

TWENTY-THIRD ANNUAL REPORT  
OF THE  
EXECUTIVE COMMITTEE  
OF THE  
PRISON ASSOCIATION OF NEW YORK,  
AND  
ACCOMPANYING DOCUMENTS  
For 1867.

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TRANSMITTED TO THE LEGISLATURE JANUARY 29, 1868.

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No. 18.

IN SENATE,

January 29, 1868.

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TWENTY-THIRD ANNUAL REPORT

OF THE EXECUTIVE COMMITTEE OF THE PRISON ASSOCIATION OF NEW YORK.

*To the Honorable the President of the Senate:*

Sir: In compliance with a provision of law, I have the honor to send you, herewith, the Twenty-third Annual Report of the Prison Association of New York, with the request that you will lay the same before the Legislature.

Very respectfully,

Your obedient servant,

E. C. WINES, *Cor. Sec'y.*

DATED AT THE ROOMS OF THE PRISON ASSOCIATION,  
38 BIBLE HOUSE, NEW YORK, January 28, 1868. }

## OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK, 1868.

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☐ The President of the Association, Chairman of the Executive Committee and Cor-  
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By the contribution of \$300 at one time.  
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\* Deceased.

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BY CONTRIBUTION OF \$50 AT ONE TIME, (formerly \$25).

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James G. Bennett	..... do

## CHARTER AND CONSTITUTION

OF THE

## PRISON ASSOCIATION OF NEW YORK.

AN ACT TO INCORPORATE THE PRISON ASSOCIATION OF NEW YORK, PASSED MAY 9, 1846, BY A TWO-THIRD VOTE.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. All such persons as now are or hereafter shall become members to the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: Provided, that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

## ARTICLE I.

The objects of the association shall be—

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.

2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or states.

3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

## ARTICLE II.

The officers of the society shall be a president, vice-presidents, a recording secretary, a corresponding secretary and a treasurer, and there shall be the following standing committees, viz.: a finance committee, a committee on detention, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

## ARTICLE III.

The officers named in the preceding article shall be *ex-officio* members of the executive committee, who shall choose one of their number to be chairman thereof.

## ARTICLE IV.

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

## ARTICLE V.

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents shall designate.

## ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life;

and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

#### ARTICLE VII.

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

#### ARTICLE VIII.

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

#### ARTICLE IX.

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and co-operating with it.

#### ARTICLE X.

The executive committee shall have power to add to any of the standing committees such persons as, in their opinion, may be likely to promote the objects of the society; and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

#### ARTICLE XI.

This constitution may be amended by a vote of the majority of the society, at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted, that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or

the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may from time to time make by-laws, ordinances and regulations relative to the management and disposition of the estate and concerns of said association, and the management, government, instruction, discipline and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature, and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons, so being minors as aforesaid, as apprentices or servants, with their consent, during their minority, to such persons and at such places, to learn such proper trades and employments as, in their judgment, will be most conducive to the reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And, to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are vested in the inspectors of county prisons; and the duties of the keepers of each

prison that they may examine shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. *Provided*, That no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the chancellor of this State, or one of the judges of the supreme court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons members of the said association by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW YORK, }  
IN SENATE, *May 8th*, 1846. }

This bill, having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof,

*Resolved*, That the bill do pass.

By order of the Senate,

A. GARDINER, *President*.

STATE OF NEW YORK, }  
IN ASSEMBLY, *April 24th*, 1846. }

This bill, having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof,

*Resolved*, That the bill do pass.

By order of the Assembly,

WM. C. CRAIN, *Speaker*.

Approved this 9th day of May, 1846. SILAS WRIGHT.

STATE OF NEW YORK, }  
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof, I have hereunto affixed the seal of this office at the city of Albany, the fifteenth day of May, in the year of our Lord one thousand eight hundred and forty-six.

ARCH'D CAMPBELL,

*Deputy Secretary of State.*

REVISED STATUTES, *Part IV*, *Chap. 3*, *Title 1*.

§ 24. It shall be the duty of the keepers of each of the said prisons to admit the said inspectors, or any one of them, into every

part of such prison; to exhibit to them, on demand, all the books, papers, documents and accounts pertaining to the prison or to the detention of the persons confined therein, and to render them every other facility in their power to enable them to discharge the duties above described. And, for the purpose of obtaining the necessary information to enable them to make such report as is above required, the said inspectors shall have power to examine, on oath, to be administered by either of the said inspectors, any of the officers of the said prisons, and to converse with any of the prisoners confined therein, without the presence of the keepers thereof, or any of them.

#### BY-LAWS OF THE PRISON ASSOCIATION OF NEW YORK.

I. There shall be a stated meeting of the executive committee on the fourth Wednesday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting.

II. At every meeting of the executive committee, five members shall be necessary to constitute a quorum.

III. The order of business at every stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of the treasurer.
3. Reports from standing committees.
4. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting, no other business shall be transacted than that for which the said meeting was called.

IV. The chairman shall appoint all special committees; and no person nominated by him shall be excused, unless upon reasons satisfactory to the meeting.

V. The chairman shall decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.



VI. There shall be four standing committees, namely: a committee on finance, a committee on detentions, a committee on discharged convicts, and a committee on prison discipline.

VII. It shall be the duty of the finance committee:

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.

2. To audit all bills against the association; and no bill shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.

3. To audit and report upon the treasurer's accounts annually.

4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

VIII. It shall be the duty of the committee on detentions:

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge, or providing for the defence, of such as shall appear to be entitled thereto.

2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

IX. It shall be the duty of the committee on discharged convicts:

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

3. To procure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences—taking care not to have more than one in a place, where it can be avoided.

4. To see that the prisoners are provided with suitable clothing, of a kind that will not attract particular attention.

X. It shall be the duty of the committee on prison discipline:

To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: health, reformation, convict labor, administration and internal police, comparison of different prison systems, visitation of prisons and houses of reformation, and the whole subject of criminal law and penal justice.

XI. One or more agents may be appointed by the executive committee to assist the standing committees in the performance of their duties.

XII. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for the purpose, and to give due notice of all meetings of the committee.

XIII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees when required; shall act as the general financial agent of the association; and shall report at each stated meeting of the committee.

XIV. The treasurer shall receive and safely keep all moneys belonging to the association; shall pay over the same as directed by the finance committee; shall report at each stated meeting of the executive committee, and shall give such security for the faithful discharge of his duty as that committee shall require.

XV. The president, chairman of the executive committee and corresponding secretary shall be members, *ex-officio*, of all the standing committees.

XVI. No alteration shall be made in these by-laws except upon notice of the proposed amendment given at a previous meeting of the executive committee.

TWENTY-THIRD ANNUAL REPORT  
OF THE EXECUTIVE COMMITTEE.

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The Executive Committee of the Prison Association of New York respectfully submit to the Legislature, as by law directed, a report of their doings for the year one thousand eight hundred and sixty-seven.

OBJECTS OF THE ASSOCIATION.

The supreme object of the Association is the repression of crime. This great end it pursues by three distinct paths; in other words, through the pursuit of three subordinate objects, all converging to the same point and co-operating to the same result, viz.: 1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses. 2. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform. 3. The improvement of prison discipline and the government of prisons, whether for cities, counties, or states.

DETAINED PRISONERS.

The Prison Association imparts counsel and aid, as may seem-  
needful, to prisoners under detention. Cases are daily occurring, where the lack of such friendly offices would result in injustice, as well as suffering, to the persons who require them. There are frequent instances of arrests and commitments on insufficient grounds, as the many discharges without trial show. Innocent persons, through malicious or mistaken testimony, are often committed for trial, and sometimes, on their trial, convicted and sentenced. Not a few complaints are preferred from passion or prejudice, or which are of too trivial a character to be entertained. Foreigners, ignorant alike of our language and laws, and without

either friends or money, are not unfrequently found in our houses of detention, in a state bordering upon despair. Children, detected in petty pilfering—often their first offence—are thrown into the common receptacle of the city's felons, and subjected for weeks and even months to its polluting and poisonous influences. Many of those arrested on suspicion are the victims of circumstance or malice. They are found in evil company, it may be unintentionally; or they are marked for sacrifice by some jealous or vindictive foe. The innocent are sometimes in danger of being condemned through inadvertence, or from the testimony of mistaken or malicious witnesses, or for want of the aid of honest lawyers. Even the guilty are made to suffer punishments which might be properly mitigated, if the extenuating circumstances were reliably brought to the notice of the court; but this information, essential, it may be, to a righteous judgment, cannot—owing to the ignorance, confusion, or friendless situation of the accused—be furnished without timely aid, volunteered upon the spot. Cases like those just enumerated afford abundant occasion for the humane and discriminating diligence of the Association. Without its intelligent and kindly interposition, mistakes and abuses would multiply; and while the objects of them would be compelled to suffer without alleviation, the community itself would often have to suffer from a corresponding increase of crime, consequent upon the education in villainy afforded to numerous novices by the associations of the prison house. The Association, therefore, keeps continually in view the condition of persons arrested and detained in prison on suspicion or a charge of crime, so far as to secure to the destitute and friendless, according to its ability, strict justice in their cases, and to protect them from the deprivations of unprincipled or unfaithful persons, with whom they come in contact.

But while much attention is given to the circumstances of detained prisoners, with a view to their protection against the arts of malicious prosecutors and dishonest lawyers, to the assertion of their rights while in confinement, to efforts for their discharge if arrested upon insufficient grounds, and to the procurement for them of a fair trial and the legal aid necessary thereto; this Association is and ever has been very far from any desire or endeavor to transform the criminal into an injured innocent, or to palliate his crime with the gloss of a morbid and mawkish sentimentality. We would not abate one tittle of the loathing which is felt for

crime, nor shield the criminal from either a just abhorrence or a just punishment of his unlawful deeds. It has ever been the aim of the Prison Association, while extending a helping hand to the innocent, the unfortunate, the erring, the penitent and the reformed, to do nothing to impede the course of justice, or to obstruct a righteous administration of the law. On the contrary, we would rather—and those who know us best will most readily attest our sincerity in the statement—facilitate and promote such administration.

#### DISCHARGED CONVICTS.

The Association, as its second object, seeks to encourage and assist liberated convicts in their efforts to lead an upright life and earn an honest living. The object of punishment is threefold—to vindicate the majesty and rectitude of the law, to deter others from crime, and to reclaim and reform the transgressor. To the latter of these objects the efforts of our society are constantly and earnestly directed. It is has never faltered in its purpose of doing good to the unfortunate, the fallen, and even the vicious and the criminal. It has ever sought, by all suitable agencies, to succor the tempted, to raise the prostrate, to reclaim the wandering, to comfort the wretched, and to extend a helping hand to those who have been neglected or trodden down in the unequal pressures of society. Our holy religion makes no distinction as to the prisoners whom it enjoins upon us to visit, to care for, and to relieve; and it is this pre-eminently humane and unselfish principle which lies at the foundation of our society, and to which it is seeking to give that broad and effective application which was manifestly intended by Him who announced it as the law of his kingdom.

The favorable influence of the Prison Association on the feelings, hopes, aims and lives of the convicts in our State has been decided and conspicuous. It has shown them that, though fallen and debased, there are still those in the community who care for them, sympathize with them, and are not only willing but anxious to co-operate with them in their efforts to reform. This conviction carried with it at once a soothing and a quickening influence, tranquilizing their minds and stirring them up to resolutions and efforts looking to a reformation of life. The Association can point to numbers of its beneficiaries who are doing well, and who possess the confidence of their employers and the respect of the community. When we consider what was the condition of the

greater part of these persons when they first claimed our assistance—broken in health, prostrated in mind, without friends, without solace, without hope even—and now see them industrious, respected and happy, it is a source of unalloyed gratification, and affords the strongest incentive to perseverance in our labors.

#### PRISON REFORM.

After attending to the cases and relieving the wants of the detained and the discharged, as far as it would be proper and we have the ability so to do, another important object claiming the attention of the Association is the improvement of criminal law both in its principles and its administration, and particularly the improvement of prison discipline and government.

We seek the improvement of prison discipline both directly and indirectly.

We seek such improvement, directly, by a careful inspection of prisons in our own and other States; by a comparison of the results obtained under the different systems of discipline; by observing the effects of these different systems upon the physical and mental health of the convicts, upon their character and conduct, and upon the police and productive industry of prisons; by a cautious examination of their liability to abuse and the abuses actually practised under them; by collecting and tabulating statistics on all subjects relating to the government and discipline of prisons; by imparting, as far as possible, right notions of discipline to prison officers; and by seeking, in all practicable ways, to elevate, enlarge, purify and invigorate the reformatory influences of prison life.

The Association seeks the improvement of prison discipline, indirectly, by the encouragement it affords prisoners to conduct well in prison, that they may have a claim to its benefits when discharged; by its intercourse with prisoners, advising, warning and reproving, yet hearing patiently their complaints, and removing the ground of them when practicable; by its influence in warming and cherishing the germ of hope in their bosoms; by the assurance which it gives them that, though fallen, they are not abandoned, and that, by honest and steadfast effort, they may regain respectability; and by its tendency to produce a better feeling in the community towards them, through the evidence which, from time to time, it presents of their reformation.

#### LABORS OF THE GENERAL AGENT IN THE DETENTION AND DISCHARGED CONVICTS' DEPARTMENTS.

The general agent of the Association, Mr. Abraham Beal, has labored, with his usual diligence and success, in the above-named departments, besides performing the extra service of visiting and inspecting a considerable number of county jails. We offer the following summary of his work, the details of which will be given in his own report:

4,650 persons have been visited in the detention prisons of New York and Brooklyn, who were poor, friendless and in need of advice and assistance.

835 complaints were carefully examined by him.

275 complaints were withdrawn on his advice, as being frivolous or founded in mistake, prejudice or passion.

246 prisoners were discharged from custody by the criminal courts on his recommendation who were innocent, or very young, or clearly penitent and resolved to "sin no more."

1,423 liberated prisoners were aided with board, tools or money.

127 discharged convicts were provided with work and situations.

177 released prisoners were supplied with clothing to a less or greater extent.

#### RESULTS OF TWENTY-THREE YEARS' LABORS.

The general results of twenty-three years' work in the departments of detained and liberated prisoners may be stated thus:

83,314 persons visited in prison.

23,716 complaints examined.

6,508 complaints withdrawn.

7,216 prisoners discharged from custody.

14,481 released prisoners aided with board, clothing, tools, or money.

3,804 discharged convicts provided with situations, the great majority of whom have done well, regaining a respectable standing in society, and eating the bread of honest toil.

This gives a grand total of 137,841 cases, in which relief—moral, material, or both—has been extended to persons who have been arrested and imprisoned, whether justly or unjustly, on a charge of crime. Besides the aid thus given to the accused and

the convicted, relief, more or less extensive, has been afforded to thousands of persons connected with the families of prisoners.

Improvements in the organization, structure, arrangement, government, and discipline of prisons do not admit of tabulation and statistical statement. Nevertheless, important improvements in this department have been made since the origin of the Prison Association, and chiefly through its agency.

The present prison law of our State, which, with all its imperfections, is an immense advance on any statute previously enacted by our Legislature pertaining to the same subject, is the work of our society.

The punishment of the lash has been abolished by law, whereas, when this society was formed, this was the chief instrument of discipline; and its use was so common and so constant, that, in one of our state prisons, no less than 6,000 blows per month were given with a whip having four strands, which would give 24,000 strokes a month, or nearly 1,000 a day.

A quarter of a century ago, each keeper punished his own men *ad libitum*; now, the right of punishing is confined to the head of the prison, or to the officer who is more directly charged with the administration of the discipline.

Libraries, ample in size and composed of well selected books, are now found in all our state prisons. The policy of the State has been a liberal one in this regard. Not much, if any, less than \$20,000 have been expended from the public treasury in the purchase of books for the three state prisons; and for some years past, there has been a regular annual appropriation of about \$1,200 for this object.

Secular instruction is given to all convicts in our State prisons, who need and desire it, by regularly appointed teachers. It is true that the system is very imperfect, and needs material modifications and great enlargement. Yet, under it, thousands who were totally illiterate on their commitment have acquired the rudiments of an English education—reading, writing and ciphering—which they have turned to good account on their liberation.

The dietary of our prisons has been greatly improved in respect both of the quality and variety of the provisions furnished. This is especially true as regards the supply of vegetables, inasmuch that, whereas formerly scurvy prevailed to an alarming extent, at present that disease is scarcely known in our prisons.

The principle of rewards as a stimulus to industry and good

conduct has been adopted as an element of prison discipline; so that hope, whose power is greater as well as purer and more pervading than that of fear, has now become an agent of no little potency in the reformation of the inmates of our State prisons. It is true that this principle, in an organized form, exists only in what is known as the commutation law, under which convicts can earn a considerable diminution of sentence; but it is much to have the principle engrafted upon the statute law of the State, and incorporated as a living power into the actual administration of our prisons. For the rest, there can be no doubt that this law is the most important step in prison discipline taken in the United States within the last quarter of a century; and it only needs to be followed up by other measures of a like character and tendency,—with the whole administration of our prisons committed to upright, humane and enlightened men,—to accomplish that genuine prison reform for which we have labored so long and so earnestly.

#### COMMUTATION TO UNITED STATES PRISONERS.

Several of the States of our Union—our own among the number—have what are known under the general designation of commutation laws. The design of the legislation indicated by this phrase is to encourage prisoners and aid their reformation by abridging their terms of imprisonment in reward of their industry and general good conduct. The United States has no prisons of its own, but confines its convicts in the prisons of the several States, on such terms for board, clothing, &c., as can be arranged with the authorities of each institution. As a consequence, the convicts of the State governments and of the General Government intermingle promiscuously, work side by side, and are subjected to precisely the same disciplinary treatment. Down to a period as late as last year, however, there existed this material difference in the States having commutation laws. United States prisoners derived no advantage from those laws, while they daily saw their comrades, convicted by State courts, discharged from their imprisonment months and sometimes years before the expiration of their sentences. This was found, in New York and no doubt in other States, to be a perpetual source of irritation to these men, which betrayed them not unfrequently into the commission of acts which made it necessary to punish them.

Such being the state of the case, the Association last year applied to President Johnson for relief in the premises. They

prayed him to issue an executive order, granting the same commutation to United States convicts confined in the prisons of New York as was allowed by our laws to our own convicts. This prayer was readily granted, and the desired order issued accordingly.

But the Association did not pause at this point. They sought to have the same benefit extended to the same class of men in the other States where commutation laws exist. In this view, they prepared the draft of an act in relation to persons imprisoned under sentence for offences against the laws of the United States. The first section of the proposed act was in the words following, to wit:

"Be it enacted by the Senate and House of Representatives of the United States, in Congress assembled:

"§ 1. That all persons convicted of offences against the laws of the United States, and imprisoned in the prisons or penitentiaries of the several States, in execution of the judgment and sentence upon such conviction, shall be entitled to, and shall have the benefit of, any and all laws of the State in which they are or shall be imprisoned, granting and assuring to persons convicted and imprisoned for offences against the laws of the State, as a reward for and incentive to good conduct and obedience to the rules and conformity to the discipline of the prison, any mitigation of their sentence, or reducing the term of their imprisonment, or any other privileges or immunities whatever."

It so happens that the periods for which sentences are abbreviated vary in the several States which have enacted commutation laws, so that in no two States, probably, are they precisely the same. By the terms of the foregoing draft, as will have been observed by the attentive reader, exactly the same commutation is accorded to prisoners under sentence for offences against the laws of the United States, as to those under sentence for offences against the laws of the State. The committee, charged by the Association with bringing this matter before Congress, after having seen the bill introduced into the Senate, and received assurances from leading members of both houses that it would pass without difficulty, left Washington and returned to New York. A bill relating to the subject was, indeed, enacted into a law, but it was very different from that framed and proposed by the Prison Association. It simply granted one month's diminution of sentence for each year, during which the convict should, by his good

conduct, merit such mitigation of his punishment. There was no accommodation to the law and usage of the State, in which he might happen to be imprisoned; but all were required to lie upon the same Procrustean bed. Now, whatever reason there is for granting commutation at all to United States convicts confined in prisons belonging to a State, there is just the same reason for making it identical with that granted by the State to her own convicts. The effect of withholding commutation from one class of inmates and granting it to another class in the same prison, is to create irritation, jealousy, and heart burnings in the class which feels itself aggrieved; and this is sure to lead to acts of insubordination and disobedience, and of course to the punishment of those who are guilty of them. Precisely the same results, though possibly in a somewhat less aggravated form, would naturally flow from *discriminations* in the commutation granted to different prisoners; and the experience of our New York prisons shows that this is actually the case. It may be said, why heed the resentments of convicts? As well might we ask, why make use of any means to bring the will of the convict into accord with that of his jailors? This consent of wills is an essential condition of reformation; and if reformation is desirable, then it is equally so that all unnecessary causes of irritation of prisoners and alienation between them and their keepers be avoided. It is just in this consent and harmony of wills in convicts and officers, that the immeasurable superiority of the Irish convict system lies, as Mr. Sanborn showed in his evidence before the commission of the Prison Association last year, in saying: "Under the Irish system, the prisoner appears sincerely to desire what the prison officers desire for him; and he remains in this state of mind long enough to make it a habit. In other systems, the impulse for reformation is fitful; or, if continued, it is apt to degenerate into hypocrisy. In the Irish system, the motives are so varied and so strong, that virtue becomes a habit, the same as it does with men outside of prisons." It therefore only remains for the Prison Association—  
—and if the above reasoning is correct, it is its plain duty—to seek to procure such a change in the act passed by Congress last year, as will make the commutation granted to United States prisoners the same as that established for State prisoners by the  
*lex loci.*

## LOCAL COMMITTEES OF CORRESPONDENCE.

The policy of enlisting local aid in the moral and religious instruction of the prisoners in our county jails was established by a resolution of the executive committee, adopted in November, 1863. In pursuance of this policy, committees of correspondence were appointed in some forty or more counties of the State, in the following year. In 1865 reports were received from eighteen of these committees; in 1866, from twelve; the number reporting this year will be about the same. It is much to be regretted that so large a proportion of these local organizations fail to report to the executive committee; and a still greater subject of regret is the probable cause of such failure—lack of due zeal and diligence in, if not indeed a total neglect of, the work committed to them. Yet how useful and efficient the co-operative labors of these committees may be made, abundantly appears in the reports of those who have seen fit to let us know what they have been doing. The details of these labors will be seen in the reports themselves, printed in another part of this document; but we cannot withhold, even in this more general paper, one or two signal instances of their utility. The following extract from the report of Henry H. Reynolds, Esq., chairman of the committee for Ulster county, will be found highly interesting in this view:

"The Wednesday services", as for many years past, have been continued by Dr. Waters, and I have been able to be with him during most of the time. The conduct of the prisoners at these services has been deserving of all praise. As one set passes out, either to State prison or liberty, it seems as if a heaven was left to ensure, among their successors, a similarly respectful and apparently devout attendance upon the means of grace. The liturgy and litany used by Dr. Waters seem to ensure and concentrate their interest, and the responsive psalms are read with great fervor and correctness.

"At the last jail-delivery, as several of the prisoners were leaving for Sing Sing, a document, of which the enclosed is a copy, was presented to us at the close of a meeting, and under circumstances that very much affected us.

"Our congregation varies from twenty to forty; and though comprising many boys and young men, we have had no case of the slightest disorder.

\*The weekly service of preaching is held in the jail on Wednesday, because Dr. Waters lacks the strength for it on the Lord's day, in addition to his other regular Sabbath duties.

"We hear very good accounts of our prisoners who have gone to Sing Sing, with whom we keep up a connection by religious papers, tracts, &c.; and some who have gained their liberty are giving testimony to their appreciation of the religious services of Kingston jail. Nevertheless, to sustain heart and hope, we need an abundant supply of divine grace.

"At the earnest solicitation of the prisoners I have established a service on Sunday afternoon, in which I have the aid of several Methodist brethren, and which seems thus far (some two months) very pleasant and profitable."

The following is the document referred to in the above extract:

"KINGSTON, Nov. 23, 1867.

"To the REV. GEO. WATERS and H. H. REYNOLDS:

"As a testimonial of regard for the interest you have taken in us in this the hour of our misfortune, we feel it a duty we owe to convey to you, through some agency, our feeling for the many thankless hours (no doubt they appear so to you) that you have toiled for the welfare of our souls, and without a visible show of good results, we, the enlightened (or instructed) part, have formed ourselves into a committee, to inform you that your services have not been without their moral and spiritual effect.

"We feel thankful for the many favors you have shown us by meeting with us weekly and semi-weekly, and the lessons you have taught us at such times. And we give this as a covenant that they will go from here with us, and remain imprinted on our hearts forever. And we also hope that they may be guiding stars to direct us in the right way, from which we have learned that it is so easy to depart. Our lives have been regardless of our future, and it appears as though this jail had been a wall put across our path of life by the Author of our existence to stop our headlong course to hell, and compel us to turn our course to a better life; and that you have been the agents appointed by him to accomplish it.

"We remain yours respectfully."

(Signed by twelve male prisoners.)

The local committee of Erie county, at Buffalo, whose intelligent zeal has been so conspicuous in former years, have continued their labors, both at the jail and penitentiary, with increasing interest and success. Mr. Fosdick, usually accompanied, we believe, by one other member of the committee, visits the jail every

Sunday, converses with the prisoners, and distributes religious tracts and newspapers. His visits are well received, and are believed to be productive of much good. Mr. Charles E. Felton, superintendent of the penitentiary, bears the following testimony, in his annual report, to the fidelity and value of the committee's work in that institution:

"Religious service has been held weekly in our chapel, under the management of Messrs. Edward Bristol and Seth Clark, of the Prison Association's local committee. By their invitation, many of our Christian pastors have been present, and assisted in the exercises. Mr. Bristol has also visited prisoners at their cells weekly, after service, distributing such reading matter and dispensing such advice and encouragement as seemed fitting to their several wants. During the year, by the efforts of this Association, an organization of ladies has been made, with a view to the establishment of a home for the friendless. This enterprise, so long needed, cannot fail to meet with the favor of our citizens, and should claim from them sufficient means to secure the necessary buildings and other appointments with which to begin their good work. The moneys\* appropriated last year for the purchase of reading matter for the penitentiary and jail, and placed in the hands of the Prison Association's local committee, has been profitably expended, and I cheerfully recommend that, in the absence of a resident chaplain, the honorable board of supervisors again entrust them with the spiritual care of our convicts."

The executive committee would further call special attention to the report of the Rev. L. H. Sherwood, local committee for Wayne county, in which that gentleman, in a manner as just as it is able, exposes the defects and corrupting influences of our county jail system, as at present organized and conducted.

#### VISITATION OF PRISONS.

The corresponding secretary "visited, inspected and examined" the State prisons and penitentiaries in the interior of the State; and a paper giving the result of his observations will be found printed among the documents accompanying this report.

The county jails were visited and examined by different committees of the Association, whose several reports will appear in their proper place. It will be seen from these documents, that

\*\$200. The same amount has been granted for next year by the board of supervisors.

while new jails, on improved plans, have been erected in a few counties, and some unimportant ameliorations have been introduced in others, the old evils exposed in former reports remain almost everywhere in all their virulence. The officers in most of these prisons do what they can; but it is the *system* that is in fault; and until this is materially altered, little improvement—none, indeed, that is radical and effective—can be looked for.

#### AMENDMENT TO THE CONSTITUTION PROPOSED BY THE PRISON ASSOCIATION.

In the fall of 1866, the people of New York voted that a Convention should be held to revise the Constitution of the State, and members of the said Convention were elected by them. The body assembled in June, 1867, and proceeded to the duty with which it had been charged. Not having yet completed its work, it remains still in session.

In anticipation of a revision of the Constitution being ordered by the people, a committee had been appointed some three years ago by the Prison Association to consider the present organization of our prison system, and to devise a plan for its re-organization. After long study and deliberation, that committee proceeded so far in its work as to prepare the draft of an article to be proposed to the Constitutional Convention for incorporation, if approved by the body, into the fundamental law. The proposed amendment is in the words following, to wit:

"There shall be a board of governors of prisons, who shall have the charge and superintendence of the State prisons, and power to appoint the wardens or principal keepers, the chaplains, clerks and physicians thereof, and the power of removing the officers above named and the other officers in the same; but such removal shall be for cause; and the accused shall, in all cases, be entitled to be informed of the charges against him, and to be heard in his own defence. Said board shall also have the superintendence, with power of visitation, of all institutions for the reformation of juvenile delinquents and the prevention of crime. It shall consist of five persons to be appointed by the Governor, by and with the consent of the Senate, who shall hold office for ten years, except that the persons first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one of the persons, so appointed, shall expire at the end of each two years during the first ten years. Any vacancies in office, after



wards occurring, shall be filled in the same manner. They shall receive such compensation as shall be established by law.

"The Legislature may confer such powers and, impose such duties upon said board of governors in respect to the county jails, local or district penitentiaries, and other penal institutions within the State, as shall be deemed expedient."

The above paper, accompanied by a memorial of the committee, under date of June 27, 1867, setting forth the reasons of the proposition, was presented to the Convention, and referred to the committee on State prisons and the prevention and punishment of crime. A communication was subsequently addressed to the Convention on the same subject by the corresponding secretary, in which the views of the Association were enforced by further arguments in the same general direction. Both these papers are printed *in extenso* among the documents accompanying this report. The committee on prisons were divided in sentiment and two reports were submitted to the Convention; that of the minority embodying, substantially, the proposition of the Association. Both reports are now before the Convention, the subject to which they relate not having yet been acted upon by the body. What the issue will be, time alone can determine.

#### DEMISE OF DR. MITTERMAIER.

One of the most distinguished of the corresponding members of this Association—Dr. Mittermaier, of Heidelberg, Germany—has departed this life during the past year. Suitable action touching this great loss to science and humanity was taken by the executive committee, in a series of resolutions proposed by Dr. Francis Lieber, and adopted by a unanimous vote of the committee. These resolutions will be found printed elsewhere. The corresponding secretary, as directed, communicated this action to the surviving widow and children of the deceased, but, as yet, has received no response.

#### CORRESPONDENCE.

A number of letters, from correspondents both in our own and foreign countries, of sufficient general interest to warrant it, will be found printed in another part of this document.

REPORTS ON THE PRISONS AND PRISON SYSTEMS OF ENGLAND, FRANCE, GERMANY, AND ITALY, BY CORRESPONDING MEMBERS IN THOSE COUNTRIES.

A novel feature in our annual exhibit for this year, and one which will be found as interesting as it is new, are the following papers: One by Sir Walter Crofton, founder of the Irish convict system, on the prisons of Great Britain; a second by M. Bonneville de Marsangy, counsellor of the imperial court of Paris, on the prisons of France; a third by Baron Franz Von Holzendorff, professor of law in the Royal University of Berlin, on the prisons of Germany; and a fourth by Signor Martino Beltrani Scalia, Inspector General of prisons in the Kingdom of Italy, on those of that country. We will not, in this place, attempt an analysis of these able and instructive documents, feeling confident that every one into whose hands the present report may chance to come, will read them for themselves. We will only say, in passing, that the popularity of the separate system of imprisonment, appears to be everywhere on the wane in Europe, even in countries where it was once greatest, the late Dr. Mittermaier himself, its early and ablest advocate, having, according to the testimony of Baron Von Holzendorff, in the latter part of his life, shifted his ground and become an opponent of what he had before so strenuously maintained; while the Irish system, whose first stage is separation and the last almost full liberty, is everywhere, on the contrary, gaining ground, and uniting the suffrages of the wisest and most liberal of the friends of prison reform.

#### INTERVIEW WITH A PRISON COMMISSION FROM PENNSYLVANIA.

The two State Penitentiaries of Pennsylvania—the eastern and western—have become, of late, so over-crowded with prisoners, that the project is entertained of erecting a new penitentiary in some central location, perhaps at or near Harrisburgh. There is a strong party, especially in the western part of the State, opposed to the separate system; and the question, as a matter of course, arose as to the plan upon which the new prison, if, as is probable, it should be decided to build one, should be constructed and administered. Under an act of the Legislature passed at its last session, a commission consisting, we believe, of six citizens, was appointed by Governor Geary, clothed with ample powers to visit prisons and examine prison systems in our own and other countries, and charged with the duty, first of reporting whether an

additional prison is needed in Pennsylvania, and secondly, if so, to recommend a plan and submit estimates of the cost of construction. Five of the gentlemen composing this commission, as previously arranged by correspondence, called at our office in the Bible House, in the month of October; and an interview, lasting nearly three hours, took place between the commissioners, on the part of Pennsylvania, and the chairman of the executive committee and corresponding secretary, on the part of the Prison Association. This interview was of the most friendly and agreeable character, although, of course, developing to a certain extent, opinions and arguments quite antagonistic to each other. The merits of the Philadelphia and Auburn systems were discussed, *pro and con*, with a good deal of earnestness, but always in a candid and amicable spirit. The Hon. Alexander Henry, late mayor of Philadelphia, and for many years one of the inspectors of the Eastern Penitentiary, was the chief spokesman on the part of the commission, and showed himself an able as well as hearty advocate of Pennsylvania's cherished theory of separation. The other members said less, but the representatives of the Prison Association thought they discovered in one or two of them a leaning towards a system of imprisonment less stern in its character. They earnestly pressed upon the commission to recommend to the Legislature of Pennsylvania that, in establishing a new penitentiary, they would make trial of the Irish system. There is no State in our Union so favorably situated for an experiment of this kind, as Pennsylvania. Having already the system of separation established in her prisons, she has but to make this the initial stage of imprisonment, and add the other appendages of the Irish system, and the organization would be complete. We hope that this great and noble commonwealth may be induced to lead the way in a reform which, if something better is not discovered, is surely destined, and that, we believe, at no distant day, to take root in this and many other lands. It will be an honor to be first in this great work; and if New York, (which we should prefer,) does not speedily seize it, we shall be quite content to see our sister State in the van, and will gladly follow her at the earliest practicable moment.

#### PRISON HYGIENE.

At the request of the executive committee, one of our colleagues, Dr. John H. Griscom, has prepared a paper, for insertion

in the present report, on the subject of prison hygiene. This paper is a learned and exhaustive discussion of the question to which it relates, and is at the same time eminently practical in its suggestions. It may be profitably studied by all who have anything to do with the construction or administration of prisons.

#### THE BRITISH GOVERNMENT ASKS A REPORT ON THE PRISON ASSOCIATION OF NEW YORK.

A letter from Acting British Consul Piereport Edwards to the corresponding secretary, informing him that he had been required by H. B. M. government to make a "Report on the Prison Association of New York," and asking documents which would enable him intelligently to obey his instructions, together with the reply of the secretary, will be found in another part of this report.

#### VALUABLE GIFT FROM THE BRITISH GOVERNMENT.

Through the kind offices of our corresponding member in London, Frederick Hill, Esq., the government of Great Britain has donated to the Association a complete set of its prison reports from 1850 to the present time; a valuable addition to our library. The thanks of the Association were returned, through Mr. Hill, to H. B. M. government for this generous and most acceptable gift.

#### REQUEST FROM AN ENGLISH PRISONERS' AID SOCIETY.

The Buckinghamshire Discharged Prisoners' Aid Society, through their honorary secretary, Commander Edmund H. Verney, of the Royal Navy, applied to the Prison Association during the past year to co-operate with them in endeavoring to lead discharged prisoners, whom they might induce to emigrate, into an honest course of life. Such co-operation was respectfully declined, for reasons which will be found in the correspondence on that subject, printed elsewhere.

#### FINANCES.

The financial condition of the Association is fully exhibited in the treasurer's annual report, and need not be recapitulated here.

#### PREPARATORY LIBERATION.

A brief tractate on the subject of preparatory liberations, under the title of "A Discourse pronounced at the opening of the Civil Tribunal of Rhiems, November 3, 1846," by M. Bonneville de

Marsangy, has been translated by the corresponding secretary, and will be found printed among the documents accompanying this report. By "preparatory liberation" M. de Marsangy means a conditional pardon, or provisional discharge, granted in reward of good conduct, but subject to revocation, prior to the definitive discharge fixed by the prisoner's term of sentence. This paper possesses much interest, as being an exhibition of the principles of prison discipline greatly in advance of the period of its production, and also from its connection with the history of prison reform, since it foreshadowed, in its essential features, ten years prior to its origination by Sir Walter Crofton, what has since been known and has become famous as the Irish convict system.

All of which is respectfully submitted to the Legislature, by order of the executive committee.

JOHN DAVID WOLFE, *Pres. P. Association.*

THEO. W. DWIGHT, *Chairman Ex. Com.*

E. C. WINES, *Corresponding Secretary.*

DATED AT THE OFFICE OF THE PRISON ASSOCIATION }  
OF NEW YORK, 38 BIBLE HOUSE, Dec. 31, 1867. }

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## DOCUMENTS

ACCOMPANYING THE

REPORT OF THE EXECUTIVE COMMITTEE.

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## I. ANNUAL REPORT OF THE TREASURER.

*The Prison Association of New York in account with William  
C. Gilman, Treasurer.*

1867.	Dr.		
Dec. 31.	To cash paid for expenses incurred in visiting State prisons and county jails, and for salaries .....		\$6,969 89
	To relief of discharged prisoners .....		1,837 06
	To rent, less rent received .....		1,053 00
	To fuel, stationery, postage, and other incidental office expenses .....	615 23	
	To printing and annual report .....	827 98	
	To library .....	19 50	
1868.			
Jan. 2.	To balance on hand, to new account .....	1,390 01	
			\$12,712 67

1867.	Cr.		
Jan. 22.	By balance, old account .....	\$520 30	
	By donations received during the year .....	5,976 00	
	By appropriation from the State of N. Y. ...	3,000 00	
	By appropriation from the city of N. Y. ...	3,000 00	
	Interest .....	201 37	
	Loans returned by discharged prisoners ...	15 00	
			\$12,712 67
1868.			
Jan. 2.	By balance from old account .....	\$1,390 01	

WM. C. GILMAN, *Treasurer.*

NEW YORK, January 2, 1868.

## II. DONATIONS TO THE PRISON ASSOCIATION OF NEW YORK, 1867.

Aspinwall, W. H. ....	\$100
Arnold, Constable & Co. ....	10
Archer, G. B. ....	100
Astor, J. J., Jr. ....	50
Abeel, J. H. ....	25
Brown, Stewart. ....	50
Brown, James M. ....	25
Boker, H. & Co. ....	10
Bull, H. K. ....	50
Booth, W. A. ....	25
Brown, James ....	100
Badger, Jacob ....	10
Blanco, B. ....	15
Brainerd, Cephas. ....	10
Bell, Isaac ....	25
Butler, William Allen ....	10
Clarke, B. G. ....	50
Carter, Robert ....	20
Clark, H. ....	15
Corning, Erastus ....	50
Caldwell & Morris ....	50
Cary, William F. ....	25
Caswell, John. ....	25
Cruikshank, James ....	5
Coffin, Edmund ....	25
Corning, H. K. ....	100
Coulter, Samuel. ....	10
Cambreleg, S. ....	5
Dodge, W. E., Jr. ....	25
Denistoun & Co. ....	25
Dillon, Robert. ....	10
Dodge, William E. ....	100
Dugdale, R. L. ....	10

Duncan, Wm. Butler. ....	\$100
French Consul General. ....	\$5
Graves, R. R., & Co. ....	10
Gilman, W. S. ....	100
Gray, Horace. ....	50
Gilman, Wm. C. ....	25
Hegeman, William ....	10
Hoe, R. & Co. ....	10
Howland, Joseph ....	50
Hunter, James ....	20
Holden, James C. ....	25
Hay, Allan ....	10
Harper & Co. ....	5
Irvin, Richard ....	20
Iselin, A. ....	10
Johnston, John Taylor ....	100
Jesup, M. K. ....	50
Jones, W. R. T. ....	5
Lorillard, P. ....	50
Lenox, James ....	200
Lenox, The Misses. ....	100
Lowe, A. A. & Bro. ....	50
Ludlum, N. ....	25
Lake & McCreery ....	10
Lorillard, Estate of Peter ....	1,000
Morgan, H. T. ....	50
Milbau, John ....	5
Moore, H. H. W. ....	25
Middleton, Thomas D. ....	5
Marsh, James ....	5
Mott, W. F. ....	10
Munn, O. D. ....	10
Mercantile Ins. Co. ....	25
Murray Fund, The. ....	25
Norrie, A. ....	100
Naylor & Co. ....	25
Olcott, Thomas W. ....	50
Owen, Thomas. ....	25
Olyphant, David ....	25
Oelrichs & Co. ....	10
Oothout, William. ....	20

Palanca, Ramon	\$10
Poppenhusen and Konig	10
Paton & Co.	25
Potter, Howard	25
Phinney, H. F.	25
Perkins, Dennis & Co.	5
Parsons, J. E.	10
Perkins, L.	10
Powers, Thomas J.	15
Phelps, George D.	50
Prosser, Thomas, & Son	50
Pierson & Co.	5
Pacific Mutual Ins. Co.	25
Pavenstedt & Co.	10
Roosevelt, C. V. S.	100
Richards, Guy	100
Rogers, Charles H.	5
Ryder, E. T.	5
Rhineland, W. C.	50
Rusch, A. & Co.	5
Rodewald, A.	5
Sturges, Jonathan	100
Sackett, A. T.	50
Stewart, R. L. & A.	50
Shepard, Elliott F.	25
Schieffelin, H. M.	50
Schieffelin, S. B.	20
Schieffelin, James L.	25
Schieffelin, Sydney A.	10
Sampson, Joseph	100
Skidmore, Samuel T.	5
Sheafe, Mr. & Mrs. J. F.	100
Smith, U. J.	10
Shipman, C. H.	100
Sun Mutual Ins. Co.	25
Terbell, H. S.	50
Tousey, Sinclair	25
Titus, James H.	10
Trimble, George T.	20
Tracy, William	5
Talcott, William H.	10

Terry, James T.	\$25
Tucker, William	5
Talbot, C. N.	25
Usher, S.	10
Vose, John G.	25
Victor, F. & Achelis	5
Ward, George C.	100
Wales, S. H.	50
Wines, E. C.	10
Woolsey, E. J.	50
Willets, Samuel	100
Walsh, A. R.	10
Wallace, Miss Isabella	10
Wiggin, Augustus	10
Wheelwright, B. F.	10
Weston, R. W.	50
Wolfe, John David	500
Young, Henry	25
Anonymous, "L."	50
Mrs. C. L. P.	3
Mrs. J. E. DeK.	5
"H."	20
"C. R. L."	3

Total donations, \$5,976

LOANS RETURNED BY DISCHARGED PRISONERS, PER A. BEAL

M. J. E.	\$3
M. H.	7
J. V. C.	2
V. V.	3
	<u>\$15</u>

WM. C. GILMAN, *Treasurer.*

### III. ESSAY ON PRISON HYGIENE.

By JOHN H. GRISCOM, M. D.

*Prepared by request of the Executive Committee.*

This branch of the management of penal institutions affects not only the physical health, but also the morals and discipline of the convicts, and likewise in no small degree the interests and reputation of the governments having control of the institutions.

The *subjects* of prison discipline constitute a class of beings *sui generis*. They are peculiar in both their physical and moral relations. The prisoner, deprived of the means of suiting himself in his appetites and propensities, is compelled to act in accordance with the views of others as to what is proper for him. With the wants and habits pertaining to an education among families and friends, he must yield all to the requirements of his keeper—a stranger. With the strength of a man, he is become, in many respects, as a child. From being his own master, to clothe, feed, and house himself how and when he pleased, he is now passive in the hands of others, to be treated herein as they may dictate. Deprived of all the aspirations and prospective pleasures which sweeten life and give a zest and stimulus to his feelings and appetites, both mind and body are immured in the narrowest possible precincts, and pursue their unrequited labor in an unending and never-varying routine. While, on the one hand, he is restrained in the indulgence of propensities and passions to which he was before prone, and which are calculated to vitiate his constitution, and sow the seeds of disease, on the other hand, he is cut off from many of those sources of health which are found in freedom of body and variation and application of mental power. In studying the diseases to which mankind are subject, and the means of preserving or restoring their health, prisoners are therefore to be viewed in an aspect materially different from other men, and *prison medicine* becomes a separate and distinct branch of the science.

The first, and one of the most important of the considerations relating to the hygienic management of a prison, is its *location*.

Every consideration of healthfulness that should govern the selection of a site for a private dwelling, applies with equal, or even greater force, to the site for a prison. Beauty of location, magnificence of prospect, attractiveness of scenery, of course can have no *ruling* value in this connection; to the prisoner it is the same whether his abiding place is deep in the valley, or on the bright hill side; for him the garden yields no odors, the winds make no music on the waving trees, the brook babbles not for his ear, the moon sheds no soft lustre for his eye. Though these circumstances might not be incompatible with his safety, and, if possible, to be studied in connection with his incarceration, they would doubtless aid in subduing the passions, elevating the moral sentiments, maintaining discipline, and promoting corporeal and mental health, yet, as a general rule, the prisoner must see and hear nothing beyond his grated door. His senses are closed against everything that makes life attractive. But the State has no right to close against him the physiological avenues of health; on the contrary, it is bound, by every consideration of justice, humanity, and interest, to preserve his health and strength, if he brings them with him, and to redeem them, if possible, if they have been squandered. It is bound to bring into requisition all that art and science can furnish to obtain this end.

The situation of a prison should therefore be as salubrious as possible. It should not be in proximity to any marsh; it should be far enough from any large streams, and of sufficient altitude to avoid the mists and fogs which prevail most abundantly upon and near the water; yet not so high as to be exposed too much to bleak winds, nor beyond the ready reach of the necessities of life.

The soil immediately under and for a large area around the prison should be naturally dry, and, if not, should be thoroughly drained. The quality of the air is greatly affected by a constant humidity prevailing over damp grounds, influencing, to a considerable extent, the health of the prisoners.

In illustration of these principles, Dr. Baly, physician of the Milbank prison, regards diarrhoea as sometimes produced by a moist state of ground for some extent around the prison. He stated that "the Wakefield house of correction, in which diarrhoea was more generally prevalent than in any other prison in England, was situated in a hollow valley of clay which was often flooded in winter, and in summer was not quite dry. The sub-soil was clayey and the surface of a rich vegetable character." Our

State prison at Sing Sing presents an exemplification of the influence of both these circumstances. The male department is placed on the west side, and at the foot, of a high hill, and so near the river, on its very edge, that the sun in the morning cannot dispel the fogs which almost nightly collect there, for a long time after it rises. The consequence is, not only that the iron locks, if unused for a short time, become injured by rust, and the clothing and other things covered with mould, and mildewed, but rheumatisms, inflammations, pulmonary, cutaneous and other complaints cannot but be more prevalent than in prisons free from such a degree of dampness. At the female prison, placed nearer the brow of the hill and at a greater distance from the river, these evils are not observed to anything like the extent they are found below.

*Per contra*, the Clinton State prison is located near the top of a bleak and barren mountain, 1,330 feet above Lake Champlain, accessible with much difficulty over a hard road, and requiring more expense for transportation the seventeen miles from Plattsburg than for the one hundred and eighty miles from Albany to Plattsburg; and is entirely beyond external aid, should an outbreak ever occur. One effect of this altitude is to shorten the summer and prolong the winter—the ground being covered with snow, generally, until May or June. Its situation in other respects is, however, decidedly beneficial.

One of the most important of the considerations relative to the location of a prison is the facility for thorough drainage and sewerage.

The points next to be considered—the external location of the prison having been determined—are its *internal atmosphere* and its *dietary*. The latter of these will be remarked upon first. It has, however, been so often and so ably discussed, that it may appear a work of supererogation to occupy much space with it. General dietetic rules are well laid down at present, and those which apply to persons out of prison, excepting so far as the condition of the prisoner varies from theirs, are applicable to the convict. But these points of difference between the *ins* and the *outs*, in connection with the *subject of dietetics*, are of great importance; for it is well known that the ability of the human system to assimilate to itself the substances introduced within it, to sustain its integrity and strength, and to promote its growth, depends in no small degree upon circumstances external to the body. It is from non-attention to the necessary accommodation of the

dietaries to these changes of circumstances, that the dietetic evils of prison life chiefly arise. The demand of the body for food is in part regulated by its labor. The laborious artisan or the industrious farmer has not only a greater power of digestion, but actually has a greater requisition for nutriment, than the scrivener or the student; and a change from either of the former to either of the latter occupations requires a corresponding change in the amount of *ingesta*, or the system will be overburdened.

The injunction issued by the apostle Paul, that "if any would not work, neither should he eat," is founded not less in physiology than in morals; and without sacrifice we may add, *he who eats and does not work, shall surely suffer*. This law was strikingly illustrated, and also vindicated, in a case which some time since came under my own professional observation. An industrious blacksmith labored assiduously from morn till eve at his anvil, ate a corresponding amount of food and slept the sleep of health and happiness. At about the age of 35, he drew a lottery prize which placed him above the pecuniary necessity of manual labor, and unfortunately induced him to abandon his forge for the desk of an exchange office, where, instead of the sledge, he handled nothing heavier than small coins. But without sufficient prudence to alter in a corresponding degree his dietetic habits, he gauged his supply of nutriment rather by the pleasures of the palate, than by the demands of labor. The consequence was that in a few weeks, the overloaded system made an explosion, in the form of apoplexy, followed by hopeless and fatal paralysis.

Among the most important circumstances necessary to be considered in regulating the quality as well as the quantity of food, is the constitutional diathesis of the individual. In some there will be found a tendency to plethora, in others to anemia,—one class will be predisposed to scrofula, another to dyspepsia, a third to consumption, &c.

If in social life, among the members of a family or a community, whose habits, occupations, and educations are very similar, we discover such a variety of requisitions for food of different qualities and amounts, is it reasonable in a community of 500 or 1000, drawn from as many different families, from a dozen different nations, from every station in life, with every variety and shade of education and complexion, from the ages of 16 to 60, of both sexes, to expect such a similarity or elasticity of organization as will accommodate all to the Procrustean dietary of a prison? In the *condi-*



tion of the mind, we find another potential influence over the capacity of the organization to receive and assimilate nourishment. The human mind may be likened to a pendulum. Both have their elevations and depressions, and their oscillations give to the structural works with which they are connected, a stimulus important to their regularity and perfectness. Without motion of the mental pendulum, the material organization of the body may indeed have life, but it can only be such as pertains to the vegetable; the animal may eat and live, but it will live only to eat, and in a brief space will die. But the highest degree of animalization, the most perfect enjoyment of vitality, and the greatest energy of body, are found in those whose arc of mental oscillation is traversed with regularity. The point of lowest depression being no sooner reached than it is quitted, the pendulum rises again, while for each period of depression there are two of elevation, and thus the movements of the animal body, as of the clock, are maintained with uniformity and order. As it is necessary for the going of the clock that its pendulum should regularly be depressed, so must the mind be also, at times, that by its reaction it may give a healthful impetus to the bodily functions. The strict comparison here terminates, as in the clock, if the pendulum remains at its center, its functions cease; though the vibrations of the mental pendulum may be arrested, and it remains at its lowest point of depression, the functions of the system will not cease entirely, yet it cannot be otherwise than that their energies will be depressed, and they become, as it were, rusty and sluggish. And how must it be with the mind of the convict? Unstimulated by the hopes and fears pertaining to freedom, unmoved by the enjoyments and trials of social life, it oscillates no longer between the pleasurable extremes of its arc through its middle point of suffering and sorrow. In his abnormal condition, it hangs like the motionless pendulum, in idle dependence. Can it be expected otherwise than that the bodily organs must be less able to perform their functions with their usual vigor?

The medical reports of some of our prisons, unequivocally demonstrate their dietaries to be far from what they should be. *Scurvy*, a direct product of improper diet, prevails in these institutions to an extent unknown anywhere else except in long sea voyages, under protracted privation of fresh food. Between 30 and 40 cases are ascertained to have occurred in Sing Sing prison in one year, and we have much reason to believe the whole is not always

told. This will occasion no surprise when it is known that the prison diet in general includes very little of any of the fresh and juicy vegetables, which are so essential to the prevention of this disease.

In one of the early reports of the New York Prison Association, the following remark is made in reference to the number of cases of this disease occurring in Sing Sing: "It is a disgrace to the State that, in the midst of a country producing such a profusion of vegetables, they should suffer the convicts to be deprived of the necessary and health-giving aliments, until such results are produced."

It was a wise recommendation, therefore, of the physician of Auburn prison, in his report for 1845, that a portion of the public lands adjoining the institution should be set apart for cultivation by the convicts, that they might be furnished with a better vegetable diet. It should be done everywhere, both for the sake of the diet and the out-door labor.

In the reports of the Ohio State prison most remarkable results of mismanagement are given. For example, during the five years from 1842 to 1846 inclusive, there were reported a yearly average of 752 cases of disease occurring in an average of only 498 prisoners, making the number of patients 50 per cent greater than the number of inmates. It is presumable that every prisoner, therefore, must have been sick once, and half of them twice, each year. The number of lost days of labor during that period was 27,332.

A few remarks will now be made upon the subject of

#### VENTILATION.

The necessity of a pure atmosphere to a healthy condition of the blood under all circumstances being admitted, as it cannot be denied, it is particularly important, in determining the salubrity of any position in which a human being may be placed, to ascertain in what degree of purity he may breathe the air.

We know that animal respiration destroys that quality of the atmosphere by which life is sustained; it removes the oxygen and substitutes for it not only an impurity, but a positively deleterious substance—carbonic acid gas—besides also a large amount of watery vapor.

Every intelligent person can appreciate the value of purity in the food which he eats or the fluids he drinks, but as far as my ob-

servations have extended, the number is very small who fully understand either the great value of, or the means of obtaining, a corresponding purity in the air respired.

Let us in a brief manner glance at the *relative importance* to the animal system of these two great sources of its support and health—air and food. The comparison is made on the following grounds:

1. Fresh supplies of food are required only three times daily, but air must be furnished twenty times every minute.
2. Many impurities of food are detected, separated and rejected by the process of digestion. Indeed, for wise reasons, much of our ordinary diet is composed of innutritious matter. But the lungs have no power of separating the bad from the good of the atmosphere. On the other hand, what may be in the lungs a deadly poison, may in the stomach be refreshing and exhilarating, *e. g.* carbonic acid gas.
3. The quantity of food proper for a meal is limited by the *physiological* power of the stomach, which is far short of its areal capacity. The quantity of air that may be safely inhaled is limited only by the *physical* capacity of the lungs to receive it.
4. The function of respiration is the last act of digestion. The best food would be as useless as clay or sand without the aid of the oxygen of the atmosphere to convert it into blood. The more oxygen inhaled, the more perfect is the sanguification of the food.
5. Food may be eaten too rich and nutritious in quality; the stomach will pall at *ingesta* of such character; but atmospheric air can never be inhaled too pure or too abundantly.

Guided by these axioms we may deduce the rules of practice in relation to ventilation necessary for the maintenance of sound health.

At all times, under every circumstance, in whatever position, the air respired should be in perfect purity. The slightest deviation, by so much, impairs its sustaining and invigorating power.

It is estimated that under all the circumstances of household life *ten cubic feet per minute* are required to supply the lungs of each individual with perfectly pure air at every inspiration, *i. e.* to avoid all possibility of reinhaling the same air. In prisons generally there is no cooking, and but little combustion for warming and lighting; therefore but little exhaustion of oxygen other than by respiration alone. Making the proper allowances for these peculiar circumstances, it is safe to estimate the quantity

of air necessary for the continued pure respiration of a prisoner, at four cubic feet per minute. Each cell, if of the size of those at Sing Sing, when the prisoner is in it, contains about 160 cubic feet of air. Supposing the cell to be entirely close, and the respired air to be immediately on expiration removed from the vicinity of his mouth and nostrils, and to be replaced by a portion of the unrespired air of the cell, this will supply him with the latter for a period of forty minutes. He then begins to reinhale the air, and in forty minutes more it will all have twice passed through his lungs, in two hours a third time, and when shut up eight hours he inhales the same air twelve times.

But at Sing Sing the cell doors are grated, which renders the air of the halls accessible to the cells, and gives an amount of air to the inmates equivalent to perhaps three times that of the cell alone. Here, however, we have in the winter, the fires for warming, which consume a considerable quantity of the oxygen, and which also rarify the air more or less. At the most favorable estimate, supposing no air to be admitted into the building from without, which is the fact, except by the occasional opening of a door, the prisoners reinhale the air every two hours. Shut up for twelve hours, they breathe it over six times, and on Sundays being confined therein from noon, until six the next morning, the same air passes through the lungs nine times. Nor is this all; there being no specific or sufficient method of changing the atmosphere of the prison, even while the prisoners are in their workshops through the day, they must at night enter nearly the same atmosphere they quitted in the morning, and this must be repeated for weeks and months.

The natural *law of diffusion of gases*, by which an equilibrium of oxygen is obtainable in the atmosphere, whenever a communication is possible between any two bodies of air, tends in a considerable degree to overcome the evils of respiration in many similar places, but this cannot operate through stone walls, or even through transparent windows. The crevices of the windows and doors afford a little opportunity for its operation, but so utterly inadequate to the necessities of the case are these openings, or even the miscalled ventilating apertures of the roof, that they need not, and in practice should not be taken into consideration. There is, therefore, almost no ingress of external air, certainly none in a systematic or appreciable degree.

There are few who have not sometimes noticed the condition of

the air of an ordinary chamber in a common dwelling, say a room eighteen feet square, and twelve feet high, occupied by only two persons. The most scrupulously clean, if unventilated, will give an odor in the morning, after a night's occupation, which those who enter it from the fresh air, will find, to say the least, exceedingly disagreeable, though not cognizable at the time, by the senses of those whose pulmonary and other animal secretions have produced it. Yet in such a room there will be nearly 2,000 cubic feet of air for each person. Now let any one imagine himself to have slept (if sleep he could) all night in a cell with less than one-tenth, or at the largest calculation, one-fourth of this amount of air. It will be difficult to imagine the feelings with which the morning will dawn upon him; unrefreshed, feverish, exhausted with perspiration, and his blood overloaded with carbon, it is impossible to suppose himself strengthened for the laborious duties of the day. There are nine cells at Sing Sing especially devoted to punishment, having doors as nearly impervious to light and air as doors upon hinges can well be made. From the depths of these dark cells we have heard the voices of the inmates demanding release, who had been confined there several days, without any renewal of the air, except what was obtained by the hurried and partial opening of the doors when the meals of bread and water were thrust in. The air of one of these cells was tested with lime water, by the writer, and was proved to consist of an immense proportion of carbonic acid gas.

A brief illustration will now be given of the evils resulting from this exclusion of pure air and frequent inhalation of the same.

In the first place, oxygen being essential to the vigor and tone of the animal functions, a deficiency of supply must be evinced by an opposite condition of them, viz: weakness and prostration. The muscular, circulatory, digestive, and all other functions of the animal economy, depend, in a great degree, for their integrity and strength, upon a due decarbonization of the blood by oxygen. Hence if this process is not thoroughly performed, if the arterial blood reaches the heart, the stomach, or the muscles, in a condition unfitted to stimulate them to an active discharge of their functions, those functions cannot be executed with the same energy as when stimulated by blood in a proper state of oxidation.

Oxygen is the natural stimulus, carbon the natural sedative of the animal functions. By withholding the first, and thereby creating an accumulation of the other (and the latter effect is an inevitable

result of the former), the evil consequences of that condition will very soon be made apparent. They will be observed in a degree proportioned to the amount and length of continuance of the causes mentioned. They will vary in accordance with the diatheses of the individuals affected. In one, dyspepsia will be first apparent, in another headache, in another rheumatism, in all debility, loss of energy, despondency; and in many instances the seeds of serious and fatal diseases will be sown, or if already sown, will be nurtured and developed into maturity.

Under these circumstances, the system becomes much more impressionable by morbid influences. It is in a measure deprived of that energy which enables it to overcome the morbid agencies which ever surround it, and falls an easy prey to their never-ceasing attacks.

This increased sensibility to morbid impressions is evinced by the large proportion of individuals who are affected by sudden changes of temperature, diet or clothing. Their mental, as well as corporeal natures, partake of this irritability; oxygen, the main supporter of bodily and mental vigor, being withheld, the entire organism is influenced more or less by the preponderance of those disturbing agencies within the system which it is the province of the oxygen of the air to remove or neutralize.

Says Mr. Wyman, in speaking of the want of ventilation in the Massachusetts state prison, during the summer months, especially in July and August, "after one or two hot nights, the number of patients in the hospital is much increased. Their symptoms are a dull headache, dizziness, sometimes so great as to make them reel in attempting to walk, a sense of heaviness in the head, suffused eyes, and a quick pulse; to these are also added, prostration of strength and diarrhoea. These symptoms are soon removed by sleeping in the hospital, rest and simple medical treatment."

An instance of the exceeding sensibility to the influence of morbid agencies, produced by prison life, occurred on one occasion in the State prison at Sing Sing. Nearly 150 male convicts, almost a quarter of the whole number, were on one night attacked in their cells with cholera morbus. One of two dietetic changes was assigned as the probable cause; but I deem it quite safe to say, that whichever it might have been, neither would have been sufficient for such an extensive effect under the ordinary circumstances of civil life. It

was chiefly due to the morbid irritability and sensibility attendant upon the unnatural circumstances of prison life, of which I believe unventilated cells and rooms to be the most potent for evil.

The following case is copied from the 22d report of the Prison Association:

"A striking illustration of the effects of non-ventilation, occurred in the State prison at Auburn, about four years ago. During one cool night, fires were made in the stoves of the hall after the convicts had entered the cells, when the air became so foul that about 2 o'clock in the morning over forty of them were found in a state of partial or total insensibility and asphyxia, some vomiting, breathing hard, &c., and they were only rescued by taking them out, dashing cold water over them, rubbing them, and giving them fresh air, and appropriate medicines. Twenty or thirty were unable to labor the next day. These effects were manifestly from carbonic acid gas and other animal effluvia. Since that time, before making the fires in the morning, care is taken to purify the air thoroughly by open windows and doors, and other available means, but there is no systematic method of ventilation, although such a method might easily be applied, at a moderate expense, to the ultimate advantage of both health and economy." There is another source of this almost fatal influence, besides carbonic acid, which prevails more or less in almost every prison in this and other States, owing to the neglect of the necessary sanitary measures. Its almost constant prevalence in the cells and halls is discoverable by the olfactories of any visitor. I refer to the sulphuretted hydrogen gas and other poisonous emanations from the night vessels which pervade not only the cells in which they are placed, but also the entire area of the halls. The application of a disinfectant would totally obviate this most serious nuisance, and this can be accomplished by the occupant of each cell, in the most simple, easy and economical manner, by the use of a neat and simple apparatus in the form of a cover, called the *Ready Disinfecter*, recently contrived for the purpose. By the commission recently appointed by the N. Y. Prison Association, for the examination of all the prisons in the United States and Canada, we are told: "In all the State prisons, except those of Pennsylvania, night tubs for the cells are in use." The reason of the foul odor of these institutions containing from 100 to 1200 of these sources of sulphuretted hydrogen and ammonia, is therefore very plain, and the means for its prevention, just alluded to,

equally clear, and at a very trifling expense. Such a method of applying disinfectants should be attached to every night-pail and every water-closet in the country, as thereby all foul gases from that source might be avoided, and the drainage and sewerage everywhere would be also deodorized.

The ventilating and air-supplying apparatus of the Pentonville prison in England, is capable of giving each prisoner 30 cubic feet of air per minute, in his cell, while in but one or two of the prisons of this State, is there to be seen a system of ventilation in any degree adapted to the natural demands of health.

It is a well established principle in medicine that the pulmonary, cutaneous and other secretions of the human body will, when confined near the person, without sufficient dilution by atmospheric air, and kept at a certain degree of heat, become decomposed and produce poisonous miasma, which will react upon the body and generate disease within it. This is known as idio-miasma; the disease which it produces is peculiar, being marked by a certain train of symptoms which distinctly characterize it, and is known as the typhus or typhoid form of disease.

Especially is this poison eliminated when numbers of persons are crowded together without ventilation, and subjected, in addition, to filth and deficient or improper food.

From this source is derived the disease which has recently been so abundant and fatal among the immigrants from transatlantic lands. Crowded in the transport ships, without sufficient air to dilute the effluvia of their own bodies, the surrounding atmosphere becomes putrid and noisome beyond endurance; the loss of energy consequent upon the absence of the natural stimuli of life adds to the difficulty by increasing the filth and heat of the apartment, and the almost inevitable result is more or less of the ship or typhus fever.

The same disease, originating in the same causes—confined air, crowding, filth and heat—has frequently broken out in prisons; but, terribly fatal as it has sometimes been observed to be on ship-board, nothing that we have seen of its ravages there can compare with its devastating mortality in prisons. When occurring in these institutions it is called the *jail fever*.

It may prove instructive here to cite a few instances of the occurrence of this pestilence.

One of the earliest recorded is related by Camden in his "Annals of Elizabeth," as happening in 1577. "In these days," he

says, "while the judges of assizes sate at Oxford, and one Rowland Jenks, a saucy, foul-mouthed bookseller, was indicted for scandalous words against his princess, the greatest part of those who were present, whether through a poisonous and pestilential vapor, the stink of the prisoners, or damp of the ground, were taken in such a way that they died almost every one of them within forty days or thereabouts; and none else were touched with the contagion." \* \* \* \* "Almost all the jury died, and others to the number of three hundred, or thereabouts." Page 223.

Sir John Pringle, in his "Observations on Diseases of the Army," says: "Jails have been often the cause of malignant fevers, and perhaps nowhere oftener than in this country" (England). Lord Bacon remarks: "The most pernicious infection next the plague is the smell of the jail, when the prisoners have been long, and close, and nastily kept; whereof we have had in our time experience twice or thrice, when both the judges that sat upon the jail, and numbers of those who attended the business, or were present, sickened upon it and died. Therefore," he adds, "it were good wisdom that in such cases the jails were aired before they were brought forth." By this his lordship appears more solicitous, as was very natural, for the safety of the judges, jury and lawyers than for the prisoners confined in the jail, though the manner in which this was kept was undoubtedly the cause of the whole difficulty. In the philosophy of this suggestion Lord Bacon certainly appears less Baconian than usual.

In Storrs' Chronicles, as quoted by Pringle, is the following account of a similar endemic:

"In the year 1750, on the 11th of May, the sessions began at the Old Bailey, and continued for some days, in which time there were more criminals tried, and a greater multitude was present in the court than usual. The hall in the Old Bailey is a room of only about thirty feet square. Now whether the air was most tainted from the bar by some of the prisoners then ill of jail distemper, or by the general uncleanness of such persons, is uncertain, but it is probable that both causes concurred. And we may easily conceive how much it might have been vitiated by the foul steams of the bail dock, and of the two rooms opening into the court, in which the prisoners were the whole day crowded together till they were brought out to be tried. It appeared afterward that these places had not been cleaned for some years. The poisonous quality of the air was aggravated by the heat and

closeness of the court, and by the perishable matter of a number of people of all sorts, penned up for the most part of the day without breathing the fresh air, or receiving any refreshment. The bench consisted of six persons, of whom four died, together with two or three of the counsel, one of the under sheriffs, several of the Middlesex jury, and others present to the amount of about forty, without including those of a lower rank, whose death may not have been heard of, and without including any that did not sicken within a fortnight after the session."

Following this paragraph is a description of some peculiar features of this disease, which need not here be quoted. He then states: "By Dr. Huxham's observations we find that the same kind of fever has been frequent at Plymouth during the former war, occasioned by the number of French prisoners, and by the hospitals and other places being crowded with men taken out of our own ships actually ill of the distemper."

But the culmination of the intensity and mortality of this disorder was reached in 1756, in the Black Hole of Calcutta. One hundred and forty-six persons were there confined in a room eighteen feet square, from seven or eight o'clock in the evening, till six the next morning, when twenty-three only were found alive. Most of the survivors had a high putrid fever, of which some of them died soon after. As there were but two small windows in the apartment, it might reasonably be supposed that the deaths were caused by suffocation merely. But the attending circumstances prove that this was only the remote and not the immediate cause of the mortality. Had it resulted from mere want of air, the demand of the unfortunate men would have been for "air;" but the cry was for "water, water," a terrible thirst, with a raging fever, accompanied with drenching perspiration, and in many cases violent delirium, which are not the symptoms of suffocation merely. Among the survivors was a Mr. Holwell, an officer, who partially quenched his thirst by sucking the perspiration from his shirt, upon which it accumulated, and who, we are told, was, with the other survivors, seized with typhus fever after their liberation; a fact confirmatory of the character of the miasm which operated with such extraordinary virulence and rapidity.

To what extent the managers of British prisons have profited by the experience of these cases, may be judged from a recent report of the inspectors on the sanitary condition of the Provincial penitentiary, in Kingston, Canada. They inform us that an

epidemic of typhoid fever prevailed uninterruptedly in the prison during 1862 and 1863, and continued unhappily throughout the whole of 1864, and on the last day of the year there were still seventeen cases of fever under treatment. The total number of cases, and also the number of deaths, was indeed greater in 1864 than in 1863, though the number received in the prison was 100 less. In 1863, there were 258 cases, and in 1864, 381. The last year, 1864, was also marked by the continued prevalence of diarrhoea, no less than 206 cases having been admitted into the hospital, and a much larger number were prescribed for, who were not admitted.

The inspectors frankly admit this almost unprecedented condition to be due to two principal causes, viz: defective ventilation and imperfect sewerage, whereby the night soil was enabled to exert its poisonous influence effectively. The difficulty of providing good sewerage is due to the bad location of the prison, it being on a low level of ground. They propose to deodorize the night soil, and cart it away for agricultural purposes, but it is plain that without some such mode of applying disinfectants as the ready disinfectant before alluded to, but little advantage will be gained thereby.

Turning our attention to our own day and country, we find several instances of jail fever recorded. For instance, Prof. Jno. W. Francis, M. D., relates the following: "In the month of Sept., 1811, a febrile disorder, of the typhoid character, made its appearance in the debtors' prison in this city (New York); its origin was owing to causes similar to those which usually produce a vitiated state of the atmosphere in confined apartments, the want of pure air and the crowding of large numbers of persons together. The contagion thus engendered was observed to operate with peculiar severity upon those individuals who were suddenly introduced into this vitiated air."

Another instance, recorded by the same distinguished physician, occurred within three years after that. He says: "About the 16th of July, 1814, several cases of the *typhus carcerum* (jail fever), occurred in the Bridewell of New York. The disease was first observed to exist in an apartment of the institution commonly called the eastern wing, a room about 50 feet long and 25 feet broad. Within a very few days after, the complaint became more general; and out of 85 individuals at that time confined in this part of the building, nearly 40 were taken ill with symptoms char-

acteristic of typhoid fever. The disease in this instance, as in the former, was produced from the local circumstances of the place;—the crowded condition of the ward, the want of cleanliness about the person, and in the clothing of the prisoners, and the neglect of free ventilation. The increased impurities of the atmosphere of the apartment seemed to give additional activity to the virulence of the disease; of the persons thus affected, a large majority were those who had come from a pure air, and were but recently subjected to the noxious air of the place, several not more than 30 or 40 hours, and many not more than 3 or 4 days." In proof of the local origin of the disease, Dr. Francis alludes to the "healthy condition of the prisoners in other apartments of the Bridewell."

In concluding his report on these cases, Dr. Francis makes a remark, which, as it appears to have received general concurrence, demands a notice in this place, especially as I regard it erroneous in consideration of the hygienic laws necessary for the maintenance of general health, and the prevention of this disease in particular. He says: "It is a remark of most writers, that the infection of typhus, whether occurring in jails, ships, or elsewhere, becomes concentrated, and consequently more active by the cold of winter. This opinion is strengthened by the well known fact that a greater number of deaths take place from fevers of this nature, in our prisons, during the winter than in the summer season."

Against this opinion of my late learned and highly esteemed friend, I respectfully enter my dissent, and for the following reasons:

1. A certain degree of heat is necessary for the decomposition of the animal effluvia, which gives rise to the fever. Absence of ventilation causes an accumulation of these effluvia; and though I wish not to be understood as saying that cold will destroy the noxious character of the miasm, as is the case in yellow fever, yet some elevation of temperature is necessary to give it efficiency as a poisonous agent, and a low temperature has much influence in preventing the decomposition which brings the poison into existence.

2. We have a more rational cause for the increased severity and fatality of the disease in winter, in the fact that the doors and the windows are all closed, whereby the dilution of the poisoned atmosphere by fresh air from without is almost wholly prevented. In summer, these are generally all open, and thereby the concentration of the miasm is much prevented, while in win-

ter, in consequence of the confined atmosphere, this must rise to its highest point of intensity.

Mere cold, therefore, so far from aiding to increase the disorder, would in the open air have the opposite tendency, and it can only by preventing the dilution of the foul air, indirectly increase the activity of the contagion. The great necessity of thorough artificial ventilation at all seasons is thus increasingly demonstrated.

There cannot be much doubt that a great proportion of the fevers reported as occurring in prisons of the present day are due to the vitiated atmosphere of the cells and workshops. The reports from Ohio, already quoted, give 1,042 cases of different types within about three years, with an average of 500 prisoners.

During a visit made in the month of October last by the writer hereof, to half a dozen county prisons in this State, the foul odor herein alluded to was plainly discernible in all, and in two or three of them it was so excessively pungent as to render the air too foul to be endured. Nearly all the jails are connected with the court houses, also with the keepers' residences, hence it would create no surprise to hear, at any time, of a repetition of the dreadfully serious effects which occurred in 1577 at the assizes at Oxford, and at the Old Bailey in 1750, whereby not only the prisoners, but also the judges, the jurors, the attorneys and spectators were attacked with the zymotic poison, and killed thereby to the extent of several hundred. The late occurrences at Auburn, and in Kingston, Canada, before described, demonstrate how little benefit has been derived from those earlier disasters, all which troubles and mortality might have been avoided by the use of the simple instrument known as the *ready disinfecter*. Its application to every night-pail in prison cells should be a matter of sanitary statute. Every occupant of a cell would doubtless be pleased to have such a means of preserving his lungs and senses from the foul gases to which they are now subject, and would give it special attention, and by its use all danger of sickness from that powerful source would be prevented, both in the buildings and from the cesspools and sewers into which the pails are emptied.

Another very important point of the sanitary management of prisons is that of the *occupation of the inmates*. In nearly every one of the county jails they pass days, weeks and often months without any exercise whatever, being confined to the cells and corridors in total idleness, without even opportunity of exercise

by walking outside the building. The consequence thereof is necessarily debility of the muscular and nervous systems, with impairment of the digestive powers, rendering them more than ordinarily subject to the various disorders before alluded to. No human being can sustain his physical health and strength without a certain amount of muscular exercise and the respiration of pure air; hence it is the manifest duty of all who have the custody of criminals, which also involves the responsibility of their health, to furnish them with opportunities for the practice of those natural laws.

On the other hand, it is sometimes observed that in State prisons and penitentiaries the indoor labor of the convicts is required of them to an excessive extent, and without the needful amount of food and air to meet the physiological requirements of health and strength. The exhaustion thus produced is a manifest effect in many instances in prisons, but is very rarely observable among shop laborers out of prisons, because of their daily opportunities of partaking of the pleasures of outdoor exercise and breathing, and more especially are farm laborers free from it, on account of their more natural exercise and habits of life.

#### PUNISHMENTS.

The subject of prison punishments is an important hygienic, as well as moral and disciplinary question. The mental and physical influences exerted thereby are of importance to both the health and reformation of the convict, and the adoption of measures for the latter object is far more likely to maintain the former, than those which merely affect his corporeal feelings. The principal mode of corporal punishment heretofore and for a long time in vogue in the prisons of this State, by the *cat*, was finally carried to such excessive severity as to prostrate both the physical and moral powers of its subjects; the mental excitement produced by it became so great, and it so degraded the moral faculties, as greatly to diminish the reformatory disposition, and the Legislature very appropriately interposed, and by law prohibited it *in toto*.

The keepers who, during that practice, were, with occasional exceptions, too much devoid of those moral and humane sentiments which should preside over such duties, being thus foiled in the means of venting their passions and revengeful desires, resorted to the equally objectionable mode of punishment by the

*shower.* For this purpose the prisoner, entirely nude, is seated in a narrow box, with his head and arms immovably fixed, his head thrown slightly back, his neck encircled with a wide, trough-like collar, the edge of which turns up to a level with his mouth; and thus helplessly bound, there is poured upon him, in several large and rapid streams, from ten to one hundred gallons of cold water. The physiological effects of this may be understood by the following extract from a standard work on hygiene, by Dr. J. H. Pickford, of London:

"The pulse may be reduced to fifty beats in the minute, and may be irregular and quite imperceptible by long-continued action of cold water on the surface of the body. A shower or douche bath, delivering per minute from thirty to forty gallons of water, at 64° or 65°, will occasion the immediate depression and reduction of the pulse to this extent. A shower bath of eight gallons only, at 47°, reduces the *volume*, but does not affect the *frequency* of the pulse. At 74°, or 110°, no perceptible effect is observed."

Now if thirty or forty gallons (about one barrel) of water at a temperature of 64°, will reduce the pulse to fifty beats in a minute, it may readily be conceived that three barrels of water, at a much lower temperature, will completely paralyze the heart and destroy the life of the subject, as it *actually did a few years ago in the Auburn State prison, the individual being an able bodied man.*

The practice of confining convicts in dark, air-tight cells, for several days, or even hours, as is done in many prisons, is of all modes of punishment the most objectionable in a sanitary point of view, as each one is certain, after one hour's confinement, to inhale no other gases than the emanations from his own lungs, skin, and intestinal and urinary excrements, whereby all his vital energies become depressed, and the object of the punishment is wholly lost, in consequence of the depression of his mental functions rendering him incapable of appreciating the object had in view. In fact such a system of punishment endangers not only the life, but likewise the mental sanity of every one so treated.

The true and most effective mode of maintaining discipline, and promoting the reformation of prisoners, and also of strengthening their intellectual, moral, and physical powers, is to *encourage good behavior by offering rewards therefor.* The convict being deprived of all the advantages of every relation of life, personal, social, political, &c., an encouragement to hope for their restoration by an offer of the enjoyment of advantages while in confinement, and

more especially by a prospective abbreviation of his term of sentence, would doubtless be found the most rational, easy and effective method of maintaining discipline, and encouraging future good conduct. Let every prisoner see that moral conduct and obedience to law, is sure to meet with immediate reward, and the practice of it is certain in a great majority of cases; and such a lesson in prison is far more likely to be followed after discharge. Such a principle of education is as likely to be beneficial in a hygienic as in a moral point of view.

The topics which have been thus partially discussed, may afford some idea of the importance which should be attached to the office of Prison Medical Adviser, and in conclusion, a few remarks will be presented in reference to the duty of governments to bring to their aid in their prison departments, the services of the best medical talent. In the commencement of this essay allusion was made to prison medicine being a peculiar and distinct branch of the science. The broad principles of physiology, chemistry and anatomy of course cover this as well as every other department of it, but in its etiology, pathology and prophylaxis, there is much to be studied, which the ordinary practitioner sees nothing of.

Public hygiene, or state medicine, as it is termed in Europe, where it receives much attention, has become recognized as a distinct department of the profession. It embraces the study of *public health.* It considers the causes of diseases as they are presented on a large scale, having reference to the location of towns and dwellings, the character of soils, interior of residences, atmosphere, climate, sewerage, ventilation, nuisances, &c., and also statistical data of marriages, births and deaths. As a section of this department of the science, and yet as connected with the practice of the art, prison medicine should be specially regarded, in which case it would savor of wisdom to place the medical superintendence of all prisons upon such a footing as respects rank, stability and remuneration, as to enable it to procure the best of that species of talent which it peculiarly demands.

Human beings are to be observed and treated in those institutions in masses, as well as individually. Hundreds being subjected to the same rules of diet, clothing, residence, labor and emotions, their diseases and treatment are to be regarded in the same collective manner, while they also come under the eye of the physician individually.

We have a great deal in prison medicine yet to learn, and the



remuneration of the medical officers should be sufficient to induce the most experienced and most capable men to occupy those positions.

Among the questions which the physician of a prison is frequently called upon to decide is that of the insanity of the convicts, one of the most delicate and difficult of all. The most careful and acute observations, the most adroit and scrutinizing investigations, will sometimes fail to render a satisfactory solution of the case. It may be feigned, it may be real, the subject may be a responsible or an irresponsible being, and if this nice line of distinction between sanity and insanity may baffle the ability of a master, surely its decision should not be left to a tyro. While the physician should be able to point out clearly the really disordered minds, he should also be able with bold cunning to meet the machinations of those whose whole lives have been spent in deception, and are ever ready to escape from labor. Neither is it always easy to detect the feigning of corporeal diseases—a point of practice which the ordinary practitioner of medicine is never required to perform, but which in prisons is a matter of almost daily occurrence.

Sound judgment, correct knowledge, and no little industry are necessary to enable the medical officers of our large prisons to keep the records of their doings intelligently and well.

#### IV. PRISON REFORM IN THE CONSTITUTIONAL CONVENTION.

The Prison Association of New York congratulate their fellow-citizens and the friends of prison reform generally on the success of their efforts with the Convention which has just completed the revision of our Constitution. The provision adopted by the Convention, if sanctioned by the suffrages of the people, and so made a part of our fundamental law, will undoubtedly constitute the most important advance ever made in our State both in the theory and practice of prison discipline. If, as we doubt not will be the case, a board of wise and experienced men shall be appointed to manage our prisons and the requisite legislation shall be had, nothing short of a revolution will be effected in our prison system; a revolution none the less glorious because it will have been bloodless; a revolution in the interest of public order, security and virtue, as well as of humanity, religion and civilization.

The two great forces opposed to a genuine and permanent reform in our prison system have been political appointments and a consequent instability, resulting from perpetual change, in their administration.

After an examination of all the prisons in our State, the Association, in their report for 1863, held the following language:

"The extent to which partisan politics enters as an element into the government and administration of all our State prisons has been made sufficiently manifest in the preceding paragraphs. In point of fact, this is the controlling power; and our prisons, under existing constitutional and statutory provisions, are managed, and, we fear, must continue to be managed, to a very great degree, as political machines.

"It requires no great penetration to see that a system of appointment to office, such as that described above, must be extremely prejudicial, if not disastrous, to our penal institutions. It is evident that a wise, vigorous, steady and successful administration can be secured only by the appointment of men qualified by nature, education, taste and habit for the important positions

they are to occupy. That a merely political appointment affords no guaranty of such qualifications might be inferred from the nature of the case; and such inference is abundantly confirmed by the teachings of experience. The great objects of prison discipline, the safety of society and the reformation of the transgressor, can never be secured while appointment to office is in the hands of mere politicians. Persons so elected, sensible of their dependence on party rather than fidelity for their tenure of office, naturally, if not unavoidably, look to political chieane more than to a faithful discharge of their duties for continuance in their places. But more than this; where political influences control appointments, the selection of incumbents, in the first instance, is often, perhaps commonly, governed by other considerations than their fitness for the work to which they are called. Yet there is scarcely any other business where so much depends on the peculiar qualifications of the persons charged with it. It is a duty not to be learned in a day, and its efficient and successful performance requires a union of rare qualities—kindness, judgment, a quick and keen insight into character, a strong instinct of justice and a large and varied experience. To change the men relied upon for such a work with every fluctuation of party is to strike a fatal blow at that steadiness and uniformity of administration, which are essential to full success, and especially to an onward march towards perfection.

"The only remedy for this condition of things, as far as the committee can discern, is such a modification of the system of appointment to office, as shall withdraw such appointments from the maelstrom of party politics, and thereby impart greater stability and permanence to the executive administration of the penal institutions of the State. But how can such a change be effected? Not otherwise than by a change in the fundamental and statutory law of the Commonwealth. Fortunately, a convention to revise the Constitution, periodically provided for by that instrument, will be chosen, and will convene to do its allotted work, in 1866."

Thus early were the thoughts of the Prison Association turned towards the Constitutional Convention, in the hope of securing, through the action of that body, the needed improvements in our prison system.

After another and still more thorough examination of the prisons of our State, the Association, in its report for 1864, remarks:

"Our deliberate opinion is that, under the present system of appointment and election to office [meaning political elections and appointments], \* \* \* \* the entire theory of our penal system is rendered nugatory. Inspection may correct isolated abuses, and philanthropy relieve isolated cases of distress; but real, systematic improvement is impossible."

The exhaustive examinations, made by the Association this year (1864), wrought the conviction that the defects and imperfections of our prison administration were such that the whole system needed not only to be revised but revolutionized. Under this conviction, a committee was appointed to report a plan for its reorganization. Said committee was composed of the following gentlemen, viz: Messrs. Theo. W. Dwight, Wm. F. Allen, John T. Hoffman, Francis Lieber, Thomas W. Clerke, John Ordronaux, John Stanton Gould, John H. Griscom, E. C. Wines, and R. N. Havens. Subsequently, J. W. Edmonds and G. B. Hubbell, were added to the committee to supply vacancies occasioned by the withdrawal of Messrs. Clerke and Ordronaux.

The special objects had in view in the appointment of the above committee were, the preparation of an article relating to prisons, to be submitted to the Constitutional Convention for insertion, if approved, into the amended Constitution, and—a much graver labor—the preparation of the draft of a bill, containing the detailed legislation deemed necessary, to be submitted to the Legislature for enactment, as far as its provisions might seem wise and salutary, into statutory law.

The committee, after meeting in conference several times, though they saw clearly the defects to be remedied, did not see so clearly the appropriate and effective remedies to be applied for their removal. They felt that to the successful prosecution of the work assigned them, the broadest possible induction of facts, bearing upon the subject, was not only desirable but essential. They therefore proposed two commissions to prosecute the necessary inquiries and gather the desired facts; one to visit the States of our own country, and to examine their prisons and prison systems; the other to perform a like service in reference to the penal institutions and systems of such European countries as are known to have made the most marked progress in the science of prison discipline and its application in the management of prisons. The committee made application to the Legislature, by memorial, for

the funds needed to carry these projects into effect. The following is the prayer addressed by them to that body:

*"To the Honorable the Senate and Assembly of the State of New York:*

"Gentlemen: The memorial of the undersigned, a committee appointed by the Prison Association of New York, to take into consideration the organization of the prisons of the State, and to report a plan for their re-organization, respectfully represents:

"That the examination of the prisons of this State, made during the past two years, have revealed such imperfections and defects in them as to convince the Association that a thorough revision of our prison system is needed, and that material reforms ought to be introduced therein. In this view the Association created the present committee, and charged them with the duty named in the preceding paragraph.

"The work assigned to the committee is of great breadth and magnitude. Its importance both to the moral and material interests of the State cannot easily be exaggerated. In entering upon it, the committee was met, at the threshold, with the want of light to guide them in their labors. They saw clearly that our prison system, as at present organized, is, in several respects, extremely defective; but they did not so distinctly see how the defects could be remedied, nor the precise nature of the reforms needed. To the end that they might obtain the information deemed, if not essential, at least highly important, to the successful discharge of the duties laid upon them, the committee applied to the Association for authority to send out two commissions, one to the States of our own Union, and the other to Great Britain, and possibly to some of the states of continental Europe, known to have made the greatest progress in the science of prison discipline, to examine their prisons and prison systems, and make full report of the results of their observations and researches. The authority asked was readily granted by the Executive Committee.

"The executive committee felt, as the undersigned feel, that light is wanted, and that it should be sought in all quarters where there is hope of obtaining it. They know that several of the States of our Union have prison systems of much merit, and that even in cases where the system, as a whole, is far from perfect, there may be special points of excellence which might be wisely transferred to our own, in seeking to give it an improved organization. They know that the public mind of Europe, and partic-

ularly that of England and Ireland, has been, for the last ten or fifteen years, directed with earnestness to questions of prison discipline and prison reform, and that much solid progress has been made in that direction. Doubtless much valuable information as to what has been accomplished, is already within our reach, embodied in prison reports, parliamentary blue books, and publications of various name. But many of the works upon which we must rely for whatever knowledge we may obtain, particularly in reference to the rival systems of England and Ireland, which are the most important for our purpose, are of a controversial and partisan character. The writers have, almost without exception, some special theory or favorite point to maintain, and their discussions are often so warm as to be marred by no little acrimony. This makes it difficult, at times, to arrive at a satisfactory conclusion as to what the truth is, and leaves the inquirer perplexed and doubtful as to the real state of the facts in a given case. Besides, no printed report of any kind, however impartial and trustworthy, gives us either all the information we want or of just the kind we want. The minute details, the springs and wheels by which the machinery is moved, the anatomy of the system (if we may so say,) in all its ramifications, in short, a thousand things which would throw important light upon the subject, and be of essential service to guide the Association in framing an improved prison system for New York, are apt to be omitted from the publications referred to, if for no other reason, because of their familiarity to the writers of such publications.

"The policy of sending out commissions for the purpose of making examinations of the kind now proposed, if the occasion be of sufficient magnitude, will not be questioned. Such commissions were familiar to the usage of even remote antiquity. The wisest and most valuable code of laws known to the ancient world (always excepting that dictated to Moses, by the Deity himself), was the result of such a commission. We refer to the Roman Laws of the Twelve Tables; a work of which Cicero had so high an appreciation that he declared his preference to it alone over all the writings of the philosophers. But it is in modern times, and since nations have become, to an extent unknown in former ages, intertwined and homogeneous in their interests, their sympathies, and even their institutions and laws, that such commissions have been most common and most fruitful of beneficial results. Commissioners have been sent from the United States and from individual States and

cities to Europe, and from the States of Europe to this country, to obtain light and information in reference to industrial pursuits, both agricultural and mechanical; with reference also to military affairs, naval architecture, moral institutions, the best modes of lighting cities with gas and supplying them with effective systems of sewerage, and other subjects almost innumerable. This very interest of prison reform has itself afforded the most signal example of the utility and wisdom of such agencies. Some thirty years ago, France sent two commissions, and Great Britain and Prussia each one, to this country, to examine the prisons and prison systems of the United States, then esteemed the best and most enlightened in the world. It is to the wise forecast of those nations, in commissioning and sending out some of their most eminent citizens on agencies of this sort, that they are indebted for the improvements since introduced into their penal institutions. There is reason to believe that, as sometimes happens in other things, the pupils have, in some respects outstripped their teacher, and that, as they formerly came to school to us, so we may now go to school to them to our advantage. At all events, there can be no doubt that our prison system needs material amendment. The Prison Association, deeply convinced of this, has entered upon the vast labor of devising a plan for its reorganization. In this work they need, and they respectfully ask, the co-operation of the Legislature. We claim to be, and truly are, the Empire State of the Union. Our institutions, then, ought to be worthy of our pre-eminence, in all respects a model to the nation and the world; and, certainly, no less a model in our agencies and modes of dealing with criminals, than in the other great interests of a commonwealth.

To enable us to discharge, in the best and most effective manner, the duty assigned us by the executive committee, by aiding us to obtain, in the way indicated, the light deemed essential to such a performance of it, the undersigned respectfully ask your honorable bodies to increase your usual appropriation to our treasury to such sum as to your wisdom shall seem proper and necessary. And your memorialists will ever pray, &c.

THEODORE W. DWIGHT, *Chairman.*

WM. F. ALLEN,  
JOHN T. HOFFMAN,  
FRANCIS LIEBER,  
THOMAS W. CLERKE,  
JOHN ORDRONAU,

JOHN H. GRISCOM,  
R. N. HAYENS,  
JOHN STANTON GOULD,  
E. C. WINES.

NEW YORK, *January 10th, 1865.*

The undersigned, members and friends of the Prison Association, concur in the prayer of the committee as presented in the foregoing memorial:

Daniel Lord,	D. P. Ingraham,	George Griswold.
Wm. M. Evarts,	A. Oakey Hall,	James Boorman,
A. W. Bradford,	B. W. Bonney,	Jonathan Sturges,
Edwards Pierrepoint,	F. B. Cutting,	John Taylor Johnston,
David Dudley Field,	James Brown,	Thomas C. Acton,
Charles P. Kirkland,	A. A. Low,	John E. Bergen,
	Wm. McMurray.	

Dated NEW YORK, *Jan. 10th 1865.*

The prayer of the committee, reinforced by the concurrence of the eminent citizens recited above, failed of its effect—the Legislature refusing the appropriation asked for. Nevertheless, in the spring of 1865, Messrs. Dwight and Wines were appointed commissioners to visit, examine and report upon the prisons and prison systems of the several States composing our Federal Union. These gentlemen, during the ensuing summer and autumn, executed the task imposed upon them; and the result is a Report on the Prisons and Reformatories of the United States and Canada, in a public document of 547 pages, published by the Legislature in 1867.

Still intent upon the same great object—the securing of adequate and suitable legislation both constitutional and statutory—the Association, in 1866, through a large and able special committee, made a searching investigation, by sworn testimony, into the management of the State prisons, with special reference to the effect of political appointments and the contract system on their government and administration. Intelligent ex-officers of prisons, as well as actual incumbents, were examined at great length; and the facts elicited, many of which were of high and some of startling significance, had, without doubt, no little weight with the members of the Convention in shaping their action and controlling their votes on this subject.

But the Association did not confine itself to these general efforts. Its committee on the re-organization of our prisons, soon after the assembling of the Convention, submitted to the body the following memorial:

*"Gentlemen of the Convention:*

"The memorial of the undersigned, a committee of the Prison Association of New York on Prison Reform, respectfully represents:

"That it is now more than two years since we were appointed by the Executive Committee of the Prison Association a committee to consider the present organization of our prisons, and to report a plan for their reorganization. During this period we have had the matter under consideration, and have been collecting facts and studying principles, with a view to the satisfactory performance of the duty assigned us. In the prosecution of our labors, two of our number were commissioned in 1865 to visit other States, and examine their prisons and prison systems. These gentlemen pursued the inquiries with which they were charged, in eighteen States, and to some extent in Canada also. They have embodied the result in an extended report, which is now going through the press, and will, as soon as issued, be laid upon the tables of members. In further prosecution of the work required at our hands, a commission was last year appointed, clothed with special power by the Legislature to call former as well as present prison officers before them, and receive their statements, under oath, touching the condition and management of our prisons. Some twenty or more witnesses were examined, most of them gentlemen of great intelligence and large experience. A paper, giving the results of this examination, together with the evidence itself, as taken down from the witnesses, is printed in the twenty-second annual report of the Association, just issued, which report will also be laid upon the tables of members.

"The undersigned do not propose to weary your honorable body with the details of the two investigations referred to; these will be found fully set forth in the reports, either placed, or to be placed, in your hands. In Pennsylvania, party politics is not felt as a disturbing element in the management of the prisons. The inspectors are appointed by the Supreme Court of the State, and they, in turn, choose the wardens; and these officers are retained in their positions without the slightest regard to their political affinities, as are also the subordinate officers, appointed by them. As respects politics, it is much the same in Massachusetts. The appointment of warden is made by the Governor and Council, and he holds his office as long as he is found faithful and is willing to serve. He also, virtually, appoints his subordinates,

in doing which he never takes account of their party connections, and never removes an officer on that ground.

"In most of the States, as well as in our own, political influence exercises much power in the government and administration of the prisons; although in none of them, we believe, does this influence make itself felt to the same extent, or operate so disastrously, as in New York. Here it is the dominating power. The prisons constitute a part of the political machinery of the State; and, in their management, the interest of the convict and the community is often sacrificed to that of the politician. This is the bane of the system. It lies at the root of most of the evils connected with it; and, in particular, it is the cause of that instability in the tenure of office and that want of permanence in the executive administration, which renders improvement difficult and all approach towards perfection quite out of the question.

"We freely acknowledge the utility and importance of party politics. Within its appropriate sphere, it has a generous and noble function. Without its restraining force, the ruling power, intoxicated with its prerogative, unawed by the vigilance of opponents, and released from all feeling of responsibility, would degenerate into despotism; and tyranny would hold a perpetual carnival. But there are some things which it touches only to mar. There are precious interests, in reference to which the warning must be sounded, "Touch not, handle not." Religion is one of these; education is another; and, surely, the penal institutions of the State constitute a third, since they combine, in a high degree, the characteristics of both the others, being at once, if they are what they ought to be, religious and educational.

"One of the main objects we have had in view, in prosecuting the work confided to us, has been to devise some means of divorcing, so far as may be practicable, our prisons from politics, and so of freeing them from this baleful and blighting influence. This divorce can be effected only by a change of constitutional provision; and for such change our recourse must be to your honorable body. We have prepared the draft of an article to be inserted, if it meet your approbation, in the amended constitution, which you were chosen to frame. This draft has been submitted to the Executive Committee of the Prison Association, and has been unanimously approved by them. It is in the words following, to wit:

"There shall be a board of governors of prisons, who shall have the charge and superintendence of the State prisons, and

power to appoint the wardens or principal keepers, the chaplains, clerks and physicians thereof, and the power of removing the officers above named and the other officers in the same; but such removal shall be for cause; and the accused shall, in all cases, be entitled to be informed of the charges against him, and to be heard in his own defence. Said board shall also have the superintendence, with power of visitation, of all institutions for the reformation of juvenile delinquents and the prevention of crime. It shall consist of five persons, to be appointed by the Governor, by and with the consent of the Senate, who shall hold office for ten years, except that the persons first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one of the persons, so appointed, shall expire at the end of each two years during the first ten years. Any vacancies in office, afterwards occurring, shall be filled in the same manner. They shall receive such compensation as shall be established by law.

“The Legislature may confer such powers and impose such duties upon said board of governors in respect to the county jails, local or district penitentiaries, and other penal institutions within the State, as shall be deemed expedient.”

“We respectfully submit the foregoing paper to your consideration, in the hope that it may so approve itself to your judgment that, by your official action, it may be incorporated into the fundamental law of the State.

“And your memorialists will ever pray, &c.

“THEO. W. DWIGHT, *Chairman.*”

WM. F. ALLEN,  
FRANCIS LIEBER,  
JOHN STANTON GOULD,  
JOHN H. GRISCOM,  
G. B. HUBBELL,  
E. C. WINES,

*Committee.”*

“ROOMS OF THE PRISON ASSOCIATION, 38 BIBLE  
HOUSE, NEW YORK, June 27, 1867.”

Mayor Hoffman, being absent from the city the day when the above paper was signed by the other members of the committee, on the next day sent the following despatch to the Corresponding Secretary at Albany:

NEW YORK, June 28th.

“I approve the proposed clause relating to prisons, striking out compensation. Provision should also be made for removal, as in case of other officers, for cause.”

JOHN T. HOFFMAN.

On the 14th of September, a majority of the Standing Committee of the Convention on State Prisons and the prevention and punishment of crime, submitted an elaborate report upon the subject, accompanied by the draft of an article, which provided for the appointment of a single superintendent instead of a board of governors, and otherwise differing materially from the plan proposed by the Association. The minority, however,—Hon. C. C. Dwight,—submitted a counter report, accompanied by an article embodying, in substance, the proposition of the Association.

While the matter was in this position before the Convention, on the 27th of November, the Corresponding Secretary addressed the following communication to the President of the body:

“HON. WILLIAM A. WHEELER, *President of the Convention to revise the Constitution of New York:*

“SIR—As the official organ of the Prison Association of New York, I have the honor to address to you the following communication, with the request that you lay the same before the honorable body of which you are the presiding officer.

“The Prison Association, charged by law, among other duties, with that of seeking the improvement of prisons and prison discipline, addressed the Constitutional Convention, in the early days of its session, a memorial embodying the views of the constitutional provision required to give effect to the needed reforms in our prison system. The memorial included the draft of an article, such as appeared to them suited to be incorporated in the fundamental law. Said article is in the words following to wit:

[See memorial above.]

“The paper addressed to the Convention was signed by the following gentlemen, a committee of the Association, viz: William F. Allen, John T. Hoffman, Francis Lieber, Theodore W. Dwight, Jno. Stanton Gould, Gaylord B. Hubbell, Jno. H. Griscom, and E. C. Wines. The provision submitted to the Convention was the result of long and careful deliberation.

A majority of the Committee on Prisons have submitted to the Convention a prison system for the State, differing materially from

that suggested by the Association. A minority of said committee, dissenting from the judgment of the majority, has submitted a proposition substantially in accord with the recommendation of the Association.

"The undersigned has been instructed by the Prison Association to use his best efforts to conciliate the Convention to the measure which it has proposed and recommended. Being confined to my bed by a fractured leg, I have no means of obeying these instructions other than that of addressing the present communication to the honorable Convention, and bespeaking their candid consideration of the suggestions herewith submitted.

"There are two propositions which the Prison Association conceives to be essential to the comprehensive reform needed in the prison system of our State, and which, therefore, it earnestly desires to see incorporated into our fundamental law. The first is the removal of the government and administration of our prisons out of the arena of party politics; and the second, the creation of a central authority, in some form, which shall have the oversight, and to a certain extent, the control of the whole penal and correctional system of the State.

"I have an intimate conviction—and herein my judgment is but a reflection of that of the society which I represent—that both these objects can be better attained through the agency of a central board than through that of a single superintendent.

"1. The Executive Committee of the Prison Association includes among its members gentlemen in both the great political parties, who cordially united in recommending the provision submitted to the Convention. Judge Wm. F. Allen, made the original draft of the proposed article, which was variously amended by Mayor Hoffman, Dr. Francis Lieber, and Hon. Chas. J. Folger, and finally assumed a form which united the suffrages of all the gentlemen whose names are affixed to the paper. We had thought it no small advantage and no insignificant recommendation of our plan, that gentlemen of opposite political parties, so distinguished—representative men, they may be justly named—after long conference and the most mature deliberation, had, with entire unanimity, agreed to propose it to the favorable judgment of the Convention. I still think it a consideration of some weight, and hope it may have whatever influence fairly attaches to it.

"The centralization of large powers in one man is contrary to the genius of our institutions and to our traditional policy in all

the departments of the public administration. A restricted responsibility is no doubt more perfect than one more diffused, and the penalty for its violation more readily exacted. But the principle, pushed to its logical, that is, its extreme limit, would lead to the establishment of despotism as the best scheme of government, since, in such a government, all the powers of the State being centred in one man, responsibility would thus receive its utmost concentration. The limitation of responsibility to one man in the great interest under consideration might be purchased at too dear a rate, involving sacrifices, in other directions, to which it could in no sense be regarded as an equivalent; and I think that this will be made apparent by the considerations to be submitted under the following head.

"3. The nature of the work to be done is an argument in favor of a board of councillors rather than an individual officer. If we had, already in operation, a comprehensive prison system, embracing all classes of preventive, reformatory, detention, and punitive institutions, working out their beneficent results to the satisfaction of the community, one man might possibly be safely placed at the head of the whole system, and entrusted with its sole and exclusive management. But this is far from being our condition. On the contrary, our whole prison system needs reforms so comprehensive that their inauguration might well nigh be regarded as a revolution. Again and again have I heard Mr. Hoffman, while holding the office of recorder, say that he looked upon our State Prison system as a wretched failure. There can be no doubt that many and most important modifications are needed in the organization and working of this class of our penal institutions. Then there is required the creation of a whole class of institutions of a preventive character into which vagrant and truant children, who have not yet become criminal, but are in imminent danger of crime, should be received and properly trained intellectually, morally, and industrially. Here is the true field of promise, where labor may be most successfully and, I have no doubt, economically applied for the repression of crime. Next our county jails demand the most earnest study and the exercise of the highest wisdom in the organization and introduction of measures of reform. As at present constructed and managed, they are scarcely less than a disgrace to the intelligence and civilization of our State. The officers in charge generally do the best they can; but it is the *system* that is in fault. It is here that changes, broad

in their scope, and thorough-going in their character, are imperatively required. Then we want, to complete our prison system, a class of State institutions, of the nature of houses of correction, intermediate between the common jail and the State prison, placed at convenient points throughout the State, to which persons convicted of minor offences, and even to those convicted of more serious crimes for the first time, could be sentenced where hard labor, education, moral and religious agencies, and other reformatory processes could be employed upon them, and where they could be subjected to these influences long enough to have their idle, vagrant and vicious habits broken up and replaced by habits of industry, order and virtue.

"Where shall we find any one man in this State, or this nation, possessing the wisdom, experience, judgment, and powers of labor, adequate to the performance of so great and varied a work as this? If we can find five, whose united abilities are equal to the task, we may consider ourselves fortunate indeed. Besides, no one man, however large his powers and capacities, could ever gain that *prestige* and moral weight in the community, which would naturally attach to a body of sage and able councilors. Will any man affirm that the judgments of the Supreme Court of the United States or of the Court of Appeals in our State, would possess that weight and authority, if rendered by one man, which are now readily yielded to them, from the fact that they are, in each case, the result of the combined deliberations of a large body of learned, wise and able jurists? Would there not be the same difference between the moral influence of a single superintendent of prisons, and a board of competent men to act as overseers and governors thereof? It certainly seems so to me, however others may regard it.

"4. A good deal of stress, I believe, is laid upon the proposed creation of local boards of supervision in connection with the several State prisons and the alleged great value of such an agency in their administration. To this it is a sufficient answer to say than an agency of this kind may just as well consist with the supervision of a board as with that of an individual officer. For one, I certainly have no objection to such additional boards, but would, rather than otherwise, favor their establishment, since various important and useful functions might be exercised by them.

"It is with some hesitation, Mr. President, and with great

respect and deference, that I venture to make this communication to the Convention, but I know not how, otherwise, I can, under the circumstances, comply with the instructions of the Society which I represent.

"I have the honor to be, sir,

"Very respectfully,

"Your obedient servant,

"E. C. WINES."

Dated at IRVINGTON, N. Y., Nov. 27, 1867.

The Convention, in their final action upon the subject, rejected the proposition of the majority of the committee, and adopted that of the minority. The article, as incorporated into the amended Constitution, and to be submitted to the people, contains three sections, and is in the words following, to wit:

"SECTION 1. There shall be a Board of Managers of prisons, to consist of five persons to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years; and vacancies in the offices afterward occurring shall be filled in like manner. Such Board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to the county jails, the local or district penitentiaries, and other penal or reformatory institutions, within the State, as the Legislature may by law impose upon them. Such Board shall, from time to time, elect a secretary, who shall be removable at their pleasure, who shall perform such duties as the Legislature or the Board may prescribe, and shall receive such salary as the Legislature shall determine. The members of the Board shall receive no compensation other than reasonable travelling and other expenses, while engaged in the performance of official duty. And the Legislature at its first session, after the adoption of this Constitution, shall limit the amount of such expenses, which limit shall not be changed except at intervals of five years.

"SEC. 2. Such Board shall appoint the warden (or chief officer), the clerk, physician, and chaplain of each State prison, and shall have power to remove either of such officers for cause only, after opportunity to be heard in his own defence, upon written charges.



All other officers of each prison shall be appointed by the warden (or chief officer) thereof, and shall be removable at his pleasure.

"SEC. 3. The Governor may remove either of the managers of prisons for malfeasance or misfeasance in office, after having furnished him with a copy of the charges against him, and giving him an opportunity of being heard in his defence."

These provisions, if adopted by the people of the State, and carried out in the spirit in which they are framed, will, we are persuaded, accomplish the two great ends which the Prison Association has had so much at heart—the removal of our prisons from the domain of party politics, and the impression upon their administration of a character of stability and permanence, to which it has hitherto been a stranger. These objects secured, there is no limit to which the improvement of prison discipline may not be pushed, but that which is imposed by the imperfection of human virtue and the fallibility of human wisdom. Under a constitutional enactment like that recited above, and statutory legislation framed and administered in the same spirit, there is no reason why the prison system of New York may not, in the course of a few years, rival, in excellence and efficiency, that of Ireland, and become the model system for the whole country.

## V. REPORTS ON FOREIGN PRISONS BY CORRESPONDING MEMBERS.

### I. REPORT ON ENGLISH PRISONS.

By Sir WALTER CROFTON, Author of the *Irish Prison System*.

In the paper which, at the request of the Prison Association of New York, I have now the honor to forward, I do not propose to discuss the prison discipline which was carried on in this country prior to the year 1853, at which time most important changes became necessary in consequence of the restriction of transportation to the colony of Western Australia.

In order to meet difficulties which involved a most material alteration in the prison system of the United Kingdom, a statute was enacted in 1853 (16 and 17 Vic., c. 99), under which convicts could be liberated at home upon tickets of license at certain periods of their sentence. This act also authorized the substitution of certain terms of penal servitude for the shorter terms of transportation heretofore passed, *i. e.* four years penal servitude for seven years transportation, &c.

The alarm which existed throughout England during the operation of this statute, involving as it did the liberation of a very large number of convicts annually on tickets of license, cannot very easily be exaggerated.

The authorities were blamed by the public for not retaining the criminals in prison during the whole term of their sentences; but this was manifestly unjust, for it would not have been possible, consistently with good faith to the prisoners, to have so retained them.

There was another course which might have been followed without injustice, and which would have been calculated to excite far less alarm in the country, *viz.* to retain the convicts in prison until the periods of time fixed by the statute of 1853 as equivalent to certain terms of transportation. Under this practice the criminal under sentence of seven years' transportation would not have been liberated until he had served four years. Time would

thus have been given for the institution of a system of ticket of license which would have proved a real check upon the holders, and a protection to the public; and would have so restricted the numbers liberated as to make them manageable.

This course was pursued by the Irish Government at my recommendation, when I was Chairman of the Board of Directors of Irish Government Prisons, and it most assuredly prevented the outcry which arose in England. In the meantime steps were taken to organize a good and effective system of ticket of license, under which the public would have some guarantee of the amendment of the convict, who would be very materially checked in any attempt to return to crime. By referring to the Annual Reports of the Directors of Irish Convict Prisons for 1855 and subsequent years, the plans pursued, and their development, will be seen.

In brief, the course recommended and carried out was, that no convict should be liberated on ticket of license without proving his fitness for the privilege by industrious conduct during detention; that this conduct should be tested by a system of "marks," and by his being placed, towards the termination of his period of detention, with diminished supervision, in a position analogous to that of freedom. In Ireland this was termed the intermediate system, which has for many years proved a very valuable filter between the ordinary prisons and the public.

In addition to this treatment of the convict whilst under detention, he was after liberation on ticket of license subjected to a well regulated supervision by the police.

It was held that by this plan being pursued, the public would be protected, and the convict be better prepared for release. I need scarcely state how very successful this system has been proved by the experience of ten or eleven years.

But to return to the operation of the act of 1853 in England; the alarm consequent on the large discharges of criminals during 1854-55-56, without any safeguards for the protection of the public, gave rise to the appointment of a Select Committee of the House of Commons in 1856, for the purpose of inquiring how far the alarm was due to the act of 1853.

The report of the committee of 1856 led to the act of 1857. Under this statute (20 and 21 Vic., cap. 3) sentences of transportation were altogether abolished, and were replaced by sentences of penal servitude, power being given to send prisoners so sen-

tenced to Western Australia when required. A shorter sentence than had heretofore been sent to the convict prisons was instituted, viz: three years penal servitude. I do not believe that this statute was ever developed, so as to give effect to the intentions of the committee, as expressed in their resolutions, or to the wishes of the Government. The intentions of the committee were that sentences should be lengthened, and the introduction of three years penal servitude was consistent with this view, having been intended to apply to prisoners who would heretofore have been sent to county prisons with a sentence of two years imprisonment.

Instead, however, of this being the case, a practice resulted of giving three and four years penal servitude to prisoners who would formerly have received sentences of seven and ten years transportation. These short sentences, still further shortened by tickets of license, conduced to a state of things which gave an immunity to our criminal classes. Had a well regulated police supervision been in force in England at that time, the results would have been less serious than they were—and this I think is evidenced by the facts in Ireland; for although the short sentences proved a serious drawback to prison discipline, no great evil was the consequence.

Public opinion expressed itself so strongly upon the necessity of establishing a good system of treating convicts; and the National Association for the promotion of Social Science having also urged the point upon the Government, a Royal Commission was appointed in 1862 to inquire into the operation of the penal servitude acts and convict discipline generally.

The report of the Royal Commission recommended—

1. That sentences should be lengthened.
2. That the early stages of imprisonment should be made more deterring and severe.
3. That the large prisons should be subdivided, so as to deal with convicts in smaller numbers and improve their classification.
4. That the mark system should be introduced.
5. That the amount of gratuities should be diminished.
6. That some steps should be taken to render the identification of prisoners more complete.
7. That convicts discharged on tickets of license in this country should be strictly supervised.
8. That female convicts should be aided on discharge by charitable institutions, &c.

The act of 1864, entitled the "Penal Servitude Acts' Amendment," raised the minimum sentence of penal servitude to five years, whilst the minimum sentence of those who have previously been in the convict prisons may be now considered as seven years penal servitude. There are other clauses insuring a stringent supervision of license-holders by the police.

As regards the improvement in the discipline of the convict prisons recommended by the Royal Commission, the Board of Directors have made the required changes—

1. The early period of imprisonment has been made more severe.
2. The large prisons have been subdivided, so that the convicts are dealt with in small numbers.
3. The mark system has been introduced, and so applied that convicts must now earn their tickets of license by continuous industry.
4. The gratuities and dietary have been both reduced.
5. "Photography" has been introduced in order to assist in the identification of habitual offenders.
6. Refuges, or intermediate establishments, have been instituted, to which female convicts, who have earned a certain number of marks, are sent on tickets of license six months prior to having their licenses extended to.

It will be seen by the annual reports of the directors of convict prisons in England, that these great changes have been made with very considerable advantage; and that at Broadmoor, where male convicts are employed on the intermediate system, very good results have been attained. [See Reports, 1864-5.]

With regard to the police supervision, which has been established over license-holders, the reports of the inspectors of police bear ample testimony to the success of the measure.

It will be remembered, and can be seen by reference to the reports of the directors of convict prisons in Ireland, that the principles which I have just enumerated have been successfully carried out for very many years in that country. It is important to know that as the only outlet to which our convicts can be sent (Western Australia) will be closed in six months, we are now in the United Kingdom proceeding upon sound principles.

I am not stating that the convict systems of England and Ireland are yet as complete as they might be made; or that the system of police supervision is as thorough in its organization and

procedure as time and further experience will no doubt render it; but we have, I think, reason to be satisfied that we are working upon sound principles, and that their development has already produced very favorable results.

The Earl of Carnarvon obtained a select committee of the House of Lords in 1863, for the purpose of inquiring into the state of *prison discipline in the county and borough jails of Great Britain*.

The report of this committee led to the passing of a statute [Prisons Act, 1865], which, if carefully developed, cannot fail to improve prison discipline throughout the country. The Earl of Carnarvon, who presided over the select committee, published a pamphlet on Prison Discipline [Murray, Albermarle street], showing the practicability of carrying out the principles recommended in the report.

The report urges the importance of all jails being provided with separate sleeping cells, and insists upon the earlier portion of the imprisonment being made more stringent. But it is permitted to prisoners to gradually free themselves from the more penal and deterrent labor, and to earn their transfer to employments of an industrial character, by a continuous course of well tested industry. The *mark system* was recommended for this test, and attention called to the importance of introducing *photography* for the purpose of identification.

The Prisons Act, 1865,\* and a very able circular from the Home Office, calling attention to several important clauses, have laid down the framework for a system of prison discipline which will be of high value.

It is made compulsory on magistrates to provide separate sleeping cells for prisoners, under penalty of losing the state allowance for their maintenance, and ultimately the jail being closed.

It is also made compulsory that "hard labor" of a penal character, to be approved by the Home Secretary, should be given to all prisoners sentenced to hard labor, and physically fit to undergo it, for *six hours* daily, during the *first three months of the sentence*. Hard labor is divided into two classes by statute. Hard labor, first class, is severe labor of a deterrent character. Hard labor, second class, is labor of an industrial character, such as tailoring,

\* It is much to be desired that this statute should extend to Ireland; the county and borough jails in that country requiring serious attention. [See Reports of Inspector-General.]

shoemaking, &c. Magistrates are also by statute allowed to employ industrious and well-conducted prisoners in work of a privileged character.

It has for many years been affirmed that as there was no motive power to exertion in the county and borough jails, and no abbreviation of sentence, as in the convict prisons, an amendment of their condition was impossible. But it will be seen that under the prisons act, 1865, there can be a very strong motive power introduced, which will materially influence the prisoners' position. It is possible to retain a prisoner for ten hours daily, during the whole term of his sentence, at *hard labour, first class*. Any abatement of this period should be the consequence of the prisoners having earned it through industrious conduct. It will be seen that a good system of classification could be introduced, based upon this framework, and how strong would be the incentive to exertion on the part of the prisoner. To my mind, this conveys the true system of prison discipline, and is applicable both to convict and county and borough jails.

1. The punishment for crime is made real and exemplary.
2. The *self discipline* inflicted on the criminal in order to amend his position in jail is of a wholesome character in itself, and is likely to produce beneficial effects upon him after his liberation.
3. Hope is ever present—a motive power to amendment is generated: whilst industry is associated in the mind of the criminal with pleasure.
4. The vindictive nature of punishment is removed, and the very general co-operation of prisoners in their own amendment secured.

Already several of the prisons of the country are developing a prison system based upon these principles. Success has attended their application, whether tried in the large manufacturing jails, or in those situated in the rural districts. The mark system has been introduced into several jails, and has proved a very good and reliable test of each prisoner's conduct. When I say the "mark" system, I do not mean to convey that the same system of marks has been introduced—some are of a simple kind, others are of a more elaborate character; but all are based upon the same principle, and equally serve the required purpose.

It is, I think, significant of the soundness of the prison system which has now been adopted in the United Kingdom, that its adoption has been urged both by the Royal Commission on penal

servitude [1863], and the select committee of the House of Lords on prison discipline [1863]; and that the principles have been found applicable to county and borough jails, as well as to convict prisons.

The late Count Cavour, who had given much consideration to the subject of prison discipline, sent a commissioner to inquire into the working of the Irish convict system. After perusing his report, he wrote, "That he approved the Irish convict system, because it enlisted the co-operation of the prisoner in his own amendment, without withholding from him the punishment due to his crime."

And who can doubt that the nearer we can attain to this result, the nearer shall we be to a true and satisfactory system of prison discipline.

What is needed in the treatment of criminals in any country appears to me to be—

1. Legislation to improve prison construction, and to secure long sentences being passed on "habitual offenders," together with their supervision and registration by the police on liberation from prison; and that in order to better secure their identification, photography, and other appliances calculated to attain the object, should be introduced into the prison system.
2. That with regard to long sentences, a fixed minimum period should be passed in prison; but that the remaining term should be shortened, if the industrious conduct of the criminal entitles him to the privilege.
3. The institution of a system of classification commencing with severe discipline gradually relaxed, and terminating with the ordinary industry of free life, as the best development of a prison system.
4. The introduction of a simple system of "marks," recording the industry and conduct of the criminal in prison, as being the best and most reliable mode of testing his fitness, both for improving his classification and position in jail, and release on ticket of license.
5. That very great economy would be found in the performance of public works, by classes of prisoners selected by their attainment of a certain number of marks as worthy of the privilege [I allude to works on which it would not be expedient to employ the generality of prisoners].
6. This could be carried out in two ways, either by employing

a class a short time before they receive their tickets of license; or restricting the tickets of license during the early portion of the time to some particular establishment in which they could be employed as I have stated. In either way they would be gradually accustomed to free life; and if they misconducted themselves, they could be redesignated to the more penal prisons.

It is, I think, clear, that if the whole scope of such a system is placed before a prisoner, he will feel that, within certain limits, he is the arbiter of his own fate. Antagonism to the prison authorities placed over him will gradually disappear; and his co-operation in his own amendment be very generally secured. The evil doer will learn that persisting in a career of crime, will, through the improved machinery instituted, assuredly lead to detection, and its consequence, long imprisonment. While the prisoner who is disposed to amend, will have his good intentions furthered both by the prison system, and the Prisoners' Aid societies in connection with it.

And, with regard to the lesser offenders. By a system of classification (governed by marks) commencing with severe labor, and making industrial labor of the ordinary kind a privilege to be earned by the criminal, a motive power to exertion will be instituted, the beneficial effects of which cannot very easily be exaggerated.

WALTER CROFTON.

*The Hon. Secretary, Prison Association, New York.*

THE CLOSE, WINCHESTER, July 9, 1867.

## 2. REPORT ON THE IRISH PRISON SYSTEM.

[By JAMES P. ORGAN, Esq., Superintendent of Released Convicts]

[The following paper was not prepared originally for the Prison Association, but for the British Association for the Promotion of Social Science, before which it was read at their late annual meeting in Belfast. We, however, have no hesitation in giving it a place in this report, as we are solicitous to use every opportunity to bring before our people the remarkable reformatory results of this extraordinary system of prison discipline, which is fast uniting in its support the suffrages of the most enlightened friends of prison reform, throughout the civilized world. There are three stages in the Irish Convict system. The first is that of separation—eight months—intensely penal; the second is that of associated

labor, where the prisoners are divided into five classes, to which they are successively advanced as a reward for marks received for industry, attention to lessons, and general good conduct. The minimum period here is two years, which may be indefinitely prolonged, even to the end of the sentence, by a failure to earn the necessary amount of good marks. The third stage is the intermediate prison, to which those only are admitted who are believed to be well advanced in their reformation, and where almost as much liberty is enjoyed as by ordinary free laborers. There are two intermediate prisons—that of Smithfield, in Dublin, where mechanical labor is performed; that of Lusk—thirteen miles from Dublin—where the inmates are engaged in farm work. These prisons are the special field of Mr. Organ. He lectures to the prisoners in each daily, in addition to which he holds the position of Superintendent of Released Convicts. The following paper relates more particularly to the intermediate prisons, and the facts set forth will be found as gratifying as they are remarkable. Surely, a system that gives such results is, to say the least, worthy of the earnest attention and study of both the statesman and the philanthropist. Mr. Organ says]:

After a period of nearly twelve years amongst criminals of every type, both within and without the prison walls, I have come here to-day to make a few observations, and to relate a few facts connected with my very peculiar mission; but I wish it to be distinctly understood, that I do so simply, solely, and sincerely with a view to cheer and encourage my fellow-workers in the field of criminal reformation, and to prove to them, as best I can, that with faith in the good work, and with hearts animated by a strong and enlarged hope in its success, coupled with a persevering spirit and trust in Providence, they can become the instruments in His hands in bringing back many a lost sheep to the folds of honesty and virtue.

To that branch of the Irish convict department with which it has been for many years my lot to be identified, I beg to invite the attention of the audience for a few moments. I allude to the Irish intermediate prison system. To Sir Walter Crofton the idea of the system is due; and Ireland owes a lasting debt of gratitude to this gentleman, and to his late able colleagues, the humane and philanthropic Dr. Lentaighe, and the honest and single minded Captain Whitty. Viewed in any light it may, whether for the profundity and wisdom of conception, or from the grand and glo-

rious results that have sprung from its development, the idea must be acknowledged to be the offspring of a master mind, thoroughly acquainted with the moral anatomy of the human heart.

The object of the system under notice was two-fold: 1st. To gather together in small numbers, such prisoners as those of whose reformation there were good grounds for hope, if properly trained and individualized; and secondly, to give such men a fair start in the world, by which they might pursue an honest industrious life. To my lot fell the intellectual culture of the men once they had entered Smithfield or Lusk; and to my lot also fell the providing of employment for them when released, and, I might say, to a great extent, the shaping of their destinies in after life. It must appear to any thinking mind that mine was a position at no time easy, but oftentimes difficult.

The first thing I saw to be done was to win over the confidence of the men, by which alone I could hope to reach their hearts; and then to establish between us a species of fellowship, so that one human heart could unfold itself to another human heart. It was only by such a course of action I succeeded in making myself thoroughly acquainted with the minds, disposition, and intentions of the men; and in possession of this knowledge I was better prepared to soften, if not remove, the prejudices of their distorted minds, and battle, as it were, with their sluggish and sunken intellects, until at last I was able to prove to the most sceptical and ignorant amongst them that there were men thoroughly and heartily interested in their after well-being, willing to forgive and forget the wrong-doings of the past, and none more deeply concerned in their amendment than the very Government which they heretofore looked upon as their foe. I reasoned with them patiently; I listened to their imaginary complaints silently and carefully; but I always waited for the proper time to arrive when I could with effect point out to them the fallacy of their arguments, the errors of their judgments, and the childishness, and in many cases the viciousness of their conclusions. And when I had their minds in a proper tone, and myself in safe relations towards them, I addressed them upon social subjects and God's works; so that while I taught them their duties to society and to themselves, I also impressed them with the providence, power, wisdom, and mercy of the Great Being, whose laws they have outraged, whose power they have defied. In fine, I left nothing undone to awaken their minds and hearts to a sense of gratitude to the Almighty

who spared them, and fidelity to those who were about to serve them; and thus launch them once again upon the boisterous sea of life, better Christians and wiser men, and restore them as such to the ranks of the honest, industrious poor, whence they had strayed, and in whose homes they had caused many an affectionate heart to wither, and many a tear in silent grief to flow.

But training, no matter how good, counsel, no matter how wise—arguments, no matter how powerful—could not bring about a lasting and enduring amendment, if help from outside the prison walls were not forthcoming. Friends were to be looked for who would lend a timely and a Christian hand in assisting the outcast and erring man to work out a character of honesty and industry for himself once more. Honest employment being indispensable, two things I had to do; one was to foster, encourage, and cultivate a manly desire for labor within the breasts of the men whilst in prison; this I did to the utmost of my power. The next was to provide labor for them outside the prison before they had entered into a state of freedom. How the latter was accomplished I shall proceed to describe.

Four avenues leading to employment suggested themselves to me, and they were as follows: Firstly, the labor market at home; secondly, the labor market abroad; thirdly, the army; fourthly, the sea. Now, I said to myself, any man determined to work honestly for his bread must travel some one of these four roads. My attention was first given to the labor market at home; and I shall tell you very briefly the plan I adopted, and the course I pursued to effect an opening for my men in the labor market at home. I sketched out for myself a map of the county of Dublin, showing the situation of every mill, foundry, factory, and all other public places of employment, together with the names of the proprietors. This done for the county district, I watched all undertakings in the way of buildings or public works going on in the city, and from time to time made acquaintance with those concerned in them, who could render my cause some assistance. It is true that I did not succeed in all my applications for employment; and it is equally true that I had, on many occasions, to brook insult and to submit to intense humiliation.

The efforts made by me in inducing employers to give work to released convicts are best known to God; and now that these efforts have been blessed by Him, I look back with joy and delight to past difficulties conquered and obstacles overcome. The preju-

dices of press and people were, at the commencement of the system, very discouraging; but it would be cowardice to desert the good work when struggling as an experiment. Nor did I, as will appear from the sequel of my paper. I have just stated that I was not successful on all occasions in my applications for employment for my men; and I have also observed that by times I had to submit to insult, and experience very great humiliation. I remember, upon one occasion, a gentleman closing his hall door rudely in my face when I humbly solicited him for employment. Often have I been reprimanded by others for intruding myself upon their time; and censured by many for attempting to introduce convicts and ticket-of-leave men into the honest labor market.

Well, it is curious to observe the changes which take place in the minds and opinions of men. The gentleman who closed the door in my face lived to regret it; those who censured me for my intrusion lived to welcome my visits; and those who reprimanded me for attempting to introduce my men into the honest labor market were afterwards the best and kindest friends to the system and myself. What will prayer and perseverance not accomplish when united in a good cause? Before them, all earthly difficulties give way, obstacles disappear, and by their combined and powerful influence the most bitter opponents are transformed into the best friends.

I shall now mention a few instances which may serve to illustrate how the system received the approval and support of public opinion. I remember a gentleman whom I never knew before stopping me one day upon the road side some distance from home, when the following conversation ensued: "Are you Mr. Organ?" asked the stranger. "Yes, sir," said I. "Are you the gentleman interested in the reformation of prisoners that I hear spoken of very frequently?" "Well, sir," said I, "I believe so." "Did any of them ever turn out well after they got out of jail?" "O yes, sir," I said. He instanced some very bad deeds committed by ticket-of-leave men. I then explained the intermediate system to him, and invited him to Smithfield that he might hear, see, and judge for himself. This he declined to do at the time, but said that he had heard of my efforts to provide employment for released prisoners, and he would wish to assist me if he could, telling me at the same time who he was. "O sir," said I, when I learned his name, "only give me a chance of employment for a few men, and I promise they will serve you faithfully; I shall

hold myself responsible for any injury they may do." "Well," said he, "as mine is chiefly outdoor work, and they can't steal much without being seen, I will take one or two as an experiment."

Every Sunday morning for many months I made it a practice to visit these men, and, poor fellows! how grateful they were to me for my visits. We would meet in some retired place, and speak over the events of the past week. I remember the oldest of them saying to me on one occasion, "Mr. Organ, do you think the workmen know where we come from?" Another said, "I think they imagine we have come from some charitable institution;" whilst another remarked, "I believe they, think we are from the poorhouse." "Never mind what they say," I said, "serve your employer faithfully; he is the only one who knows the secret, and no remark or observation of your fellow-workmen should affect you. You are fighting a good cause, and upon your conduct rests my character and the future happiness of many of your class."

The men I sent proved faithful, and this employer engaged many others of my men, and treated them very kindly; several got married to honest young women in his employment, and what is still more, their conduct won for me the affectionate respect of this gentleman, which continued till his death. I may here observe that, in the course of time, I opened up channels of employment in the same establishment for many a reformed female convict also.

It happened one Sunday morning, some short time afterwards, I was passing through a village some three miles distant from this gentleman's residence, when I ventured to wait upon the proprietor of a similar establishment, but was told he was not at home. I learned, however, that he was but one or two miles distant. I set out in search of my future friend, and found him within the sacred walls of a mountain church, in which was being held a meeting, having for its object the building of a house for the curate of the parish. When the meeting had been adjourned, I asked a person standing near me to point out Mr. ——. He did so, and I followed him on the road, and, with no little timidity, accosted him thus: "Permit me, sir, to ask if you are Mr. —?" "Yes, sir," he replied. "Then you are the owner of the factory in the valley beyond?" "Yes; what is your motive in asking the question?" "Well, sir, to be candid with you, I am on a mission, the object of which is to obtain employment for some

poor fellows who have no friends to do so for them." "Who are they?" was the next question put. I frankly told the truth. My friend shook his head and shrugged his shoulders, and told me he could not think of having such characters about his premises, remarking at the same time, that there were plenty of honest men to be found, did he require additional hands.

A conversation, however, arose between us not necessary to enter into now; but, at all events, this gentleman, although strongly opposed to the introduction of released convicts into his employment, acknowledged my mission a worthy one. He suggested to me the propriety of making application to the Government for employment for my men, instead of to private individuals. I listened patiently and silently. I appealed again and again for my clients, until at last he asked whether any person had ever employed such characters. "Yes," said I, "and I can refer you to a gentleman in your own neighborhood for their fidelity, and who has at the present time seven of my men in his establishment." "What is the gentleman's name?" I told him, and he was astounded.

My interview ended in getting permission to send out one of my men on trial the following morning, who proved honest and trustworthy. Other applications followed, and in no case had this gentleman cause to regret the aid he lent to promote the success of the good work. But I should be singularly ungrateful and ungentle were I to omit to mention that the lady members of this gentleman's family shrouded the thorns of my mission, and supported me in my pleading for the poor fellows who were anxiously awaiting my return to learn the fortunes of the day. I could instance hundreds of similar cases illustrative of the manner in which employment was obtained, did time permit or circumstances require.

There is another incident I cannot pass over, and it is this. Some seven years ago, upon a cold, wet and windy winter's night, a returned convict, sullen in his manner, and of rather a forbidding cast of countenance, entered my office in Smithfield. I asked him the object of his visit. "I want employment, sir," said he; "I am hard up, but I am willing to work if I can get it to do." "Well," said I, "it happens just now that I have not work for you; and from the manner in which you speak, it would appear that you are under the impression that it is part of my official business to provide employment for you; but I must tell you

plainly it is not. I seek employment for well-disposed men, no doubt, but at my own cost and trouble; and, besides, you have been absolutely discharged, and I have no legal control over you." "That is true," said he, "but what am I to do?" And saying this, he left me rather displeased and disappointed, speaking to himself in a menacing tone of voice.

After he had gone away, I remembered the important question he put to me, "What am I to do?"—a question, perhaps, the most momentous and significant a well-disposed released convict can put. That night I went to his home, and sat down, resolved to wait till he returned. When he made his appearance, I said to him, "You have been rather rude to me to-night." "Well, sir," he said, "forgive me; I did not mean to insult you, nor would I stand by and see any man offend you; but you know, sir, I am out of work, and have no money." "Can I trust you?" I said. "Yes; I will never disgrace you." I provided work for him on the following day in the establishment of an English merchant. Since that wet and wintry night, now eight years ago, that man remains with that employer, and is at the present time one of his most confidential servants, and occupying a position of great responsibility and trust. What is more, by his conduct he has opened avenues of employment for many of his fellow-convicts, who, like himself, proved themselves worthy the confidence reposed in them. Before I conclude this little narrative, it is right, perhaps, to observe that some few weeks since this merchant called upon me with a view to employ another man. I told him I would get him a person who would answer him. "What was his offence?" said my friend. "Oh, you mean that I should supply you with one of my own men?" "Yes," said he. "I cannot do so," said I, "as I have not got one unemployed." I sent him a person who had never been convicted or charged with the commission of any crime; and here, as upon many other occasions, the Irish intermediate system became the medium through which the honest poor found employment. I mention this little incident simply with a view to show that neither unfavorable appearances nor discouraging antecedents of a criminal should prevent us from rendering assistance when honestly solicited to do so. In the district which Government has placed in my charge, a ticket-of-leave has proved, in most critical times, a passport to safety, and served as a proof of the loyalty and fidelity of its holder.

During the Fenian excitement no man of mine has ever been



known to be connected with this wretched conspiracy, that has blighted the prospects of poor Ireland for many a day, and brought sadness and sorrow to many once happy and hallowed homes. Although some hundreds of my men were at work in the city and county of Dublin when Fenianism was at its height, and though surrounded by many and powerful incentives to disaffection, they were not found wanting in their loyalty.

Whether the Irish intermediate prison system is general in its application to other countries is a question that has been discussed by the ablest prison reformers in the age. My own opinion is, that in any country professing Christianity, the system, if honestly carried out, cannot fail to produce good fruit; and to me it appears, all that is necessary for its success, is to have faith in the work, and to abide by the advice of the Redeemer, when He said, "Ask and you shall receive; seek, and you shall find; knock, and it shall be opened to you."

I shall never forget one Sabbath morning, when riding on a country road in the vicinity of Dublin, I passed by a large concourse of peasantry on their way to the village church to pay their devotions to their God; my attention was drawn to one little group. The group consisted of a well-dressed man and woman and two young children. All were moving slowly towards the church. That man was a released convict, the woman was his wife, and the little ones were their children. I was much moved at this sight; I raised my hat, and silently thanked my God for the happy change effected in the heart and mind of that man, once a bad and demoralized criminal, but now a good, industrious member of society. Some years before I apprenticed him to a stone mason; he is now foreman in a builder's establishment; he has a happy cheerful home, some cows, pigs, poultry, &c., and his wife keeps the village dairy.

I could cite many interesting instances, indeed, showing the incalculable good that has sprung from the Irish intermediate system, but as its success is now universally admitted, I need scarcely observe that I carry out a kindly and helping supervision over the released men residing in my district—a supervision by which the well-disposed are aided in their efforts to live honestly, and by which the ill-inclined are promptly detected in their vicious acts, and as promptly punished. I stand, as it were, between the prisoner and the public, and I do my best to discharge my duties faithfully to both.

Perhaps the strongest feature in the system is, that it has worked without the aid of a patronage society. This fact in itself, is a great proof of the soundness of its principles, and the wisdom of its teachings. Every man is taught to lean upon himself in preference to leaning upon his neighbor; to rely upon his own exertions, and trust in Providence for assistance.

Never did man go out from prison better prepared to fight life's battles than those who have been trained in the intermediate prisons of Ireland; and every man having his heart in the right place, will rejoice that the vast majority have fought the battle manfully and successfully.

In a former part of my paper I have stated that four roads to honorable employment were thrown open to my men: 1. The labor market at home. 2. The labor market abroad. 3. The army. 4. The sea.

I have explained how the first road was made available. I left Ireland on more than one occasion to open the second, and succeeded. The third was a matter of choice with the men who entered upon it, nearly all of whom became non-commissioned officers, and distinguished soldiers. And how the fourth was opened, I must ask any person anxious to know to accompany me to Smithfield, where they will see a fine model of a full-rigged ship, from which they are instructed in the technical terms, and familiarized in the phraseology of a sea-faring life. I may say, at all events, whether employed in the peaceful pursuits of industry, or in the rage and struggle of battle, whether on land or sea, the intermediate system of Ireland has left its mark for good on hearts and homes.

Let me now mention one or two facts, with a view to show the sagacity and common sense of the men. One Saturday, some years ago, I met one of my men going home at an unusually early hour from work, a mason by trade, and apprenticed also by myself. "Well, G—, how comes it you leave off work so early to-day?" "Well, sir, I tell you the reason why—it is true, I have lost a quarter day, but if I had remained to put in the quarter I should have to spend, perhaps, a whole day's wages in drinking with my fellow-workmen on the way home, so I thought it better to be at the loss of the quarter-day under these circumstances."

"Aye, and you did right," said I.

It happened, not long since, that I was walking with a gentle-

[Senate No. 18.]

man in Sackville street, and I observed one of my men following me, evidently anxious to speak to me. I begged the gentleman to excuse me for a few moments, whilst I afforded the poor fellow the opportunity of an interview. "Well, R.," said I, "how are you going on?" "Well, sir," said he; "God bless you, Mr. Organ; I am employed by Mr. M——, at 26s. a week, and you see, sir, I am now his measurer." "What is that, R.?" "Why, sir, look here"—taking from his pocket a small book containing pencil sketches of cornices, architraves, brackets, &c.—"I take the dimensions of such things as these, besides having an eye to the men employed." "Where are you going now, R.?" was the next question I asked him. "I am going to lodge a trifle in the savings bank; for you see, Mr. Organ, I have a boy about nine years old, and I wish to put him to my own trade (a stonecutter) in a couple of years more, and I am saving up to be able to pay a fee with him." "And you are comfortable now, R.?" "Oh, I am, sir; and Mr. Organ, if I had a fortune I would rise the flags from under you—you saved me." Well, how I saved him was merely in this way—I addressed him in Smithfield; I apprenticed him in a tombstone yard, some ten years ago, at 6s. a week. I afterwards lent him some money to get married. I now and then lent him my aid in getting along, till at last he became absorbed amongst the honest members of the labor community, and I believe he is now as honest as the best of them. I have assisted hundreds of his class, both at home and abroad; and though the demands on my purse were, by times, far more than I could afford, yet I could not see them too painfully pressed by temporary want, arising from illness or want of employment. I have known them to suffer a great deal, and to bear their lot with Christian patience and resignation. But this is as it should be, and, after all, affords the best proof of the reformation of the heart, and the strongest test of the honesty of the man.

Now, I wish it to be understood that my applications for labor for my men were not confined to Irish employers; I also applied to English and Scotch gentlemen, and found them in some cases easier to deal with than the Irish. All I asked from any of them was to give my men an opportunity by which they might prove the truthfulness of my statements, promising, as I invariably did, that I should be responsible for their conduct. This, and this only, have they done, and at the commencement with no little mistrust and fear. But when they have tested the fidelity and

manly honesty of those whom they doubted before, they did not withhold their confidence and their forgiveness, for they felt both were deserved. Here, then, is the sympathy they have evidenced for the reformed criminal; a sympathy such as that shown by the Redeemer Himself to a Magdalen and a malefactor, when He knew their hearts were cleansed by the purifying power of repentance. And should there not be found in every human heart that dewy balm for others' sorrows—sympathy

*The Angel of comfort when hope is fled.*

No mawkish sympathy, no misguided philanthropy were permitted by me to retard the progress or prevent the success of the cause which I had espoused. Firmness with the employed and frankness with the employer were indispensable in dealing with both the employer and employed, and I can honestly say that never did I permit any of my men, guilty of wrong-doing, to pass with impunity. The system has succeeded, and it has done so in the broad daylight of enlightened public opinion. It has had its failures, no doubt, but, comparatively speaking, they were few and insignificant. It has outlived the storm of opposition, and is now safely anchored, side by side, with the settled institutions of the country.

There is one old friend to the system whose absence here to-day I regret very much, one who advocated and supported it in all times, trials and troubles. Why? Because he was a keen judge of the wisdom of its principles, and could foresee the lasting good resulting from its success. That high and honest-minded venerable gentleman will rejoice to learn that I am present to-day to bear my humble testimony to the success of a system so dear to him. The gentleman to whom I now allude is the able and learned late recorder of Birmingham, Mr. Matthew Davenport Hill, whose name and family are associated with the greatest and noblest works of philanthropy and usefulness in the empire.

Nor can I allow myself to omit to mention the name of another sound and sterling friend of the system, and, in doing so, pay my humble tribute of honor and admiration to the heroic spirit and missionary zeal which impelled her to tread the burning sands of India, in service of her fellow creatures, and may the day yet come when the reformatory institutions of our Indian empire will bear the same lasting impress of good she has indelibly laid on those of her native land. This friend is Miss Mary Carpenter, one of England's most benevolent daughters.

One other great and true friend of the system has gone to his rest. Whilst living, he gave to it the influence of his patronage, the best wishes of his noble heart, and thus cheered and encouraged the workers in the good cause, giving strength and pleasure to action. As regards myself, I can honestly say that his kindly words strengthened that enthusiasm that has carried me through all difficulties, and sustained me even in times when mental and physical strength were on the wane. That friend was the late Lord Carlisle, whose soul, head and heart were animated by a disinterested and unselfish motive of doing good for his fellow man.

My paper now comes to a close, and any question arising from it I am here to answer frankly and freely. I have only one object in view which, from my heart, I wish to see accomplished, and it is this—To see justice ever tempered with humanity, all distinctions of religion, color, and country laid aside when we enter upon the broad platform of philanthropy to serve the unfortunate members of the great brotherhood of mankind. To see moral power triumph over physical force, and the penitent criminal be made to feel the cordial, consoling and enduring effect of its influence.

"False is the triumph of the battle hour;  
The noblest triumph is in moral power.  
It grasps beyond the victor's blood-won cause,  
And marshals centuries on the path of fame."

### 3. REPORT ON GERMAN PRISONS.

By Baron FRANK VON HULGENBORFF, LL.D., Professor of Law in the Royal University, Berlin, Prussia. Written in English by the Author.

Gentlemen—In compliance with your request to send you a general report concerning the prison question in Germany, I shall try to briefly give you some information relative to our prisons. This information, however, may appear very incomplete, showing rather the general character and tendency of prison reform than its details. Although devoting a good deal of time and still more of attention to the matter, I must confess to having met great difficulties everywhere, in attempting to ascertain simple facts. It will be useless to explain the reasons at any length, still, I am convinced that Americans will hardly appreciate those difficulties. You will be astonished to learn that, generally speaking, Germans are better acquainted with Irish or English penitentiaries, than with those of their own country. The public, at large, amidst a great political change, does not, at present, take a deep interest in

prison discipline; they are in favor of the administration of retributive justice being almost exclusively left to officers appointed by government, and acting without proper responsibility. No regular statistics are made accessible to inquires into prison matters, nor do we publish any regular reports referring to State prisons, a few communications only now and then being allowed to find a place in the press. The political press, moreover, having to struggle hard against many restrictions imposed upon it, and being obliged to fight for the elements of political freedom, has little time for maintaining the prisoner's right. We have no association which might be compared to the New York Prison Association, acting under public authority, and commanding the large means necessary to obtain sufficient information. In Germany, such a work of thorough investigation as your recent report made to the New York Legislature, on the present condition of the American prisons, would be a simple impossibility. There exists, of course, in Germany, a great many benevolent societies, which have been founded with a view to promote the welfare of discharged prisoners, yet, their power is as much restricted as their knowledge of general facts relating to crime. We have no leading association to influence the public mind, or to collect the materials that might become productive of an earnest desire to arrive at a better state of things. I mention these facts with a view to apologize, in advance, for my inability to avoid blanks when giving a summary report, which I should certainly have liked to render as satisfactory as possible.

Prison reform in Germany has made very little progress, since the time when Dr. Julius was sent to America. His report, favorable as it was to the Pennsylvanian system, was a manifesto of a school firmly believing in the doctrine of reformation, to be obtained only in one way, that is, by a treatment strictly cellular. This theory, owing to its radical opposition to the then existing state of things, was afterwards made popular by the Congress of International Philanthropy, separate detention being, moreover, most ably advocated by some eminent men, more especially by Professor Mittermaier, whose indefatigable zeal in discussing prison reform, cannot be too highly spoken of. I am convinced, that the death of your corresponding member, which occurred on the 28th of August, 1867, will be deeply lamented, not only in Germany, but also in the United States.

The period, lying between 1846 and 1856, may be said to have belonged to the doctrine of pure separation, a doctrine then prevailing in Germany, without meeting with any serious contradiction. There was a common belief, spreading through the most intelligent classes, that isolation would, of necessity, effect the amelioration of the most hardened criminal. Some new prisons were constructed upon the panoptic cellular plan, amongst which, those of Bruchsal, in the Grand-Duchy of Baden, and Moabit, near Berlin, are the largest; the latter being an almost complete imitation of Pentonville prison. Both prisons, now in operation for about 18 years, still continue to be regarded as representatives of the so-called "pure isolation," while a somewhat different mode called "the system of modified isolation," is followed in some minor prisons of several other German States, and in the penitentiary of the town of Breslau (Silesia.) According to a common practice, the terminology of modified isolation is applied to that class of prisons where there are no stalls in the school room and in the chapel, nor separate exercising grounds, as in Pentonville according to its original construction.

Towards the end of 1857, the cellular system may be said to have been adopted in "principle" by the prison theory. A general conviction, at least, had become prevalent, that the old rules of prison management had entirely failed, and, evidently, public opinion was turning against the silent system, as well as against all former attempts at classification. In comparison with the traditional state of imperfection in our prisons, and the general want of systematic discipline, no one could fairly deny the superiority of separation, in warranting, at least, some better prospect of checking the progressive corruption of criminals during their detention.

The enclosed printed document, containing a list of the German prisons, so far as they belong to the higher order of large prisons, will show the number of cells now existing; and I beg to remark that the letter Z is to denote *cells* (*Zelle* in German), the accommodation for men (M), or women (F), being given at once, to show the proportion of cells, compared to the room available for detention. This list will prove, that almost in every prison there are some cells available for the purpose either of inflicting disciplinary punishment or of classification. Taking Germany as a whole, I feel no hesitation in saying, that, as yet, no system of prison reform has been carried out beyond the stage of tentative

experiment. There are prisons constructed on the old pattern, wanting in any adequate arrangement for classification, except, of course, the separation of sexes. Next, there are prisons, managed according to what is called the *Auburn system*, the rule of silence not being enforced very strictly, some being constructed with sleeping cells (as the great penitentiary of *Halle*, province of Saxony), some having no sleeping cells, but large dormitories. Finally, there are prisons managed with a view to admit of an opportunity of agricultural labor. A Prussian law, of 11 April, 1854, has made special dispositions referring to the prisoners' employment at out-door work, the performance of which mainly depends on a demand made for manual labor, either by the public service, or by private proprietors; provided always, that no association is to take place between gangs of prisoners and free workmen.

This complicated condition of the prison arrangements, now existing, renders it extremely difficult to report exactly on the special manner of treatment adopted in the German States. We have no distinction, corresponding to your classification, with regard to state prisons and county jails. All sorts of prisons are placed under government inspection and centralized administration. The rules, however, to be observed in the management of prisons are greatly depending, not on legal prescription, but on the administrative power of the executive branch. Hence, they may vary every day. As yet, legislation has done very little, to define accurately, how the various kinds of punishment shall be made applicable to the trespassers on the law. Our German penal codes very seldom contain any special provisions, going beyond the mere nomenclature of the punishment to be inflicted, or rather pronounced by the judge, the real execution being left to the discretionary power of the executive.

The majority of the German States have from three to four different kinds of punishment, which deprive a man of his liberty. Punishment of the highest degree, available for the heaviest crimes, is legally termed "*Zuchthaus*," (correction house). It is marked by its applicability to the longest terms, and the necessary consequence, inherent in it, of depriving discharged prisoners of their municipal rights and franchise. The maximum of *Zuchthaus* is life time, or, so far as temporary infliction is to take place, 20 years (according to Prussian law), the minimum being two years. Another degree, unknown, however, to Prussian legislation, is termed *Arbeitshaus*,

(workhouse). It may be distinguished from the former by its applicability to shorter terms of a medium length, varying from several months to several years, and by its not destroying municipal rights. At all events, as its value denotes, it involves compulsory labor, as does also Zuchthaus. The *third* degree is called Gefängnis (jail). It is applied to misdemeanors of a lighter kind, extending from the period of one day to five years (in Prussia). It is exclusive of compulsory labor; prisoners, however, can be furnished with "occupation in accordance with their social position and their abilities." A fourth kind of punishment, applicable to gentlemen offenders, in some cases of political crime and dueling, termed "Festung" (detention in a fortress), or "Einschliessung," (reclusion). Besides these rather nominal distinctions of three or four different kinds of punishment, there exist some complementary institutions of a more preventive character, such as workhouses to receive beggars, vagrants and prostitutes, after they have undergone a previous treatment in a prison strictly penal, the period of their detention in a workhouse being limited as to its maximum, but not as to its minimum, the discrimination of which is left to the police. Such is the case according to the law of Prussia. As to reformatories for youthful offenders, the State, generally speaking, takes no care thereof. They mainly depend on private management and private foundations. In Prussia, however, the courts may order any youthful offender, under 16 years of age, though acquitted on the ground of non-responsibility or want of education, to be delivered to such private institutions as are known to receive them.

As yet, no harmonizing systems have been carried out through all the different kinds of punishment. Besides financial objections, there has been an impediment to prison reform, strengthened by a controversy, much agitated, whether penitentiaries for the most dangerous class of convicts ought to be reconstructed first, or whether prison reform ought to begin with jails. Accordingly, the different terms of Zuchthaus, Arbeitshaus, and Gefängnis do not denote different systems of treatment, but rather different methods of personal classification.

Since the year 1859, the current of public opinion appears slowly to turn away from its former direction and its belief in the absolute necessity of separation as a means of general reformation. Professor Mittermaier, whose authority in prison matters was acknowledged throughout Germany, had then just given a first

short exposition (1858) of Captain Crofton's system. His indications induced me to devote my leisure to a close study of the Irish system, to explain which at large, I published a book in 1859 under the title "The Irish Convict System, more especially Intermediate Prisons," afterwards translated into English (by Mrs. Lentaigue) and Russian. Two years later I founded a Journal of Criminal Jurisprudence (Allgemeine Deutsche Strafrechtszeitung, Leipzig, 1861.) with a view to give the Irish system a regular support by a periodical communication of interesting details. To promote a better knowledge of it in Germany, I undertook a journey to Ireland in 1861, obeying an invitation, received from Captain Crofton, who most cordially received me at the Dublin meeting of the National Association for the Promotion of Social Science. The opportunity I had of inspecting the Irish prisons, and of enjoying the company of such competent advisers as the Recorder of Birmingham, M. D. Hill, Q. C., Mr. Akroyd and Miss Mary Carpenter, proved a strong auxiliary to my efforts made in favor of the Irish system. Firmly believing this system to be superior to any one hitherto tried, I published, at different periods subsequently, four books more treating of the same subject, some of them written from a purpose of meeting several objections, raised on the part of the advocates of "pure separation." For years I had to struggle alone. I had to encounter not only a class of adversaries opposed to any kind of association in prisons, but also opponents who had lost all belief in the efficiency of prison systems generally. Many prison officers understood the Irish system to mean an accurate imitation of Mountjoy prison, Spike Island, Lusk Commons, &c. They were ignorant of the fact, that the characteristic points of the Irish system are independent of the external arrangement of a set of buildings.

Writing these lines, I have no hesitation in saying, that after ten years of discussion, at this moment, the Irish system has laid hold on the German mind; more especially in the Northern countries, where the doctrinal spirit is inferior to practical considerations. There are still some writers in South Germany who passionately persist in their former belief in the reformatory power of mere cellularism. But many of the most competent judges incline to contrary conclusions. Public opinion, so far as it can be ascertained among such experts, as are not morally engaged, by their adhesion formerly given to a certain system, strongly appears to demand *separation*, to be applied to shorter sentences

in common jails, and, so far as longer sentences are to be carried out, as an initial stage, to be afterwards completed by progressive classification and conditional discharge under police supervision. As yet, there is not a unanimity as to the length of periods which should be passed in separation, but there is no opposition at all to conditional liberty, and only a very slight opposition to adopting principles similar to those prevailing in the intermediate prisons of Ireland. Dr. Julius, so well known in America, has frankly expressed his conviction that the Irish system should be considered the most remarkable progress ever made since the first attempts to execute the Pennsylvania system, to which he had given his unqualified approval. Professor Mittermaier, one of the most decided partisans of the separate system, has declared his persuasion as to the soundness of the plan governing the intermediate prisons and conditional liberty. Director Schirck, until 1860 at the head of the Moabit cellular prison, had no doubt as to the expediency of removing the dangers imminent in long separation by adopting an intermediate stage. In favor of the same opinion I beg to cite the names of Professor Jahn, an eminent penologist at the University of Konigsberg (now at Kiel), and Baron Gross, a member of the Supreme Court of Jena, who has also a personal knowledge of the Irish prisons. Having described the general current of public opinion, let us now look into the state of German legislation concerning prison discipline.

In the first rank we have to point out the Grand Duchy of Baden, where prison reform has been progressing to a considerable extent. Convicts, belonging to the first and second degrees of punishment (Zuchthaus and Arbeitshaus), although specially treated under different rules, are subjected to a strict and absolute system of isolation within the cellular prison of Bruchsal, which may be regarded as the model prison of Germany. The last report, which has appeared recently, gives the number of Zuchthaus prisoners under detention on January 1, 1867, as 208; that of Arbeitshaus prisoners being 120, making a total of 328. According to law no prisoner shall be kept in separation beyond a period of six years, unless he expresses a special desire for remaining in his cell. By an administration excellent in all its details, it has been proved beyond the possibility of any doubt, that the danger usually inherent in the separate system of damaging the prisoners' mental health, can be diminished to such a degree that we may consider them to have been practically overcome. The official

reports, however, show that the existence of such dangers cannot be denied. The medical officer at Bruchsal, Dr. Gutsch, in a most elaborate treatise, has given a list showing strict separation to have a singular tendency to produce insanity within a period of detention extending to about eighteen months, which having elapsed, convicts begin to form habits of a solitary life. From this fact, Dr. Gutsch does not arrive at conclusions inimical to the separate system as practised at Bruchsal. On the contrary, he regards the said danger as practically insignificant, when resisted by careful observation on the part of intelligent prison officers. The cases of suicide occurring at Bruchsal, are not more numerous than in prisons with associated labor. The convicts' training, schooling and industrial employment may be said to be unexceptionably praiseworthy. Nevertheless, the system of separation, even when carried out as at Bruchsal, does by no means appear to be decidedly superior to other systems. No more than 8.73 per cent of the Zuchthaus prisoners are detained for periods exceeding four years; eleven convicts only are now detained longer than six years. The Governor's report states that after three years of separate confinement the muscular fibre becomes remarkably weakened; to require hard work would be tantamount to an impossibility.

The rules adopted at Bruchsal, according to a law of March 6, 1845, do not apply to common jails and minor offences, nor to female convicts. Formerly, women had remained exempt from cellular imprisonment. Recently, however, an act has been passed by the legislature of Baden, in consequence of which separation is to extend to female convicts, under two restrictions, however; *first*, in not applying separation to divine worship and schooling (as in Bruchsal); *second*, women, having given proofs of good conduct, shall, after a certain period has elapsed, become transferable into association. This power of promotion, vested in the prison officers, is to be regarded as an experiment, in order to try the Irish principle of progressive treatment.

Similar views have been prevailing in the Bavarian legislation. The old system of association, as formerly managed by Obermaier, whose personal ability in keeping down great numbers of prisoners in the Munich prison had rendered him famous throughout Europe, has been recognized as utterly deficient, and a mixed system of progressive treatment was introduced by a law on November 11, 1861. "Modified separation" (not extending to divine worship, &c.) shall be experimentally tried for terms of imprison-

ment lying between two months and five years. Thus a middle class of misdemeanants, being neither the very worst, nor the very best, has been selected to undergo this punitive experiment. As a premium to good conduct, association is allowed after one year of isolation, which, therefore, may be said to serve as an initial stage. It is safe to say that the Bavarian law is deficient in point of principle. Prison reform ought to be begun either with reference to the gravest crimes, as in the Grand Duchy of Baden, or in connection with the shortest sentences, where the greatest hope of reformation must be entertained, at least in a legal sense. For deep moral alterations in the criminal mind require time.

From the facts hitherto mentioned we learn that neither in Southern Germany, where still some disposition in favor of the separate system may be acknowledged to exist, has any step been taken towards adopting the system of unmitigated and unshortened isolation as a whole.

As to the States of Württemberg and Hesse-Darmstadt, there is little to say about prison reform. In the latter State the Chambers have recommended the introduction of separation. They were acting under the influence of Count Görz, who, after his American journey, had given the most unqualified praise to the Pennsylvania system. Nothing, however, has hitherto been done in the way of constructing new prisons. In the kingdom of Württemberg a law of the 15th December, 1865, has been put in operation, by which a progressive system of separation and association is made applicable to women. Female convicts, sentenced to the punishment of *arbeitshaus* and *zuchtpolizeihaus* (which are both an intermediate kind between the lowest and the highest degrees), shall be kept in separation, not extending to divine worship, &c., and may afterwards be transferred, when giving proof of good behavior, into association, provided that half the term of their sentence has expired. Male convicts, as yet, are to remain under the old rules of association.

In the Duchy of Brunswick, a law, referring to the mode of carrying out imprisonment, was passed on 2d February, 1864. This law, applicable to the gravest kind of punishment, admits also of transferring criminals into association, provided that they shall have remained for four (and in exceptional cases for two) years in their cells, and further express a desire to be taken away from their cells. The committee appointed to inquire into this matter have given their approval to the Irish system.

The Grand Duchy of Oldenburg has for a long time been enjoying high reputation for the excellent administration of her prisons at Vechta, which had been placed under the direction of the late Mr. Hoyer, one of the most enlightened experts in prison matters. His constant zeal has been successful in transforming old buildings into modern prisons, containing one hundred and eleven working and forty-seven sleeping cells. After pleading for years in favor of the separate system, Mr. Hoyer professed his unlimited approval of the Irish principles as soon as he became familiar with them. He succeeded, moreover, in establishing an intermediate stage by giving farm labor as a reward to the most advanced class of convicts. His authority has very much contributed to propagating just ideas about the Irish system, which at the beginning was objected to on a pretext that it contained too many complicated details. Unfortunately, Mr. Hoyer died before he could achieve his work. His successor appears strongly to incline towards a more rigid rule of separation; at least, I hear he has discontinued the practice of agricultural labor.

The other States of Northern Germany have done very little in the way of prison reform; although, from time to time, the matter has been discussed in every legislative assembly. After the Irish principles became more generally known, the king of Saxony resolved upon adopting the system of conditional pardons. This measure, being in operation since 1862, has worked exceedingly well—the number of pardons revoked being insignificant—and there is no doubt that the course taken by the king of Saxony will find a speedy imitation in other German States. As yet, not one voice has been heard contradicting the splendid results obtained in Saxony. Indeed, the reformatory tendency of conditional pardons, when combined with a proper system of police supervision, is the more extraordinary, as in Saxony the previous treatment of prisoners was by no means unexceptionable. On the contrary, the system of general association and insufficient classification might, at first sight, appear to be in opposition to every expectation of good results obtainable by conditional pardons. Such, however, is the beneficial influence exercised by the psychological element of hope, that even a deficient state of prison administration may thus be corrected to a certain degree.

As to Prussia, the penal code of 1851 has given full power to the administrative authorities to carry out, under any system whatever, judicial sentences. The application, therefore, both of isola-

tion and association is merely optional on the side of the government. An old reconvicted thief, who has got his sentence of Zuchthaus for ten years, may be sent either to Spandan (near Berlin), where a system of associated labor is carried out, or to Moabit, where the strictest rule of isolation awaits the inmates. This last prison contains 508 cells, in four panoptic wings, besides several underground workshops for about 150 men, and a farm at some distance from the prison, to give employment to such prisoners as, on account of the length of sentences and their bad health, cannot serve out their whole term in separation. Accordingly, cellular imprisonment must be suffered more especially by such men as seem to be possessed of good physical and mental health, being, moreover, under forty-five years of age and under a first sentence of tolerable length. According to an official report published in 1861, the recidivists from this best class of selected convicts amount to 13.6 per cent. When applied indiscriminately to all convicts, the same system may be fairly presumed to outnumber this proportion by a considerable percentage. The Moabit prison is managed by a Protestant brotherhood, called the Brethren of the Rauhe Haus, (near Hamburg). All eminent writers on prison matters have almost unanimously entered a protest against the introduction of a corporate body of religious sectarians into the prison service, and public opinion has strongly disapproved of such an arrangement, by the instrumentality of several votes in the Prussian Second Chamber. The introduction of a corporate body into one of our prisons is feared as a precedent injurious to the authority of the prison governors. Moreover, the sectarian spirit is expected to generate hypocrisy amongst convicts. This circumstance has, perhaps, contributed to render the separate system very unpopular throughout Prussia, and the government has done very little to extend its application beyond the experimental stage, in which it still continues to remain at Moabit, Cologne, Münster, Ratisbon, Breslau and some other prisons. As yet, the general opinion is that the separate system has failed to realize the great ends which, at its beginning, people believed it would accomplish. My own personal observations, based upon a good deal of connection with prison officials and some discharged prisoners of intellectual capacity, lead me to think the efforts hitherto made at Moabit, with a view to cut off all communications, by means of a complete separation for long periods, to have strengthened a spirit of disobedience and dissatisfaction among the

convicts. I have found discharged prisoners to have been well informed of what they had any interest to ascertain during their detention, the means of their communicative sagacity remaining always superior to the technicalities of the separate system. I do not deny the prerogative, which this system possesses, of facilitating an adequate and individualizing treatment of such prisoners as are willing to submit to a reformatory process. Nor do I hesitate to repeat my conviction that such a system should be adopted in all common jails, where the shortness of sentences proves incompatible with any positive organization whatever of those means which are calculated to eradicate vicious habits. Yet I firmly believe it is erroneous to attach too much value to technical arrangements for separation, with regard to long terms of imprisonment. A sound reformatory system cannot be based upon the probability of a merely negative result, to be obtained in keeping prisoners apart from each other. Convicts, when ordered at any rate to refrain from mutual intercourse during the whole term of lengthened detention, will be induced to lose their confidence in their moral power to resist temptation. Keeping them constantly in cells and stalls and on separate exercising grounds, would be tantamount to a proclamation of perpetual distrust on the part of the prison authorities. The prisoner, therefore, would very soon know that his keepers' confidence in the moral efficiency of brick-work is at war with their appeal to his own energy.

Ten years of assiduous study and uninterrupted observation have considerably strengthened my opinion, that the Irish system is the best to warrant us against the shortcomings of the old system of association, as well as the punitive excesses inherent in long periods of absolute separation. When speaking of the Irish system, I am very far from recommending a punctilious and short-sighted imitation of its external arrangements. On the contrary, I believe it to be a serious defect, which Sir Walter Crofton was unable to remove, that the convict's treatment was to be adapted to a local necessity of thrice transporting him from one place to another. Simple reason shows the expediency of having progressive treatment carried out within one locality, and under the supreme management of the same leading persons, instead of three different prisons, involving a change of prison officers, as in Ireland. One well constructed prison would be sufficient to carry out the convict's gradual promotion to liberty. The Irish principles admit of many modifications for the purpose of their application accord-



ing to social, national and territorial distinctions. In Germany, at least, no one would think of endorsing all the details of the Dublin and Spike Island prisons, which form the national part in Sir Walter Crofton's work, while the true principles of moral regeneration are applicable everywhere, because they belong to mankind.

BARON FRANZ VON HOLSAENDORFF, LL. D.,

*Professor of Law at the R. University, Berlin.*

BERLIN, Nov. 20, 1867.

#### 4. REPORT ON THE PRISONS OF ITALY.

By Signior Martino Boltranti Scaglia, Inspector General of Prisons in the Kingdom of Italy.  
Translated by Professor Deghent.

**MOST HONORED SIR**—You have asked me for a review of the present state of the prisons and of the penitentiary question in Italy. It gives me great pleasure to respond to your courteous invitation, and I shall endeavor, as far as possible within the narrow limits of a report, to furnish particulars which may be compared with those of other civilized countries, being convinced that, without such media of comparison, without the assistance of such comparative experience, without a great number of facts, collected on a large scale, penal science will never be able to solve its most difficult problems.

The condition of the prisons in the various States before 1860, when they united to reconstitute the Italian nation, may be easily imagined by bearing in mind that in the north, Lombardy and Venetia were groaning under the great Austrian power; that in the centre the small duchies of Parma and Modena were tyrannized over by arrogant petty lords; and that the south was ruled by priests and by the bad house of Bourbon, whose ill repute, sad as it is, is yet far from doing full justice to truth.

It must, however, be confessed that the Austrian rule, although oppressive, especially with regard to political prisoners, and although its discipline was severe and often cruel in its application, could by no means be compared with the brutal ferocity of the governments of Rome and Naples.

Filthy dungeons, mostly inaccessible to air and light—such were the prisons of those provinces, prisons destined to receive and to keep together, like wild beasts, the condemned and the accused, the adult and the minor; places in which the jailors bargained with the most perverse and most turbulent prisoners to share with them the sums obtained by the basest extortion from their companions in misfortune. In those places, the imprisoned

poor were compelled to languish in idleness and destitution, and in an absolute physical and moral degradation; whilst the rich were permitted to abandon themselves with impunity to drunken orgies. But I may be excused from saying more on subjects which have become sufficiently known through the writings of Pellico,\* Maroncelli,† Gladstone,‡ and Piancini.§

Two states only had resolutely entered upon a genuine prison reform—Piedmont and Tuscany. But they followed different systems. Piedmont chose the system of Auburn, and Tuscany that of Philadelphia, which they call *that of good company*, because it permits a certain mitigation of the rigors of silence and of absolute separation, by allowing the convicts to receive visits from the members of a philanthropic society, which devotes itself to that object. Both these states endeavored to put their prisons in proper order, that the buildings might be rendered suitable to the system adopted, or others constructed for that purpose; both introduced reforms in their penal discipline, and compiled appropriate regulations, being persuaded of the necessity of harmonizing those three elements in order to attain the ends of law.

At the epoch of the creation of the new kingdom of Italy, there were in force seven penal codes; the Austrian, the Piedmontese, the Tuscan, the Papal, and those of Parma, of Modena, and of the two Sicilies, each of which, though drawn in part from the French codes, had, nevertheless, a character of its own, and a different scale of penalties. To these seven codes there were corresponding penitentiary systems, not less dissimilar and shapeless,—that of perpetual separation, that of Auburn, the mixed, and that of association,—all at the same time in force in the various states.

With the intention of abolishing those differences, the penal code of Piedmont, with few modifications, was adopted for the whole kingdom; but its introduction into Tuscany was resisted on the ground that capital punishment had there been abolished during the provisional government, and it was considered an act of useless harshness to reimpose the discarded law, especially as the chamber of deputies was rather inclined towards its absolute abolition.

\* My Imprisonments; by Silvio Pellico.

† Additions to My Imprisonments of S. Pellico; by Maroncelli.

‡ Two Letters to Lord Aberdeen, 1851; by Gladstone.

§ The Rome of the Popes; by Piancini.

With regard to the penitentiary systems, that of Auburn prevails, in some form, above all others, with the exception of Tuscany, where *that of good company* maintains itself in vigor, and the definite adoption of one or the other is postponed to the time when the discussion should take place on the new penal code.

Towards the end of 1861, one of the most influential senators of the kingdom, count Salmour, gave a vigorous impulse to this question, which, notwithstanding its importance, had remained stationary, by proposing that a governmental commission should make a special study of it. Baron Ricasoli, minister of the interior, became convinced of the importance of the measure that had been proposed to him, and shortly afterwards appointed a commission, with instructions to report on the following questions:

1. Whether compulsory hard labor in the galleys should be maintained or replaced by other punishments more in harmony with the civilization of our times.
2. Whether the galleys, as well as other penal establishments, should be made dependent on one single administration, or left, as they then were, under various administrations.
3. Whether, among the penitentiary systems, there is one preferable to all others, and if so, which?—the commission proposing, at the same time, the appropriate complementary institutions.
4. Whether agricultural penal colonies could be made a part of the penal system, and, if so, how?
5. Finally, if any, and what, special regulations would be required for those condemned to imprisonment, to banishment, etc.

After mature investigation, the commission presented to the minister of the interior a long and detailed report, unanimously declaring in favor of one homogeneous set of laws, proposing:

1. That the galleys be abolished, and those sentenced to hard labor be obliged to work in arsenals or within other appropriate enclosures.
2. That all penal establishments be concentrated under the direction of a single administration.
3. That the various punishments awarded should be undergone in houses suitably constructed for such special punishments.
4. That the best penitentiary system would be that of continual separation, not, however, obligatory beyond fourteen years.
5. That after the expiration of that term, the Auburn system should be applied.

6. That this latter system should, likewise, be applied in houses of correction and of reformatory education.
7. That conditional liberation may be granted in determinate cases.

8. Finally that the punishments undergone in the separate system should be subject to a reduction of length on a proportionate and increasing scale.

This project of law was never discussed in Parliament, and things went on without any modification with regard to the houses of punishment. But, with regard to preventive or detention prisons, the questions assumed a different aspect. On the motion of the then minister of the interior, Signor Peruzzi, a law, voted in 1857, by the former Sub-Alpine (Sardinian) Parliament, was, in the beginning of 1864, extended over the whole kingdom; by virtue of which law the cellular system was adopted for the construction and management of preventive prisons. Considerable sums were appropriated for this object, immense works were commenced in various provinces; works which are still continued, and it is to be hoped that we may not have to retrace our steps.

The transfer of our capital from Turin to Florence, rendered necessary by the convention of 1864, made the want of a legislative unification hourly more and more felt; a project of law was initiated in the chamber of deputies, to the effect that the code which was in force in the other provinces should be extended to Tuscany, that the penal system should be revised, and capital punishment abolished throughout the whole kingdom, replacing it by perpetual cellular confinement.

This fundamental reform was not well received by the Senate; which, however favorable to a diminution of the cases in which the penalty of death might be inflicted, would not abolish it entirely, judging that the times were not ripe for mitigating the rigors of the law. Every further step being suspended by this opposition, it became necessary to petition the minister of justice for the compilation of the project of a new penal code, that this abnormal and unjust state of things might not be further prolonged.

Towards the end of 1865, two commissions were appointed to enter upon that arduous task. To one, instructions were issued to propose a penal system, and the other was charged with the compilation of the project of a new code. Both girded themselves to the work with alacrity and diligence; but what will be the final result of their studies and at what ultimate conclusions

they may have arrived, we are still ignorant, for the project of the new code is not yet published.

Nevertheless, there is every reason to believe that their results will shortly appear, and I am certain that our parliamentary discussions on this subject will be of an earnest character, and not without interest for science. Nor will the struggle on the penitentiary system to be adopted be less animated; for, although Italy has no predominating school of her own, there are the partisans of the system of Auburn and those of the system of continual separation, who are in direct opposition to each other.

The Irish system likewise can count upon some defenders, and I do not despair of seeing it preferred to all others, as the one which is the most logical and the most rational; as the one which most harmonizes with our traditional institutions, with our inclinations, with our habits and customs; and as the one which—as you have well said—“has become so justly celebrated throughout the civilized world.”

After this short sketch of the state of the penitentiary question in our country, I will speak of the present condition of the prisons, and show how they are governed by virtue of the regulations in force; and first of the preventive or detention prisons.

According to the letter of the law, these should be devoted only to those who are awaiting trial by a penal court, and should be constructed on the cellular plan in such manner that each accused person should find himself in an utter impossibility of coming in contact with any other. But, in point of fact, the major part of the prisons of the kingdom are on the system of association; and some even of the sentenced are confined there, especially those who, from want of room in the penal establishments, could not be transferred to them. Thus, on January 1st, 1866—the latest period to which our statistical publications reach—there were in preventive prisons: Accused men, 21,872; accused women, 1,273. Sentenced men, 8,600; sentenced women, 1,699;—the latter mostly to the severest penalties, such as hard labor and separation. This great number of prisoners should not surprise us, although it shows a large extent of criminality. Italy has just passed through a period of violent revolution; in many places the gates of the prisons were thrown open by popular fury or by the perfidy of dethroned princes; and brigandage and revolutionary movements are kept alive by

the Court of Rome, which affords an asylum to Francis I. of Naples.

The system that at present prevails in our “prisons for the accused,” is that of classification; as almost everywhere the persons held there are divided according to the gravity of their accusation or their sentence; according to their age and antecedents; according to their social position, etc. And I am pleased to add that the women and the minors everywhere form two distinct classes, frequently lodged in separate buildings; that the women are always under the surveillance of other women; and that the minors, accused of idleness and vagrancy, are, while awaiting trial, kept in workhouses, and are not left in the preventive prisons.

Women of bad habits, and affected with the venereal disease, were, until lately, detained and cured in the infirmaries of the prisons, to the great inconvenience and damage of the interior discipline. By appropriate governmental orders, this inconvenience was removed in March, 1863; and since then, in this country, the central government is charged with the surveillance of prostitution and with the care of the sick prostitutes. Efforts were made to have them attended to in hospitals *ad hoc* (syphilitical), which were placed under the direction of the health office.

I shall now return to the prisons. In spite of the considerable number and fluctuating character of their populations; in spite of the necessity in which the government saw itself to occupy and to use as prisons, old convents and other monastic buildings, merely to obtain shelter; in spite of a staff almost entirely inexperienced in the routine of prisons, or corrupt; in spite of financial straits and recently introduced disciplines; in spite of all these difficulties, the security of these prisons seems not to have suffered much, and everything conspires to produce the belief that things are tending, little by little, to a better condition, since the number of escapes, which in 1863 amounted to a proportion of 0.70 per cent, were reduced in 1865 to 0.53 per cent.

The preventive prisons, depending on the minister of the interior, are placed under the surveillance of functionaries who are subject to his direction, such as the prefects, sub-prefects and syndics; and special directors are appointed for those of greater importance.

In every parish there is a *visiting commission*, composed of

the syndic (chairman), the royal attorney or justice of the peace (if there is no court), the parish priest, and four respectable citizens, who are named by the parish council. It is the duty of this commission to visit the prisons and watch over their internal discipline and the treatment of the prisoners; but the fact that its functions are merely administrative, does not forbid it to have recourse directly to the ministry, whenever it believes that its suggestions have not been taken into due consideration by the governing authorities, or when occasion arises of an extraordinary character beyond the power conferred upon it by the regulations.

The staff of directors and keepers of preventive prisons are regarded in this country as forming a distinct body from that of the penal establishments, and their remuneration is, consequently, somewhat less.

The directors are of three classes; to the first of which is allotted an annual salary of 3,000 livres; to the second, 2,500 livres; to the third, 2,000 livres; besides which they receive an indemnity of from 200 to 400 livres, when the establishment does not afford them a lodging.

The director of a preventive prison is its highest officer, as well in respect to the administration as to the discipline, and the government holds him responsible for any damage done to either. Consequently he distributes, as he may think proper, the whole service; superintends and directs the keeping of all the registers; controls the accounts, the employment of the prisoners, and the exact observance of the terms of the contract. He has sometimes a sub-director under his orders, besides a number of employés required for the discharge of the various duties of the establishment. The former are of two classes, with a salary of 2,000 and 1,500 livres respectively. The latter are all of one class, receiving 1,200 livres per annum. Smaller prisons are sometimes entrusted to either, without, however, entitling them to any extra salary, except the indemnity for lodgings in the above mentioned case of want of room in the establishment.

There is also appointed for each prison, a sanitary and a religious staff, such as may be required by the prison population. The sanitary officer is obliged to visit the sick daily, and prescribe for their ailments; it is likewise his duty to see all new-comers, to examine them, and to ascertain whether they have any diseases requiring special treatment; and, finally, he is required to visit those who

are confined in the dark cells for punishment, to ascertain whether their health is not suffering.

The chaplain is required to visit all these classes of prisoners, to bring to them the consolations of religion, to read mass for them on festival days, to hear the confessions of those who express a desire to confess, and to assist those that are on the point of death. The literary instruction of the prisoners is almost always entrusted to him, where the establishment can afford space for a school; but for this extraordinary service he is entitled to additional remuneration. It does not seem to me useless to add that Protestant ministers have likewise free access to the prisons, whenever this is asked by their co-religionists.

Bearing in mind the unfavorable conditions of the preventive prisons as regards the buildings, we shall find that the staff of keepers is smaller than we should have expected. On January 1st, 1866, it was in the proportion of seven per cent. to the number of prisoners—comprising the head keepers, the under keepers, the simple keepers and the apprentices; forming four classes, with various salaries from 1,100 livres down to 600 livres per annum.

Every person under trial, on being brought to the prison, receives the visits of the medical officer and of the chaplain, and is then taken to a cell, to be at the disposal of the court, which, on consultation with the director of the prison, provides for the ulterior assignment of each prisoner to one or the other of the various classes, when the reasons for his isolation have ceased. For sentenced prisoners the director alone orders what he thinks proper, and, if required, reports to the minister of the interior.

Every prisoner, on entering the prison, receives a wooden bedstead and table, (if there is not already a table fixed in the wall); a straw mattress and a pillow; also a linen sheet, one or two woolen blankets, a porringer, a wooden spoon, a goblet, a comb, etc., etc. His own clothes are taken from him, instead of which he is dressed by the contractor in woolen clothes in winter and in linen clothes in summer, which must be changed at fixed times. In every prison there is also a number of chambers, where the treatment is better, the beds more comfortable, and the furniture more abundant; these rooms are therefore called "reserved," and none of the prisoners are permitted to occupy them without the consent of the superior authority. Those to whom this favor is granted pay a monthly rent of five to ten livres—half of which is added to the profits of the contractor, and the other half reverts to the govern-

ment treasury. This is a specimen of prison-aristocracy. The board of the prisoners,—of those in good health as well as of those in the infirmary,—the repair of the buildings, the furnishing of utensils and articles of furniture, the cost of divine service, etc., etc., are at the expense of the contractor, whom government pays at so much per head, the rate being determined by public auction. Prisoners in good health are entitled to a daily ration of bread, weighing 750 grammes, and one dish of rice and vegetables or pastry of the same.

Once a week the ration must be a soup made of 85 grammes of meat; and once every fortnight the meat has to be served as hash. On certain days and at certain hours, fixed by the internal regulations, it is permitted to the prisoners to receive food sent to them from without, by their families; but it is always permitted to them to purchase it at the cellar attached to the prison, which is managed on account of the contractor, where a bill of fare, approved by the directing authorities, fixes the price of every article.

In 1865, the cost of each prisoner per day, exclusive of transportation, was 0.65 livres; and with everything included, 0.83 livres. At present the minister of the interior is investigating this whole subject, and it is not doubted that a wise economy will be secured by abolishing the rotten system of sub-letting.

The visits of friends, conferences with counsel, and walks in the prison yards are regulated by a time-table, approved by the minister. To prisoners awaiting trial, liberty is given to choose any of the occupations which are admissible in prisons. For the sentenced, work should be obligatory, but the want of room is often a hindrance. In some establishments, which offered available space, certain occupations have been introduced, such as shoemaking, tailoring, etc.; but, in our country, this most potent means of reformation will always be imperfectly applied, at least until suitable accommodations for labor are provided.

The government takes half of the profits arising from the labor of sentenced prisoners, and one-third from the accused, on condition of restoring it to them on their being acquitted. In 1865, the income derived by Government from this source amounted to 18-448 livres, an insignificant sum that might perhaps have been better employed by allowing it to revert to the families of the imprisoned persons. It might be well to release the local directors from the painful duty of drawing, penny by penny, a profit that is generally looked upon as an extortionate and odious tax.

The punishments which the directors can inflict, on their own responsibility, without giving account thereof to any except to the ministry, on his demand, are the following: Depriving the prisoner of the profits of labor, exclusion from the walk in the prison court, refusal of permission to receive food from without or to purchase it at the prison cellar, fasting on bread and water, the punishment cell, with or without the straight-jacket, from one to fifteen days; all these are punishments admitted by the regulations.

For some time, the system of cellular carriages for the transportation of prisoners has been contemplated, but the extraordinary movement which our prison-population presents, amounting to 176,232 in the year 1865, and the want of easy communication practicable roads, especially in the southern provinces, where the greatest movement takes place, will for some time to come prevent the complete execution of this project.

All things considered, we must, in fairness, confess that we are far from having accomplished half the reform proposed for our preventive prisons. And, having said this, I must ask you to understand it by no means as a negation of all progress towards improvement; on the contrary, the progressive amelioration we have obtained is very considerable, especially from the point of view of the material comforts, which our prisoners at present enjoy.

The proofs are these: When, in 1860, the city of Palermo rose unanimously against the Bourbons of Naples, I, likewise, had to undergo the baptism of imprisonment. I shall not relate what I suffered then, for my words might be considered as dictated by a desire of revenge. Two years later, through one of those strange changes which occur in man's life, I again saw that prison in my capacity of inspector of prisons, and I found the horrid scenes, which have so often excited the beholders to commiseration, happily removed, having given way to a state of things which I beheld with gladness and surprise.

I am sorry that I have not been able to obtain sufficient data to show what was the amount of mortality in the preventive prisons in the various states. From statistics collected during the last four years, it would appear that it amounted, among men, in 1863, to 3.04 per cent; in 1864, to 4.19 per cent; in 1865, to 3.33 per cent; among women, in 1863, to 2.13 per cent; in 1864, to 2.16 per cent; in 1865, to 2.08 per cent.

Taking into consideration that the mortality among the free

population of this country amounted, according to official data, for men, to 3.24 per cent in 1863, and to 3.08 in 1864, and for women, to 2.99 in 1863 and to 2.88 in 1864, we have reason to be pleased with these proportions, especially when we bear in mind that preventive detention among us, from circumstances of which it would be useless to speak here, is not of that brief duration which would be desirable.

The fallen governments have left us a sad inheritance of corruption and vices, and the work of improving the morals of the masses requires time, and especially *times* of peace. In the absence of judicial statistics, I have endeavored to collect some data from those of the prisons themselves, to show the measure of influence exercised on the amount of criminality by bad government; and the results have surpassed my expectations. Fixing the proportion between the sum total of prisoners on the 31st December, 1865, both in the preventive prisons and the penal establishments, and the total of the free population in each province, according to the census of 1861 (the last that has been taken), it appeared that the provinces of Naples and Sicily showed the enormous proportion of thirty prisoners to every thousand souls, the ex-Pontifical states twenty, the Lombardo-Venetian fifteen, and so on.

Now I come to the penal establishments, and first among them to the prisons for minors.

According to our present laws, youths below the age of fourteen and deaf-mutes from birth or from infancy, having committed a crime, with full understanding and bad intention, and having been condemned to imprisonment, shall be confined in appropriate establishments, subject to a special discipline, the principle of which is that of education rather than punishment.

In the whole kingdom, there are five establishments of this kind—three for males, one of which is situated near Florence, another near Turin, and the third in Naples. Two are for females, one of which is near Florence, and the other near Turin.

The system generally adopted in these establishments is that of Auburn; but the director can release them from the obligation of silence during their recreations, with such limitations as he may think proper. Recently entered criminals are subject to a *first period of absolute seclusion*, which may last from five to twenty days, at the discretion of the director, who has to take into consideration the age, previous conduct, natural disposition, and the nature of the crime committed by the prisoner. Returned con-

victs are, however, excluded from these favors, and for them the first term of total seclusion is fixed at twenty days, nor can the director, on his own authority, diminish it.

Youths are instructed in such trades as are considered most necessary for life, that, after having regained their liberty, they may be able to earn a living. For this purpose they are mostly kept at shoemaking and tailoring; besides which, they receive some instruction in the ordinary branches of education, comprising their native tongue, writing, arithmetic, with, perhaps, some elementary lessons in geography, natural history, the special history of their country and linear drawing. For those whose conduct is exemplary, and who show a strong inclination for music, a class for vocal or instrumental instruction is likewise formed. For the physical development of these youths, we have gymnastic exercises during their hours of recreation, and they are also instructed in the management of the fire engine.

As regards the internal *régime*, the same regulations are adopted in these houses for juvenile culprits, which are in force in those of the adult, with this difference only, that the quantity of food for minors below the age of sixteen is reduced to the same amount which is allowed for women in the other places, unless the health officer recognizes the need of an increased quantity.

The ill-behaved are visited with special punishments, such as privation of recreation during recess, or of the second dish at dinner, confinement in a cell or seclusion with fasting on bread and water. The lighter punishments may be awarded by the director; for the others, the opinion of the disciplinary council is required.

Rewards are granted for good conduct and attention to work and study. These rewards consist in words of praise, better food, proposal of pardon, inscription on a register of honor, and presents of money.

It has been considered especially desirable to take advantage of the effects of rewards, and among these, of the hope held out to the prisoners that by an exemplary conduct they would improve their future fate and condition. For this reason the register of honor has been, as it were, placed by the side of the punishments, and those who are inscribed upon it wear, as a sign of distinction, a green woolen braid or badge on the sleeve of the left arm, and when their improvement has been recognized as sincere and constant, they are transferred by order of government to one

or other of the charitable houses of reformation, where their sojourn gradually loses the character of a penal confinement. Statistical data, which we are enabled to add to the above general review of these houses of custody, show that during the last four years the number of their inmates was as follows:

Males, in 1862, 880; in 1863, 349; in 1864, 411; in 1865, 445. Females, in 1862, 42; in 1863, 29; in 1864, 39; in 1865, 47.

These figures show the agreeable and important fact that the criminality among minors, and especially among female minors, continues to maintain itself at a low proportion.

The mortality among these confined persons amounted, for males, in 1862 to 1.05 per cent; in 1863 to 2.58; in 1864 to 1.22; in 1865 to 3.81. For females, in 1862 to 9.52 per cent; in 1863 to 6.83; in 1864 to 2.56; in 1865 to 6.88.

There is consequently good reason for asserting that the effects of privation of liberty and of a life of seclusion is even more destructive for female than for male prisoners. Moreover, the different condition of the families of the young prisoners offers most eloquent results; since the proportion of culprits who had both father and mother was, among the males, 32.40 per cent, and among the females, 29.63 per cent, whilst the remaining 67.60 per cent of males and 70.37 per cent of females were made up of orphans, bereft of one or of both parents. Other data might be added, but they would be of an importance altogether secondary.

These facts have already had the effect of inducing our government to take into consideration the means by which it would be enabled to provide for the moral education of minors, utilizing and directing to an end truly beneficent and social the vast number of charitable institutions for which Italy is distinguished even among the most enlightened nations of Europe, and thus turning them to a most beneficial purpose and rendering them profitable to society at large. Still, I fear that without prompt measures, without radical reforms, without a straightforward and immediate start in the right direction, criminality among the minors will also in our country assume larger proportions and that fearful character which render it an almost incurable ulcer.

Having brought to a close my review of the houses of custody for minors, I will speak of the establishments for adults.

There are in the whole kingdom, twenty-eight penal establishments for men and four for women. Of the former, fourteen are for those who are sentenced to separation, three for those sen-

tenced to banishment, six simple prisons, one for hard labor, one (so called) garrison,\* and one for the old chronic and disabled offenders. Besides, we have the island of Ponza, where they undergo the punishment of banishment according to the old code of the kingdom of the two Sicilies,† and the island of Pianoso, where those condemned to separation or simple imprisonment are sent for the last years of their punishment, when their conduct has given undoubted proofs of repentance.

In the penal establishments for women, all the various punishments to which they are sentenced are undergone without any distinction of classes, because the number of condemned women is not so great that it would be necessary to classify them, as is the case with the men. These penal establishments are distributed over the kingdom in the following manner: In the Lombardo-Venetian provinces, there are two; in the old Sardinian states, ten; in Tuscany, six; in the Duchies of Parma, Pianza, etc., three; in the ex-pontifical provinces, three; in the Neapolitan provinces, eight, and on the Island of Sardinia, one.

The penitentiary systems in force in these establishments are as follows: There are but two in which continual separation is practised; two others observe a mixed system, partly that of Auburn, and partly that of separation; four are entirely on the Auburn plan; two have a mixture of the Auburn system with that of association; fifteen are on the system of association with complete organizations for labor, and four are also on the system of association, but without a complete organization for work. Thus it will be seen that we have a perfect rainbow of penitentiary systems; and before proceeding further, I deem it proper to give some explanations in this regard.

The penal establishments on the system of continual separation, as well as those combining that system with the Auburn, belong to the province of Tuscany. As already stated, the scale of punishments established by the code of 1853, and modified by the law of 1860, by virtue of which every other system of punishment has been excluded, is still in force in that province. The establishments on the Auburn system exclusively, belong to the pro-

\* According to the laws, this kind of punishment subjected the prisoner to hard labor in a fortress and with an iron ring around his right leg.

† To suffer this punishment the convict was to be transported to an island where he had to maintain himself during the length of his term. The officials of the department of secret police could seize, transport, and keep banished on an island any person they pleased for an indefinite period.

vinces of the old Sardinian states, with the exception of one (the Murate, of Florence) into which it was introduced in 1862. All the others belong to the Sardinian, Neapolitan, or other states, which are thus under an impossibility of reducing them to any other system. These differences have not been neglected in the statistics which we have published in the years 1862, 1863, 1864 and 1865; and it has been my principal care to draw comparisons, constructed in a manner to render them of service in the coming parliamentary debate on the definitive adoption of a penal discipline.

With regard to security, our penal establishments have indeed fulfilled the hopes of government, as during 1865 there occurred no escape, a fact on which we have so much more reason to congratulate ourselves, as we have persons condemned to severe penalties, imprisoned in buildings that are but indifferently adapted to the purpose and badly distributed.

These penal establishments are provided with staffs, that are, perhaps, too numerous, and sub-divided into too many classes. We have directors of five classes, with salaries from 5,000 livres down to 3,000 livres per annum; inspectors of two classes, receiving from 2,500 livres to 2,200 livres; bookkeepers and cashiers of three classes; secretaries, employés and volunteers; we have chaplains, physicians and surgeons of four classes; we have head-keepers of four classes, receiving 1,000 to 850 livres; sub-chief-keepers of three classes, with 800 or 700 livres; simple keepers and apprentices of three classes, with 650 to 460 livres; and, finally, female keepers and sisters of charity, whose emoluments are not fixed by the regulations, but by special orders of the minister of the interior. Between the emoluments of the staff of the preventive prisons and those of the penal establishments there is this important difference, that the former receive only a ration of bread besides their salaries, whilst the latter are provided with board, consisting of two rations of soup daily, two of meat, with bread, wine, &c.

Each establishment has a director, or in his stead a managing inspector, with one or two accountants and such number of employés and volunteers as is supposed to be required, together with a corresponding medical staff and religious attendants. When we examine the various duties they have to perform, we shall perceive how utterly impossible it is to diminish their number, without, at the same time, changing the entire administrative regulations.

The staff is distributed according to the exigencies of the place; thus we find that at Bergamo, it presents the proportion of 19 per cent to the number of prisoners; whilst at Parma, it hardly amounts to 8 per cent; and it may, on an average, amount to 9 per cent., including the Sisters of Charity, under whose care, are the female prisoners.

An Italian prison is a real workshop. The director, who is at the head of it, has charge of the safe keeping of the prisoners, and has to watch over the strict observance of the interior discipline, and to direct the whole management of the household. To this purpose, he disposes of the staff according to his best judgment, establishes or abolishes workshops as he believes them useful or injurious; he makes contracts for the supplies of food, and of the raw material required in the workshops, and also for the sale of the articles manufactured by the prisoners. All this amounts to some hundred thousand livres, put into circulation through him. It is, indeed, true that he must ask and receive the assent of the minister to each particular transaction before it can be put into execution. He must likewise render a detailed account of everything, but the central government would find it difficult to control the estimates of a functionary who, it must be supposed, is acting with full knowledge of all local conditions; and we are not yet provided with a board of inspectors to whom this duty might be entrusted.

The managing inspector does, indeed, to some extent, exercise a control over the director's transactions, but his action is very limited with regard to the administrative portions thereof, and is mostly confined to a surveillance of the internal discipline.

From the above explanations, it may be readily inferred what are the attributes and the duties of the bookkeeper and of the cashier. The latter examines all accounts, makes all entries, and all payments concerning the service of the establishment, of whatever nature they may be, or to whatever branch they may refer; the former is the responsible trustee of everything which the establishment contains—furniture, utensils, raw material, manufactured articles, &c., whether they belong to the government or are private property. He presides over sales and consignments, and gives discharges for such. But neither of these functionaries executes any transactions without written orders from the director, and for this reason they may rather be considered as passive instruments than as active organs of the prison administration.



What has been said about the religious and sanitary staffs of the preventive prisons, refers likewise to those of the penal establishments, and need not be repeated here.

The condemned prisoner, who enters the penal establishment, is subjected to the usual medical examination. If required, he is taken to a bath, his hair is cut short, and he is dressed in the uniform of the establishment; he is then kept separately in a cell, where he receives instruction in the duties expected from him, and he is advised to attend to them with composure and resignation, both as regards his work and his moral and civil instruction.

This term of seclusion lasts a fortnight, when the prisoner is sentenced to simple imprisonment; but twenty days, if he has been condemned to banishment; nor does it lie within the province of the director, either to prolong or abbreviate this term for any reason whatsoever. For relapsed criminals, the term is increased by one-half.

After the expiration of this term, the convict is conducted before the director, by whom he is sent to a cell, or to a dormitory, as the director judges proper. From that moment the prisoner is called by the number that has been given him, and this number is fastened on the sleeve of the left arm of his jacket.

The use of his own clothes is absolutely prohibited, with the exception of those who, as "political prisoners," are condemned to banishment, but even these are obliged to wear on their sleeves the number that has been given them in the register.

The articles of body-apparel which the penal establishments allow to the convicts are the following: for men, a jacket, a pair of trousers, drawers, shirt, scarf, etc., also a coat in winter; and for women, a dress, petticoat, chemise, scarf, shoes, etc. To each is given a bed with two linen sheets, one or two covers, etc. The workshops are heated, when the state of the atmosphere requires it; the infirmaries are kept in the most scrupulous cleanliness, and the sick are attended to in the best possible manner. Oh! how many free workmen are without all these comforts; how many are living in a materially inferior condition, and would envy that lot, were it not that they are supported by peace of conscience, the love of family, and the air of liberty.

I have said that in our country a penal establishment is a real workshop; and I was not far from the truth. The work is generally done on the account of some contractor or employer, when there is one; or for the government account, when there is none, which

is the best plan as respects economy. It has not yet been decided to adopt the French system, which assigns to a contractor all the labor of the prisoners; and there is some hesitation as to following that of Belgium, which employs such labor in supplying whatever is needed for the prisons, for the land and sea forces, etc. It has, indeed, been determined that the contractors of the preventive prisons purchase all the articles they require from the penal establishments; but the consumption in that shape secures but a very limited occupation to all the disposable hands; consequently it becomes necessary to have recourse to private speculators, which brings the prisoner's labor into competition with that of the free man.

A project has been submitted to government, with a view of adopting the French system, by way of experiment, in some of our penal establishments; but the question of the utility of this system, from a moral as well as from a material point of view, is still under discussion. My opinion is, that it is not in harmony with our institutions; on the contrary, to speak plainly, it appears to me a *veritable mining of man by man*,\* because, according to the view I take of the matter, the contractor becomes the depot of the establishment, and I hope that, before this system is accepted, it will be carefully studied, as well from an economical point of view, as with regard to the obstacles it might throw in the way of the reformation of the culprit.

The dietary of the convicts is divided into a legal ration, a ration of labor, and a ration of reward. The legal ration consists of a bread ration of the weight of 750 grammes, and of two dishes, either rice and vegetables, or pastry and herbs, to follow each other on different days and according to the season. The ration of labor consists, in addition, to the foregoing, of a portion of rice, vegetables and meat. The ration of reward comprises all the above, and adds on three days of the week, half a pint of wine. The dietary of the women is the same as that of the men, except that it is less in quantity by one-fourth.

A labor tariff is established for every kind of work, and by it is determined the *minimum* of work which every prisoner must perform to be entitled to the additional ration of labor, and to that of reward; besides which, his conduct must be good. The foreman

\* That is, as we suppose the author means, the working of a man a mine, to make money out of him.

of the work judges at the end of every month as to the quantity of work done, subject to the approbation of the *managing inspector*. The excitement of the occasion may well be imagined. As it is expressly prohibited to receive any food from without, or to purchase it at their own cost, none of the convicts would meekly resign himself to the fate of being excluded from the number of the elect.

In the penal establishments of Tuscany, where different disciplinary regulations are in force, these rigorous prohibitions are somewhat mitigated. There it is permitted to the prisoners to sell a part of the produce of their labor to procure themselves some cheese, or sausage, or similar eatables, which are considered excellent relishes to be eaten with bread.

When the prisoner has finished his apprenticeship at the trade to which he had been put, a certain part of the produce of his labor is given to him, under the title of gratification. This amounts for men to 2-10 for those who were sentenced to simple imprisonment, and to 1-10 for those who are sentenced to banishment; and for the women, it amounts to 3-10 for those sentenced to simple imprisonment, and to 2-10 for those sentenced to banishment; and, finally, it amounts to 1-10 for those sentenced to hard labor. To the class of chronic recidivists of both sexes, and to the banished, a proportion amounting to 3-10 is allowed, wherewith to procure for themselves the extra nourishment that is permitted to them.

The number of hours of labor is fixed, on an average, to 12, after deducting the hours allowed for their two meals, at 10 A. M. and 4 P. M., and for walking, when the weather permits.

I have always experienced a painful sensation, when I have found the prisoners at their walk in the yard. The sight of thirty or forty men, for the most part young, of stern aspect, silent, sorrowful, following each other at the distance of two yards, going round and round within the naked and often narrow court yards, which are surrounded by high walls, brings to my mind the training of wild beasts at the menagerie, and it seems to me impossible that their health can be improved by such monotonous exercise, which, instead of sustaining their physical forces, can but serve to re-ignite the violent passions within their minds.

In our penal establishments, not all convicts are admitted to the school. Only the best behaved are permitted to receive instruction, which is conceded to them as a reward, and not imposed as a duty, and before the director grants this favor, he is bound to

ascertain whether the prisoner possesses the required talent, or is gifted with a special aptitude for receiving advantage from instruction.

The usual subjects taught are writing, arithmetic, the legal system of weights and measures, the elements of the Italian language, and linear drawing. In some prisons, ornamental drawing, as well as music is taught, and I have often stopped in surprise, hearing the scholars perform difficult select pieces with precision and delicacy.

I believe that it would be an excellent reform to make the school obligatory for all the convicts, and I think great improvement would result from giving to the instruction a wider field and a more varied and pleasant selection of subjects of instruction, which should comprise music for all who show a special desire for it. A real moral improvement can not be expected to result from the system of shutting up a man in a cell and obliging him to work at some tiresome, often distasteful and unprofitable task. To secure real mental improvement, it is above all things necessary to awaken their noble sentiments and generous instincts, to soften their hearts to virtue, but to steel them against the influences of bad company and bad inclinations and habits; in fact, to render them fit for their return into the civil community, not as mere automata, more or less perfect, but like men, who, after having committed a fault, have become purified by the sufferings endured and by the constancy of their own resolutions.

In every prison, there is a collection of useful and moral books for those prisoners who desire them; and there are many who devote the few short moments of repose, which are allowed to them on Sundays, to reading; that being the only day on which work is not obligatory.

The ill-behaved are visited with various punishments, such as admonition, isolated confinement in a cell, for a shorter or longer time, with bread and water, or with irons. The lighter punishments can be inflicted by the director, on his own authority; but, for those of a more severe character, he requires the consent of the disciplinary council, which alone possesses the power of adjudicating, in cases of serious infraction of the regulations. This council is composed of the directors, the inspector of the household, and the secretary; it is convened by the director, who also presides over it; but it cannot pronounce sentence until after having heard the accused in his own defence, and having commit-

ted to paper a detailed account of the whole transaction, signed by all.

A few interesting statistical data may find a place here.

The maximum capacity of our penal establishments is 8,695; 8,044 of which are for men, and 651 for women, while the average number of convicts amounted, in 1865, to 7,796, of which number there were 7,238 men and 558 women. The number of relapsed convicts was believed to be, according to information received, twenty per cent for men and six per cent for women; but our statistics are neither complete nor fully reliable upon this subject, as we have no judicial registers.

Of the number of convicts who entered the penal establishments, during the year 1865, there were sixty per cent who could not read, the proportion between men and women being about the same. From the results of instruction, we may infer that the women acquire more readily, than the men, the first rudiments of learning, but seem to remain stationary after that, while the men continue steadily advancing. It has, likewise, been ascertained that the Auburn system is more favorable to elementary instruction, while that of separation is more favorable to what I will call the higher studies.

Of the convicts, in the year 1865, 82.77 per cent were engaged on work, and 17.23 per cent were unoccupied. Comparing, then, the various systems, the proportion of working days to the total time of imprisonment was 73.85 per cent, in the system of continual separation; under the Auburn system, it was 62.89 per cent; and under that of association, it was only 61.57.

The average of profits derived by the prisoners from their work, under a contractor, was, for the men, 0.34 livres, and for the women, 0.17 livres per day. When working on their own account, their profits increased to 0.41 livres for the men, and 0.21 for the women. The net profits, derived by government from the work of the prisoners, have been calculated according to the various systems in force in the different penal establishments, taking for each the amount of profits in one hundred days, and the calculation showed that the establishments under the Auburn system yielded a profit of 38.65 livres; those under the system of association, 25.70 livres; and, finally, those under continued separation, 22.45 livres. The cost of one day, without deducting the profits derived by government from the prisoners' work, was, for men, 85.35 livres, and for women 74.86 livres; but, on making

deduction of those profits, the net cost per day would amount, for men, to 0.66 livres, and for women to 0.60 livres.

Under the usual classifications according to systems, it would appear that the net cost per day was, under the mixed system, 0.76 livres; under the system of association, 0.67 livres; under the Auburn system, 0.56 livres; under the system of continued separation, 0.56 livres; and finally, under that of continued separation mixed with the Auburn system, 0.55 livres.

During the year 1865, fourteen prisoners have been transferred to the lunatic asylum, for medical attendance, and there was one suicide to be recorded.

The total of deaths amounted to 682, of whom 608 were men, and 74 women. Comparing these figures with the average of prison population, they show a mortality of 8.41 per cent for the men, and of 13.26 per cent for the women.

Comparing the various systems with each other, not only with regard to the mortality in proportion to the average of prison population, but likewise with regard to the latter, in proportion to the mortality among the sick, we place them as follows:

<i>Mortality on the average of prison population.</i>	
	Per cent.
System of Association, with work.....	11.40
System of Auburn .....	9.55
System of continual separation.....	6.74
System of Association, without work.....	3.89
System of continual separation and Auburn.....	2.63
System of Auburn and Association.....	2.05
Agricultural colony of Pinosa.....	0.65

<i>Mortality among the sick.</i>	
	Per cent.
System of continual separation .....	20.69
System of Association, with work.....	9.28
System of Auburn .....	8.82
System of Auburn and Association.....	5.17
System of Association, without work.....	4.29
System of continual separation and Auburn.....	3.65
Agricultural colony of Pinosa.....	1.00

The inference to be drawn from these figures seems to me clearly the following: While all other systems keep within moderate limits, if not in quite equal proportions, the only system that

shows a very marked difference is that of continual separation, as it shows a mortality of 20.69 per cent on the number of the sick, which proves in an incontestable manner the murderous influence of that system.

To avoid confusion, I have not extended my comparisons to the four prisons occupied by women. Of these four, one (the prison of Torino), shows almost always an excessive average mortality (26.67 per cent in 1865); and without long explanations, any comparison whatever, would be incomplete.

The diseases prevailing among the prisoners, male as well as female, are principally those of the pulmonary and digestive organs, and, next, acute fevers. The cholera which invaded the Neapolitan provinces carried off many victims, and the proportion of mortality among those who took the disease amounted to no less than 47.95 per cent.

It has been asked whether detention, at a considerable distance from the place of their nativity, had any influence on the increase of mortality among prisoners, and researches in that direction have shown the fact that this question may be answered in the affirmative; but as the statistics concerning it extend over one year only (1865), they must await confirmation.

In 1865, I wished to make some researches into the effect of long imprisonment in our penal establishments, and for that purpose I asked from four of them, first, what number of prisoners, sentenced to ten or more years, had been admitted since their opening; and second, what had become of those prisoners. The results of these inquiries astonished me.

The penal establishment of Alessandria, sent me particulars extending over a period of 18 years; that of Oreglia, of 16 years; that of San Gimignano, of 15 years, and, finally, that of Lucca, of 13 years. From 1,724 prisoners who had entered those prisons, 90 had served out their term to the end, 342 had died; the others were either discharged by pardon or had been transferred to other prisons, or to lunatic asylums, or they still remained to finish their sentences.

The last class of our penal establishments are the galleys, which are destined for prisoners who have to undergo the punishment of hard labor, for life or for a term of years. They are reserved exclusively for men; for the women who are condemned to similar punishment, are taken to the penal establishments for

women, previously described, and are, therefore, included in the number of those condemned to banishment or simple imprisonment.

To speak at one time of the galleys, was to utter all that was most abominable and most scandalous for the members of the human race sentenced to such punishment, and for the State which tolerated it. I could not render the picture faithfully, however dark the colors I might employ. Things are changed now, and the reform is due to the skillful and intelligent exertions of General Del Santo, who had been at the head of the business by express appointment of our late Count Cavour, a statesman whose loss Italy can never sufficiently lament.

I do not wish to be understood as holding up the galleys as they are now constituted, as perfect models of the penitentiary system, or as being entirely free from their original defects; but I affirm here, that many of their old abuses have disappeared, that the filth and scandal of former times have been reduced to the smallest proportions, and that they have shown themselves capable of further improvements and of greater reforms, by which they may become, in the course of time, really useful and available to moral purposes.

The service at those prisons is in a state of transition. I will speak first of the manner in which they have been hitherto conducted, reserving further remarks for another place, where I shall describe the principal modifications they are now undergoing.

In accordance with an old usage, the galleys have been placed under the authority of the navy office, as having formerly employed the prisoners as galley-slaves, and in the hardest and most fatiguing labors at the arsenals. On the part of the navy office, an Inspector General was appointed to superintend the regulations, relating to discipline, while the general commissariat of the navy was charged with the administrative part of their affairs.

The number of our galleys amounts to twenty-two; five of which were called *Central*, because they were the centres of all disciplinary and administrative action. Seventeen were called *Branches*, because they depended on the centres, although they preserved, to some extent, a free action of their own.

Retaining the name originally given to them, they are divided into those of the North, of which there are eight; those of the Island of Sardinia, two; on the Adriatic also two; six Neapolitan; and four on the Island of Sicily.

The authority in every galley is entrusted to its director alone but the disciplinary administrative authority is placed in the hands of an administrative council, and extends to the whole of the economical transactions and the accounts.

This council is composed of the director (as President); the under director, (as referee and member); of three captains or subaltern officials (as members); and of the official director of accounts (as secretary.)

The staff of direction, and in fact the whole corps of officials have military rank and belong to the military hierarchy. They therefore enjoy the advantages which are inherent in the latter, such as the right to a pension, to promotion, &c.; the administrative and writing staff are civilians, employed without any prospect of promotion, but merely that of an augmentation of salary every five years, until that salary reached the sum of 1,600 livres annually. The corps of keepers is arranged in companies, consisting of sub-officers, or marines, with a military organization, administration and discipline. The proportion of keepers to prisoners ought to be 13 per cent, but it is in reality less, and scarcely reaches 10 per cent; they receive full board, (besides their salary) namely, a ration of food composed of bread, two meals, collation, and wine.

In the galleys the religious service, is entrusted to Navy chaplains, as the sanitary service is to Navy surgeons, but in the absence of these, civilians are employed as physicians, and clergymen as chaplains, and a salary is agreed upon as a recompense for the duration of their temporary services.

The convicts in the galleys are divided into four classes. To the first class,—which is distinguished by a badge of white wool on the cap,—are assigned those who are condemned for military crimes or for misdemeanors which have been committed in a state of drunkenness, or under the impulse of sudden passion, and which consequently permit the supposition that the guilty person is not animated by corrupt and depraved propensities, and is therefore easily accessible to improvement.

The second class,—distinguished by a yellow riband,—are those sentenced for the crime of theft. To the third class, distinguished by a yellow-black riband, belong to those who have been sentenced for fraud; to the fourth, distinguished by a strap of black wool, belong those who have been sentenced for atrocious crimes, homicides, &c.

Every class is divided into three categories, according to the duration of the punishment. To the first belong those who are sentenced to not more than ten years, and they wear an azure-blue collar on their jackets. To the second belong those who have been sentenced to terms of from eleven to twenty years; these wear a grey collar. Those of the third class are persons sentenced for life; they wear a red collar.

The convicts whose conduct is exemplary, can be promoted from one category to another; and the turbulent can be degraded. But the convicts of the third category cannot pass to the second before the expiration of three years of good conduct without any punishment, and afterwards they are subjected to more positive trials of their moral improvement.

The chains, which the convicts must wear, are of different weight for the different categories; of six links and of the weight of 1,300 kilograms for the first; of nine links and of the weight of 1,700 kilograms for the second category; and likewise of nine links but of the weight of 3,000 kilograms for the third category. Chains of eighteen links and weighing 6,000 kilograms serve for coupling newly arrived prisoners together or such as are incorrigible.

No convicts can be proposed for pardon or for a diminution of punishment but those who by their good conduct deserve to be promoted to the first category. Generous actions and special services deserve particular regard. Of the first category are likewise all the kitchen drudges and servants, whose chains are taken off, leaving them only a ring on one of their feet.

While the prisoners stay in the galley they are firmly chained to the floor or wainscot; when they go out they are chained together two by two, and the director only can order the chains to be taken off and to leave them alone, but even his authority does not extend beyond the two first categories; the third being excluded from this benefit.

Labor is obligatory for all the convicts, and they can be put to it without giving them any reward. The government officials, the contractors, and even private persons, who wish to employ them for special work, need only make the demand in the ordinary manner, agreeing to pay to the administrator of the galley, besides the wages of the galley slaves, thirty-six centimes for every day of work; two-thirds of which revert to the treasury of

the administration and the other third is allowed to the keepers as a recompense for their extra service.

When the convicts worked for the royal navy they were divided into two categories, and each subdivided into three classes. Those of the first category were workmen and laborers, and those of the second, sawyers. To those of the three classes of the first category the following amount of wages was paid: thirty-six, twenty-four and eighteen centimes; to the others, comprised in the second category, seventy, sixty and fifty centimes, and to both was given a ration of spirits of ten centilitres, and valued at twenty centimes.

In Genoa the convicts find work at the wharves, in the arsenals, in cellars, and in the fortifications of the Gulf of Spezzia; at Cagliari they work in the saltworks and on buildings; in Ancona, at the widening of the port and on the new fortifications; in San Bartolomeo, on the cultivation and amelioration of lands; in Nisida and Procida, in scarf manufactures and iron bedstead factories; in Palermo a large printing house, promising excellent results, has been erected.

The accounts of the wages owing to the prisoners are made out at the end of every week. The sum which each can dispose of to purchase extra food, etc., at the prison cellar is handed over to him; for the state does not supply them with any more than the ordinary bread ration of 735 grams, and a dish of rice or pastry and vegetables of 106 grams each, with the required seasoning. The use of the cellar brings with it very naturally all those inconveniences which practical writers have so often denounced; but they are inevitably connected with the system and cannot be avoided without changing it.

A uniform dress, furnished by the establishment, is worn by all prisoners. It is nearly the same as that worn by the prisoners in the penal establishments. Every object given to the prisoners is valued according to an approved tariff, and they are held to make good any damage done to these articles, before the expiration of their sentence.

The sick are treated according to the prescriptions of the medical officer, on whose advice and with the consent of the director, the prisoner's heavy irons can be exchanged for others of less weight, in proportion to the gravity of his illness. The dying prisoner is entirely released from his irons, when on the point of receiving the last sacrament; but the irons must be resumed by

the convalescent in proportion as they recover from their illness and gain strength.

The punishment of the bastinado was a punishment much employed in the galleys, before the present order of things was proclaimed, and the principles of civilization and humanity made prevalent. For some time past the bastinado has been abolished throughout Italy, and the internal discipline has not in the least suffered thereby; and this is not a small thing, when we consider the abuses which have been removed, and the strict regularity which has been introduced into every branch of that service.

To give some statistical information on the galleys, as a complement to what has been set forth, I will say: The average population of convicts during the year 1867, was 12,000; the mortality among them amounted to 2.50 per cent. of the entire population, and to 4.25 of the sick; the number of those who had become insane was ten, and the number of escapes amounted to twenty-nine, twenty-one of whom were re-captured before the expiration of the year. The work of the prisoners yielded to the contractor 0.79 livres per man daily, and to the household manager of the establishment 0.44 livres; the average number of working prisoners was 61 per cent., and the cost of their support, per day, 0.73 livres; and finally the extent of lands brought under cultivation was of 441 hectares, the value of which was calculated to amount to 248,806 livres.

I have said that the galleys were in a transition state. They have been removed from the authority of the navy office and placed under that of the minister of the interior, and united with the other penal establishments under the general director of prisons; the old difference between central and branch galleys has been abolished, giving to each its own government, and for the military has been substituted a civil staff, assimilated to that of the other penal establishments; preserving, however, on the part of the administration, some forms and some regulations, which were deemed useful.

Frequent debates have occurred in both houses of the Italian parliament, on the question of the abolition of the galleys, and the number of those who desire that government should, with one stroke of the pen, order their abolition, is not insignificant; but they have not, perhaps, well weighed the great embarrassment that might arise when more than fourteen thousand convicts must

continually be kept locked up in dormitories, left idle through the impossibility of providing occupation for them, compatible with their safe keeping and the internal order of the prisons. I do not speak of the many other difficulties which this sudden change would necessarily generate; these will be readily comprehended even by theorist and by those who do not consider the wide gulf between the ideal and the real, between the possible and the practicable.

The chevalier Minghetti has quite recently been commissioned by M. Ratazzi, minister of the interior, with the mission of visiting all the galleys, and of proposing to government such reforms as he may believe to be desirable. I do not know his views on this important question, but already I have reason to believe that he will, in his proposals, follow substantially the principles of the Irish system.

I cannot close this rapid sketch without a word on religious reformatory institutions. Our laws of public security are extremely severe with regard to idle and vagrant youths, authorizing government to arrest and confine them in appropriate establishments, that they may not become entirely corrupted and trained to vice. The number of those unfortunate persons increased in proportions that could not be regarded with indifference. It was essential to provide for this necessity; and so recourse was had to the religious establishments of philanthropy, that they might receive them into their bosom, and guide them to a life of temperance, industry and morality.

The appeal of government was readily responded to; already sixteen charitable establishments offer asylum to males, and six to females; and the institutions of Bergamo, Milan, Turin, the colonies of Monucco (near Chieri), of San Martino (near Palermo), &c., are worthy of occupying places in the first rank among similar establishments of the most enlightened countries of Europe.

The average number of reformed minors, which in 1862 was scarcely 379, amounted in 1865 to 817, and there are still no signs that the increase will be arrested at that point. Government pays on an average 80 centimes per day for each. May all this diminish the rapidity of the torrent of criminality by which we are menaced!

It seems to me that I have said enough, and I bring my discourse to its conclusion. Penitentiary reform has become in the future an inevitable necessity for Italy, and the debate on the

new penal code will offer a fitting opportunity to make its importance appear sufficiently clear to insure its general recognition.

But above all things we must be logical; we must know the aim at which we desire to arrive, that we may never lose sight of it, and that we may concentrate all our forces towards it. Inconsistency is worse than the worst of systems.

If it is considered to be the principal object of punishment to inflict *pain* on him who has committed a crime, we are returning to the horrible dungeons of our fathers; we are proclaiming anew the principle that prevailed up to the present time, that "punishment is a social revenge."

But if punishment is a medicine which ought to *heal* and not to *kill*; if the other principle is to prevail, that punishment should reform, I see a vast field opened to science, and fortunate will he be who shall be able to solve this great problem of humanity.

Believe me, &c., &c.,

M. BELTRANI SCALIA.

FLORENCE, 10th December, 1867.

##### 5. REPORT ON THE PRISONS OF FRANCE.

By M<sup>rs</sup>. BONNEVILLE DE MARSANGY, Counsellor of the Imperial Court of Paris, Officer of the Legion of Honor, etc., etc. Translated by the CORRESPONDING SECRETARY.

Since our great legislative reforms of 1789, we have scarcely seen reproduced in France, in regard to criminal and penitentiary matters, any of those grave or intolerable abuses that have power to shock public opinion, and to provoke radical remedies. The supervision of a centralized power and the gradual softening of manners had impressed upon every thing a uniform and measured progress. Whatever might still have been the rigor or the imperfection of our penal and penitentiary institutions, it is but truth to say that, in every epoch and under all our different political administrations, these institutions have ever found their counterpoise and their correction in the humanity of the jury, in the intelligence and honor of the magistrates, and in the earnest solicitude of the administration.

It thence results that, if we cannot boast of having, as far as was needful, accomplished in this matter all the progress which might have been reasonably expected from our advanced state of civilization, we have rarely seen evil increasing; we have almost always remained *in statu quo*,—a middle term,—a sort of twilight, which is neither light nor darkness.

This said by way of introduction, I proceed to the developments that are asked of me.

## I.

The penal code of 1810, introduced after an immense and profound social agitation, in the interest of political security, was obliged to show itself rigorous towards crime, *multis grassantibus, exemplo opus est*. This rigor was a provisional remedy, made necessary by exceptional circumstances. It had been necessary to increase the punishment of death, and largely to inflict the ignominious punishment of compulsory labor and of separation, as well as the correctional punishment of imprisonment.

Persons sentenced to compulsory labor, commonly called galley-slaves (*forcats*), underwent their punishment in the galleys, chained two and two, with a ball attached to their feet. They were subjected to the most painful toils. The brand which was stamped upon their shoulder with a hot iron was intended to facilitate recognition in case of relapse. Moreover, the mark publicly impressed, and the transfer to the galleys of all the convicts, fastened to the same long chain, were spectacles which, at that time, seemed necessary, as a means of striking the imagination of the people and of deterring malefactors from crime.

Persons sentenced to separation and imprisonment were, as they are even now, shut up, pell-mell, the former in the central houses, subjected to a severe discipline and compelled to silent labor; the latter in the departmental or correctional prisons, and engaged in labor of their own choice.

The administration of the central and correctional prisons was, in general, very stern. The convicts slept on camp-beds or on straw; they were badly fed, badly clothed, and all, whatever might be the nature of their offences, were huddled together in a lamentable association.

Intimidation was, at that period, the sole end of punishment. It, also, alone restrained liberated convicts by the impending certainty of a penalty, necessarily aggravated in case of relapse.

This excessive tension of the penal string ended by making our measures of repression very unpopular.

The government of the restoration, (1815-1830) had had the generous thought of ameliorating this state of things; but, too much pre-occupied with its political interests, it succeeded only in effecting some mitigations in certain penalties, and some insignificant modifications in the administration of our prisons.

Nevertheless, since then, all enlightened minds have compre-

hended the necessity of a reform. "Our prisons," said M. de Martignas, in 1829, "have been established rather to *intimidate* and *deter* than to *reform* the guilty. They *punish*, but do not *correct*."

Various circulars of that period direct the introduction into the administration of the prisons of certain mitigations in the interest of moral improvement.

These tendencies of humanity and of reason became more general and more active after the political revolution of 1830, and under the government of Louis Philippe. People began to comment on the works of Beccaria, of Bentham, and of your sage compatriot Livingston. The publication of the works of this last writer, and his presence in Paris, recalled the attention of the enlightened classes to the penal and penitentiary studies of the United States. America, focus of independence and of liberty, land of great industrial conceptions and of useful social progress, became as popular as she had been at the time of the departure of the Marquis de Lafayette, and of the young French nobility, who believed that they were thereby aiding your war of emancipation. Official commissions were appointed to visit and study your penitentiary institutions, and gather information. Accordingly, MM. de Beaumont and de Toqueville were sent among you, and later (in 1836), MM. Demetz and Blouet. This generous impulse had its rebound in Europe, and caused, soon after, the departure for the United States of two other *savants*; W. Crawford, sent by England, and Dr. Julius, by Prussia.

It is in the course of this grand international penitentiary inquest, that we accomplished in France, with a view to the mitigation of punishments, our revision of the penal code of 1832, which has become the starting point of the improvement of nearly all the criminal legislation of Europe.

The reform of the penal system drew after it, necessarily, that of the penitentiary system, for this last is but the execution of the sanction of the first. In this regard, we had much, almost everything, to do.

"The measures adopted some years ago," said the Minister of the Interior, Mons. Duchatel, "to diminish the evil (the increase of relapses) has not sufficed to overcome it. It could not be otherwise. The principle of life in association, combined with the mitigations introduced into the material condition of prisoners, has the double effect of weakening the force of the punishment and of increasing the perversity of criminals. A reform which



*touches the very mode of imprisonment, has therefore become necessary.\**

It seemed that France was going, at last, with its knowledge, its eclectic and liberal spirit, and its habit of universal propagandism, to profit by the investigations made in America, to determine, as had been demanded by its Academy of Moral and Political Science, "what penitentiary system it would be best to institute," with the view of resolutely embodying it in her laws, and thence to see it spread in all civilized countries. It ended in nothing. The numerous and interesting documents brought from the United States, provoked eloquent and memorable discussions in the chambers and in the press; but with our *furia francese*, (French ardor), we exaggerated everything, or pushed it to limits that could not be realized.

The government elaborated and proposed, successively, three bills (*projets de loi*) concerning prisons. The first (1840), which established the Philadelphia penitentiary system, was not debated. The second (1844), which organized the cellular system, with limited sentences (twelve years being the maximum), followed by transportation, and which was called the *French system*, was voted by the Chamber of Deputies alone. The third (1846), which was a return to the absolute cellular system, had obtained the approbation of the prefects and of almost all the great bodies of magistracy. It was approved by the commission of the Chamber of Peers, and it was on the point of being debated when the revolution of 1848 intervened, which put an end to the reign of King Louis Philippe.

## II.

The Philadelphia system had been, in advance, so attacked by the press, its extreme-rigor was so opposed to the popular sentiment, that one of the first acts of the presidential government was to renounce it, with a view of adhering to the system of associated imprisonment, of organizing it later upon new bases, and of creating soon, for great crimes, another sort of punishment.

At my request, the Prince President, by his decree of the 8th of December, 1851, provided against the most pressing danger. He suppressed the right of optional removal from the claims of justice, enforced by the supervision of the high police, which had been authorized by the code of 1832, and he re-established for them the obligation of a compulsory residence in a fixed place,† with a

\* Exposé du Projet de Loi sur les Prisons, de 1844.

† De l'amélioration de la Loi Criminelle, 2 vol., appendix, p. 647.

menace of transportation to Algiers or the colonies, in case of a violation of the interdiction.

Afterwards, by the decree of the 27th of March, 1852, and by the law of the 3d of May, 1854, substituting transportation for the degrading and abominable system of the galleys, he ordained that the punishment of compulsory labor should be, thenceforth, undergone in our French possessions beyond the sea, as well as in Algiers. It was, without doubt, an aggravation of the punishment, but, at the same time, this new legislation (*cujus pars magna fuit*) combined indulgence and mercy with rigor. It permitted the elevation and the rehabilitation of the criminal; it promised him, as the reward of his repentance, liberty. In effect, it decided that convicts of both sexes, who, having undergone at least two years of their punishment, should render themselves worthy of indulgence, by their good conduct, their labor and their repentance should be able to obtain: 1st. The authorization to labor on conditions fixed by the administration.\* 2d. A grant of lands, and the liberty to cultivate them on their own account. This grant could become final, only after the liberation of the convict. For the rest, the government reserved the right of according to them in consideration of their good conduct, every species of mitigation and of kindness, that could remove from this transportation its penal character, and transform it into a veritable colonization.

I need not add that, in this higher view of reformation and colonization, the families of convicts can go, when necessary, to rejoin them by favor of a gratuitous transportation in government ships; that unmarried convicts can, after a certain time of trial, obtain the liberty to marry; and that, to render these unions easier and more numerous, all the young girls and widows, confined in our central houses, enjoy the liberty, if they demand it, to be transported to our colonies.†

The substitution of transportation to Cayenne and to New Caledonia for the régime of the galleys, has been one of the most fruitful measures of humanity, and of public security. If it removes great criminals from the mother country, whose laws

\* It is the application, in 1852, of the system of preparatory liberation of reformed convicts, which was afterwards adopted in England and Ireland, under the name of Ticket-of-Leave.

† In a forthcoming chapter on transportation, which must close my third and last volume on the Amelioration of the Criminal Law, I shall show the happy effects produced by these measures, in the double point of view, of the reformation of convicts of both sexes, and of the interest of colonization.

they have violated, it assures to them, in compensation for their exile labor, property, and *family ties and affection*; three conditions which, next to religion, contribute most to improve the moral character of man. Of these slaves, brutalized by the galleys, and ever the objects of public execration, transportation makes men, whom it lifts from their degradation, by giving to them the rights and advantages of honest labor. It makes of them farmers, rural proprietors, manufacturers, in a word, citizens, placed like other inhabitants of our colonies, under the protection of the flag of France.

The honorable general, the Marquis de Vassoigne, who, the past year, inspected our penitentiary establishment of Cayenne, described to me the sweet and profound satisfaction that he had experienced in the course of one of his excursions, while reposing in a smiling cottage, surrounded by an orchard, by cultivated fields, and by a green meadow, where some cattle were grazing. Before the door two young children, fresh and healthy, were engaged in the sports of their age. The master and mistress of this habitation welcomed the general and his companions with a cordial and respectful warmth, and offered them all sorts of refreshments, for which they refused any compensation. Who were they? Both were old convicts, who had been transported. Their attitude, their life, their language, their sentiments, everything in them, had been transformed and ennobled by their moral elevation. The penitentiary discipline had produced upon these convicts the effect of a veritable redemption. "I cannot tell you," added the general, "all the happiness which, on taking leave of them, we experienced in pressing the hands of these honest people. At last then, thought I, we have succeeded in accomplishing there a useful work, a genuine moral progress."

Multiply these facts, and, as far as the higher criminality is concerned, you will have solved, in the interest of society, the difficult problem of repression!

I have often imposed it on myself as a duty to report that, since 1852, the Emperor Napoleon III has sought to render the repression of crime in France more *prompt*, more *effective*, more *generous* and more *reformatory*.\* It is, then, this fourfold object that he had demanded of the author of the *Judicial Registers*, an essay patiently and maturely thought out, and constituting a chapter in his work treating of all the imperfections of our criminal and

\* *De l'Amélioration de la Loi Criminelle*, 2 vol., avant propos, p. vii. Gazette des ux, No. da 24 Avril 1867.

penitentiary law. Two volumes of this work have appeared,\* and have produced numerous ameliorations, of whose happy results the minister of justice, each successive year, furnishes the proofs.†

As regards the reformation of persons sentenced to compulsory labor, we have just seen what has been accomplished by the law of transportation.

With reference to the prisoners in our central and departmental houses, everything is yet to be done. Imprisonment in them is always on the congregate system by day and by night.

Our central houses are, it is true, perfect models of order, regularity, neatness, silence, labor, discipline. But, as under the code of 1810, rigor and intimidation alone rule. It is *material order* carried to its highest power. On the other hand, it is the absence of all moral order, of all effort, of all thought of reformation.

I bring no reproach on this account, either against the solicitude of the administration or the zeal of the honorable directors. *The evil is in the organization itself.*

It is the entire system which must be changed. Why? Because, I repeat it with M. de Martignas, *this system punishes; it does not reform*. Its inefficacy is so radical, so inherent in the solitary principle of intimidation, upon which it rests, that relapses continue to increase in spite of the remarkable ameliorations which we have been compelled to introduce into it.

Thus, even to these last times (1860), almost all our central prisoners‡ were of a mixed character, confining the men and the women in separate wards.

For some years past, some houses have been exclusively assigned to prisoners of the different sexes. In many of these houses there have been established separate wards, with a view of effecting a certain classification, founded upon moral character.

In others, as at Melun, for example, the administration has caused to be constructed a certain number of cells, called cells of preservation and of repression—the one, designed for prisoners less perverted, and for whose return to virtue some hope may be entertained; the others, to dangerous and incorrigible prisoners. It is sought, in this way, to diminish the contagion of evil.

\* Paris, Cotillon, 1855; Paris, Cosse et Marchal, 1865.

† *Ibid.*, p. xxii et suiv.; voir aussi la *Serie des Statistiques Criminelles*.

‡ We have twenty-six central houses, appropriated to persons sentenced to separation and to imprisonment for more than one year. Their average population is about 21,000 prisoners, of whom 17,000 are men and 4,000 women.

Moreover, three central houses have been specially appropriated (*Ensisheim* and *Nismes* for men, *Haguenau* for women), to convicts professing the Protestant or Israelitish religion.

In short, the government, after having with success, employed a portion of the convicts in the prison of Clairvaux at agricultural labors, determined to create two special agricultural establishments, those at Chiavari and Casabianca, in Corsica.

After the difficulties, the mistakes, and even the dangers inseparable from a new organization, these two establishments designed for convicts of rural origin and habits, furnish already, in a material and moral point of view, highly satisfactory results. According to the last report, the success has surpassed expectation. The comparative condition of the convicts, discharged from the agricultural penitentiaries of Corsica, and those from our central prisons, arrested or sentenced a second time, during the last three years, established the superiority of the agricultural system. The proportion of relapses in the Corsican penitentiaries and the central houses, is only as one to six.

The efficacy of imprisonment, with agricultural labor in the open air, is therefore incontestable. Man is purified and improved, by contact with labors connected with the cultivation of the soil. His health is strengthened, his soul is elevated, his vicious instincts disappear. It is the realization of that old mythological legend concerning the giant Antæus.

The rule of absolute silence exists in our central houses, and gives occasion therein to numerous infractions, the disciplinary punishment of which irritates the prisoners and proves an obstacle to all thought of amendment. Of 70,455 punishments, inflicted in Mayence during the year, 36,800 (32,707 on men, and 4,093 on women), are referable to the law of silence.

The relapses are from 32 to 36 per cent. among the men, and only 21 per cent. among the women.

School instruction gives few results. Of the actual total of prisoners, we find only 21 per cent. who have profited by the hours of school. The rest of the convicts (79 per cent.), remain wholly illiterate. This implies the small success of the libraries established in each central prison. There are Sisters of Charity (the Sisters of Wisdom, those of St. Vincent de Paul, and those of Maria Joseph,) who have charge of the services of the central houses for women. They succeed in them wonderfully, from the

two-fold influence of their special vocation, and of their devotion to health.

Guardian brothers, chosen in different religious institutions, have been admitted as overseers in many central houses, (Arriane, Melun, Fonterrault, &c.) They have not succeeded in them, and have been obliged to be replaced by lay-guardians, for the most part chosen from among the military veterans.

The gratuity allowed as an encouragement to the prisoners on the product of their labor, is from one-tenth to nine-tenths, according to their penal situation.

### III.

Apart from the central houses, there are for the whole empire, 2,255 lodging-houses and depots for safe keeping, where are provisionally detained convicts, transferred from one place to another and who cannot be conveyed by the cellular vehicles, and the accused and arraigned brought before the justice of the peace.

There are, besides, 396 houses of arrest, of justice and of correction. The lodgings and depots for safe keeping received, annually, about 64,473 individuals.

The houses of arrest and of justice contain the accused and arraigned during the progress of the preliminary proceedings, or prior to their being brought before the jurisdiction by which they are to be judged.

The houses of correction, or departmental prisons, confine the correctional convicts to an imprisonment of less than one year. Their annual floating population is 328,479 individuals of the two sexes.

The care of the greater part of these houses is confided to veteran officers or non-commissioned officers. The discipline there is paternal, the administration mild. The convicts are occupied in various labors, which are furnished by the locality. There is assigned to them a moderate portion of the product of their toil. The accused and arraigned work only at their own request. I have many times, by reason of my office, visited these houses, and considering the bad arrangement of the buildings, and what is about to be said hereafter, I have rarely had to record any complaints of prisoners, or to attest facts calculated to cause regret.

Prior to 1832, in 332 of these houses the accused and arrested were, in a manner more or less complete, associated with the convicted. In 1866 this deplorable association still existed; completely in 94 of these houses, and in 80 to a certain degree.

Very recently I have regarded it as a duty to point out anew the manifest dangers of the double association of the convicted and of the accused and arrested, and of the convicted or the accused and arrested with each other.\* In my view society misconceives its most urgent duty when it thus places in daily contact the arrested or accused, *who may be innocent*, and the convicted, *who is recognized as guilty*, and consequently has become the slave of punishment (*servus pœnæ*); in like manner, also, when it confounds in the same halls, workshops and dormitories persons accused or arrested, who are of different age, situation, education and moral character.

For both there is but one sole régime, preservative and protective—it is cellular detention. This is a necessity of high justice and of convenience for all the houses of preventive detention. I add that it is a necessity of morality and of public security. "How!" I said, † "here are accused persons, many of whom may be innocent, since justice declares them not guilty, in the proportion of twenty-seven per cent. There is, for example, a young girl of seventeen years accused of some petty domestic theft, whom for entire months you shut up in the same prison, in the same chamber, in the same dormitory as a prostitute sentenced for outrages upon morals; or, it is a young man of nineteen or twenty years, arrested for vagrancy, for mendicity, for riot, or for using violence towards the police, whom you place also side by side with convicts of the worst sort. Do you not fear that on the day of their discharge these arrested persons may have lost, by the irresistible contagion of debauch or of dishonesty, all the upright sentiments which they might otherwise have preserved? That, perverted by the very illegality of the mode of preventive detention which they have suffered, they may be on the point of accomplishing their own ruin. The young girl in the houses of prostitution; the young man in the associations of malefactors, who almost always recruit their ranks in the bosom of this hideous *pell mell* of places of prevention and of expiation!

#### IV.

I return to the penitentiary system, properly so called. In this regard, I have no need to affirm that, if there is inconvenience and danger in mingling the accused and the arrested with each

\* *Gazette de Tribunaux*, Nos. du 10 Septembre et 6 Octobre, 1867.

† *Gazette de Tribunaux*, No. du 10, 7bre, 1867.

other, or in placing them in contact with the convicted; promiscuous association is still more dangerous for the different classes of convicts. The grave disadvantages of association are no longer to be demonstrated. And, at most, they can only be diminished by separation at night, and by the law of silence practised under the Auburn system.

The association of prisoners in our central houses and our departmental prisons must, then, be modified. The government recognizes this necessity, but, whether on grounds of economy or from want of sufficient study, it has, as yet, taken no resolution. "It costs less to people of limited vision," said Marshal Saxe, in 1741, "to execute well, an established system, than to seek and invent a better; *every where they follow routine.*"

We restrict ourselves to improving our old edifice, without daring to conceive and construct a new one.

For myself, I make, in view of the necessity of things, a distinction between punishments of *short duration* and those extending to a *long term*.

For the first (those of at least a year), I have not ceased to advocate absolute cellular imprisonment. Society, which punishes, ought not only to preserve the convict from all external contamination; it ought, above all, to exert itself to *reform* him—*pœna constituitur in emendationem hominum*. This preservation and this amendment find their surest, most precious and most effectual guaranties in the *cellular régime*. Here, the short duration of the punishment dissipates, at once, all the objections that can be alleged against the perils of solitary confinement, indefinitely prolonged. For the rest, this system, thus restricted, has all the advantages of isolation, without any of the disadvantages of association. I add, that it does not destroy the prisoner's pre-existent relations of labor and of family, and that, from the moment of his liberation, it renders easy his re-absorption into society.\*

As respects persons sentenced for terms more or less extended, who people our central houses, I have shown in my book on the Amelioration of Criminal Law, † as well as in the essay above cited, ‡ that if, for them, the absolute cellular régime would be often an intolerable cruelty, which the government has had reason to discard, at least we may withdraw them from the positive dan-

\* *Revue Contemporaine* Nos. du 15 et 21 Juillet, 1867.

† *Tome seconde, passim.*

‡ *Revue Contemp.* Nos. pré-cités.

gers of association, such as is practised among us, by the placing at the beginning of the punishment, a period of *complete isolation*, of a year or more, which I have called the period of *reflection* and of *purification*, after which, we ought to cause the convicts to pass, as already purified, through a succession of common workshops, where the moral atmosphere, the system, the mode of labor, the percentage of earnings (*le taux de remuneration*), and the discipline go on progressively improving, each of them would be able, by the gradual exercise of his liberty and of his spontaneity, to re-conquer, by the aid of encouragements and of the regards of which he would be the object, that rectification of the conscience, that self-respect, those sentiments of loyalty, of probity and of honor, which, little by little, change the old man into a new man, and which alone, in all cases, can enable a convict to pass, without failure, the trial of the *intermediate prison*, to the end that he may obtain, by means of industry and good conduct, the preparatory liberation designed to ensure his re-absorption into the great social family.

"It is thus," I observed,\* "that from the depth of the abyss into which he had fallen by crime, the convict will be able to re-ascend, step by step, to the healthier spheres where, thanks to his own efforts, he will finish by a new birth to honesty and to liberty."

These doctrines, which in foreign countries, in England above all, have found generous echoes, I have in vain preached in France since 1846. I have been able to make but few proselytes to them, among whom I am proud to be able to count the learned and lamented M. Dupin, procurer general of the court of cassation. "Certainly, sir," wrote he to me, the 19th November, 1846, "the idea which you propose, of preparatory liberty for reformed convicts, deserves to be put into execution as an experiment. I believe that it will effect good results." A man of genius and of practical progress, even at that time he foretold the success, now indisputable, of the system since established in Ireland by the bills of 1853 and 1857.

I had, since 1846, hoped to give to France this new system, which I believed, and which I still believe, the best and the only effective one. But my voice was powerless to cause the truth to prevail. "It is in vain," said Marshal Saxe, "that a simple individual attempt to set himself up as an inventor. Let him

\* *Traité des Institutions Complémentaires du Régime Penitentiaire—de la Prison Intermediaire—de la Liberation Préparatoire.* Paris: Cosse et Marchal. 1847.

beware of that, if he is wise; he will only alienate men's minds! It is permitted only to a sovereign to be the creator of a new system."<sup>76</sup>

Meanwhile, my ideas, which had obtained the august attention of the chief of the state, have, during twenty years, failed of their effect, through the inattention of the ministerial bureaus. To this hour, public opinion and the press, in France, have been almost exclusively occupied with politics, with finance, with material progress, with spectacles, with the fine arts, with literature, &c. It is with difficulty that, thanks to the energetic initiative of M. Duruy, minister of public instruction, people begin to comprehend the necessity of spreading among all classes of the population the ideas of elementary and professional instruction. The time does not seem yet to have come to think of that moral progress which is destined to elevate the plane of nations. We shall overcome this indifference only by the holy league of all men of feeling and of intelligence, or by those great international associations which agree to take in hand, as you have so well done, the cause of reason, of justice, and of the true interest of society.

## V.

It remains for me to speak (and in so doing I close this rapid sketch) of the establishments appropriated to *young prisoners*.

In my view, this is the leading point in every penitentiary system. To reform the criminal masses, it is with childhood that we should commence; it is to the fountain-head that we must apply the purifying agencies.†

We too often forget that it is these insubordinate and perverted children who, at a later period, will form the generations of criminal adults, whose crimes will disturb and terrify society.

Prior to 1789, as we have said, prisoners of every age, of each sex, and of every penal category were associated in, the same prisons. There were neither special houses nor even separate wards for them, particularly for young prisoners. The law of the 6th October, 1791, and the penal code of 1810, (Arts. 66, 67, and 69), had in vain required special houses of correction for minors; these enactments, down to 1850, had scarcely been executed at all. The law, just cited, with the intention of putting an end to this state of things, ordained the creation, in favor of young prisoners,

<sup>76</sup> *Memoirs*, 1741.

† "Let us dry up the fountain-heads, and the streams will cease their pestilent flow."  
E. C. WINKS.

of penitentiary and correctional agricultural colonies, designed, the former for children acquitted for want of knowledge and not restored to their families; the latter for those who had been judicially sentenced to imprisonment.

The administration, since that time, has been compelled to encourage, in this view, the creation of public or private establishments.

On the first day of January, 1866, France had 58 establishments appropriated to the penitentiary education of young prisoners of both sexes; 29 for boys and 24 for girls; and five others that received both boys and girls.

The establishments of this kind, founded by the State are :

1. Four agricultural colonies, viz. : the Dowers (Rectory), St. Hylarize (Vienna), St. Bernard (North), and St. Anthony (Corsica).

2. A special ward, annexed to the prison of Rouen.

3. The prison of Laquette, at Paris, and the ward annexed to the central house of Gaillon. These two establishments, purely industrial, and of which the first was under the cellular régime, have just been suppressed, thanks to the august intervention of the Empress, and to the influence of the report made by a high commission over which she presided.

Two new houses of correctional education have been recently established at Nancy, and at Bayel.

Of the ten *public* establishments, six are reserved for boys, three for girls, and the little ward of Rouen receives children of both sexes.

The *private* establishments, that is to say, those founded by individuals with the sanction and encouragement of the State, include 25 agricultural colonies for boys (those of Bourdeaux, St. Foy, and Toulouse, admit both sexes) and 21 religious houses, specially devoted to young girls.

The number of children received into these establishments has been, the last year, 3,449; of whom 2,581 were boys, and 868 girls.

The total population of these houses was about 8,164 children; of whom 6,529 boys, and 1,635 were girls; in 1867, they rose to nearly 9,000. In ten years, this number has more than trebled. The proportional number of girls has above all increased. In 1850, it was only 10½ per cent; in 1863, it was 20¼ per cent.

This is sufficient to show how far it is necessary that society should concern itself, more than heretofore, in the early educa-

tion and instruction of young girls; and that, in the interest of public morals and of the future of families.

Mettray, which was the first of our agricultural colonies for young prisoners, has remained their model and most perfect type; the others, even those directed by the State, can by no means be compared with it.

"The State," as has been observed by the eminent reporter of our law of 1850, M. Corne, "can well make regulations and give orders, but it cannot create in its functionaries that absolute devotion and that ardour of soul, that watchful and sympathetic solicitude which, everywhere, in France as in England or in America,\* alone ensure the success of this kind of institutions.

As respects the various other houses founded by individuals, besides wanting unity in the direction, their good or bad administration depends entirely upon the knowledge, the prudence and the firmness of those who have devoted themselves to this difficult undertaking.

We say, with regret, that the reformation of juvenile delinquents, so useful and so interesting in every point of view, seems not to excite among us, on the part of the enlightened and wealthy classes, the same generous and universal effort as in England and in the United States. We are too much accustomed to rely upon the government, and we have not, to the same degree as in those countries, that energy in personal undertakings and that power of association and perseverance which know no obstacles in the creation and maintenance of enterprises of public utility.

Thus we have not been able down to the present time to organize the *patronage* so necessary to young prisoners on leaving correctional houses, or agricultural colonies. This is a point which, if we are well informed, the government has under consideration.

Here we may be permitted to commend a recent publication,† which has just called the earnest attention of the administration to the condition of young prisoners in France. The author, after having pointed out, in terms as touching as they are vigorous, the supreme interest which attaches to this great subject of the *reform-*

\* By kindness we have endeavored to lead them, and by sympathizing with them in their trials and troubles, we have endeavored to gain their affections, that we might exert such an influence over them as would help us to lead them from the paths of vice in which they have been running. (Rep. of Board of Directors, Ho. Ref. Cincinnati, Sept., 1866.)

† De la Moralisation de l'Enfance Coupable, par Louis Bonneville de Marsangy, Avocat à la Cour Impériale de Paris. Un vol. 8vo. Paris, Anger, 48 Rue Lafayette, 1867.

*ation of criminal childhood*, demonstrates the necessity of at length carrying into execution the wise law of 1850, by the creation of *correctional agricultural colonies*, to the end that children, found guilty and sentenced to imprisonment, may no longer continue associated, in the *penitentiary colonies*, with those *acquitted* for want of knowledge, and whom society confines only to give them the advantage of some additional education. "It is," he says, "from having misunderstood this prudent provision of the law, it is from having confounded feeble and ignorant children with those who are criminal, that we have had to deplore those horrible scenes of murder and of incendiarism which have so sadly marked the penitentiary of the island of the Levant.

When one has read this book, which treats with great accuracy of judgment, all the questions of system, of discipline, of education, and of patronage relating to young prisoners, and has considered with him the remedies designed to cure this great social plague-spot of criminal childhood, he will understand, as a publicist has lately affirmed, that the author "has not only produced a work of talent and of learning, but that he has done a good deed."

## VI.

After having candidly exhibited the state of facts in France, I am happy to be able to conclude this note with the expression of a consoling thought.

Our criminal laws have been, since the establishment of the new empire, very much improved. These improvements, due to the generous tendencies of the chief of the State, have such a character of wisdom and of universal utility, that they have already been imitated in the more recent legislation of foreign countries. If there remains much for us to do still; if our penitentiary system needs modification; if our convicts are not encouraged in their return to virtue, by the beneficent light of preparatory liberty; if, as a consequence, they experience greater difficulty in their return to society—at least, we may say with pride, that there is no country in the world, where the jury is more just, more merciful; where the magistracy is more enlightened and more humane; where, in short, the sovereign right of pardon is exercised upon a larger and more magnanimous scale. Those on whom rests the salutary but fearful right of punishing, breathe more at ease when they see each year the sword of the law blunted at the foot of the throne, and the prison bars open

for a considerable number of convicts, who had been smitten by the justice of the country.

Let us combine our efforts; let us continue with ardor and prudence, to pursue the path of progress; but let us recognize the good which has been accomplished, and let us be proud and contented with the times in which we live.

BONNEVILLE DE MARSANGY.

PARIS, 30th Septembre, 1867, 7 Rue De Venthievre.

## VI. ON THE MODE OF PREVENTIVE DETENTION.

[Translated by the CORRESPONDING SECRETARY.]

[The following paper, prepared by M. de Marsangy and published last fall in the *Gazette des Tribunaux*, Paris, is a valuable supplement to that distinguished gentleman's report on the prisons of France, which forms a part of the preceding document. Moreover, it presents views so just and important on the subject which it handles—the proper treatment of persons arrested and awaiting trial on a criminal charge—that the executive committee feel no hesitation in giving it a place in their present report. Public opinion, in this country as well as in France, needs to be enlightened on this grave question, and we feel that we are doing the community a useful service in bringing before them the sentiments of one who has examined it with thoroughness and ability, and whose views are as consonant to right reason and justice as they are to a generous and high-toned philanthropy. In our translation we have taken the liberty of omitting, here and there, a passage or sentence of the original which appeared to be of less importance to the end we have in view.]

## I.

If there is a principle universally admitted in criminal law, it is that an accused person is to be presumed innocent, until he is convicted. "Society," says M. Duchatel, minister of the interior, "has undoubtedly the right to subject its members to preventive detention, but this stern right ought never to take on a *penal* character; we must protect the interests of social order at the same time that we protect the accused himself." In fact, when, before any judgment, justice believes it a duty to retain an accused person under her hand, it is only to prevent an ultimate escape, or to secure his presence at all stages of the procedure, or to remove the obstacles which remaining free he might be able to oppose to the discovery of the truth; whence it results that the preliminary imprisonment is and can be but a simple precaution which leaves untouched the ultimate question of guilt.

From these considerations it is clear that the person of the accused is a real deposit, confided to the care of the magistrates; a deposit over which they should watch as kind parents, and which they are bound to give back such as they received it, that is to

say, in its complete purity and integrity. It is, then, an imperative duty for justice to accord to these accused persons, thus remitted into her hands, all the regard, all the solicitude, all the care, all the guarantees, I will even say with Beranger de la Drôme, all the consideration which are deserved by citizens till then reputed innocent. "The whole world admits," said the honorable magistrate,\* "that when, in virtue of its right of lawful self-protection, society is unwillingly compelled to deprive of his liberty a citizen suspected but not yet convicted, it is its duty to surround him with all the solicitude that may be consistent with the obligation resting upon it of securing his person."

There are elementary rules of reason and justice intimately linked with the imprescriptible franchises of individual liberty, and which no government can fail to recognize without violating its sacred obligation of protection towards every citizen.

The first consequence which flows from this obligation, is the necessity of a radical distinction between prisons and houses of preventive detention. The convict is the slave of punishment, (*servus pœnæ*.) He suffers it because he has been declared guilty, (*culpabilis judicatus*.) The accused, on the contrary, is only, in the language of antiquity, the temporary *hostage* of justice, who is placed under its protection, and cannot be the object of any rigor whatever, since, although arrested, he enjoys still his full rights as a citizen. \* \* \* \* There is between these two situations the immense distance which separates judicial certainty from simple suspicion. \* \* \* \*

## II.

We know that at Rome, the place of preventive detention was called *carcer*. It was a house of deposit; the accused were there simply guarded (*custoditi*) to secure their appearance before the magistrate. The *carcer* had nothing in common with the prison of the sentenced (*vincula publica, latuniae*); thus the accused could be subjected to no other inconvenience than the privation of liberty. "Carcer enim," added the law, "ad continendos homines, non ad puniendos habere debet" (*for the CARCER should be regarded as a place for detaining men, not for punishing them*).

This truth had been religiously consecrated by our ancient law. The difference of the words recall the difference of the things. For the sentenced, the *prison*; for the accused, the *jail* (*la chartre*).

\* Rapport à la Chambre des Pairs sur la Loi des Prisons (1847).



Thence the expression—"to put one in private confinement," (*en chartre-privée*), to prevent him from escaping. \* \* \* These places of provisional detention implied only, as at Rome, a pure and simple guardianship of the accused in the depot of justice. \* \* \* \*

Our modern laws could not fail to recognize this ancient and rational distinction between the *prisons* for punishment and the *houses* of preventive detention. "There is near each district tribunal," said the code of 1791, "a *house* of arrest to confine those who shall be sent there by command of the police officers; and near each criminal tribunal, a *house* of justice, to confine those against whom a writ shall have been issued, and that, *independently of the prisons which are established for punishment*. These houses shall be clean and healthy, so that the health of the persons accused may not be in any degree injured. The keepers and jailors shall be men of irreproachable character and morals. They shall take an oath to watch over the accused, and to treat them *with kindness and humanity*. It is the duty of the municipal officers to visit these houses twice a week, and to see that the food of the prisoners be abundant and wholesome," &c.

These arrangements are, in substance, reproduced in our present code of criminal procedure. Moreover, as if better to mark the profound distinction which the law intends to establish between places designed for such different purposes, the art. 604 adds: "The houses of arrest and of justice shall be entirely distinct from the prisons established for punishment."

Meanwhile it must be said, in spite of this provision, so excellent and so imperative, of the legislature, the distinction ordained was through long years, but a dead letter. It is, even at the present time, but imperfectly realized. \* \* \* \* Down to 1852, the houses designed for the accused remained, almost every where, confounded with the prisons for punishment, whether by their reunion within the same enclosure and under the same administration, or by the promiscuous association, almost complete, between the accused and the convicted, sometimes even between the prisoners of the two sexes. \* \* \* \*

A recent official document confirms, by recalling these deplorable abuses. "Prior to the imperial government," says the Hon. M. Dupuy, in his last report on the administration of the prisons (1866), "the construction and the use of the houses of detention were in some sort left to the arbitrary will of the prefects. Each

of them acted according to his own views. Some admitted only the classification of the sexes; others added to this the classification of the arraigned and of the accused.

The state of things continued thus down to 1852. It would not continue under a government of progress and of universal suffrage. \* \* \* \*

While rendering full justice to the efforts made by the government to reform this intolerable abuse (promiscuous association), bequeathed to it by the irresolution of preceding administrations, we cannot, as a magistrate, too energetically invoke a re-doubled solicitude to put an end at length, forever, to a violation of the law, which not only outrages justice and morality, but which in the opinion of all, constitutes a real social danger. \* \* \* \*

There is for the government and for the citizens but one sole and identical criminal law. This law ought to be obeyed and respected by all. Since the public authority uses it as an arm to arrest a suspected person, this last has the right to invoke it in all the provisions enacted in his favor. If the authority itself violates the law against him, how will it be able to reproach him with having violated it against itself by his crimes.

There is, then, an absolute necessity of suppressing every where this odious and illegal association of the accused and the convicted. To this end, reason would require that there should be created for the accused and the indicted special houses of arrest and of detention, *true houses of justice*, entirely distinct from the prison. The law from considerations of economy, which I understand, contents itself with prescribing for the accused, separate wards. But at least let this palliative be every where executed. We touch here one of those questions of importunate justice, which admits neither of delay nor hesitation, and to which it is not permitted to oppose any financial objection. \* \* \* \*

The complete separation of the accused and the convicted being thus every where established, it would remain to effect another reform not less imperative, and which is but the natural consequence of the distinction above indicated.

At present, the accused, whatever be the place in which they are detained, remain absolutely subject to the same régime as the convicted; the same food, the same bedding, the same discipline, often the same uniform clothing. The sole immunity conceded to them is freedom from compulsory labor. This unjust and illegal [Senate, No. 18.] 11

assimilation ought to disappear. On no consideration can the accused and the indicted be treated like those who are undergoing punishment. Except the deprivation of liberty, nothing in these places of detention, in these *hotels of justice*, ought in reason to take on the aspect, the forms, the habits or the afflictive austerity of the prison. The accused ought to enjoy in them all the moral and material comforts reserved for the generality of men; and, if it would be contrary to our ideas of modern equality that every accused person should, as at other times, be treated according to his condition, at least it is necessary that the administration should exert its ingenuity to do, for each of them, all that can alleviate the provisional detention which society imposes upon him. But these ameliorations, although the most urgent, are, as we shall see, as regards the accused, only a part of the work incumbent upon the administration of a country like France, whose mission is to take the lead in every form of social progress.

## IV.

We have seen that if the entire separation of the accused and the convicted is still far from being realized, it is at least an advance to which the government is irrevocably bound in principle, and which it must accomplish in the major part of the establishments of preventive detention.

But this is not enough. The public interest demands that the government should advance a step farther; that is to say, that it come in the end to separate the accused from one another, and that by means of the *cellular regime*—the only just and rational mode of detention, as regards the accused and indicted.

This idea is not new. For many years it has been avowed by the most eminent writers on criminal law; and what is better in a practical point of view, it has been favored, recommended, discussed, I may even say decreed and tried at different times, by the administration, by the legislative chambers, and the government.

Thus, on the 2d October, 1836, a circular of the minister of the interior, M. de Gasparin, gave instructions thenceforth to construct no house of *arrest and of justice* but in view of the isolation of the accused; and in effect, since then, a certain number of towns, as Paris, Versailles, Bordeaux, Tours, Auxerre, &c., have built, for the accused and indicted, *cellular houses*, whose advantages do not cease to be appreciated, and above all by the prisoners.

Since that time (1836), all good men, even among the most

earnest opponents of the cellular system, agree in the application of this mode of detention to the accused and indicted, as "a necessity of justice, of convenience and of humanity."

Such was the state of opinion, when the revolution of 1848 came to arrest and to postpone indefinitely all these schemes of penitentiary reform.

Since then, as we have seen, the imperial government has labored to put an end, in the majority of the prisons, to the association of convicts with the accused and indicted; but these last still remain associated together in almost all of the houses of arrest and of justice.

I acknowledge that this promiscuous association is not, like that of the accused and the convicted, expressly forbidden by the present code of criminal procedure, in which there is nothing decreed on the subject; nevertheless, if it is true that it is contrary to justice and morality, if it is true that it is incompatible with the guarantees to which the accused are entitled in virtue of the legal presumption of their innocence, is it not a sufficient reason for putting an end to it as speedily as possible?

I admit that every citizen is bound, when the case requires it, to pay to the public security this painful tribute of preventive detention, but at least it is right to demand a detention which separates him from all impure contact. To refuse it to him is to abuse power. It is to impose upon him a punishment which nothing can authorize or justify, and which may have in the future the gravest consequences.

If this precaution is deemed wise and necessary, in reference to the accused who have been arrested for the first time, why not also in reference to those who have been already prosecuted, whom their punishment has perhaps reformed, and who in every case may not be guilty of the offence which has caused their fresh arrest. Is it that under the title of accused, all citizens are not entitled to the same regard and the same solicitude? And should the distinction made by the administration be admitted, does it not confirm my preceding observations? Let ten, twenty, thirty indicted or accused persons, already under the arrest of justice for different offences, be associated together in the apartments of the same house of arrest or of justice, that surely is an evil, since these men, almost always differing in age, character, morals and condition are all exposed by us, indiscriminately, to the

contagion of an equal corruption. But precisely because there are found among the accused in general, individuals blasted and gangrened, it is a reason for not compelling an upright man, unjustly prosecuted, perhaps, to suffer a contiguity morally and physically corrupting, of all those gross and foul natures, who are awaiting their legitimate punishment. \* \* \* \*

It is deplorable that a question like this, resolved more than thirty years ago by the unanimous concurrence of all magistrates and publicists, practiced, to some extent, with undoubted success, and which, I do not fear to affirm, secures the universal sympathy of public opinion, has not yet been classed among the generous measures which are continually made the order of the day by the liberal motion of the Imperial government.

## VI.

I resume. The association of the accused and the convicted is a flagrant illegality, already partially suppressed by the administration, and which we must hasten to bring to an end everywhere. The promiscuous association of the accused together is not only a supreme impropriety, but a procedure contrary to morals, to justice, to the public security, to humanity, which no christian and civilized nations ought to permit, and which the criminal law ought, at every cost, to prohibit. \* \* \* \*

Do we not every day hear youths charged with crime say to us, "I was first arrested for a theft which I had not committed, I was acquitted. But I was imprisoned with professional thieves, they initiated me into their guilty practices, and once at liberty, finding myself without work, I was drawn on to do as they do." In truth, is not society, up to a certain point, responsible for the crimes committed by those whom she has thus demoralized by her imprudent and corrupting mode of preventive detention? "What would you?" some one may reply. There is but one sole remedy for this evil; it is the cellular régime. We have had the imprudence to abandon it. We must retrace our steps, and seek to restore it with energy and perseverance.

BONNEVILLE DE MARSANGY.

## VII. PREPARATORY LIBERATIONS.

By M. BONNEVILLE DE MARSANGY. Translated by the CORRESPONDING SECRETARY.

[The following paper on the preparatory or provisional liberation of convicts who give evidence of reformation, was pronounced as a discourse before the court and bar, at the opening of the civil tribunal of Rheims in 1846, and printed the same year. It is a document of great value, as well on account of the admirable views it offers on the subject of prison discipline and the ability with which they are enforced, as because it forms an important link in the history of prison reform. Written and published nine years before Sir Walter Crofton initiated his great reform, it contains at once the germ and a prophecy of what has since been known to the world as the Irish convict system. It embodies most of the great principles which underlie that system, and suggests not a few of its details. It is a production greatly in advance, as far as we know, of anything that had been published, prior to its appearance, on the general subject to which it relates.]

Gentlemen—For too long a time society has sought to maintain the public order and security, by the mere terror of punishment. Henceforth, it proposes to advance towards the same end in a more generous and effective way; it proposes to insure its repose by effecting the reformation of the offenders whom it has smitten.

But how cause repentance and amendment to penetrate the heart of convicts? Here begins the difficulty which to-day divides the ablest thinkers. Magistrates cannot ignore this grave and important investigation; it is for them something more than an interesting subject of inquiry; it is almost a duty.

You will permit me, then, gentlemen, at the moment when you are about to resume the stern exercise of repressive justice, briefly to call your attention to one of the most fruitful measures for stimulating the reformation of convicts and for facilitating their return to society.

## PREPARATORY LIBERATION.

"The end of punishment being the reformation of the criminal, it would be desirable to be able to discharge every convict when his moral regeneration is sufficiently guaranteed." (Ch. Lucas.)

"It is by punishment and reward," said Cicero, "that men are governed.\*" If this is true of honest people, much more is it necessary to hold out to feeble natures, who have violated the laws of society, together with the punishment which represses, the stimulus of the reward which follows repentance and good conduct.

It is upon this principle that the pardoning power might be considered as one of the most efficacious means of reforming criminals.

But discharges resulting from the exercise of the pardoning power could never be other than *exceptional* favors; † favors reserved either for convicts whose punishment has been unjust or excessive, or for convicts whose exemplary conduct shall have marked them out for the royal clemency.

We may readily believe, then, that the prospect of pardon, whatever might be its good effects, cannot of itself suffice to stimulate to repentance that whole common mass of convicts, more or less penitent, who ought not to be permitted to profit by it. There is needed for them a motive less uncertain and more general to excite to reformation. That motive should be, as I conceive, PREPARATORY LIBERATION, a sort of middle term between absolute pardon and the entire execution of the punishment.

We understand by preparatory liberation "the right which the administration would have upon the previous judgment of the judicial authority, to admit to provisional liberty, after a sufficient period of expiation and on certain conditions, the convict who has been completely reformed, reserving the right to return him to prison on the least well-founded complaint."

Let us endeavor to justify this idea.

When, in view of reformation, the judge fixes the measure of punishment, he evidently can make only an approximate calculation, a calculation of which experience alone can verify the correctness. Thus, we cannot doubt that if the judge could know, in advance, the results of punishment in regard to each convict,

\* *Præmio et poena respublica continetur.*

† "Pardon should be extended to only a small number of subjects." (Circul. de Gardes des Sceaux du 5 Janvier, 1819.)

he would, for the most part, adjust the punishment to the measure strictly necessary to effect the reformation of the offender.

Unhappily, gentlemen, the fact is not so. The punishment being fixed beforehand by the judge, it follows that in numerous cases, the complete reformation of the convict may precede, by a certain period, the day of his definitive liberation, or it may not be at all affected by that time. Now, as the skillful physician ceases or continues his medical treatment, as the patient has or has not arrived at a perfect cure, so, on the first of these two hypotheses, the punishment ought to cease immediately on the full reformation of the convict; for, in that case, all further detention has become unnecessary, and consequently as inhuman toward the reformed man as it is uselessly burdensome to the state.

Hence the idea, so simple, of *preparatory liberation*.

We may, then, henceforth conclude that this idea, although not conformable to our penitentiary usages, has in it nothing which is not perfectly just and rational in principle.

But this is not enough. We affirm that this measure would be, in the hands of the administration, one of the most powerful means of the regeneration of prisoners.

And, in effect, what do the advocates of prison reform desire above all else? They desire to give back to the convict his own self-respect, to restore to him the feeling of his dignity, and to revive in his heart whatever may still remain there of goodness and probity.

And what more conducive to this result than preparatory liberation?

Suppose a convict, not wholly depraved, to be addressed as follows: "Justice has smitten you that it may give you back better sentiments; it is only in this view that you are undergoing your punishment; if you will work and conduct yourself well; if, by your submission and repentance, you give proof of full reformation, you will obtain a provisional liberation. You will thus have, in your own hands, the power of freeing yourself from a part of your punishment."

Is there a single convict, unless we suppose him profoundly hardened, who would not understand this generous language, and who would not be deeply impressed by it?

All those unfortunates who have a mother, a wife or children to support, who have not renounced the holy pleasures of the family relation; who sigh for the air, the sun, freedom—would they not

feel their heart leap and swell at this precious hope? would they not feel an emotion of happiness and of pride, to think that they may themselves, by their good conduct, regain their liberty and, perhaps, their honor?

I appeal to the directors and keepers, worthy chiefs of our prisons, to the venerable chaplains who there consecrate themselves to the redemption of malefactors; I appeal to the members of our commissions of supervision, so nobly devoted and so intelligent; I appeal, in short, to all those who, by their frequent visits to the prisons, are in a condition to appreciate all that can yet, by the power of kind words, awake honest instincts in degraded souls; and I ask them if they are not all convinced that such language and such a hope would have, on the mass of convicts, an influence almost magical!

For the rest, this is what, in its exalted wisdom, the Court of Cassation so well understood, when in reply to the consultation of the keeper of the seals, it said, through its honorable reporter:

"We need not be surprised at the idea of granting rewards, which may consist either in a larger gratuity, in better food, or even in *abbreviations of punishment*. If anything can awaken, in the breasts of convicts, the ideas of good and evil, lead them back to moral reflections, and raise them, however little, in their own eyes, *it is the possibility of gaining some reward.*"\*

\* We consider it not a little remarkable that the main idea in this citation, that of rewards as an encouragement to good conduct on the part of prisoners, and even the two suggestions arising out of it in the shape of details, viz: gratuities and abbreviation of sentences, were embodied in the legislation of New York as far back as the year 1817. For the gratification of our readers, and to show the progress of liberal ideas in our State, at that early period, we subjoin in this note, the preamble to the fourth section, as well as the fourth and fifth sections of the act itself, which was passed by the Legislature on the 14th April, 1817. The parts of it set cited are in the words following, to wit:

"And whereas, it is believed that a habit of industry is the best preventive of vice—to encourage which habit in the criminals in the state prison, whom the state are desirous of reforming, it may be useful to allow them a reasonable portion of the fruits of their labor, to be set apart and secured for them or their families: Wherefore,

"IV. *Be it further enacted*, That it shall be the duty of the agent, from and after the last day of October next, to keep a separate account for each prisoner, charging such prisoner with the cost of clothing, provisions and hospital expenses, and allowing credit for what has been earned by such prisoner, which account shall be closed quarterly; and if the said prisoner shall have behaved well, there shall be set apart twenty per cent of the balance of the said account, if any balance there should be in favor of the prisoner, which sums so reserved, shall, quarter-yearly or oftener, be invested in some public stock of the United States, bearing interest, under the direction of the inspectors, and when the said prisoner shall be regularly discharged from prison, if he or she shall produce satisfactory proof to the inspectors, by the certificate of the principal keeper, or otherwise, that he or she has been of good behavior during the time of his or her confinement, the

Now, assuredly, of all rewards, the most precious, the most powerfully exciting, is *liberty*.\*

Therefore, after the *exceptional* benefit of a royal pardon, provisional liberty would be a wonderful attraction shining before the eyes of all *penitent* convicts. It would be like a gleam of light which would dissipate the darkness of impentence; which would guide them towards the regenerative ideas of submission, of repentance and of labor.

We may then be astonished that a means so simple, so rational and so easy of execution, has not long since been incorporated into our penitentiary regulations!

But, gentlemen, preparatory liberation, beside being conformable to reason and justice, besides contributing powerfully to promote the reformation of criminals, would be also an excellent means of regaining for them the public confidence, and of preparing for their re-absorption into society.

amount thereof shall be paid to him or her; or if any prisoner, having behaved well, should die, previous to his or her discharge, the amount so due to such prisoner shall be paid to the husband, wife or children of such prisoner, if any, who shall apply for the same, and prove their right to the satisfaction of the inspectors, within three years from the death of such prisoner, otherwise the same shall be paid into the treasury for the use of the state; and the inspectors may, from time to time, in their discretion, upon the certificate of the keeper, of the regular good conduct of any prisoner, and at such prisoner's request, cause to be paid to the wife, husband or children of such prisoner, any sum he or she may desire, not exceeding one-half the amount so due, always leaving to the credit of such prisoner, a sum not less than ten dollars; and where any of the prisoners, convicted of crimes and sentenced to be confined in the state prison, or at labor on public works, shall work regularly and faithfully, and behave well, it shall be the duty of such agents or proper persons, as have the care and direction of such prisoners, to cause to be kept a true account of the expense of such prisoner's maintenance as aforesaid, and credit him with a fair allowance for his work, and such prisoner shall be entitled to the same proportion thereof, and the same shall be invested and paid on the same conditions, and in like manner, as if such prisoner had continued to work in the state prison, and had been discharged or had died there.

"V. *And be it further enacted*, That where the convict, before whom any prisoner was confined, shall have adjudged such prisoner to confinement in the state prison, or at hard labor on the public works for a certain term, not less than five years, it shall be lawful for him inspectors, upon the certificate of the principal keeper, or other satisfactory evidence, that such prisoner has behaved well, and has acquired by the means aforesaid, in the whole, the net sum of fifteen dollars, or more, per annum, to abridge the period of confinement and labor, declared in such sentence, one-fourth part, and to discharge such prisoner accordingly, and to pay to such prisoner the amount then standing to his or her credit in the prison books, as upon a completion of the sentence; but such sums shall be forfeited by any disorderly or disobedient conduct, and by any attempt to escape, and shall in no case be allowed on a second or any subsequent conviction."

It will be seen that section five of the act above cited embodies the principle of the statutes known as Commutation Laws, which have recently been enacted by so many States of our Union, and which have been found by the unanimous judgment of those who have observed and studied their operation, so excellent a means of prison discipline.

\* *Libertas inestimabilis res est.*

"A criminal," says Bentham,\* "after having undergone his punishment in prison, ought not to be restored to society, *without precaution and without trial*. To transfer him suddenly from a state of supervision and captivity to unrestrained liberty, to abandon him to all the temptations of isolation, of misery and of desire sharpened by long privation, is a mark of *indifference and inhumanity which ought at length to arrest the attention of legislators*."

Never did the illustrious criminalist indicate a truer and graver plague spot in our social state; and this sore is so difficult to heal, that, in spite of the remarkable progress of penitentiary science, it is still, at the present hour, as virulent and as fatal as it was in his day!

Whatever may be the perfection of the new penitentiary system which the government is preparing, there will always be a chasm between the state of absolute captivity and the state of absolute liberty. There will, then, always be a necessity for establishing an *intermediate* measure, which will permit convicts to traverse, without the risk of a relapse, the slippery descent which unites two situations so diverse.

All writers on criminal law agree in recognizing the extreme difficulties and perils to which reformed convicts, on their liberation, are exposed from this sudden transition. All see in it a frequent source of relapses; all attest this strange fact, to wit, that the years nearest to his liberation, those in which the memory of his punishment is still vivid and throbbing, those, consequently, in which the thoughts of the discharged prisoner ought to be under restraint, and his bad passions held in check from the double influence of reformation and intimidation; that these years, I say, are precisely those most fruitful in fresh crimes!

"Among convicts discharged from the galleys," says the Keeper of the Seals, "as among those from the central houses, more than three-fourths of the relapses take place in the first two years of their liberation."

Now, would we know the fatal causes which hinder the re-absorption of so many discharged convicts into the midst of their brethren, and which, by consequence, occasion these numerous relapses?

The Minister of the Interior will enlighten us. According to him, these causes in the case of convicts more or less reformed, are

\* On Punishment and Rewards.

in general: 1. Want of work. 2. The repulsion inspired by the liberated, in consequence of the state of incorrigibility and evil dispositions imputed to them. 3. The misery consequent upon the want of work. 4. Finally, their bad conduct, the combined result of the preceding causes, as well as of the want of supervision and intimidation.

Such are, according to the minister of the interior, the principal causes which impede or prevent the reformation of liberated convicts, and which urge them on *almost inevitably* to new offenses.

Would it not be possible, gentlemen, to counteract these causes?

When the reformed convict leaves the prison, misery does not immediately assail him, for he has the allotted proportion of his earnings in reserve. But this man, already feeble in character, since he has once violated the law—this man, passing suddenly from the state of constraint and of privations of every kind to a state of absolute independence, being no longer held back by the reins of discipline, having no daily surveillance to fear, no longer a master to please, no business to engage his attention, seeing himself, moreover, involved in the same prejudice of distrust, to which all liberated convicts are alike subject, allows himself too often to be drawn to the gross intoxications of sensual debauch, and when once started on this fatal path, he encounters only scorn, wretchedness and repulsion—all tending, with certainty, to lead him back, sooner or later, to crime.

To obviate this deplorable state of things, it will be necessary to introduce into our penitentiary system such measures that the reformed convict may be distinguished from the unreformed, after their liberation.

It will be necessary that, on the day of his final liberation, he be sure to obtain, if not work, at least the passport of laborers, that is, a certificate similar to that of all other free laborers.

It will be necessary that he be not abandoned without support to the seductions of evil counsels and debauch.

It will be necessary that he see effaced for him, a reformed criminal, set free, that repulsion which is generally inspired by the inflictions of justice.

Finally, it will be necessary that, during these first months of freedom, months so difficult and so perilous to pass, he be, by the double influence of patronage and a salutary intimidation, maintained in habits of regular labor and conduct, which alone can rehabilitate him in the eyes of his fellow-citizens.

It is evident that, if we shall accomplish these several results, we shall have removed all the obstacles which, according to the minister of the interior, occasion the relapse of reformed convicts and impede their re-absorption into society.

Now, we repeat, the most effectual means of accomplishing this is, in our opinion, *preparatory liberation*.

This liberation being of itself an authentic certificate of reformation, will necessarily draw to the convict the interest of generous men.

It will procure for him work during his preparatory liberation. It will stimulate him to good conduct, through the dread of re-incarceration.

It will accustom him to the usage and the perils of a free life.

It will assure to him, above all, at the time of his definitive liberation, a *certificate*, emanating from the honorable citizen who shall have consented to employ him; and this precious certificate, for want of which so many discharged prisoners are repelled from the workshops, will enable him to find a place immediately in the great family of free laborers.

These, gentlemen, are results which, to our apprehension, are as striking as they are indubitable!

We see, then, that preparatory liberty, thus understood, will be, for reformed convicts, a true stage of labor and of discipline which, in proving the reality of their reform, will prepare them for all the hazards, for all the dangers of that unrestrained liberty, which they will enjoy on their final liberation; in a word, it will constitute that system of precaution and of proof, of which Bentham so energetically attested the necessity!

For the rest, let us see how this measure might be carried into execution.

It would only be a question of introducing into the new law on prisons, one or more articles, the substance of which might be summed up as follows:

"When a reformed convict shall have undergone, the five-sixths of his punishment of hard labor, the four-fifths of reclusion or of detention, and the three-fourths of imprisonment, he may be placed in the state of preparatory liberation, with the express reserve, on the part of the administration, of the right of ordering, should there be occasion, his return to prison.

"His preparatory liberation and his re-imprisonment will take place in virtue of the orders of the administration, upon the

recommendation of the commissioner of prisons and of the judicial authority.

"This liberation will be accorded only under the moral surety either of the family of the convict, or of honorable persons, or of a society of patronage, who will engage to secure to the discharged prisoner, during the period of his preparatory liberation, sufficient means of support and of labor. \* \* \* \* \*

"Convicts released on provisional liberty, may not leave the parish which shall have been assigned them; and no passport will be furnished them without the authorization of the prefect.

"In case of the disappearance of the convict provisionally released, his reserve of earnings, remaining as a guaranty in the hands of the director of the prison, will be sequestered to the State."

It will be seen that we simply indicate here the general idea, omitting those improvements of detail which it might receive from discussion.

We do not, however, gentlemen, conceal that this system is open, at first sight, to serious objection; but do we not know that it has always been so even with the best reforms? The more an idea is true and just, the more it brushes away prejudices and errors, the more difficult it is to give it currency. It is found extravagant, precisely because it does violence to received ideas. But, little by little, the eye becomes used to its light; men of candor discuss it without prejudice; and ere long, it is found so simple that we wonder it has not been sooner applied in practice.

We dare hope that it will be so with the system of preparatory liberation.

Meanwhile, we hastily run over the objections which may be urged against this system, so fruitful in precious results!

It will be said, perhaps, that to give freedom to a convict whose punishment has not expired, would be, *in fact*, to usurp the right of pardon, reserved to the sovereign.

We answer that this liberty, essentially provisional, is rather a precautionary experiment, made in the interest of the public security, than a measure of mercy exercised in favor of convicts; and the proof is, that his re-incarceration will be ordered on the first departure from virtue of the released convict, who is thus on his trial. It is no more a pardon than the provisional return of recruits to their own homes is a final discharge from military service.

But, it may be said, if there is no invasion of the right of par-

don, will there not be at least an invasion of the right which the law confers on the public ministry to secure the execution of punishment? The administration, it is true, will ask its advice, but it will remain free to decide, and it will be able, against the will of the public ministry, to free convicts from a material part of their punishment. Is that admissible?

We comprehend the gravity of this objection; but, to meet it, it will be enough to say that the law itself will have sufficiently provided for the necessities of expiation, in exacting, on the one hand, the completion of at least three-fourths of the punishment, and, on the other, the condition of a complete *reformation*; that it is not a question of punishment or of example, but of *reformation*; that the design is only to test the reform of the convict, only to prepare, in the general interest, for his return to society; that, as we propose no more than to prevent his relapse, all the measures which may contribute to these general ends belong exclusively to the department of the administration; that from the moment when the reformatory utility of liberation is recognized, it seems just to remit the absolute right of ordering it to the administration; that it alone, in effect, is in a position to appreciate the degree of a convict's reformation and the hope, more or less sure, of restoring him to honesty, by the use of this demi-liberty, of knowing what persons will be able to receive him, give him occupation, watch over him, etc.,—all circumstances which are unknown to the judicial magistrates; that without doubt it would often happen, that the facts anterior to the conviction might be of a nature to hasten or retard his liberation; that, moreover, we have demanded that preparatory freedom should be granted by the administration, *only after having consulted the judicial authority*.

Is it supposed that these convicts, provisionally liberated, would avail themselves of the occasion offered them to escape, and to withdraw themselves from the supervision of the police?

We reply that this inconvenience, which would always be exceptional, might be easily obviated: 1. By the order of re-arrest and re-imprisonment. 2. By the retention of their reserve of earnings, which in that case would be sequestered to the State. 3. Finally, by the refusal to furnish them with any passport.

We reply further, that if, in spite of these precautions, some convicts, provisionally liberated, failing to respond to the proofs of reformation manifested by them, and not recognizing the

watchful care of their patron, should attempt to escape by flight from this state of trial and of voluntary submission, which would still bind them to the penitentiary discipline, this trifling inconvenience would not constitute a serious motive for renouncing the inestimable advantages, guaranteed by this system in the general interest of their reform and of their return to society.

Finally, is it apprehended that these mitigations of punishment granted to true repentance may affect injuriously the operation of the salutary principles of example and of intimidation?

We reply, that if this apprehension has not been entertained in reference to the moderate use of the right of pardon, by a much stronger reason it ought not to be felt in reference to the subject of preparatory liberation, which, being a simple measure of trial, only loosens, without breaking, the bonds of the convict, and from which he will be able to derive no advantage, except upon the condition of good conduct, and under the penalty of re-imprisonment on the first deviation from rectitude.

Moreover, there is something better than intimidation to deter from crime; it is reformation, leading back to a respect for the laws. Now, what more reformatory, what more exemplary than the sight of men, lately criminals, who, under the *regenerative* influence of punishment, had re-entered the path of virtue, and who, in public testimony of their repentance, had received, that they might commence a new life, the beneficent purification of this preparatory liberation!

Yes, gentlemen, we do not fear to affirm it, malefactors would see in convicts provisionally liberated, in these penitents chosen from among their companions, the most striking protestation against crime and the evident proof of the efficacy of corrective punishment! Is not this spectacle better suited to prevent crime, than all the ideas of punitive intimidation?

Hitherto, gentlemen, we have stood upon ground which is firm and easy of argumentation, and although we have been careful in enunciating the fundamental principles of the system we have indicated, we have, nevertheless, encountered some hesitation as regards the soundness of our views.

This hesitation would be no longer possible, if we should prove that this system is not, with us, mere theory, but that it has acquired the authority of a fact already proved by numerous experiments.

For ten years it has been practised in Paris, that is to say,



in the city, which, by reason of its extent and of its large population, offers the greatest occasion and the greatest facilities for escape.

It is practised in the case of young prisoners, that is to say, in the case of those for whom the condition of liberty and absolute independence has the strongest attraction; and that, without giving, in general, any occasion to deplore the inconveniences that have just been objected to it.

Upon this point, we are happy to be able to invoke the imposing testimony of a magistrate who has devoted his talents and his efforts to the regeneration of young criminals. In each of his reports to the Patronage Society of the department of the Seine, the honorable M. Beranger (de la Drôme) has not ceased to attest the complete success already realized in the case of young prisoners, from the application of the principle of preparatory liberty.

The same success has been attained in the penitentiaries of *Lyons*, of *Rouen*, and of *Strasburg*. "Everywhere," says the Minister of the Interior, "where provisional liberty has been applied to young reformed prisoners, it has produced the *happiest and most cheering results*."

This, gentlemen, is the salutary principle, whose application to all reformed criminals, of whatever age, we have just demanded.

In this regard, I know it will be said that the young prisoner is "less a convict in the eyes of the law, than he is an ill trained child, whom the state undertakes to reform; that imprisonment is for him more a matter of education, than of punishment and example;"\* that consequently, provisional liberation might be for him without inconvenience, while it might be attended with very grave consequences in the case of adult convicts.

We reply that no argument can be drawn from this difference; because society desires the reformation of adult convicts equally with that of young prisoners; that as regards penitentiary regeneration, all convicts are of *natures ill directed*, which society seeks to rectify; that the imprisonment awarded to adults is also for them a matter of education, since the ultimate question is of their reformation; that man is capable of amendment and reformation at every age, more easily, without doubt, when he is young, but that is no reason for not applying to adults what is found *excellent* for the reformation of minors; that the only rational inference to be drawn from the difference of age is, that the results of prepara-

\* Séance de la Chambre des Pairs, du 10 Juin, 1844.

tory liberation may be happier and more cheering in the case of young prisoners than in that of adults.

And, gentlemen, when, by his continued good conduct and his sincere repentance, the adult convict may regularly obtain his full pardon, why may he not, without danger to the public order, under the same conditions, be placed in this state of preparatory liberation, which is precisely—we repeat it—the middle term between imprisonment and pardon?

Above all, we can here appeal to a fact of experience, relating to adult convicts which proves, in analogous circumstances, that preparatory liberty, controlled by the fear of imprisonment, may exert, *even upon the worst convict*, a reformatory influence.

We know that the law charges the Attorney-General with the execution of sentences of condemnation. It thence results that this magistrate can, to a certain extent and on his personal responsibility, accelerate or retard, according to circumstances, this execution. Thus the majority of convicts come to request of him, prior to undergoing their punishment, a delay to arrange their private affairs, to complete the labors they had commenced, to gather in their crops, or to make provision for the support of their families. The Attorney-General is accustomed, in an interest of humanity which every one will understand, to grant this sort of reprieve, under the condition of revocation on the slightest complaint.

Now it is remarkable that during the period, whether longer or shorter, which elapses between the sentence and the imprisonment, the conduct of the convicts, remaining free, rarely affords occasion for well-founded complaints. On the contrary, these men, already judicially convicted of crimes, and whose misconduct consequently might be justly feared, abstain from all disorder, simply because they feel the danger of instant incarceration impending over them.

We may be sure, gentlemen, that the same result would be produced in the case of *convicts provisionally liberated*, by the deterrent influence of re-incarceration.

All would have the strongest interest in maintaining an exemplary deportment.

In doing this, they would become accustomed to labor, to order, to temperance and to a regular life.

Gradually public confidence would be restored to them, and on [Senate No. 18.]

the day of their final discharge, fortified as they would be by the certificate attesting their good conduct and their industry during the period of their preparatory liberty, they would find themselves, as it were, rehabilitated in public opinion, and re-admitted, in advance, into society.

Such would be, we are intimately convinced, for all adult convicts, the salutary effects of preparatory liberation.

We should be happy, gentlemen, if these ideas, favored by your approbation, made fruitful by your high experience, could secure the attention of statesmen and the wise solicitude of the government of the King.

GENTLEMEN OF THE BAR—As justice could not accomplish its work without the loyal concurrence of your zeal and your intelligence; so, if the system which we have just indicated should be adopted, it would not produce all the happy results which it promises, without the aid of your generous co-operation.

After having defended persons charged with crime, before us, it would remain for you still to defend them, by following them to their place of punishment, by enlightening them through your counsels, by inviting them to earn, by their industry and their repentance, this precious liberation, which would be to them not only a provisional release from imprisonment, but a species of public rehabilitation.

This holy work, gentlemen, believe it well, would not be the least fruitful of the noble functions which the law assigns to your efforts and your devotion.

It could not but enhance the consideration of your profession, since it would be a fresh service rendered by you to justice and to the repose of society.

## VIII. ACTION OF THE PRISON ASSOCIATION ON THE DEATH OF DR. MITTERMAIER.

[At a meeting of the Prison Association, held on Wednesday, the 25th of September, 1867, the following resolutions, moved by Dr. Lieber and seconded by Dr. J. H. Griscom, were unanimously adopted in commemoration of the great merits of Dr. MITTERMAIER, recently deceased.]

"The demise of Charles Joseph Anton Mittermaier, Doctor of Laws, Professor in the University of Heidelberg, and one of our most highly esteemed associates, as corresponding member of the Prison Association of the State of New York, having taken place since our last meeting, therefore:

"*Resolved, unanimously,* That while we deplore the death of this eminent jurist, liberal citizen and statesman, and studious penologist, we gratefully acknowledge his untiring labors for the perfection of penal law, the improvement of the criminal trial, and the development of a charitable as well as efficient prison discipline.

"*Resolved,* That during his long academic life, which began in the year 1811, and ended within a few weeks only, he has essentially advanced the interests of human society both in Europe and America, by unceasing activity lasting to the very month of his death, as a teacher and a writer in the different divisions of legal knowledge, and the difficult science of punishment.

"*Resolved,* That with whatever feelings of regret we commemorate the loss of so pure, so wise, and so indefatigable a fellow-laborer in the field of law and prison discipline, we acknowledge with solemn satisfaction that his profound and extensive studies of the law of antiquity, as well as of modern times, and of his own as well as of the other civilized nations, did not blunt his interest in the criminal, after the trial and beyond the conviction; and that in his character were blended the learned jurist, the watchful punisher of crime, and the benevolent prison disciplinarian and philanthropist. In the criminal he saw the necessity of punishment; in the convict he beheld the fellow-being to be rescued. To the last of his life, far extended beyond the limit commonly allotted to man, he took the liveliest interest in our civil, political and

penal legislation, and in the labors of this society; while our work has been signally benefited by his unwearied energy. Science, labor and religion were the comforts of his life.

"*Resolved*, That we unite our sympathies with those of the many thousands who now mourn the death of this worthy citizen of the world, and wish to express them to the family bereft of their most honored member.

"*Resolved*, That the corresponding secretary communicate these resolutions to the respected widow of our deceased associate, and to his children."

## IX. APPLICATION FOR CO-OPERATION BY THE BUCKINGHAMSHIRE DISCHARGED PRISONERS' AID SOCIETY, ENGLAND.

[The following is the correspondence on the above subject, to which reference is made in the report of the Executive Committee. It will sufficiently explain itself.]

### 1. LETTER OF THE HONORARY SECRETARY OF THE BUCKINGHAMSHIRE PRISONERS' AID SOCIETY.

THE COUNTY PRISON, AYLESBURY, BUCKS. }  
ENGLAND, *April 18, 1867.* }

Sir—We have lately established, in Buckinghamshire, a Discharged Prisoners' Aid Society, of which I am Honorary Secretary.

Will you be so kind as to inform me whether you would co-operate with us in endeavoring to lead discharged prisoners, whom we might assist to emigrate, into an honest course of life?

I am, Sir, yours faithfully,

EDMUND H. VERNEY,

*Commander, R. N.*

*The Secretary to the }  
Prison Association, New York. }*

### 2. REPLY OF THE CORRESPONDING SECRETARY.

ROOMS OF THE PRISON ASSOCIATION OF NEW YORK, }  
38 BIBLE HOUSE, *June 27, 1867.* }

Dear Sir—Your favor of the 18th April was received in due course of mail. It is my custom to reply to ordinary letters at once, and on my own responsibility; but the proposition, contained in the note you did me the honor to address to me, related to a question of so much importance and delicacy, that I was unwilling to respond, till I should have laid it before our Board, and received their instructions thereupon. This will account to you for the delay in answering your communication, and be accepted, I trust, a sufficient apology for the same.

You inform me that you have lately established, in Buckinghamshire, a Discharged Prisoners' Aid Society, and inquire if we will be so kind as to inform you whether we would co-operate with you in endeavoring to lead discharged prisoners, whom you might assist to emigrate, into an honest course of life.

We naturally feel a warm sympathy in all efforts to rescue, reform, and save persons who have heretofore pursued a career of crime, whether in our own or other countries. We have rejoiced to hear of the formation of societies, having this end in view, in different parts of England, and have read, with high gratification, the reports of some of them, which the secretaries have done us the favor to send us. It will ever afford us pleasure to co-operate with you and all similar associations, in all ways that are practicable and proper. But, we must respectfully decline the special co-operation, asked in the present instance. It was formerly the practice, of some of the States of our Union, to pardon the criminals, on condition that they would migrate to some other State. This we always regarded as both unfair and unjust. But the case is worse and the wrong greater, when a *foreign nation* seeks to empty its criminals on the shores of a power with which it is on terms of amity and good neighborhood. We look upon it as the duty of every State to retain its criminal population within its own territory, and to seek to reform them there, which we believe can be effected, in the great majority of cases, by the use of suitable reformatory agencies. Any other course we cannot but regard as contrary to international comity and justice.

Such is the view taken by the Prison Association. But, even if our own conviction were different, we should be estopped from all co-operation with you, in the way proposed, by the view held by our own Government. I sent a copy of your note to our Secretary of State, the Hon. Wm. H. Seward, at the same time inquiring whether it would be conformable to the views of the Government, that we should comply with the request made to us. He answers, under date of June 11th, (the current month,) by saying, In reply to your inquiry in regard to the propriety of co-operating with the Prisoners' Aid Society of Buckinghamshire, to lead discharged prisoners, who might come to this country from England, into an honest course of life, I have to inform you that the Government of the United States habitually regards the transportation of convicted felons as a violation of international

law, and it refuses to receive them. It holds foreign governments responsible for the wrong done.

We shall always be glad to hear from you and to receive any reports you may publish, as well as to send you our own. God speed you in your good work.

I have the honor to be,

Your most obedient servant,

E. C. WINES,  
Cor. Sec. N. Y. P. A.

EDMUND H. VERNEY, Esq., }  
Honorary Secretary, &c., &c. }

## X. APPLICATION OF THE BRITISH GOVERNMENT TO ITS CONSUL-GENERAL AT NEW YORK FOR A REPORT ON THE PRISON ASSOCIATION.

### 1. LETTER FROM THE BRITISH CONSUL.

NEW YORK, 22d April, 1867.

Sir—I have been instructed by H. B. M. Government to make a report on the "Prison Association of New York," of which I am informed you are Secretary.

On going to your office in the "Bible House," I have been told that you were out of town, and would not return to New York for some time, and that there was no person here who could furnish the desired information. You may possibly have in your possession printed reports, or other matter on the subject, or you may be able to designate some persons in New York city on whom I might call for what is required.

I shall feel very much obliged if you will put me in the way, with as little delay as possible, of procuring information in reference to the general *status* of the Prison Association, its importance, &c., and the names of some of those gentlemen, besides yourself, who are connected with it.

I trust that you will pardon the trouble I may be causing by this application, and permit me to subscribe myself,

Your obedient servant,

PIERREPONT EDWARDS,

*H. B. M. Acting Consul.*

The Rev. E. C. WINES, D. D.

### 2. REPLY OF THE CORRESPONDING SECRETARY.

38 BIBLE HOUSE, NEW YORK, April 25, 1867.

Sir—I have had the honor to receive your note of the 22d inst., informing me that H. B. M. Government has instructed you to make a report on the Prison Association of New York, and re-

questing me to "put you in the way, with as little delay as possible, of procuring information in reference to the general status of the Prison Association, its importance, &c., and the names of some of those gentlemen, besides myself, who are connected with it."

In reply, I have the honor to inform you that I, last evening, read your communication to the Executive Committee of the Association at their stated monthly meeting. The gentlemen composing the committee highly appreciate the compliment implied in such a request from H. B. M. Government, and have instructed me to respond, by directing you to such sources as may afford you the information desired.

In compliance with these instructions, I herewith send you an abstract of our Twenty-second Annual Report, from which you will learn the names of all the officers of the Association for 1867, among whom, as you will perceive, are numbered some of our most distinguished and honored citizens. I send you also, by express, the 19th, 20th, and 21st Reports of the Association, together with the advance sheets of the 22d Annual Report, and of a special Report on the Prisons and Reformatories of the United States and Canada, as far as printed. You will, I presume, look over the whole of these documents, before making your report; but I have ventured to turn down leaves in a few places to call attention to documents, which may, perhaps, throw some special light on the principles, objects, and results of the labors of the Association. I would particularly ask your attention to pp. 417-436 of the 19th Annual Report, on which will be found a *resumé* of the history of the N. Y. P. Association, from its organization in 1844, to the year 1864.

The Annual Report now in press, will be published in two or three weeks, when I will take pleasure in sending it to you complete. The Special Report, referred to above, will probably not be issued before the end of June, which I will also, on its completion, immediately forward to your address.

We hope to secure important reforms in our prison system, through the Convention which has just been elected to revise the Constitution of our State. We particularly desire to get an amendment inserted in that instrument, which will remove the administration of our prisons from the arena of party politics. We favor the introduction of the Irish convict system, as far as

it may be applicable to the circumstances of our people, and the genius of our institutions, believing that in social reforms, as a great philosopher has said, there is just as little principle of nationality as there is in natural philosophy.

I have the honor to be,

With much respect,

Your obedient servant,

E. C. WINES.

PIERREFONT EDWARDS, Esq.,

H. B. M. Acting Consul, New York.

## XI. ANNUAL REPORT OF THE GENERAL AGENT.

OFFICE PRISON ASSOCIATION,  
12 CENTRE ST., NEW YORK, Jan., 1868. }

To the Chairman of the Executive Committee:

Sir—By the good providence of Almighty God, all the officers and members of the Board of Managers have been spared another year, it may be hoped to perform a greater and more useful work, in the removal of prison abuses, and the introduction of such moral appliances, as shall tend to reform the habits of our erring fellow-men, inducing them to live better lives, and cultivating in them an "abhorrence of that which is evil," and a desire to "cleave to that which is good." May the Association be rendered more eminently useful in the coming year than it has been in those which are past.

We respectfully submit the following report of our last year's operations, both in the Detention and in the Discharged Convict Departments, in the cities of New York and Brooklyn.

The following statistics from the report of the Commissioners of Public Charities and Correction, furnished by Capt. Coulter, warden of the City Prison, throws some light on the extent and importance of the work in which we are engaged.

TABLE A.

First District Prison—Halls of Justice.

	White males.	White females.	Black males.	Black females.	Total.
Total No. remaining in prison Jan. 1, 1867.	223	89	17	4	333
Number received during the year.....	17,341	12,261	509	345	30,456
	17,564	12,350	526	349	30,789
During the year have been discharged.....	9,810	3,622	526	291	14,849
Deceased.....	5	3			8
Eloped.....	1				1
Executed.....	1				1
Sent to Blackwell's Island by police and other courts.....	2,018	955	119	4	3,096
Transferred to Blackwell's Island by Commissioners Pub. Char. and Cor.....	5,148	7,649	44	49	12,890
Sent to State prison.....	356	36	18	3	413
Remaining in prison Dec. 31, 1867.....	225	85	19	2	331
	17,564	12,350	526	349	30,789

TABLE A—Continued.

	White males.	White females.	Black males.	Black females.	Total.
In addition to number received at first district prison, viz.....	17,341	12,261	509	345	30,456
There were discharged from second district prison.....	5,545	2,594	198	63	8,400
Sent to Blackwell's Island.....	161	99	11	6	277
Discharged from third district prison.....	4,812	1,540	11	9	6,372
Sent to Elmwell's Island.....	73	19	2	1	94
Discharged from fourth district prison.....	1,773	341	14	1	2,134
Sent to Blackwell's Island.....	59	21	.....	.....	80
Total No. of commitments during the year.	29,269	16,873	745	424	47,313

TABLE B.

NATIVITY.	Males.	Females.	Total.
Number received who were of native birth.....	10,858	5,013	15,871
do do foreign do.....	19,156	12,286	31,442
	30,014	17,299	47,313
SOCIAL RELATIONS.			
Number received who were married.....	11,699	6,318	18,008
do do single.....	17,075	9,045	26,120
do do widowed.....	1,145	1,785	2,930
do whose social relations were unknown.....	104	151	255
	30,014	17,299	47,313
HABITS OF LIFE.			
Number received who were of temperate habits.....	9,085	6,950	16,015
do do intemperate.....	20,949	10,349	31,298
	30,014	17,299	47,313
EDUCATION.			
Number received who could not read.....	1,906	1,433	3,439
do do read only.....	4,435	5,109	12,504
do do read and write.....	25,029	7,361	30,390
do who were well educated.....	540	85	625
do whose degree of education was unknown.....	104	151	255
	30,014	17,299	47,313

TABLE C.

## First District Prison.

For what offence committed.	Males.	Females.	Total.
Abandonment.....	61	..	61
Abduction.....	6	..	6
Arson.....	23	..	23
Assault.....	47	5	52

For what offence committed.	Males.	Females.	Total.
Assault and battery.....	1,674	275	1,949
do felonious.....	217	10	227
Attempt to commit burglary.....	19	..	19
do grand larceny.....	32	4	36
Burglary.....	373	..	373
Bastardy.....	27	..	27
Bigamy.....	8	1	9
Conspiracy.....	6	..	6
Contempt of court.....	1	..	1
Delirium tremens.....	26	15	41
Disorderly conduct.....	4,518	4,708	9,226
do boys and girls.....	32	8	40
Embezzlement.....	54	..	54
Escaped convicts.....	7	..	7
Felony.....	116	31	147
Fraud.....	35	..	35
Felonious assault.....	18	2	20
Forgery.....	93	2	95
Fugitives from justice.....	9	..	9
Gambling.....	68	..	68
Grand larceny.....	1,136	330	1,466
Illegal voting.....	34	..	34
Indecent assault.....	23	..	23
do exposure of person.....	11	..	11
Insanity.....	335	165	500
Intoxication.....	4,101	3,930	8,031
Juvenile delinquents.....	120	35	155
Keeping disorderly house.....	52	32	84
Larceny.....	37	4	41
do from the person.....	49	21	70
Lodgers.....	97	..	97
Malicious mischief.....	18	4	22
Mayhem.....	7	..	7
Misdemeanors.....	736	376	1,112
Murder.....	38	1	39
Obtaining goods by false pretences.....	116	2	118
Petit larceny.....	2,594	1,117	3,711
Receiving stolen goods.....	35	4	39
Rape.....	39	..	39
Robbery.....	96	2	98

## ANNUAL REPORT OF THE

For what offence committed.	Males.	Females.	Total.
Seduction .....	2	--	2
Sodomy .....	3	--	3
Vagrancy .....	618	1,512	2,131
Violation of corporation ordinances .....	83	10	93
<b>Total</b> .....	<b>17,850</b>	<b>12,506</b>	<b>30,456</b>

TABLE D.

*Second District Prison.*

For what offence committed.	Males.	Females.	Total.
Assault and battery .....	255	31	286
do felonious .....	32	3	35
Abandonment .....	23	--	23
Bastardy .....	5	--	5
Burglary .....	1	--	1
Disorderly conduct .....	2,011	1,501	3,512
Embezzlement .....	4	--	4
Forgery .....	9	1	10
Felony .....	52	--	52
Grand larceny .....	59	13	74
Homicide .....	1	--	1
Intoxication .....	2,720	845	2,565
Insanity .....	4	--	4
Juvenile delinquents .....	14	--	14
Keeping disorderly house .....	11	26	37
Misdemeanor .....	277	17	294
Obtaining goods by false pretences .....	4	--	4
Perjury .....	1	2	3
Petit larceny .....	53	11	64
Rape .....	3	--	3
Receiving stolen goods .....	10	1	11
Robbery .....	7	--	7
Seduction .....	1	--	1
Vagrancy .....	264	297	561
Violation of corporation ordinances .....	94	12	106
<b>Total</b> .....	<b>5,915</b>	<b>2,762</b>	<b>8,677</b>

TABLE E.

*Third District Prison.*

For what offence committed.	Males.	Females.	Total.
Assault and battery .....	420	105	525
do felonious .....	52	--	52
Abandonment .....	28	--	28
Arson .....	6	--	6
Burglary .....	40	--	40
Bastardy .....	16	--	16
Disorderly conduct .....	500	314	814
do boys and girls .....	180	38	218
Embezzlement .....	6	--	6
Felony .....	45	7	52
Forgery .....	4	--	4
Grand larceny .....	112	40	152
Gambling .....	51	--	51
Intoxication .....	2,251	838	3,089
Juvenile delinquents .....	87	10	97
Keeping disorderly house .....	70	60	130
Murder .....	2	--	2
Misdemeanor .....	140	47	187
Obtaining goods by false pretences .....	31	--	31
Rape .....	10	--	10
Robbery .....	5	--	5
Receiving stolen goods .....	23	9	32
Seduction .....	3	--	3
Violation of corporation ordinances .....	92	38	130
<b>Total</b> .....	<b>4,398</b>	<b>1,568</b>	<b>5,966</b>

TABLE F.

*Fourth District Prison.*

For what offence committed.	Males.	Females.	Total.
Abandonment .....	14	--	14
Arson .....	1	--	1
Assault and battery .....	173	28	201
do felonious .....	14	2	16
Bastardy .....	4	--	4
Bigamy .....	--	1	1
Burglary .....	20	--	20



For what offence committed.	Males.	Females.	Total.
Disorderly conduct .....	880	196	1,076
do idle or suspicious persons .....	12	--	12
Forgery .....	1	--	1
Fugitive from justice .....	5	--	5
Felony .....	16	1	17
Grand larceny .....	46	4	50
Habitual drunkenness .....	9	24	33
Insanity .....	1	--	1
Intoxication .....	373	67	440
Juvenile delinquents .....	41	4	45
Larceny .....	13	2	15
Larceny from the person .....	1	--	1
Manslaughter .....	1	--	1
Misdemeanors .....	110	7	117
Obtaining goods by false pretences .....	5	--	5
Petit larceny .....	84	18	102
Rape .....	2	--	2
Receiving stolen goods .....	2	1	3
Robbery .....	5	--	5
Vagrancy .....	18	8	26
Total .....	1,851	363	2,214

TABLE G.

*Nativity of the prisoners committed during the year 1867.*

For what offence committed.	Males.	Females.	Total.
Ireland .....	12,036	9,043	21,079
United States .....	10,858	5,013	15,871
Germany .....	5,061	2,275	7,336
England .....	793	628	1,421
France .....	616	47	363
Scotland .....	238	172	410
Canada .....	227	53	280
Italy .....	183	45	228
West Indies .....	48	3	51
Prussia .....	37	3	40
Austria .....	35	1	36
China .....	10	--	10
Sweden .....	38	--	38

## PRISON ASSOCIATION OF NEW YORK.

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Nativity of prisoners.	Males.	Females.	Total.
Norway .....	27	--	27
Switzerland .....	16	6	22
Wales .....	26	7	33
Spain .....	29	3	32
Russia .....	17	--	17
South America .....	15	--	15
Mexica .....	4	--	4
Total .....	300,14	17,299	47,313

TABLE H.

*Classification Table of the ages of the male and female prisoners received during the year 1867.*

Ages.	Males.	Females.	Total.
Under 15 years .....	1,704	289	1,993
From 15 to 20 years .....	3,927	2,016	5,943
From 20 to 25 years .....	5,364	3,873	9,237
From 25 to 30 years .....	6,219	4,562	10,781
From 30 to 35 years .....	4,392	2,590	6,982
From 35 to 40 years .....	3,651	1,465	5,116
From 40 to 45 years .....	2,719	937	3,656
From 45 to 50 years .....	829	789	1,618
From 50 to 55 years .....	645	368	1,013
From 55 to 60 years .....	321	235	556
From 60 to 65 years .....	118	94	212
From 65 to 70 years .....	74	52	126
Over 70 years .....	51	29	80
Total .....	30,014	17,299	47,313

## DETENTION DEPARTMENT.

The following cases, taken from our diary, illustrate the importance and usefulness of this department of our labors:

1. A decent colored man was seen in the city prison; he had been in custody nine weeks, on charge of grand larceny, stealing a coat valued at 50 dollars. He most solemnly protested his innocence, and expressed a belief that the complainant himself could not regard him as guilty.

[Senate, No. 18.]

We succeeded in finding him, (the complainant,) when he candidly acknowledged that the accused did not steal his coat. He appeared to regret that he had caused his arrest, and the consequent distress of his family. We hastened to the office of the district attorney, accompanied by the complainant, where he told the same story. The prisoner was immediately discharged by the court then in session.

This poor colored man almost danced with joy, at the same time returning hearty thanks to the Association.

2. A distracted woman called at the office of the Association to say that her husband is in prison awaiting trial on a charge of grand larceny. There are three other men included in the complaint. Her husband has been second mate on board a ship for some time. There appeared to be some doubt of their guilt. The district attorney was seen, the trial hurried up, the accused were all discharged, on a verdict of "not guilty."

During the imprisonment of the 2d mate, several ladies interested themselves in behalf of this poor woman. She was introduced to an excellent Lying-in-Asylum, where every attention was given her; she soon recovered, and was then provided with a profitable situation.

She proved grateful, and will probably never forget the kindness bestowed upon her and her husband.

3. A youth was brought up for sentence on conviction of petit larceny. The complainant was seen. He admitted that the lad had been in his employment for the last six years, and had never before excited his suspicion. He also knew his mother well; and on her account, anxiously desired that no punishment should be imposed. These facts were submitted to the court by the Association, when the lad was discharged.

4. Was indicted for burglary in the 3d degree. He was well and favorably known. Domestic troubles led him to seek solace in the bottle; he became a drunkard, and under the influence of strong drink, he became reckless, lost his situation, and traveled the downward road to destruction with terrible velocity. With duplicate keys he entered his late employer's store, and conveyed away a large amount of property. He was suspected, and when arrested a large portion of it was found in his possession. While awaiting trial he sought our advice, and begged us to say a word for him when brought into court. This we declined at first, because the whole of the property had not been restored, and

secondly, because he had secured counsel. He renewed his entreaties for our friendly interposition. We consented to represent to the court that this was his first offence, that he appeared penitent, and promised that he would never perpetrate another crime, could he be saved now, from the State prison. We assured him that this could not be accomplished. The evidence of his guilt being conclusive, nothing could save him, nor anything mitigate his sentence but the return of the whole of the stolen property. This he promised, and he kept his word; all was restored. He pleaded guilty to the indictment, and was sentenced to State prison for 2 years and 6 months. All concerned were satisfied.

5. Two poor, wretched women call on the Association, and represent that their husbands are inmates of Sing Sing State prison; that they are both sick in the hospital, and that they feel most anxious to visit them; but having helpless families, they had not the means to pay their fare. The Association promptly enabled them to reach the prison. On their return, they called to express their unfeigned thankfulness for the kindness shown them.

6. Aged sixteen, was convicted last court day, and was now brought up for sentence. The court had requested your agent to make some inquiry concerning him. Our report was unfavorable to the young delinquent; he had before been convicted of stealing a watch. His parents are "of the baser sort;" idle, dirty, and habitually intemperate. They occupy a back basement, more filthy than an ordinary pig sty. The Association represented to the court that it would be an act of mercy to the boy to send him to the House of Refuge, as there he may be saved from a worse fate; but not at home. He was committed to that reformatory.

7. Was out of employment and also out of money; he was driven to the station house, to ask shelter for the night. On the following morning he was conveyed before a police judge, who committed him as a vagrant for six months. The attention of the Association was called to this oppressive treatment, when appropriate means were taken to secure his discharge. Within a few hours, his external appearance was improved by a clean shirt and suitable clothing, and he was on his way to his home, where he hoped to secure work. He wept with grateful emotion.

8. Had been in custody the last two months on charge of grand larceny; he uniformly protested his innocence at every interview. The grand jury at length were impanneled; they threw out the complaint, there being no evidence to warrant an indictment, and

he was discharged. He was invited to our office; clean linen and suitable clothing were furnished him by the Association, with pecuniary means to reach his friends and permanent employment. This young man appeared to feel very thankful for the interest shown in his case.

9. Was arrested for larceny—stealing a chain and locket. She was suspected of taking these articles, and charged with it; she denied it, and left the house, but subsequently returned, confessing her guilt. The owner of these articles felt displeased with her, sent for an officer, and she soon found herself locked up and committed for trial. She was but sixteen years old, had lived with her widowed mother in the country, until it was deemed advisable she should come into the city and learn a business. Soon this vain and thoughtless creature acquired a fondness for dress and show; and to gratify her pride, these paltry articles were stolen. We called on complainant, and sent for her mother. She was tried in court of special sessions. We had influenced the complainant to forgive all. These facts were submitted to the court, and she was discharged. The mother and all concerned thanked the Association for their timely interposition, which had saved her from the penitentiary. We are glad to know that she has remained with her friends, away in the country, ever since, and is doing well.

10. An intelligent man of respectable appearance was seen by your agent in the city prison, committed for drunkenness. We earnestly besought him to abandon this terrible vice. He acknowledged his folly and felt his degradation. A fine of ten dollars was imposed by the police court, which was subsequently paid by his family. He, without delay, signed the temperance pledge, promising to "touch not, taste not, handle not" a drop in the future. Oh that he may have moral courage sufficient to perform his vow.

11. A young man and his wife landed recently from a steamer; they obtained employment with a respectable family in the country, about eight miles away. They subsequently returned, temporarily, to New York city, expecting letters from their family connections in Ireland. While here they were arrested on suspicion of larceny from the person. We found them in the city prison; there seemed to be, in our minds, not a shadow of evidence against them; we diligently investigated the complaint, and found there was no tes-

timony or witness against them; whereupon, on our solicitation, the committing judge discharged them.

12. A poor servant girl had waited on one of our police justices for advice; she had been sent, by one of our intelligence offices, to a low drinking and common gambling house, where she engaged as help; there she remained three weeks, when she became disgusted with all she had seen and heard, and resolved not to remain another day beyond the month. She made known her purpose to her mistress, when this distinguished lady turned her at once into the street. The police judge suggested that she call on the agent of the Prison Association, as his court could not interfere. She called at our office; we advised her to make another application for her month's wages, and if refused, to return. She subsequently called to say the claim was refused with oaths and curses. We immediately wrote to the party, demanding instant payment of the girl's legitimate demands. The lady called on us promptly, full of bluster. She vowed her determination not to pay, and would prefer going to court. We informed her that the courts were nauseated with her obnoxious name and general bad reputation. She left our office in great indignation, but not before we had assured her we meant to have the amount due from her to this desolate young woman. Within a few minutes she returned and paid the hard earned wages. We handed it to the poor creature, and she felt grateful. We urged her never to engage at so low a crib as this is known to be.

13. Was indicted for grand larceny—stealing an overcoat worth thirty dollars. The facts were these: His parents are reputed to be wealthy; after he left school, he remained at home, doing nothing, preparing himself, by idleness, for vice and crime. When nearly nineteen years old, it was thought best that he should come from the country to this city; visit and remain with a married sister, until some favorable opportunity of employment offered. He had a respectable wardrobe and \$250 in money. On his arrival here, he ascertained that his sister had, with her husband, gone south for the benefit of her health. He put up at a hotel; there he "fell among thieves;" he was urged to play; he was a novice, and within a very short time, lost every cent he had possessed. To pay his board, he pledged his clothing until all was gone. His room was wanted for other guests, and he was left wandering about the streets, hungry, "and no man gave unto him." As he was walking up town, he resolved to enter a small

hotel and ask for employment, without wages other than his board and lodging; the proprietor consented to this proposition, provided he was willing to build fires, sweep, clean boots, run of errands, attend bells, &c., all which he consented to do. There he remained some weeks, when it occurred to him—"In my father's house is enough and to spare;" but here I am, wearing out my only suit of clothes, and no prospect to obtain more; I will return to my father's house, and tell him without reservation all that has befallen me." He could devise no means to pay his fare, and he could not bring himself to reveal his condition to the managers of the railroad company. There happened to be in the bedroom he had occupied, an overcoat, belonging to a conductor; if that could be pledged for money enough to take him home, he might send back the pawnbroker's ticket and the amount so raised, within a week. He yielded to the temptation; the coat was taken, but the pawnbroker would not loan him sufficient to pay his fare. He then sold it for nine dollars, and when about to enter a railroad car, bound for the home of his childhood, he was seen by its owner, who immediately caused his arrest. We could but feel some interest in this case; we made all necessary inquiries, and from letters in his possession we felt persuaded that this was his first offence. These extenuating features were submitted to the district attorney; he expressed his willingness to accept a plea of an attempt at grand larceny; this was placed on the record, when the court was pleased to adopt our recommendation; judgment was suspended, and the prisoner was discharged.

The Association furnished him with means to leave the city, and reach his family in an adjoining State. He wept with grateful emotion. We have strong confidence in him, that he will act more wisely in time to come. We have received a letter from him since he reached his friends. All is well.

#### DISCHARGED CONVICT DEPARTMENT.

The few following extracts from the diary of your agent will clearly show the necessity, importance, and usefulness of this department of our Association.

1. Had spent six months in the penitentiary, on conviction of a trifling petit larceny. She appeared to be the subject of shame and confusion. This was evidently her first offence; she left the prison this morning; her mental suffering seemed to be intense. She can, as she says, "never forgive herself." She expresses a strong desire to reach the country, and the family with whom she

lived, as help, four years and ten months. There, all who knew, highly respected her. Could she return there, they would most gladly engage her. The Association redeemed her clothing, and enabled her to reach the family before referred to, where she is now engaged.

2. Was convicted of petit larceny, and sentenced for two months to the penitentiary. He calls at our office and says he is a hatter, and could he reach a neighboring city, he could secure work; a suit of clothes was given him, with a shirt and pecuniary aid, which enabled him to leave the city. He seemed to feel thankful.

3. Had spent six months in the penitentiary for an alleged assault and battery. On his discharge he called at our office and asked a loan of money sufficient to defray his expenses to Dunkirk. This could not be done. We showed him "a more excellent way;" we procured him a job of work, where he will be enabled to save sufficient means to defray his own traveling expenses. Shirts over-alls and coat were given him, and cash sufficient to pay one week's board. He thanked the Association heartily.

4. Served two months in the penitentiary on conviction of a petit larceny. On his discharge, he hastened to our office; he expressed his unfeigned regret that he should have committed such "dastardly meanness." He had been playing billiards, when under the influence of drink; as he was about to leave he seized a coat and put it on. He was immediately arrested and charged with stealing it; everything was against him, except the fact that his own coat was hanging on the wall, in close proximity to the other; he was tried and sentenced two months.

To escape trouble in the future, he pledges himself to avoid drink and the places where it is sold, and to form better associations. He was suitably furnished with clothing and money.

5. Was tried and convicted of stealing \$150 from his prosecutor, and was sentenced to State prison for two years.

He assures us that this was his first offence, and we cannot doubt it, having, at the request of the court, made enquiries into his past life, after his conviction, and before sentence was passed upon him. He has gained three months commutation by good conduct while in prison. He has a wife and three children. He calls upon the Association to loan him a little money to enable him to do a small business, which will, he feels certain, support his family.

The Association cheerfully aided him as desired, he being a penitent and reformed man—sober and industrious.

6. Was court martialled, found guilty, and sentenced to State prison for five years; he had appropriated to his own use \$65 belonging to the commissary department. Application was made to President Johnson in his behalf, for a pardon, which was recently bestowed.

He now feels anxious to return home, but is without means. We congratulated him on his receiving a pardon; small offenders are usually more unfortunate than those who steal millions. The Association afforded him pecuniary aid.

7. Was convicted of uttering a counterfeit twenty dollar treasury note. She was well and carefully defended in the U. S. Circuit Court, Brooklyn, by ex-Judge Garrison. She was remanded for sentence.

When brought up for judgment, the Association, through its agent, appealed to his honor, Judge Benedict, to show her mercy, she having been "more sinned against than sinning."

This woman could neither read nor write, and it was manifest that she was not in the habit of "pushing the stuff"—passing or uttering counterfeit notes.

She was sentenced to the Albany penitentiary for thirteen months. On her discharge, she called at our office, thankful for the interest we had manifested in her behalf. She still adheres to her former statement, that she knew not the note was a bad one. She was supplied with suitable clothing, and a comfortable situation at \$10 per month. Her little boy was placed in more comfortable quarters; a small sum of money was loaned, and should she perform the vows already taken, her future will be more happy than the past. She feels thankful to the Association for favors bestowed.

8. Had served out a sentence of twelve months in the penitentiary, on conviction of forgery in the 4th degree, and on his own confession. It was a false order for goods to the amount of \$33.

He seems to be sincerely penitent and much distressed in mind. He fees ashamed to meet any man, face to face, and a perfect horror of seeing his relations. He at the same time rejoices that those friends who knew him best are unacquainted with his fall, and consequent degradation.

His friends reside in the country, as is shown by his letters, but he had no means to reach them, and besides, his external appear-

ance was against him. The Association gave him suitable clothing, and secured his passage to his home with a few dollars, which excited his hope and courage. He seemed to feel grateful.

9. Was tried in court of general session for an alleged assault and battery. On conviction he was sentenced to one year, with a fine of \$100. His wife calls to say that he has served more than 14 months in the penitentiary, and that his family are in want.

The Association submitted the case to the court, when the fine was remitted, and the man was discharged.

10. Has served six months in prison for an alleged assault and battery. He represents that he has been severely dealt with; he traces all his troubles, for the last seven or eight months, to evil associations; he has kept company with the drunken and the degraded. While he complains of his late sufferings and humiliation, he feels thankful that a worse fate has not befallen him. He promises to keep away from drink and all its attendant evils. Necessary clothing was furnished him, and a pass to the place he designated, with a sufficient amount of money to sustain him, until employment should be procured.

11. This unfortunate man had held a respectable position in life, but his intemperate habits has well nigh ruined him, both in body and soul. Under its bewildering influence, he had committed a petty theft; he was tempted to place a common tumbler in his pocket; he was arrested and sentenced to the island penitentiary for three months. Having transgressed with his eyes wide open, he feels indescribably wretched; but solemnly promises to live a sober and better life. He was liberally aided by the Association, with clothes and other necessities.

12. A sailor; has spent four months in the penitentiary, on conviction of assault and battery. He feels discouraged; he says, he has lost his good name, his ship, his chest of clothes, and the wages due to him. He feels that he is in a destitute condition. We urged him to look up, as "there's a sweet little cherub, who sits up aloft, and who thinks of poor Jack." The Association provided him with a pea jacket, two woolen shirts, stout pants, a felt hat, and a trifle of money, for which he appeared to feel glad and thankful.

13. Was discharged from the penitentiary this morning; he was indicted for passing a \$3 counterfeit bill. It being his first offence, the court showed him mercy; sentence, twelve months. He calls and offers his sincere thanks to the Association for the

interest shown him on his trial; but for such interposition, he might now be in the State prison. He pledges himself never to need such friends again; he expresses a strong desire to reach the home of his mother. The Association provided him with decent clothing, and the means to reach another State. He felt very grateful.

14. Manifests much regret that he should have found his way to a prison; he had spent one month, and the only month of his life, there. He represents that he had been out of work seven weeks, and was driven to borrow small sums of money from his friends and acquaintance. At length he fell into the society of far worse men than himself; he too began to drink and gamble; within a week he had fallen most sadly. In company with another unfortunate, he was charged with stealing a coat; they were both sentenced to the penitentiary for one month each. He wept convulsively when he said, "Oh, could my parents see me; could my saintly mother have seen me in prison, shut up with the most abandoned, it would have killed her." He earnestly ejaculated, "God be merciful to me a sinner!" He tried to believe, and we have some hope strength may be vouchsafed him to retrace his steps and live a better life. He was aided with suitable clothing, and money to sustain him for a few days, when employment is promised him.

Hundreds of similar cases could have been taken from our diary.

#### NEW YEAR'S DAY, 1868.

We spent the day, following at an humble distance, the example of the Great Philanthropist, who went about doing good.

The families of discharged convicts, and many of those whose husbands and fathers are now in our penal institutions and county jails, penitentiaries and detention prisons, were visited.

We witnessed a fearful amount of abject poverty and suffering. On the one hand, we felt sick and discouraged; on the other, our inmost soul rejoiced that Providence had so favored our Association that we could aid the unfortunate desolate poor.

The pressing wants of many households were cheerfully relieved—the rent was paid in some cases, to prevent their being turned into the street, and to save them from vice and temptation. There is a luxury in doing good; we are glad to know it.

#### ACKNOWLEDGMENTS FOR COURTESIES AND AID RECEIVED.

We feel it our duty to acknowledge the courtesy of all concerned in the administration of law in our criminal courts, by whom we have been treated with uniform respect and urbanity.

To the members of the learned profession of the law we are much indebted for the aid rendered us, and for the uniform willingness shown to defend any cases in which we may desire such service at their hands. And for every help afforded by the Executive Committee, the members will please accept our warmest acknowledgments, and the expression of a hope that our efforts may be increasingly fruitful in the coming years.

All which is respectfully submitted by

ABRAHAM BEAL, *General Agent.*

## XII. REPORT ON COUNTY JAILS.

### 1. JAILS VISITED IN THE COUNTIES OF CLINTON AND FRANKLIN.

#### *To the New York Prison Association :*

The undersigned, appointed to examine the prisons of Clinton, St. Lawrence and Franklin counties, reports:

That circumstances beyond his control prevented him from visiting that of St. Lawrence county; and that, on going to Clinton county prison, he found the sheriff who has charge absent, but, through the politeness of a deputy, an opportunity was afforded to inspect its various departments, all of which, as stated in former reports by the undersigned, are totally deficient with any view to proper discipline.

The prisoners appeared to be fairly cared for in their personal wants, so far as public provision and the arrangements of the building will admit.

The undersigned, in October, examined the prison of Franklin county, and obtained from the sheriff who has charge and resides in the prison, the following statistics:

The number of prisoners at that time, was two; one a man, a farmer, committed on charge of a threat to take life; the other a woman, sentenced for prostitution to 12 months imprisonment. The man, native, about 30 years of age—the woman, foreigner, a servant, about 25 years old—the man had common school education—the woman unable to read or write—the man locked up—the woman about the prison engaged in household work. The construction of the building has been particularly described in former reports by the undersigned, and he now refers to the same on that head.

The prisoners were boarded by the sheriff, and their washing done; the compensation allowed by the county not adequate to the services rendered, so that much of the requirements for their personal cleanliness and reasonable comforts becomes a tax on him—as is the case in all the county prisons where the keeper is a man of humane feelings. The fare of the prisoners is plain but

wholesome, and sufficient for their condition. The bed accommodation is insufficient, especially for the males, and a lack of provision for the clothing of those who are destitute—a fact chargeable upon the supervisors. The water-closet accommodation for the male department is sufficient; the ventilation of the cells badly heated by stove. The female department, (two upper chambers,) also heated by stove and ventilated by the windows. There are bathing facilities in either of the departments.

The arrangement of the building affords no opportunity for classification beyond that of sex, thus creating a permanent obstacle to reformatory efforts, and rather calculated to create a nursery for crime. Such defect of arrangement and the evil results attendant prevail in most of the county prisons. The average number for the year at this prison, is about four. For six weeks this year there were none. The principal commitments are for drunkenness; and of all commitments, there are three foreigners to one native. Few of the former can read, while most of the latter have had at least a common school education. Health of the prison, good; no epidemic, and scarcely any ailing. There is a physician appointed at an annual allowance of seven dollars. He is prompt in attendance, and is entitled to the credit of gratuitously rendering his services.

The sheriff urges the establishment of a prison library, more humane provision for such personal comforts as are requisite for a healthy condition of body and mind, and a greater interest taken by the community in the condition of prisoners.

The undersigned inquired if the citizens of his county were delinquent in such particulars, and learned that neither the citizens, the church, the court, or even the "Corresponding Committee" of this Association, since his administration, had visited the prison for such purpose; the only visit of that character was by the Board of Supervisors, at their annual meeting.

Franklin county is an agricultural district, comparing favorably with any other county for intelligence, public spirit, religious and educational institutions, and charitable acts by individuals; still there appears this delinquency in connection with a proper regard for the condition of prisoners; not, however, more inconsistent and marked there than in most other counties throughout the State.

We are as much required, under the precepts of Christ's gospel, to visit prisoners as to feed the hungry, clothe the naked or



care for the sick and afflicted. Public authorities, churches and citizens take interest in the welfare of the inmates of poor houses, of hospitals, of homes for the friendless, asylums for the deaf, the blind, the idiotic and the insane, whilst the inmates of prisons are, for the most part, neglected and forgotten; let us hope, thus far, neglected because forgotten. Christ, whilst he walked among men, manifested a sympathy and hope for those whom he found morally depraved or degraded by crime, alike as for those who were hungry, naked, sick or afflicted. He did not consider that the loss of reputation, or even the conviction of a crime, exatriated a fellow man from the realm of humanity. He ignored the nationality and the catholicity of that age in connection with individuals. He also taught us by example how to temper justice with mercy; and thus it is, as Schiller said, "Christianity has stamped a new impression on humanity."

This Association has constantly striven to enlist citizens in an active personal sympathy and care for the condition of prisoners; its efforts, however, in this line have not met with success in correspondence with its hopes. Money has been freely given by many; but individual co-operation and personal sympathy in our work have been withheld.

Public authorities have granted facilities and made liberal appropriations; still, as stated above, our courts, our churches, our communities, remain lamentably delinquent in practical sympathy for the condition of prisoners, and in personal efforts for their improvement and future welfare.

The undersigned, at hazard of being obnoxious to the complaint, "*nothing so dull as a twice told tale*," will repeat, in substance, the conclusion of a Report made by him March 24th, 1856.

The cause of the great defects existing in our prison accommodations and discipline rests more with the citizens themselves than with the individuals in charge of the prisons. Our citizens allow the offices attached to prisons to be held up as political prizes to stimulate party strife; and withhold sympathy or co-operation in efforts for the improvement of discipline and the reformation of prisoners.

No greater impediment to the improvement and efficiency of the police of prisons can occur—no more unfavorable influence against the profitable employment and desired reformation of prisoners can prevail—than the frequent changes of the administrative power. The advantageous management of prisons and judicious control of

convicts require that judgment and skill only to be acquired by practical experience, and when attained, should constitute a distinct occupation or profession; and qualification of such ability should be the standard by which an applicant for office in a prison should be judged, and not, as now, by the certificate of service rendered in placing a political party in power.

Another great evil appertaining to the affairs of our prisons is, that the accommodations and appropriations provided for prisoners by the public contemplate scarce anything beyond the necessities of life and secure confinement. When this has been done, jail keepers and the community at large think they have fully performed their duty; and thus it is that we find no effort for the reformation of prisoners, no attempts at improvement of discipline, no provision for moral or religious instruction, corresponding with what intelligent and Christian sentiment might expect and public opinion should demand. That there is this lamentable indifference and culpable neglect on the part of our citizens, with reference to their duty in connection with the proper care and management of prisoners, no right minded or Christian man can deny. If this duty was rightly apprehended by the public in view of sound civil policy, or justly appreciated by individuals according to the dictates of humanity, or regarded by Christian communities in the light of religious responsibility, surely the old evils of our prison houses would soon disappear, and the present delinquency of our citizens in that portion of their civil duties and individual Christian responsibilities would be amended.

As the matter now stands, the undersigned, as on former occasions, regrets to say, the prevailing opinion with our community, as to its duty in prison affairs, seems simply to be, that offenders against laws should be caught, condemned and punished, at the smallest expense, to say nothing of considerations applicable to the plea of humanity or to the precepts of the gospel. Even the matter of improvement in prison discipline does not seem to enter into the thoughts of citizens, as of importance to the public welfare. This is far from being, either in a civil or Christian apprehension of the case, a commendable character for a community claiming to be the Empire State.

All of which is respectfully submitted by your Committee.

JAMES H. TITUS,

January 1st, 1868.

2. JAILS VISITED IN THE COUNTIES OF BROOME, TIOGA, CHEMUNG, SCHUYLER, SENECA, TOMPKINS AND PUTNAM.

Having been appointed to examine a certain number of county jails, in the year 1867, and report upon any changes that may be observed in their construction and management since the last investigation by the Prison Association, the undersigned is obliged to state respecting the counties of Broome, Tioga, Chemung, Schuyler, Seneca, Tompkins and Putnam, that, with a single exception, no improvement whatever in their moral or sanitary arrangements was observable. The statements contained in the 20th annual report concerning their vitiated atmosphere, the indifference of the authorities to the moral status of the inmates, the absence of all intellectual culture, the defective supplies of water, heat and light, and the total absence of labor for and personal classification of the inmates, are equally applicable to them at present as at the period mentioned, with the single exception referred to. The honor and interest of the counties, and the demands of humanity, civilization and religion are equally neglected, as stated several years ago. One special point of the objectionable management of these small prisons is apparent to any visitor, without the necessity of making enquiries. Allusion is here made to the exceedingly foul and disgusting state of their atmospheres, the sources of which are plain to any one of ordinary olfactory sense. Every prison cell is furnished with a night-pail, in which the poisonous emanations of the occupants are concentrated and retained for several hours, giving forth their foul and poisonous gases to an extent productive in all instances of more or less depression of the vital powers, and in some instances risking the production of typhoid diseases, not only in the prison itself, but also in the adjoining buildings. This evil is of course avoidable, to a certain extent, by effective neutralization, an operation essential to the purity of the atmosphere of any inhabited apartment, but in one instance only of the jails under present consideration, was the least degree of ventilation discernible.

The undersigned deems it obligatory also to advise the application of another measure, superior even to ventilation, whereby the very injurious and disagreeable odors alluded to may not be merely removed, but *prevented*. This is the application of disinfectant powders, which may be practised in a very ready and economical manner in vessels and closets of every description, thus entirely avoiding the generation of the malarious gases, without exposing

the contents of the night-pails to the air. Every occupant of a cell would doubtless be pleased to have such means of preserving his lungs and senses from the odors to which they are now constantly subject, and would give it special attention, whereby all danger of sickness from that powerful source would be wholly prevented, both in the buildings and from the cesspools and sewers into which the pails are emptied. An instrument known as the "ready disinfectant," affords great facilities for the universal and thorough application of any disinfectant powder, on any occasion.

Disinfectants suitable for this purpose may be made anywhere, at a cost so very moderate as to prove actually an economical measure.

The exceedingly offensive and dangerous conditions of the atmosphere of almost every one of the prisons above named, even in that of Ovid, where there was but one inmate at the time of the examination, fully authorized the expression of the opinion to the keepers of each, that the eruption of an endemic of typhus fever, or of cholera, in the jail, and its extension to the adjoining dwellings and court houses, would not excite surprise at any time, especially in winter, when the prisons are most numerous occupied, and their ventilation, even by open windows, wholly neglected on account of the low aerial temperature. Should such an event occur at any time in either of them, it would appropriately be attributable to the retention of the poisonous gases which emanate from the night-pails and the adjacent unsewered cesspools in the yards, the total prevention of which by the application of the means suggested, would, both in point of labor and expense, be a happy illustration of the ancient adage, "an ounce of prevention is worth a pound of cure." In truth the latter item, if increased ten thousand fold, would more properly illustrate the relations of the two in this and all similar cases.

The exception referred to in this report, as to the general condition of the jails, is that of Waterloo, one of the two prisons of Seneca County.

The following sentence is quoted from the report of the committee appointed to visit the jails of the county, in 1864:

"Both jails are miserable concerns, totally unfit by their arrangement and want of security, to the purposes of prisons, and ought to be immediately replaced by new ones. The honor and

interests of the county demand this; and so do humanity, civilization and religion."

These remarks are still applicable to Ovid, but at Waterloo the authorities have very happily redeemed their reputation as therein expressed, by the erection of a new prison, with several great improvements. It was completed in August last. Two important points relative to its sanitary condition have been carefully considered.

1. Each cell, 14 in number, is ventilated by an aperture connected with flues extending to the roof. The draft was proved to be fair and sufficient to avoid the retention of atmospheric impurities, though at the time of the visit there was not one inmate.

The 2d improvement is a large water-tank, on the 2d floor, supplied with rain-water from the roof, and connected with a sink on the floor below, where the prisoners have an abundant supply for personal ablutions, and also for cleansing the night-pails. A similar arrangement might be adopted in every other prison where a sufficient supply of water is unattainable by other means.

The drainage of the prison, from the sink referred to, was stated to be complete, though the odor of the night-pails before being washed was acknowledged to be very offensive. The use of disinfectants, by the method heretofore suggested, would complete the hygienic requisitions of this well designed institution. The outer walls of the building are composed of brick and stone, but the cells are made of stone alone.

This new department is intended for males only, the females being placed in rooms forming part of the adjacent building, which is partly occupied by the sheriff as a residence, and the remainder as a court house.

The only work by which the time of the inmates is occupied, is that of the females, who are occasionally employed in the kitchen of the sheriff's family. No books are furnished the prisoners, because—as stated by the sheriff's lady, the only person present at the time—they are usually destroyed. Bibles are sometimes furnished them, but they are generally injured.

Your Committee was informed that Rev. Mr. Gridley, our corresponding associate, gives uniform and frequent attention to the moral wants of the inmates, whenever there are any.

One stove in the corridor is the only source of heat in winter season; and no light is furnished at night.

A remarkable contrast to the improvement noticed at Waterloo,

was observed at the Putnam county jail, an institution of a very unique structure, both as regards shape and material, the cells being constructed of boiler iron, and triangular in form, each being a section of an octagonal structure within the outer building, the latter being built of stone, thirty by forty feet in size, and two stories high. A detailed description of the arrangement is given in the 19th and 20th annual reports. The system of ventilation therein reported was observed to be still very effective, and the freedom from vermin also complete. But no improvement in the social and moral guidance of the inmates was discoverable, there being no efforts for their intellectual or religious culture, or for the occupation of their time by work of any kind. On the other hand, the sanitary and security arrangements of the institution, which were originally reported as very commendable, were this year found to have become sadly depreciated, in consequence of the giving way of some parts of the structure and the abandonment of one of its important regulations. Thus the large water tank which was placed in the second story over the cells, and furnished an ample supply for the cleansing of the water closets in each cell, was unfortunately constructed only of wood, and a short time ago the bottom of it gave way, on account of the rotting of the wood, causing a profuse leaking and rotting of the iron of which the octagon is built. On this account the tank was removed last year, and there was substituted for it a well in the rear yard, with a pump, thus destroying nearly all the advantages derivable from a continuous supply of water. The water closet in each cell has now to be washed out by hand, the stream from above being lost. A lining of the tank by lead would doubtless have cost far less than the construction of the well in the yard, with its pump, and have preserved all former advantages.

In the report of our Committee of 1864, it is stated that the padlocks attached to the cell doors could be easily picked, or the outer plate pried off; an idea which was confirmed last winter, by a prisoner thrusting his hand through the grating of the door and picking the lock, and escaping through a window of the female cell. The iron bars by which the inner wooden linings of the cells are fastened to the iron walls, were found to be so frail that by the hand alone they can be broken off; a fact which was demonstrated in my presence by the keeper grasping a section of one of the bars with his hand and removing it almost as easily as if it were made of wood.

One of the original and very convenient circumstances of this jail, for the supervision of the inmates, was the connection between the cells and the sleeping room of the assistant keeper, by acoustic tubes, through which the least noise could be distinctly communicated to the keeper. At the time of inspection, however, this means of communication was totally abandoned, both by the abandonment of the room by the keeper, and by the ends of the tubes being closed.

The ventilation of the cells remains perfect, as heretofore, and the whole edifice is kept in a very cleanly condition, being white-washed every two weeks. Three males constituted all the inmates at the time of the examination.

3. JAILS VISITED IN THE COUNTIES OF SUFFOLK, QUEENS, KINGS, NEW YORK, CHAUTAUGUA, STEUBEN, Yates, Livingston, Wyoming, Erie, Genesee, Niagara, Orleans, Monroe, Ontario, Wayne, Onondaga, Oneida, Herkimer, Montgomery, Warren, and Clinton.

The undersigned have not performed all the work assigned them in the visitation of county jails. This partial failure is due, in the case of one of us, to the misfortune of a broken leg, received while in the prosecution of the work; and in that of the other, to the serious and protracted illness of a member of his family. Nevertheless, we have "visited, inspected and examined" the jails in the twenty-two counties mentioned in this paper.

We consider it a duty to say, in advance, that we were everywhere cordially received and courteously treated by the sheriffs, their deputies, and turnkeys in charge of the jails. We found them, we think we may say without exception, gentlemen of character and moral worth, attentive to their business, and kind and obliging to those placed under their authority and care. In many cases, these gentlemen loan the daily and weekly papers to the prisoners, and supply those who desire it with interesting books, such as histories, biographies, travels, magazines, &c.

In a few instances, the rations provided for the prisoners appeared to us rather meagre, both in quality and quantity; but, as a general thing, their food is abundant and wholesome—in some cases, indeed, too good for persons in their situation. In a number of the smaller jails, it is no uncommon thing for the jailor to supply the inmates with rations direct from his own table. Commonly, three meals are given; sometimes, however, only two; in

which latter case, it is customary to supply a ration of bread in the morning sufficient for a lunch at mid-day, and dinner is served at about four o'clock, P. M.

A few of the turnkeys, who have been employed by successive sheriffs, have become experienced prison officers, and might be fitly retained in their places, even under such a jail system as we desire to see introduced into our State. Such cases, however, are quite exceptional. The terms of office of our sheriffs are but three years, and they are not re-eligible. They enter upon their duties, as keepers of the jails, without experience, and for the most part, employ new underkeepers who are generally as inexperienced as themselves. Besides, the main duties of the sheriffs are quite disconnected from the jails, and their care of the prisoners is altogether subordinate to these other duties. The consequence of all this is, that there is very little of what may be called discipline in our county jails. The prisoners, within certain limits, are left very much to themselves, and few if any serious efforts are made to enlighten and reform them. What we desire to see, and what indeed we hope ultimately to see, under the new provision incorporated into the amended Constitution, is the introduction of a jail system placed under the central authority created by that provision, in which, first, the authority of the State shall be paramount and controlling; in which, secondly, the custody of the prisoners shall be taken out of the hands of the sheriffs and committed to permanent keepers—men of principle and experience; in which, thirdly, the prisoners shall be freed from the corrupting influence of association, by confinement in separate cells, large enough for the purposes of air, exercise and health; and in which, finally, those only, for the most part, shall be imprisoned who are awaiting trial on a charge or suspicion of crime.

The common jails of our State have been, on former occasions, so often visited, so carefully explored, and so minutely reported upon that we do not propose, in the present paper, to go into any detailed statements concerning their organization, construction, condition or management. There may be a half dozen of the sixty odd common jails in the State, (though we could hardly name so large a number,) constructed and arranged so as to meet the necessities of the present system. In general, however, the jail-buildings are as faulty, in point of construction and arrangement, as they well could be—damp, dark, contracted, badly ventilated, and gloomy in the extreme. Boards of supervisors are extremely penurious,

perhaps we should be justified in saying niggardly, in their appropriations for the improvement of old jails or the erection of new. It would seem as if the architects who constructed them, made it their great study not to build in harmony with the principles of science, but so as to shut out all the light, and fresh air they possibly could. They must have studied, if they thought at all, how to make a county jail as comfortless as possible. It seems never to have entered their thought that what they thus sought to exclude was not only essential to the physical health of the prisoners, but might be made to contribute to their moral improvement and mental elevation. Quite a number of them are in the basement of court houses, and almost wholly under ground. The jail of Orange Co., at Newburgh, for instance, in which twenty five or thirty prisoners are often confined at a time, is in a cellar wholly beneath the surface, and is so damp that it is necessary to keep up a fire through the entire year—even the hottest days of summer. As a matter of course it is very unhealthy, often either developing the seeds of consumption when latent in the system, or implanting them where they had no existence before. The jail of Warren county is almost wholly under ground, and few prisoners are confined there for any considerable time without becoming either rheumatic or consumptive. Cases have occurred in which prisoners have become crippled for life from long confinement in that jail. There are other jails in the State scarcely less unhealthy than those just named, and from a like cause.

The accommodations in many of our jails are far too limited for the number of prisoners committed to them, and hence over-crowding is a common and most crying evil. The committee on prisons, of the late Constitutional Convention, in their report to that body, state that while the Convention was in session, and during one of the hottest days in July, seventeen women were confined in the jail at Albany, in a room which was only sixteen feet long by fourteen feet wide. In the same prison the cells for the men are eight feet long, four feet wide, and seven feet high. It often happens, from the necessities of the case, that three prisoners are locked up together, in the same cell, during the whole night and for a considerable part of the day. In the jail of Warren county, already mentioned, there are three cells, each twelve feet by six. Five or six prisoners are sometimes crowded into every one of them. The above are but specimens of the herding of prisoners in our common jails.

From this lack of accommodations in our county prisons, and this consequent over-crowding, as well as from the construction of the prisons themselves, results the promiscuous association of prisoners of different ages, conditions, characters, and degrees of criminality. It is a system deeply demoralizing and depraving, inasmuch that the direct tendency of imprisonment in our common jails must be rather to make prisoners than to reform or even to punish them. We are fully persuaded, as the committee whose report we have already cited declare, "that there is no one of the sources of crime which is more operative in the multiplication of thieves and burglars than the common jails of the State, as at present organized." They are, indeed, as now constructed and managed, nothing less than seminaries of vice and nurseries of crime.

No work is provided for the inmates of any of our jails, except it be cleaning, white-washing, sawing and splitting wood, and such little services for the jail itself; nor is any secular instruction imparted even to the most ignorant of them.

A few of the local committees, organized by the Prison Association, have been faithful in visiting the jails, and zealous in their efforts to promote the spiritual welfare of their inmates, holding weekly religious services for their benefit, distributing religious tracts and papers among them, conversing with them personally, seeking employment for them on their discharge, and using other means to secure their reformation and their return to a life of honest labor. But, unhappily, these are exceptional cases. It is too true that the inmates of the major part of our jails have, during their incarceration, no society other than that of their companions in vice and crime, and no good books, except, perhaps, (and this we do not lightly esteem, though they are apt to do so); no means are afforded them for the acquisition of useful knowledge; not a visit do they receive from clergy or laity; not a word of admonition, counsel or sympathy is heard by them; not a solitary prayer is sent up to the mercy seat in their behalf, within the prison walls; and there is for them no public worship, no Sabbath, and no recognition of the being, providence, goodness and mercy of the Creator. These neglected and desolate creatures may, with few exceptions, exclaim, "No man careth for my soul."

Another evil connected with our common jail system is this: A person is arrested on a charge of crime; the police judge regards the offence as of a trivial character; a nominal fine is imposed, and the offender is committed till the fine is paid. Such unfor-

tunates remain in jail for weeks, and even months, unless some friendly interposition appeal to the courts or to some board of supervisors for the remission of the fine and for the discharge of the prisoner.

Nothing pained us more, in our visitation, than the sight of young children imprisoned and associated together with thieves, burglars, and other felons steeped in crime. We saw a bright little fellow, ten years old, in the jail of Herkimer county, committed for an alleged act of cruelty to a cow; and two others, of nearly the same age, in that of Wayne county. It will be a miracle if these boys, and others similarly situated, do not become criminals, as the result of the evil influences to which they shall have been subjected during their imprisonment.

But we will not, as might easily be done, extend this catalogue of evils and abuses. Our jail system cannot be mended; it must, as has already been intimated, be revolutionized. While a general indifference on the part of the community, in reference to the moral well being and reformation of prisoners, continues to exist, our jails will remain expensive and wretched failures. No improvement in the moral condition of their inmates can be looked for. Not until the moral and intelligent portion of our citizens wake up to a sense of their own peril, and of their responsibility to God and to their neighbor (though fallen), can a remedy be found for the evils we have pointed out.

The keepers of our jails must be men fitted, by proper training and culture, for the peculiar work of reforming these erring ones; men of clean hands, clear heads, large hearts, and of high moral and religious character.

Let it not be inferred, from anything we have said above, that we desire to see our jails transformed into palaces. Nothing could be farther than this from our wishes or our sense of the fitness of things. What we do insist upon is, that patriotism, philanthropy and religion demand that they should be so constructed, organized, arranged and managed that they may become schools of virtue, instead of seminaries of vice; and that their influence upon those confined within their walls may be such as to purify and reform, rather than to corrupt and destroy.

All which is respectfully submitted :

E. C. WINES.  
ABRAHAM BEAL.

### XIII.

#### REPORTS OF LOCAL COMMITTEES ON COUNTY JAILS.

##### 1. REPORT OF THE COMMITTEE OF ERIE COUNTY.

BUFFALO, January 20th, 1868.

REV. DR. WINES, *Corresponding Secretary* :

Dear Sir—The Local Committee of the New York Prison Association for the county of Erie beg leave to submit the following report of their labors at the Penitentiary and jail located in this city, for the year 1867 :

During the year, religious services have been held in the chapel of the Penitentiary, every Sabbath morning, with but one exception. Messrs. Edward Bristol and Seth Clark, the sub-committee having these services in charge, have generally been assisted by some pastor or layman from the city congregations; Mr. Bristol remaining after the service to distribute reading matter to the prisoners and to converse with them in their cells. *Fifteen hundred* tracts and *six thousand* papers have thus been placed in the hands of those who, if outside of the prison walls, would probably not have enjoyed religious instruction.

In addition to this, there is a Bible in each cell, and also a library in the prison, consisting of upwards of *one thousand volumes* for the use of the prisoners. This library was obtained during the past year, as the result of an appeal made by your efficient general agent, Mr. Abraham Beal, assisted by Mr. Bristol and the superintendent of schools, to the teachers and pupils of the public schools of this city.

Our chapel services have been attended by an average of about two hundred and fifty prisoners, who have conducted themselves with propriety, and have joined in the singing with much interest. The committee are greatly indebted to Mr. Charles A. Clark, organist of one of the city churches, who has been present at these services and led the singing.

The jail has been visited nearly every Sabbath morning, during the year, by the same brother who performed this service last year. As there is no chapel connected with this prison, he is obliged to converse with each prisoner separately, and there being

an average of nearly fifty, he can devote but a short time to each. Tracts and papers have been distributed at this prison also; and a library of over *two hundred volumes*, which was obtained at the same time and in the same way as that for the Penitentiary, will soon be ready for the use of the inmates. *This jail is an old, dilapidated structure, and unfit to be occupied by human beings.*

In our last report, we mentioned the great necessity of a "Home for the Friendless." We are happy now to report that some of the ladies of this city have taken this matter in hand, and have purchased a house and lot, well located and admirably adapted to the purposes for which it is intended, and for which they are to pay \$6,300, over \$5,000 of which is already pledged for this object; and the "Home" is to be opened about the 1st of February next.

The board of supervisors, at their last annual meeting, appropriated the sum of two hundred dollars, to be expended under the direction of our Committee, for reading matter the present year, for the benefit of the prisoners. This, together with a liberal donation from W. P. Letchworth, Esq., of *fifty dollars*, will enable us to pay all our expenses for the coming year; and we can, therefore, enter upon its duties unembarrassed.

During the past year, the officers having charge of the prisons of this county have given us every facility in their power to assist us in the discharge of our duties, and we have been kindly and courteously treated by all connected with these institutions. As individuals, we feel that our efforts have been put forth in weakness, but by the blessing of God, we are now able to report results which we did not believe it possible to attain one year since, and to Him be all the glory.

Respectfully submitted,

F. P. WOOD, *Chairman.*

JOHN S. FOSDICK, *Secretary.*

## 2. REPORT OF THE COMMITTEE OF ULSTER COUNTY.

KINGSTON, 16th January, 1868.

Reverend and Dear Sir—Sickness and incessant engagements must be my apology for not having before answered yours of the 10th. It is from no want of deep and increasing—though heavy-hearted—interest in the prison work, that I have little to say. The Wednesday services, as for many years past, have been continued by Rev. Dr. Waters, and I have been able to be with him

during most of the time. The conduct of the prisoners at these services has been deserving of all praise. As one set passes out, either to State prison or liberty, it seems as if a heaven was left to ensure among their successors a similarly respectful and apparently devout attendance upon the means of grace. The liturgy and litany used by Dr. Waters seem to ensure and concentrate their interest, and the responsive Psalms are read with great fervor and correctness.

At the last jail delivery, as several of the prisoners were leaving for Sing Sing, a document, of which the enclosed is a copy, was presented to us at the close of a meeting, and under circumstances that very much affected us.

Our congregation varies from twenty to forty, and although comprising many boys and young men, we have had no case of the slightest disorder. We hear very good accounts of our prisoners who have gone to Sing Sing, with whom we keep up a connection by religious papers, tracts, &c.; and some who have gained their liberty are giving testimony to their appreciation of the religious services of Kingston jail. Nevertheless, to sustain heart and hope, we need an abundant supply of divine grace.

At the earnest solicitation of the prisoners, I have established a service on Sunday afternoons, in which I have the aid of several Methodist brethren, and which seems thus far (some two months) very pleasant and profitable.

The Lord's arm is not shortened, and he may bring good *even out of a county jail*—a terrible place at its best estate.

Yours in Christian bonds,

HENRY H. REYNOLDS.

[The following is the document referred to above:]

KINGSTON, November 23, 1867.

To the Rev. GEO. WATERS and H. H. REYNOLDS:

As a testimonial of regard for the interest you have taken in us, in this the hour of our misfortune, we feel it a duty we owe to convey to you, through some agency, our feelings for the many thankless hours (no doubt they appear to you so) that you have toiled for the welfare of our souls, and without a visible show of good result, we, the enlightened (or instructed) part have formed ourselves into a committee to inform you that your services have not been without their moral and spiritual effect. We feel thankful for the many favors you have showed us, by meeting with us weekly and semi-weekly, and the lessons you have taught us at

such times. And we give this as a covenant that they will go from here with us, and remain imprinted upon our hearts forever. And we also hope they may be guiding stars to direct us in the right way, from which we have learned it is so easy to depart. Our lives have been regardless of our future, and it appears as though this jail has been a wall put across our paths of life by the Author of our existence, to stop our headlong course to hell, and compel us to turn our course to a better life, and that you have been the agents appointed by him to accomplish it.

We remain yours respectfully.

[Signed by twelve male prisoners.]

### 3. REPORT OF THE COMMITTEE OF WAYNE COUNTY.

LYONS, January 16, 1867.

REV. E. C. WINES, D. D.:

Dear Sir—I am in receipt of your favor of the 10th instant, but have been precluded by unusual pressure of business from replying hitherto. You request me to “speak out freely and fully on whatever I think needs correction.” I am enabled to speak with entire freedom, inasmuch as my *personal* relations with the two gentlemen who have held the office of sheriff during the three years of my “chaplaincy,” have been altogether amicable. They have both been men of kind and active sympathy towards the prisoners. The many and grievous evils I feel compelled to deprecate attach in no respect to them, but inhere radically in the jail system of our State.

It makes very little difference at what point we commence our consideration of that system. It is altogether defective and unworthy of the progress of enlightenment and philanthropy characteristic, in other departments, of our age and country. It seems, indeed, as if scarce any of the ends of wise and humane legislation were capable of being answered by it.

It is not, in any but the lowest and most temporary sense, an *economical* system. The active industry of every able bodied member of the community should contribute to increase the general wealth. Under our present system, the whole time passed in jail, whether in awaiting trial or fulfilling sentence, is a period of *idleness*, of *enforced* idleness, so far as concerns anything available towards the maintenance of the prisoner or those dependant upon him, or for the general wealth of the community. The attempt has been here made to induce prisoners to avail themselves of

their leisure to store their minds with knowledge, and to study such branches as appertain to a good English education. In only a few instances was the proposal favorably received, and even in these the *habits* of mental indolence and self-gratification, nourished by jail life, occasioned the lessons to be little studied, neglected for trifling causes, or perhaps altogether discontinued after they had ceased to afford the excitement of novelty. These idle habits of course went with them when they were released, disposing them to put forth exertion—even when the opportunity was afforded—to earn an honest livelihood, and thus perpetuated habits of *vagrancy and dishonesty*, making them a perpetual charge and burden upon the community, either as criminals or paupers.

That which, in the eye of the law, and it may be presumed of a considerable portion of the public, constitutes the main object of penal legislation, is the *prevention of crime*. This end is very imperfectly promoted by the working of the present system. It is certainly better than no system of punishment whatever, for it serves to inspire a dread of incurring odium and ignominy among those who have not already parted with their self-respect and sense of shame. But in so far as relates to the criminal classes of society, it is almost a total failure, whether considered as retributive for past offences, or designed to prevent future offences. Surrounded by companions but too congenial, with the license of the foul tongue quite or nearly unrestrained in ministering to the imaginations of the depraved heart, hardened to shame, little averse to idleness, well fed, comfortably housed, and instructed, as is most frequently the case, in the artifices by which the extreme rigors of law can be indefinitely postponed or altogether evaded, those confined in our jails scarcely care for how long a term they are committed, and make no very strenuous exertions, as experience abundantly demonstrates, to avoid the occasions of their being returned thither. But far worse evils than the negative defect of not punishing past offences inhere in our jail system. If it were the very design and end of our legislation to provide schools of crime—schools which should perfect those already proficient, and transform trembling novices into hardened experts in all the arts of villainy, which should facilitate the knowledge of all the devices for perpetrating thefts, burglaries, arsons, and numberless other depredations upon society, of eluding detection, of defeating justice—nothing could be more consummately adapted to insure these ends. For here the suspected and the convicted,



the innocent witness and the abandoned desperado, the unfortunate vagrant and the guilty felon, may not unfrequently be found in promiscuous and unrestrained commixture. It is no imaginary apprehension of the *tendency* of such commixture, but matter of undeniable, every day experience, that our jails are indeed seminaries of crime, that the minds of those comparatively innocent are blighted as by a sirocco, and contaminated as by a pestilence, by contact with more advanced criminals; that a "public sentiment," so to speak, favorable to vice, destructive of self-respect, brazen in its disregard of all virtuous sense of shame, is created in these little communities, whereby even those disposed to listen to bitter counsels are swept away by the torrent of scurrility, blasphemy, abuse and ridicule, to abjure every good resolution, and make common cause with the dissolute and abandoned.

There is another end, and a high one, which not all good people, even, recognize as a *main* end of penal legislation, the *reformation of the offender*. This end our jail system does not merely fail to promote, but actually and most effectively tends to subvert. There is no good man living who will deny that this end ought to be at least *incidentally* promoted by our penal codes. It is demonstrable, upon mere grounds of political economy, that the wealth and well being of any community must be materially promoted by transforming any number of individuals from burdens upon its treasury to co-efficients in its industrial productiveness. But long indeed are such grounds to urge with any soul which the love of God or man, of Christ and of souls, has ever touched. It was on a mission of mercy to the guilty, a mission not only of blood to redeem, but of grace to reform and transform, that the Son of God descended to earth, bore our sorrows, expiated our curse, and made a way for our recovery from condemnation and ruin. And it is over every sinner, thus reformed, transformed, delivered, that there is joy in the presence of the angels of God. O, if the shining rewards promised to those instrumental in turning others to righteousness were duly apprehended and pondered, how ardent would be the philanthropy, how indefatigable the exertions of all good men in the behalf even of these wretched and *not always* (in respect of the offences charged) criminal outcasts!

Now, I do not write these lines by way of reproach. It is only in the course of Providence, bringing me for three years into contact with this system, that I, in common with many others, have

been led to see how radical are the defects of a system, tolerated by those conversant with its workings, only because it is regarded as inevitable. It is only through the valuable and laborious researches and statistics of your Association that I have learned how successfully philanthropists in other States and countries have grappled with and ameliorated many of the evils herein deprecated. Your reports are invaluable to be possessed in every community for reference, but too expensive to be universally possessed, and too bulky to be extensively read. It would be to render the greatest practicable service to the cause to which your personal abilities and energies are devoted, to condense into tract or pamphlet form, and to disseminate extensively the leading facts and arguments bearing both upon the defects of the present system, and the advantages of the best systems already tested and in successful and beneficent operation.

As for the personal labors of my reverend and esteemed colleague, Mr. R. Harrington, and myself, we have visited the county jail statedly, holding services and conversing informally with the prisoners on Sundays, and with occasional visits on week days. The men have nearly always given us a respectful, frequently an attentive hearing. The good influence exerted seems to have been proportioned to the *fewness* of those incarcerated at any one time. When quite a number have been confined, they have evidently and persistently done everything calculated to efface whatever serious impressions any individual of their number may have received. The sheriff has, as heretofore, interested himself, not only in promoting the comfort and well being of the prisoners during their confinement, but also in procuring places for those disposed to work, against their discharge.

You doubtless remember well the case of two lads concerning whom I wrote you in August last, for you paid me a visit, and saw them yourself. I think you have my letter relative to the peculiar hardships of their case, to which I will take the liberty of referring, believing that it may be worth the attention of those who have influence, in procuring the amelioration of our system and its workings. I make this reference, not liking to crowd this already long communication with a reiteration of this painfully significant passage in the history of jail life.\*

\* The important letter here referred to by Mr. Sherwood, having been handed to a member of the Executive Committee for perusal, has been lost or mislaid by him, so that it cannot be inserted here, agreeably to the desire of the author, as a part of his report.

Accept my condolences upon your recent mishap, and my cordial sympathy and devout prayers for your truly philanthropic cause.

With sincere esteem, yours truly,

L. H. SHERWOOD.

4. REPORT OF THE COMMITTEE OF ALBANY COUNTY.

ALBANY, *January 22, 1868.*

My Dear Dr. WINES :

You request me to send you some account of my labors in the Albany county jail. Those labors, as I believe you are aware, are entirely voluntary. They were thus commenced near three years ago, when no religious service was held there, and have been continued weekly, with but few interruptions, till the present time. They consist of reading the scriptures, prayer, and a short discourse, from twenty to thirty minutes in length, after which religious tracts are distributed among the prisoners, and conversation is held with such as desire it.

I go in among them entirely alone. No officer ever attends me to preserve order, but I have to do this myself, and I am thankful to say, that with a very few individual exceptions, it has always been done. Generally the prisoners are very attentive and seem really interested in what they hear. To not a few it has been an unwonted exercise, they having for years utterly neglected the worship of God, while some of them had probably very seldom, if ever before, heard a Protestant evangelical discourse. I cannot say that I know of any case of spiritual conversion as the result of these labors, but I do know that morally healthful impressions have been produced; that invitations to come again have been often received; that needy prisoners have been variously relieved; that grateful acknowledgments have been frequently expressed by men *after their liberation*, and that a considerable number of prisoners have been so impressed by the truth, that when brought into court they have plead guilty, and thus the county has been saved the expense of a formal trial. These are encouragements to continue, but above and beyond them faith in God apprehends the promise, that his word "shall not return to him void, but shall prosper in the thing whereto he sent it."

I am, very truly yours,

DAVID DYER.

This is matter of grave regret, as the letter contained statements of a most interesting character, and showed in a manner as striking as it was sad, the tendency of our jail system to manufacture criminals.

5. REPORT OF THE COMMITTEE OF OSWEGO COUNTY.

OSWEGO, *October, 1867.*

Your committee report that there are thirteen prisoners in the county jail, detained, part to await trial, and part in accordance with brief sentences for minor offences. Nothing new can be stated either in regard to the aspect of the jail or the mode of its management. The latter is deemed unexceptionable.

The latter part of last year, the Young Men's Christian Association of Oswego volunteered to take charge of the visitation of the prisoners, thereby relieving the clergymen of the city from a duty which, at the suggestion of your committee had previously been attended to by them. Believing the proposal of the Association advantageous, and that it would prove, through the efficiency of its members, beneficial to the prisoners, your committee gladly accepted the offer of service. The committee of the association referred to, report as follows in regard to their labors in the prisons, viz:

"That a prayer meeting was held at the jail for about seven months nearly every Sunday afternoon, beginning in November, 1866:

"That religious and temperance tracts and papers were distributed liberally among the prisoners during that time, and that they were received with eagerness; that during the hour of the religious exercises, with very few exceptions, the best attention was given, and much interest was manifested—the prisoners generally aiding in the singing, and sometimes asking us to pray for them:.

"That effort was made to reform the prisoners, (the greater number being intemperate,) and to induce them to turn from a life worse than useless, and henceforth to live for some purpose:

"That the committee, under God's direction, endeavored to lay before the prisoners the claims of the gospel, and to urge them to accept the easy terms therein offered for obtaining pardon from Heaven; and to stimulate them to endeavor to lead new lives. The committee are gratified to be able to say that their efforts did not prove entirely in vain:

"That the prisoners were urgent and unanimous in their requests that the exercises should not be discontinued. Many of them solemnly declared that upon their release from prison they would give up drinking, and strive to become useful and respectable citizens.

[Senate, No. 18.]

izens. One case commends itself especially to favorable mention. It is that of a young man who was brought to crime by virtue of his association with an unworthy companion. For several months he was confined in jail. Upon each occasion when services were held, he was found in his place, although he was a Roman Catholic; and when released, he went to the rooms of the Association, and declared his determination to change his form of religion, to amend his life, and to become sincerely a Christian; to which end he immediately took steps."

Your committee further report, that the jail is still in charge of the under sheriff, a kind and efficient officer, who, while he maintains discipline, aids all efforts that can be made to improve the lives and prospects of the prisoners. Religious services will be continued, and tracts will be distributed, and it is hoped that they will promote repentance and reform.

Respectfully submitted,

GEO. C. McWHORTER,  
GILBERT MOLLISON,  
A. P. GRANT, Com.

#### 6. REPORT OF THE COMMITTEE OF CHEMUNG COUNTY.

ELMIRA, *January 14, 1868.*

Dr. WINES—The past year has been one of satisfaction in the visitation of prisoners at our county jail. Our custom is, to visit the jail once or twice a week and converse with prisoners on their spiritual concerns, and on the Sabbath, have a brief service of singing, prayer, reading of scripture, and remarks. I have been well received, and listened to attentively. We uniformly endeavor to make the impression that we are there as the prisoner's friend—not to shield them from just punishment or in any way interfere with the course of law—but to hold out the hand of sympathy and brotherhood; to show them that they are thought of and cared for, and that there *may* be, however dark the present prospect, a bright future for each of them, and through repentance and God's forgiveness, a blessed eternity. It is hoped that some have embraced the Savior. Many prisoners have expressed their gratitude for the interest we have taken in their spiritual welfare, and all have shown—however sinful or erring—that they had hearts to feel and souls worth saving.

The number incarcerated in 1867, is at least a third less than for 1866—a result very gratifying to every Christian man. My

testimony is altogether in favor of kindness towards the sinful and erring. Punish justly but regretfully; treat firmly but courteously, the poor outcast, and you may do him great good. We sadly need a workhouse in this county.

Respectfully,

E. S. PALMER.

#### 7. REPORT OF THE COMMITTEE OF RENSSELAER COUNTY.

TROY, N. Y., *January 20, 1868.*

Rev. E. C. WINES:

My Dear Sir—Our jail has been visited every Sabbath morning for the purpose of distributing religious papers and tracts, during the past year, by a zealous young member of our Association, who has found many cases of interest, and the prisoners glad to receive his reading matter.

That you may have a better report for the present year, and the prisoners one better qualified to advise them, please appoint the chaplain of our Association, Rev. I. D. Tucker, your agent here. Please notify him by mail, and send him one of your reports, that he may know what is expected of him, &c.

Very truly yours,

A. R. MOORE.

#### 8. REPORT OF THE COMMITTEE OF MONTGOMERY COUNTY.

FONDA, *July 13, 1868.*

Rev. and dear Sir—The prison at this place has been visited by me, with few exceptions, every Sabbath the year past. Papers and books have been distributed, and I have preached often, having generally close attention.

One prisoner has been much wrought upon. He is a close reader of the Bible and is a praying man. He says that he has been a professor of religion, but fell into temptation and became intemperate, and while in that condition is *said* to have committed crime—which, however he denies. I hardly believe him guilty. He is very penitent, and shows good signs of piety, and I think my visits to the prison have been of great benefit to him, even if to no other.

Respectfully yours,

W. FROTHINGHAM.

## 9. REPORT OF THE COMMITTEE OF SARATOGA COUNTY.

BALLSTON SPA, *January 15, 1868.*

Rev. E. C. WINES:

Dear Sir—The committee to visit the jail of the county of Saratoga, situated at Ballston Spa, would respectfully report:

That the jail of our county is a barren field to cultivate, and labor there sometimes seems like "casting pearls before swine," or sowing seed upon a barren rock; yet sometimes we have seen the tear stealing down the weather-beaten cheek as a sign of penitence. But whether it was for the wrong he had done—or fear of just punishment for the wrong—or whether it was because he was caught in his rascality, we were not able to determine.

We have always found the jail in good order, and the prisoners properly classified and cleanly, and they have been supplied with suitable reading-matter.

We have such confidence in the fidelity of our gentlemanly jailor, Mr. F. Powell, that we have not for the past year felt the same responsibility as formerly, although we have visited the jail often, and would be glad to do the prisoners good if we could. All of which is respectfully submitted.

Yours, with regard,

TITUS M. MITCHELL,

*Chairman of Committee.*

P. S.—We hope to do more for the year to come, than we have the year past.

T. M. M.

## 10. REPORT OF THE COMMITTEE OF TIOGA COUNTY.

By request of Mr. Wines, I enclose report of our county jail to December, 1867. For description of prison building, see report, 1865.

Though the jail is insecure, yet no escapes have occurred. The arrangements for light, heating and ventilation are very defective.

During the year ending December 31, there have been 147 prisoners confined in the jail. A majority of the commitments have been for drunkenness, and nearly all the sickness from the same cause.

The prisoners are unemployed, except in scrubbing the rooms twice each week, and whitewashing the walls twice each year.

Very few females have occupied apartments in the jail during the year. There are no arrangements for separating the sexes, except a wood grating.

The prison diet consists of, for breakfast ( $8\frac{1}{2}$  o'clock), fried pork, with potatoes and bread, or salt fish; dinner ( $12\frac{1}{2}$  P. M.), pork and beans, or boiled pork, potatoes, bread, or corned beef or soup; for supper (5 o'clock), cold meat and bread, or mush and milk.

The heating is from one coal stove, which is regarded as dangerous, as it is placed in the room occupied during the day by the prisoners. An abundant supply of water for drinking and washing purposes is provided, and hot water for washing clothes.

No classification of prisoners exists, and no other discipline than the lock-up is employed.

The prison is supplied with one English Bible and a library of religious books. The prisoners are regularly visited every Sabbath, and occasionally during the week, for religious instruction, by a committee appointed for that purpose. Religious papers and other religious and moral reading are supplied.

The gentlemen having in charge the religious culture of the prisoners have represented to the supervisors the insecure and filthy condition of the jail, and have petitioned them to build a new building for the accommodation of the county prisoners.

Yours truly,

E. W. WARNER, *Secretary.*OWEGO, TIOGA COUNTY, *January 28, 1868.*

## 11. REPORT OF THE COMMITTEE OF WESTCHESTER COUNTY.

WHITE PLAINS, *January 21st, 1868.*

Rev. E. C. WINES, D. D.:

Dear Sir—You wish a report of our acts at the jail. I do not know that I can furnish more in detail than was contained in my recent letter. The same necessity exists to which allusion was made in my last report. An apartment for women and boys is imperatively demanded. In our present limited quarters, it is impossible to separate the sexes, as morality, to say nothing of common decency, would require. And boys who are imprisoned, sometimes for weeks, awaiting trial, whether innocent or guilty, are exposed to that intimate contact with hardened men, old in sin, which sadly demoralizes those who, under other circumstances, might be taught, by their brief imprisonment, to shun the paths of folly which lead to such shame. At one time last summer, there were five little fellows, aged from ten to fourteen, confined in one cell, the demoralizing effects of which may well be imagined.

It is to be hoped the time is not far distant when our supervisors shall deem it expedient to make the appropriation for the much needed addition; and it seems to me that the city of New York might with propriety take an interest in the enlargement, as many of the inmates of our prison are residents of that city, who have been arrested in this county for misdemeanor.

During the last year or so, I have been struck with the bearing of many who are brought here, which indicates a social relationship considerably above that of the generality of those who become inmates of our prisons. I find among them, men of considerable intelligence, and by no means ignorant of the literature and history of the day.

It has been my endeavor to give as frequent services to the jail as my other duties will allow. Having an afternoon service in the country every alternate Sunday, in addition to my night service in my own church, my labor for them in this respect cannot keep pace with my inclination. I hope yet to be able to provide them with services every Sunday. For two or three months during the winter of 1866-'67, Dr. Bruin employed a minister from New York to preach in the jail on each alternate Sunday, but when the engagement ceased, there was no renewal of the service.

During the past year, the number of inmates has averaged 56, rising as high at times as 98, and now is 59. We have been obliged to erect in the lower corridor, extra bunks for the accommodation of the overflow from the crowded cells. As the county increases its population, we enlarge our churches, and sad as it is, the duty is just as incumbent to extend the walls of our prisons.

An application was made last spring by Mrs. Rumney to the board of supervisors, for an appropriation of \$100 to procure a library for the prisoners, and so readily was it responded to that we regretted we had not asked for double the amount. The books have been an inexpressible comfort and delight to the prisoners. We act as librarians, and are thus enabled to obtain a more intimate knowledge of their thoughts and characters.

The health of the prisoners has been remarkably good, owing, under God, in great measure to the care of our sheriff and his deputies, in keeping the prison as clean and pure as possible.

I could give individual instances of peculiar and touching interest, which have come under my notice, were it consistent with the compass of my report.

Yours sincerely,  
THEODORE P. RUMNEY.

[The following is the letter referred to above, and is inserted here as a part of Mr. Rumney's report:]

WHITE PLAINS, N. Y., October 14, 1867.

Rev. and Dear Dr. WINES :

I have been several times to your office, but did not find you. We are in need of tracts for distribution at the jail, which, if the society will be so kind as to send, I will faithfully dispense.

My duties pressed so last year, that I put off from day to day my report till it was too late. I regret it, and hope you will excuse it. My interest in the prisoners is unabated, and when I am at home in the afternoon, having three services almost every Sunday, I preach to them, which sometimes gives me four services. I would it were oftener, and when bad roads interfere with country work, perhaps I may give them more frequent service.

About a year ago, my wife applied to the board of supervisors for one hundred dollars (I wish she had made it two), to purchase a library for the prisoners. Her request was readily granted; and a carpenter gratuitously put up the case, with doors and lock. Mrs. R. and I go weekly to distribute; and you need no assurance from me that they blessed her for the deed. They enjoy the books amazingly; and we are thus brought into nearer relations to them, by which I think our influence is more positive for good. But O, the great, the crying necessity is a separate place for boys and women, which I pray God may not be long in coming. Crowded as we have been, you may imagine the effect; and it is so painful to see little fellows of twelve, graduating there in wickedness. Plans for an enlargement have been made, and it only waits for the supervisors to dare to tax the people. Perhaps they will before long.

Please excuse my more than designed extension, which I have been compelled to write hastily, and believe me,

Very truly yours,

THEODORE S. RUMNEY.

## 12. REPORT OF THE COMMITTEE OF SCHUYLER COUNTY.

HAVANA, February 22, 1868.

My Dear Sir—I have your letter of the 12th inst., asking for a report, &c.

Soon after Dr. Griscom was here, the number of prisoners in our jail was reduced to two—one (now a pious man, I trust), was convicted of manslaughter, and sentenced to Auburn for 2½ years.

The other three or four confined in the jail when the Dr. was here, were committed for small offences, and for a short time. The committee has had a small field to cultivate, and have done little. The prisoners were finally taken to Watkins, and now I believe there are none in the county. I have read your last report with great interest.

I am, dear sir,

Truly yours,

AMOS BROWN.

Rev. E. C. WINES, D. D.

#### XIV.

##### REPORT ON STATE PRISONS AND PENITENTIARIES.

These institutions, except the penitentiaries on Blackwell's Island and at Flatbush, were so thoroughly examined and reported on for the year 1866, that it was not deemed necessary to appoint committees for a re-examination of them last year. The undersigned, however, in his capacity of corresponding Secretary, paid a brief visit to each, with the exception of the State prison at Sing Sing; this, also, it was his intention to visit, but he was arrested in his purpose by the fracture of a limb, which disabled him from further service in that direction.

##### 1. STATE PRISONS.

###### A. Auburn Prison.

I visited the State prison at Auburn on the 3d day of October. I found the workmen busily engaged in the erection of the new cell-house, authorized by a law passed at the last session of the Legislature. The new building is a massive stone structure, built in a very substantial manner, and will add 300 cells to the present accommodations, making 1290 in all. These cells will be of some what larger dimensions than the old ones, and will be much better ventilated.

It is to be regretted, I think, that the prison at Auburn was enlarged, and that, instead, a new prison had not been authorized to be erected in a different part of the State, (say somewhere on the line of the Erie railroad.) I do not propose to argue at any length, the question as to the proper size of State prisons, the Prison Association having so often expressed its judgment, with the reasons therefor, in favor of institutions of a capacity not exceeding from 300 to 500 inmates. The controlling reason for such limitation is the facility which it affords for *individualizing*, that is, for studying the personal character and antecedents of the prisoners, and of adapting their treatment, as far as it may be found practicable, to the peculiarities of each.

I passed through the several workshops and visited every part of the establishment, and am gratified to be able to report a greatly improved state of discipline, under the able and judicious administration of the agent and warden, Mr. Augsburg, and his efficient principal keeper, Col. Thomas. The whole tone and air of the institution showed a material advance on the preceding year; and I do not hesitate to express the opinion that Mr. Augsburg is one of the most competent and accomplished prison officers in our own or any other of the States of our Union; and I know that in this judgment other members of the Prison Association, who have seen the methods and the results of his administration, fully concur.

It was with regret, therefore, that I learned that Mr. Augsburg, a few months later, had been removed by the Board of Inspectors. But for the injury before referred to, I should have proceeded at once to Auburn to inquire into the circumstances and occasion of this removal. As it was, I was obliged to limit myself to an investigation, conducted by correspondence with prison officers and some of the citizens of the place.

The removal of Mr. Augsburg, as was natural from his high standing and unblemished reputation, occasioned considerable excitement at Auburn, insomuch that at a meeting of citizens convened to consider the question "whether they were under moral obligation to interfere," a committee was appointed, of which Dr. S. Willard was made chairman. This committee subsequently, on invitation, met at the prison, and for three hours listened to statements and explanations, voluntarily made by the parties to the controversy, viz: the warden and inspectors. The result of this investigation was a conviction, on the part of the committee, that while no blame whatever attached to Mr. Augsburg, the board of inspectors were, nevertheless, justified in their action. The principal ground of this judgment in reference to the board, appears to have been that, prior to the appointment of Mr. Augsburg, Col. Saulsbury, of Syracuse, had been designated to the office, and that Mr. Augsburg had been appointed with the express understanding that, when Col. Saulsbury had completed the duty in which he was engaged as quarter-master in the volunteer army of the Union, which would not be before the early part of the year 1867, he should withdraw and give place to that gentleman.

I am happy to learn from the correspondence, and to be able to report, that Col. Saulsbury is a christian gentleman; that he has

been, for many years, engaged as teacher and superintendent of public instruction in Syracuse; and that his character for morality, integrity and ability has the endorsement of the best citizens of that place. At the same time, I will venture to express the hope, that some position may ere long be found for Mr. Augsburg, where his eminent qualifications and large experience may be made available in the administration of some one of the penal or reformatory institutions of our State.

#### *B. Clinton Prison.*

The State prison at Dannemora, Clinton county, was visited on the 29th day of October last. My visit was made at the suggestion of some members of the Executive Committee, with the view of investigating certain rumors which had reached us, prejudicial to the character of the discipline recently introduced into that institution by Col. Chas. G. Otis, the newly appointed principal keeper. On inquiry at the prison, I found that the worst reports concerning this man were far below the truth. Punishments, under his administration, had been greatly increased, both in number and severity. Showering was often inflicted, without the presence of the physician, contrary to law; and there was also a further violation of the statute, in the failure to record, in the punishment-book, numerous inflictions of discipline. Col. Otis seems to have had a special hostility to religious instruction in the prison, under every form. In several instances, after punishing men severely, he made them promise not to attend the Sabbath-school; and in some cases he positively forbade their doing so. He told a Jewish boy that he was a "Christ-killer," and that he had no business in the Sabbath-school. He had the audacity to tell the chaplain in his face, that he would not teach in the school "if he knew that it would save them all from going to hell." An officer of the prison informed me that the instances in which he seemed, at least, to display a wanton cruelty, and to take delight in it, were too numerous to be mentioned. Under his rule, dissatisfaction and irritation became general and chronic among the convicts. Escapes, attempts to escape, plots and rumors of plots were matters of almost daily occurrence. Cropped and shaved heads, balls and chains, dungeons and shower-baths were far more common than had been ever witnessed in the prison. The chaplain informed me that one day, as he took his place in the mess-room to invoke the blessing of God, he counted

twelve closely shaven heads within fifteen feet of the place where he stood.

As regards the rations at the prison, I was informed by the physician, Dr. Smith, that they were, in the early part of the summer, reduced to a *misery pittance*, especially the beef and pork; the ration of which he found, on examination, to weigh only two ounces, that is, two ounces of pork for dinner one day, and two ounces of beef the next. When Mr. Otis found that the rations were being weighed, they were increased; and when the matter was brought fairly before Mr. Parkhurst, the agent and warden, the evil was remedied. To the above statement, Dr. Smith added, that Mr. Parkhurst had always declared to, him with emphasis, that the men should have *enough* food, and that although coarse, it must be *sound* and *wholesome*.

On one particular phase of this man's administration, the Rev. Mr. Canfield, chaplain of the prison, in his report to the Board of Inspectors, says:

"I regret that I am obliged to report that we have had to encounter marked opposition, from a principal officer, to our Sabbath-school, and even our Sabbath services, established by the laws of the State. Open threats and bold attempts have been made to break up our school, and on three Sabbaths the chapel has been closed, without any good cause known to me, or even consulting or notifying me of such intention; and on one Sabbath, at least, the convicts were paraded in the most public places in the yard to shake their blankets during the hours assigned to chapel services, with a crowd of citizens looking on through the gates. All this, I am assured, was without the knowledge or approval of the agent and warden. The doctrine was openly proclaimed, that any offer of the Gospel to this class of men was without good effect, and was a foolish and wasteful expenditure of means, and that all directly religious influence or 'means of grace' should be shut out of the yard, and some different system substituted."

It is a relief to be able to add, that on the 21st of October, eight days prior to my visit, the Board of Inspectors had, by a unanimous vote, passed the following resolution:

"Resolved, That Charles G. Otis, principal keeper of the prison, be and hereby is removed, for conduct unbecoming an officer."

Mr. Moses Bates, an experienced prison officer, was appointed principal keeper, in the place of Colonel Otis; and he is regarded by those who know him, as "the right man in the right place."

## 2. PENITENTIARIES.

The penitentiaries of the counties of Albany, Erie, Monroe, and Onondaga, were visited by the undersigned during the months of September and October, and a day or part of a day spent in the examination of each. The opinion expressed by the committee of last year is still entertained, that these penitentiaries are the best managed of our penal institutions, owing to the comparative freedom of some, and the absolute freedom of others of them, from the blighting control of party politics.

### a. Penitentiary of Albany County, at Albany.

This institution, under the administration of the Nestor of American prison officers, General Amos Pilsbury, was found in its usual condition of neatness, order and exact discipline. The improvements, noticed as in progress in our last report, have since been completed. The hospital department, in respect to size, airiness, light, convenience of arrangement, and all its appointments, is everything that could be desired in such an establishment. The new chapel, I have no hesitation in saying, is the handsomest, most commodious, and the most cheerful of any prison chapel in the country. It is of ample dimensions, affording accommodation for nearly six hundred persons. It was dedicated to the worship of Almighty God on Sabbath day, the 21st of April, 1867, by appropriate religious services. An excellent discourse was preached by the chaplain in the morning of that day, and in the afternoon of the same day, suitable selections from the Scriptures were read, and a fervent and appropriate dedicatory prayer was offered by the same officer; after which addresses were made by several gentlemen, both of the clergy and laity, and the whole was closed with some very feeling remarks by the venerable General Pilsbury, superintendent of the prison, which drew tears from many of the prisoners.

The financial administration of the prison during the past year has maintained its high character for efficiency and success. The total amount of ordinary expenditures has been \$49,573.07, and the total amount of income \$70,919.11, leaving a net gain to the institution of \$21,346.04.

The number of prisoners received during the year was 817, which, added to the 521 in confinement at the close of the preceding year, gives a total of prisoners for the year 1867, of 1,338. Of this number, 840 were discharged by expiration of sentence,



31 by the pardon of the President of the United States, 10 by the pardon of the Governor of New York, 16 by death, and 31 in other ways—leaving in confinement at the close of the fiscal year 410, of whom 221 were white males and 115 colored males = 336 males. 59 were white women, and 15 colored women = to 74 women. Of the whole number received during year (817) 440 were natives of the United States, and the remainder (nearly fifty per cent) were of foreign birth; one of them from *Egypt*, "the first instance (say the Inspectors) where a native of the land of the Pharaohs appears on our records.

The following tables will show the education, age, habits of life, and social relations of the 817 persons committed during the year:

<i>Education.</i>	
Could read and write .....	338
Could read only .....	190
Could not read.....	289
	<hr/>
	817
	<hr/>
<i>Age when committed.</i>	
Under 20 .....	151
From 20 to 30.....	288
From 30 to 40.....	180
From 40 to 50.....	102
Over 50 .....	96
	<hr/>
	817
	<hr/>
<i>Habits of life.</i>	
Admitted themselves to be intemperate .....	627
Claimed to be temperate .....	190
	<hr/>
	817
	<hr/>
<i>Social relations.</i>	
Married .....	814
Single .....	503
	<hr/>
	817
	<hr/>

Of the 817 committed, 418 were for misdemeanors, including intoxication in the streets and other public places; 182 were for petit larceny; and the remaining 250 were for felonies, of whom 73

were for grand larceny, 30 for forgery, counterfeiting and passing counterfeit money, 9 for burglary, 8 for assault with attempt to kill, and the rest for various felonious acts.

*Terms of sentence.*

554 were sentenced for less than six months,  
104 for six months each,  
62 for terms from seven months to one year,  
21 for one year, or until bailed,  
13 for terms above one year and not exceeding two years,  
44 for terms from two years to three,  
9 for terms from four to eight years,  
10 for terms of ten years and not exceeding fifteen,

817 total.

The whole number of commitments for the year 1867 was 117 less for the preceding year.

The health of the prisoners in the penitentiary has been much better during the past than it was the previous year, no epidemic or contagious disease having prevailed. Dr. Barent P. Staats, who has been physician to the prison ever since its commencement, and the fiftieth anniversary of whose medical practice in Albany was appropriately celebrated, a year or two since, by his brethren in the profession, still continues his valuable services in the institution; and, to all appearance, he bids fair for another half-century of practice in the healing art.

The religious service at the penitentiary, both as regards public worship and pastoral duty, continues to be ably and successfully performed by Rev. David Dyer, who has, for twelve years or more, served the institution in the capacity of chaplain. The object of his labors and their results, during the past year, are thus stated in his annual report, under date of October 31, 1867:

"The object always kept in view has been the spiritual and moral elevation of those committed to my pastoral care. Debased, as very many of them are, by long indulged lusts; ignorant as they are of the way of truth, through neglect of the Bible and the culture of evil dispositions; and hardened as they are through the unchecked power of sin; still I have ever felt that they were subject to moral sensibilities which might be touched and softened by the loving and penetrating motives of the gospel, and that these motives might, indeed, by the grace of God, be made regnant in the heart and life.

"In this belief I am thankful to say I have not been mistaken; for I have again seen, as in former years, some of the most stolid aroused to thought, and the most careless led to serious inquiry. In not a few instances, individuals who, through love of iniquity, seemed anxious to destroy their conviction of right and wrong, have felt deep remorse, and have freely spoken in condemnation of their misconduct. The number is considerable who, after years of scepticism, and neglect of the sacred word, have been induced to read it with interest and profit.

"These are among the more general effects of the labors discharged; but, I am thankful to add, they have, in several instances, been of a higher and more influential character. There have been among the convicts, those who, through the blessing of God, have, I believe, experienced a saving change—a transformation of disposition and conduct. I could, did the limits of this report allow, present proof of the correctness of this assertion which would be gratifying to every one who desires the reformation of the guilty."

*b. Penitentiary of Erie County, at Buffalo.*

On my visit to the above named prison, Sept. 27th, 1867, I found the march of improvement to be still the order of the day, under the efficient administration of the superintendent, Mr. Charles E. Felton. The new cell-building, reported as in progress last year, has been since completed. It contains 200 cells, with a commodious prison office, and with a tower addition, containing rooms for the accommodation of the keepers and other employes. It is to be hoped that the proposed alterations in the Superintendent's residence, the old male prison, and the female wing will not be long delayed. When these shall have been completed, the Erie county penitentiary will be, architecturally, one of the most beautiful as well as commodious prisons in the whole country.

It has been stated that improvement is the order of the day in this prison. Let me verify the statement. Besides the completion of the new wing for men, as just mentioned, there has been added to the work shop an extension forty-eight feet in length by twenty in breadth; a number of skylights have been placed in the roof of the workshop; a fire battlement has been erected on the prison; the stone fence in front of the northern half of the prison yard has been removed, and a massive stone wall, with

guard houses and gateway, is in process of construction in its place; large portions of the prison grounds have been graded, by the transfer of soil from one part of the same to another, and by the addition of several thousands cubic yards of earth from abroad; 2,540 square feet of stone flagging for walks have been laid throughout the grounds; a considerable amount of outside sewerage has been constructed, together with a number of minor improvements, which need not be specified.

I should not omit to state, that the locks in use in this prison, which were invented by Mr. Felton, and are of unequalled excellence for security, can be placed in a prison, when the same is in process of construction, at a cost not exceeding the ordinary cost of prison locks.

The number of prisoners confined in this prison at the time of my visit was 276, of whom 183 were men and 93 women. The daily average of prisoners has been much greater during the past year, than it ever was before.

There are several things objectionable in the principles on which this prison is conducted. The case is well and strongly put in this view, by the Superintendent, in his annual report, under date of October 1st, 1867, in the following words:

"The total number of prisoners received during the year has been 2,405, and their average length of sentence is about forty-five and one-fifth days. This fact shows that the ends for which our prison was constructed cannot be obtained. The institution can neither be reformatory nor penal, and in fact is but a place of detention at most. Of the 2,405 prisoners received during the year, 1,878 were from the justices to the police of the city of Buffalo—a number greater than the total number of prisoners received, from all sources, during any previous year of our history. The average length of sentences from this court is less than thirty days each. Of the short sentenced prisoners received into this institution, there were 136 for ten days and under; 462 for twenty days and over ten; and 883 for thirty days and over twenty. Many of these were frequently returned during the year for non-payment of fines—a fact showing that the only purpose of the committing justices is the collection of moneys, and not the punishment or reformation of the offender.

"The Police Commissioners, on the 8th of July, 1867, notified me that all moneys collected by me for fines imposed by any

justice to the police, or otherwise, should be paid over every week to the treasurer of the board of police.' I have disregarded the order, as, in my opinion, they have neither equitable nor legal right to any moneys collected here. The moneys claimed contribute but a mite toward defraying the expense for the care of the innumerable short timed convicts with which their organization fill our prison. As above shown, during the year we received 1,841 convicts from the above source, under sentence of thirty days and less. These persons are clothed, nursed, fed, and cared for. Generally, they are in poor health from dissipation, their labor is of no value, and the expense of their care is very much greater, proportionately, than it would be were their sentences longer. The police organization should tender to our institution the moneys which they receive for the licensing of the proprietors of drinking houses—the makers of our convicts—rather than demand from the county the few fines which we collect from their more fortunate victims.

"Much greater care should be taken by the common council in the release of convicts. During the year, a man who had been in State prison for a felony, and after his release had served out two short sentences in this prison, was released by them from a third conviction, and on the day following was arrested, with another vagabond, for a felony, supposed to have been committed on the night of his release. A few weeks prior to this case, the wife of a keeper of a drinking saloon was released from a short sentence. She had been in our prison, under each of my predecessors' administrations, and in number more than fifty times, and was returned under a still shorter sentence by a justice to the police on the day following her release, and has 'visited us' several times since, and is now an inmate. Another case, that of an old offender, under sentence of four months, was released by the council, and returned by the police on the second day thereafter, under a thirty day sentence, in a most beastly state of intoxication. He was often in this prison under my predecessor, and at the time of his release had been here under my care twenty-four different times; and still he comes. A prisoner, claiming to have been a returned soldier, was sent up as a vagrant, during the administration of ex-Chief of Police Darcy. He was released by the council, visited Canada, committed a burglary and larceny, was arrested, escaped from the officers, again came to this city, committed a felony, and was convicted and sentenced to our institution

for one year. He served his time, again visited Canada, was arrested and convicted of the aforementioned offense, and now lies in Kingston prison.

"The common council should require that no application be received by their board, unless accompanied by a certificate from the committing justice, showing the circumstances of the offense, and terms of the sentence; and a like certificate from your prison officers, giving a statement of the number of times in his custody, his character, conduct, &c."

The physician employed by the commissioners, attends at the penitentiary on every Tuesday, Thursday and Saturday, and at other times when required. The average daily number of prisoners unable to work on account of illness, throughout the year, sixteen men and nine women. The average daily number of patients prescribed for by the physician, at each regular visit, has been about forty. Only four deaths have occurred during the year, two of each sex. Two died of consumption, one of heart disease, and one of congestion of the lungs. This officer reports that the provisions furnished the prisoners have been sufficient in quantity and of good quality; that the prison has been regularly cleaned and whitewashed; that the clothing of the prisoners has been regularly washed and changed; and that the beds have been thoroughly aired, the bedclothes kept in a proper state of cleanliness, and that the entire prison has been kept clear of vermin, while great pains have been taken with the persons of the prisoners in that regard.

Since the new prison has been completed, the standard of health of the prisoners was much higher than it had been previously. The doctor says:

"I am sure that any gentleman who has been instrumental in building that new wing of the penitentiary, would have felt well repaid for his labors, could he have seen the smiles of satisfaction and heard the comments of its occupants, the morning after their removal to their new quarters."

*c. Penitentiary of Monroe County, at Rochester.*

This prison was visited and examined on the 20th day of September, 1867. The prison population on that day amounted to 206, viz: 133 men, and 68 women.

There is little of material importance to report that is now here, except the introduction into the prison of a new branch of industry

—the manufacture of barrels having been given up, and that of pails and tubs substituted in place of it.

Eighty of the best men in the prison were still employed on the shoe contract, at only forty cents a day. Forty-three men, mostly such as would not be employed by the shoe contractors, were engaged in the new branch of business named above. This business is carried on on account of the county; and the superintendent, Mr. Fulton, was of the opinion that the net earnings per day, of each man so employed, would be about \$1.25. At the time of my visit the men were turning out, on an average, 50 tubs and 30 pails per day. In the making of barrels the raw material cost about seven-eighths of the value of the manufactured article; in the present business, the raw material costs from one-third to one-half the value of the manufactured article.

Forty of the women were engaged in productive labor, seating chairs with flags and canes. The average earnings of each woman per day is nearly 30 cents.

#### *d. Penitentiary of Onondaga County, at Syracuse.*

I visited and passed several hours at the penitentiary of Onondaga Co., on the first day of October, 1867. It gives me pleasure to report a great improvement in this institution under the administration of Mr. Levi Pitts, as superintendent, since the completion of the new penitentiary buildings, noticed as in process of construction in our last annual report, to replace those, a few years since, consumed by fire. Then, the men and women were, necessarily, confined in the same ward; now, the two sexes are in wards which are separated from each other by the large central building, containing the residence of the superintendent, the offices of the prison, the hospital, chapel, kitchen, &c., &c. Then, the men and women were placed together in the same workshop, all under male keepers; now, they labor in different apartments, and the women are superintended by matrons of their own sex. Then, everything wore an appearance of disorder and confusion; now, all is reduced to system and regularity. Then, the prison had a slovenly and untidy look; now, it wears an air of neatness and cleanliness, the whitewash and scrubbing-brushes being kept in constant requisition. Then, there were no means of bathing, other than those offered by pails and washtubs; now, regular bathtubs are provided with hot and cold water, and the men are required to bathe once a fortnight, the women once a week.

The number of prisoners in confinement on the day of my visit, was 115, of whom 78 were men and 37 women; a considerable increase on the number of the preceding year.

Of the men, three were employed on the prison-farm, two in the care of the prison, one was on the sick-list, and the remainder (72) were engaged on productive labor, (chair-seating). Of the women, two were engaged in the kitchen, two in the wash-room, one in the hall, and two were in hospital; the remainder (30) were employed in chair-seating.\*

The physical wants of the prisoners appear to be well cared for. Their rations are coarse but plentiful and wholesome. The straw in their beds is frequently changed; and each bed is provided with a hair pillow and with two blankets, or more when necessary. The bed-clothes were reported as being washed frequently. The night buckets are washed and scrubbed every morning, turned upside down, and afterwards sprinkled with a small quantity of lime in the bottom.

The male wing of the prison contains 96 cells, besides six octagonal cells and two dungeons in the towers. The female wing is of the same dimensions, but only 56 cells are, as yet, finished in it.

There is a library in the prison of between 400 and 500 volumes, presented by the city board of education, within the last year.

The total expenditures for the year, for the penitentiary and jail, were \$15,360.54; the total income from all sources other than appropriations from the county treasury, was \$9,448.82; leaving a deficiency of \$5,912.72. This shows that if the jail were separated from the penitentiary, the latter would be nearly or quite self-supporting.

The whole number received into the penitentiary during the year was 426.

The following tables will show the ages, sex, color, nativity, social relations, education and habits of life of the persons thus committed:

	<i>Ages.</i>	
Under twenty years	-----	93
From twenty to thirty	-----	146
From thirty to forty	-----	87

\* The penitentiary and jail in Onondaga county being under the same roof, the inmates of the latter are permitted, though not required to work. Of twelve men confined in the jail, while I was there, only one elected to work, all the rest preferring idleness in their cells.

From forty to fifty .....	63
From fifty to sixty .....	28
From sixty to seventy .....	8
From seventy to eighty .....	1
Total .....	<u>426</u>
<i>Sex.</i>	
Males .....	320
Females .....	106
Total .....	<u>426</u>
<i>Color.</i>	
White .....	403
Colored .....	19
Red .....	4
Total .....	<u>426</u>
<i>Nativity.</i>	
United States .....	231
Ireland .....	136
Germany .....	18
England .....	21
Canada .....	19
Scotland .....	1
Total .....	<u>426</u>
<i>Social relations.</i>	
Married .....	154
Single .....	272
Total .....	<u>426</u>
<i>Education.</i>	
Can read and write .....	261
Can read only .....	54
Can neither read nor write .....	111
Total .....	<u>426</u>
<i>Habits of life.</i>	
Admit themselves to be intemperate .....	392
Claim to be temperate .....	34
Total .....	<u>426</u>

The physician reports the health of the prison as unusually good, only one death having occurred during the year, and no epidemic disease.

The Rev. A. P. Wightman is employed as chaplain to the penitentiary, on a salary of \$200 per annum, for which he performs an extraordinary amount of labor, and appears to do it with a hearty good will. His report to the Board of Inspectors shows so much good sense and so thorough an appreciation of the work required of a prison chaplain, and is withal so interesting in itself, that I make no apology for inserting it, with only the omission of the opening and closing paragraphs:

"First, it is obvious that intemperance has been the cause of the present unfortunate position of a large portion of the convicts—a fact equally true, or nearly so, with reference to both the male and female departments. Intemperance is a disease of a stubborn nature; and in view of the fact, we can scarcely resist the conviction that longer terms of commitment would be a mercy to those committed, besides bringing them for a longer time under religious instruction, which will do more, we think, to fortify them against the temptations of the intoxicating cup, than any other influences that can be brought to bear upon them.

"We have aimed to present such subjects in our Sabbath ministrations, as were adapted to the convicts; easy of apprehension, and such as were interesting and instructive, not forgetting to give the subject of temperance due prominence.

"From careful observation, during the year thus far, we are well satisfied that the amount of religious labor bestowed produces as good results as could be reached by its bestowal upon any other class of persons. One young man of good natural gifts, committed for an offence excited by the maddening effects of alcohol, with whom we prayed in his cell at his own request, gave good evidences of sound conversion, and went home to his parents apparently thoroughly reformed.

"We have spent considerable time in writing letters, and looking after places for the convicts, and to some little extent have succeeded in securing a home for them when discharged, and now have on hand a number of requests, looking in the same direction. We would here suggest that if something could be done to look after their interests, when sent out, a great point would be reached in helping them to avoid a repetition of crime. This is doubtless more especially true of the women than the men. One woman,

whom we were advising to avoid the things which had brought her to her present condition, said, with tears, 'Mr. Wightman, I appreciate your kindness, but what can I do when sent out without money, friends, home or character? I would gladly work, but nobody wants me.' These facts point to quite a field for Christian effort—a work which, under present circumstances, necessarily falls upon the chaplain. In view of these things, we would suggest an increase of the present compensation, so that the interests of the inmates might be more generally secured. It is our opinion that the salary should be half as much as is generally received by the clergymen who are laboring in other departments of gospel effort.

"Preaching one sermon each Sabbath in the chapel is only a part of the work which a minister, 'who has a heart to feel,' will find himself constrained to do; besides being often solicited by those who are discharged, for money to get them to their friends, or buy something to eat, or to keep them over night. In view of the circumstances we have done the best we could thus far, and shall labor so to do until the close of the year.

"In this connection, it affords us pleasure to speak of the very kindly and judicious management of the superintendent, and the commendable deportment of his assistants. Mr. Pitts seems admirably adapted to his position; and while firmly and thoroughly executive in the rules of the institution, is kind and sympathetic, giving faithful counsel to retiring inmates, never forgetting to do what he can for the benefit and reformation of the unfortunate convicts."

From one of Mr. Wightman's positions, in the above report, I must utter my emphatic dissent. He says that a prison chaplain ought to receive half as much salary as other clergymen; I say that he is entitled to a compensation fully equal to his brethren in other fields of labor. Certainly, Mr. W. has shown himself to be a workman worthy of a liberal reward.

All which is respectfully submitted.

E. C. WINES,

*Corresponding Secretary.*

A. BANY, March 10, 1868.

## XV. CORRESPONDENCE.

The official correspondence of the Prison Association has become very extensive, as well abroad as at home. This is especially the case as regards our own country, where, chiefly through the reports of the Association, a new interest has been awakened in prison discipline and reform, and thinking men, statesmen as well as philanthropists, have turned their thoughts, with fresh ardor and earnestness, to the investigation of the great problem of the repression of crime through the reformation of criminals.

We select a few from among the many letters received at the office of the corresponding secretary, which appear to possess sufficient general interest to warrant their publication.

### I. FOREIGN CORRESPONDENCE.

a. *Two letters from Mr. Commissioner Hill, late Recorder of Birmingham, and Corresponding Member of the Prison Association.*

[The following communications, from our venerable correspondent, now approaching, according to the ordinary course of nature, the close of his long, honorable and useful career as a criminal jurist, offer views of much importance and interest, which are marked by the writer's usual clearness and breadth of thought, his enlarged and exalted philanthropy, and his bright and beautiful hopefulness as to the future of humanity. Let us cherish these lessons of a matured experience and a generous social philosophy, as among the valedictory utterances (not, however, we trust, the very last that shall appear on our pages) of one of the wisest, purest, noblest spirits that Providence has vouchsafed for the guidance of the race to a higher and better civilization.]

### I.

HEATH HOUSE, STAPLETON, NEAR BRISTOL, }  
July 15th, 1867.

My Dear Sir—I have received, from New York, a tract on Crime and Punishment, by Dr. Blanchard Fosgate, formerly physician to the New York State prison at Auburn.

Dr. F. gives a most gloomy account of the prisons in America, and indeed of almost everything else there, and upon grounds which, if applied impartially, would reach the Old World, and probably other worlds, if we knew anything about the state of society therein.

But the iconoclast has idols of his own, not very clearly sculptured, it is true; but if I understand him aright, all that we are aiming at in the treatment of criminals is to be attained by the congregate system, or a congregate system, as a punishment for crimes committed out of gaol, and the solitary system for offences committed within the gaol! Education he seems especially to despise.† Ignorance he rather seems to like than otherwise, and considers it no cause of crime, but the contrary. Intemperance he puts in the same category.‡ Your society too, the Prison Association, falls under his censure. Have you had anything to do with making him physician to the gaol, in the past tense only?

The little work is curious, and could only proceed from a man of culture and reflection, but who has the misfortune to be hopelessly muddle-headed, and he is perhaps the strongest instance which he might have adduced in proof of his doctrine of the unchangeableness of man's nature. Altho' if that be so, why any prison discipline at all? Such works are painful to read, but at the same time useful. They set us to hammer, one by one, the links of our chain of reasoning, and thereby test their soundness; and to revive in our minds the facts and arguments which have brought us to our present state of opinion. Perhaps they may do more. They may enable us to correct our views, where erroneous.

October 12th.

Many causes have intervened to stay the progress of this letter, but I cannot any longer delay to acknowledge your last favor under date Sept. 23d, and to thank you heartily for your most acceptable present of books.

For your own work, or rather that of yourself and Dr. Dwight, I am very thankful; it is a mine containing a rich vein of truth.

It is peculiarly gratifying to me to find that every experiment proves the soundness of reformatory principles; and although an aged man, I feel it possible I may live to see the universal repudiation of all principles of punishment which do not make the genuine reformation of the criminal their main object. Unquestionably there is much apathy on this great subject, on both sides of the Atlantic; but as the minorities of the past now rule the present, so will the minorities of the present be victorious in the future. I sometimes wonder that religious men do not advert to the success of reformatory treatment as an additional proof of the truth of Christianity. After I had reflected for years on what

\* p. 28.

† p. 36-7-44.

‡ Supplement, p. 6.

appeared to me the best scheme of treatment, as founded in reason, it suddenly was "borne in upon my mind," as religious people say, that I might have saved myself a world of labor by a perusal of that not very rare book, the New Testament! There it is all to be found written in such characters as that they who run may read. But alas! as it is possible to read without understanding, so it is possible to understand without feeling; or at least without that feeling which produces a vivid and abiding impression.

Knowing, then, what I do of myself, I feel that I ought not to wonder—nevertheless I do wonder—at the condition of the public mind in your State, and probably in many more States than yours. Anger at your disclosures, which have been going on for years, I could understand; indeed, I could almost hail it as preferable to the amazing indifference with which the monstrous facts relating to the administration of criminal justice appear to be received.

I cannot bring myself to wish that your people would burn you and your coadjutors at the stake; and yet such an *auto da fé* would manifest a degree of earnestness which might eventually be turned into the right direction; earnestness being a motive power, whereas apathy and indifference are the negation of all power.

The history of the Albany penitentiary, by the Rev. David Dyer, is valuable; yet I was surprised to find so much of good effected without the guidance of that pole-star—reformation of the criminal. I rejoice, however, to find that the good spirit which pervades the Albany system is forcing its conductors upon the true object and end of prison discipline.

Allow me one remark as to what seems to me to pervade all that I have read in American contributions on the treatment of prisoners, admirable and instructive as they are. In speaking of the pardoning power, no clear distinction is drawn between the various classes of pardons, although their effects are frequently in diametrical opposition to each other. The old royal class of pardons were almost altogether absurd and mischievous, having no relation to the claims of the prisoner, and thereby paralyzing the efforts of those who would teach him, by labor and self-control, to merit a pardon. One drop of good there was in this bad mixture, namely, that it evidenced a desire in the governing power to distribute happiness on what the king would think very great occasions—like his marriage, the birth of an heir to the crown, and, above all, a coronation. But such pardons are conclusive evidence that the punishments are useless, and therefore pernicious.

scious. A better class is where the pardoning power is exercised with some general notion that the prisoner deserves it; but the exercise of this power introduces an element of great uncertainty, which more than counterbalances its beneficial effects. The prisoner's mind is led to be constantly expecting the *Deus ex machina*, instead of humbly and sedulously attending to his appointed duties, active and passive. None of these drawbacks attend the use of the pardon which is *earned* day by day—purchased, as I might say, by an amount of merit gradually enlarging itself, but liable to diminution by backsliding.

It seems to me, perhaps erroneously, that a careful attention to the foregoing distinction would relieve the mind of the inquirer from difficulties which produce much discrepancy of opinion among the students of penal treatment.

Miss Carpenter is, as she always has been, and as she always will be, as long as her strength endures, completely occupied in her educational and reformatory labors; and I make no doubt she is doing her best to complete her work on India.

My daughter Florence is much obliged by the invitation you transmit to become a corresponding member of your association, which she gladly accepts.

I find, to my disappointment, that Mr. David Dudley Field has been a very long time in England, without my having an opportunity to see him, and without knowing where he is to be addressed. I must, therefore, ask you, when he returns, to thank him cordially on my behalf for the valuable law books he has sent me. Your State may well be proud of such a man. Scientific lawyers like him are rare in every country, and much wanted in all.

I am flattered by your desire for more letters. Be assured, I need no exhortations to write to you. Our subject is most interesting, and the kind reception you give to my communications, makes writing them a very agreeable employment; but my working day, even when its business is pleasant, is now become a very short one, and, at its close much always remains to be done.

I hope, for the sake of your country, that you are a much younger and stronger man than I am or ever was.\* When I reflect on what some of my friends were able to accomplish, I am conscious of great deficiencies. Lord Brougham, Lord Truro and others—looking at the mere amount of their toils, and passing by the superior quality of what they produced, afford a comparison

\* Excess the Hibernicism.

which is almost humiliating. I strongly suspect, too, that you, and probably one or two of your colleagues, are of the same race—at all events, you appear to me to be able to labor long and effectually, far beyond my powers at their best.

Believe me, dear sir, very truly yours,

Rev. E. C. WINES, D. D.

M. D. HILL.

## II.

3 MALL, CLIFTON, Jan. 4, 1868.

My Dear Sir—I learnt, with deep concern, the severe injury you had sustained in the exercise of your benevolent labors. I hope soon to hear that your limb is perfectly restored to its former strength.

My daughter requests me to accept, with thanks, the honor which your society has conferred upon her.

I hope I have acknowledged the receipt of your valuable, I might say invaluable, report for 1866, several copies of which have arrived.

I am greatly impressed with the bold frankness with which you and your respected colleagues lay bare the defects of your system of criminal administration in the State of New York. The steady perseverance with which your arduous duties have been performed, for a long series of years, convinces me that in the end your discouragements and your toils must achieve success. But I own I am amazed at the apathy with which the facts you have laid before the public have been received, an apathy all the more astonishing, as I find from the examination of witnesses which you instituted, that the number of persons in New York, fully conversant with the principles of the most enlightened treatment of criminals, is by no means small. One characteristic of the American people may perhaps account for this state of things. It is your practice to take up some particular subject and make all others subsidiary to it for a time, when, having forwarded your object as far as you are able, or as the case demands, you turn to another to be dealt with in like manner. Years ago, prison discipline had what we should call at cricket an "innings;" and valuable experiments were made with instructive results. It is easy to see why our subject has had so long to wait for another turn, and may still have to wait for some time to come. Yet all friends of the science, in every quarter of the globe, must wait with some



impatience for the light which we expect from your shores, appreciating as we do very highly American energy and sagacity.

You will be glad to learn that the serious attention of our Indian government is now being given to this great subject. My friend, Major Hutchinson, superintendent of police over the Punjab, with its fourteen millions of inhabitants, is a firm and ardent believer in reformatory discipline, and has written a valuable work on the subject; and it makes its way elsewhere, permeating, or at least beginning to permeate, the whole civilized world.

Some part, perhaps some considerable part, of this letter may be a repetition of former communications. If so, I crave your indulgence. I have had much trouble upon me since I wrote. In October last, the partner of my life, who, if she had lived three days longer, would have completed the forty-eighth year of our marriage, was taken from me by the shock given to her constitution, resulting from a fracture. Still I have the blessing of dutiful children, sons and daughters, so that although a widower, I am not solitary. Thanks be to God for that mercy.

I remain, dear sir, truly, and warmly yours,

M. D. HILL.

To Rev. Dr. WINES.

*b. Five Letters from Sir Walter Crofton, Author of the Irish Convict System, and Corresponding Member of the Prison Association.*

[It will be seen from the following letters that the distinguished writer, to whom belongs the honor of having originated the best prison system ever yet carried into practical effect, is of the opinion that that system is as applicable, in its general principles, but with perhaps some modifications of its details, to other countries as it is to Ireland. Certainly, the thanks of the Prison Association and the people of New York are due to him for his generous offer to aid us in devising a system of marks for any proposed reorganization of our own prisons. Should the amended Constitution be adopted, we may find it advantageous to avail ourselves to his experience in this regard.]

I.

THE CLOSE, WINCHESTER, April 15, 1867.

My Dear Sir—A severe family affliction has prevented my writing to you before. In reply to your question, I am given to understand that "Mons. Bonneville de Marsangy, 7 Rue de Venthievre, Paris," is the best person to whom you could apply for

information, as to the French system of prison discipline. I know him to be very eminent, and have read his works with great pleasure. Prison discipline is engaging much attention on the continent just now, and I most sincerely hope that the result of inquiry will be the institution of a satisfactory system. The principles of the Irish convict system I think can be adopted in every country with advantage; but there are many of its details which need not be generally applied.

Mr. Commissioner Hill desires me to inform you that he looks forward to your next report with great interest.

Believe me, dear sir, yours, very truly,

WALTER CROFTON.

II.

THE CLOSE, WINCHESTER, June 29th, 1867.

My Dear Sir—I have just received your letter of the 15th, for which I beg to thank you. I regret to say that my promised paper\* has been delayed, in consequence of lengthened illness and death in my family; and at this time I am attending the sick, and I may add, the dying bed of one who is very near and dear to me.

I shall, however, endeavor to send you a paper before the expiration of July. I most sincerely trust that it may prove of the use you do me the honor to anticipate.

There has been so much written upon the subject, especially on the past difference between the English and Irish systems of convict management, that I shall make my paper brief and to the point.

As these systems are now similar in principle, it would be waste of time to recur to arguments used on both sides.

My intention is to give a brief account of prison matters since 1853, at which time a new phase was entered upon, and our real difficulties commenced. It is clear that when we got rid of our convicts by the easy mode of transportation, we were not so mindful as we ought to have been with regard to our prison training.

I shall show what is the existing state of things with regard to our government prisons, and I shall then show the practice and law with regard to our county and borough prisons, as affected by the prisons act, 1865. By placing matters in this form, briefly, I shall hope to present the most essential points in a form in which they can be made intelligible and be utilized. The adoption of principles so generally makes controversy unnecessary.

\* His report on English prisons.

There can be no doubt that many countries have adopted them, and that others are following rapidly. Within the last fortnight, a deputation has been urging on the Secretary of State for India, that they should be applied to the *India goals*, and I feel assured this will be done.

I am not *permanently* employed by the government. For some time past, and at the present moment, I am employed as a Commissioner to aid the government in carrying out the *County Prisons Act* of 1865. I have nothing to do with the English convict prisons.

Believe me, yours most truly,

WALTER CROFTON.

### III.

WINCHESTER, *August 30, 1867.*

My Dear Sir—Your letter would not have been so long unanswered, had it not been that "death" has again deprived me of a member of my family.

I fear it is quite impossible to procure a complete set of the Irish Convict Prison Reports. I have before tried and failed. I recollect, however, that one of the reports—the fifth, I think—contains reference to the prior reports and conclusions, which will be of use. I will try and get this report for you, with perhaps one or two more recent ones, and forward them by the channel which you indicate. I will also forward you any pamphlets which I have, that I think may be of use. You will please to refer to the dates, and remember that great progress has since been made.

Your report (twenty-second) has just arrived, and is very valuable. A clever article by M. Bonneville de Marsangy, in the "Revue Contemporaine" for last month, has also reached me.

There is, fortunately, a great stir about prison matters just now, and we may therefore hope for lessons everywhere.

In arranging a "mark" system, you must remember that there are many "mark" systems which have no reference to Captain Maconochie's plan. The Irish system is not on his plan, neither is the English. I mention this, because his plan is *opposed* by many as being too *elaborate*. I had not seen his plans until the Irish marks had been carried out some time. The *simpler* they are made, the *better*. The *principle* is the same with all.

I believe the idea of marks came originally from either Captain Maconochie or the Archbishop of Dublin.

Believe me, yours truly,

WALTER CROFTON.

P. S. I do not think that the Commissioners' Report can be obtained now. I shall hope to hear that your great exertions are bearing fruit.

The report of the Directors of English convict prisons has this day been published. I have seen it since commencing this letter. It is a bright testimony to the results of the mark system and to the good which has been effected by recent prison reforms. It should materially strengthen your hands with the Legislature. I will endeavor to send it to you.

W. C.

### IV.

WINCHESTER, *September 10, 1867.*

My Dear Sir—I have already sent to you the last report of the Directors of English convict prisons; and I have now been enabled to collect some of the earlier reports of the Irish convict prisons, viz.: 1855, '56, '57, '58, '59 and '60. They will convey to your mind our progress and the reforms for which we pleaded, and which have since been attained. I have also forwarded you some pamphlets which describe the system in its early development.

In perusing the documents sent, you will please to remember the dates at which they were written, and remember the changes which have subsequently been made by legislation, entailing lengthened sentences and conditional supervision, &c.

You will find the report for 1858 valuable, as recording both our early anticipations and results.

I have also enclosed a memorial printed by me in favor of the prisons act for 1865, when it was passing the Legislature.

Sincerely trusting that the reports, &c., which I have sent may prove of some utility, and again expressing my wish to be of any service in the way of classification, marks, &c.,

I am, my dear sir,

Yours very truly,

WALTER CROFTON.

The Rev. Dr. Wines.

[Senate, No. 18.]

## V.

WINCHESTER, October 12, 1867.

My Dear Sir—Your book on the "Prisons and Reformatories of the United States and Canada, and the "History of the Albany Penitentiary," reached me a few days since. I assure you that I value them very much, and am obliged to you for sending them to me. The former, in particular, affords much food for thought, and generates a desire for prison reforms.

Your Association is of high value, and I have no doubt will accomplish the much needed reforms in time. I can understand the very great difficulty you have to overcome with regard to the gaol appointments being political and changing with party. Until this is overcome, any *thorough* reform is hopeless. But I think that when the Americans *realize* the value of a good system of prison discipline, through your valuable reports, as they assuredly will do, this great evil will be eradicated.

I observe that at present no great stress is laid upon the police supervision of habitual criminals and their conditional liberation. Experience in both Ireland and England of their great value induces me to press these matters, concurrently with improved prison discipline. It is well that criminals should feel that on liberation, they cannot prosecute their bad courses with impunity. I am satisfied that this knowledge predisposes them to co-operate with the prison system.

You will have received from me, by this time, the last report of the Directors of English convict prisons, with some of the older reports, &c., from Ireland. In the English report you will observe not only the diminution of convicts, *but of re-convictions, during the last four years*—the period during which the improvements have taken place in our procedure, *externally* and internally. It will be important to bear in mind that this improvement has taken place concurrently with a system of improving the means of identification. I shall be most anxious to hear what progress has been made or is making.

I am in hopes that the last English report sent may strengthen your hands, affording as it does such favorable testimony to the new system. I sincerely trust that your Legislature will take some immediate action in a matter of such momentous importance. If I can be of any service for reference, or in making any suggestions for your consideration, believe me that I shall have as great pleasure in doing so for the United States as for England.

From reading your books, I do not apprehend greater difficulties than were surmounted here, and on some points PREJUDICES not so many.

Believe me, dear sir,

Yours very truly,

WALTER CROFTON.

c. Two letters from Miss MARY CARPENTER, Principal of the Red Lodge Girls' Reformatory, Bristol, England, and Corresponding Member of the Prison Association.

[The following brief notes from the eminent author of "Our Convicts," a lady whose whole life has been devoted to thought and work in behalf of the criminal classes, are inserted chiefly because they record the opinion of one every way competent to give an opinion, in favor of the Irish, or what she calls, in honor of its author, the Crofton prison system.]

## I.

RED LODGE HOUSE, BRISTOL, Oct. 23d, 1867.

Dear Sir—Will you accept my thanks for your valuable volumes. I rejoiced to hear of your efforts and progress.

The Crofton system is the only true one, and must eventually be accepted by all who desire to inaugurate a really reformatory system.

My mind is now engrossed with India. I am writing my book, "Six Months in India," and hope to return there ere long, to commence a Female Normal School. The Social Science Association was taking action with the government about prison discipline.

With kind respects, believe me, yours truly,

MARY CARPENTER.

Dr. WINES.

## II.

RED LODGE HOUSE, BRISTOL, January, 1868.

Dear Sir—Thanks for your kind letter and report. I am truly rejoiced that right principles are progressing among you. The Crofton system is the only true one. I hope you will take the lead in establishing it. I am myself greatly occupied with India, to which I hope to return before the close of the year. There is much work to be done there.

The great subject of prison discipline involves the highest possible questions. I warmly sympathize with those who are working at it.

With respect, yours truly,

MARY CARPENTER.

d. *Three letters from FREDERICK HILL, Esq., formerly Inspector of Prisons for Scotland, Author of a valuable work on Crime, and Corresponding Member of the Prison Association.*

[The deep interest Mr. Hill takes in our work is apparent from the following letters, as is also the obligation under which the Prison Association has been laid by him, by his successful effort to obtain for them, from the British government, the series of prison reports, published by Parliament, from 1850 to 1866 inclusive.]

## I.

LONDON, June 19, 1867.

Dear Sir—I thank you for your letter of the 1st inst., and its contents, and shall be glad to hear that the constitutional amendment you propose is adopted.

Before this reaches you you will have learnt from Mr. Wolfe\* that, owing to his short stay in London and his many engagements, we did not meet, though each of us made an effort to do so. I sent Mr. Wolfe a copy of a letter which I had received from our Secretary of State for the home department, informing me that the reports, &c., which I had asked for on behalf of the New York Prison Association, would be sent me with a view to their being forwarded to you. Since then I have received and dispatched them, and I hope they will soon be delivered to you. I think your readiest way of obtaining copies of future reports, will be to apply to a New York bookseller, who would, no doubt, instruct his London agent to send them in his parcel with other books. In London all such reports can be easily procured, and at a low charge, of Hansard, the Parliamentary publisher.

I shall receive with much pleasure the two reports which you mention.

I am, dear sir,

Yours truly,

FREDERIC HILL.

Dr. WINES.

## II.

ABERGALE, NORTH WALES, Aug. 27, 1867.

Dear Sir—I am much obliged to you for your two letters of July 15th and July 30th. A few days ago, and just before leaving London for this place, to which I am come for a few weeks, I

\* President of the Prison Association. Cor. Sec'y.

received the copy you have been good enough to send me of your 22d annual report, but the copies of the special report have not yet arrived. When they do, I shall, with pleasure, distribute some of them to persons who will be likely, through the press or otherwise, to turn them to good account. There will be but little expense in the matter, and that little I shall cheerfully defray. Allow me also to decline your proposal to re-imburse me for the cost of sending to you the English reports, &c. Pray regard the payment as a slight contribution to your fund.

I have written to the Secretary of State, to convey to him your thanks for the reports.

On my return to London, I shall read, I have no doubt with much interest, the 22d of your annual reports, and on their arrival, one of the special reports. I wrote an article on your last report for the Quarterly Review, under the title of "Crime in the State of New York," and it appeared in the number for last January.

I am, dear sir,

Yours truly,

FREDERIC HILL.

Dr. WINES.

## III.

LONDON, Nov. 19, 1867.

My Dear Sir—I fear you will think me slow in acknowledging the receipt of the copy you have sent me of your interesting and valuable report on the prisons and reformatories of the United States, and of the other copies which you forwarded for distribution. But since my return to London, I have been closely occupied, and I deferred writing to you till I could tell you how I have disposed of the copies intended for distribution. These I have sent, some to editors of newspapers that I know, (including some in the provinces,) and some to other friends who I know have access to the press.

I am much gratified by the use you have made of my own writings on the subject, and heartily rejoice that anything of mine should be turned to such good account.

I am, dear sir,

Yours very truly,

FREDERIC HILL.

Dr. WINES.

e. *Letter from Mr. WILLIAM TALLACK, Secretary of the Howard Association, London, and Corresponding Member of the Prison Association.*

[It will be seen from Mr. Tallack's communication, that the Howard Association, at the head of which stands the honored name of Lord Brougham, a society formed for the promotion of the best methods of penal treatment and criminal prevention, but with the special object of seeking to introduce into English prisons a more economic and reformatory system of labor, has been pursuing its work, during the first year of its existence, with intelligence, zeal and success. It is a society which has our best sympathies and best wishes in the philanthropic and noble labors to which it is devoted.]

HOWARD ASSOCIATION,  
No. 5 BISHOPSGATE ST. WITH', Oct. 17th, 1867. }

Rev. Dr. E. C. WINES:

Dear Sir—I have to convey to you the very cordial thanks of our association for your kindness in forwarding us the six volumes just received from the United States Consul, viz: four volumes of late reports of the New York Prison Association, the History of the Albany Penitentiary, and especially for the invaluable and thoroughly practical suggestive work, the report of the visits paid by yourself and Dr. Dwight to the prisons and reformatories of the United States and Canada.

These all, but especially the latter, will be very valuable to us. The latter work will be a standard on prison discipline for many years to come.

I have pleasure in forwarding, per book-post, a copy of our first annual report, just issued. We are but a small association of private individuals, and not (like your New York Prison Association) a body deriving powerful aid from the co-operation of the State.

But we have been able to accomplish much work during the past year, and to draw much and wide-spread attention to our objects.

I have to-day received, from Sir John Bowring, the Report of the Committee of Devon Magistrates, appointed to collect information respecting prison labor. It is very interesting, and thoroughly in accordance with our views. I will send it herewith.

You will observe, by our report, that we have also continued an active opposition to the gallows. During the last few days an

execution of a man has taken place under circumstances which have caused a general impression of his *innocence*.

At the Belfast congress, prison questions claimed most attention. I enclose an outline of an excellent paper read there by a corresponding member of our committee, Mr. James P. Organ, superintendent of discharged convicts, Dublin.

The speech of Justice O'Hagan was also of importance. You will find it alluded to in our report.

We have been making considerable exertions to secure the attention of the British government to the alleged cruelties to West Australian convicts, of which we have received authoritative confirmation. I sent you one or more newspapers containing an account of this matter. We are now informed that the governor complained of has already been superseded.

We shall have much pleasure in placing your name on our next published list of committee, if you have no objection.

I remain, sir, with best wishes,

Yours very respectfully,

WM. TALLACK.

f. *Two letters from BARON FRANZ VON HOLZENDORFF, Professor of Law in the Royal University of Berlin, editor of the Allgemeine Strafrechtszeitung (a monthly journal of prison discipline), and Corresponding Member of the Prison Association.*

[These letters will be found to contain matters of interest; and especially gratifying is the compliment to the Prison Association, as coming from one of the most eminent men in Germany.]

I.

BERLIN, 29 VICTORIA STRASSE, May 27th, 1867.

Dear Sir—It was with the greatest pleasure and gratification that I received your letter of the 26th April, which informs me of my having been chosen a corresponding member of your Prison Association. I consider it a most extraordinary honor conferred upon me by your election, and, therefore, most gratefully accept it. You will oblige me very much, indeed, by giving expression of my gratitude, as soon as any occasion may be given of communicating my answer to the Executive Committee.

There is no association in the world which, in regard to discharged prisoners, can claim equal success with yours. Accord-

ingly, I am sure to be afforded an opportunity of learning from your practice, such as only rarely can be given.

The documents and reports which you kindly promise to send, will be most welcome. I shall consider it my duty to give notice of their contents to the German public; being enabled to do so by the fact of my publishing a German monthly periodical—the *Allgemeine Strafrechtszeitung*.

A corresponding member, I know, is not only entitled to honor, but also obliged to work. Such being my conviction, I shall try to comply with a wish expressed, in your letter, by sending you a short report on the present state of the prison question in Germany. I should, however, like to ascertain by what time my paper must be ready, and how much space can be awarded to it. For the time being, I send you a report on recent prison literature in Germany, the sheets of which have been taken from my periodical.

I remain, dear sir,

Your obedient servant,

**BARON FRANZ VON HOLZENDORFF,**

*Professor of Law.*

## II.

BERLIN, 29 VICTORIA STRASSE, Nov. 21st, 1867.

My Dear Sir—I have the honor of sending you the inclosed report on the German prisons, hoping that it will arrive in time to be used for the purpose of insertion in your next yearly report. You would oblige me much by a short note acknowledging the receipt of this letter.

In your last letter, you mentioned a package made ready for transmission to my address. As yet I have not received your report. Recorder Hill, however, had the kindness to offer me a copy, which I received a few days ago. I am inclined to presume that your parcel may have been lost on its way to Europe. Will you be kind enough to inquire into this matter?

Believe me, my dear sir,

Very faithfully yours,

**BARON FRANZ VON HOLZENDORFF.**

*g. Five Letters from Monsieur BONNEVILLE DE MARSANGY, Counsellor of the Imperial Court of Paris, and Corresponding Member of the Prison Association. Translated from the French.*

[The following letters, from which a few passages have been omitted as of less general interest, contain many important statements, principles and reflections, from one of the most distinguished publicists of France, a philosopher worthy of the mantle of the departed Mittermaier, whom he himself has pronounced "the high priest of science."]

## I.

PARIS, July 8th, 1867.

SIR—The kind letter which you did me the honor to write to me the first of June last, reached me at Auxerre, when I was presiding at the session of the Assizes of Yonne. I hastened to reply immediately on my return to Paris.

I cannot be otherwise than greatly flattered at the spontaneous honor which the Prison Association of New York has done me in placing me among the number of its corresponding members. It is unnecessary to say that I accept with gratitude this title, to which I have no other claim than the similarity of my efforts and my labors. I pray you to be good enough, in conveying my acceptance, at the next meeting, to offer to the Association my sincere thanks. You establish in this manner, sir, a new bond of sympathy between men who, already fellow citizens in the universal domain of science, give their efforts to the same philanthropic work in seeking the best means of leading back to virtue, those of our brothers who have had the misfortune to contravene the laws of social security.

I shall receive, with a lively interest, the several publications which you have the kindness to announce to me. In return, I hasten to address to you three volumes of official statistics, which will enable you to judge of the movement of criminality and of its repression in France, during the last thirty years.

I will add, very soon, two numbers of our Contemporary Review, containing an article which, I have just completed on *penal detention in France*, but which from the manner in which it is treated, is applicable to all countries. This article is extracted from the third volume, still unpublished, of my large work on the *improvement of the criminal law*, of which the two published volumes have already given occasion, in France and in different States of Europe, to numerous modifications of the penal and peniten-

tiary laws. I therein take up the American systems, and show how, by combining them, with our improved régime of associated imprisonment, a true penitentiary system may be formed, at once deterrent, repressive, and above all, reformatory. In a practical and economical point of view, it would be decidedly preferable to that actually followed in the United States. I am, furthermore, inspired by the ideas and principles already put forth by your several associations for the advancement of the social sciences. If to this system you could add the institution of Judicial Registers, which I caused to be established in France in 1860, and which has already been borrowed from us by many European States (especially by Italy, Portugal, Sweden, &c.), and if you would improve your penal code, in the direction of the views which I have developed, so as to put it in harmony with the penitentiary system, punishment would become in the end, the remedy for crime, and in a few years you would see diminished that endemic plague of criminality, which is a danger and a disgrace to our christian civilization.

I venture to say, in conclusion, that the principal defect of modern penal laws is the fact that they are not sufficiently *preventive of crime*. They are in this respect absolutely wanting in foresight. They do not go to the source of the evil. It is with childhood, ignorant, abandoned, or perverted, that it is, above all, necessary for us to occupy ourselves; for it is these generations of juvenile delinquents, who will one day form the class of most dangerous adult malefactors. It is necessary, then, to multiply houses of refuge, elementary and professional schools, to open everywhere homes of moral and religious instruction, agricultural and industrial schools, after the model of our French Mettray, in short (prisoners') aid societies. Thus only shall we be able to diminish the number of prisons. This is the best of all systems.

Since 1847, I have not ceased to propagate these ideas.\* They have taken root in some countries. In Ireland they have been carried out with remarkable success, by Sir Walter Crofton. They dominate to-day the whole United Kingdom. It is necessary to advance in this path; to endeavor to prevent crime, so as not to be obliged to cure it, and when, unfortunately, it has not been possible to prevent it, we must not limit ourselves to punishing

\* Treatise on the Complementary Institutions of the Penitentiary Regime. 1 Vol. Paris Cosse & Marchal, 1847.

it; but must cause to spring from punishment itself the elevation and reformation of the offender.

In my long judicial career (forty-four years) I have seen many malefactors of the worst class; I have not found one who was absolutely incorrigible. It is enough to discover in their heart the fibre which is not yet wholly dry and withered.

Punishment ought to be a moral reformation!

Your humble servant,

BONNEVILLE DE MARSANGY.

REV. E. C. WINES, D. D., LL. D.,

Cor. Sec'y N. Y. Prison Assoc'n, 38 Bible House, N. Y.

## II.

PARIS, August 5, 1867.

Dear Sir and esteemed Fellow-Laborer—As announced in my last letter, I have the honor to address to you the historic, speculative and practical essay which I have just published in the *Revue Contemporaine*, on the best mode of penal detention. It is the system which I have long sought to propagate. It has, if I am not mistaken, the merit of harmonizing the different systems hitherto practised, and which have all been recognized as failures, and the more important merit of having been tried with success in Ireland for ten or twelve years. When, in 1852, I submitted to the Emperor the project of law on transportation, which became the decree of the 1st June, 1854, I inserted in it my system of *preparatory liberation*, which, according to the declaration of our Minister of the Navy, is to-day the source of the good results which are derived from transportation—the source without which only the most deplorable mistakes could have happened. I am, then, constrained to regard this system as the best, in view of the reformation of convicts. I should be happy if your countrymen should, after having considered it, be of this opinion.

For the rest, the essay under consideration will show you at the same time what is the condition of the penitentiary system in France, and the various ameliorations of detail which have been introduced into it.

Accept, my dear sir, the assurance of my high consideration and my sincere esteem.

BONNEVILLE DE MARSANGY.

7, Rue de Venthivère.

## III.

PARIS, October 8, 1867.

Dear Sir and esteemed Fellow-Laborer—In your letter of 1st of June of this year, you have done me the honor to request, among other things, "a paper containing a résumé of the present state of the prison question in France, for insertion in our (your) annual report."

I had supposed that I had responded to your wish in announcing the forthcoming numbers of the *Revue Contemporaine* of the 15th and 31st July, which must have reached you by this time, and in which I have inserted a long essay, as well upon the history of the penitentiary system in France, as upon the state of our prisons and the ameliorations to be introduced into them. By your last dispatch of the 25th of August, you still insist upon your former request, and ask me, to the same effect, for "a popular rather than a scientific view of the penal and correctional institutions of France, such as an intelligent traveller, after careful observation and study of them, might give."

Pressed as I am by a multitude of other labors, I have wished at least to give you a proof of my good will, by preparing, *currente calamo*, the accompanying Note,\* which is a little longer than I could have desired. I hope that it may give you satisfaction, and that, although it is but an imperfect sketch, it may appear to you worthy, if only as a document for reference, to be inserted in your forthcoming report.

I received, on the 19th of the present month, your highly interesting package of reports, for which I return you my cordial thanks. I shall not fail to utilize them. \* \* \*

Accept, dear sir, the renewed assurance of my sentiments of cordiality and devotion.

BONNEVILLE DE MARSANGY.

## IV.

PARIS, November 4th, 1867.

Dear Sir and Fellow-Laborer—I had, some days since, scarcely replied to your welcome letter of 25th of August last, when I had the pleasure to receive, in the country, that of the 23d of September. I was obliged to wait till my return to Paris to express my

\* The reference here is to the report of M. de Marsangy on the prisons of France, inserted in a previous part of this document.

thanks for it, that I might forward to you, through the United States embassy, the Note intended for your forthcoming report.

I cannot sufficiently thank you for the kind thought entertained by you, of translating for insertion in your report, my little book of 1866, upon the preparatory liberation of reformed convicts.

This document has, in truth, some interest, as regards the history of penitentiary science. Its solemn form, its publicity, as pronounced before a court of justice, and its publication at Rheims, give to it an authentic date, of which the letter of Mons. Dupin, procureur-general, on the 19th of November, 1846, is but the official attestation. For the rest, this little book was only an extract from one of the chapters of my Treatise on the Complementary Institutions of the Penitentiary System, which, printed in Paris the same year, was, in 1847, by order of Mons. Duchatel, Minister of the Interior, distributed as an official document to the members of our legislative chambers; and which obtained for me the great golden medal of merit from Sweden, a precious token of the sympathy of King Oscar, author of the celebrated book on prisons.

I add that, being officially charged, in 1851, by the prince-president of the republic, with the preparation of a project of law on the transportation of galley-slaves (*forçats*) to Cayenne, I inserted in it this system of conditional liberation, which forms the 4th article of the decree of 27th March, 1852.

Such being the facts, I confess that I was greatly astonished when, in 1853, my system of preparatory liberation was tried in England, in virtue of the bill of that year, under the designation of *tickets of leave*, to perceive that the name of the original author of this fruitful measure had not been pronounced by any of the writers or statesmen of England. Was this a matter of calculation or bad faith? By no means; but, as too often happens, the name of the modest inventor was effaced before the brightness and beneficence of the idea. Besides, the revolution of 1848, by postponing in France all penitentiary reform, by creating a current of new thoughts, by causing the failure of my editor (Gouibert), was able, up to a certain point, to cause my publications of 1846 and 1847 to be so completely forgotten, that when my old project of conditional liberation came, in 1853, to be reproduced in England under the title of "tickets of leave," this last institution could, in good faith, be considered as a new idea. This is so true, that the greater part of my friends, whether Frenchmen or foreigners, as Berenger de la Drôme, Van der Bruggen, von



Holzendorf, Hill, Mary Carpenter, and, I am persuaded, Sir Walter Crofton himself, regretted, at a later period, when they had become the warm partisans and propagators of the system established by the bill of 1853, that they had not known or had forgotten that, SEVEN YEARS BEFORE, I had publicly and notoriously proposed that same system to the French government.

In these circumstances, you will understand, my dear sir, how much I am gratified at the tardy justice in which you have taken the generous initiative. This is not, be assured, due to any puerile sentiment of personal vanity. Men of heart and of understanding ought, voluntarily, to obliterate themselves before the higher interest of human progress. But when a publicist, consecrates, as I have done, his whole life to the study and the diffusion of the moral sciences, it is of great consequence, as regards the authority that may attach to his writings, that there be a recognition and a firm conviction of the truth of such of his conceptions as have obtained the honor of a genuine and practical success; for this success is the surest guaranty of the confidence due to his opinions in these grave and difficult matters.

Agreeably to your order, I send to you address the two volumes on the Amelioration of Criminal Law. The first volume is presented to you by the publisher, Cotillon, who has undertaken, at his own risk, the expense of this unprofitable publication. I, myself, present you with the second volume; it is the last that remains of my copies as author. The publishers, Cosse & Cotillon, will be gratified if you will transmit to them, when necessary, the orders of the association of which you are a member.

I take the liberty of sending you a pamphlet on the Comparative Morality of Man and Woman, which, though but few copies were printed, has obtained, here and in some foreign countries, a certain success, since it has been translated into several different languages. I am doubtful whether it will meet the same approval in New York as at Lisbon, Madrid and Vienna.

Meanwhile, as I have now returned to Paris, I am going to study, with all the interest that belongs to them, the important documents which you have addressed to me, and especially your excellent book, "Prisons and Reformatories of the United States and Canada." I shall make extracts from them, which I shall be happy to utilize.

Please accept, my dear sir, the assurance of my best sentiments.

BONNEVILLE DE MARSANGY.

7 RUE DE VENTHIEVRE.

V.

PARIS, December 18, 1867.

Dear Sir and esteemed Fellow Laborer:

I hasten to repair my forgetfulness, by replying to your question in a former letter, that Mons. Blouet has been for some time deceased. As regards Mons. C. Lucas, he resides at Paris, rue de Grenoble, St. Germain, No. 109. He is a sufferer, and almost blind; meanwhile, he still labors. He causes to be read to him the books with which he desires to become acquainted, and writes by the aid of an amanuensis. I cannot doubt that your last report would interest him as much as it has myself. I have always on my table your book,\* which is my constant delight. If I had received it sooner, I would have made many extracts from it. I shall not fail to enrich my third volume with it, for we have, at the distance of 2000 leagues, and without concert, an absolute unity of ideas and of sentiments. It is a fresh proof that truth, that moral sun, is cosmopolitan, and that it sheds the same radiance in all places and on all men; and yet how many there are, voluntarily blind, who refuse to open their eyes.

I am glad that my manuscript has reached you in time to be translated and inserted in your report. If I had not been pressed on every side, and if I had not prepared it in the country, far from all books and materials, it would have been less unworthy to find a place among your printed documents. You will receive the treatise on the penitentiary institutions and the first number of the *Recidive*. My manuscript explains, I believe, why I was obliged to sacrifice the second volume then meditated, that I might immediately provide for France the system of *judicial registers*, which was to form the main element of that second volume. This system being once known and established, the second volume lost all its fitness. I was obliged to sacrifice it as I have said upon the altar of patriotism. This explains the present scarceness of the first volume which you desire.

For a long time nothing has been written in France upon the administration or the discipline of prisons. For this reason, I hesitate to order for you books, which perhaps are already in your own library. The latest is the little volume of my son, on the Reformation of Criminal Childhood. Only a limited number of

\* "Prisons and Reformatories of the United States and Canada."

copies were printed, of which the Minister of the Interior has taken the greater part for distribution among the directors and agents of the penitentiaries for young prisoners. \* \* \*

I have the honor to be,

Yours, very truly and affectionately,

BONNEVILLE DE MARSANGY.

*h. Two Letters from Signor MARTINO BELTRANI SCALIA, Inspector of Prisons for the Kingdom of Italy, and Corresponding Member of the Prison Association. Translated from the Italian.*

[It will be seen from these letters that we may expect soon to have our library enriched by Signor Scalia's great work in four volumes, on the history of prisons in Italy, from the period of the Roman civilization down to the present day—a work which cannot fail to be as instructive as it must be interesting.]

### I.

FLORENCE, 19th May, 1867.

Mr. E. C. WINES, *Corresponding Secretary of the Prison Association of New York:*

Respected Sir—I am greatly honored by the courteous and cordial nomination conferred upon me as corresponding member of the Prison Association. I feel proud of this honor, since, I again repeat,\* when it is a question of studying penitentiary reform, it is impossible not to think of the progress made in your favored country—land fruitful in true liberty and patriotic philanthropy. You may, then, rely upon my co-operation, to the extent that I may be able to give it; and I will send the sketch requested of me, on the present state of the penitentiary question in Italy, as soon as you shall have indicated the limits within which I should confine myself, and the time when it should be sent, in order to reach you in due season.

As I am on the point of completing the statistics of our prisons to the 1st of January, 1866, it would certainly be useful to give, in the proposed sketch, the latest results obtained, and our more recent experience in reference to the various systems which we have at present in operation, so that you may be able to draw proper inferences from the statistics which I shall send you, relating to the years 1862, 1863 and 1864.

\* Sig. Scalia here refers to a remark in a former letter.

I have another work in press, on the History of the Government of Prisons in Italy, from the Roman epoch down to our own day. It is dedicated to Sir Walter Crofton; and in respect to the epoch of the middle ages, it contains documents of some importance. It has received the commendations of Mittermaier and Holzendorff. Only three volumes have as yet been published. I await the publication of the fourth, and will then send you the work complete.

Some time since, I received the 21st annual report of the Prison Association, in which was contained the reply to the interrogatories propounded by me regarding the administration of the prisons of New York. I replied immediately, returning thanks for the reports sent me, and for the documents promised, which last, unfortunately, have never come to hand. They would be very useful to me, since you refer to them for additional particulars. I shall be greatly obliged to you if you will ascertain from the Italian Consul, at what date he sent the package to our foreign office. Should you ever send me other publications, I will thank you to forward them directly by mail, or find some bookseller who may have relations with another bookseller in Florence, to whom they may be sent, so as to insure the receipt of them.

The 19th annual report of the Inspectors of Prisons for New York, which you sent me by mail, was received a few days ago, for which I return you my cordial thanks.

Receive for yourself, excellent sir, and convey to the honorable Prison Association, my hearty acknowledgments. Awaiting your reply, and obedient to your commands, I subscribe myself

Your devoted, humble servant,

MARTINO BELTRANI SCALIA.

### II.

FLORENCE, December 2, 1867.

Sir—On my return to Florence, I find the package of books which you had the goodness to send me, and among them your magnificent Report on the Prisons of the United States and Canada, and the History of the Albany Penitentiary, written by Mr. Dyer.

All these documents have for me a very lively interest, which is all the greater because I see in them the expression of ideas which I hold in common with you. I will send you, in a few

weeks, my History of Prison Reform in Italy, the publication of which will be completed in a short time. In the dedication to Sir Walter Crofton, dated on the 1st of January, you will see almost the translation of page 72 of your report: "Neither have we any hesitation," &c. It is a convincing proof that the Irish system has made great progress.

I trust that you have received our penitentiary statistics for 1865, which I sent you by mail. In five or six days, at farthest, I will send you my Report on the Penitentiary System of Italy.

Receive, sir, meanwhile, the assurance of the high consideration with which I have the honor to be,

Your humble servant,

MARTINO BELTRANI SCALIA.

Mr. E. C. WINES,

*Corresponding Secretary of the Prison Asso. of N. Y.*

## 2. DOMESTIC CORRESPONDENCE.

a. *Letter from Mr. P. T. MILLER, ex-warden of the State Penitentiary of Missouri.*

JEFFERSON CITY, MO., August 13, 1867.

Rev. E. C. WINES:

Dear Sir—I am under renewed obligations and tender you many thanks for the report on the "Prisons and Reformatories in the United States and Canada," which reached me a few days ago, by express. I am in receipt also to-day of your note of the 7th inst., and do not conceal my gratification at being assured that I have been of the smallest service to you in the arduous task of preparing for the public so extended and, I may add, exhaustive a report on the subject of prisons and prison discipline.

I confess, too, that I am greatly strengthened in my opinions as expressed to you, on finding myself in such excellent company as Messrs. Hubbell, Haynes, Cordier, Seaton and others.

The other copies in the package have been delivered to address. Governor Fletcher has expressed himself to me as being very much interested and pleased with the report.

The report is a most comprehensive and thorough *exposé* of the whole subject, and must result in good. When I can find the leisure to do so, I will send you some suggestions and reflections

arising from a perusal of the report, and may add a number of prison incidents, illustrative of some points which I have noted.\*

Our legislature will meet again next winter, when I will endeavour to place before them such a review of the report as may be necessary to attract their attention to it.

Renewing my thanks for your kind attention, and hoping that your efforts in this great cause may be rewarded as they deserve,

I am, very truly yours,

P. T. MILLER.

b. *Letter from Mr. HENRY CORDIER, Commissioner [Warden] of the State Prison of Wisconsin.*

OFFICE OF STATE PRISON COMMISSIONER,  
WAUPUN, WIS., November 30, 1867. }

Rev. E. C. WINES, D.D., Irvington, N. Y.

My Dear Sir—Your very welcome letter of the 21st inst. has been duly received. \* \* \*

And now allow me also to thank you most heartily for your congratulations upon my re-election, and for the very flattering opinion you seem to entertain of my ability as a prison officer. While I can bear testimony in my own behalf that I tried to do my full duty towards God and man since I have been connected with this institution, nobody knows better than I, how little I have accomplished, and how much remains to be done. Indeed, I often feel down-hearted and discouraged when I look around me; not, however, because I despair of the possibility to better, in a certain degree, the moral and intellectual condition of our convicts; no, but because I convince myself more every day that the whole weight of the responsibility, in the management of this institution, rests only upon me. This conviction seems often to crush me. I despair of my good fortune to find men who, as prison officers, have a heart in the welfare of their fellow-beings, and who will be of any material help to me in the discharge of my duties. Ay, they are too often the cause of my failure. I have tried many, and have reasoned and expostulated with them, but seldom with much success. It seems strange, but it is true notwithstanding, that the majority of my subordinate officers require about as much attention to make them obey the rules of

\* It is to be regretted that Mr. Miller never found it convenient to carry this purpose into effect.

the prison, as our convicts do. In *nine* cases out of *ten*, whenever a convict is guilty of improper conduct, I can trace its cause to the carelessness, if not to anything worse, of some officer. I very seldom bettered my case by changes. I came to this conclusion: *a prison officer, like a poet, must be born; he cannot be made.* Must I not, under these circumstances, feel sometimes discouraged?

Both of your reports (annual and special) of last year have been received. Please accept my thanks. I have read them with a great deal of interest, particularly the report by yourself and Mr. Dwight on the "Prisons and Reformatories of the United States and Canada." This work I consider the most important, on this subject, ever published in the United States; and I know of *one* only, "Our Convicts," by Miss Carpenter, that can be compared with it. How rich is it in suggestions, ideas, and great fundamental truths, concerning the government of prisons and the reformation of convicts! It is a whole library in one volume. I wish it could be placed in the hands of every legislator in the country, not alone to be read but to be studied by him, and be made the text-book for every prison officer, therefrom to obtain his instructions in the discharge of his duties. I shall read and read it again, and bless you and Mr. Dwight for the noble work you have done in writing this excellent book.

Your favorable report on our own prison has given me much courage; and to prove to you the sincerity of my gratitude, I shall try, by my official conduct, to be worthy of your good opinion and confidence in me.

Very truly yours,

H. CORDIER.

c. *Letter from Mr. W. W. RICE, Warden of the State Prison of Maine.*

THOMASTOWN, November 27, 1867.

Dr. WINES:

Dear Sir—I received your "Special Report" in the month of August last, and have given it as careful a perusal as I could consistently with my other duties, and can truly say that in my opinion it is a work of great value. I wish that large portions of it could be published in such a form that the masses would obtain and read it. If you have not sent a copy to our Governor, I wish you would do so at once. He is a young man of little experience in public

matters, but possessing great ability, and is a thoroughly honest and true man. I think he would read it with profit as well as pleasure.

This has been a very hard season for me. Besides attending to the manufacturing and sale of goods manufactured, I have reconstructed and enlarged the prison, by an addition of a wing 110 feet long by 47 wide, three stories high, large enough to contain accommodations for 72 convicts, besides hospital, cook-room and guard-room. I shall not get it quite finished this year, but when it is all completed, it will add very much to the convenience and appearance of the prison. Shall make my annual report in a few days, of which I will send you copies.

Very respectfully,

W. W. RICE.

d. *Letter from Mr. CYRUS MENDENHALL, a gentleman who has had much to do in shaping the legislation of Ohio on prison matters.*

CINCINNATI, December 13, 1867.

E. C. WINES, D. D., N. Y.:

Dear Friend—Through the kindness of my friend Murray Shipley, of this city, I have had the pleasure of a perusal of your invaluable "Report on the Prisons and Reformatories of the United States and Canada," and much desire to be possessed of a copy, which I would have bound and placed in my library for future reference. I beg that you send me one, which I will pay for if needful. You will remember me as the writer of the letter from Martinsburg (where I then resided), which you have done me the compliment to consider of sufficient value to publish at length in the appendix to the report.

I will not undertake to express to you the estimate in which I hold your work in this most important field; but I must say it is beyond praise, and your report the most valuable paper on the subject ever issued, as I believe, in America. I could make good use of 100 of them in Ohio, by placing them in the hands of right-minded and influential men, who would be stirred up and guided in awakening and moulding a correct public sentiment on the subject. In one thing I feel gratified on a careful reading of the report, that is—that your views, after close study and extensive observation, so nearly coincide with my own in almost every particular.

I would be glad to know at what date States, other than Ohio, adopted the "commutation system." Ohio passed that law April 8th, 1856, and we had never heard of anything of the kind having been enacted elsewhere at that time. I well remember when the idea first occurred to me, when carefully and prayerfully at work as chairman of the house committee on the penitentiary, getting up a bill radically changing the government of that institution, that I felt almost like shouting for joy at having found a key which would open practically in the right direction, and which I now rejoice to know, so far as this State and others have gone, has been eminently successful.\*

Very truly, your friend,  
CYRUS MENDENHALL.

P. S.—Stirred up by your report, Mr. Shipley and myself, with a few others, are moving to organize a Prison Discipline Society here, which we hope will include men of sufficient standing and influence, to carry to a practical result such measures as we may see fit to urge upon the city and State authorities. C. M.

e. Letter from Rev. JNO. W. SULLIVAN, Chaplain of the Indiana State Prison South.

INDIANA STATE PRISON SOUTH,  
JEFFERSONVILLE, Jan. 6th, 1868. }

Rev. E. C. WINES, D. D., LL. D.,

Dear Brother—Permit me, as Chaplain of the above named prison to address you, for the purpose of obtaining information on a subject which is exciting some little interest with us; and I know of none to whom I could apply, as well prepared to enlighten us on this point, and indeed upon prison matters in general, as yourself.

The question is: 1st. What is the prevailing practice in State prisons with regard to letter correspondence?

2d. If the practice varies, have they all been sufficiently tested to furnish clear evidence as to which is the best, and if so, what is that best practice; which you would recommend for adoption?

\* We presume, that to Mr. Mendenhall, belongs the honor of having originated the "commutation system," as now adopted in many of our States. It is not to be supposed that he had ever seen the law of 1817, enacted by the Legislature of New York, in which is embodied the principle of that system, though with a comparatively restricted application.

I may state the occasion which gave rise to the opening of this question among us at this time.

Our rule has been to restrict the prisoners to one letter per month, both sending and receiving, subject in all cases to the usual inspection by the proper officer. Some months since the warden, by and with the consent of a majority of the board of directors, placed the prison correspondence in my hands, with permission that the convicts have all the latitude they wished in writing letters.

It is true, I know of no precedent for such an arrangement, yet I believe it would not necessarily do any harm, but would rather prove an auxiliary, with other means, looking to the mental and moral elevation of the prisoner. I wanted to give the thing a fair trial, and the result has been,

1. An increased tendency to cheerful submission to discipline, for those who wrote most frequently were among our best prisoners.
2. A manifest improvement in penmanship and composition, and
3. A fine moral influence upon their hearts.

I have very often witnessed the subduing power of a letter from wife, mother, father or other near friend; and some there are here who, I know, are morally improved through this agency.

Now, whether this plan has a precedent or not, I am fully satisfied, from the trial made, that it is an efficient means, combined with others, of effecting the great object, which should never be lost sight of—the reformation of the convict.

One great objection I have heard to unrestricted letter writing is, that it affords facilities for writing notes to one another; but the reverse of that has resulted from our experiment; there has been less note-writing than ever before.

Again, it is objected that it induces a spirit of trading, as paper might accumulate on their hands, being sent to them by their friends or purchased by themselves. Well, suppose they should trade in paper, what harm can grow out of that? The paper can only be put to its intended use, and all evils resulting from improper writing, be sufficiently guarded against.

Will you please favor me with your views on this subject? Should you have any printed matter on hand, relating to prisons, that you think would be of service to me in trying to do my duty, I should be very thankful to receive it; and whatever charges there may be thereon, I will remit to you.

I have in my possession your reports of the New York Prison

Association, for 1866 and 1867, on which I place a high estimate, because of the invaluable information they contain.

O, how much we need such an Association out here in the west.

I am, with sentiments of true regard,

Your obedient servant,

JNO. W. SULLIVAN,  
*Chaplain State Prison.*

*f. Letter from H. B. WATKINS, M. D., of Richmond, Va.*

RICHMOND, VA., October 17, 1866.

Rev. E. C. WINES, D. D., *New York City:*

Rev. and dear sir—

Mr. Sanborn, was kind enough to send me several reports, including his own, which I have found deeply interesting and instructive, and which have created within me an intense interest to know more. So if you will be kind enough to increase my obligation, by adding such other papers as you may think will interest one utterly ignorant and uninformed, and who earnestly desires to be fully instructed, I shall thank you.

You ask, "what are you doing in Virginia, in the the way of prison reform?" Nothing—literally nothing, nor are we likely to do anything very soon, unless some one shall undertake the labor and study (for I see it requires *much of both*), to get up interest and enquiry among our people on this subject. Utterly out of my line and habit of thought and study, I feel myself at present but poorly competent to discharge the important duty, my heart and head prompt me to undertake. But in the absence of the probability of any one stepping into the breach, I have almost, if not altogether, persuaded myself to the effort. It is my present purpose, if I can adequately fortify myself, to address a series of papers, through the public prints, to a distinguished member of our Legislature, hoping thereby to be the humble instrument of moving the waters of public opinion, content if some more active and efficient agent shall thereby be provoked to bring forth a flood of good and blessing to the unfortunate and wicked. But in order to effect this, in the best manner, it is *all important* that I should be thoroughly posted, and prepared to resist any opposition my views may encounter. Hence my application for all the

light your experience and familiarity with the subject might suggest.

At some leisure moment, would it be asking too much, to beg you at your earliest convenience to suggest a line of thought and argument, by which I might best treat the subject, and reach the people. There is always the *best way* to do everything, and inasmuch as I find myself deficient in both tact and knowledge, I feel that I need all the help I can get. Please send me a few *headings* of such thoughts as might occur to you, to present to a people who have never given the subject a thought. In a word, any suggestion or help will be most gratefully received.

I have written to you very freely, and await your reply with some hope, that you may find the leisure to bestow the favors I ask.

Most respectfully, your obedient servant,

H. B. WATKINS.

*g. Letter from ex-Governor THROOP, of New York.*

WILLOWBROOK, January 15th, 1868.

My Dear Sir—Please accept my thanks for the two volumes embracing the doings of the Prison Association, which I owe to your courtesy. In a rapid glance through the books, I have been struck with the broad field of labor entered upon by the commissioners, and with the industry and completeness with which it has, thus far, been cultivated. A work conducted to the end with the same energy, ardor and love with which it was commenced, cannot fail to bear the desired fruit.

With my best wishes for your accomplishment of your great work, in the relief of wretchedness, to the advantage of the State and to your own glory.

I remain, very respectfully,

Your obedient servant,

E. T. THROOP.

To Rev. E. C. WINES, D. D., LL. D.

## XVI. PROGRESS OF PRISON REFORM IN THE UNITED STATES.

It was the intention of the Corresponding Secretary to epitomize and, as far as possible, tabulate the contents of the annual report for 1867 of the State prisons of our country, so as to present a general view of the progress and present state of prison discipline and prison reform in the United States. As he has been prevented by the misfortune of a broken limb from carrying this purpose into execution, he proposes, in partial fulfilment of the same, to take the reports of three prisons—two of them State prisons, and one a house of correction—which may be regarded as representative institutions of their respective classes. The State prisons selected are those of Massachusetts, in the extreme east, and of Wisconsin, in the extreme west, and the house of correction is that of Detroit, Michigan, placed nearly midway between the other two. Messrs. Haines, Cordier and Brockway, the wardens of the above named prisons, are among the most accomplished prison officers of the country. They are men of large views and large hearts; men both of thought and of action; men in whom the elements of conservatism and of progress are blended in such happy combination, that as the spirit of innovation is not allowed by them to sweep away all the old landmarks, so neither is a blind veneration for the past permitted to bar all useful reforms.

It is not pretended that the progress of improvement in the institutions conducted by these men, is to be taken as a type of the reforms made in other similar institutions throughout the land. No doubt the spirit of progress, some, perhaps, might say, of innovation, is more strongly developed and more active in them than, possibly, in any other of our penal establishments; but they show the tendency of things in the United States, at the present time, and what has been accomplished in them is a cheering harbinger of those great and vital reforms which, we may hope, will soon become universal in this department of the public administration.

### 1. STATE PRISON OF MASSACHUSETTS.

The following extracts from the last annual report of the warden, Hon. Gideon Haynes, will show his later views and practice,

the result of large experience and patient study, on the important subject of prison discipline :

"How shall the necessary discipline in a prison be enforced, is a question often asked. A perfect and satisfactory method is still a desideratum. Various kinds of punishments are resorted to in the several States to accomplish the end, but all are, to a greater or less extent objectionable; the theory of rewards is not, as yet, sufficiently recognized to make them effective.

"In Massachusetts, the dark cell has been the only punishment for the last ten years. This, in all cases, has been found sufficient, and is doubtless the least objectionable of any system of punishment now in use. I disapprove of it, however, for the following reasons: First, that in darkening the cell, you must necessarily exclude the air, and destroy the ventilation; the constitution of the convict who is frequently or for any length of time subjected to this discipline, must unavoidably become impaired. Secondly, the labor for the time he is shut up is lost to the State.

"To find a substitute that will prove effective and free from the above objections, is certainly very desirable. I have given much thought and attention to the subject, and have come to the conclusion that a system of marks can be introduced which will, in a great measure, supersede all other punishments.

"Starting with the idea that reformation is the grand object in view, and that kindness and rewards are the agencies to be employed, I would recommend for good conduct and industry that the convict should be entitled to one good mark a month, for which should be deducted one day for every year of his sentence, not to exceed ten a month. For every bad mark the same number of days to be added to his sentence, instead of the time now passed in the dark cell. For every month when neither good nor bad marks were received, nothing should be gained or lost. The warden to have authority to bestow additional good marks, on Christmas and other occasions, for deserving and meritorious conduct. No pardons to be granted except upon the recommendation of the authorities of the prison, and liable to be revoked by the Governor and Council at any time before the original sentence would expire. If pardoned and reconvicted, to serve the unexpired term of his first sentence; and if regularly discharged and reconvicted, the time gained on his first sentence to be added to his second. If convicted a third time, to be imprisoned during the pleasure of the government.

"The principal objection to the above plan is, that it places too great power in the authorities of the prison. But is it not as safe to intrust one man with power as another, if you select the party? Cannot a man be found who may be trusted for a warden with these, as well as for a judge with still greater powers? In Massachusetts, a judge can in some cases impose a fine, a sentence of a few months in jail, or life in the State prison, for the same offense, at his pleasure; and yet I have never heard it intimated that this power was too great or ever abused.

"Again, it would only be extending the powers many wardens now possess, either directly or indirectly, in our commutation laws. The Massachusetts law is as follows:

"The warden shall keep a record of the conduct of each convict; and for each month that a convict appears by such record to have faithfully observed all the rules and requirements of the prison and not to have been subjected to punishment, there shall, with the consent of the Governor and Council, be deducted from the term or terms of his sentence, as follows: From a term of less than three years, one day; from a term of three and less than seven years, two days; from a term of seven and less than ten years, four days; from a term of ten years or more, five days.'

"It will be noted, that for a term of ten years, a convict, if he observes all the rules of the prison and is not punished, may be allowed six hundred days; thus reducing his sentence to about eight years and four months. We start, then, with the understanding that his sentence is really but eight years and four months; and our practice has been to add a day to this term for every day that he is shut up for punishment. This is carefully explained to the convict upon his admission to the prison; he therefore understands that every day's punishment in fact adds one to his sentence. The extent of his punishment depends upon himself; he has only to express a wish to go to work and a promise to obey the rules, to be released; nothing humiliating is ever required of him. It will be observed, therefore, that the warden has the power now of controlling one year and eight months of the time of every man sentenced to ten, and three years and four months for every one sentenced to twenty years in our prison. Would the proposed law confer any new powers upon him? Certainly not; it would only be extending a principle admitted by every one familiar with its workings, to have proved eminently

successful in prison discipline. But some object to our commutation laws. They think the principle wrong; that no promises of rewards or mitigation of their condition should be made or held out to these men; that they should be compelled and not hired to behave well. But is it not inconsistent with divine teaching? Are not the scriptures filled with promises of reward to those who repent and keep God's laws? It ill becomes us to criticise or raise our voices against principles enunciated from on high; it is too much like "thanking God that we are not like other men."

"Are we not all sinners before God, and does it necessarily follow that because men are found inside of prison walls that they are the only sinners, or that they are to be excluded altogether, or reach heaven by some other way or means than those of the outside world? Ten years of observation and intercourse with them has had a tendency to convince me that they are very like people outside, subject to the same feelings and desires, influenced and actuated by the same motives, and to be governed by the same principles, and if saved at last it must be by the same Saviour upon whom we all rely.

"In addition, the convict should be surrounded with every good influence possible, such as religious and secular instruction, in all cases; and lectures, holidays and privileges of various kinds to be earned by good conduct. But, above all, none but gentlemanly, humane and reliable persons should be allowed to come in contact with him as officers or instructors, as much depending upon their influence as on all the other agencies united. The idea that it is of little consequence who has charge of these men, providing they are sufficiently muscular and athletic to cause them to be feared, is a great mistake: these accomplishments are very desirable, but of secondary consideration; it is brains, not muscle, that is required. They are not governed by fear, but by the intellect, quick to discover and take advantage of the slightest failing of the officer. It is therefore necessary that he should be a true man, capable of controlling his temper and governing himself under all circumstances, discharging his duties firmly, faithfully and unostentatiously, avoiding the slightest familiarity, and by so doing he can mould them into any shape he pleases. If, on the other hand, he is irritable, vacillating, open to temptation, or in any way unreliable, he will certainly fail, and confusion and disorder reign wherever he has control.



"An officer should be above suspicion, and at no time, more especially when on duty, should the smell of that demon which has been instrumental in consigning to this prison, either directly or indirectly, at least eight-tenths of its inmates, ever taint his breath, for from that moment he becomes to the convict an object of contempt without influence for good, one who may be feared and obeyed, but not respected.

"I have no doubt that at least eighty per cent. of all convicted of crime can be reclaimed and made useful members of society by proper discipline. It cannot be accomplished by harsh or cruel treatment, or any other process which has a tendency to crush out and destroy their self-respect. On the other hand, every effort should be made to fan into a blaze the smallest spark of manhood they may bring with them into the prison; they must be assisted and encouraged in every possible way; an opportunity should be afforded them to work out their own redemption, to do something for themselves; and this can only be done in some way similar to that I have proposed. Let the experiment be tried, and I feel assured that the convict that follows such a course for a series of years, although he may commence with selfish motives, will acquire almost imperceptibly habits of industry, decision of character and a control over himself which will not desert him when he goes back to mingle with the world.

"In adhering as far as practicable to the foregoing principles, my success has exceeded my fondest anticipations. In the almost ten years that I have held the position of warden of this institution, I have never to my recollection received from a convict an unkind answer or an unpleasant word, and, although it may sound egotistical, I think I can say that I have succeeded in winning their good will and confidence to an extent never surpassed in any institution of the kind.

"Our holidays have been continued, and attended with the same success which has heretofore characterized them. They have become an important element in our discipline, and are looked forward to with a great deal of pleasure by the inmates. They are the oases in the great desert of silence and monotony with which they are enshrouded, and are anticipated and enjoyed in a manner not to be described, but must be witnessed in order to be appreciated. On these occasions we are usually honored with the presence of many of our friends, among the most conspicuous

of whom is Ex-Governor Andrew, who has ever taken a deep interest in all that pertains to the success of the institution, or the welfare of its inmates; and although retired from office, he does not forget us upon these occasions, and by his presence and kind words has done much to elevate, encourage and stimulate them in their efforts at improvement.

"During the last year a new feature has been introduced into the institution, consisting of a series of eleven lectures, given evenings, in the chapel. The course included the following:

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| 1. American Mechanics, .....                         | By the WARDEN.        |
| 2. On Chemistry, .....                               | Prof. J. R. NICHOLS.  |
| 3. General Mitchell, .....                           | Rev. J. A. FULTON.    |
| 4. Our Country, .....                                | Rev. W. F. MALLALIEU. |
| 5. The Battle of the Monitor and<br>Merrimack, ..... | Rev. Mr. CLARK.       |
| 6. Select Readings, .....                            | STACY BAXTER, Esq.    |
| 7. Battle of the Wilderness, .....                   | Lieut. MILLS.         |
| 8. A Musical Entertainment, .....                    | AMATEURS OF THE CITY. |
| 9. Egypt, .....                                      | Rev. Dr. Eddy.        |
| 10. Jonathan and his Works. (A<br>Poem), .....       | Rev. Mr. WALKER.      |
| 11. The Human Skeleton, .....                        | Dr. S. H. HURD.       |

"That the experiment proved a success can be readily understood, but the real benefit conferred can never be known. To many of our inmates it was a great novelty—something new—coming as they do from a class who are not in the habit of patronizing lyceum lectures; but to all they were interesting and instructive to a great degree, awakening in the minds of many new thoughts and aspirations previously unknown, causing an unprecedented demand for books and information upon the various subjects discussed."

The foregoing statements and suggestions are highly interesting. They embody several of the more important principles of the Irish convict system, and show a solid advance in the theory and practice of prison discipline. There is one important omission in the reformatory agencies of the Massachusetts State prison, as presented in this exhibit of its presiding officer. There is no school other than a Sunday school, taught by volunteer outside laborers; a material defect, which we hope and expect to see remedied within a brief period.

An interesting episode in prison life and experience, which occurred during the last year, is thus related by the warden:

"During the summer, a fair was held at the prison for the purpose of raising money to purchase an organ for our chapel. The prisoners contributed the articles, all of which were made by them, and in their own time. I am happy to say that it was quite successful. Not only was \$550 raised—enough to purchase the organ and pay all necessary expenses attending the fair—but an amount of good realized by the donors that cannot be estimated." We can readily believe the truth of this last statement. The influence of their benevolent labors upon the minds of the convicts engaged in them could not fail to be softening and elevating in a high degree, and must have tended to promote in them the sentiment of self-respect by the consciousness that herein they became themselves benefactors, doing good to others rather than receiving it from them.

The financial administration of the prison, during the past year, was eminently successful. The net profits accruing from the labor of the convicts, the average daily number being 537, after defraying all the current expenses of the institution of whatever kind, including an increase of \$6,000 in the salaries of officers, amounted to \$22,346.16.\* The method of labor pursued, in this prison, is that known as the contract system; but the rates paid by the contractors for the labor of the convicts are greatly in advance of those paid by contractors in any other prison of which we have any knowledge, the average per diem at present being nearly one dollar. More than half the convicts are employed by the Tucker Manufacturing Company, in the manufacture of bronzed iron work—gas fixtures, bedsteads, &c. &c. The skill and taste exhibited in the workmanship in this department are admirable, many of the articles being of exquisite beauty and finish. A large invoice of these articles was exhibited at the late Paris Exposition, and attracted much attention even from persons of the highest position and eminence, as will be seen in the following statement of Mr. Haynes: "It is also with pride," he observes, "that I allude to the fact that the Tucker Manufacturing Company received a silver medal at the late Paris Exhibition, for bronzed iron work manufactured in this institution; and so greatly interested were their majesties, the emperor of France and the king of Prussia, in the beauty and workmanship of the articles exhibited, that they made quite extensive purchases of the same. Orders from them, as well as from almost all parts of Europe, are being filled at the present time."

\* The total receipts were \$118,011.10; the total expenditures were \$95,664.94.

The more direct religious influences, brought to bear upon the convicts for their regeneration and amendment, are thus stated by the chaplain, Rev. George J. Carleton, in his report for 1867.

"Personal conversation, more or less protracted, according to the varying circumstances of different cases; Sabbath school instruction, by teachers who feel their responsibility, and are much interested in the welfare of the taught; Lord's Day preaching in the chapel, either by the Chaplain or some brother minister with whom he exchanges (or by some good Quaker sister who occasionally desires to address the prisoners); week day services, consisting of reading the Scriptures, sometimes with exhortatory remarks, or relation of some fact or anecdote calculated favorably to impress the minds of the men, with prayer and singing; distributing tracts and small books, and such religious papers as the 'Christian,' 'Tract Journal,' 'American Messenger,' 'Sunday School Advocate,' 'Macedonian,' 'Youth's Companion,' 'Sabbath School Times,' &c., &c.; reading the Scriptures, conversation and prayer with the sick in the hospital; placing the blessed Word of God in every cell, including Italian, Portuguese, French and German Bibles as well as English; these have been the chief means used during the last, as in former years, for the benefit of the men committed to our spiritual oversight; and it is a source of gratification to be able to say, that they have not been used in vain, without indications of some good, to say the least."

## 2. STATE PRISON OF WISCONSIN.

Reformation is recognized in this institution as the great end of prison discipline. The means heretofore employed to effect this end are fully stated in the special Report of the Prison Association, of last year, on the Prisons and Reformatories of the United States and Canada. Since the publication of that report, a great advance has been made, as regards the means for the education of the convicts in secular learning. A prison school has been established by law, in which eight hours of schooling are to be given, weekly, to all convicts who need it. It is an interesting fact that, in the prosecution of this object, the services of the better educated convicts are called into requisition, with the happiest results both as respects themselves and their convict pupils.

The commissioner of the prison, Mr. Henry Cordier, whose [Senate, No. 18.] 19

office corresponds to that of warden in other State prisons, uses the following encouraging language in reference to this reform :

"In the report of the chaplain, to which your attention is respectfully called, will be found some interesting facts, in regard to the moral and educational condition of the convicts. His statements being full and satisfactory, I wish to refer only to the prison school, established about six months ago. The law authorizing its organization was passed in the legislative session of last winter, and provides that eight hours in each week should be devoted to teaching the convicts in the common branches of education. Although the time stipulated for this purpose has been found insufficient in many respects, the results obtained surpass my most sanguine expectations. It is really surprising to notice the zeal manifested, even by aged persons, to learn the arts of reading and writing, and their progress corresponds with their zeal. Many who could read only imperfectly, or not at all, on entering, are capable of reading fluently now, and many of those who never wrote a line in their life, are capable already of writing short letters to their friends. But few convicts, if any, will hereafter leave this prison without a knowledge of those two useful and important branches.

"I cannot dismiss this subject without acknowledging the valuable services rendered by our worthy chaplain, who gratuitously officiated as superintendent of the school. He was assisted only by a number of convicts, who, in the capacity of teachers, discharged their duties very creditably and with much zeal. They, as well as the scholars, never gave cause for complaint, but behaved themselves with the utmost decorum. The experience thus made should set at rest all doubts as to the practicability of convict schools. Instead of being destructive, I found them favorable to good discipline.

"In view of the fact that secular instruction has been neglected to a great extent in the American prisons, it is to be hoped that the time may soon come when more liberal provisions will be made for the education of convicts. Dispel ignorance, and you prevent crime."

The special labors in this department and their results are more particularly set forth in the report of the chaplain, Rev. Henry Drew, to which reference is made in the above extract. Mr. Drew says :

"Our prison school is in successful operation. The register shows the attendance of scholars, since the organization of the school, to have been sixty-eight, from which number eleven have been discharged from the prison. Thirteen knew nothing of reading and writing when they were admitted into the school, and the rest were able only to read the most easy parts of the First Reader. They were equally poor in penmanship, if their incorrect attempts may be called by that name. Only six of the whole number were able to write their own letters, and their writing could be deciphered with difficulty. The long periods between the school days—Saturday and Sunday afterwards are only devoted to teaching—have done much to retard the advancement of the pupils in their studies. Nevertheless, I am able to report two only in the primary class—and they were recently admitted—six in the First Reader, and the balance are able to read in the Second and Third Reader. In writing, the school has progressed finely, but few finding it necessary to have others write their letters for them. It is not hard to find worse writers among even those who can boast of better opportunities. Spelling, mental and practical arithmetic are taught, and the fundamental principles of arithmetic are quite well mastered. It would be difficult to find a body of men equal in numbers, who knew as little of arithmetic as my pupils, at the time they entered school, yet the advancement already made inspires me with hopes of greater success in the future, and the accomplishment of greater good to those unfortunate men.

"I owe much of my success in the school to the commissioner, who has ever felt a deep interest in the prosperity of the school, and done all in his power to make it a success."

As regards the happy effect of the strictly religious agencies employed in the prison, the chaplain makes the following observations :

"I take pleasure in saying, that the moral agencies employed for the benefit and reformation of the convicts, have had, in the main, a very salutary effect. My efforts as chaplain have been seconded by the sympathy and coöperation of our excellent commissioner and all his subordinate officers, to whom I am much indebted for whatever success I may have had in the performance of my duties.

"I can truly say, that the inmates of this institution seem not to consider it a task to attend divine service on Sabbath, but esteem it a privilege. No compulsory means have been necessary to bring them to church, or maintain good order while they have been there. The best attention is given to the religious services, and the Gospel finds an advocate in every heart. Old and young feel its blessed influence, and acknowledge the justice of its claims. Many, whose life has been a failure in the past, form resolutions in their hearts to walk the road of Christians when once free, and all have been led to hope in the mercy and grace of God, who is their kind Father yet, although they fell, poor sinners, on the way-side.

"We have not accomplished all that we desired, yet we are happy to see marks of improvement in our convicts. Their so often expressed determination to commence a new life, when free, and redeem themselves, by virtuous conduct, from the stain of having been prison convicts, is, in a great many of them, well meant and sincere."

The system of labor pursued in this prison is that of working the convicts directly on account of the State, and without the intervention of contractors. The labor of the convicts during the past year, the average daily number being 194, has come within \$409.88 of defraying the entire current expenses of the institution, including the salaries of its officers. This is a better financial showing than that of the Massachusetts State Prison, favorable as that has been seen to be, when we take into account the greater average number of prisoners in the latter, and the fact that expenses do not increase in proportion to the increase of the prison population.

The following general statement of the commissioner is not without interest, as showing the financial success of the system of labor practised in this prison. When it is considered how small the number of prisoners must have been during many of the earlier years of its history, the pecuniary results exhibited in this statement are certainly very remarkable. Mr. Cordier says:

"The question now arises, what have been the actual expenditures of the prison, since its organization in 1851? My predecessors in office have kept no account of the earnings of the convicts. By considering the following figures, however, we may judge, whether or not the management of the prison, under its present system of labor, has been economical and profitable, and conducted

to the best interests of the State. The Legislature has appropriated, in all, for prison construction, improvements and current expenses, the sum of six hundred and twenty-four thousand and seven hundred dollars and eighty-seven cents (\$624,700.87.) The present estimated value of grounds and buildings, personal property and cash assets, is five hundred and thirty-four thousand and ninety-seven dollars (\$534,097). Consequently the actual cost to the State for the support of her convicts for sixteen years, would be only ninety thousand six hundred and three dollars and eighty-seven cents (\$90,603.87), or not even six thousand dollars (\$6,000) per year; in a pecuniary view, a very favorable result.

"It is my deliberate opinion that the system of working our convicts on account of the State, as heretofore, is preferable to the contract system under which this prison, like nearly all others, would remain forever a drain upon the public treasury. To carry on, however, our manufactures successfully, it will become necessary to provide for a sufficient working capital, in addition to a certain amount for current expenses for the first coming years. Having once established the mechanical departments of the institution upon a sound basis, by manufacturing good articles and procuring a ready market for their sale, the necessity will soon cease for making further appropriations for the support of the prison."

### 3. HOUSE OF CORRECTION, DETROIT, MICHIGAN.

This institution, like the penitentiaries of New York, is of a grade intermediate between the State prison and the county jail, being designed for the reception of misdemeanants and criminals who have committed felonies of the lighter kind. Its superintendent, Mr. Brockway, while he is a conservative in the best sense of that term, is also a man of progress. He would hold fast to all the good "whereto we have already attained," and would, at the same time, "go on unto perfection." His report for the year 1867 shows a marked advance in the right direction, since he proposes the immediate addition of a department under the name of a House of Shelter, for the benefit of the female prisoners, which is, substantially, the intermediate prison of the Irish system. On this subject, Mr. Brockway, in his report, says:

"It is also of equal or greater importance that the reformatory appliances of the institution, as contemplated at its inception, and as has been frequently suggested in the annual report, and more

recently in the message of the retiring mayor, Hon. M. I. Mills, be speedily perfected. These consist of a House of Shelter or Home for Females, a Reform School for Girls, an Inebriate Asylum, and an Industrial Establishment for Indigent Persons.

"I have prepared plans for the first of these (the House of Shelter), to be erected on the grounds of the institution, outside of the inclosure. The aims of this 'House' will be to test by a probative period the sincerity and strength of those of our female prisoners who give evidence of a desire to reform, to develop their strength of character and moral nature, to instruct them in domestic and other duties, and to surround them with parental restraints and Christian love, preparatory to their mingling again in the conflicts of life.

"Also to receive and treat, without physical restraints upon this family system, some of the younger and less depraved of those who are now committed to the House of Correction proper, and who should never feel the breath of a criminal atmosphere.

"Also to supply a suitable place for the shelter and guidance of such as shall be induced by friends to forsake an improper life, and voluntarily place themselves under the restraints and influences that centre here.

"Prisoners on their release almost always express a desire to reform, and I am confident that they are generally sincere, though often weak, and that, with suitable surroundings, many would be saved who now from apparent necessity go back to their former life. They need, however, the training process to be had in the proposed Shelter.

"It is of common occurrence that girls voluntarily remain as prisoners after the expiration of their sentence, in the hope of finding a home and a friend in respectable surroundings. Two such are to-day performing their task, and taking the prison fare—thus waiting. Some of these, through the kindness of Rev. J. Sanford Smith, formerly our chaplain, now of Holly, in this State, have found 'places,' and are doing well, though in these cases the need of some preparatory process is quite manifest. Mr. S. sends me account of three girls whom he has thus befriended, and who have been for months battling alone. Of one he says, she retains the place first taken, is a regular attendant at church and Sunday-school, and 'is doing well.' Another he speaks of as a bright and interesting girl, neat about her work, cheerful, and ready to do, and conscientious. Of another he says,

'There is much in her that is evidence of an entire want of early training, much that tries the patience, yet much upon which Christian love can operate to train her for usefulness. She is impulsive, not always truthful, sometimes negligent about her work, but when kindly reproved readily sees her faults, confesses them, and for a while does well cheerfully and pleasantly. She is learning to read, seems much interested in Sunday school and church, and is easily impressed on the subject of religion.'

"Mr. Smith further says: 'I am fully satisfied that every one of the girls for whom I have secured places here, with proper intellectual, moral and Christian culture, in connection with a fair opportunity to earn their own living, would be permanently reformed, and become useful members of society.' He further says, that one difficulty he meets in the effort to procure places for these girls is their want of training for the duties of servants, and the unwillingness of ladies to undertake the work of instruction, closing with these words, 'If, therefore, these girls are to be saved for society, for humanity, and for heaven, I see no alternative but the House of which you speak. May God open the hearts of the people to establish it, for I am persuaded that it would be a wise measure of self-protection to society, and as truly a matter of Christian benevolence as any foreign missionary enterprise.'

"These girls, whom we thus seek to save, are *orphans*. Of the 102 females in this institution on the 20th December, 84 were orphans or half orphans, and 11 of the remaining 18 were worse than orphans. The demand for this House of Shelter is painfully felt, when we are obliged to thrust out into the cold world and contact with the degraded beings who people the only places where they can find shelter, orphaned girls of tender years, and this in the face of a sincere desire on their part for something better, and often in spite of their tears.

"The proposed 'House' may be provided without the draft of one dollar from the pockets of our taxpayers. God has so prospered us that the surplus earnings of the prisoners themselves are sufficient to construct the buildings for all the appliances first named; and I am of opinion that during the ensuing year a sufficient amount may be drawn from our operating capital to construct the House of Shelter, without embarrassing the business interests. I have procured a builder's estimate of the cost of the proposed structure, which he makes \$12,000.

"The plans, a sketch of which is hereto appended, are substantially those of the buildings of the Massachusetts State Industrial School for Girls, at Lancaster, where there are five families in successful operation. Some improvements have been made at the suggestion of Rev. Marcus Ames, the superintendent, and Miss Proctor, the assistant superintendent, of that admirable establishment, who have kindly assisted in their preparation.

"I respectfully request that the Common Council be solicited to authorize the expenditure of the funds that may be withdrawn from the business operations of the House of Correction this year in the erection of the proposed structure."

This is progress indeed! The plan sketched in these significant words is to be carried into immediate effect, as we learn from the following editorial article, taken from a recent number of one of the daily papers of Detroit. The writer says:

"At its last session, the common council authorized the board of inspectors of the House of Correction to expend \$12,000 in the erection of a 'House of Shelter' for females. This is an important step. Though the general design of the institution is not entirely new, its extent and details are of recent contemplation. When the House of Correction was planned, the reformation of its inmates was designed to be one of the chief objects of its discipline. To this end, grades of prisoners and a system of awards were proposed, and a portion of the building was set apart for the use of females who, by their good conduct, merited advancement. But the crowded state of the building has precluded the attempt to carry out this laudable design of the founders. The financial success of the institution is now assured. Last year it earned \$20,000 above expenses. Thus it is not only self-sustaining, but is earning a handsome income. The city does not need this money. It is enough for the taxpayers to know that the cost of restraining crime is paid by the criminals themselves. But this is not all: the criminals can not only pay the cost of restraining crime, but they can contribute much toward the prevention of crime. This is a thought worthy of consideration by all who take an earnest interest in the welfare of society. The House of Correction can not only sustain itself, but it is able to support a number of reformatory and eleemosynary adjuncts.

"This seems to be the plan, and to the Detroit House of Correction belongs the credit of being the first prison in America to

adopt the system alluded to. The next decade will witness great improvements in the management of criminals in this country. More attention will be paid to reformatory agencies, and to the intellectual and moral elevation of the disturbers of the peace and well-being of society. The proposed 'House of Shelter' will be in some respects an experiment in this country, but it is one well worth trying; and those who have had most experience in such matters have the utmost confidence in its success. Institutions of similar design have long been in successful existence as charitable institutions, but this is the first attempt to make one the adjunct of a prison for the purpose of reforming those who have been convicted of violation of law.

"As before stated, this is to be a department of the House of Correction, though there will be none of the air of a prison about it. It is designed solely for females. Experience has shown that sending girls to the House of Correction for thirty or ninety days, and then turning them loose to fall into their old ways again, accomplishes very little for their own good. However good may be the resolutions which they form while there, and however earnest may be their desire to reform when they are at large again, the world is all against them. Food and clothing they must have; honorable employment is not always to be had for the asking; good hearted, Christian people take very little interest in them; they are adrift, and very naturally seek out the old associates, who are none of the best; they fall into their old ways of vice, sink lower, and in a few months perhaps get back into the House of Correction again. In a few cases, good homes have been found for girls who evince an earnest desire to lead better lives. But for the most part, those who find their way into the House of Correction are not qualified to perform the domestic duties required in such cases. They have had no training; do not know how to do housework or to sew.

"The design of the proposed House of Shelter is to take these girls from the House of Correction, train them in household duties, and at the same time, elevate them intellectually and morally and prepare them to become useful members of society. The privilege of entering this institution will be made an inducement to good conduct while in the House of Correction, and an earnest desire for a better and purer life. Removal to the House of Shelter will be a reward of merit. Those who are deemed worthy will be removed before the expiration of their sentence, and they will be

privileged to remain as long as the case may seem to require, or until suitable homes can be secured for them. In some exceptional cases, probably, girls will be placed in the House of Shelter, without going into the House of Correction at all.

"The discipline of the House of Shelter will not be restraining. The government will be one of love, it being the design to make it as much as possible like a well ordered home. There will be no bolts and bars, except to keep intruders out. The inmates will be free to go and come as they please. The only officers of the institution will be a matron, a housekeeper and a teacher. The housework will be done by the inmates in rotation, by which they will be thoroughly instructed in all household duties. There will also be a school in which they will receive intellectual instructions. The occupation of the inmates will be plain and fancy sewing and embroidery, and possibly the making of chair seats will be carried on to some extent. The institution is not expected to be self-sustaining on the start, but the surplus earnings of the House of Correction will more than support it.

"There will be no specified time for remaining in the institution. Each individual case will be judged on its merits. It is designed to find homes for them all. Arrangements have already been made with a lady in Kansas, to procure homes for large numbers in the Western Territories, and the Northwestern Christian Commission, headquarters in St. Louis, will probably furnish transportation to all such. The details of this part of the plan will be more specially arranged when the time arrives for carrying them into effect.

"The House of Shelter will be erected on the vacant lot owned by the city in front of the House of Correction. It will occupy the whole block from James to North streets, fronting on the former, and with a pleasant front also on Russell street. The building will be highly ornamental. It will be two stories in height with a high attic under a Mansard roof. The first floor will be divided into reception room, sewing or family room, school-room, dining room, kitchen, laundry, bath rooms, etc. The east and south sides will be surrounded by a verandah for promenade, and the grounds adjacent will be used for playground and for flowers and shrubbery. The second floor will be divided into sleeping rooms, the building being designed for 30 inmates. The attic will be used as a workshop or for gymnasium, as may be determined upon. The work of erecting this building will be com-

menced immediately, and it will be completed before the close of summer."

The logical issue of all this will be the establishment of a similar department for the benefit of the male prisoners, which, we believe, will be absolutely necessitated by the complete success of the experiment now about to be tried.

The reformation of its inmates is seriously intended and earnestly labored for by this institution. The ordinary reformatory agencies in use therein have been actively employed during the past year, viz: the daily and weekly religious service in the chapel, evening lectures in the winter, the distribution of books from a new and well selected library, and the personal persuasions of the chaplain. This officer, Rev. Wm. A. Bacon, who seems to be thoroughly devoted to his work, gives the following details in regard to the use of the library and the mental culture of the prisoners. He says in his annual report:

"I have expended one hundred dollars for books for the library since my administration, carefully selected and adapted to the several grades of prisoners, and the desire of any prisoner to enlarge his reading or to enter upon any course of study has been promptly responded to by me. One is pursuing the German language and also philosophy; another has read through a course in American history, and is now finishing the Lives of American Generals and Statesmen; several are supplied with slates and arithmetics; one is studying natural philosophy; five are in the first reader, and two learning primary lessons in reading."

The results of these several reformatory agencies are said to be as satisfactory as could be reasonably expected, but it is believed that they are far from what may be hoped for, when they shall have been supplemented by the House of Shelter and other adjuncts of like design and tendency.

The only branch of economic or productive labor carried on in this institution is that of the manufacture of chairs. This is under the management of the superintendent; thus securing to the establishment the profits which would otherwise go into the pockets of contractors. The financial results are very extraordinary, showing high administrative ability in the head of the Institution. With an average of only 231 prisoners, a large proportion of whom were imprisoned for a term of thirty days, and less, the aggregate of their earnings for the year exceeded the aggregate of expenditures for all objects by \$20,027.50; the amount of earn-

ings \$65,213.48—that of expenditures \$45,185.98. Could there be a stronger condemnation of the contract system of prison labor, as compared with an honest and able administration of the same, by the authorities themselves, than this simple statement? With an average number of prisoners equal to that in the State prison of Massachusetts, and with terms of sentence equal in length to theirs, Mr. Brockway would readily have cleared over \$50,000.

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