadelphia, upwards of fifteen thousand wretches, coming and going, have been annually locked up in this receptacle at the pleasure of the "justices," who live partly upon fees extracted from their victims, partly from the prosecutors, and generally, in some way or other, from the public treasury.

"Of these fifteen thousand helpless, depraved, or lawless creatures, in 1858 no less than five thousand three hundred and twenty-four were discharged, after imprisonment, without any trial, by the committing "justices." The Inspectors report that they discharged four thousand six hundred and thirty-four others, "principally for want of room;" and it is also officially published, that twelve hundred and seventy persons, most of whom had been wrongfully imprisoned by the magistrates, were discharged by the exertions of the Prison Agent, all during the past year, 1858.

"The Act of 8th of April, 1851, justly and proudly declares 'the Pennsylvania plan of the separation of convicts one from another, combined with instruction, and suitable manual labor, to be the best means of discipline and reformation;' and it provides that 'every county prison within this Commonwealth, hereafter, shall be so constructed that every person committed thereto shall be *separately confined*, due regard being had, in the plan thereof, to the health of the prisoners.' And the means of enforcing this law are provided.

"The county prison of Philadelphia ought not to be, and could not be removed to a distance. It has cost too much money to be destroyed. Another prison, elsewhere, would require another half a million to build; and another set of officers must govern it. The expense would be immeasurably increased. But if the Moyamensing prison buildings were extended as they ought to be, the present ground would be amply sufficient for the whole, not merely for the present necessities of the city, but for the requirements of a long time to come. The land, as has been shown, properly belongs to the prison. The expense would be merely the cost of extending the buildings. These ought to be spread over a large space—not more than one or two stories high—roomy, well ventilated, healthful and safe."

While on this subject it may be proper to say that, no argument will suffice to sustain the principle of separation, unless it is clearly seen to accomplish in a great degree what it professes. Our county prison is administered *in direct violation of positive law*. Many gross abuses have been reformed, and the public are largely indebted to the gentlemen who serve as Inspectors. But the prison can never be creditable to the county or the Commonwealth, until ample provision is made for the separation of each individual committed (no matter by what authority or for what cause), from all other prisoners. A suitable infirmary is also indispensable. A diseased

Digitized by Google

prisoner should be humanely cared for, and placed in circumstances as favorable as may be to the recovery of his health. One of the principal considerations in support of our system is, that by *individualizing* men we secure *individual* care and attention to their physical, mental and moral necessities.

Crime in Petticoats.—We are the earnest advocates of gentle means in reclaiming and training wayward children whose delinquencies are generally the fruit of neglect and vicious example. In cases, however, where there is not only a criminal disposition, but an actual, distinct development of criminal character and purpose, there is neither wisdom nor humanity in withholding merited chastisement. In other words, if a boy of fourteen deliberately and maliciously sets fire to his master's barn or dwelling-house, in revenge for some supposed or real injury, we would deal with him as we would if he was ten years older, and committed the same offence, except that the sentence should be so modified as to make it no severer for him than the same sentence would be to a convict twenty-four years old. If upon the latter a conviction of arson would bring a sentence of seven years, let a sentence of five or three be awarded to the former. But let crime be treated as crime, and delinquency as delinquency, and use our Houses of Refuge or Reformation for the latter, and our penitentiaries for the former.

We have been led to these remarks just now by late proceedings in several of our Reformatories for bad boys. The *State Reform School* at Westborough (Mass.) so munificently endowed by one of the citizens of that State and an object of so much interest to the public, was lately destroyed by fire, set by one of the inmates. Two previous attempts were made, and threats boldly uttered that they would continue to be made till successful. At length a lad, named Creden, from Salem, committed for larceny about a year since, applied the match. He confessed that the deed was in contemplation for some time, and that other boys were involved, five of whom were afterwards arraigned with him, and all pleaded guilty, and were sentenced to ten, five and three years in the House of Correction!

Strange as it may seem, combustible materials were carried from the chair-shop in the pockets of the incendiary, and stuffed into the ventilator; matches were stolen from the pockets of the overseer of that shop, and the fire set about five o'clock in the morning. The main part of the establishment was destroyed, but, with some repairs, a portion of one wing will be tenantable. The whole cost of the land and buildings was about $200,000, and the yearly cost of maintenance was from $40,000 to $50,000. The boys allege as a reason for their crime that they supposed they would be sent to the House of Correction, and so obtain their liberty sooner.

After the fire a portion of the inmates were taken to the gaol at Fitchburg—fifteen of whom escaped from that *new* gaol!

Digitized by Google

A few days afterwards an immense brick structure on Deer Island, in Boston harbor, embracing the House of Reformation, the House of Industry, and a number of school-rooms and offices, was set on fire by a boy and four accomplices. They stuffed straw and paper into the ventilator of one of the dormitories after the manner of the Westborough boys, of which exploit the newspapers had duly informed them. The flames were confined to the wing in which the fire was kindled, and the public loss, added to that at Westborough, will be not far from $200,000.

It is somewhat remarkable that in a length of buildings, which, if in a straight line would measure eight hundred feet, not a single fire-proof partition should have been provided. If fifty dollars worth of ladders had been at hand, it is thought $100,000 worth of property might have been saved.

It is predicted in the public prints that the Reform School on the former large scale will not be rebuilt, but that several smaller establishments will be substituted.

Eight boys recently escaped from the Rochester, N. Y., House of Refuge, five of whom were re-taken.

A Worcester (Mass.) paper gives an account of a boy not twelve years old, who, in the space of four weeks, was arrested by five different officers for a distinct crime in each case, which he confessed, and yet escaped from every one of his captors.

Prison Mutinies, Escapes, &c.—A few days since a keeper in the Auburn Penitentiary was assaulted in the shoe-shop by a convict, who dealt him a stunning blow with a shoe-hammer. Another officer who went to his rescue was severely wounded on the head, and both would have been sacrificed, but for the timely arrival of succor. Seven or eight convicts were engaged in the affray.

A few days since the prisoners in the county gaol of Columbus, Ohio, mutinied, and eight of them succeeded in escaping by knocking down the jailer with an iron bar as he entered the prison to give them their suppers. The whole crew would have escaped but for the presence of mind of a hired girl, who succeeded in locking the outer door. The maddened wretches inside then returned upon the jailer, and would have killed him had not one of the prisoners dragged him into a cell, and defended the door till he was rescued.

A much more serious affair occurred in the Ohio State Penitentiary early in August. Several convicts were employed upon a new outside wall, and a plot to escape was suspected by the officers of the prison, who were, therefore, on their guard. Two of them seeing an opportunity they thought favorable, made a rush for a neighboring corn-field. The guards instantly fired upon them, and brought them both to the ground with several severe wounds, which in one, if not both cases, were supposed to be mortal.

Digitized by Google

An attempt to escape from the Arkansas State Penitentiary was made by thirteen of the convicts, August 25. The fugitives were fired upon, and one of them severely wounded. After a desperate conflict they were re-captured.

We have accounts of a riot in the State Prison at San Francisco. About three hundred of the prisoners are employed in a brick-yard adjoining the prison. As they were returning from dinner to their work, preceded by the Superintendent of labor, (Mr. Lee,) who stood with the gate-keeper, (Mr. Spell,) outside of the gate, one hundred and sixty of the three hundred having passed, the gate was violently closed from the outside and locked. About forty of the conspirators then seized Messrs. Lee and Spell, and made off across the range of two heavy guns mounted on each side of the prison; but the two officers were kept in such a position as to make them the first victims if the guns were fired. The rest of the prisoners who had passed the gate manifested no desire to escape, but, while running to and fro in their excitement, were fired upon, one being killed and four wounded. After dragging the two overseers about a mile they released the gate-keeper. They then proceeded about three miles farther when they were overtaken by a party of horse-guards. The man who had Mr. Lee in charge was shot, and as he fell, mortally wounded, he attempted to stab his prisoner, but only wounded him severely in the hand. Eleven were afterwards captured, two killed outright, and several wounded.

Five burglars and robbers escaped, September 22, from the Columbia (N. Y.) county gaol, while the jailer and his wife were trying to stop a fight between prisoners in the hall. They left the prison door ajar.

A separate prison is an infallible remedy for all these evils.

Railroad Obstructions Again.—A canal-driver and three boatmen were lately arrested for laying an obstruction upon the Auburn and Rochester Railroad. It was discovered in season to prevent a catastrophe. A man who saw the four persons near the track charged the crime upon them, but the three boatmen said the driver alone was guilty, though they knew of his intentions. It is supposed they intended to take advantage of the overthrow of the train to plunder the passengers. The penalty for such a diabolical act is only five years' imprisonment! Such an inadequate retribution seems like winking at the offence.

Three men have been arrested for placing obstructions upon the Harrisburg, Lancaster, and Mount Joy Railroad at Marietta, by which a train of cars was thrown from the track. They were in liquor and going into a tavern near the railroad, demanded more drink, which was refused. They then told the landlord they would "run a locomotive into his house." In pursuance of the threat they put the obstructions on the rails; but the locomotive, before reaching them, was detached from the train upon a side track, but the train itself encountered the obstruction, and was thrown

Digitized by Google

off, doing considerable damage. Although a large reward was offered for the apprehension of the rascals, it was only by the indefatigable efforts of the Superintendent of the road that they were finally arrested. We shall see how the tribunals of justice deal with such reckless enemies of society.

Seeking an Office.—A friend in a flourishing Western State writes us as follows:

"I was asked yesterday to sign a recommendation of a fellow-citizen to fill the office of State Prison Commissioner, on the Republican ticket. I declined for two reasons: 1st. That my recommendation would have no weight where my politics were known; and 2d. Because being a Republican did not of itself qualify a man for Prison Inspector. The man is a carpenter, and a very poor hand at that. He never was inside of a prison in his life. He was once sent to the legislature from a county that could find no one else willing to go, and that spoilt him for a carpenter and for everything else that is of any use. The man will remember my refusal as long as he lives, but is as likely to be the Prison Commissioner as anybody else."

What a farce government becomes when such men succeed by such methods in securing an appointment to such offices.

Interesting Facts.—It is sometimes a *present* privilege of the prisoner's friend to witness the good results of efforts for his good. A case recently occurred of a convict in the Eastern Penitentiary of this kind. The prisoner on returning to his family, upon the pittance which the Prison Society supplied for his passage money, found them in a very destitute condition. He at once applied himself to labor and was soon able to relieve their most pressing need. A few weeks elapsed, and he obtained permanent employment at $1 per day, without regard to weather, and he and his wife have since become "probationary members" of the Methodist church. He expresses the warmest gratitude to those who interested themselves in his welfare while in prison.

Prison Society in Baltimore.—We are pleased to learn that an association embracing some of the most prominent and influential citizens of Baltimore, has lately been organized in that city with a view to the improvement of the public prisons. They have already been instrumental in accomplishing much good.

Increase of Reformatories.—From a table of the Metropolitan Reformatories, Refuges and Industrial Schools of London, published a few weeks since, we observe that the number of such institutions established previous to 1840, were 5; between 1840 and 1850, eight more were instituted; and since 1850, thirty-six have been established, making in all, forty-nine.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google