
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>

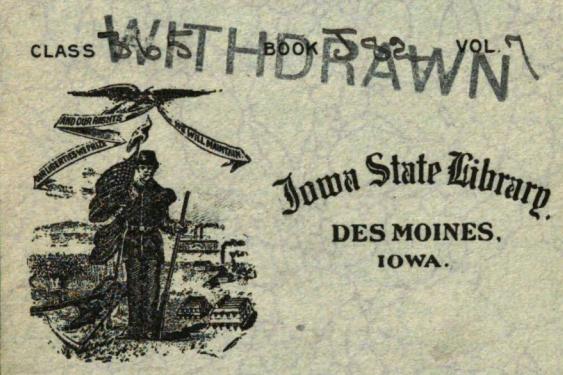




Class.. 365.05....

Book... J86.....
1.7

Acc.. 493834.....





VOL

P

Bounties & Prizes

VOL. VII.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

NO. I.

THE

PENNSYLVANIA JOURNAL

STATE LIBRARY

PRISON DISCIPLINE

LIBRARY
AND

PHILANTHROPY.



PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1787.

"The separation of one prisoner from another is the only sound basis on which a reformatory (prison) discipline can be established with any reasonable hope of success.—*Fifth Report of Inspectors of English Prisons.*

JANUARY, 1852.

PHILADELPHIA:

E. C. AND J. BIDDLE,

SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.

LONDON: CHARLES GILPIN.

1852.

Isaac Ashmead, Printer.

CONTENTS OF NO. I.

| | |
|--|----|
| ART. I.—Schuylkill County Prison, (with illustrative plates.) | |
| II.—Second Annual Report of the New Jersey Prison Reform Association, | 9 |
| III.—The North British Review on Convict Separation, | 14 |
| IV.—Scotch Prisons, | 20 |
| V.—Our Criminal Law, | 24 |
| VI.—Asylum for Idiots, | 27 |
| VII.—Annual Report of the Boston Society for the Prevention of Pauperism, Disposition of Paupers, &c., | 30 |
| Correspondence.—Public Charities, | 38 |

NOTICES.

| | |
|--|----|
| The Box and the Brushes; or "who knows what he may come to yet?" | 40 |
| "Cleaning of the Dirt," | 42 |
| Prison Statistics,—Efficiency of Industrial Schools, | 43 |
| The World's Outcaste at the World's Exhibition, | 46 |
| Seasonable Charities—"Children's Home"—"The Shelter," | 47 |
| New Aspect of Affairs in the Convict Colonies of Great Britain, | 48 |
| Suicides in Paris, | ib |

IMPORTANT AND VALUABLE DOCUMENTS.

The Seventeenth Report of the Eastern State Penitentiary.—A few copies of this document, which includes the elaborate tables of the medical officer—showing the sanitary condition of the institution from its commencement.

ALSO,

Numbers 1 and 2 of volume I. of this Journal—the first containing a Review of the History of Penal Legislation in Pennsylvania, and several plates, illustrative of prison architecture; and the second containing a beautiful steel portrait of Mrs. Elizabeth Fry, and a view of the New Prison at Pentonville, near London, and an account of its discipline and results.

Either of the above may be had on application to any member of the Acting Committee.

NOTICE.

Communications and orders for this work, may be addressed "*Editor of the Journal of Prison Discipline*," care of the publishers, No. 6, South Fifth Street, Philadelphia.
 Officers of State, Inspectors, or Wardens of Penitentiaries, Keepers of Common Gaols, Houses of Correction, &c., Superintendents or Physicians of Insane Asylums, (whether public or private, and whether for paupers or pay-patients,) officers of Houses of Refuge, Police Magistrates, and others who may be in possession of, or have access to reports or other documents bearing on prison discipline, insanity, juvenile delinquency, police regulations, pauperism, &c., &c., will confer a particular favour by forwarding to the above office copies of such publications for use or notice in this Journal. All such attentions will be gratefully acknowledged, and cheerfully reciprocated.

NOTICE OF THIS JOURNAL.

"It embodies more information on the subject of prisons, arranged and expressed in the spirit of literature and science, than any other publication of our country, and will compare with any Journal devoted to this department of knowledge in Europe."—*Hon. Charles Sumner's Speech, in debate on prison question in Boston, May, 1847.*

RECENT NOTICES.

From the North American and United States' Gazette.

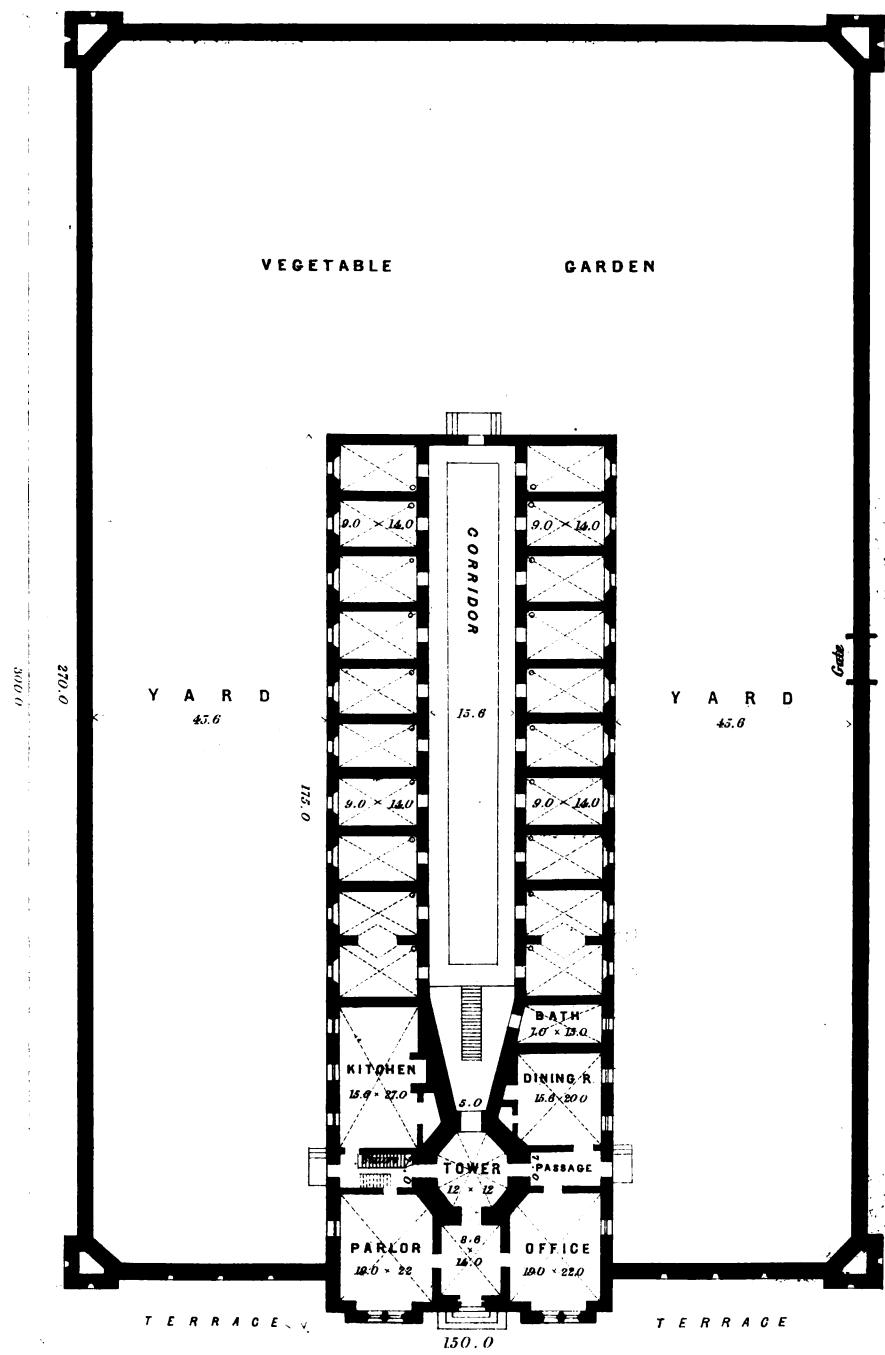
We have received from Messrs. E. C. & J. Biddle the last number of the Pennsylvania Journal of Prison Discipline, which is published quarterly, under the direction of the Philadelphia Society for alleviating the Miseries of Public Prisons. A glance through its pages shows what is well understood—that it is a

(See 3d page of Cover.)

UNIVERSITY OF IOWA



3 1858 042 530 653



LEADER BUILDING

SINCLAIR'S LTD.

S GROUND PLAN
SCHUYLKILL COUNTY PRISON,

AT POTTSVILLE, PA

Digitized by Google

Cl

Bo

265.05
J86
v. 7

THE
PENNSYLVANIA JOURNAL
OR
PRISON DISCIPLINE.

VOL. VII.—JANUARY, 1852.—No. 1.

ART. I.—SCHUYLKILL COUNTY PRISON.

In the prosecution of our design, to keep our readers informed of the progress of construction in Pennsylvania, according to the separate mode of confinement, we publish in this number of the Journal, a plan and sections of the new prison in Schuylkill county. For the drawings and annexed description, we are indebted to the architect, N. Le Brun, Esq., of Philadelphia.

It would be scarcely credible, had we not the unqualified fact before our eyes, that our government has permitted county after county to build public prisons in open defiance of the clearly expressed policy of our legislature; and that except when the Prison Society of Philadelphia has urged the subject upon the attention of our lawgivers, absolutely nothing has been done towards compelling county officers to give effect, within their jurisdiction, to the design of our laws in relation to public discipline. To our shame be it acknowledged, that while we boast of our reforms, and of their triumphant influence abroad, we are neglecting the most important of our penal institutions. Without a bureau, or even a clerk, or a clerk's cabinet appropriated to the subject of prison administration; without a report worth the name, upon the condition of jails throughout the State; with a law upon our statute book which requires annual returns of information, and which is generally unexecuted, although less than five years old; we are content to permit the

VOL. VII.—1

WITHDRAWN
493884

Digitized by Google

expenditure of funds, raised by taxation of our people, upon structures, the very ground plan of which is manifestly irreconcilable with the penal system which we are pretending to enforce under the authority of State laws, within the walls of State penitentiaries.

When experience of the evils of association of prisoners together, led to the enactments, which, more than sixty years ago, laid the foundation of the separate system in this country; or when, thirty years ago, it was resolved to construct large and costly prisons for the better enforcement of that system, could it have been contemplated that the plan of the county jails devoted to indiscriminate association, should be perpetuated? Were the corrupting influences of those institutions, (affecting as they do, all classes of persons in confinement,) to be promoted by reconstruction, while we were carefully guarding the morals of criminals already twice and thrice convicted? Was it understood that our youth of both sexes, our new offenders, our witnesses even, were to be exposed to the depraving companionships, the demoralizing and disgusting scenes, the unjust inequalities of the olden time, while we anxiously separated from each other the hardened offenders who should succeed in qualifying themselves for the large prisons; and while we bestowed on these persons wholesome restraints, and instruction, and counsel? In short, was it designed that we should manufacture criminals, in order to subject them to our vaunted penitentiary system? If not, how are we to account for the fact that the county officers have built and rebuilt jails upon the pernicious plan of the last century, unless it be by attributing to our government an indifference, scarcely less censurable than would be a deliberate design to bring about these deplorable results.

Despairing of any general execution of the duty entrusted to the county commissioners, to build *suitable* jails, the Prison Society asked of the legislature a re-declaration of the policy of the government; and also that county officers before erecting a prison, should be required to submit the plan of it to the Secretary of State for his inspection and judgment. This request was considered by the judiciary committee of each branch, and upon their unanimous report in its favor, it was granted by the

enactment of April 8, 1851, which has already been published in this Journal. It was hoped by the Society that the county commissioners would thereby be brought into seasonable conference with the government, and that the way would thus be opened for obtaining that kind of information which is most necessary to the judicious selection of a plan. Much would depend upon the fidelity with which the Secretary of the Commonwealth should execute the new duty confided to him; but the gentleman then acting in that capacity exhibited a very creditable interest in the subject of the new law, and a disposition to promote its successful operation. Yet without a steady and enlightened support from the legislature, it was evident that his favorable inclinations would go very little way towards ensuring the accomplishment of the main object. To attempt a thorough alteration or final rejection of a plan already deliberately adopted by county commissioners, would be to excite hostility both to the department and to the law itself; and in the actual state of opinions and usages, might lead to retrograde legislation. The Secretary needs the considerate attention of each department of the government, and an intelligent conclusion on the part of all, that the course of the government must be as firmly maintained, as it has been clearly announced. It remains to be seen, whether the local officers will again exhibit such a contempt of public authority, as has been manifested in relation to the act of 1847 requiring annual returns.

The reader will apprehend, without our aid, the difficulty of conducting the proposed supervision under existing restrictions; and he will also perceive that it is not in the imperfect manner now practicable, that we are to secure the regular development of our system. Even if we could thereby guarantee the separate confinement of every prisoner detained for trial or as a witness, there would still remain to be remedied architectural defects, which not only interfere with the administration, but put in jeopardy the health of the inmates. The correction of these is to be sought in the improvements which the skill of professional architects, guided by the actual experience of prisons, has devised with particular reference to the discipline to be administered. Such improvements are made known by publications, at the expense of the government in England and

France; and they ought in some authoritative way to reach the contractors who build prisons in Pennsylvania.

The main features of prison architecture have been settled by the example of our own State prisons; which have served as a basis for the valuable improvements in detail made in foreign countries, in which our system has been adopted, and in which the advantages of enlarged administrative knowledge could be applied to new buildings: and these new details have been in turn received and used in several of our own counties. The veteran constructor to whom we owe the model which has been so extensively copied, has been himself instrumental in bringing foreign improvements to this country; and other professional laborers will, it is to be hoped, be able to contribute, from time to time, to the facilities for safe, convenient, healthful, and reformatory discipline. But the essentials of a good prison are settled in the minds of well informed persons in this country, as well as in England, France and other countries of Europe. The system of discipline being given, there are some requisites now universally agreed amongst experts, to be necessary to a complete design. Yet some of these requisites are constantly disregarded, we might with greater truth say, violated by public officers. So general has been the evidence of a want of due preparation on the part of those persons who have undertaken to plan our county jails, that it becomes a mark of distinction to have properly studied the administrative wants to be supplied, and to have adhered to the leading features of design now authorized by a trial of many years, and by the sanction of the ablest professional minds at home and abroad. It is evident that Mr. Le Brun has recognized the governing elements of the problem submitted to him by the authorities of Schuylkill county, and while reserving to himself, very properly, a discretion in the adjustment of details, he has conformed in the main to that architectural framework by which, as recommended by experience and the best professional judgment, the worthiest practitioner will be the most ready to guide his work. We commend heartily to the attention of his professional brethren, this best evidence of qualification for so important a branch of construction, as is that of prisons.

We may also congratulate our fellow-citizens of Schuylkill in their choice of public officers, who have known how to disregard the paltry suggestions of a mis-judged economy; and who have not hesitated to expend the public funds in accordance with the policy of our jurisprudence, and with a regard to the rights of individuals, as well as to the security of the community.

We do not propose to enter into any criticism of the particulars of the plan now published, but a word of explanation may be necessary to prevent misapprehension. The prison is said to contain 40 cells, but it appears by the plan, that there are only 38; as the first two cells on each side have no partition between them, and at present, therefore, are in fact only one. We are informed that an impression exists among many of the citizens of the county, that a certain class of inmates, not charged with any turpitude, but held for reasons not denoting such character as would be likely to render their companionship hazardous, ought to be permitted to associate together, and that provision ought to be made for this class.* The commissioners have yielded to this impression, so far as to leave unfinished the subdivision of the cells above mentioned; but with commendable foresight, they have built their foundations, so that at any future time those cells may be partitioned by walls of sufficient thickness. It will, of course, be regretted by observers familiar with the risks to which discipline is exposed by such opportunities for relaxation on the part of an indolent or indiscreet keeper, that there has been any departure from the integrity of the separate plan of construction; but in the circumstances, the commissioners of Schuylkill have done so much more than the majority of their official brethren, that we are not disposed to make this departure a prominent topic of the present notice. It will not affect convicts; and the door is open for prompt correction when experience shall have shown that, even on the limited scale proposed, it is productive of evil in the routine of management. In no instance known to us has it failed to lead to favoritism, to negligent discipline, and to vicious influences amongst the inmates.

* For example, witnesses of good character.

It will be seen that the cells have no yards attached, and that there is only one bath. We are not apprised of the reasons for these arrangements, but as they will impose upon the officers special care in relation to the health of the inmates, particularly if convicts should be sentenced to this prison, we trust that the necessary attention will be given by the management; and that no services will be withheld which may be required to render the actual provision available to the extent contemplated in the design of the building.

The anxiety felt by citizens of the county for a removal of the seat of justice, may lead to a premature occupation of some of the cells; but it may be reasonably expected that the commissioners will take due precautions for that thorough drying of the masonry, without which the merits of the arrangements for heating and ventilation cannot be tried. Simple justice to the architect would require this, were it not imperatively demanded by the health of the inmates. It may seem superfluous to advert to so obvious a consideration, but experience has shown, by more than one example, that the haste of county officers may overleap the restraints of professional advice.

Description.—The Schuylkill County Prison is situated on an elevated position in the upper part of Pottsville, and immediately opposite the new Court-house. The lot on which it is erected, is 150 feet wide and 300 feet long, of which 150 by 270 feet is enclosed within the high walls surrounding the prison building, which is itself about 53 by 175 feet. The whole is elevated on a terrace, and recedes about 30 feet from the line of the street on which it fronts.

The whole façade is faced with red sand stone, procured from the "Forest," near Bridesboro', Berks county, and is designed in the Norman style of architecture, a style appropriate for prisons, from its massive, solemn appearance, and economy in construction. This front consists of a centre building, over which rises a circular tower 20 feet in diameter and 78 feet high, serving at once an ornamental and useful purpose. The extremities of the wing yard walls are strengthened by square towers. The battlements of all the towers and main building are crenullated.

There are forty cells, (exclusive of the bath room cell,) each 9 feet wide and 14 feet long, the area of each being 126 feet, which is larger than that of the cells of any other prison in the State. The highest of the lower cells is over 10 feet at the

crown of the arch, and that of the upper cells is 10 feet to the lowest point of the arch, and 14 feet 6 inches to the highest, the vaults of the ceiling being inclined parallel with the roof. The outer walls of the prison are of stone, 2 feet 3 inches thick; the partition walls between the cells are of brick, 1 foot 6 inches thick, and the corridor walls 1 foot 10 inches thick, also of brick; all the arch vaults are 9 inches thick.

The cell doorways are each 2 feet wide and six feet high. The jambs and faces of the door frames are of cast iron throughout the whole thickness of the walls; the inner cell door is a wrought iron grating, which is fastened by a three-bolt arrangement, secured by a slide bolt on the outside, and entirely inaccessible to the prisoners. A feed-wicket is placed in these doors. The outer door is of oak, strongly framed and secured by self-locking bolts, which at once lock the inner and the outer doors, and can only be re-opened with a key. The cover of this lock likewise screens the staples and slides of the inner door, each of the wooden doors has a peep hole.

The opening for light in each of the cell windows is five inches wide by 4 feet 6 inches long. The frames are placed horizontally, near the ceiling, and are all of cast iron through the whole thickness of the walls, splayed above on the outside and below on the inside. They are permanently glazed with plate glass.

Water is introduced into each cell, and the supply is regulated by the keeper in the corridor; and by means of waste cocks, the water may be stopped off, in case of accident, from any particular cell, without cutting off the supply from the other cells. The water closets in the cells are trapped in such a manner as to prevent communication between prisoners when the soil pipes are emptied, which is done by opening large stop cocks worked by levers, which are placed in the yard at the termination of each row of pipes, the water passing directly into the drain pipe leading to a large and deep well. As the water leaves the pipes, the ball cock in the water box at the head of each row of pipes opens the supply cock, and fills the pipes afresh in a few minutes. The whole operation being performed by opening and shutting the large stop cock at the bottom of each range of pipes, where a waste pipe is placed to prevent any overflow into the cells.

All the cells are to be ventilated by air *descending* through them similar to the plan followed in the prison at Pentonville, England, but with this difference, that instead of being heated by means of pipes filled with hot water, there are four hot air furnaces of an improved pattern, placed in the basement, under the corridor. This arrangement is economical, as no more furnaces need be fired up than will directly heat those cells actually occupied. The windows being fixtures and the doors

effectually closed, the fresh or warm air is introduced through a flue, (the area of which is 65 inches,) connected with the hot air chamber, and opening into each cell near the ceiling. A corresponding quantity of foul air is extracted by means of another flue, placed diagonally opposite the opening by which the fresh air is introduced. The ejecting flues pass up the outer walls, (being strengthened and protected by cast iron plates, bars, &c.,) and communicate with a main foul air flue, placed between the corridor arch and the roof, and terminating in a ventilating shaft within the tower in front, in which is a small grate to keep up a fire when necessary for the purpose of accelerating the draft. All these different combinations and arrangements can be easily understood by referring to the engravings representing the sections through the prison, in which the arrows indicate the direction of the air currents, through the hot air chambers to the cells, and thence to the tower ventilating shaft. The same flues are used for ventilating the cells in summer, cold air being introduced. Sound breakers are placed at the extremities of each of the ventilating flues, which it is believed will effectually prevent communication of words from cell to cell.

The bath room cell, 7 feet 6 inches wide and 15 feet long, is furnished with all requisite conveniences; hot and cold water, and a douche being provided. Each of the cells has an alarm bell-pull, which when used indicates by an open label over the cell door in the corridor, the cell from which the alarm proceeded; the bell or gong is placed in the second story of the tower. All the offices and dwelling part of the prison, as likewise the corridor, is to be lighted with gas.

The corridor is 15 feet 6 inches wide, and the stairs to the second story cells and balcony, together with a handsome railing surrounding it, are entirely of iron. Light is introduced from the roof through five sky lights, the frames and sashes of which are of cast iron, and glazed with thick unpolished plate glass. The wall surrounding the prison yard is 20 feet high, and a door is placed at the back end of the corridor to take the prisoners into the yard for out door exercise.

In the front building are convenient apartments for the keeper and his family, also offices for the Prison Inspectors, Commissioners, &c. The bakery and laundry are placed in the basement, directly under the kitchen and dining room in the first story. The second story is divided into bed rooms, with water closet and bath room. The store rooms are in the attic. The general arrangement of the prison is shown in the ground plan.

ART. II.—SECOND ANNUAL REPORT OF THE NEW JERSEY
PRISON REFORM ASSOCIATION, 1851. pp. 31.

The efforts of our friends in the neighboring State to mend their prison-ways are not without encouraging success, and the report before us shows the existence of an organization quite adequate to accomplish all that the institution of the society contemplated. It is gratifying also to note the large number of Counties from which reports have been received. In respect to the State Prison at Trenton, the report distinctly and approvingly recognises the principle of convict-separation upon which it is constructed as sound and salutary.

It is suggested by the Central Committee as “an obvious necessity that more cells should be provided, in order that the established principle of our Prison Discipline, as to separate confinement, may be rigorously observed. It is evident that not only the law requires that not more than one prisoner should occupy the same cell, but that the cells have been so constructed, as to size and ventilation, as to admit but one, with a proper regard to health. This necessity has already been brought to the attention of the Legislature, now sitting, by the Governor’s message and the official documents from the Prison.”

We should have been reluctant to believe, but upon incontrovertible evidence, that any penal institution in the country would have been found in the condition in which the report represents the gaol of Morris County.

“It is in the same building with the Court House. There are eight rooms for the confinement of prisoners, three in the basement and five in the first story. Three of the rooms in the first story are now in actual use. These three rooms the Committee examined carefully in company with the Sheriff. They all communicate with a hall, about four feet wide, to which, during the day, the prisoners have access, and where they can communicate with persons entering the Court House. The jail being in the rear of the building, the prisoners can also hold communication with persons outside through the grated windows. The consequence of this exposed condition of the jail is, that the friends of the prisoners, notwithstanding the vigilance

of the keepers, can and often do furnish them with ardent spirits, with which they become intoxicated, and sometimes they are found amusing themselves with cards furnished by their acquaintances. Only one of the rooms being warmed, it is used in common by all the prisoners as a sitting room ; there they eat, and in winter lodge together. This room is thirteen feet by ten, and, at the time the committee visited the prison, was occupied by four prisoners, one of them a boy about sixteen years of age, the others of different ages from twenty-five to thirty-five. Upon inquiry, your committee learned that previous keepers had pursued the same course with the prisoners, and necessarily so from the construction of the building.

There is no provision for the separate confinement of persons committed by the magistrates upon suspicion of crime from those who have been convicted and sentenced, nor to separate the young and inexperienced from the old offender. The effect of this arrangement (?) is found to be injurious upon the prisoners, but more especially so upon the juvenile offenders.

We apprehend this discovery is not original in its present connection. The corrupting influence of evil communications may be regarded as a "fixed fact," and no farther experiments are needful for its confirmation.

A workhouse is about to be erected in connection with the gaol.

The interior of the gaol of Essex County, at Newark, has been new modelled, during the past year at an expense of nearly \$8,000.

The cells for the male prisoners are placed on one side of a large and beautiful and well lighted hall, to be used for a workshop. There are four tiers of cells fourteen in each tier, or fifty-six in all, well lighted and ventilated. In addition to this, the female prisoners are provided with a separate ward, consisting of a hall and three tiers of cells, six in each, making eighteen, and above this a convenient room for a hospital, &c. Adjoining this is the kitchen, with a well constructed range and water fixtures.

The prisoners have performed much of the labor in removing the old cells and floors and in digging the foundations for the new prison.

This work meets the hearty approbation of all our good citizens, and we have no doubt will tend to lessen our prison expenses more than half, while it adds to the comfort of the prisoner and abates the immense evils growing out of the old system.

| | |
|---|-----------------|
| From January 1, 1850, to December 31 following, (one year,) there have been committed to the county jail, | 663 |
| Average per month, | $55\frac{1}{4}$ |
| From November 14, 1849, to November 13, 1850, there were committed, | 639 |

Being four more in this one year than in the whole term from October 20, 1840, to October 1843.

Concerning the Somerset County gaol, the Committee say "it is almost as bad as it could have been made if the design had been to contrive the worst possible place for the end proposed."

They call for the erection of a new prison with eighteen or twenty cells, and suitable provision for the employment of the prisoners. "The whole community is interested," they say, "in having each prisoner while in prison brought under such influences, that when he is released, he may return to society a better citizen than when he was incarcerated; and no jail is what it ought to be, unless provision is made to secure such a result. In the present condition of our jail, this is not only impossible, but there are strong influences at work, which render it almost certain that every one confined in it will be returned to society a far worse man than he was when he entered those walls. His life in prison is a kind of education for crime. Every vice found to exist in the whole number confined with him becomes a common stock by daily communication."

A very deplorable story is told of the Mercer County gaol. "We believe," (says the Committee,) "the prisoners are as well treated as they can be with the present accommodations; yet, from the necessity of the case, the prison must serve as a school of vice. The prisoners have no employment; and a due regard to health forbids that they should be continually kept in their separate cells; and therefore during the day they are permitted to assemble in a common hall and passage: and it can readily be conceived what lessons may be taught and learned when novices and proficients in crime are thus brought together, and compelled to associate one with another."

The defects of the jail, in the opinion of the Committee, are the following: 1, imperfect ventilation; 2, an insufficient supply of water; 3, inadequate provision for warming the cells in winter; and 4, the entire want of any provision for keeping the prisoners usefully employed.

Four as inhuman deficiencies as can well exist in such an institution and in a Christian community.

There is appended to the general report a special report on

County gaols, particularly in relation to the practicability of making the labor of the prisoners defray the expenses of their confinement. The example of Connecticut is cited, where all the County gaols but two have within the brief period of from four to ten years, been put upon a new basis of discipline and employment. As the result of the new order of things, we have the following statements.

NEW HAVEN COUNTY.

From March 31, 1850, to March 31, 1851, average number of prisoners, 32.

| | |
|--|-----------|
| Amount of salaries, board, clothing, bedding, fuel, and medical attendance, | \$3104.70 |
| Earnings of prisoners at shoe fitting, carpenter work, basket and chair making, | 1062.34 |
| Leaving a balance to be provided for, | 2042.36 |

Under the former arrangement, *two dollars* a week was the sum always paid for board, and one of the gentlemen most familiar with the whole subject says, that for board, domestic labor, fuel, clothing, &c., the average cost of each prisoner was not less than \$2.87½ per week.

| | |
|---|-----------|
| At this rate of charge the cost of 32 prisoners to the county of New Haven would amount to | \$4784.00 |
|---|-----------|

| | |
|--|-----------|
| Showing a difference in favor of the improved sys- tem of | \$2741.64 |
|--|-----------|

HARTFORD COUNTY.

The present keeper of the Hartford jail entered on his duties on the 1st of June, 1850. His official report reaches only to March 31, 1851, embracing a period of ten months. In this time were expended :

| | | | |
|-----------------------|----------|----------------------|--------|
| For provisions, | \$723.30 | Stock and tools, | 111.28 |
| Fuel, | 171.34 | Incidental expenses, | 94.93 |
| Repairs and fixtures, | 97.13 | Medical " | 52.86 |
| Bedding and clothing, | 68.11 | Salary and wages, | 703.17 |

| | |
|---|-----------|
| Received from labor of prisoners, &c., | \$2022.12 |
| Leaving expenses to the county for 10 months, | \$936.26 |
| | 1085.86 |

| | |
|--|--------------------------------|
| The average number of prisoners during this period was about 25. Under the former system, at \$2.87½ per week, 25 prisoners for the same time (say 41 weeks) would amount to Actual expense, | \$2946.87½ 1085.86 <hr/> |
| Difference in favor of the improved plan, | \$1861.01½ |

NEW LONDON COUNTY.

| | |
|---|------------------|
| The gross earnings and income of the County Prison at Norwich for the year ending the 31st March, 1851, have been | \$2497.44 |
| The expenditures for the same period have been | 2930.12 <hr/> |
| Excess of expenditures over receipts, | \$432.68 |

The only work done in the prison during the year has been that of closing boots and shoes, and the amount received for that work is \$1317.75.

Thus showing the amount of all expenses after deducting products of labor, \$1612.37.

The number of prisoners committed for the year was 158, number at the close of the year 35. Supposing this to be the average number, and at \$2.87½ a week, the amount would be \$5298.28. Difference in favor of the new plan \$3686.91.

LITCHFIELD COUNTY.

The report for the year ending April 1, 1851, sets forth the whole number received to have been 47.

The Commissioners "do not themselves direct the mechanical labor, but farm out the labor" to the sheriff, who is the jailor, for \$300.

During the year, the prisoners made 1500 baskets and 10,000 shingles.

ESSEX COUNTY, NEW JERSEY.

The plan on which these Connecticut jails have been conducted has been introduced into the Newark jail, in the county of Essex, N. J.

The improved system went into operation on the 12th of February last, and the results are but partially developed. The amount received for labor at present nearly or quite equals

the amount of salaries paid. The amount found necessary for the well feeding each prisoner is 81 cents per week. Under the former arrangement, the jailor received \$1.75 per week for board, hence there is a saving to the county of 94 cents a week on each prisoner ; and if the average number be 50, the number in the prison when visited by the Committee, there will be a gain per annum of \$2444.

The opinion of the Committee, based on the facts herewith presented, is that with an average number of eight or ten nothing can be lost, but something gained. The services of one man to direct the work and conduct of the prisoners can be procured for about \$400, and this is the only extra outlay needed after the proper construction of the jail has been provided for. Supposing that 10 men can earn 20 cents a day each, this would amount to \$626 per annum ; or six men, at the same rate, would earn \$375. And if it should be said of some counties that there are not even this small number in their prisons, it is answered that there are more then that *ought to be there* ; more whom the law, if properly executed, would place there ; more who are intemperate and vagrants, and who would be restrained from their depredations on society, if it were once ascertained that they could be placed under discipline and where at the same time they could be made to earn their bread.

The Committee hope soon to see all the jails of the State, which have too generally been the miserable receptacles of contamination and filth, converted into well-disciplined houses of industry and reformation. In this hope we cordially sympathise, though we have great doubts of the possibility of effecting such desirable results until the principle of separating the convicts one from the other is adopted, as well in the county gaols as in the State Penitentiary.

ART. III.—THE NORTH BRITISH REVIEW ON CONVICT-SEPARATION.

It is rather for the purpose of preserving in a permanent form, than from any novelty in the views or arguments of the writer, that we transfer to our pages, a few paragraphs from No. XIX. of the *North British Review*, in relation to the prevailing methods of prison discipline. The author is evidently

familiar with the positions of the question, and though we should not adopt all his views, nor go the whole length of his conclusions, we think he shows a degree of candor and manliness in the discussion, which is sometimes sadly wanting in treatises upon this subject. A clearer and more logical statement of the peculiarities and advantages of the separate system we have not seen.

One of the earliest and most obvious movements in the improvement of the condition of convicts was their classification. To give it effect, many new prisons were erected, which have since required expensive alterations. The object was to put into various divisions of the prison criminals in the same stage of crime, in order that thereby the more hardened might not influence the penitent. It was a total blunder. It was found impossible to effect any proper classification. For how is it possible to gauge the exact amount of individual corruption, or to require from turnkeys that psychological knowledge which can fathom the consciences of men? It is a dream to expect so nicely to appreciate moral guilt as to assign to each prisoner his place in a graduated scale. It was fallacious, too, upon another ground; for an old offender, who might have escaped for many a year, was perhaps caught for a petty larceny. If judged according to this last crime, and so classified, it is obvious that a great mistake would be committed. The system, besides, partook of the evil of association, the effects of which cannot be exaggerated. To put down this, every motive of humanity, as regarded the good of society, induced inquiring men to resort to some other system which should save prisoners from the fearful contamination resulting from unrestricted intercourse. It was found that every association of criminals perverted, and never reformed; and that, although classification might be useful, it was only in an inverse proportion to the numbers of which each class was composed, and was only perfect when it came to the point at which it lost its name and nature, in complete separation.

What was then fallen upon is what has since gone by the name of the silent system. The prisoners during the day, are all in each other's presence. They are compelled to work, and under the pain of immediate flagellation, they are forced to be absolutely silent. It is a modification of this system which does not give the prisoners useful labor, but puts them upon the tread-wheel under the same rigorous silence.

The discipline here is of a physical nature. It is enforced by the terrors of the lash. It degrades and humiliates, stimulating vindictive feelings, by hardening the heart against so ap-

parently arbitrary a restriction. But rigidly as the discipline was enforced, it altogether failed.

The silent industry of a crowded workshop in prison, is imposing; but it is a mistake to hold that you thereby prevent the evils of unrestricted communication. It was what an eminent Scottish Judge declares to be a kind of "Sisyphean torment, to keep men for months and years in company, and yet prevent all communication, by the lash."

But the great objection to it is, that along with the undoubted evils of bad communication, it completes effectually the ruin of every prisoner, by exposing his presence to his companions. If they cannot speak to him, they at least see and will remember him again. Thus entangled into thieves' society, he finds himself in a net, from which no virtuous resolution can relieve him. Mr. Baron Alderson gives a striking exemplification of the inutility of compulsory silence. He states that he knew an instance in which a regular plan for a robbery, afterwards accomplished, "was laid, in one of what is called our best regulated jails, and on the tread-mill! The instrument there was a boy, and the principals were adult thieves." Thus the system failed, if prevention of crime, along with the punishment of the offender, constituted any part of the theory of punishment. Old associations were kept up in active and daily exercise; and new associations were formed which were never, through the whole of a guilty life, allowed to drop. The obedience, too, which was extorted by the lash, not being the act of a free moral agent, was no virtue at all. It was in itself rather a weakness, preparing for evil influence much more than for sound direction.

In a separate cell a prisoner is in many respects free. He has himself to himself. But in the workroom he is a slave—the slave of his companions. If in their presence he give way to any outward sign of penitence, he is jeered and laughed at. The neutrality of the weak and the resistance of the brave are alike swept away. In the cell he could have relief to a mind not hardened, in his Bible, his prayer-book, and his tears. But with his bad companions he loses all the good he ever had; and enriches himself at the expense of society, with a knowledge from which it will ultimately suffer. This is in truth only a modification of that old system of unrestricted intercourse which characterized our prisons in former days, when the prison was the vestibule of a life transportation, or of the scaffold. No deterring effect can ever flow from a system in which the only punishment is that of silence imperfectly enforced. The criminal is not thrown back upon his own reflections in the stern solitude of compulsory separation. He has none of that feeling of desolation which want of companions and the grave-like stillness of a solitary cell necessarily create. To make punishment dreadful, we have only to resort to an isolation which nature loathes—to leave the objects of it

" suivis,
Que de leur malheureuse ombre."

The faces of as few human beings as is necessary to preserve from madness, should alone be seen between the time when the gloomy portals close upon the condemned, until the hour when it is declared the expiation is accomplished.

The system which has received in modern days the almost universal approbation of the most philanthropic men of all countries, is that known as the *separate*. The silent system of the workhouse, the tread-wheel, and all the other optimist speculations which have each had their day and disappeared, have given place to a system to which our humanity is reconciled, at the same time that it effects the object of punishment. As to its operation much ignorance exists. Part of this is owing to those tales of horror which, a number of years ago, were sent over Europe, relative to the system of separation and of silence adopted in the cells of Virginia and New York. There, human beings were immured in dungeons dark and damp. No intercourse with mankind was allowed from the commencement of the punishment to its close. None of the physical comforts necessary for the support of life were given the unhappy condemned. The ventilation was bad, in pits, entered from the top by a ladder, the orifice of which was secured by a trap. The consequences of such treatment might easily be anticipated. Human nature could not endure the infliction of such horrors. An uninterrupted solitude in dark pits produced its natural fruits in death and madness. The system was abandoned.

After exposing and lamenting the real or feigned ignorance* of those who cite this monstrous experiment as a test of the great principle of convict-separation, the reviewer proceeds to show what is the true idea of that system.

Separate confinement is effected by placing the criminal in a cell tenanted only by himself, in which he never sees a fellow-prisoner, but where he is often visited by the officers of the prison. The teacher inculcates a knowledge of the first branches of education. The chaplain directs himself to his moral and religious training; and, along with these, he receives from others instruction in some useful employment.

The first effect of a thief's sudden disappearance from active

* Wherever we find the words *solitary* and *solitude* used, at the present day, in reference to prison discipline, instead of the words *separate* and *separation*, we always regard it as evidence that the party using them is very imperfectly acquainted with the subject, or (what we very reluctantly conclude) is willing to mislead public opinion.

labor is to astonish himself with the unusual circumstance of solitude. Taken abruptly from his companions out of a turbulent and exciting life, he is plunged at once into the deepest silence. His mind receives a shock which startles it. If he has got the slightest power of resuscitation, he has an opportunity for reflection, undeterred by false shame, by the fear of his companions' scorn, or by the constant recollection in their society of the pleasures of the life that reformation would for ever lose to him. The more grievous may have been his outrages upon society, the more painful will be the blow. If remorse does not accumulate upon his conscience, it does upon his memory. There is here a refuge to astonished and affrighted virtue. To those who are desirous of another chance, no system is more calculated to give protection against the ruffianly society, and the still more ruffianly conduct of associates. Its more terrible effects are at the first; the prisoner proceeding in a regular circle of feeling, from dismal to sorrowful, from sorrowful to sad, from sad to serious, from serious to serenity:—

“Through the first week it was lonely,” says a penitential felon; “but when I took to reading, I did not so much mind being by myself. I am quite sure it is a good deal better for me; I do learn something good now; but when we were all together in jail, I learned more wickedness in those three months than in all my life besides.”

The great mass think this discipline the severest of all. “Their own thoughts,” says Mr. Tray,* “distress and pain them beyond measure. When alone, they require excitement; and when they are so placed apart and must necessarily reflect on and review their position, they feel it intensely.”

A punishment so dreadful comes recommended by the strongest of all arguments—success. The dread of it implies the necessity for its exercise, and establishes the wisdom of enforcing it. And in the total failure of one of the greatest of modern experiments—the Perth Penitentiary—will be seen the ruinous consequences of diluting the wholesome severity of a system which trusts to conscience as the main instrument of punishment and reformation.

It speaks with a solemn effect, especially to the young; and if any scheme for the regeneration of fallen humanity can be successful, it must be one which takes care to prevent its good effects from being frittered away by the distractions of social activity, or the laborious bustle of useless (or useful) occupation. Shut out from the numberless things in life which distract attention and divert the thoughts, the prisoner is left to revolve in the quiet monotony of his prison-life the same ideas which in honest days (if he ever knew them) sometimes followed him, and thus

* Governor of House of Correction, Tothillfields, Evidence, House of Lords.

permanence and effect are given to what had never been more than occasional meditations.

The assertion that the Separate System is inconsistent with health, has been often made, and as often disproved. Sir Benjamin Brodie declared, in his evidence before the House of Lords, that it was "as little unfavorable as any imprisonment, and less unfavorable than most." He denies that it has the slightest tendency to promote insanity. If further evidence were needed, we would point to those elaborate statistical tables, in criminal returns, which give one so lively an idea of human patience. The chaplain of the Pentonville Prison, in his Report to the Commissioners, has a distinct section upon the question as to the effect of separate confinement on the mind. He states that out of 1000 prisoners under consideration, the greater part were to his knowledge considerably improved. Four hundred and two were totally unable to read with any understanding on their admission; and there were only forty-eight who left in that condition. One hundred and two were in the higher rules of arithmetic on entrance; but there were 713 on leaving; and the conclusion from these and similar data is, that the system has not any injurious effects upon the mind.

In his recent report, one of the Inspectors of Prisons, states—

"That the places of confinement in the southern and western districts are 80 in number, of which seven are conducted on the separate system. In the year from 29th September, 1844, to 26th September, 1845, the daily average of prisoners in the whole 80 places was 4361. In the seven on the separate system it was 644;—37 prisoners were affected with insanity, in nine of whom the symptoms first showed themselves during the period of their imprisonment; but of these nine not one occurred in the seven prisons on the separate-system."

Reference is made to a Report by Captain Kincaid, one of the Scotch Inspectors of Prisons, wherein he recommends a return to the plan of association in respect to prisoners of very tender years, and sentenced to long periods of confinement, such as constitute a large proportion of the juvenile prisoners sent to the General Prison. A strong apprehension being felt, that however beneficial the operation of the system might be, in the case of adult prisoners of both sexes, its strict enforcement could scarcely fail to have an injurious tendency in relation to a considerable number of the very young prisoners, particularly males.

The Lord Justice Clerk declares that he signs the Report "under a dissent from the opinion, that the separate-system is not beneficially applicable in its rigor to juvenile offenders, for whom I am of opinion that it is in an especial manner most appropriate and serviceable, being convinced that imprisonment, accompanied with any kind of companionship, whether in *work, or instruction, or exercise,* will have no deterring effect on that

class, and be attended with all the bad results of contamination and evil influence.

Mr. Clay, the chaplain of Preston jail, thus states his experience in England:—

“I cannot fully impress upon the Committee the value of a system of separate confinement till I show it in opposition to the ill effect of the former mode. I take, for instance, the committal of boys about and under the age of 17—in the year 1840, I think it was. I traced those boys for two years and a half, and I found, that of those who had come in for the first time in that year, before that year and another year and a half had elapsed, they came in at the rate of 56 per cent. Now, as I have told the Committee, during the two years and half we have been under the improved system, *we have had altogether only three boys relapsed out of about 110.*”

It may be, that in carrying out the great scheme, some of the unhappy objects of the discipline may sink beneath it. These are the accidents to which we must look, in all general systems intended to regulate the masses of mankind. Perhaps some such instance has occurred; and the authorities, proceeding from a particular instance to general principles, have pushed their conclusions to principles more general. Tested by such a rule, all systems, principles, and institutions would fail. We should in vain legislate, if our legislation must be adapted to the particular character of every unit.

ART. IV.—SCOTCH PRISONS.

In a country like ours, consisting of thirty-one independent sovereignties, each having exclusive control of its penal laws and institutions, it is not surprising that great diversity should exist in the administration of the respective governments. The scale of crime and punishment in adjoining States may be widely different. And in most of the States a great diversity in the treatment of criminals is seen even in adjoining counties. But why there should not be uniformity in countries under monarchical rule, not only in the laws and their administration, but also in the application of its sanctions, (including the construction and management of gaols and penitentiaries,) is not so readily understood.

When the Twelfth Report of the Inspectors of the Prisons of Scotland was published, some two or three years since, public attention was called to the statements it contained, many of which were thought to be irreconcilable with each other. For example, the report stated that the prisons of the country were "considered to be in a very satisfactory state," while at the same time the pages which immediately follow, prove that they are exactly the reverse. The Prison at Ayr, for example, "was dangerously overcrowded; three, four, or five persons in every cell, the dimensions of which are not usually considered fit for a single prisoner." It had, moreover, no chaplain, and 140 prisoners. The Prison of Dundee was in a similar condition in regard to accommodation. That of Falkirk "is a damp dilapidated place, incapable of improvement, and totally unfit to be used as a Prison; and yet its two miserable cells are sometimes required to accommodate seven males and three females." The keeper of the Irvine Prison states, that "he has only one pair of blankets, though the number of prisoners sometimes amounts to seven at a time; and that the bed-ticks have not been washed, nor the straw within them changed, for the last five years." In the Forfar Prison, sometimes nine prisoners "are obliged to occupy an apartment ten feet three and a half inches long, by five feet ten and a half inches in breadth, with the door opening inwards, and in which there is only room for two beds." And in the Prison even of Edinburgh, "there were only 127 out of 555 prisoners in confinement, to whom the separate-system could not be applied, for want of room."

These items are not without use, as suggesting the points in which abuses are likely to occur; but our main object in citing them, is as a contrast to a picture of another Scotch prison, drawn by no inimical hand, but intended to exhibit another form of abuse, not less calculated to defeat the proper ends of penitentiary discipline.

The prison at Perth is one of the most expensive model prisons in the world. Though supported by large funds, and under the direction of men distinguished for their rank, their humanity, and their knowledge, it has failed to accomplish one single object of its institution; and the appalling fact has been

admitted by one of its Directors, that no less than **SIXTY-SEVEN PER CENT.** of the prisoners who endure its discipline are recommitted. The reason may be traced to a system at variance with the character of punishment, and which has been treated by Lord Denman thus, in speaking of juvenile offenders :

"I greatly dread the effect of giving them benefits and privileges which they never could have hoped for, but from the commission of crimes. I own myself extremely jealous of the gratuitous instruction of the young felon in a trade, merely because he is a felon, and of the displacement of the honest from employment, by his success in thus obtaining it. Perhaps this is the most important branch of criminal law ; for the age inquired of is that at which the habits are formed, and the path of life is chosen. I hold the only legitimate end of punishment to be, to deter from crime ; but I think I perceive in some of the theories of benevolent men such a mode of administering the criminal law as to encourage instead of deterring."—*Appendix to First Report, Lords*, p. 3.

Whether or not this was intended to apply to the prison at Perth, it certainly hits off that great renovating shop for the enfeebled constitutions of exhausted criminals. The system there is a literal reduction to practice of the precept, that when a man strikes you upon the one cheek, you are to turn him the other also. The comforts of existence are liberally supplied by an injured community, to the ruffians who have wronged them. We take them from the streets—corrupted and corrupting—place them in the bath—cleanse them from outward pollution—clothe them in warm and comfortable garments—and locate them in an apartment, the possession of which they never anticipated even in their dreams. It is well-lighted, ventilated, and warmed. They have employment given them to occupy attention and pass the time. They are addressed in the language of kindness ; educated men interest themselves in their welfare. From a state of humiliation they are raised to a position of self-esteem. They have the privilege of converse with books. Food of a healthy kind—sufficient exercise—instruction in many useful branches of education, and in a trade. This is solitary imprisonment at Perth ! A cheerful gaiety is diffused over the severe brow of penal discipline. The suffering of the past is forgotten in the hilarious glow of present enjoyment. All goes merry as a marriage-bell ! What have the best of us different from this, except the freedom—useless without leisure—to take a longer stroll than a comfortable airing-yard permits ? What depressing contrasts these things create ! Compare them with the living in the noisome garret, or still more noisome cellar of the honest poor, who have never qualified themselves by a life of crime for the service of skilful teachers during life, and who have not as good a funeral when life shall be no more !

In reading the various reports of the inspectors, one loses patience at the extreme minuteness with which these gentlemen describe their anxiety to have everything clean and tidy. If a miserable spider has been left unmolested in a corner of a cell, or a bluebottle is found buzzing about the ears of a prisoner, these circumstances will be duly chronicled. The prisoners would be the most ungrateful of mankind if they did not consider themselves contented; accordingly, the chaplains and the inspectors of the prisons duly record as a great fact, that John Thomson, or Michael O'Grady, or Betty Mulligan, "expressed themselves happy and satisfied;" as if it was for their satisfaction they are kept in such comfortable quarters!

Our readers may perhaps look upon this picture as quite overdrawn, but if it supplies a motive to caution in the indulgence of a morbid philanthropy in the treatment of public offenders, our purpose will be served. That there is danger of our falling into that extreme, might be easily shown, and the results are well expressed by a foreign reviewer of the Scotch reports.

The object of punishment appears to be forgotten. We have proceeded from the cruelty of former days to all the liberalities of a well-meant, but foolish generosity. Experience has only illuminated the track we have passed; and nothing can more illustrate the failure which has overtaken our experiments both in England and here, than the aimlessness and contradictory character of measures for the future. There is no unity of purpose, no confidence in any one principle—no perseverance in a plan. Every year brings its vernal promise, and its autumnal disappointment. All is a chaos of inconsistencies—a medley of contradictions—a series of experiments, in which none is pursued far enough to give much prospect of success, although for the time, the prisoners are kept laboring away with much energy on the edifice of their own social and moral regeneration, and compelled to take it all down again when they have got it half erected. There is no simple and consistent code of regulations. This, with the eminent authorities that direct our institutions, must arise from that philosophical doubt consequent on enlargement of understanding; though the disgrace which has overtaken in Scotland the Separate System of Prison discipline is attributable greatly to allowing the judgment to be dragged headlong by generous and amiable sensibilities which have no jurisdiction here.*

* North British Review, November, 1848.

If we are not greatly mistaken, there are some among us, who are disposed to advocate such relaxations of discipline under the separate system, as would not only involve it in discredit, but ensure its speedy abrogation. A pigmy may sap what a giant cannot overturn.

ART. V.—OUR CRIMINAL LAW.

With the general progress of society and especially with the advance of the institution of science and humanity, it would be strange indeed if no light had been shed upon the path of the legislator, judge, and gaoler, in respect to crimes and penalties. It is scarcely to be supposed that thirty years have brought such meliorating influences to those involuntary sufferers, the blind, the deaf, the mute, the idiot, and the insane, and that nothing can be suggested which justice and humanity will unite to approve for alleviating the miseries of wilful offenders, not to impair the efficiency of the discipline, but on the contrary to secure its wholesome severity.

There is no State in the Union more interested in this topic than Pennsylvania. The same enlightened and humane feeling which prompted her to establish by law a uniform system of Prison Discipline, and one before untried in the United States, will induce her to make it as perfect as practicable. It was to be expected that, in the progress of the experiment, many defects would be discovered in the structure of prisons, and in their disciplinary regulations and internal economy; that changes would be suggested in the gradation of crimes and the apportionment of penalties—that judges would find it necessary to discriminate more carefully, and regard themselves as the depositories of a discretionary power which to neglect, is to abuse—that the influence of the new system on mind and body would be closely watched, and its features modified to meet any apparent exigency, and last, though not least, that the penal code would be revised in due time, and its provisions adapted to the existing state of things.

It is to this point that the attention of the Legislature is specially requested. With due regard to the independence of the different departments of the government, and without any reflection upon our courts of justice or prison-officers, it is respectfully suggested, that it is within the special province of the Legislature to inquire into the operations of the laws, adjust their inequalities, supply deficiencies, and adapt their general bearing to the results of experience and the actual condition of society.

The following points may be specified as deserving Legislative investigation.

I. Whether the principle of convict-separation which distinguishes the Pennsylvania system, does not enable us to accomplish the object of punishment, (if accomplished at all,) in a much shorter period than where association is permitted ?

It must be for the interest of the State to make the process of punishment as rapid as possible. Convicts are very unprofitable laborers, and to keep them a day beyond the needful term of duress is neither just nor economical. If they can be restored to society as sharers of the common burden, the sooner it is done the better. It is believed that many convicts are sentenced to three, five, or seven years, the end of whose incarceration would be far better answered by a much briefer confinement.

It has been contended by some of the advocates of the separate principle, that the loss on the labor of convicts, in consequence of being restricted to trades which can be pursued single-handed and in a small apartment, would be fully made up in the great abridgment which is allowable of the term of their confinement, without lessening at all the efficiency or success of the discipline, but rather enlarging both. In the present state of our criminal code, however, no such abridgment is likely to be realized.

II. Whether a judicious modification of the penal code would not obviate in a great measure the necessity for frequent pardons, by which the whole force of the law is relaxed and the wholesome effect of the discipline counteracted ?

How far the unduly protracted severity of our system, or indeed any system of imprisonment, on individual cases of peculiar phy-

sical condition or mental temperament may have been urged as a reason for the interposition of the pardoning power, we have no means of knowing, but it is quite clear that such a reason, if it is well founded, would be urged with great force; and if, through neglect or other causes, the sufferer is denied such alleviations as are requisite in all prisons and are perfectly consistent with convict-separation, nothing but the exercise of executive clemency can prevent the occurrence of a grave and perhaps irreparable abuse of power. It is submitted to the Legislature that a judicious revision of the criminal code and a review of the results of its administration might disclose the true source of evils of this class and suggest an appropriate remedy.

III. Whether our penal laws might not be so modified as to allow of conditional sentences—thus rendering the good conduct of the prisoner available to shorten the term of his duress?

The right of the State to deprive a citizen of liberty and subject him to penal suffering, is not to be denied, but should never be stretched beyond clear necessity. If an offender is in bondage to the law seven years, when two would as well or better have answered the ends of justice, it is clearly a case of oppression, from which the community and the offender both suffer. And the question whether two, three, five, or seven years confinement is most likely to answer these ends, is not fully to be determined at the time sentence is past. It must depend not a little upon the development of results—and hence the period fixed by the sentence, should be the very shortest that the law allows unless there are some specific reasons for supposing that an extension of the time, in a grave case, is required.

If the period of confinement is unduly abridged, or the severity of it relaxed, so that the ends of the sentence are not answered, it will put society to the risk of further depredations and to the trouble and expense of a re-conviction, which are certainly to be avoided if practicable. There is, however, some redress in such a case. But where the period of confinement is unduly lengthened the convict is unjustly treated, and the end of his sentence is defeated—he has no redress—is probably exasperated by a sense of injury and feels justified in taking the shortest methods of revenge. There is no question that an error on the side of lenity, in the determination of sentences, is far less prolific of

evil and far more capable of correction than an error on the side of severity.

Should it be practicable to introduce into our criminal code some conditional provisions by which the prisoner should have in his own hands, the power to abridge or prolong the period of his confinement, such as is commented on in our Journal for April, 1851, we might reap advantages from it, which would abundantly compensate for all the risks we should incur. At all events let the suggestion be weighed, for it is dictated by no private or momentary interest.

ART. VI.—ASYLUM FOR IDIOTS.

Our readers are not ignorant of the gratifying success which has attended recent efforts to mitigate the calamity of idiocy. In Europe, institutions for this purpose have been established many years. In the United States, they are more recent but not less successful. One has recently been opened between Albany and Troy, which is under Legislative patronage and supervision.

We have been particularly impressed by the report of an institution of this kind in England, in which the condition of the unhappy creatures before treatment, is strikingly contrasted with that to which they are raised. From this report we also learn something of the number of this class of sufferers, and the liberal things which are devised for their relief. The report to which we refer is for 1851.

The institution, of which it gives so interesting an account, has been practically at work for two years, though it dates its commencement a year earlier, that period having been consumed in preparatory labors. The report speaks of the institution under the endearing name of A FAMILY, consisting of one hundred and ninety-five individuals—a family, whose members are made up of the saddest elements of physical existence—partakers of that one blood whereof God made the family of man—of it, yet hardly *in* it. These sons and daughters of sorrow labor not only under severe degrees of mental infirmity and privation, but under the superadded affliction, for the most part, of an

infirm, or diseased constitution; the "majority of them are feeble, several imperfectly formed, some are partially paralyzed, and many epileptic, *all* to a certain extent limited in the use of their bodily powers, with senses sluggish, imperfect speech, enfeebled use of their hands, and unsteady or ricketty walk." Such are the materials, to the passing eye unpromising and dismal indeed, out of which the managers of this asylum hope to raise a home circle of not useless, not burdensome, not unintelligent, and of absolutely happy beings. There are those who are conversant with the sentimentalities of misery, who can descant upon it, and dwell amidst the poetry of it, who are

"In love with wretchedness,
But shun the wretched."

Everybody who knows his own natural character, sees and deplores the root of this spurious pathos there, and he is therefore in a condition to estimate something of the toil, something of the self-denial, something of the shrinking, something of the labor of love, that are exercised when the heart and hand of benevolence come in actual contact with such poor outcasts. He can understand how many gleams of hope are extinguished by the caprice or sullenness, or absolute vacancy, which from time to time cast a black shadow of almost despair upon every effort; he knows what a demand upon the resources of the temper and the spirits is made by the tardy steps of even the most hopeful. To such the report especially addresses itself, and by such it will be read with sentiments of gratitude and admiration:—

1. First of all, to conceive of any change that has been effected, it is needful to know what was the state of the family originally. Amongst those placed under the care of the board from the commencement there have been:—

Twenty-five unable to walk.

One hundred and fourteen unable to feed or dress themselves or take care of their persons.

Twenty epileptic.

Twelve paralyzed.

Sixty-eight dumb; and

Twenty-five under nine years of age.

All the family, of course, were the subjects of physical infirmity and mental imbecility. The rule with the board has been from the first, *to deem no case ineligible, however bad in itself, and however burdensome to themselves, where there was the reasonable prospect of amendment.* So helpless and so unpromising a family, perhaps was never before brought together.

Physical training has of course had the first place; which, as

advance is made, is succeeded by that which is mental and moral. First, bathing, shampooing, and gymnastic exercises; then reading, writing, natural and Scripture history, singing, and drawing, and music; also gardening, carpentering, &c. The result has been, as far as the limited time allowed for the experiment, absolutely good. Six have been taught to walk, and fourteen much improved who had a crippled use of their limbs. Twenty-seven who were dumb, or made strange and unmeaning noises, are getting the use of articulate sounds and are beginning to speak. Forty-eight have been taught to feed and dress themselves, and to observe cleanly habits. Twenty-three have been taught to read; twenty-seven to write; eleven to cipher; sixteen to draw. Some are taught music; nearly all singing; nearly all are in the drilling or gymnastic classes. Ninety can attend with propriety on domestic, and about fifty can attend on public worship, and have pleasure in so doing. There is order, there is the formation of good habits out of the revolting *material* of screaming, barking, moping, dirt, and destructiveness. *In attaining this, several cases were placed under separate care, night and day, from hour to hour.* There is health: a family so infirm and frail may be well supposed to need the tenderest nursing that a warm heart can bestow upon it, and for lack of which, doubtless, hundreds and thousands have fallen away to hopeless dementation, and an early grave. For the first eighteen months during which the asylum was open, much painful service, as may be supposed, fell upon the infirmary. But subsequently the change has been so striking that there is not a single case of sickness in the whole establishment. There is happiness; elements of buoyant happiness exist in the poor idiot. The report says:—

The poor idiot, if wisely and kindly treated, is mostly disposed to be happy. Providence tempers the wind to the shorn lamb. Every advance we make in the care and education of this class, has a sensible effect on their contentment and satisfaction. Care sits lightly on them; they are very open to kindness, and glad to return it; and even under privation they are often saved from distressing consciousness. Apart from the cases of positive physical disease and suffering, there is not a family, far or near, more contented, more cheerful, more happy! And this is so evident, and at the same time so surprising to visitors, that they commonly retire, asking themselves, CAN THIS BE AN IDIOT FAMILY?

What they want is a BUILDING adequate to the great emergency,—a NATIONAL asylum. Private dwellings are found inconvenient, incapable of being converted into the required accommodation. What is indispensable to success, is separation and

classification. An eligible site, half an hour's distance from London, has been secured; and a building fund has been opened, headed by the notice of a donation, by will, from Sir Charles Forbes, of 500*l.* It is proposed to raise a model institution, worthy of the object, and to provide, at first, for not less than three hundred beds. 10,000*l.* are required before it can be commenced. The autumnal election of beneficiaries of the charity was to take place on the 30th of October last, for the purpose of choosing *fifteen* candidates. The number of applicants—their circumstances making up a history of human wretchedness of which it would be only needful to list up a corner of the drapery that hides the woe of London from the wealth of London, to melt 10,000 hearts—amounts to ONE HUNDRED AND SIXTY-FOUR! a large proportion between the ages of thirteen and eighteen.

ART. VII.—ANNUAL REPORT OF THE BOSTON SOCIETY FOR THE PREVENTION OF PAUPERISM.

In 1835 a society was organized in Boston “for the purpose of inquiring into and removing the causes of pauperism and the discouragement of street-beggary, by obtaining and communicating information about applicants for charity and aiding them to obtain employment.” A friend has kindly sent us a report of last year’s proceedings, made in October last, which contains several items of sufficient general interest to entitle them to a place in our Journal.

The grand results for the year, evince the necessity and appropriateness of the Society’s efforts, and are withal very creditable to the efficiency of its executive officers. The whole number furnished with employment, during the year, was 3,137; viz.: 203 girls, who were fifteen years of age or under; 184 boys, minors; and 2,750 men and women. Places in the city, 1,377; in the country, 1,760. There have been 1,503 cases in charge of the reference office, during the past year, for employment, investigation, information, or charity, by each of whom was received a note, letter or reference-ticket; or they were brought by persons interested in them; all of which have received the proper attention due to them. Among these 1,503 cases were a large number of much interest. Some who have applied for charity have been furnished with employment, by

which they have been enabled to take care of themselves. Runaway boys have been restored to their friends, or placed in good keeping. Some very destitute persons have been sent to their friends in other parts of the State or country, partly by the kindness of railroad superintendents, and partly through the assistance of gentlemen who have been interested in such cases. One man was loaned a hand-cart, and is doing well; another was furnished with a wooden leg, who is not doing so well, but still continues at times his practice of begging. Numbers of unprotected females, strangers in the city, have reason to be thankful they were directed or sent here.

On the subject of street begging the ground taken in the report may be learned from the following passage.

In the book kept for the purpose of minuting some of the cases that pass through our hands, will be found recorded a number of cases of imposition detected or reported: those that have felt interested by the plausible stories told by these impostors have not only saved their money by referring them to our office, but have gained a beneficial experience of this class, which is much more numerous than is generally supposed. There is no safety in giving to street-beggars, or those that apply at the door. If one is interested in their statements, and convenience does not admit of making a thorough personal investigation before relieving, and it is not known where to send them to the proper source of relief, it would be better for him to send them away empty, or to give food, but never money. In nine cases out of ten, if relief is afforded without first obtaining a knowledge of the applicant, the donor will be deceived and imposed upon. The "travelling business" is on the increase, and is now the most in vogue; persons stating they wish to go here and there to their friends, and only need so much more to pay their passage. There is honest poverty; there is much suffering in our city; and even some of these cases are honest, and worthy of attention and relief. But a majority of them are a mere pretence, a swindling operation; or the applicants are amply able to pay their own fare to wherever their inclination or business calls them. Experience in this business has fully demonstrated these facts. Soliciting aid to bury a child, or some member of a family, is another form of imposition much practised. The public cannot be too cautious in bestowing aid upon such applicants; we have records of the grossest impositions of this kind. We would not wish to close the heart or the hand of any desirous of relieving the deserving poor, but would kindly proffer our advice and

assistance, if necessary, in promoting such a good work. In view, however, of the want of all system in relieving the destitute,—in these days, when the importunate and bold professional beggar reaps a harvest, while virtuous, honest poverty dares hardly to show its head, and goes unnoticed and unrelieved, we would say to all, “ Beware of imposition.”

There are some curious facts on the subject of immigration. The number registered at the Custom House in New York in 1840–41 was 54,741; in Boston, 3,237. In 1845–6, in New York, 91,118; in Boston, 8,550. In 1850, in New York, 212,796; in Boston, 30,075.

The following table shows that while the paupers of the city,—“its own poor,”—have decreased 37 per cent., the imported pauperism has increased about 150 per cent!.

PAUPERISM IN BOSTON, AND ITS COST.

| DATE. | Number of persons relieved or supported as Paupers during the year. | Number of the preceding having a legal settlement in the town or elsewhere in this Commonwealth. | Numbers of State Paupers. | Number of persons relieved in Almshouse during the year. | Number of persons aided and supported out of Almshouse. | Proportion of Paupers made so by intemperance in themselves or others. | Net amount of Expenses of supporting or relieving Paupers; including interest on Almshouse establishment. |
|----------|---|--|---------------------------|--|---|--|---|
| 1840 . . | 3405 | 1297 | 2108 | 1422 | 1983 | 2305 | \$43,454 00 |
| 1845 . . | 3593 | 1128 | 2465 | 1484 | 2109 | 1600 | 45,000 00 |
| 1850 . . | 8799 | 707 | 8092 | 4232 | 5145 | 6600 | 111,905 00 |

The proportion of native and foreign pauperism appears still more strikingly in the Dispensary Report, from which we learn that the whole number of cases attended by the Physicians of the Dispensary during the year was 4,055, of which 64 were Bostonians, 2,277 were Irish, and 949 were the children of Irish parents. There is also a very notable increase of committals to the Gaol and House of Correction, as will appear from the following tables:—

JAIL.

| DATE. | Whole number of prisoners during the year, omitting those transferred to the House of Correction. | Whole number of Males. | Whole number of Females. | Whole number of Adults. | Whole number of Minors. | Committed for Intemperance. | Natives of other Countries. | Total amount of the Expense of the Jail, including board of prisoners, salaries of officers, &c. |
|---------|---|------------------------|--------------------------|-------------------------|-------------------------|-----------------------------|-----------------------------|--|
| 1842 .. | 1872 | 1547 | 325 | 1653 | 219 | 124 | no return. | \$3,667 67 |
| 1845 .. | 2156 | 1682 | 474 | 1832 | 324 | 831 | no return. | |
| 1850 .. | 5006 | 4372 | 634 | 4132 | 874 | 1172 | 3191 | \$10,598 86 |

HOUSE OF CORRECTION.

| DATE. | Whole number of Prisoners during the year. | Whole number of Males. | Whole number of Females. | Whole number of Adults. | Whole number of Minors. | Addicted to Intemperance. | Natives of other Countries. |
|---------|--|------------------------|--------------------------|-------------------------|-------------------------|---------------------------|-----------------------------|
| 1842 .. | 668 | 362 | 306 | 585 | 83 | 400 | 361 |
| 1845 .. | 680 | 460 | 220 | 612 | 68 | 408 | 329 |
| 1850 .. | 1085 | 711 | 374 | 802 | 203 | 814 | 680 |

" After adding to all this," says the report, " the expenses of the various courts by which the prisoners enumerated have been tried, some little idea can be formed of the cost of crime in dollars and cents to the city of Boston. Setting aside the great increase of expense within the past five years, no one can look at the vast increase of crime, especially among minors, during the same period, without the most fearful apprehensions as to the future; and well may we inquire, Where is the end to be? The whole commitments to Jail in the past year have increased over those of the year 1845, about one hundred and

thirty-two per cent.; and to the House of Correction, about sixty per cent. The commitments of minors to the Jail have increased, for the same time, one hundred and seventy per cent.; and to the House of Correction, two hundred per cent.

"Immigration, Pauperism, and Crime come together. The statistics of immigration are enlarged; and, as a consequence of their increase, our pauper and criminal statistics are also increased.

"By the census of 1850, it will be seen, that from 1845, (or in five years) there has been an actual diminution in the American population of the city of Boston of 1,755 persons. In the same time, there has been an increase of 26,177 in their foreign population.

"If figures prove any thing, then these statistics, drawn from official sources, prove that the greater part of our pauperism and crime is not of natural growth here. It is not, with us, owing to a falling-off in business, a pressure of the money-market, or a failure of the crops. No. It is imported, ready made to our hands; and on it is paid a higher rate of duty than on all other importations. But, instead of using their best energies to remedy this state of things, the community are indirectly, if not directly, fostering them. And how? it may be asked. By holding out inducements or encouragement for thousands to remain, who, if they wish to better their condition should leave this city;—by providing men and women with partial work, and allowing them to depend upon charity for the rest of their support, instead of advising, and even if necessary assisting them, to go where their labor would be in demand, and would afford them an independent subsistence, if not something more;—by the lack of all system in the distribution of charity;—by the out-door relief afforded, of which the opinion in this country, England, and France, is that it is calculated to increase pauperism; and whatever tends to increase pauperism increases crime: they are, indeed, indissolubly connected."

We have it in our hearts to treat the subject of pauperism in connection with street-begging, truancy, &c., more at large than our limits allow, for we are persuaded that philanthropy is both sinned against and sinning in all these matters.

There is no mystery in the increase of crime in our country. When we consider how large an infusion of the foreign element every year brings into our population; the extreme increase which is given to traffic in ardent spirit, and the multiplied temptations to use it; the facilities of escaping detection, the examples of stupendous fraud and corruption in high life, which are neither punished nor even prosecuted; the large exercise of executive clemency, and the widely prevailing disposition to regard crime as a misfortune, for which the perpetrator is to be pitied, (if not petted,) rather than as an exhibition of depravity, for which he justly suffers: when these things are considered, we may rather wonder at the degree in which offences are repressed, and that so large a measure of public peace and order is secured.

We had the opportunity lately, by the kindness of an officer of the court, to look over a presentment or report of the Grand Jury of Suffolk County, (Mass.,) which as our readers know is all but the same with the city of Boston. It was made to the Municipal Court of that city, and embraces a period of six months.

During that period, 790 cases were presented for inquiry, and in 677 of them true bills were found. Of the 790 cases, 523 were foreigners, and 167 minors, leaving only 100, or about one-eighth of the number adult natives!

Of the crimes, 220 were larcenies; 86 assaults and batteries; 364 noisy and disorderly houses, and violations of license and sundry other laws of the same class; 29 keeping brothels, and 25 for breaking and entering buildings. In support of these various charges, 2,384 different witnesses were examined by the Grand Jury.

In a very elaborate survey of the moral condition of the community, the jury advert to second-hand clothes-dealers, junk shops, and pawn brokers' offices, as among the most prolific sources of crime, but they do not suggest any specific measure to suppress or regulate them.

The vast preponderance of foreigners in the criminal community is dwelt upon, and perhaps some little natural pride is gratified by the contrast, but after all there is no great satisfaction in this view. Wherever they originate, such people are

now, or soon will be, incorporated into the body politic of the United States. They are quite as likely to pick the pocket, fire the dwelling, or take the life of an American as of a foreigner. They and their children add as much to the pauper burden of the town or State, as if they were native Americans; and though we may hope, that the influence of our free institutions, the ease with which an honest living may be obtained, and the conscious improvement of their social condition, will combine to work a favorable change in their character, yet we must remember, that when sound and corrupt bodies come in contact, the odds are all against the former.

If we would avoid the worst consequences of an influx of ignorant, degraded and vicious foreigners, *we must ensure their immediate dispersion*. Our true policy is to encourage and facilitate, in every possible way, their immediate passage to the agricultural districts of the country, where labour is in demand, and a fair remuneration in food, if not in money, is very sure. By this distribution of its particles, a fusion of the foreign element into the general habits of American society is secured, but it will never occur, if they remain in a mass in the port where they land.

We have noticed loud complaints in some papers, (chiefly those under foreign influence,) that families, (especially from Ireland,) arriving in this country, and without sufficient means to support themselves are separated,—the children being sent to farmers and mechanics in rural districts, and indentured to service. It is undoubtedly true, that many emigrant families, whose habits or necessities make them the objects of public charity, are disposed of by the public authorities as our own pauper families are; and if their children can be placed in the households of respectable farmers in the country, where they can be schooled and trained, as all children in such a country as ours may and must be, they ought to esteem it one of the blessings which they secure by their change of home.

The general impression that America is a free country ; that all the people in America live comfortably, as a matter of course; that it is a common thing to have three meals a day; and that meat and bread are within the reach even of a poor man, if he is willing to work for them, is doubtless expanded

by many persons, who propose to try their fortunes here; so that they come to think of a free country as a lawless one; of a comfortable life as a lazy one, and of meat and wheat as growing right up to one's mouth all ready to be swallowed, as some creatures are said to swallow flies that have collected within their jaws, while they were sunning themselves.

The sooner these fancies are dispelled, the better for them and for us; and hence the very best thing that can be done for a poor emigrant family arriving at Boston, New York, or Philadelphia, and unable to provide for their own wants, is, to secure them cheap, but comfortable and immediate transportation from the place of landing to some section of the country where their muscular energies can be at once fully tasked, and their industry fairly recompensed. It is, we are aware, a voluntary thing with such a family, whether they will go or not, just as it is a voluntary thing whether they will work or starve; but it is the duty of the public authorities to insist upon the Bible maxim: "If any man," (who is able,) "will not work, neither shall he eat;" and places are, or should be provided in every city, where large numbers of emigrants arrive, at which every able bodied man and woman who seeks or needs public charity, may be comfortably fed, clothed and lodged in return for daily labour, and with the privilege of receiving in money, whatever they may earn beyond their support. Our legislatures have conferred all needful authority upon the municipal government of every such place, to check the accumulation of poverty and crime from this source; and if it is suffered to lie inoperative they deserve to suffer,—and surely will, sooner or later, suffer—the terrible consequences of their neglect.

Our doctrine then is, treat all poor emigrants kindly, and let them enjoy the social, civil and religious privileges which our country affords. But when they throw themselves, or in the providence of God, are cast upon the public for a supply of their wants, the public have some voice in the method of dispensing its charity. They are not only justified, but in duty bound to determine how the desired aid can be bestowed with the greatest advantage to the beneficiary and to the public. And when they provide places for the children in the country, where their prospective services can be made available to their

present support, and their highest moral welfare at the same time secured, they do the best thing that is practicable for all concerned. And a like good service they do, when they put the parents and elder children to suitable labour for their own subsistence, or when they push them out far from the crowded, unwholesome and corrupt courts and alleys of the city, into the free pure air of the country; and instead of the occasional jobs, and the temptations and corruptions of idle intervals, give them steady, healthful and well remunerated employment on the farm, in the woods, or upon the canal or rail road.

We had no thought of pursuing this topic so far, when it incidentally came up in noticing the Grand Jury's report upon it; but it is worthy of this and much more and better consideration, and we shall make it a point to refer to some other subjects of the same document in our next number.

Correspondence.

To the Editor or Editors of the Prison Journal.

Noticing in the fourth number of volume one of "Quarterly Summary, of the transactions of the College of Physicians of Philadelphia," a paper on the effects of the Pennsylvania system of Prison Discipline, by a member of the faculty, I am induced to express the hope that you will expose the *ex parte* character of its facts, and the fallacy of its arguments.

It is to be regretted, that so many form their opinion of the system from the reading or hearing of such a paper, without any farther examination. Ought not the other side of the case to be exhibited, through the same medium, as well as in your Journal?

A BELIEVER IN THE GREAT SUPERIORITY OF THE SYSTEM OF SEPARATION.

We thank our correspondent for manifesting so much interest for our Journal and its objects, but we do not think it worth while to pursue the course he suggests:

Not long since, a brief exposition *of the results of the system

* "An inquiry into the alleged tendency of the separation of convicts one from the other to produce disease and derangement," pp 160.—E. C. & J. BIDDLE.

which the medical paper disapproves was published in Philadelphia, in which the best and most conclusive *medical* evidence was adduced, to show that every position of any importance, taken in the paper to which our correspondent alludes, is untenable. It is idle to accumulate testimony, while that which has already been adduced is abundant and uncontradicted. When that testimony is impeached or invalidated, or the conclusions drawn from it are shown to be unwarranted, it will be time enough to resume the inquiry.

PUBLIC CHARITIES.

The following passage is from "an address to the graduating class of South Carolina college at commencement, the first day of December, 1851, by Professor Lieber."

If our age had produced nothing but the Ragged School, the Savings Bank, and the Wash-house for the poor, I should feel warranted in saying that the throb of charity is not unknown to its heart. I told you that I lately beheld the remains of Nineveh's grandeur. In the same city, whither the emblems of Assyrian sway have travelled—a symbolic indication of the direction which the course of history itself has taken, from Asia through the south of Europe, to the northern nations—in the same city where the wonder of our age was erected, the greatest monument of peace and good will, there too I have repeatedly visited the Ragged School, and those rescue schools for young abandoned thieves, and offending girls, far more difficult to reclaim than thieves; and I believe that man was never engaged in a more Christian and holy cause. If we justly observe that Christianity has produced by far the vastest changes in society, government, national intercourse, commerce and literature, simply because it changed the inner man, and, therefore, humanity itself; we ought to add: And it has been able to produce the Ragged School. Kings and governments have in all ages occupied themselves, at times, with high emprises; but it was left to our day to hear monarchs mention in their pithy throne speeches, addressed to assembled parliaments, the Primer, the Penitentiary, and the Potatoe,—the poorest food for the poorest people. These are signs that stand for multitudes of things.

S H O R T N O T I C E S .

THE BOX AND THE BRUSHES; OR, WHO KNOWS WHAT HE
MAY COME TO YET?

We had been to the bullion office of the Bank of England to examine some packages of coin and brilliants that had just arrived, and were slowly crossing the area in front of the Royal Exchange, noticing as we walked the innumerable and ever varying countenances of the crowd which streams along from Cheapside through Cornhill and Lombard Street, when just as we stepped upon the pavement which forms the noble esplanade, our attention was drawn to a group of persons standing by the railings directly under the Duke of Wellington's statue. It was some minutes ere we could discover the object that interested them ; it was not the heroic figure of the old warrior, nor the noble war horse he bestrode, neither was it the magnificent portico of the Exchange : pillars, frieze, and inscriptions, were all lost upon them ; they were looking down rather than up ; they seemed very intent, however, upon something, and we hastened to join them. It is not every thing that arrests the busy Londoners at the hour of half-past ten in the morning, especially in that centre of commercial life. A few steps brought us round to the front of his grace, and there, directly under the very countenance of the "great captain," knelt a little lad, whose cap and red blouse, as well as the badge on his breast, told us at a glance that he belonged to a new order recently instituted by the philanthropists of London, the members of which are drawn from the hovels and dens of humanity, but who are destined to become shining, if not illustrious characters in their day and generation. We allude to the "polishing brigade," *alias* the "Shoe-black Society," whose ranks are to be filled from time to time by the most promising and trustworthy pupils of the Ragged Schools of the metropolis. Our little friend was quite up to his business. In front of him lay a small box, about fourteen inches by ten, which was surmounted by a block of wood, say four inches high, and shaped something like the sole of a shoe or boot ; in this instance a human foot, belonging to a most benevolent-looking young gentleman, was placed upon it, the trouser turned up at the bottom, and "blackie" was polishing away in good earnest ; at his left stood the jar of liquid, which with the box and brushes, formed his only stock-in-trade. The first boot was soon finished, and the trouser replaced ; the other was then lifted, the dust whisked away, the blacking applied, and then brush, brush. In a few minutes the process was complete, and the gentleman, well pleased with his improved appearance, after satisfying the artist, was lost in the thronging tide of life that was eddying to and fro in this great thoroughfare. The boy replaced his tools of trade, carefully closed his jar, eyed keenly the copper coin he had received, and then stood up to look for another customer. We looked at his box ; it bore the inscription on each side, "*For One Penny.*" We read his badge, "Ragged School Shoe-black Society." We viewed his shrewd, yet open and intelligent countenance, as gently yet firmly he put the crowd of youngsters who had gathered too close upon him, back a little ; a moment, and a promise of another customer presented itself ; he moved up ; quick as thought his hand was to his cap, "*Want boots cleaned, sir ?*" but the party moved on, the little shoe-black came back to his stand, drew his box and tools to his side, and really looked for the moment as if he felt the dignity of honest toil.

There was nothing in his whole appearance to which you could object ; his face had a glow of health upon it, joined to a modest self-respect, which we greatly admired ; and as he leaned in his coarse but conspicuous uniform at the base of the Wellington monument, we thought with great interest of his probable fate in this wonderful metropolis of the industrial world. We were not alone in these thoughts. An elderly woman, evidently of the working classes, had like ourselves been watching the lad at his work, and now it was finished, and she could look upon his face, her mother's heart rejoiced over the young candidate for labor, and less restrained or more enthusiastic than we, she was loud in his praises. "If he is a good boy," said she, "he'll be Lord Mayor of London yet—ay, that he will," she repeated ; and, turning to us as we looked on approvingly, said, "He is a good boy, and if all goes on well, who knows what he may be?" "Very true," we replied. "We like his appearance much ; indeed his whole manner is prepossessing." This was said in a low tone, and we were not near enough for the object of our encomiums to hear us. Suddenly our aged companion said to us, "I'll speak to him ; who knows but a word from an old woman may be hearkened to ? Boys will sometimes take kindly what we say, when they will not listen to men." She started forward, spoke to the lad, patting him on the shoulder kindly and encouragingly, all of which he acknowledged by nodding acquiescence, still, however, keeping an eye to business. She then returned to us, and again repeating that "he was a good boy, and she was sure he would prosper, and perhaps be yet Lord Mayor of London," went off breathing good wishes and blessings upon his head.

The boy was now alone. We stepped up to him and asked to what school he belonged. He said "Ratcliffe Highway." How long had the boys been allowed to come into the city ? About a fortnight. Had he a father ? Yes, but he was very old and decrepid ; and his mother too—she was quite helpless. He had been selected from the "Beer Street" Ragged School for his good conduct, and was earning his living and something more in this novel branch of industry. He said Lord Ashley and some other gentlemen had got the Lord Mayor's leave for them to work in the city, and he hoped they should do well.

We hoped so too. We told him that we knew all about the Society ; had been present when it was commenced, and were sure neither his Lordship, nor the gentlemen of the Committee, would lose sight of those lads who were persevering and honest good boys. *We begged him to think of that, and to think also that God was his friend for certain,* and then, as our time and his was precious, we presented him with some little gratuity *for himself*, and hastened on our way, greatly pleased with this little incident ; and still thinking of the old lady's words, we said half aloud as we turned, at the corner of the Mansion House, to have a last look at our young friend of the "box and the brushes," who knows but the germ of another "Whittington" is to be found in the mind of that poor Ragged School boy ? At all events there is heart in him, and hope for him, and whoever it was that raised this lad from poverty and ruin, and set him fairly on his feet in this struggling world, "*he hath done a good work* ;" he shall not lose his reward. We would rather be among the number of those who are excavating these living stones from the quarry of degraded humanity, than be entitled to sit down at the turtle and champagne feasts of "City dignitaries." Rather be one,

"Gathering from" the "world's wide forest," "as a flow'ret from the soil,
The nobility of labor—the long pedigree of toil."

As the following stanzas are very much in keeping with the preceding article, and withal convey a very philanthropic and philosophical sentiment

VOL. VII.—6

in easily-remembered rhyme, we hope they will not be regarded as an impertinent appendix.

CLEANING OFF THE DIRT.

I was born and brought up in the midst of the dirt,
With nothing for stockings, and rags for a shirt.
I'd never a father, and as for my mother,
She never was sober from one day to t' other.

My "lullaby baby" was swearing and din ;
My earliest sweet-meat a mouthful of gin.
As soon as I'm able to move on my feet,
To pick up a living, I'm turned on the street.

I'm hungry, and often in want of a meal :
So, of course, I must work, or beg, borrow, or steal,
But work there's no getting,—for none will employ
A shoeless and parentless vagabond boy.

I meet with companions,—and there's one they call "Bob,"
Who good-naturedly offers to give me a job.
Says he—"There's the pawnbroker's over the way ;
Take the coat from outside !—There'll be nothing to pay."

I do as he bids me. He tells me with joy,
He's glad to have found such a promising boy.
And as without money I buy things so well,
He thinks I shall make a good hand at a sell.

So he takes me at once to a kind-hearted gent,
With a beard rather black, and a nose very bent,
Who gives me a shilling, and calls me "good lad!"
And asks if there ain't any more to be had.

The game it goes on, every day after day ;
But more gets the trouble and less gets the pay :
That it comes very soon as a pleasant relief,
To be cag'd for three months as a juvenile thief.

When turn'd out of prison—the season is cold—
Of "a school for the Outcast" by some one I'm told.
I think that I'll go there ;—if nothing I gain,
At least I'm kept out of the wind and the rain.

At first when I go there I'm ready to laugh ;
I turn off the gas and the teachers I chaff ;
But as nothing their temper appears to provoke,
I very soon find there's an end to that joke.

They ask if I'll work ; I answer—"Of course ;
If I'm fed like a Christian, I'll work like a horse."
So they start me in life in the polishing trade,
By which, ever since, a good living I've made.

And often my memory carries me back,
Comparing myself to the shoe that I black ;
I think how the dirt might have stuck to me still,
For want of a little hard work and good will.

So, honour to those who are on the alert
To raise up poor fellows, like us, from the dirt,
And cause all the rubbings through which we have past
To end, like this boot, in a polish at last.

There is nothing so black, but if pains we bestow,
With something like sunshine will speedily glow ;
And though deep in the mud, if exertion we use,
We may walk, very soon, in respectable shoes.

The *Aberdeen (Scotch) Journal* of July 23, 1851, contains some very useful and instructive statements which we commend to the careful consideration of the readers of our Journal, and especially to such as are disposed to overlook the influence of preventive agencies in the reduction of crime.

PRISON STATISTICS—EFFICIENCY OF INDUSTRIAL SCHOOLS, ETC.—It has been remarked, with a good deal of truth, that statistics may be brought to the support of almost any opinion or set of opinions. This, however arises from partial views being taken of particular results; for when due allowance is made for disturbing causes, the evidence of figures is, (next to that of one's own senses and actual facts,) the surest index to the soundness or unsoundness of any particular theory. Thus, for example, many estimable persons who entertain a profound reverence for the genius of arithmetic, taking up the returns of our County Police, prove to their own abundant satisfaction, that crime has, within the last half century, or it may be for a shorter period, enormously increased. They see in 1850 perhaps 20 convictions for one in 1800—and therefore, say they, crime must be twenty-fold increased. Those, however, who penetrate beneath the surface, will admit the increase of the convictions without feeling at all shut up to the conclusion that there is any absolute increase of crime whatever. We have before us a graphic picture of the state of this county at and previous to the establishment of the useful Rural Constabulary Force in 1840, sketched by the Commissioners of Supply, to prove the necessity for the "application of some effectual check" to crime and vagrancy in the county. They say—"Every part of the county suffers more or less from vagrants; but the more remote districts suffer most severely from the visitations of gangs of four, ten, or fifteen masterful beggars, who establish themselves for days or even weeks together in a place, and levy contributions from all around; and if not supplied with what they want, help themselves without scruple—and are withhold so formidable that the tenantry are afraid to meddle with them, and rather submit to the evil than incur their vengeance by complaining to the magistrates." Every one of the assaults, breaches of the peace, thefts, etc., which "masterful beggars" or others, now commit, results, with scarcely an exception, in conviction; whereas, formerly, this class was probably ten times more numerous, and the crime fifty-fold greater than now, with many fewer convictions. The key to this apparent contradiction is, that an efficient police force now exerts a paramount influence over rogues, who formerly plundered with impunity honest people who feared them.

The following figures show forcibly the increased efficiency of the Rural Police Force, comparing the first year with the eleventh year of its existence. The number of vagrants apprehended in 1840-41 was 2,459, yet the convictions obtained amounted to only 113. After ten years' experience,

we find the apprehensions of vagrants reduced to 843, while the convictions have increased to 242. Thus, there are more "convictions," but fewer "masterful beggars." In the days of our forefathers, the "liberty of the subject amounted to "licentiousness," compared with what is enjoyed now, when every blow given in a drunken brawl leads to conviction for assault.

Let us next see what effect education, or rather the want of education, has as a crime-producing cause. In the eight years from 1843 to 1850 inclusive, the number of persons confined in the Aberdeen prisons, who

| | | | | | |
|------------------------------|---|---|---|---|-------|
| Could not read was, | - | - | - | - | 1,236 |
| Could read with difficulty, | - | - | - | - | 3,218 |
| Could read well, | - | - | - | - | 1,914 |
| | | | | | <hr/> |
| Could write none, | - | - | - | - | 2,158 |
| Could write with difficulty, | - | - | - | - | 2,702 |
| Could write well, | - | - | - | - | 515 |
| | | | | | <hr/> |
| Superior education, | - | - | - | - | 55 |

Thus, while the number of prisoners who could read none or with difficulty was 4,454, the number who could read well was 1914; and only 515 prisoners could write well, compared with 4,860 who could write none or with difficulty. The number who had a superior education was only 55. It is hence quite clear that, while education alone does not always keep an individual out of prison, yet the classes without education are manifold more criminally disposed.

The above figures, we should mention, as well as those which follow, are compiled from the returns of the Governor of the Aberdeen prisons and the Superintendent of the Rural Constabulary Force, and are, therefore, quite reliable. We have already alluded to the deceptiveness of figures when partially looked at; but we believe it will be generally admitted that the fair and rational method of dealing with the evidence of statistics is, to compare one year or series of years, with another year or series of years, in which the means of detection and other circumstances were, as nearly as possible, equal, and to draw a conclusion accordingly. Taking this view, the following statistics show uncontestedly that Industrial Schools are producing a decided effect in abating crime. The figures have been partly employed for the same purpose in various ways before; but those now submitted come down to a later period, are more complete, and are presented in a somewhat different form. The following table shows the number of persons committed to the prison of Aberdeen, with their ages, during the nine years from 1843-51, ending June 30 each year:—

| Year. | Age 12 and under. | 13 and under 17. | 17 to 20. | 20 and above. |
|-------|-------------------|------------------|-----------|--------------------------|
| 1843 | 42 | 135 | 116 | 477 |
| 1844 | 57 | 147 | 123 | 454 |
| 1845 | 49 | 145 | 162 | 459 |
| 1846 | 43 | 139 | 124 | 424 |
| 1847 | 19 | 128 | 139 | 390 |
| | | | | 18 and 20. 21 and above. |
| 1848 | 19 | 166 | 134 | 493 |
| 1849 | 18 | 115 | 119 | 532 |
| 1850 | 12 | 113 | 112 | 670 |
| 1851 | 11 | 87 | 102 | 524 |

The Industrial School system came into full operation in May, 1845. Let us, therefore, contrast the three years preceding 30th June of that year, with an equal period ending the same date this year:—

| | Prisoners 12 and under. | | Prisoners 12 and under. |
|----------------|-------------------------|------|-------------------------|
| 1843 | 42 | 1849 | 18 |
| 1844 | 57 | 1850 | 12 |
| 1845 | 49 | 1851 | 11 |
| Yearly average | 49½ | | 13½ |

Thus, the average of criminals under 12 for the last three years, as compared with that of 1843-44-45, is little more than a fourth! For each of the last two years, it is considerably under that figure. But if the schools have an influence in preventing crime, it must now tell, after six years' full operation, on the class above 12 years of age. Accordingly, the following is the contrast, for the like period as above, of prisoners committed at the age of from 12 to 17 or 18:—

| | 13 to 17 | | 13 to 18 |
|-----------------|----------|------|----------|
| 1843 | 135 | 1849 | 115 |
| 1844 | 147 | 1850 | 123 |
| 1845 | 145 | 1851 | 87 |
| Yearly average, | 142½ | | 108½ |

A year more is included in the last column; yet the result is marked. Thus, the class beyond children in point of age, yields considerably fewer criminals now than before—a fact which surely proves that some check, whatever it be, is operating at the sources of crime. Can we doubt what that influence is?

But if the young are getting better, the following figures show that the old are getting worse. Coming to prisoners above 20, and taking the same triennial periods, the results are:—

| | Above 20 | | Above 21 |
|-----------------|----------|------|----------|
| 1843 | 477 | 1849 | 532 |
| 1844 | 454 | 1850 | 670 |
| 1845 | 459 | 1851 | 524 |
| Yearly average, | 463½ | | 575½ |

There is a decrease of crime, on the whole, this year, as compared with last and several former years; but does not the above table forcibly show that the proportion of adult criminals, or at least of committals, above 20 years of age, is actually increasing, while that of juvenile criminals is decreasing? This fact is clearly demonstrated (inferentially) by the following table—the last with which we shall, at present, trouble the reader—comparing the year 1843 with that of 1850, in the increase of committals for the first time and above:—

| | NUMBER OF TIMES COMMITTED. | | | | | | | | | | Total. |
|--------------|----------------------------|------|------|------|------|----------|------|----------|-------------------------|--|--------|
| | 1st. | 2nd. | 3rd. | 4th. | 5th. | 6th, and | 10th | upwards. | 7th, 8th, 9th, 11th and | | |
| 1843. Males— | 305 | 93 | 44 | 35 | 15 | 13 | 11 | 4 | | | 520 |
| Fem.— | 125 | 34 | 30 | 11 | 5 | 7 | 17 | 3 | | | 232 |
| 1843. Total | 430 | 127 | 74 | 46 | 20 | 20 | 28 | 7 | | | 752 |
| 1850. Total | 492 | 140 | 81 | 52 | 43 | 33 | 67 | 34 | | | 943 |
| Males— | 382 | 89 | 43 | 25 | 18 | 18 | 32 | 10 | | | |
| Fem.— | 110 | 51 | 38 | 27 | 25 | 15 | 35 | 24 | | | |

We have placed the totals of 1850, derived from adding the two under lines, above instead of below these, in order to bring them into juxtaposition with those of 1843. The results are very marked, especially in committals for five times and upwards, and prove that neither prison discipline nor any other influence deters those who have commenced a career of crime; while the former results indubitably prove that an effective force is operating in preventing the young from entering on such a career. It is, therefore, an eminently wise arrangement to seek "prevention" before "cure," and *to direct benevolent energies specially on the young*. If the gratifying results, so conspicuously and unanswerably demonstrated by the above statistics, shall have the effect of inducing a continued and increasing measure of support to be given to our admirable Industrial School system, we shall consider that our labor in arranging them has been amply repaid.

THE WORLD'S OUTCASTS AT THE WORLD'S EXHIBITION.

Among all the marvellous productions of nature and art which filled the Crystal Palace there were some specimens of human misery and degradation which were not without interest to the philanthropic observer, and so unique and extraordinary were the circumstances under which they were introduced, that we feel as if the admiration of our readers at the narrative will not allow them to question the appropriateness of the extract to the pages of our Journal. If there is any grateful reward to those who labor for the elevation of the degraded, or for the improvement of the vicious and neglected, it is in witnessing their appreciation of our efforts, and of the sources of innocent enjoyment which we have been the means of opening to them. It would be well if more of our sympathies were bestowed upon those who though rapidly approaching have not yet reached the convict's doom, and who, though blame-worthy, are often the least offending of the guilty parties.

About a month after the opening of the Crystal Palace, the following suggestion was made by a devoted friend of the Ragged School movement:— "The Great Exhibition is now the subject of conversation among all classes, and thousands daily crowd to see its wonders. The children in our ragged schools cannot pay to go. But is it not possible, should a day be set apart for them to see it, that among the many who would gather there, there might be some minds which would be greatly benefited by the visit? It might be, in some cases, as putting a match to the tinder, and in future days such would date their success and prosperity to the ambition which fired their spirits in the Crystal Palace?"

Similar suggestions were afterwards received from other friends and teachers of the ragged flocks, and, for a time, some fondly hoped that if application was made to the Commissioners, they might relax their rules for once, and allow the ragged regiments to go in "scot free." Application was made accordingly, and great disappointment felt when the proposition was negatived. The Shoe-Blacks went in a body, paid for their admission, and were highly gratified; but to defray the expenses of even the most deserving from so many schools, seemed all but hopeless. At length Lord Ashley, the noble Chairman of the Union, suggested that

a small fund should be raised, sufficient to reward about five hundred of the most exemplary pupils, who should be selected from the schools according to merit, and in proportion to the average numbers. The proposal was announced by an advertisement in the London Times, and in a few days an amount was received sufficient to send six hundred and fifty scholars and eighty-two teachers! The latter, of course, accompanied the children in order to insure propriety of conduct. It is not often that inconvenience is experienced in ragged schools from an over-supply of meritorious pupils, but in several instances the prize-men so far exceeded the number of prizes, that in order to prevent discouragement, and evil arising from intended good, the local friends, at their own expense, gave a "free passage" to nearly an equal number.

Great preparations were made for the occasion. There were no purchasers of new garments, nor much money expended on the outfits; but some articles were begged, others borrowed, and every available means adopted for improving the outward appearance, and attaining a degree of respectability. Not a few clothes were washed for the first time, and hands and faces bore striking marks of an unusual measure of sanitary care. In some cases they were assembled at school before seven in the morning, where they met with their teachers and guides, who commended them to God in prayer before commencing the journey. Neither accidents *nor offences* occurred to mar the enjoyment or stain the character of the juvenile visitors. Each countenance seemed to be lighted up with a joyous gratitude. An unusual degree of self-respect was manifested, as if they thought themselves to be somebody, and not the mere disjointed, driven-away units which they once were. Of the beneficial effects of the visit we cannot speak, for like the general results of the Exhibition upon society at large, they are yet future. Doubtless, the recollection of that "day of days" will linger in many a memory, and in some may germinate, grow, and ripen, where least expected. Be this as it may, there is one result on which we can reckon with certainty, and which, to our mind, is of the highest importance. Increased feelings of gratitude have been fostered among the poor, and a new proof afforded them that many of their richer neighbors are their truest friends. A thousand children, on their return, telling of the wonders they had seen, could not be forgetful of the kindness of those through whose bounty they were there; nor will the good effect be lost upon themselves and parents for many days to come.

SEASONABLE CHARITY.—No charities have a higher claim on our sympathy and aid, than those which embrace *little children*. The early stage at which kind and salutary influences are exerted upon them, is of itself a strong argument in their behalf, and the helpless and forlorn condition of the beneficiaries cannot but plead, trumpet-tongued, in their behalf.

In this view, we receive with great satisfaction the second annual report of the "Union School and Children's Home," in the district of Moyamensing, (No. 374 South Street;) and the sixteenth annual report of "The Association for care of Coloured Orphans," better known as "The Shelter." By the former, during the two years of its existence, one hundred and fifty-five poor little ones have been received and cared for; sixty-one of whom have been placed in families where it is believed, suitable training will be pro-

vided for them. The particular instances in which this charity has proved itself the handmaid of a merciful Providence to the perishing children of want and woe, are well fitted to excite every benevolent heart to give it aid and encouragement.

"The Shelter," situated in Thirteenth Street, corner of James Street, is designed exclusively for colored children, and has enlisted the deep interest of many of our most judicious and benevolent citizens. There were at the date of the report sixty-seven pupils in the institution, thirteen having been admitted in 1851, and ten apprenticed. There are twelve little ones in the nursery all under two years of age. The expense of all the care and training of the family, averages but seventy-five cents a week. Surely the charity that confers the blessings of Christian nurture on orphans and homeless children, must be blest of him who is pleased to reveal Himself as the "Father of the fatherless."

NEW ASPECT OF AFFAIRS IN THE CONVICT COLONIES OF GREAT BRITAIN.
—It is known to our readers that Botany Bay, once the Tophet of the world, has turned out to be a second Ophir, "the wonder of the world for its golden ore." The shipment of gold from Australia to England, during July and the beginning of August, was valued at £70,000. Gangs of convicts find themselves in possession of mines of gold, and the spot on the globe which of all others has been most repulsive, has suddenly become the point of universal attraction.

It seems to be a settled point, that no more convicts will be landed on the shores of Australia; and it seems likely to become a settled point, that the Colonists are strong enough to take care of themselves. The Australians have formed themselves into a league, and on the 29th of July last, a great public meeting was held at Sidney, and a petition was adopted, praying her Majesty to dismiss Lord Grey from her councils, and to command her ministers to redeem their pledge to the Colonists, on the subject of convict-transportation. It would be a singular reverse in the position of affairs, if a penal colony of the British government should become an independent nation, prescribing its own terms of intercourse with the country under whose laws they have been ignominiously exiled! It seems, however, to be a very probable occurrence.

SUICIDES IN PARIS.—According to a statistical comparison of 9000 cases of suicide which have occurred at Paris during the space of 34 years, it appears that premeditated suicides generally take place there about the break of day, or during the night; and that unpremeditated or impulsive suicide, occurs mostly during the day time. Children, old men and women, for the most part, committed suicide by hanging or suffocation. The greatest number of suicides occur from the age of 20 to 30 years, and from 40 to 70. The annual average of suicides in Paris is 300!

8 Giara

VOL. VII.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

NO. II.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.



PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1787.

"The separation of one prisoner from another is the only sound basis on which a reformatory (prison) discipline can be established with any reasonable hope of success."—*Fifth Report of Inspectors of English Prisons.*

APRIL, 1852.

PHILADELPHIA:
E. C. AND J. BIDDLE,
SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.
LONDON: CHARLES GILPIN.

1852.

Isaac Ashmead, Printer.

CONTENTS OF NO. II.

| | |
|--|----|
| ART. I.—Report of the Committee appointed by the Legislature of New York, &c., | 49 |
| II.—Annual Report of the Directors and Warden of the Ohio Penitentiary, &c., | 75 |
| III.—Ninth Report of Pentonville Prison, | 79 |
| IV.—“What is to be Done with our Convicts?” | 86 |
| V.—Report of the Philadelphia County Prison, | 20 |
| VI.—Report of Parkhurst Prison, | 91 |

CORRESPONDENCE AND NOTICES.

| | |
|--|----|
| The Foundation Gone, | 92 |
| Eastern State Penitentiary, | 93 |
| Abstract of the Returns of the Overseers of the Poor of Massachusetts, | ib |
| Twenty-Fourth Annual Report of the Philadelphia House of Refuge, | ib |
| Report of New York House of Refuge, | 94 |
| Abstract of Returns of the Keepers of Jails and Houses of Correction in Massachusetts, | 94 |
| Criminal Returns for Philadelphia, | 95 |
| Baltimore Almshouse, | ib |
| Statistics of Shipwreck, | 96 |
| Payment of Wages in the Middle of the Week, | ib |
| Metropolitan Mortality, | ib |
| Editorial Notice, | ib |

IMPORTANT AND VALUABLE DOCUMENTS.

The Seventeenth Report of the Eastern State Penitentiary.—A few copies of this document, which includes the elaborate tables of the medical officer—showing the sanitary condition of the institution from its commencement.

ALSO,

Numbers 1 and 2 of volume I. of this Journal—the first containing a Review of the History of Penal Legislation in Pennsylvania, and several plates, illustrative of prison architecture; and the second containing a beautiful steel portrait of Mrs. Elizabeth Fry, and a view of the New Prison at Pentonville, near London, and an account of its discipline and results.

Either of the above may be had on application to any member of the Acting Committee.

NOTICE.

Communications and orders for this work, may be addressed “Editor of the *Journal of Prison Discipline*,” care of the publishers, No. 6, South Fifth Street, Philadelphia.

Officers of State, Inspectors, or Wardens of Penitentiaries, Keepers of Common Gaols, Houses of Correction, &c., Superintendents or Physicians of Insane Asylums, (whether public or private, and whether for paupers or pay-patients,) officers of Houses of Refuge, Police Magistrates, and others who may be in possession of, or have access to reports or other documents bearing on prison discipline, insanity, juvenile delinquency, police regulations, pauperism, &c., &c., will confer a particular favour by forwarding to the above office copies of such publications for use or notice in this Journal. All such attentions will be gratefully acknowledged, and cheerfully reciprocated.

NOTICE OF THIS JOURNAL.

“It embodies more information on the subject of prisons, arranged and expressed in the spirit of literature and science, than any other publication of our country, and will compare with any Journal devoted to this department of knowledge in Europe.”—*Hon. Charles Sumner’s Speech, in debate on prison question in Boston, May, 1847.*

RECENT NOTICES.

From the North American and United States’ Gazette.

We have received from Messrs. E. C. & J. Biddle the last number of the Pennsylvania Journal of Prison Discipline, which is published quarterly, under the direction of the Philadelphia Society for alleviating the Miseries of Public Prisons. A glance through its pages shows what is well understood—that it is a

(See 3d page of Cover.)

THE
PENNSYLVANIA JOURNAL
OR
PRISON DISCIPLINE.

VOL. VII.—APRIL, 1852.—No. 2.

ART. I.—REPORT OF THE COMMITTEE APPOINTED BY THE LEGISLATURE OF NEW YORK, UNDER THE RESOLUTION OF THE ASSEMBLY, PASSED APRIL 17, 1851, “to examine into the fiscal affairs and general management and discipline of the Auburn, Clinton, and Sing-Sing Prisons,” pp. 256.

We have rarely examined a public document in relation to the penal institutions of our country containing more important facts, or more interesting topics of reflection, than the report before us, made to the New York Assembly on the 7th of January last. It is the result of a thorough and independent investigation instituted by five men, acting under the supreme authority of the State, into the administration of one of the most important and complicated departments of the government. It not only fearlessly exposes the abuses and perversions of chief officials and their subordinates, but it points the attention of the legislature to the sources of those abuses, and thus plainly intimates the mode of correcting or preventing them.

As it is a voluminous pamphlet, and not likely to fall into the hands of many of our readers, we propose to take them hastily through it, pausing for a moment at such passages, here and there, as may seem to be worthy of note.

We are not disposed to regard all the abuses which this report discloses as *necessarily incident* to the mode of discipline employed. By so doing, we should fall into an error which we have often had occasion to expose in others. The system is

one thing; how it is administered, here or there, is another and very different thing. Any system of discipline may be perverted to mischievous ends; and though the plan adopted at Auburn and Sing-Sing may furnish apologies and facilities, as well as temptations and opportunities for abuses which are not found in prisons conducted on a different principle, no one can suppose that the legislature or people of New York would sanction, for a moment, any plan, the active administration of which necessarily involves such consequences.

Our purpose then in reviewing this document is not to discredit a particular system by an exhibition of the enormities which are committed under it; but to show the stern necessity, under any and all systems, of guarding most scrupulously the exercise of power by one man over another, though that other may be a convicted felon! The commonwealth has a higher interest in the right temper and disposition of offenders when they leave their cells, than in their conviction and punishment.

The three State prisons of New York contain from 1500 to 2000 convicts through the year. The skill and muscular strength of these men are, for the time being, the property of the State, and certain parties, called contractors, stand ready to buy their labour at a stipulated price, "their interest being in direct conflict with that of the State, and the welfare of the prisoners." P. 9. These two, viz., the contractors and the convicts, are the prominent parties in interest. The State is pleased, if a revenue is derived from this or any other source; but if the prisons pay their way, and no call is made for appropriations to meet deficiencies, there is not likely to be much stir about them, except when some political game requires them to be brought upon the table.

In order to have the labourers on hand and in good working order, they must be shut up and clothed and fed, like other working animals; and to this end buildings must be erected and enclosed, and suitable accommodations must be provided for working, eating and sleeping. Persons must also be employed to keep the gang in proper condition, and this gives occasion for a corps of officers, consisting of a warden, who has the general superintendence of the concern; an agent, who is chiefly employed to conduct the financial affairs, purchases, sales, &c.; keepers, who have the more immediate oversight of par-

ticular sections; the physician, who is expected to keep the animal power of the prison in good repair; and the chaplain and instructor, whose duties are sufficiently indicated by their titles.

Over and above all these are the inspectors, (as they are called,) though the report shows that a more inappropriate title could scarcely be given them. In consequence of the superficial discharge of their duties, the grossest abuses are said to have been introduced into the prisons, and the contractors, who have really no official influence or authority, have come to be arbitrary rulers—prescribing their own terms, and securing to themselves advantages and emoluments quite beyond their right. One of the earliest sources of mischief to which the report refers, is the frequent change in the two chief executive officers; the average period of the term of the warden's office at Auburn, being one and five-seventh years, and that of the agent's one and one-half years only! In the former office, there were seven different incumbents in twelve years, and in the latter twelve in eighteen years! This evil is ascribed to political influences, and the delay to correct it to general apathy on prison subjects. It can hardly be expected that such short terms of service would give the incumbents more than a superficial knowledge of the condition of the prisons, or allow them to correct, or even detect abuses. We are not surprised, therefore, at the startling financial puzzles which the report discloses—such as how 995 prisoners in Sing Sing in 1844, cost \$2,50 per month, while 765 in 1850, cost \$3,90 per month—how the total prison expenses in 1850 were 80 per cent., more than in 1844, though the number of convicts was nearly one quarter less—how the expense of guarding convicts increased twenty-five per cent., while the number to be guarded was diminished eighteen per cent!

These contrasts at a single view stand thus:

| Year. | Earnings. | Expenses. | Average number of Convicts. |
|--------------|------------------|------------------|--|
| 1842, | 81,349, | 67,870, | 697, |
| 1844, | 56,082, | 68,107, | 775, |
| 1848, | 44,061, | 65,739, | 479, |
| 1851, | 72,912, | 88,540, | 732, |

It is quite obvious that no explanation of such anomalies can be given, without involving some neglect or abuse.

Allusion is made to the extraordinary stand taken by the prison-inspectors against the visits of the committee of the New York Prison Association. Our views on this subject were fully expressed in our number for January, 1851, and we are not surprised to find in this report, an emphatic condemnation of their course. Several reports were made to the legislature replete with valuable information, such as had never before been obtained in respect to the workings of the penitentiary system.

“The inspections were made by persons of high standing, over whom neither contractors nor officers could exert any influence, and a most salutary influence was produced by the constant apprehension of an inspection, which no acts of theirs could colour or affect. Facts of much importance thus found their way to the ear of the legislature, which were not found in the reports of the inspectors. But in 1848, the inspectors adopted a regulation which allowed those inspections only upon conditions which would render them utterly valueless, namely, that they should be conducted only in the presence of some officer of the prisons, to be selected by the inspectors, and thus closing the door to the reception of information which could not be asked or expected under such penalties as the inspectors might inflict on those who gave it.” P. 15.

That the earnings of the convicts should at least equal the expenditures of the prison, seems to have been regarded as a point of paramount importance. Of the inspector, it is said, that the finances constitute the chief subject that engages his attention,—“almost any abuse being sooner tolerated than a deficiency in the receipts of the prison.” P. 5. And in connection with the duties of the agent, it is said, that “every thing is made to bend to making the prison support itself. Reformation, health, humanity, and life itself are in constant danger of being sacrificed to this object.” P. 21.

“Does the warden order a greater amount of food or clothing or a change in the quality—does the chaplain ask for lamps to enable the prisoners to read in their cells—does the physician prescribe a respite from labour—the ever vigilant agent is at hand to interpose the powerful argument of economy, and the

promptings of humanity are silenced. While this is not always the case in fact, a natural tendency in that direction is obvious.

"At Auburn, this feeling has been carried to such an extent that the agent, a few years ago, completely usurped the duties of the physician, and refused to be governed by his directions, in relation to the food of the prisoners and other matters, simply on the ground of expense."*

Two very important points are alluded to, in which this false economy is displayed: 1. The total neglect to build twenty cells for the separate confinement of the least manageable convicts; and 2, the neglect to furnish lights in the cells, for want of which, during the winter months, the "convicts were obliged to spend fourteen of the twenty-four hours in utter darkness, to the injury of body, mind and soul." P. 23.

One of the most popular arguments which have been urged in favour of the congregate, in distinction from the separate mode of discipline, has been the comparative expensiveness of the former. In one of our States, it was this single consideration that decided the legislature in favour of the former. The following paragraph from the present report shows that reliance on such a consideration is unsafe:

"Certain sums of money appear under the head of 'Receipts,' and perhaps an equal amount under the head of 'Expenditures,' and the inference is that the prison is supporting itself, while in fact it may be, and generally is, in debt several thousands of dollars. These debts are paid out of the receipts of the following year, and corresponding or increased amounts incurred. So it goes on from year to year, until the amount becomes unwieldy, and then the legislature is asked for an appropriation to pay 'past indebtedness.' This method not only furnishes the legislature with a very imperfect idea of the prison finances, but leads people of other States into error as to the cost of supporting our prisons; for the manner of conducting our prisons is closely watched at home and abroad, and carefully compared with the systems of other States and nations." P. 25.

On the subject of libraries, some judicious suggestions are made. The very liberal sum of \$300 is appropriated by the

* This abuse is very strongly commented upon by Doctor Fosgate, in his communication to the committee, noticed at a subsequent page.

State, annually, to be expended in books for the use of the convicts, and the committee regard it as

"One of the wisest and most beneficent appropriations that the legislature is called upon to make. The useful knowledge, the elevating influences, and the many encouragements to a virtuous life that may be drawn from a well selected, though meagre library, can hardly be estimated. With an abundance of time, and an insatiable desire for reading among prisoners, this might be made a most effective means of reformation. But a most unpardonable negligence upon this point is manifest upon a slight examination of the catalogues of the several libraries. It seems more probable that some artful bookseller had availed himself of an opportunity to dispose of some of his unsaleable stock, than that a pains-taking and careful selection of useful and interesting books had been made. A few years ago, serious complaints were made that works of fiction were allowed in the prison-libraries, and now the other extreme seems to have been followed, and we have in their places dry and dismal treatises on some abstruse points of theology. The result of this is that a large portion of the prison library is unused, and the convicts are secretly supplied with books by the contractors, as rewards for diligence and over work." Page 37.

One of the witnesses testified to the committee, that since the fall of 1850, reading has been forbidden excepting in the cells, and in the cells the men are unable to read excepting on Sunday, and on some of the longest days in the year.

From the section of the report, which treats of the effects of the discipline, we derive much important information.

The advocates of convict-separation have uniformly contended, that if the true condition of prisons on the congregate plan were disclosed, the apparent excess of insanity under the former system, would instantly vanish.* Evidence has never been wanting to show, that so long as a convict holds his place among his associates at the work-bench, the derangement or imbecility of his mental faculties is nobody's concern. Until the case becomes extreme, or is forced, by some sudden act of violence, upon the attention of the prison authorities, or the public, (as in the instance of *Plumb* at Auburn, and *Rogers* at Charlestown,) the reports disclose no insanity. That we are

* See "Inquiry into the alleged tendency of the separation of convicts, one from the other, to produce disease and derangement," page 81, *et passim*.

not mistaken in this opinion is clear, from the document before us. "In the course of the investigation," say the committee, "we were struck with the numerous cases of mental alienation among the convicts. A much larger number of the inmates of our prisons are more or less insane than the public imagine, *or than the officers of the prisons themselves seem fully aware.*" Page 40.

That the knowledge of the officers of the prison is quite indefinite, appears from the testimony of one of the witnesses. Rich, a keeper, who served the prison in that capacity four years, and had charge of the shoe shop, in answer to the question—"Have you any insane convicts in your shop; if so, how many?" says, "I believe I have several; I think I can safely say *four*, and at times *six*."

Q. Have you ever reported these men to the physician?

A. I never have; I have spoken to the warden about them.

Q. What is the occasion of their insanity?

A. I don't know; they were in the shop when I took charge of it, except one who I took from the dungeon; his name was Owen I think.

Q. What are the names of those convicts who you think to be insane?

A. James Delane, James Knapp, George Owens, John Goodrich.

Q. Are these men half-pay men?

A. Two are, the other two work for the State. Page 149.

In confirmation of this statement, we may refer to the very full exposé of the internal management and condition of the prison, made by a medical practitioner, who has resided in Auburn twenty-nine years, during fifteen of which he has practiced medicine, and for two years, from April 1849 to March 1851, was physician to the penitentiary. Of course his means of information are such as few can possess. Dr. Fosgate was examined by the committee, but preferred, at their suggestion, to prepare a statement on some points with more deliberation than could be allowed in oral testimony.

In the course of this statement he urges the importance of a commission of lunacy, and presents several impressive illustrations of the necessity of such a supervision.

From my own knowledge of this prison, I can come to no other conclusion than that an amount of injury from the want of such a commission is past all belief. Without such an assistance, unless the whole management of this prison is radically changed, the physician can do little or nothing for insane convicts, as he is absolutely debarred exercising the highest function of his calling, that of being a friend to the afflicted, which under other circumstances is his peculiar privilege. As it now is, should he even hint at the possibility of a convict being insane, he is not only met with the jeers and ridicule of the contractors and their swarm of foremen, but most disgraceful to relate, by the officers proper, to the institution itself. "The man is coming a game over you," say they; "we can cure him of all his craziness." Such instances have occurred so often, and can be so readily understood, that particular citations would be superfluous.

Some instances to show the importance of a commission, I will relate. Convict number 5,563, came to prison in a deranged state of mind, induced by too severe study of the law. He was unused to labour, and his infirmity, at times, rendered him unable to do so. On one occasion he was directed by his keeper to collect a quantity of scattered brick then being thrown from an old wall. As he did not perform the task satisfactorily, he was put in the shower bath, from which he emerged, anxious to do his work as required. Among other disabilities, either actual or fancied, he could not at all times see, from the interposition of a black spot in his field of vision. But, suffering from the severe punishment just inflicted, regardless of circumstances, he rushed to his work beneath a shower of falling brick. In a few minutes after he was carried to the hospital in a comatose state; his head still wet from the shower bath; and his hair clotted with blood from a wound in the scalp caused by a falling brick. The insanity of this convict, so far as I know, was never doubted in the prison. There had been an effort made by some friends to obtain either a pardon for him, or a transfer to the Lunatic Asylum. In their application to the inspectors, then at the prison, they presented letters from the judge who tried, and the District Attorney, who arraigned him, stating their belief from facts which did not appear on the trial, that he was of unsound mind. Still this individual is serving out a sentence that the State never contemplated.

Convict number 4,073, has been in prison about nine years. Some three years since it was noticed that his work was becoming imperfectly done; yet, to all appearance, he was as attentive to his duty as ever. This difficulty increased so rapidly that the contractor entered complaint, when, upon examination, it was thought he might be becoming insane. His work was changed, but this broke in upon his established habits,

and rendered him still worse. His insanity, fortunately, was of the kind allowed in this prison. He was not violent, not even talkative; did not attempt to hold conversation with his keeper without first respectfully asking permission, which usually occurred, as that officer told me, once in about three months. This convict was a stranger to all about him, except by sight, and for nearly two years he has done little or no labour, but goes to his meals when told, and to his cell when so directed by his keeper.

"Convict number 4,947 was sentenced to prison for the term of ten years. For the first year he did his work and conformed to the rules with great propriety, but at its termination demanded his release as being the end of his term. Upon this he so firmly insisted, that to convince him of his error, he was taken to the office, shown the commitment, and informed that criminals were never sentenced for a less period than two years. He returned to his work and performed his duty for another year, on the last day of which he again demanded his release. From that time, for several years, even to the day of his death, the officers never succeeded in their endeavours to make him work, although I doubt whether any human being ever suffered more or severer punishments without the loss of life. I shall never forget the lofty bearing and super-human firmness of spirit he exhibited during his short but fatal sickness in the hospital. It was the result of a strong mind, exalted and strengthened in its derangement. How can it be otherwise, than that such convicts should injure a discipline to which neither the laws of God nor man intended they should be subjected? The only relief in such cases would be in an appointment by the legislature of a permanent commission of lunacy, composed of men eminent for their capacity, independent by their position, humane in their sentiments, and for reasons too obvious to mention, having no connection with either the prisons or asylums of the State, and into whose hands should be intrusted the detention in the prison of insane convicts, or their transfer to a lunatic asylum."

The committee attach great importance to the means of moral, religious, and literary instruction of convicts. They think the officers who are charged with this department "perform their duties in a most superficial manner." In connection with one class of these duties, the following very just observation occurs.

"If there is any congregation in the world that requires a chaplain with a high order of talents and a deep devotion to his work, it is a congregation of criminals. But a principle

the reverse of this seems too often to prevail in the appointments to this important office.

"To regulate this branch of the institution, and render it as beneficial as possible, that unjust regulation, restricting the chaplain to minister to the convicts only after day's work is completed and they are locked in their cells, should be rescinded. He should be allowed to choose his own time in which to minister to the spiritual welfare of his charge, independent of all other interference; then there would be abundant time to bestow on every convict all the instruction and advice that good judgment and Christian charity might dictate."

We believe there is no method of accomplishing such a desirable end that can consist with any thing short of convict-separation. The views entertained by us on this subject will be seen in an elaborate paper "On the office of Prison Chaplain," published in our number for April, 1847.* That the suggestions there presented are sound and practical, every year's observation convinces us, and we only regret that any considerations of delicacy or expediency should lead to the continuance of an incompetent person, in an office of so much importance, in any of our prisons.

We should be glad to transfer to our pages the valuable remarks of the Committee on the treatment of discharged prisoners. That the interest of the community is deeply involved in the temper and disposition of the convict, at his discharge, is very obvious. All eyes and ears are open, and every muscle tasked to catch and cage rogues; and when they are fairly under lock and key, there is a quiet composure felt, as if all were safe again. At the end of two, three, or four years, the culprit is set free; and—though the treatment he has received during the interval may have been such as to awaken and exasperate his worst tempers, and to fill his mind with devices of revenge, so that he is a far more dangerous member of society than when all eyes were turned upon him with dread, and when, attended by two or three officers, he was consigned to the prison,—yet he leaves the place without attendant or restraint.

This is a most propitious moment for the sympathies and efforts of benevolence. To soothe irritation—to inspire with

* Vol. III. p. 9.

hope a depressed—perchance a desperate—heart; to encourage even feeble purposes of amendment; in a word—to do half as much towards restoring him to a reputable standing, as will inevitably be done to sink him still lower in infamy and crime—these are offices in which the State should engage with quite as much earnestness as in the detection and conviction of offenders. As it is now, it would seem as if the ordinary claims of honesty and justice were disregarded, to say nothing of humanity or policy.—Hear the committee:

“ During their examinations they were called upon to witness the practical workings of the law providing the discharged convict with a suit of clothes and a sufficient sum of money to enable him to reach his former place of residence. They saw smart, intelligent men sent from the prison, after a faithful service of their sentences, clad in a suit of garments shabby and ridiculous in the extreme, and with the paltry sum of four or five dollars upon which to subsist until some other means should be found. The clothes, including hat, boots and everything furnished to each man must not, by law, exceed in value the sum of ten dollars, and are procured by the agent, generally, of dealers in ‘second hand clothing.’ The clothing which the convict brings to the prison with him, often of five times the value of that furnished him on his discharge, is put into common stock, and is of no avail to the original owner.

“ Overlooking the injustice of thus treating a man who has perhaps earned for the State many hundreds of dollars over and above the cost of his support while in prison, it is as impolitic as it is unjust to degrade a man in his own eyes and in the estimation of the world, at a time too when he needs all the aids of an opposite tendency. We submit that the law and the practice under it, is disreputable to the State and demands immediate amendment. Indeed, it is clear that the State should go further. Its interest in the poor prisoner ought not to cease when he leaves the gates of the prison. Humanity, christianity, and interest, all point another way.” pp. 32, 33.

On the subject of the undue length of sentences the report presents some very important considerations. Several tables are introduced to show the comparative influence of severity in this respect—not only upon convicts, but upon the public. A general summary of the history of Sing Sing prison, for 30 years, shows the average length of sentence of 7,030 convicts to be 5 years 7 months and 8 days. Of the whole number,

867, or 12.33 per cent. died, and 1617, or 23 per cent. were pardoned!

Of 1627 sentenced for 2 years 141 were pardoned, and 92 died.

| | | | | | | | |
|------|---|-----------|---|-----|---|-----|---|
| 1848 | " | 3 | " | 395 | " | 138 | " |
| 490 | " | 4 | " | 117 | " | 49 | " |
| 1315 | " | 5 | " | 281 | " | 202 | " |
| 118 | " | 6 | " | 49 | " | 20 | " |
| 553 | " | 7 | " | 243 | " | 101 | " |
| 69 | " | 8 | " | 47 | " | 21 | " |
| 462 | " | 10 | " | 173 | " | 94 | " |
| 120 | " | 14 | " | 64 | " | 30 | " |
| 285 | " | for life. | | 177 | " | 88 | " |

Passing for the present the conclusions to which these investigations conducted the committee, let us look at some facts presented by the several witnesses who were examined.

And first comes Dr. Fosgate's paper, to which we have already alluded, and which we should be glad to present entire to our readers.

The main topics discussed by the doctor are, 1, Punishment, (2) Abuse of the contract system. (3) Insanity. (4) Pardons. (5) Religious instruction. (6) Admission of strangers. (7) Abuses in the medical department.

The doctor justly remarks, that all well-regulated prisons are conducted either upon the plan of that at Auburn, or on a system widely different in principle and contra-distinguished by name. He ascribes the "honor or the infamy of being the progenitor of the Auburn system," to a deserter from the British army, stationed in Canada, in 1812, by the name of John D. Clay. He describes the peculiar features of the Auburn system to be "associated labor by day, entire isolation by night, and, in theory, perfect non-intercourse at all times among the convicts. It is a system of absolute physical force into which the idea of moral government enters not at all." And he adds, that to "maintain such a system, which to every reflecting mind must appear at variance with our very organization, penalties commensurate must be affixed to every infraction of the rules of order; and so long as association and non-intercourse are

associated, corporeal punishments must be resorted to; and such are the means whereby the discipline of this prison is sustained. Among the physical means to maintain this discipline, there are now in use the cold water shower-bath, the yoke and the dungeon." p. 67.

Of the first of these punishments most convicts have a great dread, "but as the emotion of fear to the unreflecting mind presents little or no barrier to the commission of crimes having their origin in the emotions, it does not prevent a violation of rules which are in opposition to the instincts; still, when the offender sees the penalty with no hope of escape, this most depressing of the passions augments the danger to which he is about to be exposed."

To illustrate the effects of this mode of punishment, several cases are cited, among which are the following:

"Convict number 5066, aged about thirty years, in good health and spirits, of sanguine nervous temperament, was brought to the hospital in a perfectly unconscious state and with convulsive twitchings of the muscles. His mouth filled with frothy saliva; no perceptible pulsations in the radial artery; but little external heat, and very imperfect respiration. He had been showered, as I was credibly informed, with about two pails of cold water. His body was rubbed with stimulants and warmly covered with blankets. In about two hours deglutition was partially restored, when brandy and other stimulants were administered. In four hours after entering the hospital his consciousness returned.

"This individual was so nearly destroyed that he had passed into that calm, quiet, mental state that immediately precedes death by drowning. He said that at last he had the delightful sensation of sailing, and then it was all over. He suffered from cramps in his lower extremities for about three months after." p. 71.

"Convict number 4,565, aged thirty-eight years, of sanguine nervous temperament, and in good health, was showered with three pails of cold water. He was taken from the stocks in convulsions, which lasted some thirty minutes, when he was conveyed to the hospital. He was bled thirty ounces, and took a cathartic potion. The venesection partly relieved the pain, but not the derangement. The cathartic operated freely, and on the following morning his mind was apparently clear, but his head still ached. He said he felt as though his head was 'bound with a band of iron.' Under the use of blisters, after several days, the pain and constriction gradually subsided.

Convict number 4,959, was showered previous to my connection with the prison. He came out of the stocks an insane man, hopelessly incurable, though at times he converses understandingly about the punishment. Convict number 5,669 was showered with six pails of water discharged on his head in a half inch stream. Shortly after he fell into convulsions, from which he emerged with a mind totally destroyed. He was pardoned in about three months afterwards, and a report subsequently reached the prison that he did not long survive the injury. This occurred previous to my connection with the prison. These instances are extreme,—not of every day occurrence,—but nevertheless they go to show how inappropriate it is to place this punishment in hands totally inadequate to comprehend its power." p. 72.

That our readers may have some idea of the character of the offences for which convicts are visited with such extreme severity, we select a few from the report of the Clinton Prison.

" 1850, Feb. 13. John Butler, showered eight pails of water for leaving his place of work without license, and talking and laughing with the convicts.

1850, Feb. 13. Joshua Merrill, showered with eight pails of water, for leaving his place of work without license, and talking and laughing with the convicts. Philip Fitzgerald, twelve pails for using insolent language to his keeper.

March 5, 1850. Beman Wait, eight pails, for disobeying orders, profane language, used to another convict.

March 23, 1850. Beman Wait, 3 pails, for disturbance in his cell.

March 5, 1850. Beman Wait, showered with seventeen pails of water, for fighting with another convict.

Jager Zingsting, showered sixteen pails; repeated for striking Torry. April 13, 1850.

April 17, 1850. Van Eps, showered seventeen pails of water and put an iron yoke on his neck, and shaved his head, for escaping prison with Mortimer.

April 24, 1850. Benj. Collins, for laughing and talking, four pails.

April 27, 1850. John Collins, disobedience to orders, eight pails of water.

Wm. Halyard—Head shaved on one side, showered with eighteen pails, iron yoke on his neck, and ball and chain, for eloping from prison on the fifth instant: May 7, 1850.

John Jackson—Twenty-one pails, for neglect of work and not coming from his cell: May 13, 1850.

John Jackson—Twenty pails, for disobedience of orders: May 17, 1850.

Frederick Johnson—Twelve pails, for talking and neglecting work: May 20, 1850.

Thos. O'Connell—Eight pails, for stealing salts from the hospital: June 3, 1850.

Jas. O. Gates—Seven pails for lying, and disobedience of orders: July 19, 1850.

George Fox—Eight pails, noise in cell: Aug. 5, 1850.

C. Paw—Seven pails, disobeying orders: Aug. 8, 1850.

G. Harnage—Three pails, refusing to work: Aug. 13, 1850.

John Sager—Showered, taking tools from the machine shop: Aug. 20, 1850.

Jas. M'Donald—Showered, insolent in finding fault with his clothing, and telling me that I had been seeking an opportunity to punish him for some time: Sept. 11, 1850.

Robert Monro—Showered, for having a pipe in his possession and telling a lie about it: Sept. 13, 1850.

Augt. Thorndike—Showered, for stealing potatoes and secreting them: Oct. 14, 1850.

Alonzo Reynolds—Fifteen pails, for refusing to work and using threatening language: Dec. 27, 1850.

John J. Reynolds—Three pails, for smoking: Dec. 28, 1850.

Wm. Kingsley—Showered, five pails, for singing in his cell: Feb. 7, 1850.

John Jackson—Noise in cell, seven pails: Feb. 7, 1851.

Joseph Thayer—12 pails, for wasting and throwing away his food: March 28, 1851.

Thos. McGuire—9 pails, smoking in his cell: April 3, 1851.

Parkman Chapel—3 pails, breaking out of ranks when marching, and dancing: April 5, 1851.

Geo. Fox—4 pails, whistling in his cell: April 14, 1851.

Lewis Wente—7 pails, giving a convict a pipe and then denying it: April 16, 1851.

Sylvester Bunker—5 pails, saucy to his keeper, and spitting tobacco on whitewash in his cell: May 6, 1851.

Joseph Thayer—15 pails, violating rules by going into blacksmith shop without license, and for disorderly conduct while in there: May 14, 1851.

James Alons—5 pails, for disobeying orders: June 27, 1851.

James Hamilton—6 pails, singing in his cell: July 14, 1851.
pp. 108, 109."

Severe as this method of discipline is, considering the nature of the offences, we learn that it was sometimes combined with both the others—Simpson, one of the keepers, stated to the committee that he "gave one Brown four barrels of water,

with ice in it, yoked him two hours, and put him in the dungeon!" p. 141.

"The kind of punishment next in frequency inflicted in this prison is yoking. The yoke is formed of a flat bar of iron four or five inches wide and from five to six feet in length, with a moveable staple in the centre, to encircle the neck, and a smaller one at each end, to surround the wrists. All these staples are so arranged that by turning screws on their protruding ends, on the back of the iron bar, they can be tightened to any degree deemed expedient. The weight of the lightest yoke is thirty-four pounds, avoirdupois, and some of them are believed to weigh forty." p. 72.

"While wearing the yoke, the culprit is the butt through the sly jeers and unfeeling taunts of his fellow convicts, and on this account it is often injuriously and unnecessarily worn to show them of what *stuff* he is made. 'The strained and inflamed muscles, and swelled and inflamed skin of neck, breast and arms, often require medical treatment and rest from labor.'"

"The severity of this punishment," says Dr. Fosgate, "when it falls upon a convict of indomitable determination, with powerful physical organization, and under the influence of excited passion, was sadly portrayed in the case of convict number 5,904. This convict wore the yoke for six hours and twenty minutes. His passions were so excessively excited that he made no acknowledgment or promises for the future, but breathed forth vengeance against his keepers, to be gratified in their destruction at the first convenient opportunity. The yoke was taken off and he was sent to the dungeon until the next morning, when he was brought to the hospital. His face and eyes were inflamed; the skin of the chest and abdomen mottled, inflamed, and excessively tender to the touch; pulse sixty; tongue slightly coated; no appetite; sight very feeble; hearing acute; intellect so deranged that he apparently remembered nothing of what had passed; said he had eat his breakfast, which was not the fact; and said that nothing ailed him. Occasionally his countenance expressed great emotion, almost bursting into tears, but it was only momentary." p. 73.

"The dungeon, as a means of discipline, Dr. F. regards as inefficient and expensive. It is inefficient because, unless excessively administered, the convict cares but little about it; and it is expensive because the labor of the prisoner is lost to the State. The convicts are often shut in them for many days together. In fact, it sometimes happens that all division of time is lost—day and night being absolutely confounded—and to them the actual duration of confinement lost. This is often a trial of endurance on the part of the convict to retaliate upon the keeper under whose charge he is, or upon the contractor for

whom he labors. I have known one convict hold out so long that his countenance became bloodless, and his body wasted almost to a skeleton form!" p. 73.

As to the comparative severity of these punishments and that of the "cat," it came out in the testimony of one of the officers that a convict in his shop, "who has received, perhaps, more punishment than any man in prison, told him that he had rather receive twenty lashes from the cat, than have two pails of water in the shower bath, or wear the yoke one half an hour."

In reviewing the history of the Auburn prison, before these more complicated methods of torture were introduced, and while the lash was the main stay of the discipline, Dr. F. states several cases in which persons, clearly insane, were subjected to it, and gives the conclusion of the whole matter as follows:

"These punishments, taken separately or together, as a means of discipline, I believe inadequate to accomplish the object intended; while they are derogatory to the mental, moral, and physical health of the convicts. They are of that kind also which is calculated to arouse opposition. When this is the case, additional physical force is resorted to, to execute them, and severe injuries are often the result, the officers not always escaping unhurt. To reduce the refractory to submission, mental and physical health are often sacrificed beyond reparation, and premature death, I doubt not, sometimes follows. I remember two instances in which the punishments in use were applied in every degree of severity, and even after the reason of one and the body of the other had succumbed to the dreadful ordeal through which they had passed, their determined spirits were not reduced. The one, number 5,330, when last seen by me, was a fit subject for an insane asylum; and the other, number 5,353, had passed many days in the hospital in consequence of the punishments he had suffered."

It would seem, from Dr. F.'s statement, that these severe inflictions are not restricted to the ordinary ends of punishment, but are used for purposes still more revolting. We do not wonder at the hesitating phraseology which he employs in bringing such a fact to public notice:

"It would scarcely be credited should I state that *a system of torture to obtain confessions and information, not otherwise to*

be had, is in full force in this institution. Yet such is the fact, and the shower bath is the ready instrument of its execution."

In reply to a question which the Dr. anticipates, viz: what shall be done with convicts if we abandon all these appeals to their bodily senses? He proposes "permanent separate confinement for those convicts upon whom moral government would have no abiding influence; and occasional isolation and change in kind and quantity of food for such as, from thoughtlessness or other causes, will not conform steadily to the rules of order. This punishment," he thinks, "in connection with materials and implements for labor to occupy their minds and exercise their bodies, would prove all-sufficient to accomplish the desired end." Page 77.

And again:

"The prevalent impression is, that convicts generally are, in mental endowments, somewhat above the common standard of humanity; but an acquaintance with this portion of mankind will dispel the delusion. They are in truth below mediocrity in intellectual power; and while they are fully equal to it in animal propensity, they are sadly deficient in conscientious sensibility. They possess in fact but little force of character. There is, probably, no portion of the human family so easily controlled as that, whose sad lot it is to merit a prison-home. Now, although the great mass of convicts can, by judicious management, be brought to a state of order, there is, nevertheless a portion, though small, which any system of government that shall essay to restrain its will, is by that portion to be met and resisted. For this class, permanent solitary confinement with labor is the humane, and in fact, as prison history proves, the only method by which it can be controlled. As an example to deter others, I feel confident that a greater dread would be induced in the convict-mind by a liability to work out its sentence in solitude, than all the physical punishments that could be presented to its imagination." Page 78.

In respect to the mischievous working of the contract system, we cannot refrain from citing a few passages from Dr. F.'s statement:

"Each convict has a stint to perform, the amount of which is put down at what the contractor considers a day's work for a sound man. The stint, for instance, in Brussels carpet-weaving for a certain portion of the year is fixed at four yards a day.

Now it is well known, that while an active workman can produce this quantity of carpet with ease, one less active—possessed of less sleight, is unable with safety to his health, to accomplish the task; yet so long as he is not on the sick list, he must be punished unless he performs the work; the medical officer can afford him no relief. In many cases the result is, that through excessive labor and frequent punishment, the convict is permanently broken down, and he enters on the half-pay list, there to be forced through as much work as the keeper and contractor think advisable. It is well known that, with only occasional exceptions, four years spent in carpet-weaving in this prison, consumes the physical energy. The labor of a convict, it must be remembered, has no alternations of rest. Even the Christian Sabbath is no relief to him. Although he does not work, the extra duration of that day's confinement is less supportable than the week-day labor.

"To show of what kind of material the population of this prison is composed, I will state that of the 580 convicts received to prison and examined by myself during my connection with it, 230 came in more or less sick; 190 had sustained mechanical injuries; 83 were consumptive or had consumption in their families; 23 were ruptured; 5 were insane; 3 epileptic; and the remaining 38 were adjudged sound. Of those convicts, as nearly as I could determine, 369 were of Saxon blood; 148 Celtic; 57 African; 3 Jewish, and 3 Aboriginal. In this classification, the mixed bloods have been enumerated with that race to which they appeared the most nearly allied. Now, to say that the State ever intended to define the amount of daily labor to be equal on every individual of this motley mass, widely differing in health, in mental power, in temperament, in physical energy, and in mental and physical organization, would be to charge it with imbecility. And yet, the contract system, utterly disregarding these conditions, places them all on the same platform, with the exception of bodily infirmity, and only then when it is too palpable to be mistaken.

"To make plain the inability of the physician to contend with the contractors, I will relate for example, that convict number 5,507 on taking his seat one morning at the hospital table said, "Doctor, unless you stand by me, I shall certainly be broken down with the work they make me do; it is the hardest work in the shop." In reply, I said I would see what could be done for him. This convict was about twenty years of age. He had a delicately formed physical organization, great mental energy, and worked hard, for with his quality of mind he could not be idle. Immediately I requested his keeper to *persuade* if possible the contractor to change his work. The keeper seconded my request, but without success. Again and again this convict applied at the hospital for assistance, but he was not

sick, therefore nothing could be done for him until, when at last his physical powers were sinking under the excessive labor, I made an order to relieve him from the work in which he was engaged. The contractor, smarting under restricted cupidity, and driven by passion, excited by what he considered an unwarrantable interference on my part, applied to the warden for redress. The convict was returned to his work, and the hospital record of a long sickness shows the result." Page 81.

Still more radical and disastrous is the influence of this nefarious system upon the discipline of the prison:

" By a resolution of the Board of Inspectors, there is no over-work to be asked of the convicts, and no compensation is allowed to be made them for labor. In commercial affairs it not unfrequently happens that an extraordinary demand for manufactured goods occurs. Now if this demand is to be supplied with the product of convict labor, although already up to the established stint, it must be increased. How is this to be done? By the rules of the prison, the convicts being deprived of the indulgence of all the luxuries of appetite, a paper of fine cut tobacco, a piece of cake or pie, or some of the fruits of the season are of more value to him in his confinement than one, not acquainted with the subject, can possibly conceive. The distribution of all these articles to favorite workmen by the contractors and their foremen, is of easy accomplishment without the officer noticing it; and even should he be cognizant of the fact, with what justice to himself can he report an influential contractor for infringement of the rules and orders, when the general impression is that his services may be at the mercy of that interest? By taking advantage of these circumstances, the convicts can we worked far beyond their healthy endurance. Under such influences, I was informed that a convict had wove for many days together, six yards of Brussels carpet each day! I myself have known a whole shop bribed by the distribution of fine cut tobacco substituted for the common plug supplied by the State. In another shop, money was used for the same purpose, and it was *charged* upon another that spirits were given to some convicts with a like view. Such transactions must tell fearfully on the discipline; for as the keeper dares not report the contractor for furnishing the convict with means, by the use of which he disobeys the laws, so he cannot punish the convict for infractions of rules which he is actually stimulated to violate. Nothing can be more certain than that the habitual violation of a single law with impunity, will have a prejudicial effect upon the whole system of discipline. I have no doubt many convicts are permanently disabled by the over-work they are thus secretly induced to perform." Page 82.

The irregularities and extravagances which Dr. F.'s statement discloses in the medical treatment of the convicts, surpass any thing that our eyes have seen or our ears heard.

After showing how frequently and deliberately his directions were neglected and his opinions overruled, in respect to the general hygiene of the institution, he says:

"Another subject, still more revolting to the feelings of the physician and as derogatory to the welfare of the institution is, that throughout the whole prison there are to be found doctors of every name and nature that the long catalogue of empiricism can supply. In the first rank is to be found a large proportion of the officers proper; then come the contractors followed by their foremen, and last of all the convict-doctors themselves, of whom there are at all times a goodly number. As each of all these practitioners have a ready and infallible remedy for every complaint, the patient, not unfrequently goes through the whole corps before he reaches the hospital. This interference is a source of unmeasured evil to the health of the convicts, and injurious to the good management of the institution." Page 58.

Such proceedings are disgraceful to any public institution in the land, and (we should hope) need only to be known by an intelligent community to ensure their being rebuked and discontinued.

It has long been our conviction, that when a competent person administers the medical department of a penitentiary, (and none but competent persons should be entrusted with such responsibility,) his directions, in his proper sphere, should be law to the co-ordinate officers; otherwise the bodily and mental health of the convicts may be sacrificed to the caprice, obstinacy or ignorance of the warden or agent. In the case before us, the physician reported verbally to the warden and agents that the bread was not good, and that the material of which it was made was bad, in quality, for the health of the convicts. It was in the month of August. No change was made. One morning the agent called the doctor into his office, when the following conversation took place as it stands in the report of the testimony.

"The agent said, he had heard I had said the meal was not good:

"Question by the Committee. Did the agent, warden or inspectors at any time have words or disputes with you in relation to the quality of food ?

A. I had disputes or words with the agent, as above stated.

Q. Did you suspend your visits to the kitchen at any time ?

A. I did.

Q. For what reason ?

A. For the reason that my requests were not regarded.

Q. Were any convicts sick, in your opinion, by reason of eating unwholesome food, if so when and how many ?

A. There were in August and September, 1850; I should think the principal part of the sickness at this time was from this cause ! This was the time when there was so much sickness in the prison." Page 152.

From the mass of testimony which the committee obtained upon the several subjects of their investigation, we propose to select a few passages, which bear directly upon the topics that have been already introduced, omitting the form of interrogation and giving the substance of the answers.

William Brown, who was employed as a keeper from September 1, 1848, to January 15, 1851, being asked by the committee to state any cases of severe and inhuman punishment that came to his knowledge during that period, replied—

"In October, I think, of 1849, John Jackson was in the spin shop, of which Van Pelt was keeper. I heard Van Pelt say, in a conversation with Kennedy, a keeper, one Sunday morning, at the prison, some two months after the first punishment, I should think, that when Jackson went to his cell he called out 'sorrel top.' He took him to the south wing after he had got Watson and Eggleston, keepers, to help him ; he attempted to yoke him, but Jackson refused to have the yoke put on, and backed into the recess of one of the cells and put himself in a position of defence to keep the yoke off, and was saucy and swore he would not have it on. That Watson took the yoke and struck Jackson on the arm, which caused it to fall down by his side ; that Watson told him to put down the other arm ; he refused, and he then struck that arm with the yoke, and it fell down by his side ; he said he supposed it benumbed it some ; the three persons then clinched him and put on the yoke. Jackson would not stand up, and they put a rope under his arms and threw it over the railing of the gallery above, and tied it so as to keep him on his feet. He also said he kept Jackson in the yoke nine hours. I passed the wing several times, and

heard Jackson cry out during the same day. I did not see him in the yoke, but saw him in the dungeon a spell afterwards.*

On or about October 4, 1850, I saw a convict by the name of Killpatrick, who was understood to have been punished by Watson, a keeper, shortly after he was punished. When I saw him he was partly running towards where I was. He was so covered with blood that I did not recognize him until he got close to me; he came staggering up, and could hardly go. I took him by the shoulder and made him sit down. He was covered with blood. His head and shoulders appeared to be covered with blood; some was clotted. The blood had run down his clothes and hands. I asked him what the matter was, and he said keeper Watson had been pounding him in the wing. Keeper Toan about this time came up and ordered him to get up. He said he was not able to do so. I then beckoned Toan to me, and advised him not to pound Killpatrick any more. Toan made no reply, but took him by the shoulder and jerked him up on his feet. The convict, as he was coming up, picked up a stick, and attempted to strike Toan, but did not hit him. Watson then came up and took the convict by the back of the neck, and pulled him on his back, and raised his cane to strike. They then pulled him on to his feet, and he refused to go. I advised him to go and then he went along with them. I was informed that he was in the dungeon nine days. He went from there to the hospital, and remained absent from the shop about five weeks. I was a keeper during all the times above set forth."

Page 164.

The testimony of the ex-warden, Tyler, and of the chaplain, Cook, though contradictory, is so far consistent as to show that punishments were common, which in kind and degree could only serve to exasperate the sufferers and steel them against good influences. We have no wish, however, to spread the revolting details before our readers.

The shameful abuse and neglect of the sick and maimed, was described in the testimony of Brown, one of the keepers, as follows:

"Lee Munion, a weaver, was taken sick, as near as I can recollect, a year ago last fall, on Friday night; they did not send him to the hospital until the next morning. Then he was sent back to the shop, and remained during the day, (Saturday.) Sunday he went again to the hospital, and on Monday morning

* The official record of the prison shows that Jackson, on the 8th day of October, 1849, was punished by the yoke 6 hours, and 5 days in the dungeon.

he came back to the shop again, and he was much worse, and objected to going to the hospital again, as they did nothing for him. I wrote a letter to the physician calling his attention specially to his case, and sent him up again. The physician told me that when Munion came up on Monday morning he thought he was drunk, he staggered so. He remained in the hospital, and I was told by the chaplain that he died in four days afterwards. The next week the physician came through the shop, and in a conversation I had with him, he said he was not aware Munion had been to the hospital until the morning he got my letter. Another case was, where a man by the name of William Jewett cut off his thumb. They would not do it up at the hospital, as he said. He came to the State shop. The warden ordered the keeper to keep him at work turning a wheel with one hand, as a punishment for cutting his thumb off. He worked part of two days, and after it got so bad that he complained, I wrote to the hospital keeper to know what I should do with him. I had orders from the warden to send him to the hospital; I did so, and he came back with his hand done up. He grew worse daily, although I sent him twice a day to the hospital after this, and on Saturday I told the warden that unless something was done for him he would die. Sunday morning he went to the hospital again, but was locked up in his cell after meeting, by me, I think. Monday morning or Sunday night, in the night, he was taken to the hospital and died on Monday afternoon, as I suppose, from mortification of the thumb!"

"Then there is the case of Ward, a convict under my charge, who was taken sick about the 1st of January, 1850. I sent him to the hospital every day from Monday to Thursday, and came back every day; Thursday he went to the hospital and they kept him there. What I want to show is, that in my opinion, if the man had been cared for when he first went to the hospital, he would have soon recovered: he appeared to have a bad cold and fever. Then the case of Ballantine, about three days under my charge, who had the consumption, and had been kept in his shop some six months after he was unable to work; so Kennedy, the keeper of the weave shop, where he worked, told me; he was not required to work in the weave shop for that time before he came under my charge. He was sent to the hospital by me, and died several weeks after. In this case I think he was not properly treated." Page 166.

We have no space for comment, nor for any further extracts, except the twelve propositions which the committee deduce from their examination of the prisons, and which, we think, form a good basis for a thorough and most wholesome reform:

1. That a great majority of the convicts are susceptible of being influenced by the same good motives and impulses, which influence other men; and therefore that a system based upon reason and kindness, tending to inspire feelings of self-respect, hopefulness and penitence ought to be adopted in all our prisons, so far as is practicable without impairing the deterring character essential to any system of punishment.
2. That the rations of the prisoners should *invariably* be such as are, in the opinion of the physician, entirely consistent with good health.
3. That a sufficiency of pure air at all times, and of artificial warmth in cold or damp weather, should be introduced into the cells and the workshops of the prisons; and that the means of lighting every cell, except those used for punishment, should be provided at each prison, so that no prisoner may be left in darkness for more than the maximum time required for sleep.
4. That the use of the yoke and shower-bath should be discontinued, and separate confinement at hard labor, and other privations, substituted as means of punishment and discipline.
5. That all punishments for breaches of discipline in the prisons, should be inflicted under the direction and supervision of the warden, and by some officer unconcerned in the offence.
6. That some systematic aid and encouragement should be afforded to discharged convicts by the State.
7. That a rigid and thorough examination of the prisons should be made, annually, under the appointment and direction of the Legislature.
8. That the annual reports of the Inspectors should exhibit not only the *cash* receipts and expenditures of each prison, but every debt incurred and credit allowed by the several agents.
9. That the government of the prisons, should be entirely divested of the influence of party politics.
10. That the number of prisoners at Auburn and Sing-Sing, should be diminished, by increasing the number to be sent to the Clinton prison.
11. That the length of sentences, especially for first offences, should be lessened.
12. That the government and condition of our county jails and penitentiaries, should be thoroughly investigated and reformed.

We put this valuable document on our files, with a deep sense of the obligation under which the committee have laid their constituents and the public by its compilation. To expose the misfeasances of persons in authority, requires no small measure of intrepidity.

If we expect any very sensible diminution of crime, we must treat convicts like men, even though their vices may have sunk them almost to the level of brutes. It may, perhaps, be seriously questioned, whether the imprisonment of (say) ten thousand convicts in the United States, the year round, does not on the whole increase the criminal element in the community, rather than reduce it. Certain it is that every convict is made better or worse by a term of imprisonment, and equally certain is it, that a method of discipline is practicable which shall embrace a scrupulous deference to the demands of justice and public safety, with a proper regard to the claims of humanity.

At present it is to be feared, that instead of disarming the enemies of society by our penal processes, we furnish them with new weapons, and new incitements to violence. No one can fail to see an increased boldness and ingenuity in the commission of crime in our country, and though much of this may be attributed to the influx of foreign villains and vagabonds, it is not a rare thing to find that convicts, pardoned and discharged from our own penitentiaries, are the very head and front of these offendings. Our convicts can be punished without being tormented; they can be pitied without being petted. The discipline to which they are subjected may be severe without being inhuman, and humane without being weak.

But in order to this, the whole array of authority must be on one and the same side, from the executive of the State, in whose hands rests the delicate and sadly abused power of pardon; from the inspectors, who are supposed to be the care-takers of the prisoners, as well as of the public interests; from the warden, with whom is lodged the immediate executive authority—from the keepers, who are brought into direct daily contact with their men—from the religious, moral and literary instructors, who have the chief reformatory influences of the institution at their command, and if competent and faithful, can use them with prodigious effect—from the medical officer, on whose skill and judgment the physical and mental health of the prison so greatly depends,—down to the gate-keeper, whose flashing or melting eye gives token to every new comer of the spirit that reigns within the walls; all these must be animated by one and the same purpose, viz., to make every convict a better and a happier man when

he leaves their custody than he was when he came into it; or at any rate, that the fault shall be all on his side, if the true end of his imprisonment is not attained.

**ART. II.—ANNUAL REPORT OF THE DIRECTORS AND WARDEN
OF THE OHIO PENITENTIARY, TO THE FIFTIETH GENERAL
ASSEMBLY OF THE STATE, FOR THE YEAR 1851. 46 pp.**

THESE are several points in this document which have an interest beyond the bounds of Ohio.

The contract system, which is so emphatically condemned in the New York legislative report, is in vogue in the Ohio penitentiary, and evidently fixed in public favour:

“The plan of contracting the labor of the convicts to responsible parties, at a stipulated price per day, is the only one that has ever been tried with success, and the Board have no hesitation in recommending it as the one that should be adopted for the future policy of this institution.”

The directors speak of it as the settled policy of the State, since the establishment of the penitentiary, to sustain the institution by the labor of the convicts. Contracts for five years are made for 150 men in manufacturing various articles of saddlery, &c.; for 100 in making carpenters' and coopers' tools; and for 100 in making agricultural implements—all at the price of 40 cents per day—which the directors think “is higher than the average price paid in any similar establishment in the United States.” The preceding article furnishes evidence of their mistake, and may suggest some profitable inquiries to those concerned.

On the subject of sending minors to the penitentiary, the directors say—

“By referring to the proper table in the Warden's report, it will be seen that there are now confined in the prison, 82 boys, from the ages of twelve to twenty years, inclusive. The Board would suggest whether the ends of justice would not be as well answered, and the cause of humanity better promoted, by providing some other mode of punishment for juvenile offenders. By committing them to a House of Refuge, or some similar

institution, where they could receive proper instruction, many of them might be reformed and become useful citizens; but it is much doubted whether many reformations can be effected amongst this class of convicts, whilst associated with older and more hardened criminals."

This remark evidently shows the radical evils of the system of discipline on which the institution is administered. The "association," from which such corrupting influences flow, is working the same mischief among the convicts generally, as are apprehended in respect to minors. The only difference is, that the latter are, from their age, more hopeful subjects of reform, and therefore the shame is the greater of exposing them to debasing intercourse with the incorrigible. But no State can, at this day, justify the practice of exposing convicts, of any age or character, to mutual corruption. There is a method of avoiding it, and a true moral and political economy will prompt every legislature to avail themselves of it.

The directors suggest the necessity of an enlargement of prison accommodations, to meet the public wants.

"If," say they, "the commitments to the penitentiary continue to increase as they have for the two years past, the present prison will be filled to its utmost capacity within perhaps two, and certainly three years. In view of this fact, it would seem necessary that the next legislature should provide some further means for the accommodation of convicts, either by the erection of a new prison, or the enlargement of the present one. If it is thought best to enlarge the present building, one or two hundred cells might be added to it with a comparatively small expense. The additional number of convicts can be well provided for with the present facilities, in every respect, except with cells."

The physician's report alludes to one cause of disease, which might be used as a strong argument in favor of a re-construction rather than an enlargement of the prison.

"It cannot have escaped your notice that, in the erection of the penitentiary, a great error was committed in constructing the cells of altogether too limited dimensions; having no means of ventilation other than that afforded by a very low and narrow grated door. This want of a sufficient supply of pure air has, no doubt, contributed much to the unhealthiness of this institution, by debilitating the system and predisposing to attacks

of disease. If some plan could be adopted by which a sufficient ventilation could be effected without tearing down and rebuilding the cells, it can scarcely be doubted but that it would soon be paid for in the time saved from sickness, leaving the idea of humanity out of the question."

And suppose it should be needful to "tear down and rebuild the cells," or even to reconstruct the whole building,—is it not a very short-sighted, as well as a very inhuman policy to preserve them at the expense of life and health?

Suppose a healthy cell costs more than a sickly one, or that separation is more expensive than association, will an intelligent legislature shrink from the burden, at the risk of taking upon itself the heavier burden of a succession of bed-ridden paupers, or life-long convicts?

We trust there are men of influence in the legislature of Ohio who will insist on immediate and efficient reform, and if a reconstruction is determined on, (and it seems unavoidable,) we trust they will not suffer to pass unimproved so favourable an opportunity to test the system of convict-separation. Even if nothing more could be accomplished than that which the New York law requires, (but has not secured,) a range of cells, constructed for and appropriated to separate confinement with labour, and to be occupied by the least manageable of the convicts, it would be well worth while to strive for it. The advantages of the system would thus be brought home to every observer.

We doubt very much, whether the experience of the country would warrant the views taken by the Directors of the number of convicts that may be safely committed to one prison.

"With regard to the propriety of confining a larger number than the capacity of the present prison (seven hundred) in one establishment, it might be remarked that in each of the two penitentiaries in New York, near one thousand convicts are confined, and no difficulty is experienced in their management from having so great a number together; and the Board can think of no objection, except the difficulty that might arise in the event of the appearance of an epidemic."

The history of the two New York prisons is by no means conclusive on the point for which it is cited.

All but a page of the warden's report consists of statistics

and these are mostly in tabular form. We notice a few items. Four hundred and forty-two dollars were paid for escaped convicts. Of 159 discharges 76 were by pardon, being 19 more than by expiration of sentence! The balance of receipts over the disbursements of the year was \$1,3,281.45. With such a generous surplus, derived from the labour of the convicts, we think the directors might afford an increase of the prison library. But they "suggest that authority be given to appropriate to this purpose the surplus arising from the visitors' fund, after paying the salaries of the moral instructor and visitors' guard."

The amount received for fees of visitors' is stated to be \$2,466 29. It is made the duty of the clerk "to receive visitors, take the fee required for admission, and see that they are conducted through the prison without unnecessary delay." Out of the sums so received the moral instructor is paid, and also the expenses of the guard to attend visitors. We have never had a doubt that this whole system of visiting is objectionable, and should not be tolerated. We have often taken occasion to point out the mischiefs resulting from it, and we are fully sustained in our opinion by Dr. Fosgate, in his examination before the legislative committee of New York. He says:

"The custom of exhibiting the convicts to gratify the idle or morbid curiosity of visitors is another source of great mischief. To govern this prison well, everything about it should be calm, quiet, and secluded; with as few circumstances to attract the attention of its inmates, always on the alert to catch every word uttered, and see every novelty that may present, as possible. The promiscuous admission of visitors is repugnant to such a condition. The health of the convicts also is seriously affected by it. The great majority of them are possessed of strong animal propensities, and upon such the influence of female visitors is decidedly prejudicial. On one occasion, a convict stated that he had laid aside his work more than fifty times to seize upon them when they were passing by, so strongly were his passions excited. On another occasion, a convict threw his arms about a female visitor as she was passing, and saluted her with his kisses. Self-pollution is undoubtedly stimulated by these visits, and on that account alone, the custom should be discontinued. This evil, so common in this prison, is a great cause of premature decay, and a source of mental apathy quite frequent among the convicts."

Of 469 convicts in confinement at the date of the report,

91 are foreigners. The number of convicts received during the year was 204; of these 164 were convicted of crimes against property; and 106, or more than one-half were addicted to habits of intemperance. Only 37 could be called temperate!

The Ohio Penitentiary was opened for convicts in 1834, and has received, since that time, 2,489. For the last fourteen years the average number in prison was 447; the largest excess above this being 51, in 1846; and the largest number below it being 111, in 1849. The whole number discharged by expiration of sentence, is 1076; by governor's pardon, 772, or nearly one in every three; by the president's pardon, 21; by death, 308, or about 12 per cent.; and by escape, 39. Of the 2489 commitments, 2197, or nearly eleven-twelfths, were for crimes against property.

The physician's report gives the history of nine fatal cases of disease during the year. In relation to the mental condition of the prisoners the following passage occurs:

"It will be seen by reference to the tables, that a number of cases of insanity have been treated during the year; a part of which have been discharged either cured or improved in condition. Seven have been sent to the Lunatic Asylum. Nine, who are either constantly or occasionally more or less insane, yet remain in the penitentiary. Most of those, however, are usefully employed the greater part of their time. Many of those remaining, as well as of those sent to the Lunatic Asylum, are old cases, and consequently offer but a feeble hope of recovery.

If all those who are attacked with insanity could at once be removed from their old associations here, (which have no doubt had a chief agency in exciting the disease,) to a place where suitable arrangements are made for treating, in an appropriate manner, such cases, I have no doubt but many could be cured, who would otherwise become confirmed maniacs or hopelessly demented. But it is urged that this would be offering too large a premium for insanity in the convicts—much better that the penitentiary discipline of the severer kind should be tried for a few months or a year, to test the genuineness of the disease before conferring the reward for feigned insanity. It is admitted, that in no instance of a doubtful character should the transfer be made; but such mild and rational means resorted to as will neither confirm insanity nor produce it where the predisposition exists. Those who have had the largest experience in the treatment of this form of disease, all agree that the chances

for a cure are diminished as the length of time that the disease has existed is increased. Then, this fact being admitted, do not reason, humanity and religion, all agree that the insane, though he be a criminal, has a claim on our sympathy for immediate action, which we dare not disregard."

Upon turning to the tables we notice 26 cases of insanity reported for the year. We hope those who are so stoutly opposed to convict-separation on the ground of its supposed tendency to weaken or alienate the minds of convicts, will mark well such items as this. The more we learn of the actual condition of associate prisons, the more clear becomes the evidence that they have no advantage even in this respect over those in which convicts are kept apart from each other.

The Moral Instructor's report does not give us a very favorable idea of the provision which is made for the intellectual and religious improvement of the convicts. His very modest suggestions, as to the necessity of more liberality in this department, can hardly fail, we should think, to provoke a favorable attention.

ART. III.—NINTH REPORT OF PENTONVILLE PRISON, 1851.

We wish we had more space to notice several interesting items of information, which this report furnishes. One of the most important relates to a change in the class of convicts. The former practice excluded those below eighteen, or above thirty-five; now, no distinction of age or class is observed. We have noticed that some writers have overlooked this new feature in the administration of the prison, and have described the present discipline as applied to a "picked" set of convicts.

"It is evident," says the report, "that the prisoners admitted under the present arrangements must be, on the whole, inferior to their predecessors, both physically and mentally, and a greater extent of sickness and mortality cannot but be expected."

The county prisons have been so overstocked as to force more convicts on Pentonville than could be accommodated with secluded quarters, and hence it was not possible to retain

them in separate confinement for the "full regulated period of one year; but the average period of confinement in this and other prisons conducted on the same system, has been about eleven months."

There is a very marked reduction in the expenses of the prison. This is attributed in part to the employment of "well-conducted prisoners, who have passed some time in the prison as cooks, bakers, and cleaners, in removing stores, and performing other offices of a like nature. These prisoners are grouped in small parties, seldom exceeding three in number, always under the eye of an officer, and subjected to a rigid discipline." Formerly a "garden-class" existed, in which were placed "such prisoners as in the opinion of the medical officer required a degree of association, and more air and exercise than was afforded to ordinary convicts; but, by employing this class of invalids in the manner referred to, they have been enabled to discontinue the garden-class, and to dispense with the services of the officer who had charge of it."

The prison linen is also washed and mended by the convicts, which effects another considerable saving. The average expense of each prisoner has been reduced from \$158, or \$3 per week in 1847, to \$96, or \$1.84 per week per head in 1850. The total population of the prison for the year was 1,223, and the daily average number 500. Of 777 received, 440, or three-fifths were 25 or under; 567 were single, and 246 had been artificers or mechanics. This is a much larger proportion of these classes than is found in any of the prisons in the United States. Six hundred were convicted of crimes against property, and 278 were second convictions. Of the sentences, 255 were transportation for seven years, 323 for ten years; 64 for fourteen, and 69 for sixteen years. The report describes a very remarkable escape:

"G. H., effected his escape from the prison, but has not been recaptured. By means of a small steel spring, which he detached from his cell door and converted into a knife, he contrived, whilst at evening service in the chapel, to cut a hole in the woodwork underneath his seat of $7\frac{1}{2}$ by $12\frac{1}{2}$ inches, and descending through it into the air-chamber below, and cutting away the zinc ventilator in the external wall, to let himself down with his hammock-girth to the narrow ledge of about 6

or 7 inches in width on its outer surface, and proceeding along it at considerable risk, to the flat roof of the porter's lodge, to make his way over the outer boundary."

As to the mental soundness of the convicts, the directors report as follows :

Five cases of insanity occurred during the year. Of these, two were of unsound mind before admission ; another was known to have been "odd and eccentric" before he was received ; he has since recovered and been removed to the colonies. Of the remaining two, one was eight months in Pentonville prison, having been several years at Bermuda as a convict. Of the other insane prisoner nothing is known. He had been only two months at Pentonville, when his insanity became manifest.

From the physician's report we learn further, that there were ten cases of delusion, and that three cases of weakness of intellect likewise occurred.

Five of the ten cases exhibited indications of mental affection before admission into the prison ; the ages of the cases varied from 17 to 39 ; and the period of separate confinement, under the limit of a year, the most dangerous to mental health, was probably from the date of admission to the second month after. It would also appear probable, that a certain amount of injurious influence on the mind was exerted by long-continued imprisonment, independently of any peculiarity of discipline, as one half of the whole number of cases occurred after the twelfth month of imprisonment.

The influence of education in protecting the mind of the prisoner in separation, may be inferred from the fact, that of these eighteen cases a great proportion, namely, fourteen, could neither read nor write, or but very imperfectly so.

A sufficient *general* cause for an increased amount of sickness and insanity might be found in the altered conditions connected with the admission of prisoners. During the years of experimental inquiry, great regard was paid both to the moral and physical condition of those who were to be subjected to separate confinement ; and the admission was limited to men in the prime of life, who were free from hereditary or acquired tendency to disease, and judged to be physically fit for the purposes of colonization. A further elimination was made on moral grounds, and the prisoners selected were, for the most part, those who had been guilty of the less heinous class of transportable offences, first convictions, and cases in which a reasonable hope of reformation was entertained. Instead of this strictly selected body, Pentonville prison now receives all adult male convicts who are free from contagious and such

other specific disease as shall render them unfit for confinement in separation.

Thus are admitted men of advanced age, as well as many delicate and infirm subjects, incapable of active muscular exertion, and unfit for subsequent labour on the public works. With regard to the moral aspect of the latter, a great number are old offenders, convicted of grave crimes, who have suffered perhaps frequent previous imprisonments; and some there are on whom other methods of prison discipline have proved ineffectual; and who, from their conduct and character, have been considered unfit to associate with others.

It will be found that of the eighteen prisoners in whom mental affections occurred, *ten* have now recovered. *Three*, who were of weak or unsound mind before admission, have somewhat improved; *one* remains in the same state as when removed from Pentonville. If to these be added the four who were removed to Bedlam, the total number of cases is completed.

In concluding the history of the mental condition of the prison during the past year, it would be well to observe that, although there has been an excess in the number of cases of mental affection, the general tone of mind has been of a healthy character.

The period of separate confinement in Pentonville, at which mental affections occurred were as follows:

| | | | | | | |
|------------------------------------|---|---|---|---|---|---|
| On or immediately after admission, | - | - | - | - | - | 4 |
| At or under two months, | - | - | - | - | - | 6 |
| Under six months, | - | - | - | - | - | 2 |
| From six to nine months, | - | - | - | - | - | 3 |
| Above nine months, | - | - | - | - | - | 2 |
| Sixteen months, | - | - | - | - | - | 1 |

—
18

It should be added, that half of the whole number were actively employed, when at large, as labourers or soldiers, and all but one had sedentary employments in prison. In order to give our readers a just impression on this topic of the report, we must remind them that the medical department of the Pentonville prison is under the joint care of a resident surgeon, and a visiting physician whose quarterly reports form part of the present official document.

From the discrepancy of the views of these gentlemen, we are led to suppose it is quite possible that the professional opinions of two physicians, succeeding each other in the medical department of the same prison, or called to pass upon the men-

tal or physical health of the same company of convicts may differ widely, if not irreconcilably. In the first quarterly report of the year, the visiting physician, Dr. Rees, twice remarks upon "the large number of the prisoners that are obviously of a very low grade of intellect," and recommends an increased amount of tuition in their cells.

In his third report he says: "it will be seen that five cases of mania and eight of mental delusion have occurred in the prison during a period of nine months. These numbers would appear to render it probable, that some cause for the production or development of insanity is in operation at the prison which did not formerly exist.

This consideration, induced by the statistics of the prison, would not, however, urge itself so forcibly on the attention, were it not that in my inspections of the men made from time to time, I have observed an irritability and discontent indicative of a mental condition very different to that shown by prisoners in former years, and, in more cases than I ever recollect before, a despondency and want of mental tone requiring the attention and calling for the anxiety of the medical officer. The decrease which has been made in the period of separate confinement, and which perhaps has been regarded as a necessary relief to the prisoners' misery, and a means of inducing increased cheerfulness, has, if it be allowed such effect, been in all probability accompanied by some conditions which have more than counterbalanced all the advantages derived from the change of term.

My attention has been more especially directed to the detection of these causes of evil, and it would appear probable that the two following have had a great share in the result, though in what degree each may have operated it is impossible to determine:—

1st. There are now about fifty men in association in the prison, while the remainder of the prisoners are subjected to separate confinement.

Association is preferred by the majority of prisoners, and thus those in separation are kept in a state of uncertainty and irritation, feeling it a hardship to be treated differently, and, as they consider, more harshly than others. This induces not only mental irritation, but also frequent attempts to deceive the medical officer into a belief that association may be desirable in the prisoner's case.

2nd. The prospects of the prisoners are not so cheering as during former years, and thus hope, the great support to health, both mental and physical, is either lessened or destroyed according to the more or less sanguine disposition of the prisoner.

The disadvantages of a *mixture of systems of discipline in the same establishment* have been often discussed by prison disciplinarians, and the mental irritation caused thereby been made matter of serious comment.

Our readers will readily perceive the bearing of these views upon some theories not unknown on our side of the water. They will also regard the following suggestions as worthy of serious thought.

With regard to the partial or total withdrawal of hope, or the substitution of a prospect distasteful to the minds of those suffering imprisonment, no comment is required to urge the importance of modifying a condition necessarily fraught with danger.

With respect to the use of the "garden class" as a means of preventing the occurrence of mental disease, I have had occasion to observe the manner in which the presumed relaxation is at present carried out. It is true that some few of the men work in the grounds, and are so enabled to enjoy some little freedom and variety. The larger number, however, I found in the airing-yards of the prison, where they were confined, either walking about listlessly or removing the few weeds growing in the gravel. There can be no doubt that a man who can read or amuse himself at any kind of handiwork in his cell will be far better able thus to combat mental depression or even bodily ailment, than if placed for hours in an airing-yard and thrown upon his thoughts.

The opinion of the resident surgeon does not coincide with that of the visiting physician, either as to the condition of the convicts, or as to the causes of any supposed deterioration in their physical or mental condition.

In the fourth quarterly report of Dr. Rees, he comments on some of the positions taken by the resident surgeon, and reviews the year. The number of cases of mania and delusion, as before stated, was eighteen,—full half the number that occurred during the whole of the seven previous years! Of course, some cause must be assigned for such a great change, independent of any thing in the separate system. Dr. Rees thinks it was chiefly owing to a neglect of his recommendation of additional instruction in the cells, and especially to the irritability occasioned by the *intermixture of association and separation*. In reply to the first of these suggestions, the chaplain

says, that some of the prisoners are incapable of instruction, and the rest receive all they need ; and in reply to the second, the resident surgeon contends that he has said enough, and much regrets that " Dr. Rees and himself should have arrived at such very different conclusions !"

Our own impression, from a careful examination of the whole document is, that just so far as the principle of separation has been invaded or abandoned, just so far mischiefs have crept in. Had we nothing else to guide us, we should not hesitate to pin our faith in that principle upon this ninth report from Pentonville.

ART. IV.—WHAT IS TO BE DONE WITH OUR CONVICTS? SKETCH
OF A SYSTEM OF PENAL STATE SERVITUDE, as an Efficient Reformatory and
Economic Substitute for Transportation and Imprisonment.—Edinburgh, 1851,
16 pp.

AFTER exhibiting what the author regards as the defects and failures of various systems of penal suffering, he proposes to condemn all convicts to various periods and grades of State servitude. From the lowest class of offences now punishable by fines, he proposes a new scale of fines; and inasmuch as \$25 is a quarter's earnings to one man, and only a week's or day's to another, he would have the penalty so many days' income. Persons who are unable to pay a fine, to be subjected to State servitude in confinement, till it is worked out; they to be credited with their labour at a fair price, till it covers the price and board. If they refuse submission, they are to be regarded as in the first class of convicts, whose lowest term of servitude is one month.

It is proposed that these should be *drafted* as STREET SERVANTS to the various towns which may apply for them, or to which they may be allocated in the proportion of population. They shall wear a CONVICT DRESS, upon which the *wearer's number* in the police list, and also the *nature of his offence*, shall be conspicuously displayed. Thus every passer-by may read the cause of the criminal's degradation, and point to his fate and criminal badge as a warning to youth to be honest, upright, and industrious.

The business of these convicts will be to perform scavenger-work, sewer-cleaning, street-watering and lighting, stone-breaking, oakum-picking, and such other duties as may be required of them by the local magistracy.

The duty to be performed by each convict shall be assigned to him by an overseer: if it is satisfactorily executed, he will receive a *good mark* as his day's character; if he has been indolent, disobedient, or negligent, and has failed to give satisfaction to the overseer, he will receive a *bad mark* as his day's character.

The period of servitude of each convict will be divided into TEN EQUAL PARTS. If *upwards of two-thirds* of the days' characters in any of these tithes have been good, the convict shall be rewarded by *the remission of one tithe* of his period of servitude; and if two-thirds have been bad, he will be punished by *the addition of one tithe*. Thus: a convict sentenced to three months' servitude, will have ten periods of nine days each to serve. If seven days in any of these tithes have good characters, nine days of servitude, (or one-tenth of the whole period,) will be *remitted as a reward*; and if seven days in any tithe have bad characters, nine days will be *added as a punishment*.

The *lowest* term of servitude in the second class of convicts to be *one year*. The convicts of this class will be employed in gangs at public works, such as the making and repairing of roads and harbours, the drainage of lands, reclamation of bogs, working the tread-wheel, and other *hard labour*. They also are to have daily characters, with the same system of rewards and punishments, by tithes of remission or addition, as has been already detailed.

A third class of convicts to be employed in the working of MINES and QUARRIES, and in such other *severe and dangerous* labour as may be imposed on them. The same system of daily tasking and tithe-marking to prevail in this, as in the other grades. The *lowest* period of servitude to be *five years*.

Any convict detected in SPEAKING to any person, bond or free, other than an overseer, to be punished by a *bad mark* in ordinary cases, and *corporal punishment* besides, in aggravated cases.

Any convict attempting to ESCAPE from servitude, to be punished by *the addition of five tithes of his whole period of sentence*; and, on a repetition of the offence, by corporal punishment, and removal to the next grade of criminals.

Any person harbouring, or otherwise assisting a convict in an attempt to escape, to be punished by the imposition of a FINE equal to the state value of the convict's labour for the whole unexpired portion of his period of servitude,—or, in default, by servitude in confinement for the amount, as previously explained.

Conveniently located police offices would be established as

convict DAY STATIONS, where food and temporary shelter could be obtained; and the gaols and police stations would furnish appropriate NIGHT QUARTERS.

Convicts of the first class are never to be subjected to street servitude in the same town in which their offence was committed.

Convicts whose ordinary (honest) employments have been *of a public nature*, are never to be allocated to towns within fifty miles of the place of their criminality.

Convicts having fulfilled their term of sentence, are to be returned to the place whence they were originally removed, or to the parish in which they had last acquired a settlement. If they have no means of gaining an honest living, they should have the option of being placed for a time in an industrial school, to be qualified for following some lawful calling.

To put a check upon the continual increase of *juvenile criminals*, the following regulations are proposed.

Any criminal under the age of sixteen years, convicted either before a magistrate, or at assizes, to be dealt with in the following manner.

His, or her PARENTS, or *natural or foster GUARDIANS*, to be summoned and questioned as to what they have done for the child's moral, intellectual, and industrial education. If they cannot show that they have fulfilled their duty to the child, in teaching him the moral obligations of honesty and truthfulness, —of social right and wrong,—and—if in circumstances to afford school education—in giving him a knowledge of the use of letters and figures, in reading, writing, and counting, and especially *in making provision for his acquiring an honest livelihood by the exercise of some lawful calling*, they shall be **BOUND IN PENALTIES to undertake these duties** whenever the child shall have been delivered to their custody.

If the result of the examination prove that the child has been criminally neglected, *the execution of his sentence shall be MODIFIED or FOREGONE*; and the negligent parents or guardians shall be punished *by the imposition of a FINE*, equal to the state value of the convict's services during the whole remitted period of his sentence; or, in default, be subjected to state servitude for the amount.

There are several other items of the plan, such as relate to female convicts, lunatics, corporal punishment, life sentences, &c., which we have no room to notice. What we have said will suffice to show the leading features of a scheme, which we doubt not, has been conceived in a truly philanthropic spirit, and is probably the result of much thought and observation. How far it may be of any practical use remains to be seen.

**ART. V.—REPORT OF A COMMITTEE OF THE COUNTY BOARD
ON THE PHILADELPHIA COUNTY PRISON. 1852. p. 24.**

To our own citizens the condition of the County Prison is a matter of much more interest than that of the Eastern State Penitentiary. The current of guilt and corruption that is continually flowing from the streets, through the prison, into the streets again, is deep and strong, and has surprisingly increased. The report for 1851 shows an aggregate of 10,684 prisoners against an aggregate of only 4418 in 1848, or an increase in three years of 6266!

The number of convicts under sentence to hard labor for five years last past, has averaged one hundred and eighty. The rest of the prison population is made up of three classes:

First.—Those who are committed to stand their trial at court on various charges.

Second.—Those who are committed for drunkenness, &c.

Third.—That very large class, who are sent to the prison under the charges of vagrancy and disorderly conduct.

These three classes average five hundred.

The first class are committed to prison for trial, and the law presumes every man innocent until he is proved guilty; and when he is committed to prison, it is not to punish or degrade him, but to hold him safely to answer at court, that his guilt or innocence may appear by the verdict of a jury.

The second class are numerous; the time for which they are committed to prison is but seldom over two or three days, and forbids their employment.

The third class are the most numerous, and if they could be employed, their stay in prison is too short, provided their health would enable them to work. As a general rule, vagrants are broken down in health and constitution, and, when committed, are frequently diseased, saturated with rum, and otherwise so filthy and disgusting that the heart sickens at the very sight. These prisoners require much attention and care to preserve life, and restore them to consciousness. Their stay is short, and an attempt at labor would result in a loss to the prison, in addition to the expense of their keeping.

Their average confinement is not over twenty days; a time too limited for them to learn a trade to be carried on in prison.

Again, if they could be employed, what would you employ them at? Here is the great difficulty. The inspectors say that they cannot devise any employment suited to their short terms. All suggestions of your committee were overruled by the result of practice or demonstration.

One of the most serious difficulties attending the administration of the discipline is the necessity of associating untried prisoners—there being only 458 cells for an average of 650 prisoners. The officers of the prison, as well as the committee, deprecate the necessity of such a departure from the system of discipline required by law, but they suggest no method of obviating it, except that of making a distinct prison or House of Correction, for the largest class of the present inmates—vagrants and disorderly persons. In ten months of 1851 these two classes constituted more than five-eighths of all the prisoners.

Perhaps we cannot present to our readers in a more intelligible form, an idea of the various classes of the prison population, than by the following table:

| Year. | Total. | CONVICTS. | | | VAGRANT & DISORD. | | | TOTAL COMMITM'TS. | | | |
|-------|--------|-----------|------|----------|-------------------|--------|-------|-------------------|-------|------|------|
| | | WHITE. | | COLORED. | | WHITE. | | COLORED. | | | |
| | | Male. | Fem. | Male. | Fem. | Total | Male. | Fem. | Male. | Fem. | |
| 1847 | 175 | 1275 | 632 | 317 | 528 | 2752 | 2841 | 905 | 775 | 869 | 5390 |
| 1848 | 160 | 1437 | 519 | 225 | 339 | 2520 | 2583 | 708 | 586 | 541 | 4418 |
| 1849 | 176 | 1740 | 709 | 276 | 382 | 3107 | 3249 | 989 | 755 | 630 | 5623 |
| 1850 | 154 | 2513 | 1119 | 379 | 546 | 4557 | 4625 | 1282 | 812 | 814 | 7533 |
| *1851 | 200 | 3282 | 1360 | 424 | 686 | 5752 | 5368 | 1816 | 924 | 976 | 8984 |

If a House of Correction should be established—a measure which the committee warmly commend—it would so reduce the population as to leave cells almost, if not quite, enough to allow the separate confinement of all who should remain.

The report adverts to the inequality of sentences, and a table is furnished showing this inequality in seventeen terms of the Court of Quarter Sessions. The average length of sentences pronounced by the four different judges of the same court, were 17, 14, 13 and 7 months; showing that a thief

* For 10 months.

or burglar, who would be doomed to imprisonment for a year and a half under one judge, would escape with half a year under another, in the same court!

We trust another twelve-month will not pass without adequate provision being made, in some form, for the surplus population of the county prison, so that no apology shall remain for a departure from the cardinal principle of separation.

ART. VI.—REPORT OF THE DIRECTORS ON THE DISCIPLINE AND MANAGEMENT OF PARKHURST PRISON, for the year 1851.

OUR readers know that this is a prison not for "juvenile delinquents," but for "juvenile convicts." It is situated on the Isle of Wight. The present report shows a very gratifying success in its operation.

The total number of convicts within the walls was seven hundred and fifty-five, and the daily average number through the year was six hundred and twenty. Only two deaths occurred! Each prisoner has forty hours of industrial employment, and eleven hours of school instruction every week. The expense per head was not far from \$96. Of sixty-eight admissions, fifty-one are described as follows: All but fifteen are orphans; thirty-one attribute their fall into crime to bad company; five to want; four to covetousness, and nine give no specific cause. All but nine had been to school for periods varying from three months to five years. It appears from the chaplain's report, that their criminal career has ranged from one month to ten years, and their previous imprisonments have been from one to ten times. The amount of property stolen is various—one having secured as much as \$250 in a day, and \$25 being not an uncommon booty. The thoroughness of the discipline, may be inferred from the following items:

Total number of boys under instruction in the schools in the course of the year 574; number of boys who have not been complained of at all in school throughout the year 484; number of boys who have not been reported to the Governor for punishment 518. Of the ninety boys entered in the school

misconduct-book for petty offences, there are complained of once, 61; twice, 17; three times, 11; four times, 1. Of the fifty-six boys reported to the Governor for punishment on account of continued petty misconduct, or for serious offences, there were reported once, 47; twice, 7; three times, 2.

Correspondence and Short Notices.

THE FOUNDATION GONE.

MR. EDITOR,—It has been to my pleasure, and I trust to my profit, that I have read carefully each number of your Journal, and although I have at times been disposed to think that you pushed the doctrine of *convict-separation* to something like an extreme, I have been satisfied that the principle was a wise and sound one. When I have been asked to look at the comparative results of the two systems upon the health of the bodies and minds of convicts, and especially when learned doctors have pointed to the health-returns of the New York and New England prisons, and have urged some relaxation of the separate principle, and an occasional, though very limited association in particular cases, as a remedy for what was supposed to be the unhealthy influence of separation, I have been almost ready to wish that the suggestion might be entertained. But I am now quite satisfied that the ground on which such a proposition is urged, is not tenable. *The foundation on which it rests is gone.* The late report of the Select Committee of the Legislature of New York reveals the astounding fact, that all past reliance on the statistics of insanity and mortality in their prisons has been misplaced. Of course the whole argument having rested mainly on the returns from these prisons, falls to the ground. Lest you should not have seen a copy of the report, I transcribe half a dozen lines.

“We regret that we cannot demonstrate the influence of long sentences on the health of prisoners, by a convincing array of statistics, drawn from the records of our prison; unfortunately, these have not been preserved with sufficient care to make them reliable.”

And again, “It is to be regretted that the modes of keeping the records of the majority of the prisons, are such as to be unavailable, as authority, on the question of the influence of long terms of imprisonment on the health and sanity of prisoners.”

Not only are we put upon our guard against depending on these statistics, but we have the distinct declaration of the committee, sufficiently broad and

unqualified to cover the whole ground, that "no one who is familiar with these institutions can doubt that long imprisonment in them tends to injure both the body and the mind, or that very few spend over five years in them without showing greater or lesser symptoms of imbecility of mind."

It is my honest conviction, that a rigid adherence to the principle of convict-separation will be found, after all, the only safe course, whether we regard the interests of the prisoner, or of the public. I hope your society will keep to its old land-mark.

HOWARD.

EASTERN STATE PENITENTIARY.—We hoped to be able to give a synopsis of this document in our present number, but it has not come to hand. The report of the Visiting Committee made at the March meeting of our Acting Committee, represents it as in good condition. Of the eight prisoners discharged in February, five were under twenty-five years of age, and two were pardoned by the governor. One of the pardoned convicts was sentenced to ten years, and the other to eight years, and both had served fifty days less than one year.

*Abstract of the Returns of the Overseers of the Poor of Massachusetts,
for the year ending November 1, 1851.*

The number of persons relieved or supported as paupers during the year, was 27,624, and of these 12,940 were foreigners, and all but 1,035 from Ireland! The number coming into the State within the year was 2,000. The number of paupers in Almshouses was 12,918, half of them unable to labour, and the average cost of their support was \$1 06 $\frac{1}{4}$ per week. Those aided and supported out of Almshouses was 14,167, at an average cost of 94 $\frac{1}{4}$ cents per week. The number of insane paupers 626, and idiots 372. The number who became paupers by intemperance in themselves or others was 16,853, or nearly one-half! The nett expense of pauperism, including interest on establishments, was little short of half a million of dollars.

Twenty-Fourth Annual Report of the Board of Managers of the (Philadelphia) House of Refuge, 42 pp.

This document embraces the history of the institution for the year 1851. The average population of the two departments was as follows: white, boys, 162, girls, 50; coloured, boys, 82, girls, 35. The greatest number at one time in the white department was 197 boys, and 56 girls; and in the coloured, 94 boys and 37 girls, or an aggregate of 374. From the white Department, the unusually large number of 170 have been indentured. Only two deaths occurred during the year. The value of the labour of the inmates was \$7,733, and the current expenses of the establishment \$25,875.

It should be borne in mind that the first of these sums is the product of the industry of those who would otherwise have been consuming what they contributed not to earn. It is so much saved and gained not only, but in the saving and gaining, a large accession is made to the capital of the country in the skill or aptness to labour which is acquired, in the habits of application and order which are instilled, and in the general improvement of manners and morals.

The cost of a year's keeping of an inmate of the white department (deducting labour) is \$50.91, and of the coloured \$62.80.

The report is rendered very valuable by a beautiful plan of the contemplated new building for the white department, with a description, estimate of cost, &c. In aid of this most benevolent and economical public enterprise, the legislature of the State having promptly granted \$60,000, which, with the avails of the present property will, it is believed, suffice to complete the building ready for occupancy.

NEW YORK HOUSE OF REFUGE.—We have received the Twenty-seventh Annual Report of the Managers of the Society for the Reformation of Juvenile Delinquents to the Legislature of the State, and the corporation of the City of New York, pp. 55.

This institution was opened in 1825, and has befriended 5,318 children. Eight hundred and eight different subjects were under care during 1851, and 407 were in the house on the 1st of January last. The labour of the boys, which is chiefly employed on cane chair seats, razor strops, wallets, &c., has been worth $11\frac{1}{2}$ cents a day, and the making and mending of clothes for the whole family is done by the girls. About one hundred admissions of the year were under commitments from courts. Of 278 admissions during the year, the average age was $13\frac{1}{4}$ years. And only 53 were of American parentage! One hundred and sixty-three were Irish, 29 German, 21 English, 4 Scotch, and 4 French. Of the 264 indentures, 165 were to farmers, and 60 to housewifery. The expenses of the house were \$23,736, or (deducting earnings) not far from $62\frac{1}{2}$ cents a week per head.

We are surprised to notice that 97 of the inmates were returned during the year, after having been given up to friends or indentured.

A site has been selected on Randall's Island, containing twenty-five or thirty acres of land for new buildings, which are expected to be completed in two years.

Abstract of returns of the Keepers of Jails and Houses of Correction in Massachusetts, for the year ending November 1, 1851, pp. 265.

We have here the reports of 19 jails, embracing various items respecting the crime, sex, colour, social condition, education, cost of support, manner of discharge, &c., in reply to 72 questions. The whole number of prisoners

in gaols for the year was 8,394, and the expense was \$25,057 87. Thirteen report no labour performed, and the other six are silent, or return indefinite answers. Of the 8,394, 4,150 were of foreign birth, and only 1,941 of the whole number can read and write.

The returns from 14 Houses of Correction give an aggregate of 3,224, and an average of 810 prisoners. Amount of expenses, \$66,491. The estimated value of the labour of these prisoners is \$28,730, which leaves a net expense of nearly or quite \$1 16 a week per head. Of the whole number, 1,934 or nearly $\frac{3}{4}$ could neither read nor write; 1,113 were addicted to intemperance, 1,922 were of foreign birth, and only 707, or less than $\frac{1}{4}$ were natives of the State.

Of the aggregate of 11,628 persons in both Gaols and Houses of Correction, 3,850, or about one-third were committed for intemperance, and 5,072, (or nearly one-half) were of foreign birth. The average cost of board per week was \$1 67 $\frac{1}{2}$ per head.

The House of Correction in the county of Essex, returns 77 insane inmates, of whom 30 had been in a lunatic asylum and discharged uncured, and 43 were never under treatment.

The House of Correction in the county of Middlesex, returns 49 inmates of a similar class, but without any information as to their previous history, forty-one of whom are foreigners.

CRIMINAL RETURNS AND OTHER INFORMATION, FOR PHILADELPHIA, FROM JULY 1, 1851 TO JANUARY 1, 1852.—The total number of arrests, by the marshall's police, for the six months, ending Dec. 31, 1851, was 7,269; of these, 3,063 were for breaches of the peace, 865 for assault and battery; 701 for intoxication; 235 for fighting; 43 for fast driving; 40 for assaulting officers; corner-lounging, 50; disturbing public schools, 19; gambling, 62; inciting to riot, 123; indecent exposure, 23; insulting females, 25; larceny and suspicion of it, 381; malicious mischief, 89; riot, 194. Number of robberies reported, 377—value of property, \$33,000, and about half recovered. Number of fires, 269—false alarms of fire, 413—property destroyed, \$885,000—insured, \$578,433—9 lives lost and 15 saved. 178 lost children restored to homes. 263 intoxicated persons taken to their homes. 56 officers injured, and 13 disabled in discharge of their duty.

BALTIMORE ALMSHOUSE.—It appears by a late report that "the number of inmates in the almshouse, is 745—the building being designed for only 500. The number received during the year 1851 was 2,150—the number of births 45—making the increase 2,305. Of the number received during the year, 900 were born in Ireland and Germany. There were 130 infants admitted during the year—the number of deaths, 256—the sick, at the date of the report, were 123.

STATISTICS OF SHIPWRECK.—A very interesting return to an order of the House of Commons has been made by the managers at Lloyd's. We find it in an abstract of all collisions, accidents, and wrecks of vessels, and the number of lives lost in each year, since the 1st day of January, 1847, till the 31st day of December, 1850. It contains 193 pages, each page averages about 70 lines, and each line contains the record of a disaster. Now, if we multiply 193 by 70—the number of pages by the number of lines—we find that the return comprises an account of 13,510 accidents at sea. Let us divide this by four, the number of years over which the return travels, and we have 3,377 and a fraction to represent the mishaps of each year. This yields, within a trifling fraction, 65 accidents, wrecks, &c., for each of the 52 weeks of every year, and, consequently, rather more than nine for every period of 24 hours. As a last result, we may take as a fair deduction from Lloyd's return, that an accident of some sort or other, within the knowledge of the committee, occurs at sea as nearly as may be at intervals of two hours and three-quarters throughout the year. It must not, of course, be understood, that every accident implies a total wreck, with the loss of all hands. If a ship carries away any of her important spars, or, on entering her port, strikes heavily against a pier, whereby serious damage is occasioned, the accident is duly registered in this pithy chronicle of Lloyd's. Nevertheless, as we glance up and down the columns, it is no exaggeration to say that two-thirds of the accidents recorded are of the most serious description. We are unable to say to what degree this register of Lloyd's can be accepted as a fair index to the tragedies which are of such hourly occurrence upon the surface of the ocean. If all were known, we fear that this average of accident or wreck every two hours and three quarters would be fearfully increased.

PAYMENT OF WAGES IN THE MIDDLE OF THE WEEK.—We are happy to learn that the principal iron founders of Glasgow, have commenced paying their workmen on Wednesday at two o'clock, instead of Saturday, "for reasons," as they state in their circular, "so well and ably stated by Mr. Maclure, in his letters, signed 'Common Sense.' " Last Wednesday, being pay day, we visited most of the foundries, in order to ascertain how the plan had answered the benevolent design of the promoters. We have learned that the expectations of the humane and patriotic masters have been more than realized. The workmen returned after dinner, almost in every instance, leaving their wages behind them with their families, who have now leisure and daylight to seek for the cheapest markets, and spend their money to the best advantage. May the system extend and prosper!

As some misapprehension exists on the subject, it is deemed proper to say that the services of the editor of this Journal are, and always have been, and will continue to be entirely *gratuitous*. The labour is not inconsiderable, and is much increased by the necessity of rigid condensation. That the subject to which our pages are mainly devoted is not one of popular interest we are well aware; but we are persuaded that a little effort on the part of the few who are interested, would sensibly enlarge the circle of our readers, and proportionably increase the little that our labours may be capable of contributing to the relief of human woe.

Wm. Symington
364 Walnut

VOL. VII.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

NO. III.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.



PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1787.

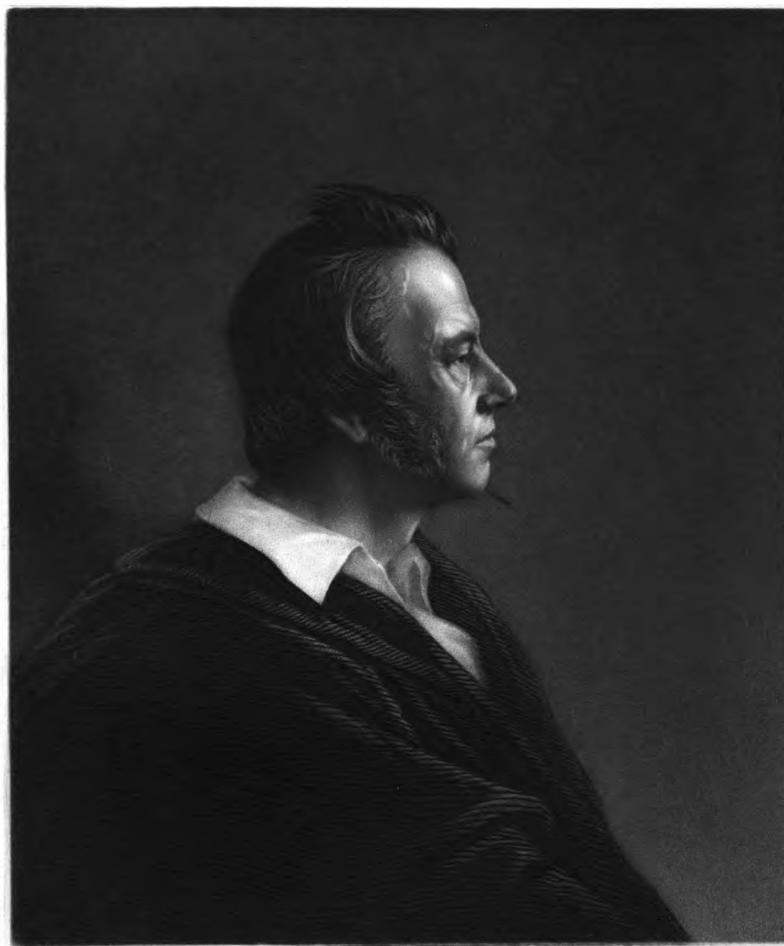
"The separation of one prisoner from another is the only sound basis on which a reformatory (prison) discipline can be established with any reasonable hope of success."—*Fifth Report of Inspectors of English Prisons.*

JULY, 1852.

PHILADELPHIA:
E. C. AND J. BIDDLE,
SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.
LONDON: CHARLES GILPIN.

1852.

Isaac Ashmead, Printer.



ENGRAVED BY T. B. WELCH.



Digitized by Google

PRIVATE

PENNSYLVANIA.

DOCTORS AND SURGEONS.

1766-1783.

Maplewood, New Jersey—The author's residence.

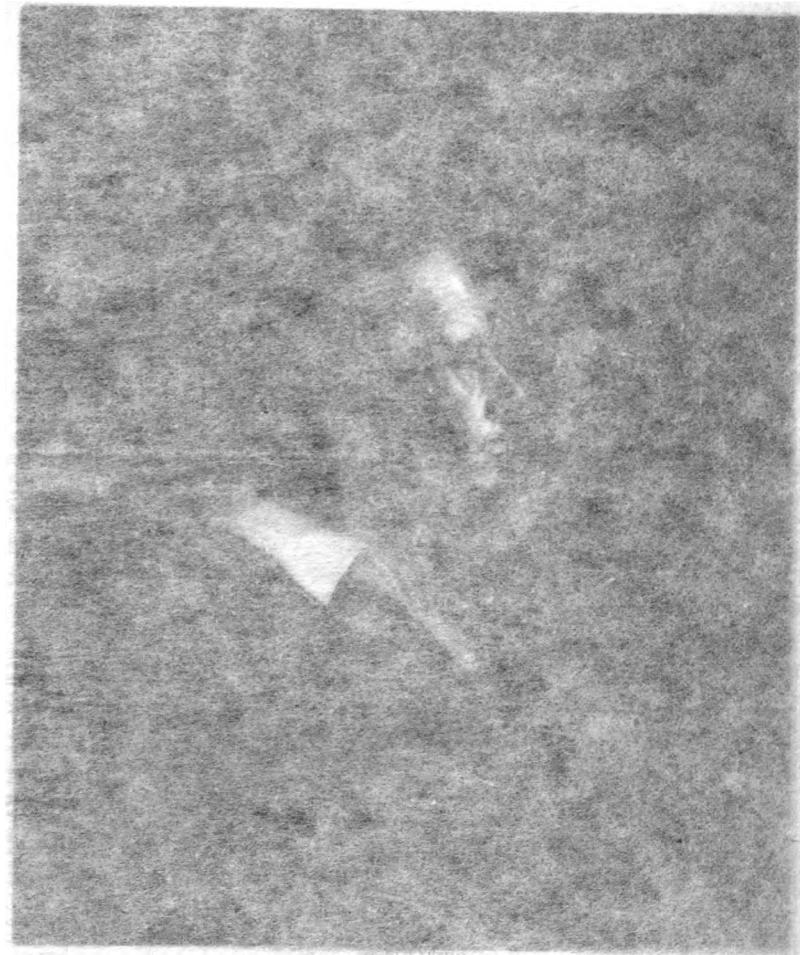
1771-1783.

MAPLEWOOD.

It is not long since the Palladium—Society for Abolitioning the Miseries of Prison-People was founded by a number of its founders; the standard of the Society is high, and benevolent men will be gratified to see the noble work of prison reform carried on so successfully, to add to the rest of the world, and to the cause of the poor, with associated worthiness of character, and the true pioneer of its arduous and progressive. They who, by wise counsel and the love of their kind, conceived the morality of our discipline, and their fellow-labourers who faithfully and unceasingly endeavoured to put it in execution, have been adapted to its conception, and now stand together. Our readers will participate in the interest with which we regard the following incidents of a life so closely connected with that of John Haviland, with the great subjects to which his powers are devoted.

Mr. Haviland was born on the 15th of January, 1766, in the county of Somers, England. He

Haviland, of Gundundenham Manor, in that county, and of Ann, daughter of the Rev. Benjamin Cobley, of Ide in the county of Devon, Rector of Dodbrook. His academic studies were com-



WILLIAM MANOR

1747-1792.



PHILADELPHIA

2d. J. & C. CO.

PRINTED IN U.S.A.

Digitized by Google

E R R A T U M .

On page 102, fourth line from the top, for Russian read Prussian.

THE
PENNSYLVANIA JOURNAL
OR
PRISON DISCIPLINE.

VOL. VII.—JULY, 1852.—No. 3.

ART. I.—JOHN HAVILAND.

OBITUARY NOTICE.

It is not long since the Philadelphia Society for Alleviating the Miseries of Public Prisons recorded the decease of the last of its founders; the survivor of that little group of enlightened and benevolent men, who, in the year 1787, commenced the work of prison reform in Pennsylvania. The society has now to add to the roll of the departed, the name of one who is to be henceforth associated with the history of that reform, as the chief pioneer of its architectural progress. They who, in wisdom and the love of their kind, conceived the morality of our discipline, and their fellow-laborer who faithfully and earnestly and successfully sought to give to it an outward embodiment adapted to its complex designs, now sleep together. Our readers will participate in the interest with which we recall some of the leading incidents of a life so closely connected as was that of John Haviland, with the great subject to which our pages are devoted.

Mr. Haviland was born on the 15th of December, 1792, in the county of Somerset, England. He was the son of James Haviland, of Gundunden Manor, in that county, and of Ann, daughter of the Rev. Benjamin Cobley, of Ide in the county of Devon, Rector of Dodbrook. His academic studies were com-

pleted in his native county; and as his tastes, even in boyhood, inclined him towards the profession of an architect, he removed to London, and became a pupil of James Elmes. His preparatory training under that gentleman had been scarcely finished, when his enterprise was solicited by inducements from abroad. A sister of his mother had married an officer of distinction in the Russian naval service, who was then Minister of Marine, under the Emperor Alexander, Count Morduinoff. As this gentleman was disposed to promote the advancement of his young relative, the latter hoped, through his influence, to obtain an appointment in the imperial corps of engineers, and promptly accepted an invitation from him to visit St. Petersburg. Upon arriving in Russia, and considering the various motives presented for the guidance of his future career, particularly the reports which had been received of the state of architecture in this country, and of the opening existing here for professional skill and activity, Mr. Haviland, in accordance with the advice of his friends, resolved to embark for America. He was furnished with letters of introduction, amongst which was one from General Von Sonntag, who had been a resident at Philadelphia, and whose sister Mr. Haviland subsequently married. He landed in this city in September, 1816.

With this portion of our sketch, there are associations which deserve to be mentioned, not only because of their intrinsic value, but because they are in beautiful harmony with later events, and must have influenced, in some degree, the thoughts and feelings of our architect. When the philanthropist Howard was at Cherson, in 1789-90, he formed an acquaintance with Admiral Morduinoff, then chief of the Black Sea fleet. Their relations soon ripened into those of an intimate friendship, which was cemented both by the amiable qualities of the Russian officer, and by his warm sympathy with the feelings and plans of the reformer. When the latter fell a victim to the infection to which he had exposed himself, his last moments were attended by Morduinoff. The memory of this honorable friendship was reverently cherished by the survivor, who loved to dwell upon the discoveries and designs of the great Englishman; and we cannot doubt, that the young Haviland became an auditor of precious reminiscences. It is certain

that the friend who shared the last sympathetic throb of the heart of Howard was he whose hand was extended to guide towards our country the architect, under whose directing skill, was to arise the most complete embodiment which the world had seen, of Howard's reform.

It was not long after his arrival here, that Mr. Haviland found an opportunity for the exercise of his professional skill. Amongst his first public works was the Presbyterian church on Washington Square; an edifice which, compared with the latest of our churches, ranks well with respect to the chief conveniences of such a structure; and which, if judged by the buildings existing here at the date of its erection, gives a very favorable idea of the young artist's capability, and of the liberal scope of his mind. It is not, however, our purpose to review his works, except in connection with our penal institutions; towards which he soon found himself directed by the wants of his adopted state. After a series of appeals to the legislature, and finally to the public, the Prison Society, acting in conjunction with the officers of our prisons, had succeeded in obtaining (in 1818) the enactment of a law, authorizing the construction of a prison for convicts, at Pittsburg, in the western part of the State. Amongst the plans which were offered to the judgment of the commissioners, appointed to superintend the construction, was one presented by Mr. H. We regret not to be able through an inspection of this plan to exhibit the earliest conception of his mind upon such a subject; the preference was given to another design, and his drawings are not within our reach. The choice of the commissioners was unfortunate, as there will be occasion hereafter to notice.

The insufficiency of the prisons in the eastern part of the State, became the motive to further applications to the government; and in the year 1821, an act of the legislature provided for the erection of a State Penitentiary, at Philadelphia. Mr. Haviland again entered into the competition of architects, and was successful in obtaining and maintaining the direction of the work, not only during its early progress, but until the completion of the last block of cells. As it is by this institution, that his reputation has been most widely extended, it may not be

inappropriate to recall some of the peculiar circumstances in which his skill was exerted.

We are here reminded of the just observation of an English author, that "innumerable are the services to truth, to justice, or society, which never can be adequately valued by those who reap their benefits, simply because the transition from the early and bad state, to the final or improved state, cannot be retraced or kept alive before the eyes. The record perishes. The last point gained is seen; but the starting point, the point *from* which it was gained, is forgotten." This remark is the more impressive when applied to human works upon any subject which, from its nature, tends always to an improvement keeping pace with the special experience, and with the general enlightenment of a community. That which costs an effort to the most enterprising inventor of to-day, will shortly become familiar; then the basis of new reforms; and finally, will rank only as one of the earliest of a long series of developments. The tendency to generalize, and to mistake resemblances which are easily seen after a contrivance has become familiar, for the real succession of ideas by which a reformer was led to his discoveries and plans, has always had the effect to conceal from posterity the true difficulties of any achievement in their behalf. Hence the influence properly attributable to the intervention of an individual in the affairs of society, cannot be accurately judged, unless there be first considered the state of the case as it appeared to his immediate predecessors, and his contemporaries. It will of course be impossible, within the limits allotted to this sketch, to do more than indicate the topics to which the reader's attention is invited; yet enough may be said to lead him easily to the principal grounds of the conclusion which the writer has in view.

The visits of Howard to the prisons of Europe, had brought to public notice not only the miserable condition of the discipline in most of them, but also many of their principal defects of construction. The modifications of interior management first suggested for convicts in England, and subsequently enlarged and carried into successful operation in Pennsylvania, required great alterations of material structure. The design was to pass from a state of things, in which there was an indiscrimi-

nate association of prisoners without labor, without instruction, without government, almost without restraint, except that of walls, chains, and the brutal tyranny of the strongest or boldest among the prisoners, to a state in which separation, good order, cleanliness, labor, instruction, and ready and continual supervision should be maintained, within the limits of such fiscal economy as public opinion and resources rendered expedient. The earliest and most noted experiments were made at Horsham, Petworth, and Gloucester, in England; and in the old Walnut street gaol, at Philadelphia. The record of these attempts fortunately still remains; and it would be superfluous to discuss their want of adaptedness to any large scheme of separate discipline. The next remarkable effort was at Pittsburgh, where a circular prison was erected, so illy suited to its objects, that in less than ten years after its completion, it was demolished. The next step of progress was the erection of the Eastern Penitentiary; and it must be obvious, that much was involved in the success or failure of its architect. There was not in all Europe a building suited to the objects of the contemplated work. Since the alteration of the Walnut street gaol, there had been more than a quarter of a century of observation and reflection, and discussion; and the principal monument of these, visible amongst ourselves, was the Western Penitentiary, which had not yet been tried, and which was at that time recommended not only by the professional judgment which devised it, but by what is often more influential, the prestige of government favor, and public expectation. It was in such circumstances, that Mr. Haviland undertook to solve the problem entrusted to him. It is probable, that he scanned, as he was bound to do, all the resources of his profession, as far as these had been manifested in structures within reach of his means of information. It is probable that he felt the importance of his position, and that he inquired anxiously; and that he labored intently upon the materials of design, availing himself of light from every quarter; but let us judge of his procedure by its result. The chief objects of prison architecture, sought by the friends of separate discipline, were for the first time attained. The impression upon the public mind was so remarkable, that it must fix the attention of the most careless

reviewer; and we have, moreover, been furnished with a test of unusual value, by which to determine how far our architect comprehended his position. The British government meditating a change of penal discipline, and the French and Russian governments with a like design, sent commissioners to the United States, to examine the penitentiaries. Those gentlemen had previous knowledge of prison architecture in Europe; and they visited the prisons of greatest reputation in America; and they found our discipline administered with a success unparalleled. When they returned to their respective governments, the plans which they reported for adoption, were essentially the same with that of the Eastern Penitentiary. During their visits to Philadelphia, they received from Mr. Haviland, communications of his experience, which were made to them with the generous frankness which eminently characterized him as a professional man. Some idea of the impression produced by his work, and by his liberal zeal for the promotion of good construction abroad, may be formed from the following translated extract, from a letter addressed to him by the French commissioner, M. Blouet, himself a distinguished architect. It accompanied a copy of his official report, presented in the joint names of himself, and his associate commissioner, M. Demetz.

"M. Demetz and myself, request your acceptance of a copy of the report which we have made to our government at the termination of the mission, upon which we visited the United States to examine your penitentiary system. As you may see by our report, the establishments constructed by yourself have been the chief source from which we have drawn; and they are also the models which we propose as the best, and the most perfectly conceived for satisfying the physical and the moral conditions of penitentiary reform. We hope that you will accept the particular expression of our sincere compliments, upon the very honorable part which you have had in the erection of establishments so remarkable in every point of view.

"For myself, sir, as an architect, I cannot too often repeat to you that both the design, and the execution of your works have interested me in the highest degree; and it gives me real pleasure to offer you my sincere thanks for the obliging manner

in which you have furnished me with the information needed for my studies in your interesting country."

Such testimony is the more impressive, when we remember that it comes from a gentleman who had not only exhibited convincing proofs of his fitness for the responsible duty to which he was called by his government, but who had at the same time shown his freedom from the constraints of mere imitation. As justly remarked by M. Moreau-Christophe, the plan of Mr. Haviland was not servilely copied; but while endeavoring to accommodate some of its details to peculiarities of religion, national character and climate, M. Blouet rendered his hearty tribute of acknowledgment, alike honorable to himself and to its object, for the reform which he had witnessed in the main elements of the design.

The most striking mode of illustrating the facts, is to assemble plans of the chief prisons erected before the Eastern Penitentiary, and to compare them with the plans of separate prisons for convicts, since constructed. It will be apparent at the first glance, that there has been a sudden and radical change, and that the Eastern Penitentiary is the head of the new series. Even in many particulars, in which the old and the new forms may exhibit a resemblance, there will be found an essential difference in the principle of the design; the same feature being found to have a different object, or a different relative value.

The influence of the reputation acquired by such success, was immediately felt in the enlargement of Mr. Haviland's sphere of professional exertion. At the same time that he was occupied with the completion of the series of cell-blocks at Cherry Hill, he was also engaged upon several other similar works. The Western Penitentiary having been proved to be unsuited to its objects, he was invited, about the year 1834, to superintend its reconstruction in conformity with the plan of the Eastern. The authorities of the county of Alleghany requested his direction of the prison of that county, then about to be built; and he also drew the plan of its Court House. The State Penitentiary of New Jersey, was built by him after the model of Pennsylvania; and he also designed and superintended the erection of the prison of Essex county, in New Jersey, and

the Halls of Justice, (the city prison,) of New York. The nearly simultaneous direction of these buildings at places very remote one from another, required an extraordinary energy and power of endurance. In 1841, the prison of Dauphin county was constructed by him at Harrisburg, the capital of the State; and it was at that time generally regarded as the best example in this country of a small county jail. It would be unfair to judge of the details of the preceding works, by a comparison of them with the latest and most costly specimens of this class of buildings. The English government at a great expense, and with a generous liberality of encouragement, of which there was no parallel in the United States, procured a series of experiments upon the ventilation of large buildings, and upon the fitness of various kinds of walls for the necessities of our discipline ; and authorized the construction of a model prison, upon which were lavished the best science and art within reach of the commissioners ; and the result was naturally an improvement in the details of contrivance, as well as in the material execution of these. The heating, ventilation, means of prompt communication, and other particulars of security and comfort were established by methods superior to any which had been previously in use in this country. The yards for exercise, which as first tried at Cherry Hill, were found to shade too much the cells on the ground floor, were detached and placed in the spaces between the blocks. The warden's dwelling, which in the Eastern Penitentiary had been erected on the circumference of the radii, at a distance from the centre of supervision, (because of an original intention to have eight blocks of cells, instead of seven,) was fixed in its more suitable relative position. These changes, however, some of which were recommended by Mr. H. himself to the foreign commissioners who visited us,* do not diminish the weight due to the fact, that upon the construction of the Eastern Penitentiary, there was a sudden change of model ; and that that establishment was the type of the new form, as respects essential features.

* For example, in the New Jersey State Penitentiary, the plan of which was inspected by the English and French commissioners, the warden's department is in immediate connection with the observatory.

Notwithstanding the pride reasonably inspired by the flattering evidence of his success, it is one of the most creditable reminiscences connected with the professional career of Mr. H., that instead of resting upon what he had accomplished, instead of reluctantly yielding to the evidence of progress in Europe, he was prompt to seek and to employ in his own later designs, whatever new details he found to be sufficiently recommended by theoretical or experimental evidence. The funds at his disposal for the erection of county jails, were not adequate to the most perfect elaboration of his own, or other conceptions; but it may be seen that when called upon, as he was not long after the completion of the Dauphin county prison, to build one with forty cells for the county of Berks, in Pennsylvania; he availed himself of the opportunity to introduce some of the most recent conveniences of arrangement. In Lancaster county, where his services were next required, he exhibited the same professional interest. The prison of this county had not been long occupied, when he was summoned from his career of public usefulness. He died suddenly at his residence in Philadelphia, on the 28th day of March last.

We have, though necessarily in a brief and imperfect manner, adverted to the peculiar claims of Mr. Haviland, to the grateful recollection of every friend of the separate discipline; because in the progress of events, it may have happened that some of our readers have lost sight of that record of the "early and bad state," which is requisite to judge rightly of his merits as the leader towards the present "improved state" of prison construction. Those who shall hereafter witness signal triumphs of benevolence and skill, to which his labors have opened the way, may—and if the fortune which has awaited even the most eminent of reformers shall not be reversed, probably will—fail to conceive the full measure of his contributions towards the crowning result; but while a tradition survives amongst his associates in prison reform, and their successors in Pennsylvania, his name will not cease to be mentioned with honorable distinction.

Amongst the memorials which he has left in other departments of his art, we might refer to the United States Naval Hospital at Norfolk, Virginia; and the Pennsylvania State Lu-

natic Asylum, recently finished at the capital of this State ; both of which institutions manifest in a high degree the industrious preparation, the sound judgment, the economy, and the practical skill, which he employed upon his designs. Regarding his function as that of an exponent of the knowledge which enlightened observation had gathered from experience, his first step was to acquaint himself with the best conceptions of those for whom he was to interpret by physical structure ; and he wrought with fidelity to express those conceptions by the most fitting external fabric ; but our limits compel us to abstain from a notice of these and similar works.

In conclusion, it must be added, that while witnessing the establishment of his reputation, in a manner rarely exampled in the history of his profession in modern times, especially where the object has not been to minister to the wonder and delight of the multitude, Mr. Haviland maintained a singular modesty of deportment and of speech, even amongst those who knew most intimately the interest which his success had excited in his own bosom. He was frank and amiable in his intercourse, and liberal in the instruction of those who sought his advice upon the important subject of his principal thoughts. He has left to his survivors and to posterity the example of an unpretending, but eminently useful career.

At a meeting of the Philadelphia Prison Society, held soon after his decease, the President, in appropriate terms, announced the decease of Mr. Haviland ; and the following resolutions were unanimously adopted, and ordered to be printed in the Society's Journal.

Resolved, That the members of the society have learned, with sincere regret, the loss of their late fellow-laborer, John Haviland, whose efforts to develop the architecture of the separate system of imprisonment, have contributed greatly to its convenient administration in Pennsylvania, and to the establishment of the principal features of its methods of construction in other parts of the world in which it has been introduced.

Resolved, That the society desire to record their appreciation of the zeal and fidelity with which their deceased friend sought to promote by suitable architectural means, those enlightened

and humane opinions upon which the separate system is founded; as well as to introduce where the opportunity was afforded to him, for its better administration, whatever improvements were suggested by experience, whether at home or abroad.

Resolved, That the President be requested to communicate to the family of the deceased, the sincere and respectful sympathy felt by the members of the society, in relation to the recent bereavement.

ART. II.—THE PENNSYLVANIA SYSTEM.—DR. GIVEN'S REPORT.

Notwithstanding the simplicity and unity of the principle on which the Pennsylvania system of prison discipline is based, there is often a vagueness of opinion and a looseness of expression concerning it that surprises us. What is the principle? It is CONVICT-SEPARATION—neither more nor less. We hold, with the inspectors of the English prisons, that “the separation of one prisoner from another is the only sound basis on which a reformatory prison discipline can be established with any reasonable hope of success.” We believe the reformation of prisoners can be, and in very many instances has been, accomplished *in consequence of such a separation*, which would not have been, and could not be accomplished without it.

Some persons have no faith in the reformation of convicts, under any process. With such the only inquiry is for the cheapest method of imprisonment, without reference to moral or physical consequences. Some are very credulous, and look upon the worst rogues as quite reclaimable under the influence of personal kindness and Christian counsel. We apprehend that if the probability of prison-reformation may not be determined precisely by the degree to which the offender is separated from criminal associations and suggestions, it depends mainly upon it. And it is our deliberate and long-settled conviction, that (other things being equal) the best appointed system of discipline will be of very little avail in its reformatory power, where convict-association, in any form or degree, is tolerated. This

is not a partisan opinion. It has been entertained and expressed by many who are by no means committed to the separate system, as such. There is an obvious fitness in the idea, which can neither be gainsayed nor resisted.

We have said that the fundamental doctrine of the Pennsylvania system of prison discipline is embodied in one compound word—CONVICT-SEPARATION.—How can we conceive of a “*modification*” of this elementary principle? It must be adopted as a whole or rejected as a whole. The structure of the building, in which the separate principle is carried out, may be modified. The method of proceeding in the institution, as it respects instruction, whether in letters or trades, or as it respects privations, indulgencies and punishments may be modified. The cells, the occupations, the diet, the mode of heating and ventilating, &c., may all be modified, but the principle of separating the convicts one from the other, is, or it is not, the basis of the system. It is not susceptible of modification. If separation is the principle, it is one thing,—if association is the principle, it is another thing.—The *degree* of association or of separation, is not involved.

When, therefore, we are told of “a necessity for modifying, to a certain extent, the Pennsylvania system, by allowing a certain class of convicts to be associated” for any purpose, or for any period of time, the phraseology is open to misapprehension at least, if not to animadversion.

The phrase “*modifying* to a certain extent” is doubtless inadvertently used in such cases for the phrase “*abandoning* to a certain extent.” Words are significant of ideas, and ambiguity in the former, necessarily leads to ambiguity in the latter. If we speak of the associate system, as “modified” by the occasional separation of a stubborn class of convicts, or of the separate system, as modified by the occasional association of an imbecile class, we soon confound association and separation, and actually have neither the one nor the other. We apprehend that this is the very position to which some of the opposers of convict-separation would not be unwilling to see it brought. Indeed, some who profess to be staunch advocates of separation, have conceded (inconsiderately, as we think) that each plan has its own advantages, and that the best system would be the product of a combination.

As at present advised we cannot consent to this view. Few evils arise, under any system of government, for which there is not a choice of remedies; and if it is made evident that under the application of a sound principle of prison-discipline, cases occur in which the legitimate ends of punishment are defeated, or at least not answered, the first question would be whether these cases are numerous and important enough to impair our confidence in the principle; or whether the exceptions are not necessarily incident to any general system, and such as cannot be provided against; or whether the remedy, if practicable at all, may not be applied without any infringement of the general principle. A compromise between two methods of convict management, so radically and essentially diverse as separation and association, seems to us entirely fanciful.

These general observations must serve to introduce a very brief notice of the Report of the Physician of the Eastern State Penitentiary for the six months ending July 1, 1851. That day closed seven years of laborious and faithful service by Dr. Given in this important institution. His reports, during that period, have been frequently noticed in the pages of our Journal, and have contributed essentially, not only to the improvement of the particular institution under his care, but to the general interests of humanity. Few if any documents of this class, embody a larger amount of valuable information, or are entitled to more consideration.

The author not being prepared to serve the interests of a party or a clique, nor to defend a favorite theory, his reports have uniformly taken independent ground, and must be regarded as the honest record of the results of professional experience and observation.

We understand the present and final report of Dr. G., as unequivocally and emphatically favorable to *convict-separation*. That there are some prisoners on whom it bears with peculiar severity is a matter of course. No species of punishment is exempt from such inequalities. They are less prevalent, however, under the separate discipline than under any other, from the very fact that the isolation of the prisoner from his fellows, allows us to vary the minuter conditions of the discipline in peculiar cases, without exciting murmuring and discontent among less favored parties. That a relaxation of rigid

discipline in an individual case, no matter how peculiar, if it becomes notorious works wide-spread mischief, is fully shown in the experience of the English prisons.*

We do not understand Dr. Given to maintain that the class of convicts, whose mental weakness unfits them for the discipline of separation, would be any better off in a congregate prison, unless they were allowed "to converse with hardly any restriction." So that we are left to conclude, that some peculiar method of treatment, embraced in neither of the prevailing systems must be devised to suit the specific case of weak-minded culprits, in a separate prison, or we must expect them to become deranged. Now we humbly conceive, that the remedy for the supposed grievance in such cases is in the hands of the court, and should be applied in the terms of the sentence, and not in the process of its execution. The mental vigor of a culprit is as legitimately a subject of investigation, as his moral habits and physical constitution. If he borders on that state of imbecility which would exempt him from moral responsibility, the shade of guilt in which he is involved will be scarcely perceptible, and the punishment would of course be proportionably light. If on the other hand, the character and method of his crime indicate ingenuity in contriving and vigor in executing his criminal purposes, though he may be below par in his intellectual capacity, he must take his chance with other offenders, who may be better able to endure the retribution than himself. It is so all the world over. The punishment which many sins carry in themselves, does not adapt itself very nicely to individual constitutions and temperaments. One slave of the intoxicating cup may have far greater powers of resisting the temptation to indulgence than his comrade, yet they are found wallowing in the same gutter. Men of limited capacity have a much harder struggle for their daily bread than their more capable neighbors, but in the event of their feloniously taking what does not belong to them, we do not find special laws are enacted to meet their case. So in families, schools, and larger communities, general laws are established which operate unequally, but are on the whole salutary and wise; and so must it be in the discipline of every prison. The same degree of re-

* See our April Number, pp. 84, 85.

straint, privation or punishment bears much more severely on some than on others, and while humanity requires us to alleviate, as far as possible, the miseries of public prisons, it can hardly expect us to forego the eminent advantages of a system of discipline, because it does not adapt itself to every grade of intellect and education. No part of the machinery of civil government is capable of such a nice adjustment.

But assuming that provision should be made for the necessities of convicts, who lack ordinary mental vigor, and whose condition is easily detected by an experienced observer, we have the unqualified testimony of Dr. G., that with such provision, the Pennsylvanian system intelligently administered for moderate periods is entirely safe for mind and body. This opinion, after seven successive years of close, daily observation, by a resident physician, is certainly very conclusive. As to the phrase, "moderate periods," it is well known that our Journal has uniformly advocated a reduction in the terms of imprisonment for by far the larger portion of crimes,—connected however with efficient checks upon the pardoning power.

But Dr. G. finds among the convicts of the Eastern State Penitentiary, as he would find in any other similar prison, "a certain proportion who have not sufficient mental vigor to resist the enervating tendencies of the discipline." Upon examining the report for a more particular description of the class, he had in view, we find, that "in many of them the mental deficiency is so slight, as hardly to challenge casual observation, or to prevent them from following successfully the ordinary pursuits of life." Dr. G. would not, therefore, exempt these persons from responsibility for their crimes. But how shall they be treated in a separate prison? What is needful to "enable them to resist the enervating tendencies of the discipline," or in other words, how, in administering the discipline, shall we provide for that lack of mental vigor which exposes them to suffer under it? Dr. G. replies, "By sufficient social intercourse with qualified officers to preserve the natural strength of their minds." Is this better than "associating them in workshops during the day under vigilant supervision, as in congregate prisons?" Dr. G. replies, "Yes, infinitely preferable." Why then is not this simple counteracting agency employed,

wherever the evil is supposed to exist? Dr. G. replies, "The expense of such an arrangement will, I fear, render it impossible." And what is the expense? The report does not furnish any estimate, nor have we the means of forming one. But of one thing we feel confident, viz., that if the addition to the corps of officers of one or two men of suitable qualifications for the purpose, would be the means of perfecting the system of punishment, or of securing, in a higher degree, the humane purposes of the government in inflicting it, it will not be withheld. We should be slow to believe such a measure would fail, for so paltry a consideration as one or two thousand dollars a year, which would be the outside of the expense.

Suppose it were clearly the duty and interest of the government (and its duty is always its interest, as it is that of individuals) to provide for the unfortunate class of convicts to which Dr. G. refers, it would become a question how far it would be needful to abridge the average term of imprisonment at present suffered, in order to avoid the mischief which his report discloses. For it will be observed, that there is quite a difference of opinion as to the time within which the supposed injurious effects of seclusion are developed. Even the opponents of separation have generally regarded a sentence of from twelve to eighteen months as entirely safe. Dr. G. very properly considers the age of the convict as entitled to much consideration in determining the period of his confinement; and we should be quite disposed, at first, to fall in with his opinion, that "unless for the gravest offences, the sentence of minors should seldom exceed a single year;" and yet when we look around us and observe the boldness, the ingenuity and the malignity which often characterize the criminal acts of minors in our times, we can scarcely persuade ourselves that extraordinary lenity could be safely shown to them. A severer discipline in an institution that should receive them at an earlier stage of their career, might often check their criminal propensities, and put them upon a praiseworthy course; but when they become reckless of life, and property, and public peace, and boast themselves in feats of iniquity which matured convicts would scarcely attempt to excel, we should be slow to relax the rigour of punishment, except in cases of manifest infirmity of body or mind.

"In the second year of imprisonment, the bodily and mental vigor of convicts generally begins to decline, though they may struggle on for an indefinite period, without having any actual disease developed. In all cases, but more especially when the sentences range between two and ten years, the prisoner should be closely watched; and when the slightest symptom of failing strength appears, he should be immediately put to some outdoor employment, and there kept until his health would be re-established, when he could be again returned to his cell. If this principle would be strictly acted upon, it would render the longest sentence comparatively harmless."

We are gratified with such clear and unequivocal testimony to the safety of convict-separation; for we look upon the resort to out-of-door exercise, in special cases, as so perfectly practicable and so entirely in keeping with the principle of the system, that we could scarcely reckon it as a condition or exception. It is of the same character with a precaution respecting air, apparel, bathing, &c. Indeed we do not suppose Dr. G. himself has a particle of doubt, that all needful out-of-door exercise can be given to every convict whose health requires it, as easily and as consistently with the most rigid separation as an extra blanket, or a new article of diet.

It will be observed that in the extract just made from Dr. G.'s report, the *second* year of imprisonment is designated as that in which the bodily and mental vigor of convicts generally begins to decline, and he also mentions those whose sentences range from two to ten years, as "requiring to be closely watched." From which we infer, that in his opinion there is little danger to be apprehended from the *first* year's seclusion; that in the *second* year there is no danger to be apprehended to the great mass of prisoners, but only to those who have "not sufficient mental vigor to resist the enervating tendencies of the discipline," and who generally begin at that period to decline in body and mind; and as to convicts whose "sentences range from two to ten years, they should be closely watched," &c.

Our general impression of the weight of authority on this subject, at home and abroad, would coincide with the opinion here expressed; but upon turning to the table which is annexed to Dr. G.'s report we find, to our surprise, that in seven of the eight insane cases of 1851, the average period of prison-life at

which the disorder appeared, was less than eight months ; viz., one at four months, one at five, one at seven, one at eight, two at ten, and one at eleven months. In the eighth case the development of disease was postponed for three years and more ! Only two of the eight were minors ; five were whites, two mulattoes, and one black.

We need not question at all the soundness of Dr. G.'s opinion, nor the correctness of his facts. The conclusion to which they unite in constraining us however, is that the cause of insanity is not well-assigned. It is quite possible that the present condition of the prisoner, with all its antecedent anxiety and excitement and its prospective severity, combine to disclose, or give form and definiteness to a morbid condition of mind or body or both, which might not have occurred at all had he escaped detection or conviction ; or which might not have taken that specific form under a different system of discipline ; or which might be corrected by seasonable and judicious attention. That symptoms of a deranged state were discoverable so soon after commitment, and without any peculiarly exciting cause, seems to forbid the idea of attributing it wholly or chiefly to a denial of convict-association. And we apprehend, that if those very cases were at once transferred to Auburn or Sing-Sing, without the slightest change in their mental or bodily state, the parties would take their places at once in the shop-gang, and render their master-contractor as good an account of a day's work as any of their comrades ! They would be just as insane there, as in the Eastern State Penitentiary, but their eccentricities would not be likely to receive special investigation or care, and hence would never be reported as insane cases. The reports from congregate prisons fully warrant this position.

The careful reader of Dr. Given's report cannot fail to see that his humane and honorable sympathies have led him, as we have already intimated, to overlook the inevitable necessity of inequalities in the operation of general laws. If he says, "we can rest satisfied to restrict the application of our system to those to whom it is applicable, I believe there will be quite as little insanity among them as if they were associated." But to whom is it applicable ? To all, except those whose mental character renders it unsafe to subject them to it. How many of this class are there ? Why it is so small as to "admit of the

most accurate supervision," so that "the corrupting influences of association," (if adopted,) "will be materially diminished." But what is the number in units, tens or hundreds? Why last year it was eight in an aggregate of four hundred and forty-six! And may we regard this as the "certain proportion of convicts, who have not sufficient mental vigor to resist the enervating tendencies of our system?" Eight in four hundred and forty-six!

Of this class of convicts, more or less, it is said, that "an experienced observer will readily detect many of them on the day of their reception, and a few weeks' observation will generally suffice for the discovery of the remainder." If we bring this remark to bear on the eight cases of last year, we shall be compelled to circumscribe its application considerably. Two of them "were decidedly insane when received." Of the remaining six, "one a mulatto, had been once or oftener insane before imprisonment;" his mother had also been insane, and he was syphilitic. Two others were not of the class which we are considering, for it is expressly stated that they "had not imbecile minds," though "both had received a fracture of the skull, and were thus doubly predisposed to insanity." Of the three that are left, one "was not considered actually defective in mind," and of course he would not have been put among the class "who are deficient in mental vigor to resist the enervating tendencies of the system." Nevertheless, his mind "was of such a character, that shortly after his reception, it was predicted that he would go deranged before the expiration of his sentence." What that "character" was we are not told, nor is it needful for our present purpose to know. Then of the other two it is expressly said, that they were "considered as presenting no striking mental peculiarity on admission, either of strength or weakness." One of them was three years and one month in prison, before exhibiting any marks of mental derangement, and the other ten months. If we do not misunderstand the report then, not one of the last year's insane cases answers to the description of that "certain class of convicts, who cannot be placed under the usual isolation, without the greatest risk of insanity supervening."

Perhaps we construe the language of the report in this connection too rigidly, for in another section, the "mental deficiency" of many of these same persons "which an experienced

observer will readily detect on the day of their reception, or a few weeks after," is described as "so slight, as hardly to challenge casual observation, or to prevent their following successfully the ordinary pursuits of life." We think it would be very difficult to modify the discipline of a prison, so as to provide for such minute diversities of mental power among convicts. They will have to take their chance with the other rogues, we fear.

Although Dr. Given in one passage of his report speaks of "a modification to a certain extent of the Pennsylvania system," and "of association in workshops," and "of associated labor," we are happy to find that the general tenor of the document sanctions no such view. On the contrary, free, vigorous and timely "out-of-door exercise," which is perfectly compatible in any form and degree with the principle of our system, is clearly in his opinion, the grand panacea for prison-ills. The gardener and waggoner, at the Eastern State Penitentiary are accustomed to employ as assistants, such convicts as need exercise in the open air, and an officer is specially appointed to "attend invalid convicts, and give to them at least one hour daily of out-of-door exercise, combined with improving social intercourse."

It is obvious that these precautionary measures may be adopted to any needful extent, without any violation of our cardinal principle. Indeed, we see no evidence in the report before us, that they have not been employed during the past year, to the full extent which the exigencies of the institution have required. Not a case is mentioned or hinted at, in which suffering has been endured, or danger incurred for want of them. Indeed from the description which the Doctor gives of the position and treatment of a convict in our Penitentiary, at the present time, we can scarcely conceive of a system of penal suffering being administered with more judgment, care and lenity. In speaking of a keeper's interpretation of the nature and responsibility of his office, Dr. G. says: "Aware of the vast power which his official position affords for influencing the prisoner, for good or evil, his physical, his intellectual, and his moral character are subjected to close scrutiny; and the nature of his work, the amount exacted of him, the extent and character of his social

intercourse are regulated accordingly. If, after due experience, it is found that the employment of the convict is not adapted to his strength or capacity, the fact is reported to the warden, and intelligent suggestions offered as to his future treatment. If the prisoner's moral conduct proves perverse, he is subdued by kind remonstrance, when for similar breaches of discipline he would formerly have been punished ; and if symptoms of insanity, or physical disease portend, the deepest interest is felt, and every possible exertion made to avert the threatened evil."

We know not what more could be asked, if the idea of punishment is not to be entirely foregone.

Indeed, we cannot avoid the conviction that in one particular at least, a pernicious indulgence is granted ; viz., the use of tobacco. Dr. G. anticipates " quite as much censure as approbation," will be bestowed on this item of treatment, and he may think himself very fortunate, if the scales are so nearly equipoised as that. For ourselves, we cannot qualify our condemnation of the practice on every ground. So far as the Dr.'s argument rests on strength of habit, it would be equally cogent for the use of intoxicating liquors ; and we must suppose he speaks ironically, when he refers to " legislative chambers, halls of justice, or even our pulpits," as furnishing invariably safe precedents in moral conduct. Convict-life is, and of right ought to be a life of privation; and the wise disciplinarian takes advantage of this period to cross the prisoner's vicious inclinations at every point, and thus connect the process of punishment with the process of reformation. Dr. G. has seen " a strong stubborn man beg for tobacco with tears in his eyes." We have seen such a man beg, in like manner, for a drink of grog, or the means of escape from prison. But it is " the painfulness of this privation" which answers, in our prisons, the purpose which the douche, or the yoke, or the cat-o-ninetails are supposed to answer in other prisons. It is suffering with profit, for it breaks up a most vicious habit, and it is suffering without degradation, too. Why should we throw away such an advantage ?

But what shall we say to the other ground of apology for allowing tobacco to the prisoners, viz., for the cure of " dyspepsia and mental depressions, otherwise treated in vain ?" In

such a war, we must put Greek against Greek. In insane asylums, where physical and mental diseases are supposed to have the most skilful medical treatment, we are informed that the use of tobacco is strictly interdicted by the resident physician; and we notice by the return of the Ohio Lunatic Asylum, that six of the cases of insanity received into that institution last year, are believed to have originated in the use of that narcotic! Nothing could show the prodigious power of the habit more strikingly than the remark of Dr. G., that "the fear of being deprived of it has produced a degree of order and discipline throughout the establishment, that the severest punishment could not effect." We have seen, in a nursery of young rogues, a violent uproar against a parent or care-taker quieted at once by just giving a sugar plum, or a bit of gingerbread, which had been at first denied. How far such concessions to the vicious appetite of convicts, or to the unruly will of children promote sound discipline, is not a matter of doubt to observing minds. A firm maintenance of wholesome authority, or the discreet use of King Solomon's specific for disorders of the temper, would perhaps add a new strain to the discordant music for the time being, but it would be likely to produce very agreeable harmony in the end.

The striking improvements which have been made in the hygienic arrangement of the Eastern State Penitentiary, and for which it is greatly indebted to the earnest and well directed efforts of Dr. G., cannot fail to impress every reader of the report. Without relaxing in any degree the radical principle of separation, or rendering the penal feature of the discipline any less severe, the moral and physical well being of the convicts has been greatly advanced, and the claims of the worst of them to kind and humane treatment have been recognised with a distinctness of which they are, for the most part, happily conscious. If we would give to an inquirer on the subject a succinct but impressive view of the advance which has been made in the improvement of our system of prison-discipline, we know of no document to which we would refer with more confidence than this report of Dr. Given.

ART. III.—JUVENILE DELINQUENCY, TRUANCY, &c.

IN our last number, we commenced a notice of several interesting matters occurring in Boston and its vicinity, and falling within the range of our observation. The presentment of the Grand Jury of Suffolk County was under discussion, and we promised to return to it again when opportunity should allow, and this promise we now redeem.

The establishment of “an *intermediate reform school* for young persons, who are committed for first offences, when there is an apparent opportunity for their reformation by the use of moral and intellectual discipline,” is strongly urged in the presentment. The Grand Jury have in view a plan, “where the mark of the penitentiary shall not be put upon the convicts, but where, by judicious management on the part of superintendent, and exemplary conduct on the part of those consigned to his charge —they whose misfortune it may be to stray from the paths of rectitude, could again be received into the bosom of society without reproach.”

To enforce their suggestions, they call into view “the large number of minors that have been brought before the tribunals of public justice within the six months last past,” and express their deep conviction that “if some plan were provided, at which neglected children could be made to pass their time, instead of upon the wharves, in the streets, around the doors of theatres, or in the market places,—say in some industrial school provided by the State,—juvenile delinquency would very much decrease.”

These are all very good notions for a Boston jury, or any other jury to entertain, but suppose we should transform all these jurymen into Legislators, and give them a seat in the House of Representatives; and suppose a proposition were submitted to enact a law, making it compulsory on all parents to give their children a certain amount of schooling every year, and in default thereof, authorizing and requiring the proper authorities to remove such children from the custody of the

parents, for the purpose of schooling them. Would they then and there take the same view of the subject? Would no misgivings arise about the bearing which their advocacy of such a stringent law might have on their political prospects? Would they advance as directly and as boldly to the application of the remedy as they do to the exposure of the evil?

It is obvious from the language of the report, that the Suffolk Grand Jury have a much clearer idea of the disease than they have of the cure. The class of persons to whom they refer as "committed for first offences" are nevertheless "convicts," and nothing can remove the "mark of the penitentiary" but an executive pardon. And whether there is "an apparent opportunity for their reformation," is not an easy question to determine. When the distinction comes to be practically applied, it would be found very perplexing. Our Houses of Refuge are intended to receive those who have entered, or are just entering upon a course of life, which ordinarily ends in the penitentiary; and they have doubtless saved scores of youth from the convict's infamous doom, and returned them to their families and to society, with every prospect of usefulness and respectability. And we had supposed that the State Reform School at Westborough, which has been so successfully conducted, was designed to answer exactly this end. The boys who are committed there, are generally sent for first offences, and the discipline is strictly reformatory. Does the report of the jury then contemplate an institution between the Reform School and the State Penitentiary, or between the Reform School and "the House of Reformation for Juvenile Offenders," at South Boston? If the former, what ends are expected to be answered, which the institution at Westborough fails to accomplish; and if the latter, what class of offenders would they find between those at Westborough and those at South Boston, for whose case neither of these establishments provides?

However obscure the intimations of the report may be on this point, they are very clear on another, viz., that juvenile delinquency would be greatly diminished if all idle, loitering, loafing children "about town" were put to good, industrial schools. It is not a whit more certain, that if the Cochituate pond were to dry up suddenly, Boston would have a far less generous

supply of water than it has now. But how shall this abstraction from the streets and wharves, of the filthy, foul-mouthed, ragged urchins be brought about? When and where shall the industrial school be established? What shall be the nature of the discipline, and the length of the confinement? Shall the public support them, or shall contributions be levied on negligent parents? Such schools have been greatly prospered, we know, in some of the chief towns of England and Scotland; but the institutions of society and indeed its whole structure, will allow that to be done there, which would not be tolerated here. We must give our Boston friends credit, however, for a very wise and effective step towards the suppression of juvenile vice. We allude to the law for the correction of truancy, and we cannot more usefully occupy a page of our limited space than by transcribing one or two passages from a leading document on the subject. The views expressed are quite as appropriate to Philadelphia as to Boston.

As early as 1846, a report came from the school committee of the city, in which the mischief of truancy is represented as not only interfering greatly with the regular process of instruction, but as exerting a demoralising effect which can hardly be counteracted, and employs much of the time and energy of the masters in preserving the discipline which it assails. Nor is it an evil (says the report) which ends with the schools. If it did, our duty would still require of us to do whatever we can do for its suppression or diminution. But it is certain, that, from the juvenile depravity of which the truancy of the school is both a sign and a cause, grows a large part of the suffering and crime of society. It is rare to find in our prisons those who were well cared for as children, and trained in regular habits of useful industry. An active child can be kept out of evil only by giving him something good to do; and when idleness has thoroughly corrupted the earliest years of life, what can we expect from riper years, but a maturity of vice, greater as temptations become stronger, and opportunities for crime are enlarged?

In the worst cases, the truancy of the children, or their entire absence from school, is permitted by the parents, and sometimes caused by their desire to share in those wretched gains of debasing or dishonest pursuits, for which after-time will exact a fearful price.

If the law on the one hand, provides schools to which all the children of this city *may* go, on the other it provides another

institution to which certain children may be *made to go*. Here then are institutions for those who *will*, and for those who *will not* be instructed; and under one or other of these classes all our children may be arranged. The 143d chapter of the Revised Statutes, Sect. 5th, enumerates among those who may be sent to the House of Correction, "stubborn children;" and the "Act concerning juvenile offenders in the City of Boston," authorizes the City Council to establish a building for "the reception, instruction, employment and reformation of such juvenile offenders as are hereinafter named;" this building we have: and the third section of the same Act provides, "That any Justice or Judge of the said Courts, (the Supreme Court, Municipal Court, and Police Courts) on the application of the Mayor, or of any Alderman of the City of Boston, or of any Director of the House of Industry, or House of Reformation, or of any Overseer of the Poor, of said City, shall have power to sentence to said house of employment and reformation, all children who live an idle and dissolute life, whose parents are dead, or if living, from drunkenness, or other vices, neglect to provide any suitable employment, or exercise any salutary control over said children." And the sixth section provides that any child committed to the House of Correction, may be transferred to the House of Employment and Reformation."

It would seem, therefore, that the framers of the laws have done enough, if they who are entrusted with the execution of the laws do their duty.

These statements and views were not without their effect, though measures of reform were not matured until 1850, when a law was past, which we copy entire as the shortest method of presenting the whole matter to the view of our readers.

"AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL."

1. Each of the several cities and towns in this Commonwealth, is authorized and empowered to make all needful provisions and arrangements concerning habitual truants and children not attending school, without any regular and lawful occupation, growing up in ignorance, between the ages of six and fifteen years; and also, all such ordinances and by-laws respecting such children, as shall be deemed most conducive to their welfare, and the good order of such city or town; and there shall be annexed to such ordinances, suitable penalties, not exceeding for any one breach, a fine of twenty dollars: provided, that said ordinances and by-laws shall be approved by the Court of Common Pleas for the county, and shall not be repugnant to laws of the commonwealth.

2. The several cities and towns, availing themselves of the provisions of this act, shall appoint, at the annual meetings of said towns, or annually by the mayor and aldermen of said cities, three or more persons, who alone shall be authorized to make the complaints, in every case of violation of said ordinances or by-laws, to the justice of the peace, or other judicial officer, who, by said ordinances, shall have jurisdiction in the matter, which persons, thus appointed, shall have authority to carry into execution the judgments of said justices of the peace, or other judicial officer.

3. The said justices of the peace, or other judicial officers, shall, in all cases, at their discretion, in place of the fine aforesaid, be authorized to order children, proved before them to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed, for such periods of time as they may judge expedient, in such institution of instruction or house of reformation, or other suitable situation, as may be assigned or provided for the purpose, under the authority conveyed by the first section, in each city or town availing itself of the powers herein granted.

ORDINANCE OF THE CITY OF BOSTON.

Sect. 1. The city of Boston hereby adopts the two hundred and ninety-fourth chapter of the laws of the commonwealth, for the year one thousand eight hundred and fifty, entitled "an act concerning truant children and absentees from school," and avails itself of the provisions of the same.

Sect. 2. Any of the persons described in the first section of said act, upon conviction of any offence therein described, shall be punished by a fine not exceeding twenty dollars; and the senior justice, by appointment of the police court, shall have jurisdiction of the offences set forth in said act.

Sect. 3. The house for the employment and reformation of juvenile offenders, is hereby assigned and provided as the institution of instruction, house of reformation, or suitable situation, mentioned in the third section of said act.

We understand that this wholesome law was put in active operation at once in the city of Boston and in the adjoining town of Roxbury, and that a faithful execution of it bids fair to correct the hideous public nuisance of truant children. We wish it were practicable to secure similar legislation in our city. No indolent, thoughtless farmer ever stood on the borders of his field, and witnessed the broad-cast dispersion of Canada thistle-down over every part of it, with more composure than our law-makers and magistracy look upon the spread of juvenile cor-

ruption in Philadelphia. We say this not without a grateful sense of the late liberality of the legislature in granting \$60,000 towards the erection of a new Refuge in Philadelphia; nor without a just appreciation of the results of the labours of that excellent institution; nor without taking into view the various agencies designed to accomplish similar objects. But upon the mass of juvenile waywardness and depravity, they seem scarcely to have made a perceptible impression. The accumulation of the material out of which convicts are made is not sensibly checked. The sources of this corruption have been laid open to view in the reports of our Houses of Refuge, our Magdalen Asylums and police reports, but they remain as numerous and as prolific as ever. Corrupt places of amusement are thronged by boys and girls. Our eligible schools are open to them in vain. The hawking of newspapers, occasional jobs at the steamboat wharves or depots and chance-errands in the market-place, afford them means of vicious indulgence; and the regular service of an apprenticeship to some useful business, with the wholesome restraints which were formerly involved in this relation, are too irksome for their impatient spirits. Boys and girls of twelve or fifteen years of age, in a majority of cases, choose their own pursuits, receive the whole or a part of their earnings, to be expended at their pleasure; and with these elements of independence it is not difficult to connect a contempt for all authority, parental and magisterial, and this soon breaks up the foundations of society. Then there is that still unabated nuisance of young girls going about with fruit and candy; and by their very manner of life exciting, if not soliciting heartless wretches to make them their frequent or future prey. Is our community doomed to stand quietly by and see these streams of social corruption rising and swelling? Is there no arm long enough and strong enough to reach the fountain and check, if not suppress, its issues?

We have given so much space to this topic of the report, that we must be satisfied with but a brief notice of the rest.

The State Prison at Charlestown, of which *Henry K. Frothingham* is warden, contains 476 prisoners, one-third of whom are foreigners. Six deaths occurred during the year, and the average number on the sick list was six. Libraries are highly

commended as a means of moral culture, and it is recommended that they be furnished at the expense of the Commonwealth, not only to the State prison, but to county gaols and houses of correction.

The stinted supply of water at the Charlestown prison is mentioned as an evil, and it is a very expensive one too, inasmuch as it was procured during part of the summer, at an expense of from two to five dollars a day!

In the county gaol there were received between November 1, 1850, and November 1, 1851, 5,541 prisoners, of both sexes, 3,135 of whom were foreigners. The daily average was 120. The Grand Jury think that the Commonwealth's witnesses should receive as good fare while in prison, as they would be likely to receive at home. Whereas, they now are served with the same food that convicts receive. Whether this is not quite as good as most honest poor men can afford, does not appear.

In the Alms House at Deer Island during the six months ending December 1, 1851, 931 paupers were received, of whom 686 were foreigners. Of the whole number, 33 were males, and 398 females, and 203 were under 12 years of age. The number of deaths in the same period was 77. There is a loud complaint here also, that the supply of water is inadequate. No trifling defect in such an establishment.

The Grand Jury advert to the intolerable nuisance of bawdy houses, and suggest the expediency of a law, making the owners of such houses responsible for the use which is made of their premises. There is also a distinct reference in the report to the great disparity of punishments for similar offences, and the evil consequences which attend it—a subject to which we have more than once invited and urged attention.

The erection of the new County Jail in Boston, is such an important movement in the prison-world, and the structure and occupants present so many interesting topics of remark, that we must make it the subject of a distinct article.

ART. IV.—INSANE CONVICTS.

WE cannot refrain from calling the attention of our readers to the continued postponement of measures for the safe custody and proper treatment of insane convicts. In the last report (January 1, 1852,) of the inspectors of the Eastern State Penitentiary, the following passage occurs:

If mental alienation in a prisoner renders his enlargement in society dangerous to its peace and safety, then that imprisonment is best which partakes of the nature rather of restraint, than punishment. There are in the Penitentiary some prisoners who, insane on admission, require now only restraints and proper treatment for their mental disease.

With these views, the Board of Inspectors would respectfully suggest that the legislature would provide by law for the removal of such cases to the State Lunatic Asylum. In that institution, established for the treatment of mental disease, the prisoner who ought from prudential reasons, to be restrained from society, could be subjected to remedial discipline, if not cure.

By the report of the warden it would appear, that he has no expectation of more than a partial relief from this quarter. His language is :

By information derived from the public prints and other sources, the State Asylum at Harrisburg would appear to be designed as a hospital for the cure of the insane, to the exclusion of the *hopeless* sufferers from this distressing malady, who may offend against the laws: thereby leaving us still to be the recipients and guardians of these unhappy people.

If such be the case, I would earnestly inquire whether the subject should not be at once so understood, and suitable arrangements for their comfort and security be immediately made, under the sanction of legislative aid and authority.

One of the physicians in allusion to this topic, calls attention to the fact that “much of the mortality is composed of prisoners, who, first go deranged, and then, like Bajazet, literally dash out their brains against the bars of their cage.”*

* In those States where it is usual to transfer insane convicts to a Lunatic Asylum, the boon would certainly have been extended to two of our convicts, and

When will this terrible cruelty end? he asks. I had hoped that the remedy was at hand, but I regret to learn that the prospect of transferring our insane to the State Asylum seems as yet far distant. In their behalf, however, I shall make a last appeal. In the name of justice and mercy, let it be no longer necessary for the friends of the institution to deplore, or in the power of its opponents to boast that a number of helpless lunatics are im-mured within the cells of the Eastern Penitentiary.

And the other dilates upon the subject in the following terms:

For many years past, I find representations have been made to the Board by my predecessors, urging the propriety and the necessity almost, of removing the insane confined in this institution. I must record my testimony also.—The evil is unabated, and I cannot consistently with my duty as physician, nor with my own personal feelings, pass by this matter without at least doing the little I may be able to have it remedied. Heretofore there have been difficulties in the way, which happily exist no longer. The completion of a State Lunatic Asylum, it is to be hoped, has removed the last obstacle to a course already long approved of by every one, and urgently demanded by all the material and moral circumstances concerned in the case. For the object of prisons, if I understand it, is the punishment and prevention of crime, and, possibly the reformation of criminals. But the mischief that irresponsibles may do, is not crime, nor are they criminals: they may be restrained, but not punished. We punish and endeavor to reform the criminal, the imbecile and insane, we confine sometimes, but at all times, should endeavor to protect, to foster, to cure. It may often be very proper, in regard to these, to turn their hospital into a temporary prison, but it can hardly be deemed compatible with the objects and discipline, or the material arrangements and accommodations of penitentiaries, to make them serve the double purpose of prison and hospital—confounding in a common receptacle those that society ought to protect, and those it is obliged to punish.

At the present time, we have a number of these unfortunates in a truly pitiable condition; and it is not only with a painful, but also with a mortifying and humiliating feeling, that we are continually obliged to reflect, that it is not in our power to improve it.

thus the institution in which the mental disease originated would not have had to account for its physical termination. This fact should be remembered, when comparing our state of health with similar establishments, as it shows that the Eastern Penitentiary has always had a double mortality to account for, that which is due to it as a penal institution, as well as that which properly belongs to an Insane Asylum.

Turning from the State Penitentiary to the State Hospital, we are met with the following passage in the first annual report of the trustees:

"There are at the present time in the State penitentiaries, and in the different jails of the commonwealth, a considerable number of insane,—alleged criminals—who ought to be transferred to the State hospital as soon as its buildings are completed. There are also in these institutions a few, who, from their peculiarly dangerous character, and the utter hopelessness of benefiting them by treatment, can never with propriety become inmates of the hospital. To protect the community and the ordinary insane from the dangerous propensities of these individuals, it would be necessary to introduce into our wards, intended for the treatment of disease, all the most repulsive features of a prison, or that a separate building, having strictly a prison character, should be erected upon the grounds. Some legislation will be required before any of these cases can be admitted, and some mode of proceeding should be adopted which will prevent any but proper cases being received from these sources."

It is obvious that different constructions are put upon the language of the report of the trustees, by the different officers of the penitentiary. The inspectors evidently regard the State Lunatic Asylum as the proper place to which insane prisoners should be removed, whether for safe keeping or for treatment. The warden apprehends, that one class of the insane convicts would be received at the State Hospital, though the other may be excluded. Dr. Given regards the prospect of transferring any of them as far distant, while Dr. Lassiter thinks the completion of the hospital has disposed of the last obstacle to the removal of all.

If we understand the language of the trustees, it admits that a considerable number of "ordinarily" insane persons now in our State Penitentiary and in the different jails, ought to be transferred to the hospital as soon as it is so far completed as to secure them; while they maintain that there is another class of insane prisoners of "dangerous propensities," who ought not to be received into any hospital, but for whom a separate building should be provided, on the grounds belonging to the State institution, entirely distinct from it, though doubtless under the same supervision and attendance with the main hospital.

In giving this construction to the passage, we assume that

the phrase "*any of these cases*" in the last clause, is limited to the dangerous and hopeless class, who can never with propriety become inmates of a general hospital.

An insane man, whether a convict or not, must always be an object of deep sympathy. Whatever guilt attaches to him, we lose sight of it in the terrible calamity by which he is overwhelmed. The moment it becomes manifest that he has, through the visitation of God, lost the control of his intellectual faculties, so as to be exempt from the ordinary responsibilities of a reasonable being, all his relations to society are changed. The government which stood ready to charge home his guilt and demand his punishment as an offender, offers him protection and sympathy as a sufferer. The sword of justice is converted into a sceptre of mercy, and so long as this dark cloud overshadows him, the voice of the accuser is silent.

We apprehend there would be much difficulty in distinguishing practically between those insane convicts, who might be received into the State Hospital as ordinary patients, and those who would require to be kept by themselves. So far as the safe custody of the dangerous class is concerned, the number would seem to be too small to justify the expense of "a separate building, (having strictly a prison character,) erected upon the (hospital) grounds," as the trustees suggest. No class of prisoners are more ingenious or more untiring in their efforts to escape than the insane; and hence their safe keeping would be the chief point of consideration in the construction of a building for their reception. If separate provision is not made for all classes of insane convicts, we should much question the expediency of making it simply for the safe keeping of the dangerous. We would rather ameliorate, as far as possible, their condition as convicts in the cell, affording them extra diet, appropriate association, amusement, &c. Nothing would be gained by transferring them from a cell in Philadelphia to a cell in Harrisburg, provided they are to be strictly confined to either; and any relaxation of this rigor which their convalescence might warrant, would be attended with much less hazard in the prison-yard, than on the hospital grounds.

But we have serious doubts, whether a general State Lunatic Hospital should receive convicts of any class. We are aware,

that the practice obtains to some extent, but whether, in a majority of cases, the parties received can be properly called convicts, there is much ground to question.

In the report of the New York State Lunatic Asylum, for 1851, we notice ten cases returned under the head of "imprisonment," eight of which are declared to be cases of "feigned insanity," and of course though "convicts," they were not "insane." Of the other two, one became insane before trial, and was of course, though insane, never properly a "convict." "Besides these ten," says the report, "there have been sent to us from prisons and gaols several others, who were cases of genuine insanity, but who were doubtless insane when committed." Then they were never proper subjects of penal suffering, and should not have been imprisoned, except for safe keeping. In most of our State hospitals pay-patients are received to some extent, and those who resort to them as institutions of charity, should not be forced into discreditable association. It is of great importance, that every thing attractive should be presented in them, and every thing repulsive avoided. The poverty-stricken are sometimes quite sensitive on these subjects, and it is as inhuman as it is impolitic to violate their feelings.

The attention of the British Parliament has been recently called to this subject by a proposition of the commissioners of lunacy, to establish a central asylum for "criminal lunatics" in England and Wales, similar in character to that for Ireland, at Dundrum, near Dublin. The commissioners say, that "it has been frequently brought under their notice, that the friends and relatives of patients, and also the patients themselves, when conscious of being associated with "criminal lunatics," have considered such association a great and unnecessary aggravation of their calamity. There is some doubt expressed, whether such feelings prevail to any considerable extent in institutions where convict-patients are received; and to the question, whether the dislike to the society of criminal lunatics ascribed to patients and their friends, exists generally or only in those cases which were brought specifically under the notice of the commissioners, one medical witness says, that his own experience is directly the reverse; that he has carefully watched,

in order to detect any repugnance or unfriendly feeling among the inmates of a county asylum, of which he has charge, towards their fellow-patients, who were known to have committed offences against the laws, and had not only failed to do so, but had heard expressions of sympathy and pity. He thinks there is much more tenderness felt for them by their fellow sufferers, than by their sane neighbors.

There is also a considerable difference of opinion, not only as to the classes of lunatics which the proposed asylum should receive, but also as to the name both of place and patients. Some would call it the State asylum, and would open it to all criminal offenders of every station and degree, who are exempted from the penalties of the law on the ground of insanity. Of course it would have the character of a general, and not of a pauper asylum, so as to afford superior accommodation for those who could afford to pay. Others would confine the use of such an asylum to the detention and treatment of all lunatics of criminal disposition, whether they have actually committed a crime or not. Some would completely separate criminals who have become insane after conviction, from those who have committed crimes under the influence of insanity—the former, of whom only would be properly called insane convicts. The distinction is obvious, viz., that an insane person cannot become a convict, though a convict may become insane. Others would make no distinction, but would put "all lunatics detained under warrant from the government, on the same footing."

The discussion of the matter has awakened parliamentary inquiry. On the 18th of March last, in the House of Lords, the Earl of Shaftesbury moved an address to the Crown, touching "the expediency of establishing a State asylum for the care and custody of those who are denominated criminal lunatics," and he adduced several facts, to show the inexpediency of detaining criminal lunatics in the same asylum with other patients.

The Earl of Derby thought any movement in this direction would be premature, as a revision of the whole subject was needful, before it could be determined what new legislation would be expedient.

Lord Cranworth said, that nothing could be more mischievous than mixing criminal lunatics with other lunatics; and he also contended that the question of lunacy in criminal prosecutions, should not be determined by juries; but that the only point for them to decide, should be the fact—guilty, or not guilty—leaving the question of sanity to be inquired into before another tribunal, the constitution of which he was not then prepared to define.

On an assurance from Lord Derby that the subject should receive deliberate consideration, the motion was withdrawn.

As it seems unlikely that any provision will be presently made in our State Hospital, either for convicts who become insane, or who manifest insanity after they are received, or for those who were insane when received, but were committed as convicts, or for those who are committed for safe keeping merely, or as lunatics with criminal intentions, or propensities, we will venture to suggest a more minute classification of the register of prisoners, and some specific recognition of these classes in the arrangements of the Eastern Penitentiary.

If that institution is to serve the double purpose of a penitentiary for convicts, and a house of detention or hospital for lunatics of dangerous or criminal tendencies, let the departments be kept distinct, and each be furnished with such attendance, supervision, &c., as their circumstances require. This arrangement would very nearly resemble that at the Blockley Almshouse, under which the two thousand paupers are received and provided for in the appropriate wards of the house, while the two or three hundred lunatics of various classes have a distinct department, though all are under the same general superintendence.

So in the reports, the same distinction would be made between the convicts proper, who are undergoing the process of punishment, and those who from alienation of mind, antecedent or subsequent to their reception as prisoners, are not proper subjects of penal suffering, though they are proper subjects of personal restraint, and, as such, have a lodging within the prison walls. In a word, if our penitentiary must be used for the detention or custody of lunatics whatever their character or grade, let it have due credit as a hospital, and not suffer undeserved reproach as a penitentiary.

**ART. V.—FINAL REPORT OF THE COMMITTEE ON THE ERECTION
OF THE NEW GAOL FOR SUFFOLK COUNTY (MASS.). pp. 44.**

THIS document was presented, not long since, to the authorities of the City of Boston; and, as it gives us the history of a prison structure quite unique, in some respects, we think our readers will be interested in a brief notice of it.

The County of Suffolk is made up of the City of Boston, with a population of 140,000, and the town of Chelsea, with a population of 7,000. The County Gaol, situated in Leverett street, in the heart of the city, was, for almost twenty years, the subject of complaint. It was irremediably defective in construction, and incapable of being warmed or ventilated, and afforded no means of classification. The site of it was ill adapted to the purpose. It embraced 4800 square feet of land, valued at \$1.50 or \$2.00 a foot.

In July, 1845, a plan of a new gaol, to be erected at South Boston, was presented, and an order passed to proceed with the work; but the people in the vicinity objecting to the measure, it was not prosecuted farther; and nothing more was done till, at the beginning of 1847, a letter* was addressed to the city authorities by Mr. George Sumner, then in Paris, earnestly remonstrating against the adoption of the associate or Auburn system of discipline, and urging the construction of a County Prison on the separate plan. The next year, it was determined to rebuild on Leverett street; but before the work was commenced a proposition was submitted for the purchase of an eligible site on the margin of Charles river, which was adopted; a purchase of nearly 200,000 superficial feet was made, at a cost (with filling up, enclosing and protecting), of a fraction less than \$179,000; and a plan of construction agreed upon. From this time the work went bravely on, till its completion, on the 25th day of November last, when the prisoners were transferred from the old gaol, in Leverett street, to their new quarters.

* Published by Acting Committee of the Philadelphia Society.

The cost of the building, exclusive of site, is a little short of \$200,000—the total expense being \$373,525.90.

There is a centre octagonal building, with four wings—three of which contain the cells—and the fourth is taken up by the officers' apartments. Each of the north and south wings measures 80 feet 6 inches in length, and 55 feet in width, and 56 feet in height above the surface of the ground, and is divided into five stories, each story containing ten cells, thus giving to each of these two wings 50 cells. The east wing measures 164 feet 6 inches in length; 55 feet in width, and 56 feet in height above the surface of the ground, divided into five stories, each with 24 cells, thus giving to this wing 120 cells. The cells in all the wings are 8 by 11 feet, and 10 feet high. The hospital and chapel occupy the fourth story of the west, or officers' wing. Each cell contains a window and a door; and the interior of the whole prison is lighted from 28 windows in the outer walls, each 10 feet wide and 33 $\frac{1}{2}$ feet in length. The lower apartment of the centre octagonal building contains the kitchen, bakery and laundry, and in the upper is the central guard and inspecting room. This apartment is 76 $\frac{1}{2}$ feet square, and stretches upward to the roof, in a clear, unoccupied space of 83 2-3d feet above the surface of the ground! The exterior walls of the prison are of Quincy granite.

The opportunity was afforded us, some few days since, to take a general view of this new and imposing structure. At the time we were there workmen were engaged in erecting a new furnace—the method of warming the cells having proved quite inadequate. One might have supposed that this branch of the science of prison architecture was sufficiently understood to prevent such a disappointment. The inmates of the prison were evidently suffering from this defect.

The *Separate System* is strictly enforced, except that no labor is introduced, the prison being chiefly a house of detention for debtors, witnesses and untried prisoners, upon whom labor or other prison service may not be enforced. Thirty or forty convicts were there, but under sentences so short as to render it unprofitable to put them to work. Many were committed for non-payment of fine and costs. The debtors have a separate ward, as have also females and minors. Among the

most obvious and important deficiencies may be mentioned that of water. Tubs and cans are used in the cells. The rates allowed for the board of witnesses are liberal, and an instance was mentioned to us of a case so unimportant that the defendant was bailed in the sum of only \$30, while several witnesses were then in confinement at the rate of \$2.25 per week for their board!

Whoever forms a judgment of the new gaol for Suffolk County from the description in the Report of the Committee, will find much cause to modify it upon a view of the premises; and if we were not misinformed by resident officials, the structure fails, in some very important particulars, to answer the purpose which its projectors had in view. Some attribute its defects to the unsteady counsels that presided over its erection, and others to radical errors in the plan. As it has great advantages over the old gaol, however, we are disposed to consider it a step in advance, though certainly a very costly one.

Miscellaneous Notices.

FOREIGN.

CRIME AND PAUPERISM COUNTERACTED.

"It is a trite argument now, that the reformation of one child, while it is far more hopeful than the reclamation of one old offender, is many degrees cheaper than the punishment of that one. Experience proves that there is scarcely a single case out of a thousand where the incipient disease of vice has not yielded to the ameliorating treatment of kindness, and the removal of the cause—poverty. Cheaper; because directly diminishing pauperism, it, in the first place, reduces the amount we, as a community, pay for its support; cheaper, because trying, catching and punishing one criminal, costs, in some cases, an amount equal to the whole annual expense to feed, clothe, and instruct a school-full of those who are to be prevented, by a simple process, from becoming criminals; and cheaper, in this far higher sense, that the reformation of one individual infinitely more than counterbalances the expense of attempts, even where ineffectual, at reforming many.

Let the doubter of these positions call at some school where the lowest order of human kind finds shelter, food and friends. We have seen such an one—in the old country. We will introduce our readers to one of its pupils:

He enters through a play-yard, where half a dozen little fellows, not very fashionable, though quite decent in their attire, are amusing themselves with tops and balls, and, if noise is a test of comfort, they are very happy.

Ascending an outside stair, he turns into a somewhat spacious apartment. The roof indeed is not lathed and plastered, but there is all the more ventilation. Everywhere, although things are homely enough, there is an air of perfect cleanliness. Two or three excellent maps hang across and divide the apartment, in one end of which are the boys, in the other the girls. Let him look at either class, and what a strange study for the physiognomist or phrenologist are the faces and foreheads of the pupils. Some have countenances on which the traces of very early hard life are still visible; the lines of misery are scarcely yet effaced. There are others, free, good brows, which give unmistakeable evidence of shrewdness and talent; but on every face there is contentment. The teachers in both divisions are busy at the usual lessons; but, at the stranger's visit, the classes are united, and an exercise is gone through by individuals of either sex, chosen promiscuously. In the back seat there starts up a little fellow about twelve years and a half, who, caught half-naked, begging through the streets some fifteen months ago, can read his Bible like the best of us; another reads a verse or two of poetry; a third small youth, whose only occupation, till within a year or so, was selling matches through the streets, is proved, after trial, to be far the best speller in the place, where there are not a few very good ones, and so on.. The procedure is as orderly, and the advancement in secular and Christian knowledge, of these once outcast and forsaken children—now clothed and in their right mind—is as great as in any of the best public schools; and seems to have been *at least* as rapid as among the children of what are called the respectable classes of society. And now a hymn is sung by all united, and, as they sit and sing, with folded arms and serious looks, there is enough, whether in the whole scene, or in the music so touchingly chanted, to send something like a tear into the corner of the eye. This over, the ranks are marshalled, and then pass down to the room below, where dinner waits; and, standing silently over the homely but substantial fare, a sign is made, when every eye is closed, and grace is said aloud. Enjoying themselves over their humble meal, our visiter leaves them, and heartily joins us in recommending a visit to such a scene, and inviting public attention to the principles on which these poor children are made what they are. The leading and moving principle is that of kindness and love—the endeavouring by all means to win them back to trust and confidence in the kindness and love of teachers and friends; and looking at the interests at stake, surely we may say that these are endeavours which a Christian public *is bound* to second, especially when the seconding costs so little, and is attended, as we have seen, with so great results.

If any of the readers of our Journal would see this same wise and humane policy exhibited in actual life, let him visit the Foster Home, (at what is known as the Preston Retreat,) or the Children's Home in Moyamensing, and he will see how much seasonable care and kindness will do, towards counteracting the downward tendencies of poverty and social corruption. The following stanzas happily express the grand idea of social reformation.

SPEAK TO HIM KINDLY.

Oh ! speak to him kindly—the boy has a heart,
 Pray think, ere you bid him in anger depart;
 His tatters and rags will not darken your door;
 Perhaps its not *his* fault he's dirty and poor!
 Would you wonder to find him a rogue or a fool,
 With Distress for his master—the Street for his school?—
 Some feeling of pride in his bosom may beat,
 Though he stands at your door without shoes to his feet.

**Do you question his story, and turn on your heel ?
Starvation can teach him to beg and to steal ;
Would you drive him to pilfer by scorn and rebuke ?
Oh ! a beggar has virtues as well as a duke.
Remember a man's not the wisest and best
Because of the star that may shine on his breast :
The poorest on earth may nobility own,
And a king be a villain in spite of his throne !**

**Yes ! there's found in the garret again and again
A power that softens e'en poverty's chain ;
A spirit of honest endurance, that brings
More comfort than throbs in the bosoms of kings.
Then turn not away from that fatherless boy—
His soul is not dead to the feeling of joy ;
A kind word on his path like the sunshine will fall,
And his dull eye light up to repay you for all.**

**Oh ! treat him not harshly—but win if you can ;
The boy in his rags will one day be a man !
That urchin before you—so haggard and pale
May live in a workhouse, or die in a jail !
But virtue and truth may be found in him still.
Then turn not aside—you may save if you will :
Can you leave him to grow up a knave or a sot,
With a home or a school not a mile from the spot ?**

**Then speak to him kindly—'twill cost you no more—
Oh, drive him not hungry away from your door !
But give him, in pity, a morsel to eat,
A coat for his back, and some shoes for his feet.
The humble though homeless by Jesus are prized,
Remember that He was both poor and despised—
And oh ! think on his words, ere impatient you be,
*"Inasmuch as ye did it to these, 'twas to Me."***

NOVEL RESIDENCE OF A DEN OF YOUNG THIEVES.—From a late London paper, we take the following remarkable sketch of the rendezvous of a gang of juvenile depredators. We have some such domicils, and some such tenants of them, in our own cities.

Five ragged and filthy boys were charged with trespassing on property belonging to the South Western Railway Company. An officer stated, that at three o'clock, on the preceding morning, he examined the arches under the terminus of the South Western Railway, and observed a hole, capable of admitting a man's body in one of them, situated in Granby street. On looking through this aperture he discovered the prisoners, some of whom had pipes in their mouths, smoking, while others were talking and laughing ; and all seemed as if they were perfectly secure from discovery in their hiding place. The moment he threw light upon the groups, they all started upon their feet, but the arch being enclosed on all sides, they had no opportunity of escape, and were secured without difficulty. They had worked holes, and undermined the arch in several places. In a hole, covered with a piece of board, he found small parcels of coffee, sugar, pep-

per. candles, &c. There was also a quantity of coals, and straw covered a portion of the ground.

The magistrate then asked the witness if he knew the prisoners? The officer said that they had all been convicted of petty offences. The officer of the South Western Railway said that a number of their companions were convicted some time ago for a similar offence, and that it cost the Company £75 to repair the arch which they damaged by taking up their quarters in it! Seventy-five pounds expended in good schooling, would have gone far towards making good boys of them.

They were sentenced to imprisonment for various terms, from 25 to 40 days—probably to come out ten-fold more the children of evil than when they went in.

CASES OF THEFT AT A SINGLE TERM ON PERTH CIRCUIT, SCOTLAND.

| No. | Articles Stolen. | Previous Convictions. | Sentence. |
|-----|-------------------------------------|-----------------------|-----------------|
| 1 | A tub, | 4 (1 in Justiciary) | 10 years trans. |
| 2 | A pail, | 5 (1 in Justiciary) | 10 " |
| 3 | A purse, with 5s. | 4 (1 in Justiciary) | 10 " |
| 4 | Purse, with 1s. 8½d., and trinkets, | 2 | 7 " |
| 5 | Silver watch and appendages, | 3 | 7 " |
| 6 | 10 lbs. lead, | 4 | 7 " |
| 7 | Jacket, vest, cap, and boots, | 3 | 7 " |
| 8 | Jar, pepper-box, and 2s. 6d. | 2 | 7 " |
| 9 | Gown and pair of shoes, | 5 (1 in Justiciary) | 10 " |
| 10 | Quantity of soap, | (1 in Justiciary) | outlawed. |

Note.—The value of the articles stolen may not in all exceed £5; there were 33 previous convictions, of which five were by the Circuit Court of Justiciary.

The investigations and trials of these ten persons must have cost the country at least £1000, which would have thoroughly educated in an Industrial School 200 children.

SINGULAR ASSOCIATION.—Lord Campbell tells us that he once heard a judge at Stafford sentencing a prisoner convicted of uttering a forged £1 note, and after having pointed out to him the enormity of the offence, and exhorted him to prepare for another world, the dignitary thus concluded:—"And I trust that, through the merits and mediation of our blessed Redeemer, you may there experience that mercy which a due regard to the credit of the paper currency of the country forbids you to hope for here."

FRIENDLY BENEFICIAL SOCIETIES.—There are 14,000 enrolled Friendly Societies in England, having 1,600,000 members, an annual revenue amounting to £2,800,000, and an accumulated capital of £6,400,000. A still greater number of minor Friendly Societies are not enrolled, and do not, therefore, possess the privileges and means of self-protection enjoyed by the former. It is estimated that there are 33,223 societies in this position in England, Wales, Scotland, and Ireland; having 3,052,000 members, an annual revenue of £4,980,000, and with funds amounting to so large a sum as £11,360,000, the praiseworthy accumulations of the purely industrial classes. Indeed, half of the laboring male adult population are members of beneficial societies.

DIMINISHED PAUPERISM.—It appears from a late return presented by Mr. Baines, to the House of Commons, that there are well-nigh 26,000 fewer adult able-bodied paupers in the workhouses of England than at the corresponding period of last year. Of paupers, generally, no matter what their sex or age, the diminution is somewhat more than 56,000.

INTEMPERANCE AND INSANITY.—From an article in the Scottish Temperance Review, it appears that returns from 25 Lunatic Asylums give 24 per cent. of cases, caused by intemperance and vice. The total number of lunatics in England and Wales is estimated at 26,516. Of these, 6,629 were reduced to their lamentable condition by intemperance. The sum expended in England and Wales, for the maintenance of the insane, exceeds \$3,500,000.

METROPOLITAN MORTALITY.—From a very interesting and carefully compiled statistical table, published in the London *Medical Times and Gazette*, on the births and deaths in the Metropolis during the past year, it appears, that the number of births was, 39,882 males, and 37,984 females, being a total of 77,866, or an excess of males over females of 1,898. The number of deaths during the same period was 28,096 males, and 27,249 females, or a total number of 55,345 deaths, being an excess of deaths of males over females of 847, or an excess of births over deaths of 22,517. The ages at death were from 0 to 15, 25,712; from 15 to 60, 17,999; and from 60 and upwards, 11,362. The proportion of deaths, in 1851, to population in the several districts of London, will be seen by the following:—In the west districts, the population by the last census was 376,427, and the deaths in 1851 were 8,326; giving a proportion of one death to 45.2 inhabitants. In the north district, population 490,396; deaths 10,860; or one death to 45.1 inhabitants. In the central district, population 393,256; deaths 9,474; or one death to 41.1 inhabitants. In the east districts, population 485,522; deaths 11,819; or one death to 41.1 inhabitants. And in the south districts, population 616,635; deaths 14,884; or one death to 41.4 inhabitants. By a comparison of the above with the former year 1850, it will be observed that the births have increased, in 1851, by 2,554, and the deaths by 6,775. In 1850, the excess of births over deaths was 26,738; while in 1851, it was only 22,517, being a decrease of 4,221. The deaths at the age of 0 to 15 have increased over those of 1850 by 4,341; at the age from 15 to 60, by 1,634; and from 60 and upwards, by 780.

THE GREAT WASHED!—During 1851, there were 213,485 bathers at the baths and washhouses establishment, situated in St. Martin's-in-the-Fields, London; the receipts amounted to £3,437 17s. 9d. There were 50,290 washers: the number of hours' washing was 103,836; and the receipts under this head were £499 14s. 1d. So at "the Model," in Whitechapel, there were during the same period 156,310 bathers, with £2,143 7s. 8d., receipts. There were 43,462 washers, who washed for 98,824 hours, and paid £513 1s. 2d. Taking the Metropolis generally, which as yet yields us reports but of five establishments, of which one was opened on the 2nd of September, we find that, during the past year, there were 647,242 bathers, who paid in all £9141 8s. 6d.; and 132,231 washers, who paid £1498 19s. 2d. The sum of the combined receipts is £10,640 7s. 8d. The country returns

yield similar results for the periods during which the establishments have been opened to the public.

The most remarkable indication of the state of trade in Birmingham during the past year, is to be derived from the savings of the working classes. These are shown in various ways. The accounts of the savings'-bank for the year 1851, although not yet published, are made up, and it appears that during the last twelve months, there has been an increase of 1,025 depositors, and of upwards of £20,000 in deposits. The aggregate amount of deposits, as will be shown by the report when it appears, is close upon £400,000. But this is not all. There are numerous Freehold Land and Building Societies in Birmingham, and not less than £70,000 has been paid by the artizans of Birmingham into their various treasuries.

SCOTCH PRISONS.—The Twelfth Report of the Commissioners of the Prisons of Scotland, shows that the average number of persons in custody in the prisons of that kingdom, in 1850, was 2990 against 3143 in 1849. The total expenditure on prison account for the last year was \$220,000.

CHARITIES IN LONDON.—Taking the whole of London, and not exempting from the account such as may be correctly classed as metropolitan institutions, as Greenwich Hospital, &c., there are no less than 491 charitable institutions, exclusive of mere local endowments and trusts, parochial and local schools, &c. These charities comprise—12 general medical hospitals; 50 medical charities for special purposes; 35 general dispensaries; 12 societies and institutions for the preservation of life and public morals; 18 societies for reclaiming the fallen and staying the progress of crime; 14 societies for the relief of general destitution and distress; 12 societies for relief of specific descriptions of want; 14 societies for aiding the resources of the industrious (exclusive of loan funds and savings-banks); 11 societies for the deaf and dumb, and the blind; 103 colleges, hospitals, and institutions of almshouses for the aged; 16 charitable pension societies; 74 charitable and provident societies, chiefly for specified classes; 31 asylums for orphan and other necessitous children; 10 educational foundations; 4 charitable modern ditto; 40 school societies, religious books, church-aiding, and Christian visiting societies; 35 Bible and missionary societies; showing a total of 491 (which includes parent societies only, and is quite exclusive of the numerous "auxiliaries," &c.). These charities annually disburse, in aid of their respective objects, the extraordinary amount of £1,764,736, of which upwards of £1,000,000 is raised annually by voluntary contributions; the remainder from funded property, sale of publications, &c.

PRISON AT ATHENS.—The following description of an Athenian prison is extracted from a letter of an American citizen, (Rev. Dr. Jonas King,) whose name is doubtless familiar to most of our readers as associated with a very extraordinary exercise of arbitrary power.

In the Prison of Athens, called Medrese, 9th March, 1852.

I am now in prison, and my name is inscribed among the vilest malefactors of Greece, in a book kept for the purpose, in which the names of all

who enter are written, with the age, description of their person, and the crime of which they have been guilty. Mine is that of preaching the word of God. That of two others here in chains, is the murder of seventeen persons.

The prison is called Medrese, which is a Turkish word meaning school; and this is so called, because it was formerly used by the Turks as a school. Besides myself, there are one hundred and twenty-five persons. A few days since there were one hundred and eighty. These occupy eleven small rooms, eight of which are about ten or eleven feet square, in each of which are from eight to twelve persons. The other three rooms are perhaps two or three times as large, and in each are confined twenty-five persons. From these facts you can judge of the accommodations enjoyed here. Most of them have no beds on which to sleep, and some not very warmly clad. It is enough to make one's heart ache to see them. The sight of them made me feel that my trials and troubles were small.—Decent looking men, and the vilest malefactors; men not yet tried, and who are perhaps innocent, and those who have already been condemned for piracy, rape, and murder; the youth who has committed perhaps his first crime, or no crime at all; and those who have grown old in iniquity, and whose consciences are seared as with a hot iron, are here crowded together in one common mass, from which proceeds an odor by no means agreeable, even now when the weather is cool, and which as the weather grows warm, must become intolerable. And just think of sleeping in a little room, about ten feet square, with ten or eleven others locked in with you for the night, and only a small window in the door for air, and one by the side of it for light, darkened by its thick heavy iron gates, and looking upon a small court within.

It is scarcely credible that a country so closely associated with the most enlightened kingdoms of Europe, as Greece, and a city so conversant with modern improvements in municipal economy as Athens, should be open to the reproach of such folly and cruelty, as this paragraph discloses.

DOMESTIC.

NEW YORK STATE LUNATIC ASYLUM.—The annual report of this institution for the year 1851, furnishes the following facts: At the commencement of the year there were 429 patients in the asylum; 366 have been added, and 357 discharged during the year; of whom 112 were recovered, 15 much improved, 51 improved, 13 unimproved, and 45 died. The number in the asylum at the date of the report was 425, of whom 220 were males, and 215 females. Of those admitted during the year, the greatest number were between the ages of 25 and 30 years. Of the causes of derangement, the chief is stated to be intemperance, the number of patients from this cause now in the asylum being 44 males and 1 female.

EMIGRATION.—The commissioners of emigration of New York, in a recent report to the legislature, state, that at the port of the city of New York alone, there arrived during the year 1851, 289,601, of whom there were natives of Ireland, 163,256; Germany, 69,883; other countries, 56,462; making an increase of 75,998 over the preceding year. The emigrants from Ireland exceed the whole number from other countries by 36,911.

Of these, 85,000 were in a condition which required aid, being either sick or paupers.

It is stated in the public prints, (and we have seen no contradiction of it,) that a single Irish nobleman secured a passage to our shores of nineteen hundred persons, at the rate of £2 per head, and ten shillings on their arrival.

BOSTON CITY MARSHAL'S REPORT.—By the annual report of the marshal of the City of Boston, we learn that the whole number of robberies reported at the marshal's office during the year 1851, was 562; amount of property lost and stolen, \$44,418; amount of property recovered and restored to owners, \$26,131. The whole number of complaints and arrests was 5,449, among which were, for larceny, 625; drunkenness, 1,465. Of the whole number of arrests made, 1,110 were minors. There have been 969 complaints made to the Grand Jury, growing out of the sale of intoxicating liquors; and fines, exclusive of costs, collected, amounting to \$12,474; and 36 have been imprisoned in the House of Correction, for different periods, amounting in all to more than 10 years. The number who apply at the marshal's office for charity is very large, and all who were really deserving have had their wants supplied by that department, from a fund which is the proceeds of stolen and unclaimed goods, an accurate account of which has been kept. "There is no greater imposition practised," says the report, "than the system of begging and soliciting charity. We have now in the office a large number of written and printed papers which have been taken from these impostors; and from one person we took twenty-one."

HEALTH OF THE BOSTON FARM SCHOOL.—The following remarkable statement respecting the health and the mortality of the boys connected with the Farm School, on Thompson's Island, in Boston harbor, is made on the authority of Robert Morrison, Esq., the Superintendent.

The number of boys in the school, June 1, 1851, was 85; January 1, 1850, 89; January 1, 1851, 97. The present number is 94, several having been recently sent to places in the country. No death has occurred on the island since August, 1845; which is the only time when a physician has been sent for on account of sickness among the boys, for nearly ten years!

Under Providence, we consider this, in some measure, owing to a healthy location, a simple but wholesome diet, exercise in the open air, and good ventilation.

The average number of boys in the school, for several years, has not been far from 80.

BOSTON PAUPERISM.—The Annual Report of the Boston Society for the Prevention of Pauperism, estimates the cost of pauperism to that city, in 1840, at \$43,454; in 1845, \$45,000; and in 1850, \$111,905! It also states that in the past five years, the native American paupers have decreased about 37 per cent., while foreign paupers, supported by the city, have increased about 150 per cent.

MAINE STATE PRISON.—When the State of Maine was about to erect a new Penitentiary a few years ago, the commissioners were disposed to re-

commend the separate system as decidedly preferable on every ground, except that it costs more at first, and may not yield so large a profit on convict labor. By the last report of the commissioners, we observe that of the whole number of convicts, (eighty-four,) about one-half are employed in making shoes—a business quite as profitably pursued in seclusion as in association. Basket-making furnishes employment to such as, from age or infirmity, are unable to perform hard labor, and this also might be as well done in a cell. As to the finances of the institution, a special committee of the legislature, appointed to investigate its affairs says, "they cannot give any definite information," but they portentously intimate, (what time will probably reveal,) that if revenue is a prominent object in the management of the prison, it will be defeated. "For any losses which may accrue to the State," say the commissioners, "we attach no blame to any former warden or officer of the prison, for any neglect or want of care, but believe the loss arises from the universal credit system which has been too prevalent in our State." "We certainly hope so," says a leading newspaper, "for it is high time the State were realizing more from the prison economy than it has yet done."

We wish this notion of making penitentiaries a source of profit could be eradicated, or absorbed in the higher and more important objects of making them the means of instructing the minds of convicts, softening their asperities, correcting their false views, elevating their motives, and counteracting the corrupt influences by which they have been surrounded. These humane purposes cannot be answered to any considerable extent under any system, save that of *separation*, and it is from this conviction, and not from any pride or pertinacity of opinion, that we advocate the universal adoption of that principle.

THE MARYLAND PENITENTIARY.—By the report made to the Maryland Legislature, it appears the receipts of the institution, during the last year, do not equal its expenses by the sum of \$9,302 78. The average deficiency in the receipts for the last four years has been \$9,267 63, and the aggregate deficiency for the same period \$37,070 54. Various causes are stated for this deficiency—the unequal competition which the manufacturers of the prison have to sustain with those made by more improved machinery—the loss of time and labor consequent on the necessity of teaching the most of the convicts their employments—the prejudices which are entertained against the prison manufactures, and the difficulty of selling them at remunerating prices, being the principal causes to which it is to be attributed. The number of persons received into the penitentiary during the year was 119; discharged by expiration of sentence during the year 44; pardoned during the year 18.

POOR AND INSANE OF RHODE ISLAND.—Thomas R. Hazard, Esq., commissioner to inquire into the condition of the public poor and insane of Rhode Island, made his report to the Legislature at its late session. In fifteen towns in the State, asylums for the poor are maintained. In sixteen

towns, not having asylums, the poor are put to persons who will keep them for the lowest sum, or are boarded out by contract. The average cost for each individual per annum, in the asylums, is \$51.50; for each individual, per annum, of the latter class, \$45.60.

The average number of poor, supported in asylums, is 500; all others, 229; total, 729. Whole cost of supporting the poor, including interest on cost of asylums, \$51,003.23. Insane persons in Rhode Island, 282. Idiots and imbeciles, 136. Blind, 60. Deaf and dumb, 64.

RHODE ISLAND INSANE HOSPITAL.—We have not been favored with Dr. Ray's last report, but we learn from other sources, that of 54 patients discharged, during the year, 36 were cured, and 8 improved. There were 16 deaths. Of 420 insane persons in the State, only 180 are enjoying the advantages of Hospital treatment.

CHARITABLE INSTITUTIONS IN INDIANA.—*Hospital for the Insane.*—This institution has 140 patients under treatment, and yet there are in the State 300 insane persons (exclusive of idiots) who are totally unprovided for. Applications are rejected for want of room, and an immediate enlargement of the buildings is contemplated. It is stated that there are in Indiana 442 insane, and 617 idiotic persons. Of the 292 patients who have been treated in the hospital, only 78 were natives of Indiana.

Deaf and Dumb Asylum.—One hundred and thirteen pupils were under instruction at the date of the report, and the earnings of the pupils during the year, are valued at \$3,770. Only two deaths occurred during the year.

Institution for the Blind.—Fifty-two pupils are under instruction, from 33 counties. "The superintendent is of opinion that all applicants of sound mind, and not above twenty-one years of age, should be received, provided they are otherwise qualified, reserving discretionary powers as to the rest." A new building is in progress, which will enlarge the accommodations so as to admit every blind child in the State, who is capable of instruction.

ALABAMA.—We are happy to observe, by the public prints, that the people of Alabama have resolved to establish, forthwith, an Insane Hospital and a Deaf and Dumb Asylum.

KENTUCKY DEAF AND DUMB ASYLUM.—The Annual Report of the Trustees of the Deaf and Dumb Asylum shows that the institution is in a prosperous condition. There were 60 pupils in the institution from January 1 to November 12, of whom 29 were males and 21 females. Forty-five inmates of the institution are from Kentucky, 9 from Louisiana, 1 from Arkansas, 1 from Mississippi, and 1 from Tennessee.

VOL. VII.

TERMS:—ONE DOLLAR A YEAR IN ADVANCE.

NO. IV.

THE
PENNSYLVANIA JOURNAL
OF
PRISON DISCIPLINE
AND
PHILANTHROPY.

PUBLISHED QUARTERLY

UNDER THE DIRECTION OF "THE PHILADELPHIA SOCIETY FOR ALLEVIATING
THE MISERIES OF PUBLIC PRISONS," INSTITUTED 1787.

"The separation of one prisoner from another is the only sound basis on which a reformatory (prison) discipline can be established with any reasonable hope of success."—*Fifth Report of Inspectors of English Prisons.*

OCTOBER, 1852.

PHILADELPHIA:
E. C. AND J. BIDDLE,
SOUTHWEST CORNER OF FIFTH AND MINOR STREETS.
LONDON: CHARLES GILPIN.

1852.

Isaac Ashmead, Printer.

CONTENTS OF NO. IV.

| | |
|---|-----|
| ART. I.—How shall the Convict Army be Reduced? | 145 |
| II.—The Outcasts of England, &c., | 162 |
| III.—The New York Juvenile Asylum, | 173 |
| IV.—Convict Recognition, | 179 |
| V.—A Prison Scene only Twelve Years Ago, | 181 |
| VI.—Report of the Philadelphia Lying-in-Charity and Nurse Society, 1851-2, | 183 |

MISCELLANEOUS NOTICES.

| | |
|---|-----|
| Interesting Statistics of the City of London, | 188 |
| Thirty-Fifth Annual Report of the Frankford Insane Asylum, | 190 |
| Report of the Senate Committee of Education of the General Assembly of Rhode Island, January 23, 1852, | 191 |
| A Sign of Barbarism, | ib. |
| Annual Report of the Managers of the Western House of Refuge of the State of New York, 1852, | ib. |
| Report of the Pennsylvania Institution for the Deaf and Dumb, 1852, | 192 |
| New Jersey Prison Reform Association, | ib. |
| Crime in Boston, | ib |
| State Reform School of Massachusetts, | ib. |

IMPORTANT AND VALUABLE DOCUMENTS.

The Seventeenth Report of the Eastern State Penitentiary.—A few copies of this document, which includes the elaborate tables of the medical officer—showing the sanitary condition of the institution from its commencement.

ALSO,

Numbers 1 and 2 of volume I. of this Journal—the first containing a Review of the History of Penal Legislation in Pennsylvania, and several plates, illustrative of prison architecture; and the second containing a beautiful steel portrait of Mrs. Elizabeth Fry, and a view of the New Prison at Pentonville, near London, and an account of its discipline and results.

Either of the above may be had on application to any member of the Acting Committee.

NOTICE.

Communications and orders for this work, may be addressed “Editor of the Journal of Prison Discipline,” care of the publishers, No. 6, South Fifth Street, Philadelphia.

Officers of State, Inspectors, or Wardens of Penitentiaries, Keepers of Common Gaols, Houses of Correction, &c., Superintendents or Physicians of Insane Asylums, (whether public or private, and whether for paupers or pay-patients,) officers of Houses of Refuge, Police Magistrates, and others who may be in possession of, or have access to reports or other documents bearing on prison discipline, insanity, juvenile delinquency, police regulations, pauperism, &c., &c., will confer a particular favour by forwarding to the above office copies of such publications for use or notice in this Journal. All such attentions will be gratefully acknowledged, and cheerfully reciprocated.

NOTICE OF THIS JOURNAL.

“It embodies more information on the subject of prisons, arranged and expresse in the spirit of literature and science, than any other publication of our country and will compare with any Journal devoted to this department of knowledge in Europe.”—*Hon. Charles Sumner’s Speech, in debate on prison question in Boston, May, 1847.*

RECENT NOTICES.

From the North American and United States’ Gazette.

We have received from Messrs. E. C. & J. Biddle the last number of the Pennsylvania Journal of Prison Discipline, which is published quarterly, under the direction of the Philadelphia Society for alleviating the Miseries of Public Prisons. A glance through its pages shows what is well understood—that it is a

(See 3d page of Cover.)

THE
PENNSYLVANIA JOURNAL
OR
PRISON DISCIPLINE.

VOL. VII.—OCTOBER, 1852.—No. 4.

ART. I.—HOW SHALL THE CONVICT-ARMY BE REDUCED?

- I. Reformatory Schools for the children of the perishing and dangerous classes, and for juvenile offenders. By Mary Carpenter. pp. 353. London, 1851.
- II. Documents relating to the State Reform School of Massachusetts. 1851-2.
- III. Twenty-fourth Annual Report of the (Philadelphia) House of Refuge. 1852.

We have prefixed these titles to the present article, not because we propose to review what follows them, but to represent a considerable pile of a similar class courteously forwarded to us within a few months, which all relate to methods of educating, reclaiming, reforming, restraining or punishing perverse and criminally disposed youth. Their number and character indicate that the subject of juvenile delinquency takes a large and deep hold upon philanthropic minds, and persuade us that inquiries into its extent and sources are never without interest. Our present remarks are introductory to some suggestions touching its cause and cure.

One would expect to find less crime in the United States than in any other section of the globe. The abundant means of education—the mild and popular character of our laws—the facilities for obtaining a comfortable livelihood by very moderate labor—the laxity of our police and the general consent to let every man have his own way so long as he does not trespass on his neighbor, would seem to give a fair field for a virtuous and prosperous community.

The means of education, (in the older States at least,) are libe-
vol. vii.—19

rally provided ; and though we do not regard this as, in itself, a reliable check to crime, it is quite indispensable to that effective moral culture which is, comparatively speaking, a reliable check. With it a thousand influences may be employed to divert the mind from evil courses and to stimulate resolutions of amendment which, without it, are entirely unavailable. A delinquent, whose powers of thought and reflection have been even partially developed, has something to work upon. He is open to motives and appeals which seem to fall unheeded on the ears of the ignorant, and hence we regard education as, on the whole, an invaluable agent to counteract criminal propensities.

In no country in the world are the laws more easily ascertained and understood, so far as the rights and duties of citizens are involved, than in ours. There are not here (as in some countries) a thousand insignificant provisions for the protection of monopolies, and for the entanglement and condemnation of the unwary—such as excise and game laws. We have not hosts of police officers prowling about every man's pathway and watching eagerly for an opportunity to pounce upon the thoughtless transgressor. The whole policy of our institutions is to encourage what is praiseworthy and of good report, and not to take cognizance of an evil disposition till it becomes intolerably active and mischievous. And we incline to believe that had the native population of our country been left to the natural and potent influence of these conditions we should have an unprecedented *minimum* of crime. Indeed, no one familiar with our criminal returns can fail to see how large a percentage of convicts are of foreign birth or extraction. It may suffice to cite the returns of two or three of our principal penitentiaries.

The city prisons of New York, (First District,) return ten foreigners to three natives! At Sing Sing, a little less than half the convicts are of foreign birth. In Massachusetts and Pennsylvania, one-third ; and in Ohio, one-fifth.

It is very obvious that such a mass of corrupt and corrupting elements, cast into the heart of our population, will rapidly diffuse itself throughout the community. Like a foul, turbid stream emptying into a comparatively pure lake, its course can be traced a little way, but is soon undistinguishable from

the surrounding waters, which in time it assimilates to its own dark hue. This deteriorating process commences, for the most part, in youth. Ignorance goes in families. Multitudes of children from foreign lands, between four and sixteen years of age, are now growing up in the midst of our native population, and with means of education at hand, unable to read or write.

As an instance of one of the myriads of cases to which we refer, we may mention, that being lately at Canandaigua, New York, we saw two brothers, of (say) ten and twelve years of age, idling about while most of the children of the village were at school. Having some pleasant books for such boys at our disposal, and offering them for their acceptance, we were surprised to find they were unable to read. Upon inquiring of a friend, we were told that almost or quite all the children of the place were, at one time, enrolled in the schools, but an ecclesiastic who had come to reside there had ordered every child of a particular faith to leave the schools, and these two lads were of the number; and neither they nor the family from which they came, could read at all! It was not pretended that any improper influence had been used, against which it was needful to guard the minds of the pupils. It was a free school, from which all sectarian influences were excluded; but the ecclesiastic seemed to be of opinion that absolute ignorance was preferable to knowledge, unless that knowledge could be made subservient to priestly rule.

We had occasion, during the last summer, to spend a few weeks in a very thrifty town in New Jersey, where schools are kept in comfortable houses the year round, and are accessible to all the families in the place; but many households, including parents and children, were without a single member that could read.

In a trial before one of our city courts, in which an election-return was in controversy, the presiding judge (Parsons) said, "The law does not require that every judge of an election should be able to read and write. *There are hundreds of election officers in Pennsylvania who can do neither.*"

Other States, of more recent organization, present a still more revolting picture of popular ignorance, and we hazard nothing in saying that hundreds of thousands of children and

youth are now growing up, on American soil, without a knowledge of the art of reading! And such we regard as among the most promising candidates for the prison and poor-house. They already furnish by far the largest portion of our juvenile offenders, and from their ranks come the most incorrigible of our adult convicts.

It may not be amiss to turn the attention of our readers, for a moment or two, to a few well established facts, going to show the rapid increase of youthful culprits.

Three years since the chief of the New York police called attention to the constantly increasing numbers of vagrant, idle, and vicious children of both sexes, who infest our public thoroughfares, hotels, docks, &c.,—children who are growing up in ignorance and profligacy, only destined to a life of misery, shame and crime, and, ultimately, to a felon's doom. The offspring of always careless, generally intemperate, and often-times immoral and dishonest parents, they never see the inside of a school-room, and so far as our excellent system of public education is concerned, (and which may be truly said to be the foundation stone of our free institutions,) it is to them an entire nullity. Left, in many instances, to roam day and night wherever their inclination leads them, a large proportion of these juvenile vagrants are in the daily practice of pilfering wherever opportunity offers, and begging where they cannot steal. In addition to which, the female portion of the youngest class, those who have only seen ten or twelve summers, are addicted to immoralities of the most loathsome description. Each year makes fearful additions to the ranks of these prospective recruits of infamy and sin; and from this corrupt and festering fountain flows on a ceaseless stream to our lowest brothels—to the penitentiary and the State Prison.

To show that this is no vague statement, reference is had to the reports from specific localities, and the numbers are given upon an authority and with an exactness which claim our confidence. In eleven of the patrol districts, twenty-nine hundred and fifty-five children of the class just described are known to the police, and of these two-thirds are females between eight and sixteen years old. To render the exhibition still more impressive, this loathsome multitude is classified:

1. We have those who congregate around the piers, &c., where merchandise is chiefly landed. Cunning and adroit in their operations, they daily pilfer immense quantities of cotton,

sugar, spirits, coffee, teas, &c., from the bales, hogsheads, casks, bags, chests, &c., with which the wharves are generally more or less loaded ; and in the absence of other articles of plunder, they wrench the knobs from doors, steal building hardware from unfinished dwellings, lead and copper pipe, and even tin roofing ! They will, even with the owner and consignee looking on, cut open a coffee bag in a manner so sly and artistical, that he is forced to believe the bag has burst by accident, and in a few minutes some fifteen or twenty pounds are transferred from the planking of the pier to their capacious baskets or aprons. It is no uncommon thing for a hogshead of sugar to be short from fifty to one hundred pounds, through their undetected depredations, and the same system of petty abstraction prevails in regard to all exposed articles of a movable nature. In one instance, an entire bale of cotton was stolen, piecemeal, by this process, and the perpetrators were only caught when they returned for the purpose of filching the bag itself !

The number of children engaged in this nefarious occupation is estimated at seven hundred and seventy in the districts enumerated.

Arrests are indeed frequently made, but these juvenile rogues generally manage to escape. Parents appear in their behalf, with tears and promises of a more careful supervision in future, and the petty pilferer is released from durance, with a simple reprimand from the sitting magistrate, to return in one hour to the docks, a more confirmed thief and vagabond than ever !

Then, 2d, we have the "Crossings' Sweepers." They are entirely different from those first mentioned ; and in regard to moral degradation they occupy a still lower position. Clothed in rags—filthy in the extreme, both in person and language, it is humiliating to be compelled to recognise them as part and portion of the human family. Consisting mainly of small girls, one looks in vain for a single attribute of innocent childhood in their impertinent demands. Their persevering advances, and the lewd Billingsgate of their voices, involuntarily give rise to the question, "What fearful fruit will the seeds of sin, thus early sown, bring forth in womanhood ?" Citizens generally suppose that in bestowing pennies upon these children, they are performing acts of charity and mercy. This is a mistake. Whatever may be their gains during the day, the amount is almost always spent during the night in visiting the galleries of the minor theatres, or in the lowest dens of drunkenness and disease, which abound in the Five Points and its vicinity. And they often waste large sums of money amid half-grown boys

of similar stamp, in the most disgusting scenes of precocious dissipation and debauchery. The number thus engaged in the lower districts of the city is 100—a large number when we consider that it is not the *crop* but the *seed*.

3. A third class consists mostly of girls of tender years, and frequently neatly dressed, modest looking, and in many instances even pretty. Their ostensible business is the sale of nuts, fruits, socks, toothpicks, &c. ; and with this *ruse*, they gain ready access to counting-rooms, offices, and other places, where, in the secrecy and seclusion of a turned key, they submit, for a miserable bribe of a few shillings, to the most degrading familiarities. By these practices, they frequently are enabled to carry home some two or three dollars daily. And this very money, to obtain which the miserable child exchanges its present and future welfare, is eagerly grasped by the often inebriate parents, who, with the full knowledge of the sacrifice by which it was obtained, scruple not to use it, and on the morrow the girl is again sent forth upon the same disgusting errand.

One of the reports, in speaking of this class of children, says, “It may be proper to state that most of these children are of German or Irish parentage, the proportion of American born being not more than one in five! Scenes of almost nightly occurrence might, if necessary, be related, which, for vileness and depravity, would absolutely stagger belief.”

While the officers admit that there are honorable exceptions to the above, and that some among the hundreds, included in this third class, are in reality honest children, endeavoring to gain a living by the legitimate sale of trifles, the majority are vicious, and only so; their number is computed in the districts first named, at 380.

4. Then comes a group of boys, known as “Baggage Smashers;” they congregate around steamboat landings and railroad depots, apparently for the purpose of carrying parcels for individuals arriving in the city. A large proportion of them have no homes whatever; they will not hesitate to steal when opportunity offers, and live idle and dissolute lives, generally sleeping in the markets, under sheds, and occasionally in cheap lodgings; but the luxury of a bed is an article, however, which they seldom indulge in. Of an average larger growth, and more experience than those classes before mentioned, there is more method in their evil propensities, and not unfrequently are small burglaries traced home to them. There are about 120 thus engaged.

5. Another, and the last distinct class named in the report consists of boys similar to those last mentioned, with this exception—they have homes, and many of them are the children of respectable parents, but through a mistaken leniency or criminal carelessness, they are suffered to spend their evenings and Sabbaths in small gatherings on the corners of the streets, annoying the neighborhood and passers-by with their wrangling and fighting practices, and with the most reckless oaths and blasphemies. They will often steal, and many of them absent themselves from the roof of their parents and guardians for weeks together, sleeping in market wagons and other places of shelter, consorting with the vilest of both sexes, and forming habits of vice and dissipation which cling to them through all their after years. Frequent complaints are made by citizens in regard to the practices of these juvenile rowdies, but under existing regulations, the efforts of the police are found inadequate to the suppression of the nuisance. The number of these is estimated at between 1,600 and 1,700.

These five classes of neglected, vicious, and, in very many cases, desperate youth, constitute a perennial and constantly enlarging fountain of corruption, which, like lava from the volcanic crater, spreads desolating streams far and wide. When, in addition to all this, we are credibly told that in the districts where such juvenile depravity reigns there are, besides these enumerated classes, "2,383 children that do not attend school;" and, moreover, that "there are many hundreds of parents who absolutely drive their offspring forth to practices of theft and semi-bestiality, that they themselves may live lazily on the means thus secured—selling the very bodies and souls of those in whom their own blood circulates, for the means of dissipation and debauchery;"—when we take into view all these ascertained facts, we may well regard the probability of diminishing crime, essentially, by any of our present agencies, as very remote.

But all this was in 1849. Perhaps the new regulations for suppressing vagrancy and street-begging, in that city; the salutary influence of Sunday and daily schools for three years; the meritorious effort to reclaim the population at "Five Points," and the various labours of Christian philanthropists, with young and old, may have produced a great change. Such a flattering conclusion is denied us, for the same officer, in January, 1852, alludes to his former report of 1849, and says

"the nature and extent of the evil (youthful vice and vagrancy) is in no degree diminished, either in extent or aggravation. On the contrary, the intermediate time has only served to greatly increase its magnitude, and render still more palpable and alarming all its offensive features."

That the existing House of Refuge, with all the voluminous evidence of its usefulness, does not offer adequate provision for such an exigency, in our sister city, appears from the fact that a new institution, called the New York Juvenile Asylum* has recently been incorporated, the object of which is to receive and take charge of such children, between the ages of five and fourteen, as may be voluntarily entrusted to it by parents and guardians, or committed to their charge by competent authority, and to provide for their support and to afford them the means of moral, intellectual and industrial education.

However seasonable and valuable such an institution may be for preventing a still farther increase of criminal youth, its features are evidently less penal than those of the House of Refuge, and perhaps this was one motive to its organization. Our own opinion is that so far from relaxing the few restraints now laid upon juvenile offenders, what we most need, just now, is a grade of institutions more rigidly penal in their discipline than our Houses of Refuge. The preventive processes we have employed (though highly useful, so far as they have accomplished their object,) have proved insufficient to stem the tide of juvenile depravity. If they have turned fifty or one hundred, annually, into better ways, let us be thankful for such an excellent service; but let us not forget that a vastly greater number have been, in the mean time, added to the ranks of the neglected and vicious; and that of these the larger part are beyond the reach of preventive influences, having already plunged into the very vortex of depraved habits and associations. For them there is no alternative, at present, but a free range, or the ordinary discipline of a convict prison.

We have not at hand, any very recent returns of the criminal population of England. That the proportion of juvenile culprits has not lessened, however, we are well assured.

* Noticed more particularly at another page.

The following passage, from the preface to the first work mentioned at the head of our article, is very emphatic on this point.

The enormity and amount of juvenile depravity is a subject which now most painfully engages the public mind. The mature and headstrong character which it exhibits has been unveiled and presented to the public eye in colours, fearful because true, by various recent publications, which must make every Christian heart shudder and tremble. Statistic tables prove to us its appalling progress, in a ratio far exceeding that of the population generally; but even these, clear as they may appear to be, and forcible in their appeals, are less powerful to convince of the dreadful truth, and to demonstrate its results, than the daily experience of our great cities, as it can be attested by our magistrates—our governors and chaplains of gaols—our police—or even the common readers of our newspapers.

To meet this state of things, what are called preventive methods, heretofore employed under English laws, are found inadequate. The systems of public instruction, and numerous industrial schools founded by public and private charity are useful so far as they go, but in despite of their influence, juvenile crime increases with fearful rapidity. It is justly considered preposterous to expect that the mental, moral and physical causes which have been operating from birth to give a vicious inclination to the habits of a child can be reversed in the time and by the means which are employed in schools of industry and reformation. The disciplining period must be extended so as to embrace a succession of moral and physical, as well as educational influences, such as prison discipline does not include, and for which most reformatory schools are totally insufficient. It has, therefore, been proposed to establish Penal Schools, such as that at Horn, near Hamburg, or Mettray, in France, "conducted with strict reference to moral and religious culture, and with a discipline involving out-door labor in fields and gardens, as the true means of reducing juvenile crime to a *minimum*."

This was a project of the late *Whitworth Russell*, for several years, an Inspector of the British Prisons, and has been warmly advocated by the Recorder of Birmingham. His plan was to divide England and Wales into thirteen districts, and establish

a Penal School in each ; but others regarded such an exact apportionment of schools to districts as not, in all cases, desirable. They thought the schools, accommodated in humble and temporary buildings, might be rendered moveable from place to place, with a view to operating on patches of land requiring to be reclaimed. By such means, it was said, great tracts of bleak moss might be brought into profitable cultivation, and at such small expense as would induce landholders to enter into arrangements for leases on favorable terms.

We are not aware that any part of this scheme has been carried out, but the mere suggestion of it, from such sources, shows a prevailing conviction that the existing means of preventing and punishing juvenile crime are not adequate.

“Ragged Schools,” even with the doubtful appendix of a free passage to the colonies, have not sensibly diminished the returns of juvenile delinquency, though how much larger those returns would have been, but for such schools, does not appear.

There are no penal institutions in our country but prisons. The State Reform School of Massachusetts, whose latest reports we have examined with much interest, has something of the penal element in its organization ; much more, at least, than ordinary Houses of Refuge—These latter are rather regarded or are set forth by their friends, as “Compulsory Schools,” in which those who have failed to derive proper benefit from free schools are assembled to receive it by constraint.

They serve an excellent end. No one can read the annual report of the Philadelphia House of Refuge for the last year, without being impressed with its utility, and with its claims to public confidence. But such an institution is abused, when it is made the receptacle of young felons. A quick-witted lad of fifteen, who has become familiar with crime, will work far more mischief among the inmates of a House of Refuge, than an old convict of forty or fifty could. To make it serve the double purpose of a place of wholesome restraint for those who are exposed to criminal habits, and of mild punishment for those who have already contracted such habits, is a vain attempt. The structure of the buildings, the methods of discipline, and the whole economy of such institutions, forbids the idea of a penal character, even for youthful convicts.

Their true aim is rather to prevent neglected children from falling into the criminal ranks. For this, they are well calculated and have been to a gratifying degree successful, and to this they should be restricted. But how very limited must be the result of their influence. Taking the most flattering view of them, are we not very safe in saying that the number they reclaim from the downward path, is not more than as one in fifty of the youth and children who walk in it? From the annual criminal returns of the districts within which these institutions are located, would any one suppose that such counteracting influence existed at all? Is not juvenile crime still on the increase, and is it not as well worth our consideration now as it ever was, what methods can be devised for its restraint?

If we inquire for the influences that are relied on among ourselves to counteract these tendencies to a criminal life, they are neither so numerous nor so trustworthy as we could wish. The very nature of our institutions pre-supposes a prevailing disposition among the people to use liberty without abusing it. As the laws are but the utterances of the public will, submission to them would seem to be little else than self-indulgence. If obedience is refused, our compulsory processes are very feeble. Under other governments, adequate provision is made for the coercion of the obstinate and the subjugation of the lawless; armed forces are maintained for this express purpose; but under ours, men are expected to love the laws as they love themselves, inasmuch as they are but the expression of their own will.

Education is regarded as one of the chief agencies for securing the good order of a community like ours, and (as already intimated) it is within reach of nearly all; and surely if ever there was a country in the world whose very being was identified with one great interest, it is the being of our country with the earliest and best possible education of all her children.

It may be that in some rural districts, and in recently settled parts of the country school privileges are quite inferior; but at the great centres or sources of influence, which chiefly give tone to popular sentiment, the means of education are super abundant. The facilities for instruction in all useful elementary

knowledge, for the children of the people in Philadelphia, New York, Boston and Cincinnati, not to speak of scores of populous towns like Springfield, (Mass.,) Hartford, (Ct.,) Providence, (R. I.,) Newark, (N. J.,) Columbus, (Ohio,) Indianapolis, (Ind.,) are profusely multiplied ; and the prevailing public sentiment is decidedly in favor of mingling with the whole course of teaching in all grades of schools, wholesome instruction in piety and good morals. Tens of thousands of Sunday-schools too are supposed to be sending out rills of heavenly knowledge and wisdom into all the neighborhoods and dwellings of the people, and tens of thousands more can be had by asking for them.

We say nothing of those more comprehensive influences resulting from the general prosperity of the country, its free religious institutions of every grade, and the means of social improvement and enjoyment which abound on every side. These are felt alike by all ages, and might reasonably be expected to prompt our youth to virtuous and manly courses ; but it is obvious, that such expectations are, and are likely to be to a fearful extent, disappointed.

We know of nothing in progress or contemplation that promises a wider or better influence than is already exerted. Here and there some extraordinary scheme of moral or literary improvement for the young is entered upon. Evening schools, reading rooms, and associations for mental improvement are not without beneficial results ; and reformatory and penal institutions have accomplished great good, but, after all, the impression they make on the great mass of juvenile delinquency is very faint. The suppression of the liquor traffic, if it can be accomplished, would dry up one of the most prolific sources of crime, and doubtless do more to give order, thrift and happiness to society, than any other single measure within human control. But this result would be mainly indirect. It would not be so much that there would then be no crimes committed under the excitement of strong drink, as that habits of sloth and waste would be exchanged for those of industry and frugality. Ten thousand homes now comfortless, destitute of good and full of all manner of wickedness, would then become the abode of peace and competency, and from such homes rogues seldom come. But though a "consummation devoutly to be wished," it is likely

to be long delayed, and we must therefore consider what can be done as things stand; and we are prepared to say that our great mistake lies in overlooking HOME INFLUENCES. All our improving and reforming processes do not and cannot compensate for this primary neglect.

We leave the children of vicious and miserable families at home, without restraint, under the full and constant power of evil example, and oftentimes under the direct inculcation of false and corrupting lessons, until they are thoroughly callous to better influences, and beginning what we absurdly call a *preventive* process after the lapse of eight or ten years, during which the poison has been working itself into the flesh and bones, how can we be surprised to find the odds immeasurably against us?

The question of the supremacy of authority is settled very early, whether it is raised in the family or the school-room, in the church or the work-shop. It is wisely arranged that the first claim and exercise of it is entrusted to one, who of all others, is most interested to use it well, and who is much more likely to relax than stretch it—a mother. A still greater advantage of the arrangement is, that the subject of such authority has every motive and inducement to obey, which an instinctive sense of obligation and dependence can supply. If for any reason, these motives prove to be inadequate and the child is left to himself, he will not only bring his mother to shame, but will probably require the early interposition of public authority to prevent his becoming a shame and curse to society.

To postpone such interposition, is to render it comparatively unavailing; and to employ it seasonably, is to disturb no little ill feeling. No one can study the laws and penal institutions of the United States and the leniency with which they are administered, without perceiving that the toleration of crime and outrage is carried to the very last extremity that consists with public safety, and not unfrequently far, very far beyond it.

This unwillingness to trespass upon the right of any one to do as he likes, is no where more conspicuous than in our treatment of children and youth. In some of the despotic countries of Europe, not only is a severe penalty imposed upon such

parents as neglect to send their children to school, but a peremptory process is authorized to compel the attendance of such children. A proposition in an American legislature that should even glance towards a provision of this kind, though in the most intelligent of any of our States, would probably cost the mover his political standing beyond recovery; and yet, as we have just said, in no country of the globe is it so important that a child should be schooled, "peaceably if he can, but forcibly if he must," as it is in ours. But restraint and compulsion of every kind and degree is regarded as something unnatural, and to be shunned as an evil. Even the idea of *indenturing* a boy to a suitable master, of whom he wishes to learn a trade, is quite intolerable to many parents—if not to most,—and to a large proportion of children. "If he is not contented to stay," they tell us, "no indentures will help him to a knowledge of the trade, and if he is contented, then none are needful"—forgetting, in the overweening regard for the child's liberty, that the true design of indentures is quite as much to bind the master to do justly by the apprentice, as to guarantee the obedience and docility of the apprentice towards the master. Still such binding savors of subjection, and must therefore be eschewed. If the youth is bound and breaks his indentures, the sympathies of the mass are with him as a fugitive, not from justice, but from oppression. The manifest injury done to the master, and the almost certain evil consequence to the apprentice, seldom come into mind; and when such an one is found in the penitentiary, nobody thinks of looking back to this early and unrequited deed of lawlessness, as one of the first stages in the career that has thus disastrously terminated. Yet what is the fact?

Of 2,699 prisoners received in the Eastern State Penitentiary up to the year 1850 inclusive, 417 were bound and served till twenty-one; 479 were bound and left their masters, and 1,667 were never bound!

So it is with children at home, at school, or at college,—impatience of control leads to acts of insubordination and revolt. Interference of authority is resisted with violence, and too often bloodshed. Witness numberless assaults on officers, which are so common as scarcely to excite attention,—and when the attempt is made to inflict merited punishment

under the forms of law, a deep strong current of popular feeling is moved, and too often bears off with it the chief barriers which have been established to protect society against the outrages of the violent and reckless. The guilty escape through a weak and wicked relaxation of wholesome laws, or through the corruption and pusillanimity of their administrators.

If we are not greatly deceived in our own observation, and egregiously misled by others, our principal cities in this country are remarkable for the precocious depravity and bold lawlessness of youth. Lads from fourteen to twenty-one are the busiest instigators, the most active abettors and the most daring perpetrators of offences against the peace and good order of society. In tumults, street-fights, and riotous assemblages, in resistance to authority and contempt of law, they generally take the lead.

It is by no means a rare thing for a lad to enter a mechanic's shop at fifteen years of age as a voluntary apprentice. He works two or three years for an agreed stipend per week or month, and when he begins to be valuable, he concludes to change his quarters—goes to another shop of the same craft, engages himself for half journeyman's pay and receiving his wages on Saturday night and all flush of funds, seeks his pleasure at the circus, or the play-house, or the brothel. This unbearded independence will reluctantly brook home-control or shop-regulations. Our strippling is a regular attendant upon lectures and popular discussions about natural liberty and equality, the dignity of labor, and the numerous evils of the present organization of society. He cannot be more his own man at twenty-one, than he is at eighteen, and this premature majority introduces him to scenes and associations, well fitted to confirm rather than correct evil habits, and to make subordination to authority still more intolerable.

What does he care for the watchman, the magistrate, the law, or the prison? Their interference will only make him conspicuous, and give him a notoriety which he could not otherwise hope to attain. There is something heroic in shooting or stabbing a public functionary. And then there is the report of the trial in which our young adventurer will be the leading character, followed by such outbursts of sympathy for him should he be convicted, and then such efforts (which will

almost certainly prove successful,) to get him pardoned, and then such a welcome to the circle of which he is looked upon as a sort of champion! How exciting all this is to his vile ambition! The law, from its inoperativeness or from its easy conformity to popular humors, has no terrors for him. And we question whether it would be practicable at the present day to carry any measure that should contemplate a stricter enforcement of discipline upon the young in any department of society. The tide runs strong in the opposite direction. These lax notions of authority were imbibed before the child could walk alone, and to correct them in the heat of youthful blood, is all but a forlorn hope.

We shall not be misunderstood we trust. We do not suppose that when a boy is about to steal some old iron on the wharf, or some poultry from a countryman's wagon or some money from the grocery drawer, that there is, in his mind, at the moment, a distinct feeling of contempt for the law or its officers. So far from it, his thoughts are all bent upon his plunder. But he has been, from his cradle, (if he ever had one,) a lawless child. He has never felt the power of good motives. Little as he is, he has all the qualities of an old convict, except age and experience. Good influences, to have saved him, should have been congenital. They are better now than later, but they will be sadly checked and counteracted by vicious habits already fixed. Seeds of evil, sown with the first throbings of the heart have had a quick and vigorous growth, and have already taken root downward in the congenial soil, and borne fruit upward to the great annoyance of playmates and neighbors. The experiment of plucking him as a brand from the burning is nevertheless well worth trying, and hence we so highly value, and so cordially commend the House of Refuge, the Reform School, and the Juvenile Asylum. But why postpone the employment of the remedy till the disease has made such alarming progress? Why not multiply and invigorate the agencies that reach it at an earlier stage? Is it true that juvenile delinquency, like some fevers that the nurses tell us of, has an epoch, within which it is vain to attempt to arrest it? Must a neglected, filthy, and vicious child wallow in rags, and filth, and vice, for two, four, six, eight, or even ten years, before society can take him up and cleanse him, and put

his abused mind and heart under some harmonious influence? One would think such a dire necessity is laid upon us, were a judgment formed from our methods of dealing with juvenile delinquency.

We have attempted to show that, notwithstanding the leniency of our laws, our free and abundant means of education, and the motives and encouragements to honest and virtuous living, our children and youth are more and more addicted to vicious habits and pursuits, and thus the number of candidates for convict-life is swelling with fearful rapidity. As one of the chief causes of this condition of society, we have mentioned the neglect of HOME CARE, physical, intellectual and moral; and hence we urge upon philanthropists and reformers, to give more earnest heed to those methods which have been, or may be devised to improve HOME INFLUENCES. If we were to specify the class of existing institutions that come nearest to the point we have in view, they would be Infant Schools, and Foster-Homes, and Asylums that take charge of children at a very tender age. As ancillary to the same benevolent end, we would regard all charities that provide for the cleanliness and healthfulness, and of course for the comfort and moral purity, of the dwellings of the poor.

We must not be understood to deprecate such institutions as are represented at the head of our article. They have their place and use, and it is by no means an inferior position which they occupy. But they do not reach the root of the evil. They do not touch the heart-spring of juvenile depravity. They do not materially reduce the ranks from which the convict-army is recruited. Their agency however effective and salutary, merely checks and reverses the motion of a train that has taken the wrong track. It does not prevent the error at the start, nor can it avert or repair the mischief already done in consequence of it. While we therefore rejoice in the success of reformatory institutions of every grade, and invoke the grateful acknowledgments of the community to their patrons and directors for the inestimable services they render, we earnestly beg the wise and good, the philanthropic men and women of our city and country, to look more narrowly and pitifully into the HOMES of neglected and vicious children. We have no

faith in any of the modern schemes for re-organizing society. For one evil that the best of them would remedy, ten would be generated. The infinitely wise Creator has established the **FAMILY RELATION** as the basis of society, and whatever is done to ameliorate, effectually and permanently, the moral condition of our juvenile delinquents and dry up the sources of a convict-population, must be done **AT THEIR HOMES**.

Our narrow limits forbid the farther prosecution of this subject in the present number. Should it be resumed, we shall endeavor to show in what form and by what methods the views which have been suggested, may be carried out.

ART. II.—THE OUTCASTS OF ENGLAND; OR THE PRISON QUESTION CONSIDERED THEORETICALLY AND PRACTICALLY, By the Rev. R. V. Reynolds, Chaplain of Wakefield Convict Prison, London, pp. 130, 1850.

This unpretending volume has been upon our table several months, and we have examined some sections of it with unusual care. Few of the officers of a prison have so good an opportunity to observe and analyze the effects of its discipline as a judicious and faithful chaplain ; and we may add, that any office in a prison can better afford to put up with an incompetent or unfaithful incumbent than the chaplaincy. Hence we are accustomed to attach much value to the testimony which comes from such a quarter, (whether it favors or discountenances the views we have previously entertained,) not only because of his favorable position for noting the phases of moral character in general, but because, while he takes no part in the active discipline of the institution, he can readily discern its effects in each individual case. To make his opinion of much value, however, he must be intelligent, attentive and discriminating—three qualities in which some chaplains, within our knowledge, are sadly deficient.

We do not propose formally to review *Mr. Reynolds'* book, but we are sure we are doing good service to the friends of sound prison discipline, when we lay before them his clear and

full testimony to the effects of *separation*. It will be perceived that the comparison which the author draws is between the *two systems*, and though he does not enter into the question of *time*, the reasoning is equally forcible to whatever term the confinement is extended.

"Under favorable circumstances," the author tells us, "he has labored many hours daily since 1847, and during his intercourse with his charge, has directed much attention to the working of the various systems of Prison Discipline, under which many of them had previously been placed.

The result of this intercourse is a conviction upon his mind, that no system can be successful in reforming criminals that does not adopt *isolation*, for some months, as a first step.

It is unnecessary to argue the impossibility of producing a subdued state of mind in prisoners, who are allowed to associate from the time of imprisonment or conviction; and it would be equally useless to undertake to prove the utter impracticability of classifying prisoners, until their habits, dispositions, feelings, and *intentions* are known. Most persons, acquainted with prisoners, are thoroughly convinced, that during the early stage of confinement, intercourse, under any form, cannot be carried on beneficially, and therefore, the question at issue seems to lie between the silent and the separate systems: the former allowing prisoners to associate, but not to speak; the latter cutting off all connection, by placing each man in a separate cell.

The author will now present a digest of the information which he has obtained from prisoners, and of the results of his own experience with regard to these systems.

And first with respect to the silent system:—

I. It places prisoners under peculiar temptation. If it be necessary, as it undoubtedly is, to contravene a law of nature, and prevent man communicating with his fellow-man, it is not fair to tantalize, by placing him for ten or twelve hours a day, in contiguity with the persons to whom he is forbidden to speak.

II. *The object* is not attained. It is impossible to prevent communication under the silent system. This has been forced upon the mind of the writer both by facts and arguments. The testimony of many prisoners who have been under this system is, that communications are general and frequent; and common sense must admit, that to prevent all communication among prisoners who work together in a room or in a field, is impossible. To provide one officer for every ten prisoners, would form an expensive staff, and yet even that superintendence would not be sufficient. The eye will become weary by con-

tinued exercise, and though it do not lose its vigor, it cannot possibly command the space occupied by ten men, whether at work in a field or in a room. Prisoners are quite conscious of these disadvantages; and, therefore, to use their own words, they "constantly watch for a chance;" and it must be borne in mind, besides interchange of words, they can and do communicate by motions of the hands, and feet, and even by movements of the eyelids.

III. The silent system necessarily leads to low *cunning and deception*. The prisoner, placed under this strong temptation before the principles of reformation have been implanted, cannot see the justice of the interdiction, and therefore resists the ordinance of man. The last vestige of moral feeling is thus destroyed, and the man's whole time is spent in devising how to gratify the indulgence which is denied, but which is placed within his reach.

IV. The silent system *dissipates* the mind, and indisposes it to reflection and self-examination. As before noticed, the first step in a criminal's return to virtue, is "to consider his ways," and to reflect upon the ruin he has brought upon himself. But this is a disagreeable task, and will be avoided if possible. Like the spendthrift who dislikes to look into his debts, the criminal would gladly avoid the retrospect of his life; and while there remains a single object to arrest attention or divert his mind, this necessary step will not be taken. The silent system is, therefore, a relief. It enables the man to forget himself, and affords him abundant opportunities for escaping from the accusations of conscience. His time is spent in company, and in working the electric battery of thought between himself and his fellow-prisoners.

V. The silent system has a *direct hardening* influence upon the hearts of criminals. The proper feeling which should possess the mind of a guilty man is shame, which will love *concealment* until the mind be restored to a healthy tone. This is indicative of some remains of conscience. It was this that led our first parents to hide themselves among the trees of the garden. It is the want of this that causes sinners to glory in guilt. To protect, then, the small remains of guilty shame, and to induce the growth of that most important feeling, prisoners should not be placed together, and least of all should they be *exposed* to public gaze. Six months in a field, or on a road, or in a dock yard, would go far to destroy the last remnant of self-respect in the culprit's breast, unless religious principles had been previously *established*, and would make him utterly reckless of the opinion of his fellow-men. And though a writer in the Law Magazine for August last, asserts that such an exposure in chains, or party colored dress, would produce a salutary impression upon the public mind, there is much reason

to fear that it would only serve to familiarize them with that, which they now read and hear of, with some beneficial effect.

VI. The silent system *irritates* the mind without producing any *depression*.

There is a constant watching between the officer and the prisoner. If the prisoner does not succeed to the extent he desires, he is disappointed—if he is discovered, he is vexed. He habitually regards the officer as an enemy, and thus irritation, mistrust, and dislike, take possession of his mind; while there is no thought of guilt and misery, or a single sigh for deliverance from the enslaving and injurious influence of his wicked heart.

Thus, the unanimous testimony of all prisoners with whom the writer has conversed with on this subject is, that the silent system tantalized; induced them to communication; tempted them to duplicity; dissipated their minds; hardened their hearts; and made them regard their officers with dislike. The writer can declare, that not one redeeming point was mentioned, not one counterbalance to these evils; but, that, from the information he has received, he is convinced the silent system is thoroughly and radically injurious.

It may be said, that he drew out the information by questions suggested by his own previously formed opinions; but whatever weight may be attached to this objection, the facts above stated, are worthy of deep consideration.

Having given his opinion with regard to the silent system, the author would now proceed to notice the working of the *separate* system from his own experience.

I. It *prevents contamination*, without exposure to temptation. The prisoners, placed in separate cells, are effectually cut off from intercourse with their fellow-men; and the object being excluded from sight, the mind becomes reconciled to the privation as a thing that must be, and that cannot be contravened.

II. The separate system *secures time for reflection* and tends to that habit. External objects are excluded, and the mind is thus forced to fall back upon itself. It there meets with the accusations of conscience, roused and strengthened by the sound of God's word, preached from day to day, and thus, contrary to his own choice, the sinner is led to consider his ways; to reflect; and at last to become a willing and devoted servant of Christ.

III. The separate system affords peculiar *advantages for ministerial visiting*.

1. There is a total absence of all external temptations to false shame, on the part of the prisoner.
2. There is no object to distract attention.
3. There is no fear of persecution when the minister has left.

4. The minister has ample opportunity to apply comfort or reproof.

5. The minister has every facility for gaining a thorough knowledge of character,—and,

6. For gaining the confidence of the prisoner.

IV. The separate system produces *habits of self-dependence* :—

1. In the employment of time, by leading the prisoner to acquire a taste for reading and reflection.

2. In acquiring habits of thought and meditation.

V. The separate system imparts a *powerful incentive to reformation*.

1. The prisoner feels that he is a probationer.

2. That he is a probationer, closely, though not momentarily watched.

3. That he is a probationer placed independently of others.

4. That he is a probationer to whom every assistance is given to improve.

VI. The separate system is calculated to *prepare the mind* for the reception of the gospel. It subdues levity, and induces seriousness. It obliges the mind to think, and gives the prisoner leisure to consider his ways. It acts like the plough in breaking up the fallow ground; or like the frost and snow of winter, it pulverizes and mellows, and prepares it for the reception of the good seed.

There are many objections brought against this system by its opponents. Some argue that it is very unnatural to isolate men and seclude them in separate cells; but it is not more unkind, than to isolate an individual with the plague, and keep him under medical treatment, until the contagion shall have been removed, and the individual be fit to resume the duties of life.

It has also been objected, that in separate confinement there are no opportunities for exercising the principles of real reformation; but it should be remembered, that our first step is to *infuse* the principles of reformation—the second to test them, and though we admit there is not *full* scope for developing, in a separate cell, the principles which a prisoner may have there received, there are many ways of forming an opinion as to the progress he may have made in reformation. His temper is especially seen; and perhaps one of the best preparations to active obedience, is to learn to suffer with Christian meekness.

Much has also been said and written with regard to the selfishness which is supposed to be produced by the separate system; but the author has seen nothing of the kind.

But perhaps the objection which has had most weight with the public, is the statement so often reiterated, that the separate

system has a strong tendency to undermine the health of prisoners, and even to produce insanity.

We readily admit that separate confinement is a severe measure, and requires the closest attention, to guard against injurious consequences. But the danger is not greater than in the treatment of bodily disease. Here collapse may result from excess of depletion; or exacerbation of fever, from a premature application of stimuli; and not unfrequently does the disease assume a new and fatal type by its original symptoms having been suddenly checked. And besides these results from mistakes, there is in most acute diseases, what the Germans call the "Sturm," or a struggle between the remedy and the disease, or between the vital powers and "the tendency to death," which, under any circumstances, must be attended with much anxiety to the physician, and, in some cases, notwithstanding every care and attention, will be fatal.

It cannot, therefore, be a matter of surprise, if the remedies made use of, to subdue the malignant disease of sin which affects the criminal, be attended with much risk, and therefore require the most vigilant watchfulness. Neither should the system be condemned, or the skill of the agents be impeached, even though fatal cases do occur. But we have no hesitation in stating that the *extent* of those evils materially depends upon the fidelity and ability of the persons who are appointed to work the system, and not upon the system itself.

In support of this opinion, the author needs only to state, that since December 31, 1848, to the present time, (March 22, 1850,) among 824 convicts who have been during that period in Wakefield Prison, there have been but two deaths, and one case of decided insanity. Four or five cases of hallucination occurred during this period, but the greater number of these were detected to have been impostors; and on several occasions, since the establishment of the convict prison at Wakefield, in 1847, the author has traced similar attempts to the exaggerated charges brought against the separate system by its opponents, which the individuals had heard of when at liberty.

The author has devoted much attention to the effects of the separate system on the mental powers, and is satisfied that, unless where there is either a *predisposition* to the disease, or a determined opposition to reformation, there is little real cause to apprehend insanity, but that on the contrary, as a general rule, the mental powers are strengthened and improved by that system.

Such has been the author's experience of the working of the separate system since 1847, and he has no hesitation in stating, that he believes it to be the wisest and the most beneficial plan which could be adopted for the reformation of criminals.

It is sufficiently penal to vindicate the administration of justice; to make the criminal taste the bitterness of sin; to cause him to reflect upon the injury he has done to society, and above all, upon the dishonor he has done to Almighty God.

It is sufficiently merciful, when rightly applied, to convince him that he is not for ever shut out from society; that his case is not hopeless; and that his fellow-men, whom he has injured, are not influenced by vindictive feelings, but that they seek, by a proper course of discipline, and especially, by the exhibition of God's love in sending His only beloved Son into the world to die for sinners, to rescue him from his guilty and degraded condition.

In confirmation of the author's impressions, that separation from his fellows does not work injury to the intellectual powers of convicts, he gives a variety of original compositions, and also notes of sermons and lectures taken down from memory, assuring us that no assistance was given in any case, nor even so much as a verbal alteration. We have room but for a single specimen:

(2 Thess. iv. 13-18.)

Concerning those who fall asleep
In Jesus, we shall never grieve ;
Let hopeless worldlings pine and weep—
Because that worldlings don't believe ;
But those who sleep in faith, are all
Translated from a world of woe,
And Satan's chains no more enthral,
Since they are ransom'd from the foe.

Their bodies sleep in silent dust,
Their souls are with the sav'd and blest ;
As Jesus rose, their bodies must,
Spring forth again from earth's cold breast ;
The Saviour's voice shall pierce the tomb,—
The dead, immortal, all, shall rise,—
The Saints shall leave sepulchral gloom,
To live in light beyond the skies.

The Lord himself—the Judge Divine—
Shall then his Majesty display ;
Then shall be rung the knell of time—
For time shall then have pass'd away ;—
“The trump of God—th' archangel's voice”—
Shall penetrate the deep dark grave,—
The dead shall hear,—the Saints rejoice,
Because their God has come to save.
“The dead in Christ,” and saints that live,
Shall all to meet their God ascend ;
He'll life and light and glory give,—
For he's their Saviour, and their “Friend ;”

Their happiness shall still increase—
 Shall know no end,—so says the word
 Of truth and light, of joy and peace—
 “They shall be ever with the Lord.”

As exhalations spring from earth,
 To meet the sun’s attractive rays,
 And leave their noxious place of birth
 To float in golden light always;—
 So saints “to meet their God in air,”
 From dull cold earth most gladly soar,
 To live “as sun-bright glories there,”
 For ever, and for evermore.*

B

Our first thought was to dismiss Mr. Reynolds’ book with this brief notice, but upon reflection, we have concluded to omit something else rather than not find room for a few passages respecting the duty of prison officers. We think there is much good sense and sound philosophy in what he says, and we should be glad to see this chapter of his work thrown into tract form, with the title of “Hints from a Prison Chaplain to his Brethren, and to his Fellow Laborers in Subordinate Offices,” and supplied to all our penitentiaries.

My brethren let us remember:—

I. That our work is *honorable*—perhaps the most honorable in which man could be engaged. The Great Physician has committed to our care His worst patients. Confiding in our skill, attention and fidelity, He has placed in our hands the most dangerous cases. What happiness to Him—what comfort to them—what gain to us, if we are successful!

II. And let us remember, that our work is *most difficult*. Our poor patients are in imminent peril. Their disease has advanced to an alarming height. The crisis is at hand. The enemy seeks to conceal from them their danger. Their hearts are averse to the remedy offered, and on all sides we are discouraged by assurances, that their case is utterly hopeless. Who then, it may be asked, is sufficient for these things? But let us remember:—

III. That our work is under the patronage of heaven. We have committed to our hands the administration of “the Balm of Gilead”—“the leaves of the tree which are for the healing of the nation;” and this remedy we can recommend as an infallible cure to every soul that will receive it. It is “the power of God unto salvation to every one that believes.” And this is

* “I am indebted for this idea” (says the convict) “to a sermon of the Rev. Mr. Sherwin’s, preached in this prison on Sunday morning, the 9th of last September. A similar idea, but very differently applied, occurs in Moore’s Tale of the Fire-worshippers.”

not all, but we are encouraged to hope for a divine agency to accompany our efforts, and make our "people willing in the day of His power." Brethren, our sufficiency is of God, and our success is certain if we be faithful to our trust. Let us, therefore remember:—

IV. That it "is required in a steward, that a man be found faithful." We are stewards of the *mysteries* of God, and our people are *totally* ignorant of those momentous truths. We have to teach them the rudiments of divine knowledge. We have to feed them with milk, and not with strong meat. We must be willing to become all things to our poor charge, that we may be instrumental in saving some.

And in visiting, we have much to do. We have character to learn—confidence to gain—sins to lay open—doubts to remove—sorrows to comfort—efforts to stimulate—souls to save.

The author entirely agrees with the remark of the writer of an article, in the *Law Magazine* for April last, that "it is impossible to lay down any rules, whereby the Chaplain should reach the hearts, raise the feelings, and improve the minds of those committed to his charge." "If he is fit for this great work, the highest in which any human being can possibly be engaged, he need no rules; if he is not already fitted for his work, rules will never fit him."

While it is true, that on the Chaplain depends, to a *very great extent*, the success of the reformatory system, in the author's opinion, it is also affected by the efficiency of *every* officer, who has any intercourse whatever with prisoners, and he therefore would offer a few hints to them.

I. Every officer should *have confidence in the system*.

One of the most important steps in the reformation of a criminal, is to inspire *him* with hope of being able to reform. He naturally feels that he is too far gone, that his case is desperate, that he has forfeited all claim to favor, and that he never can break off evil habits. Now, if every officer, by his deportment and intercourse with prisoners, exhibits an entire confidence in the system, and in its power to reform one who desires reformation, it will speedily be seen by the prisoner, and will produce the most satisfactory results.

II. Every officer should feel an *interest* in the reformation of prisoners.

The author was much impressed by a remark made to him not long since by a subordinate prison officer. "If, sir, we regard this work merely as a means for earning our bread, it is certainly the *lowest* in which we could be engaged; but if we are endeavoring to reform our fellow-men, it is, I think, the *highest*." Would that every prison officer could understand the feeling here described. To be employed *only* in guarding and feeding, or even teaching criminals, is indeed a low employment; but when the heart is interested in the welfare of

these degraded men, and does *what it can to elevate them*, it becomes "the noblest work in which any human being can possibly be engaged."

III. Officers should repose as much confidence as possible in every prisoner.

The most degraded prisoner will confide in, and respect the man who appears willing to trust him. Doubtless we must not carry this too far. When *strong temptation* besets a prisoner's path, we have need to be watchful, and even suspicious; but it is most important to let a prisoner see, that his officer is willing to believe his professions of reformation, and never doubts, unless where peculiar temptations exist, or where deceit has been discovered.

IV. The officer should show *kindness* of manner, without any approach to *familiarity*. Let him ever bear in mind that his charge is a helpless fallen fellow-creature; but that he is a *prisoner*, placed under his authority, and bound to obey his commands. If the officer lose sight of this distinction, and deal with the prisoner as an *equal*, his kindness will perhaps lead to contempt, and certainly to many inconveniences.

V. The officer should exercise *firmness*, without *austerity*. A mild, but decided tone, will command respect; and immediate and hearty obedience. A loud, harsh, imperious tone may, through fear, insure obedience; but there will not be a particle of respect. The man who feels his moral power will speak gently to prisoners, while he who doubts himself, seeks to make up by assumed importance, what he lacks in moral influence.

VI. Prison officers should discharge their duty with *uniform evenness*; *sobriety of mind*; and above all, with *strict sincerity*.

Laxity of discipline now, and strictness in a few weeks hence, is manifest injustice to prisoners, and to the system. The prisoner who has been accustomed to do a thing for a month, without reproof, will not readily see the reasonableness of being suddenly called upon to do otherwise; and in all probability, will regard the order as capricious, and therefore be tempted to disobedience, vainly hoping that usage will justify his refusal. Surely then, it becomes the duty of every officer to observe an *even* and regular administration of the rules.

And in carrying out discipline, it is of the greatest importance that officers speak with becoming gravity. Any approach to irony—to an imitation of the prisoner's slang—to levity—or to exultation in the prisoner's being convicted of misconduct, will surely injure the criminal, lower the officer, and thus injure the system.

Lastly, *strict sincerity* should mark the officer's intercourse with his charge. Nothing should be said but what is known to be true. Nothing promised but what is intended to be done. The author has often heard from prisoners, with deep regret,

of conversations with officers in County Prisons, before and after trial, as well as on their removal from those prisons, and has felt; that to a considerable extent they had been insincerely dealt with. The substance of these, were, assurances of acquittal—or hopes with regard to mitigation of sentence or pardon. The desire to keep the prisoner in good spirits may be kind, but it is decidedly wrong to adopt improper means to effect, what may be considered, a good end.

VII. Officers need to exercise much *judgment* in forming an opinion of prisoners. It is well known to experienced officers, that the *oldest offenders* frequently make the *best prisoners*. This is easily accounted for. *They* are thoroughly acquainted with prison rules, and with the routine of a prison, and what is of more importance, they usually make up their minds beforehand to meet “the worst,” with firmness and patience. Therefore, it frequently happens, that while the man who is imprisoned for his first offence, is restless, the old offender is perfectly *resigned*.

The author can also state, from his own experience, that among the *worst* convicts were the *best* workmen; and this likewise is easily explained. Work is a relief to the mind which has no source of comfort from retrospect, or from anticipation; and besides this, those who are obedient to prison rules, vainly imagine that industry will compensate for any deficiency in *moral* reformation.

Returned convicts, under a second sentence, are usually the *best prisoners*, and the *worst men*. They make up their minds to go through their punishment in the most comfortable manner; they avoid the retrospect of their lives, for it would pain them; they dislike to make efforts to reform, for they feel the tremendous power of opposing habits; and thus, while they pass through their imprisonment without a single report, they are as unchanged and as unreformed at the expiration of the time, as a Tiger or Hyena which has been confined in a cage.

How important then, that officers should study character, and exercise much judgment and discrimination in forming an opinion of prisoners.

The author, in making the foregoing remarks, is fully sensible of the arduous and difficult nature of the duties of a prison officer; but he is convinced, that the best means for lightening the burden, is to discharge those duties in a truly Christian spirit; and the frequent mention of their late officers in the letters which the author has received from prisoners, manifests the advantage to criminals of kind and yet firm discipline.

ART. III.—NEW YORK JUVENILE ASYLUM.

Some friend has courteously furnished us with a copy of the "Act of Incorporation of the New York Juvenile Asylum," dated June 30, 1851, and also the appeal of the Directors to the public, for the needful funds to organize the institution.

There seems to be (as we have intimated in another connection) a general similarity between the objects of this association and those of the "House of Reformation for Juvenile Delinquents." The ages of the beneficiaries when received, are restricted to 5 and 14, as the extremes. They may be voluntarily entrusted to the directors by parents, under a written contract of surrender, or committed by authority of law, and when received they are to be supported, and to have the means of moral, intellectual, and industrial education.

The clause of the act which refers to commitments by authority of law, provides that, whenever any child above the age of 5 and under the age of 14 years, shall be brought by any policeman before the mayor or recorder, or before any alderman or other magistrate of the city, upon the allegation that such child was found in any way, street, highway or public place in said city, in the circumstances of want and suffering, or abandonment, exposure or neglect, or of beggary, being abandoned or improperly exposed or neglected by parents, or such other person as may have them in charge, or soliciting charity from door to door, and the fact shall be proved to the satisfaction of such magistrate, by competent testimony; and it shall further appear to the satisfaction of such magistrate by competent testimony or by the examination of the child, that by reason of the neglect, habitual drunkenness or other vicious habits of the parents or lawful guardian of such child, it is a proper object for the care and instruction of this corporation, such magistrate instead of committing such child to the almshouse of said city, or to such other place, if any, as may have been provided by the common council thereof, in his discretion by warrant in writing under his hand, may commit such child to this corpo-

ration to be and remain under the guardianship of its directors, until discharged therefrom in manner prescribed by law.

The magistrate issuing the order of commitment, is required at the same time to give due notice of the proceeding to the parent, guardian, or other person (if any there be) who has had the custody of such child, that he or she is at the house of reception attached to the asylum, and that if not removed in manner prescribed by law within ten days, a full commitment to the asylum will be ordered.

If it shall be made to appear within the ten days, that the condition in which the child was found, was not the result of wilful neglect, it shall be delivered to the parent or other caretaker. But if found a second time in like condition, a commitment to the asylum shall be ordered without notice.

The other provisions of the act are such as are usual respecting the making and cancelling of indentures, the obligations of masters, &c.

The City Council is clothed with visiting and inspecting powers over the institution; and the sum of \$50,000 is authorized to be raised by tax on the city and county, whenever the like sum is actually deposited in some city bank to the credit of the asylum. The current expenses of the institution are also to be defrayed in part by the payment from the city and county, receiving forty dollars a year for each child supported and instructed in the asylum, it being understood that this is the lowest cost of support and government of a child of the same age in almshouses or prisons. There is also a very proper grant to the schools of the asylum of their share of the common school fund.

From the circular we learn that the new institution is regarded by its founders as quite distinguishable from Houses of Refuge.

"It is not the design of this Institution (they say,) to punish crime, but to prevent the young and unwary from becoming criminals—to snatch those just ready to fall, from the temptations which surround them; to enfold them in its paternal embrace; and thus save them from ruin. In this important respect, the Juvenile Asylum differs from our Houses of Refuge, and other reformatory and penitentiary institutions. While they seek to reclaim the adjudged vicious, or punish the con-

victed criminal, ours is the more grateful task of protecting the comparatively innocent; but wayward and neglected; to arrest them in their downward career; and thus save them from crime and its consequences. The Juvenile Asylum is, in no sense, a *penal* institution. Its great and distinctive feature is preventive and not correctional. From it, the pupils will go forth with no mark of crime upon their foreheads, or any thing to disparage them in public opinion or degrade them in their own self respect."

We apprehend the distinction here taken is without a difference. Houses of Refuge (at least those of our own city) are in no sense *penal* institutions. No boy or girl is degraded by a residence there. The only thing that a commitment to them can fairly indicate is, that the party was in bad habits of some sort, and that not being properly cared for by relatives or friends, some restraint was needful to prevent his falling into a course of crime. The House of Refuge imposes as little restraint as is consistent with the safe custody of the person, and provides the means of "moral, intellectual, and industrial training."

If the Juvenile Asylum should restrict its admissions to a class of children much younger than those received into our Houses of Refuge; if the average age for instance should be $9\frac{1}{2}$ years, which is just midway between the extremes assigned by the act of incorporation, we think it would not be difficult to secure many advantages which the present institutions fail to afford. The discipline might be made more mild and paternal; there might be less of the appearance of a prison in the structure of the buildings; out-of-door occupations might be pursued with more safety, and earlier homes found for the inmates. But the probability is that the same indiscriminate assemblage of the worst and the best of bad children will be found in the asylum, that we see in the House of Refuge. There will be as incorrigible a thief, or an instigator of mischief as untiring, or a liar as bare-faced at 13 as at 15 or 18. The sad truth is, that vicious habits are much more obstinate than is usually supposed by those who have not practically encountered them, and age is a very unsafe criterion by which to determine their strength. We have this moment under our eye two cases in illustration of this remark. A little girl TWELVE years of age was brought before a magistrate for stealing \$215 in gold coin from a dwell-

ing-house. It was proved on the trial that the person to whom the money belonged, while walking with his wife, met the child in the street crying. Upon interrogating her, she stated that she was hungry, and had no one to give her any thing to eat. She also stated that she lived with her aunt. The lady (very unwisely) gave her a piece of money, and told her to call at their house on the following morning, and she should be provided with a place to work. The girl did call, and was left for a few moments in a room in which was a trunk containing money. She opened a bureau drawer, where she found the key of the trunk, which she opened ; and then ran off with the money ! Within twenty-four hours after the theft was committed, she had made away with upwards of \$100 ! The balance was found in her pockets by the officer.

The other case is that of three boys, one of whom came on from New York, (in the style of older but not bolder rogues,) and engaging two accomplices in Philadelphia, proceeded to break open, in the night time, three dwelling houses, which they ransacked and robbed in a manner that the most practised burglars could not excel.

These four children were all within the age prescribed by law for admission to the Juvenile Asylum, and would be among the most likely parties to find their way into such an institution. And yet how could we justly style them "little unfortunates who require not punishment, but protection and guidance?" We do not say what kind, degree, or place of punishment is appropriate to them, but we do say, unhesitatingly, that punishment, of some sort, is as justly their due as if they were ten or twenty years older, and that any experiment to reform them which proposes to dispense with punishment, will be likely to fail.

We have full confidence in preventive measures, when seasonably employed. We never enter a well organized and well instructed infant school without admiring the wisdom and foresight of those who established it, and we never enter a House of Refuge or reformation for juveniles, without wondering at the folly and presumption of those who left such children uncared for so long.

It seems like trifling to say that measures to prevent the establishment of criminal habits, must be employed before such

habits are formed. If we take a child out of the street at 5 or 7 years of age, that has been reared among scenes of want and wretchedness, and has no happy associations connected with the idea of home; subject, perhaps, to the savage tyranny of intemperate parents, knowing not those sacred ties of affection which endear life and home to all; or who, having been misled by profligate companions, has become insensible to the entreaties, and heedless of the authority of a parent,—are we not doing a benevolent work? Shall any one thus exposed go uncared for? Shall childhood and youth be left in the midst of snares and perils, and subjected to brutal treatment or moral neglect? Shall the anxious mother, who is obliged to labor from day-dawn until midnight for a scanty subsistence, when she finds her child refractory and uncontrollable, have no one to look to for aid? Shall there be no protecting arm on which she can lean to save her child from a career of guilt and infamy? There can be but one answer to such questions. Benevolence, economy, the plainest precepts of Christianity require prompt interposition at our hands.

But we must not suppose that taking him away from such associations and perils will turn him into an honest, docile being. The truth is, that we shall probably find such a child as bad as its physical and moral powers will allow it to be. It does not steal a pocket book or a watch, because they are not within reach, nor adapted to its use; but it steals an apple or a stick of candy, or a top or a knife, with all the adroitness of an old thief. It cannot use a pistol or a bowie knife, but it indulges the same deadly malice in the use of a toy or a brickbat. The boy is already a thief, burglar, or murderer to the best of his ability, and the measures we employ to change his habits, though preventive in reference to the subsequent stages of their growth, cannot be considered preventive as they respect habits which are already formed and as firmly rooted as the nature of the soil will admit.

We are aware that there is a wide difference in the viciousness and intractability of bad children, and we are not disposed to regard any child as beyond the reach of good influences. We rejoice in the establishment of the New York Juvenile Asylum. If it takes care of but one in a hundred of the three

or four thousand neglected children of that city who are "now on the verge of ruin," it will confer an inestimable benefit on the community. We should be glad to see such institutions multiplied in all our cities. So far as their influence extends, it is benign and most appropriate. They "prevent" many bad children from corrupting others and becoming worse themselves. Their reformatory power is attested by a volume of authentic evidence, and the experience of every year suggests some valuable improvements in their management. But when we talk of "preventive" measures it is important to discriminate between those which are designed to *prevent* the formation of criminal habits, and those which only go to correct them or to check their growth. The conditions that give development to crime are ignorance, idleness, poverty, and homelessness. Those efforts and institutions which impart useful knowledge, give steady occupation, supply present wants and introduce home-comforts to the dwellings of the poor, are, properly speaking, *preventive* in their character. With the supply of these outward necessities (which press hardest and heaviest) there should be mingled such influences as shall lift the thoughts to a better world just at hand, and lead to immediate obedience to the revealed will of the Maker and Ruler and Judge of us all. By such agencies we may hope to reach the root of the evil, and bring the earliest, tenderest years of human life under appropriate intellectual, moral and religious culture. Then, and not till then, shall we know what "*preventive*" influence is, and what it can do.

In the meantime we must look for young culprits in thickening ranks—well taught, for their age, in the various arts of iniquity, and ready and impatient to show their skill as operatives in their profession. Our Houses of Refuge will save all they can from the doom of the felon, but the dense crowd will still push their way to the end. We see no better course for the wise and good to adopt, than to seize on every method of giving a right direction to the feet of childhood at the earliest possible moment, and when this favorable season for *preventive* agency has past by unimproved, we must resort to such reformatory influences as a good House of Refuge supplies, and of which we trust the Juvenile Asylum in our sister city will prove to be a valuable coadjutor.

ART. IV.—CONVICT RECOGNITION.

One of the advantages claimed by the advocates of convict-separation, as peculiar to that system, is that it furnishes a security against recognition. Those who repudiate the system affect to regard any such advantage as of little value, and scarcely worthy to be taken into account.

There was a time when our criminal law authorized the barbarous practice of stamping infamy upon convicts of a certain class, by a slit upon the nose, or in the ear, or by a brand on the cheek, so that whoever should notice the disfigured member, (which it was almost impossible not to notice,) would instantly associate with it the criminal character of the individual. It was considered a very grievous part of the punishment, that the delinquent must carry with him into all places and present to all eyes, the token of his guilt and degradation.

It is very obvious that the idea of reformation must have been far from the minds of those who could sanction such a practice. It was, doubtless, their intention to put all people on their guard against the unhappy wretch, and effectually to prevent his restoration to credit and confidence. It was, in fact, an indefinite or perpetual extension of his punishment. While he was nominally at liberty, he was really secluded from all but the vilest and most abandoned associates. A more inhuman and short sighted policy can scarcely be imagined. It was tantamount to a declaration of interminable war between the offender and society. It was, in effect, neutralizing if not annihilating, all the influences by which we might hope to act on the delinquent's mind to lead him back to the path of industry and uprightness.

The same evils must result, in a greater or less degree, from any peculiarity of dress which might indicate the criminal propensities or habits of the convict. Hence, the nearer we can come to keeping the community entirely ignorant on the subject, so that at the expiration of his sentence the offender can leave the prison-door without the mortifying apprehension that the first man he meets may possibly recognize him as a "gaol-

bird"—the brighter is the prospect of his restoration to the social standing he has lost.

Two cases have recently occurred to illustrate these remarks. A man who formerly occupied a respectable position in Philadelphia, and whose business caused him to be well known to a multitude of its citizens, was convicted of a felony, and passed a term of years in the Eastern State Penitentiary. Upon his discharge he proceeded at once to a secluded place, not fifty miles from Philadelphia, and took an agency which he was quite competent to conduct. His having been a convict is not known to his employers, the place being secured for him by one who was willing to be responsible for his fidelity. To be recognized before his competency and trust-worthiness are established, would be to lose the situation, and yet there is in the neighborhood another convict, who would, in all probability, betray the secret if he possessed it. Without a reasonable confidence that his disgrace would not be exposed, the poor man would have no heart to attempt the attainment of a character and livelihood. As it is, he is confident of success.

The other case is that of a man in a neighboring city, who served his time out in a penitentiary, conducted on the congregate principle. After his discharge he was enabled to obtain work in his trade, and for six years labored with industry and success, and acquired a good name in the neighborhood. In an evil hour, one who had been his acquaintance in the penitentiary, found him, and a train of circumstances issued in this exposure. In his deep mortification and disappointment, he resorted to the intoxicating cup—his business was broken up, and all his prospects blasted. So much had he gained on the good will and sympathy of his neighbors, however, that they cheerfully made up a purse of two hundred dollars for him, that he might remove to a distant place, where he could begin business anew, and with the hope of escaping recognition. These two cases are as conclusive as two hundred would be, in showing the importance of this feature in the opposite systems. If we would give a convict a chance to retrieve his standing, after his discharge, let his imprisonment be a matter between him and the government, of which other convicts shall know as little as possible.

ART. V.—A PRISON SCENE ONLY TWELVE YEARS AGO.

In the Memoir of *T. Fowell Buxton, Bart.*, we have a graphic account of a prison, visited by that gentleman as lately as 1840. It would scarcely be believed, but upon such high testimony, that a scene so revolting could have been so lately witnessed in any civilized country. We do not wonder that the philanthropic traveller felt such strong emotion, nor that the desire was awakened that new and more zealous efforts should be made by the Prison Discipline Society, to bring about a radical reform. The New York Legislative report, noticed at length in our April number, discloses prison abuses which few supposed were tolerated in the United States; and we are quite sure that if the public mind were once fairly turned to this subject, the efforts which are made to introduce a better state of things would be regarded with more interest and sympathy. The condition of at least ten thousand of our fellow-creatures, secluded from public observation and doomed by the just laws of the land to involuntary servitude, within four walls, under the absolute control of men of like passions with themselves, is not of trifling moment. And though they are *convicts*, and for this cause are shut out from most of the rights and privileges of honest citizens, they are, nevertheless, our fellow-men, and, as such, are entitled to sympathy in suffering, and to help in their efforts to recover the standing they have forfeited. But let us turn to Mr. Buxton's picture, and a darker one could not well be drawn, even by fancy.

To Samuel Hoare, Esq.

March 3, 1840.

I have had occasion to remember the excursion to prison at St. Albans, which you and I took long ago, when, on Monday morning, Richards and I were trotting along in a diligence to Civita Vecchia. The jail there, which was the object of our journey, is an old and strong fortress, close by the sea, and contains 1,364 desperate-looking criminals, all for the most aggravated offences. I am sure you never saw such a gang of malefactors, or such a horrid dungeon. We went, first, into a vaulted room, with a low ceiling, as I measured it, thirty-one yards long, twenty-one broad. There was light, but obscure. A good deal of the room was taken up by the buttresses which supported the arches. The noise on our entrance was such as

may be imagined at the entrance of hell itself. All were chained most heavily, and fastened down. The murderers and desperate bandits are fixed to that spot for the rest of their lives; they are chained to a ring, fastened to the end of the platform, on which they lie side by side, but they can move the length of their chain on a narrow gangway. Of this class there were upwards of 700 in the prison; some of them famed for a multitude of murders; many, we were told, had committed six or seven; and, indeed, they were a ghastly crew,—haggard, ferocious, reckless assassins. I do not think that the attendant jailer very much liked our being there. A sergeant, in uniform, was ordered to keep close by me; and I observed that he kept his hand upon his sword, as we walked up the alley between the adjacent platforms.

There was a fourth room at some distance, and our guide employed many expedients to divert us from going there.

. This was worse than any of the others: the room lower, damper, darker, and the prisoners with, if possible, a more murderous look. The mayor afterwards told us, that he, in his official capacity, knew that there was a murder every month among the prisoners. I spoke to a good many of them, and, with one exception, each said that he was condemned for murder or stabbing. I will tell you one short conversation: "What are you here for?" said I, to a heavy-looking fellow, lying on his back at the end of the room. He made no answer; but a prisoner near him, with the sharp features and dark complexion of an Italian, promptly said, "He is here for stabbing," (giving a thrust with his hand to show how it was done.) "And why is he in this part of the prison?" "Because he is incorrigible." "And what were you condemned for?" "For murder!" "And why placed here?" "*Sono incorrigibile.*" . . . In short, this prison combines together in excess, all the evils of which prisons are capable. It is, as the mayor said, a sink of all the iniquity of the State. The Capuchins certainly preach them a sermon on the Sunday, and afford them an opportunity of confession; of which, if the prisoners avail themselves, the priests must have enough to do. The sight of it has kindled in my mind a very strong desire that the old Prison Discipline Society should make a great effort, and visit all the prisons of the world. I had hoped that sound principles of prison discipline had spread themselves more widely; but I now fear that there are places, and many of them, in the world, in which it is horrible that human beings should live, and still more horrible that they should die.

ART. VI.—REPORT OF THE SEVERAL BRANCHES OF THE PHILADELPHIA LYING-IN CHARITY AND NURSE SOCIETY.—1851-2.

This is one of the many unobtrusive but efficient and invaluable agencies of our city by which the acutest human suffering is prevented or alleviated. It contemplates, not merely gratuitous professional assistance in the perils of child-birth, but the still more general and important provision of skilful nurses, educated in the knowledge of their delicate and responsible duties and entitled to employment and confidence in their most benevolent vocation.

It is now twenty years since the *Lying-in-charity* was incorporated. The *Nurse Society* was established in 1839, and the two were combined last year.

By this connection, not only medical attendance and medicines are furnished to patients, but, if required, bed-clothes and other necessaries provided for them at their own dwellings; while the presence of a nurse, under good training and instruction by the physician of the institution, together with the occasional kind supervision of a lady visitor, renders the situation of the patient as comfortable as her circumstances will admit. Add to this the advantages she derives from the assistance of the nurse, who kindly supplies her place in the family, both in giving attention to the other children, if there be any, and providing meals and other comforts, and most probably introducing a system of order and cleanliness, perhaps before unknown in the domestic arrangements of the family, and which often may not be forgotten by its different members;—and we have a dispensation of charity as seasonable and appropriate as can well be desired.

As to the nurses; after a course of preparatory training in the culinary art at the Home, and of personal instruction given to them upon the duties they are to perform for the mother and her tender babe, they are each required to attend a number of cases under the superintendence of the Physician and the Lady Visitors. When this has been done in a manner satisfactory to them, a certificate is granted, commanding the individual therein named to the confidence and patronage of the wealthier part of the community; that thereby such adequate pecuniary returns may be obtained for their services as will continually draw recruits to the corps of nurses for the poor.

Instances could be mentioned of the employment of those who have already obtained the certificate of the physician and

visitors, in some of the most respectable families in the city, and in which they have given the fullest satisfaction.

Such is a brief sketch of the objects and designs of the Institutions thus united, for the praise-worthy purpose of relieving poor females during the hours of their suffering, and the days and weeks of helplessness of themselves and their tender offspring. By this coalition of means, the design is to secure a constant succession of present help to the poor, and future benefits to the rich. Economical as is the plan on which these institutions have heretofore been conducted, much has been accomplished. But these objects cannot be *continued*, nor even fully reached, without some expenditure of money.

Our citizens are honourably distinguished for the willing aid afforded to benevolent enterprises, and the Philadelphia Lying-in Charity and Nurse Society feel great confidence in appealing to the liberality of such a community, especially when they are persuaded that the results of this system of operations is to extend its benefits from the poor to the more affluent.

The present report furnishes the most gratifying evidence of the efficiency of the new organization, and shows, not only the utility and necessity of such a charity, but the need of much more liberal aid in its support. During the year, sixty-nine patients "have had the specified benefit of the Lying-in Charity, and forty of these sixty-nine have been attended by nurses provided by the Nurse Society."

It is nearly a quarter of a century since *Stephen Girard*, by the very first clause of his will, bequeathed \$30,000 to the Pennsylvania Hospital, the interest of which he directed to be applied "to the use and accommodation of the sick in the said hospital, and for providing, and at all times having, competent matrons and a sufficient number of nurses and assistant nurses, in order, *not only to promote the purposes of the said Hospital, but to increase this last class of useful persons, much wanted in our city.*

That want has not yet been supplied. How far Mr. Girard's bounty has been felt beyond the excellent institution which was entrusted with its disposition, we have no means of information at hand. We may be assured that in the hands of the Managers of the Hospital it has been judiciously administered. We refer to it simply as an item of testimony to the deficiency of competent nurses which the *Nurse Society* is designed to supply. During the last year this institution has wholly supplied

forty of the beneficiaries of the Lying-in Charity, and aided in the supply of thirty-one others, for the destitute in Moyamensing district.

We have been favored (says the report) with a more intelligent class of nurses than heretofore, seven of whom have discharged their duty so faithfully that, in the course of the past year, they have been presented with certificates of approval; and we are glad to learn that there are several others in the course of preparation for service at the Nurses' Home, an institution newly established under the auspices of Dr. Warrington; where, during the intervals of their instruction and engagement in our service, they are supplied with work, so that they are spared the inconvenience of being idle when employment is so necessary for their maintenance. Your Visitors have had to regret, that owing to the want of a sufficient number of those prepared, they were, in one instance, under the necessity of employing one of those whose prescribed course of preliminary instruction had not been completed at the Home. And, in another, (the case of a poor woman, with several small children, whose father had recently died,) they were unable to procure any of the qualified nurses to give her the proper attention.

With an earnest desire to prevent the recurrence of such disappointments, it is much to be wished that the Managers will authorize the Executive Committee to make accommodation for a larger number of nurses than the Home can at present provide.

That our readers may understand the economy of this department, it may suffice to quote a paragraph or two from the Report of the Executive Committee.

They say they have "felt constrained to exercise, in the first instance, much caution in making selections for admission to a residence and course of instruction in the Home, as may be seen from the fact, that from thirty-eight applications which have been made in the past year, only eight were found, by a special committee of the female branch, to be eligible for admission to the instruction conducted by this department of the institution." Actuated by the same principle, the committee felt compelled to dismiss one of those admitted, and advanced so far as to be permitted to attend upon a case; and also to erase from the list of those allowed to register their engagements at the Home, one who had previously obtained a certificate of approbation of the institution.

There are now at the service of our fellow citizens, fourteen nurses who have satisfactorily fulfilled their course of pupilage and duty in the institution; and there are in preparation seven women, of whom three have become qualified to attend upon cases under the care of the Physician and Lady Visitors, while four are engaged in taking their preliminary lessons. In the course of the past year two hundred and fifty applications have been made at the Home, for the nurses of this institution to attend upon patients, some of whom resided in neighboring villages and adjacent country places; and it has been a subject of deep regret to the matron and the executive committee, that often she was unable to supply some most pressing demands for assistance in very important cases.

Under these circumstances, an appeal is made for means to enlarge the accommodation for pupil nurses, that "more than those who now fill the Home may be in rapid succession brought into efficient preparation for duty, both within and beyond the immediate operations of the Lying-in Charity and Nurse Society."

Good judgment and foresight are evinced in rendering the Nurse Home not only a place for the plain, comfortable boarding and lodging of those who, to become qualified nurses for the sick, are willing to devote a portion of their time to the disciplinary training of the institution, and to attendance upon the poor women and their families, who are objects of the care of the Lying-in Charity and Nurse Society, but it has also directed its attention to the increase of mental and moral culture of the pupils of the institution, and has therefore formed the nucleus of a select library, to the increase of which it asks the attention of those who may have suitable books for this purpose.

Arrangements are also made to furnish the nurses with needle and other work, with which they may fill up any leisure from duties as pupils, or apprentices, and earn for themselves some means for support during their residence in the Home. Some work has been done, but the amount of money derived from this source is less than the committee desire shall hereafter accrue from the department of industry.

There is something so obvious and tangible in the benevolent working of such an institution as we are now considering, that it would seem impertinent to enlarge upon its claims to

liberal support. We therefore merely subjoin a notice of the terms, &c.

Women in good health, between the ages of twenty-two and forty years, capable of reading and writing readily, free from the entangling cares of a young and dependent family, desirous of devoting themselves for a long time to nursing, may, if they wish to begin this service under the training and patronage of the Lying-in Charity and Nurse Society, apply, with testimonials of intelligence and moral character, to the Matron of the Nurses' Home, South-east corner of Eighth and Race streets.

Persons needing the benefits of the Lying-in Charity and Nurse Society, must apply, in proper time, to the Lady Visitors in whose district they live, or directly to Dr. Warrington, at the *Philadelphia Dispensary*, 45 South Fifth street, at 8 o'clock, Thursday mornings.

Citizens desirous of employing those nurses who have completed their term of service in the institution, are informed that the Matron will always assist them, as far as possible, in procuring one, provided sufficiently early application be made to her, at the Home.

Miscellaneous Notices.

The following items in relation to the population, police, provisions, vagrancy, humane institutions, &c., of the metropolis of the world are interesting and suggestive. So vast a population crowded into such narrow limits, must needs presents a wide field for philanthropic enterprise. There is something almost sublime in the steady position in which such a mass of physical and intellectual energy is held from day to day. There must be much distress and suffering, but there is also an inconceivable amount of prosperity and enjoyment. There must be horrible dens of crime and cruelty; but there are also stores of virtue and benevolence, that are distributed with profuse liberality. There are multitudes of ignorant and besotted men and women, but they are greatly out-numbered by the temperate and intelligent. There is falsehood, fraud and oppression in every street and alley, but the majority of traffickers are governed by honest principles, so that revolting as are many of the revelations of a city population, there are

advantages to the social and moral, and even the religious interests of mankind that greatly over-balance them. No one can dwell on these brief notices, without some healthful expansion of thought and sympathy.

They remind us of the innumerable ties by which an infinitely wise Providence has linked together the various classes and orders of society, making their relations to each other the occasion of developing those gentle charities which are blessed in heaven, and twice blessed on earth.

INTERESTING STATISTICS OF THE CITY OF LONDON—ITS PRESENT EXTENT, MEANS OF LIVING, &c., &c.

ACTUAL EXTENT OF THE METROPOLIS.—The present area of the metropolis, according to the census returns, is 44,850 square acres, or about seventy square miles; upon it are erected 324,611 houses, of which 16,889 are uninhabited, and on 31st of March, 1851, there were 4,817 houses in the course of erection. In 307,722 houses there resided 2,361,640 people, or at the rate of 7.7 persons per house, and the estimated value of property rated for the relief of the poor is about 9,000,000*l.* London contains 567 churches, 207 dissenting chapels, 5,000 public houses, and 15 theatres. The city is ten miles long, and seven broad; and is now growing at the rate of twelve miles of streets annually. If the streets of the metropolis were put together, they would extend 3,000 miles in length. To have a better idea of the magnitude of the metropolis, compare it with other places or countries. The population of the whole of Ireland, by the census of 1841, was 6,515,794; Scotland had 2,870,784 inhabitants; and Wales, 1,188,821. The great manufacturing counties of Lancashire and Yorkshire contained a population, respectively, of 2,059,029, and 1,785,680. So that the metropolis contains within its boundaries a population more than one-third as great as that of all Ireland, four-fifths as great as all Scotland, twice as great as all Wales, one-seventh more than Lancashire, and one-fourth more than the entire county of York.

RENTAL.—By the income-tax returns, it appears that the assessed rental of the metropolis amounts to the enormous sum of 12,186,508*l.*

PROVISIONS.—Few of us, perhaps, have considered what amount of meat and drink is annually required to keep London on the move. In 1819, Murray tells us, the metropolis alone consumed 1,665,000 quarters of wheat, 240,000 bullocks, 1,700,000 sheep, 28,000 calves, and 35,000 pigs. One market alone supplied 4,034,400 head of game. London, the same year, ate 3,000,000 salmon, which were washed down by 43,230,000 gallons of porter and ale, 2,000,000 gallons of spirits, and 65,000 pipes of wine. 13,000 cows are yearly required for London milk, and reckoning two gallons a day from every cow, we have here, as nearly as can be estimated, about 72,000 gallons of "London peculiar" consumed, if not enjoyed, by the London inhabitants. 360,000 gas lights fringe the streets. London's arterial, or water system supplies the enormous quantity of 44,383,328 gallons per day; a thousand sail are employed in bringing annually to London 3,000,000 tons of coal; and to clothe and wait upon London's people we have no fewer than 23,517 tailors, 28,572 shoe and boot makers, 49,000 milliners and dressmakers, and 168,701 domestic servants.

CABS AND OMNIBUSES.—The main thoroughfares are traversed by 3,000 omnibuses and 3,500 cabs, employing 40,000 horses, and 11,000 men. The London proprietors of hackney carriages, excluding omnibuses, pay 90,000*l.* a year duty to the government, and the metropolitan cabs, and other hack vehicles, are estimated to represent a capital of 300,000*l.*

BATHS AND WASH-HOUSES.—In the baths and wash-houses in London, there were last year 75,834 male, and 10,763 female bathers; and 73,023 persons had the means furnished them of washing, drying, and ironing.

FIREs.—The total number of fires in the metropolis in 1850, was 868.

CHARITABLE INSTITUTIONS.—In London there are no less than 491 charitable institutions, disbursing annually nearly two millions of money.

THE MEDICAL PROFESSION.—2,574 medical men are practising at the present time in London. Of these, 2,237 are engaged in general practice, 187 as surgeons exclusively, and 150 as physicians. If we regard the metropolis as containing two millions and a quarter of souls, then it is evident that there are about eleven general practitioners to every 10,000 of the inhabitants; seven surgeons to every 100,000; and rather more than six physicians to the same number.

POLICE.—The expense of the city of London police for the past year was about \$200,000.

PENNY SAVINGS BANK.—The London Penny Savings Bank has 7,859 depositors, with 49,516 deposits; and the amount received since its establishment has been nearly \$10,000.

VAGRANTS.—From a return to parliament recently obtained, we gather the number of vagrants taken up within the metropolitan police district in the last ten years. It seems that the largest number was in 1849, when 6,515 were taken into custody, and the smallest number in 1846, when 3,758 were taken up. In the year 1850, 3,810 were taken into custody, of whom 2,406 were convicted, and 1,404 were discharged. In the ten years, 52,107 were taken into custody; 28,873 were convicted, and 23,234 were discharged. In three months ending January, 1851, 1,022 vagrants were taken into custody; 660 were convicted, and the remainder discharged.

CRIMINALS.—In London there are, it is calculated, 12,000 children under regular training to crime, 30,000 thieves, 6,000 receivers of stolen goods, 23,000 persons picked up in a state of drunkenness, 50,000 habitual gin drinkers, and 150,000 of both sexes leading an abandoned life.

INCREASE OF BUILDINGS IN LONDON.—It appears from the census return recently presented to parliament that the number of inhabited houses in London in 1841 was 263,737, and in 1851, that they had increased to 307,722, or at the rate of nearly 17 per cent. The number uninhabited in 1841 was 11,824, and in 1851, 16,889, being an increase of 5,565, or 49 per cent; while the number building at the same period was 4,032 and 4,817 respectively, being an increase of 785, or 19 $\frac{1}{2}$ per cent. The facts shown are very remarkable illustrations of the rapid growth of some districts, and the decrease, or almost stationary condition of others. Take, for instance, Kensington:—We have 10,962 inhabited houses in 1841, and 17,292 in 1851, showing an increase of 6,830 or about 60 per cent; while the rate of increase of all London is under 17 per cent; while the number uninhabited in 1841 amounted to 485, and in 1851 to 1,111, being an increase of 626, or upwards of 128 per cent. If we add the inhabited to the uninhabited, the results will show that the total number of buildings in Kensington in 1841 was 11,447, and 18,403 in 1851, or an increase of 6,956.

THIRTY-FIFTH ANNUAL REPORT OF THE STATE OF THE (FRANKFORD) ASYLUM FOR THE RELIEF OF PERSONS DEPRIVED OF THE USE OF THEIR REASON, 1852.—Eighty-seven patients were under treatment in this institution during the year, forty-four of whom were new admissions. The following table shows the results which have attended the treatment of three hundred and fifty-two cases admitted since 1842:

| | Res. to- red. | Much improv'd | Impro- ved. | Station- ary. | Died. | Total. |
|----------|---------------------|------------------|----------------|------------------|-------|--------|
| Recent. | 152 | 8 | 20 | 16 | 15 | 211 |
| Chronic. | 26 | 6 | 27 | 68 | 14 | 141 |
| Total. | 178 | 14 | 47 | 84 | 29 | 352 |

We think the cause of humanity will be served, by copying the following paragraph from the report of the resident physician. We have no doubt the erroneous impression to which it refers has been productive of much evil.

There appears to be a belief prevalent in the community, that a person having once been the subject of an attack of insanity, can rarely be restored to entire mental soundness, and it has been objected to the statistics of Hospitals for the Insane, especially to those portions of them which show the number of recoveries, that they represent merely matters of opinion, about which judges of equal acuteness and experience would arrive at different conclusions, as if there were an inherent difficulty in determining in any given case, whether the patient had been restored to his original mental condition, or whether there was not still remaining some lurking unsoundness. This belief appears to be founded partly on the consideration of the number of patients who are re-admitted into hospitals, the inference being drawn from the fact of their having suffered a second attack, that the first must have left behind it some change in the structure of the brain, or some weakness of the organ which has prevented it afterwards from acting with its original integrity, and predisposed it to future attacks of disease. But from any knowledge that we possess of the nature of the affection of the brain giving rise to mental derangement, there can be no ground for supposing that the disease during its merely temporary continuance, produces any structural change, except in those cases in which insanity is the result of inflammation of the brain or its membranes. In cases in which insanity returns after having once been removed, it would seem to be more in accordance with what we know of the nature of the disease, to attribute the renewal of the attack to a constitutional cause, or to defective organization. Persons who are subject to these attacks are generally of weak or ill-balanced minds, are seldom capable of attending properly to the ordinary duties of life, and under the influence of any over-exciting cause, and, indeed, frequently without any proximate cause that can be discovered, are rendered temporarily insane. But in the majority of cases, when this constitutional predisposition is wanting, there appears to be no reason for doubting the entire restoration of the patient when once the symptoms of disease have disappeared, nor for apprehending a second attack, provided proper precautions are taken to avoid exciting causes.

REPORT OF THE SENATE COMMITTEE OF EDUCATION OF THE GENERAL ASSEMBLY OF RHODE ISLAND, JAN. 23, 1852, ON THE SUBJECT OF CAPITAL PUNISHMENT. pp. 46.—We have seldom seen a more unsatisfactory public document on a subject of this nature. The errors which occur, in statements in relation to which we have other means of information, are such as to induce a distrust of those which we are not prepared to contradict. The authorities on which the report is based, are cited without method or connection, and from sources many of which are quite as unreliable as the hasty paragraphs of a newspaper.

We refer to the subject simply to remark on the importance of thorough research, close investigation and strict accuracy in documents of this nature. They should embody all important facts on both sides of the question in controversy, and should present them with equal fairness and prominence. The object of delegating a service of this sort to a committee, is to furnish the legislative body with a full view of the case, that their acts may be wise and intelligent. If the service is well performed, the report becomes a document of permanent value, and saves, to a certain extent, the examination of the same topic by other inquirers. In respect to the report before us, there is scarcely a page that does not betray the haste and inconsideration with which it was prepared. No legislation could be safely based upon it, and least of all, legislation on such a subject.

A SIGN OF BARBARISM.—We can scarcely credit the report that a resolution was not long since offered in the Kentucky legislature, which provides that the keeper of the Penitentiary shall procure a suitable chemical dye, to be applied thoroughly to the noses of all the convicts, and which shall so color the cuticle, that nothing but time can wear it away. The dye is to be applied often enough to keep the nose thoroughly black, and to be discontinued only a month before the expiration of each criminal's sentence. It is said that this ingenious contrivance is for guarding against escapes. We had supposed that the time for all such savage methods of dealing with convicts had passed away, never to return, and we venture (for the credit of the country and the age) to deny the truth of the statement on the general principle, that a Legislature (like an individual) is presumed to be innocent till proved guilty.

ANNUAL REPORT OF THE MANAGERS OF THE WESTERN HOUSE OF REFUGE OF THE STATE OF NEW YORK, 1852.—There are few public institutions in our country that will better compensate for the time and trouble of a visit than this. The location is admirable, the structure imposing and convenient, and the whole character of the institution creditable to the age and country. As there are some points in this report on which we feel constrained to comment, we shall lay it on the table to be called up when we have time and room to do it justice.

ANNUAL REPORT OF THE BOARD OF DIRECTORS OF THE PENNSYLVANIA INSTITUTION FOR THE DEAF AND DUMB. 1852.—One hundred and thirty-six pupils were under instruction at the date of the report, 94 of whom are supported by the State of Pennsylvania. Of 19 admitted during the year, 9 were born deaf, and of the remaining 10, all but one lost their hearing before they were three years old.

The report notices at length the decease of *T. H. Gallaudet*, and contains valuable information touching the history, arrangements and instruction of the institution.

NEW JERSEY PRISON REFORM ASSOCIATION.—The third annual report of the New Jersey Prison Reform Association was received some time since. The public meeting was held at Trenton, ex-governor *Vroom* presiding. The reports from Essex and Morris counties showed a very great improvement in the condition of the prisons, though the only point specified in the public account of the proceedings relate to the financial exhibit. A very full report was submitted by a committee on the subject of a House of Refuge. The meeting was addressed by Chief Justice Green and others.

CRIME IN BOSTON.—The returns of the criminal department of the government of the city of Boston for the year 1851, show that during the year there have been 1981 entries on the criminal docket, being 410 more than in the previous year. Of these, 997 are for keeping disorderly houses, violation of the license laws, &c.; 281 for various forms of larceny; shop-breaking and larceny, 35; house-breaking and larceny, 28; receiving stolen goods, 23; robbery, 20; having in possession, with intent to utter and uttering counterfeits, 16; forgery, 11; perjury, 8; felonious assault with intent to commit criminal crimes, 9; manslaughter, 3; murder, 3. For assaulting watchmen, assault and battery, &c., &c., there are a large number of cases.

The aggregate of the sentences of persons sentenced to hard labor by the Municipal Court, is two hundred and thirty-five years, in the State Prison, and one hundred and seventy years in the House of Correction, making a total of four hundred and six years.

STATE REFORM SCHOOL OF MASSACHUSETTS.—The Fifth Annual Report of this institution furnishes gratifying evidence of the continued success of this experiment for the benefit of juvenile criminals. The number of boys in the school at the commencement of the year, was 324. Committed since, 129. Returned, 9 by masters, 3 voluntarily. Whole number in the house during the year, 465. Discharged, 155. Remaining, Nov. 30, 1851, 310—a small reduction from the beginning of the year. The institution has conveniences for about 300 boys. The trustees express the belief that the present building might be enlarged so as to accommodate 500 or 550 boys, and so arranged as not to incur a corresponding increase of expense. Of the 592 committed the last year and previously, 92 were born in foreign countries, mostly in Ireland. Four hundred and seventy-seven report themselves born in the United States. The institution is in a good condition in its finances, industrial products, &c.

highly valuable periodical, communicating much and various important information upon the subject of which it treats. It is the only publication of the kind in the country, is certainly a very much needed one, and ought, therefore, to be well sustained by the public.

From the Episcopal Recorder.

This periodical gives a large amount of information on Prison Discipline, and cannot fail to interest such as grieve over the sufferings occasioned by crime, and regard the imprisoned criminal as still belonging to our common humanity, and needing the commiseration of the wise and good.

From the Public Ledger.

We have received the October number of the Pennsylvania Journal of Prison Discipline and Philanthropy, published under the direction of the Philadelphia Society for alleviating the Miseries of Public Prisons. It is stored with interesting matter.

From the Presbyterian.

We have been reading with great interest the Pennsylvania Journal of Prison Discipline and Philanthropy.

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. *Philadelphia: E. C. & J. Biddle. 1849.*

It is, as might possibly be anticipated from the residence of the author, an elaborate and ardent defence of the separate system of confinement. The charge of its peculiar tendency to induce disease and insanity, is altogether denied, and the testimony of the successive physicians to the Eastern State Penitentiary, during a term of nearly twenty years, goes very satisfactorily to warrant the denial.

The author is not, however, inclined to rest at this, but carries the war into the enemies' camp. The chapter entitled Medical Practice, in a Congregate Prison, is calculated to attract attention, from the positions laid down in it, and their startling illustrations, deduced from the well known case of Abner Rogers. It is not the time or the place for us to enter on this warmly controverted subject, and we have noticed the work only on account of its bearing on the subject of insanity, and as forming a part of its literature.—*Am. Journal of Insanity, published by the Superintendent of the New York Lunatic Asylum, July, 1850.*

So far as the leading controversy, in regard to the rival systems of prison discipline, is concerned, it seems to us to cover the entire ground with singular ability.—*Princeton Review.*

0 ↪ A few copies of this pamphlet are still on hand, and may be had on application to the publishers, corner of Fifth and Minor streets, or to any member of the Acting Committee.

OFFICERS F.O.R. 1852.

PRESIDENT—James J. Barclay.

VICE-PRESIDENTS—Townsend Sharpless, Charles B. Trego.

TREASURER—Edward Yarnall.

SECRETARIES AND COMMITTEE OF CORRESPONDENCE—

William Parker Foulke, Edward Townsend.

COUNSELLORS,

Job R. Tyson, Garrick Mallery.

ACTING COMMITTEE.

James J. Barclay, Townsend Sharpless, Charles B. Trego, Edward Yarnall, William Parker Foulke, Edward Townsend, Job R. Tyson, Garrick Mallery, F. A. Packard, Jeremiah Hacker, William Shippen, Charles Ellis, Dilwyn Parrish A. T. Chur, Morris Wickersham, M. W. Baldwin, Mark Balderson, Joshua L. Baily, George Dilks, Thomas Latimer, Josh. T. Jeanes, John M. Wetherill, Horatio C. Wood, John Lippincott, John J. Lytle, Henry M. Zollickoffer, W. P. Sharpless, William S. Perot, Rodman Wharton.
(C) Quarterly Meeting of the Society on the 11th of October instant.

ODD NUMBERS SUPPLIED.

There are no full sets of the FIVE volumes of this Journal (already published) on hand, but a large stock of odd volumes and numbers. Many complete copies of Vols. I. and II., can be had, and a few of Vols. IV. and V. If any person has duplicates of Vol. I., No. 1, Vol. II., No. 2, Vol. III., No. 1, Vol. IV., No. 3, or Vol. V., No. 1, they will oblige us by sending them to the office of publication. Copies of Vol. I., No. 4, Vol. II., No. 1, Vol. III., Nos. 3 and 4, Vol. IV., Nos. 1, 2 and 4, and Vol. V., Nos. 2, 3 and 4, will be given in exchange, or supplied to such as want them.

“JOURNAL OF PRISON DISCIPLINE AND PHILANTHROPY,”

Published by the “Philadelphia Society for alleviating the Miseries of Public Prisons.”

DESIGN AND PLAN OF THE WORK.

The members of this venerable Institution, which has been mainly instrumental, in introducing the great reform in Prison Discipline that has distinguished the last half century, have long felt the need of such a medium of communication with the public as is now proposed. Their attention has of late been more especially aroused to the importance of the measure, from the deep interest which has been awakened in such reform; and from the misapprehension which prevails, as to the true principles and results of what is termed the “Pennsylvanian,” or “Separate System.”

Of the intrinsic usefulness of a Journal of this nature, it is believed but one opinion can prevail among the intelligent and humane. One of the most active and well-informed of those engaged in the reform of Prisons, has justly remarked, that “judgment is but the result of comparison.” All reasonable men, before deciding on a measure, will acknowledge the importance of becoming acquainted with the history and results of similar efforts. Hence the necessity felt by all civilized nations, of publishing and preserving public documents, reports, discussions, criticisms, &c. In America there is no adequate provision for the preservation of these, so far as they relate to prison reform; they are scattered among an accumulation of pamphlets on other subjects, are frequently destroyed, and are always difficult of access; and the labour which ought to furnish instruction for our future progress, and for posterity, becomes too often merely temporary in its utility.

At the present time a greatly enhanced importance is attached to a publication of this kind, as a medium of communication with foreign countries. Several of the governments of Europe are endeavouring to ascertain the best system of Prison Discipline, with a view to its adoption; and although the Society have no doubt which of the methods now in existence is the best, some Philanthropists of the Old World are yet undecided.

It is from a knowledge of these facts and from a belief that it is due to themselves and the cause of humanity, that the Society have been induced to undertake this publication.

TERMS.

This periodical is published quarterly; each number to contain at least 48 pages octavo. It will be delivered without charge to members of the Society; but to those who are not members, the price is \$1 per annum, always in advance, or 25 cents a number.



