

22851

P93

v.1

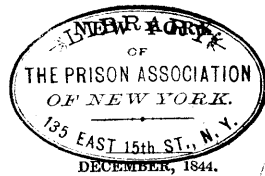
FIRST REPORT

(for 1844.)

OF

THE PRISON ASSOCIATION

OF



NEW YORK:

JARED W. BELL, PRINTER, CORNER OF ANK AND NASSAU STREETS.

## CONSTITUTION.

ARTICLE I. This Society shall be known as the PRISON ASSOCIATION OF NEW YORK.

ART. II. Its objects 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.

ART. III. The officers of the Society shall be a President, four Vice-Presidents, a Recording Secretary, a Corresponding Secretary, a Treasurer, and the following Committees, viz A Finance Committee, a Committee on Detentions, a Committee on Discipline, and a Committee on Discharged Convicts.

ART. IV. The officers named in the preceding article shall constitute an Executive Committee, who shall choose one of their number to be Chairman thereof.

ART. V. The Executive Committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendance 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.

ART. VI. 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.

ART. VII. Any person contributing annually to the funds of the Association, shall, during such contribution, be a member thereof. A contribution of \$25 shall constitute a member for life.

ART. VIII. A Female Department shall be formed, consisting of such females as shall take an interest in the objects of the Society, who may select their own Executive Committee, and have particularly in their charge the interests and welfare of prisoners of their sex.

ART. IX. 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.

ART. X. Any Society having the same objects in view may become auxiliary to this Association by contributing to its funds and cooperating with it.

ART. XI. 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.

ART. XII. 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.

At a subsequent meeting of the Executive Committee, JOHN W. EDMONDS was chosen Chairman thereof, and Mr. JOHN DUER, from the Committee on that subject, reported the following:—

### BY - L A W S .

I.—There shall be a stated meeting of the Executive Committee on the Fourth Monday of each month, and a special meeting shall be held at any time, on the requisition of any one of the standing committees, or of the Chairman of the Executive Committee.

II.—At every meeting of the Executive Committee, stated as special, the attendance of eleven 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 adoption of the minutes of the last preceding meeting.
2. Reports from the Standing Committees in the order in which they are named in the Constitution of the Society.
3. Reports from Special Committees.
4. Motions and Resolutions.

The business first in order at a special meeting, shall be the subject for the consideration of which the meeting shall have been called, and no other subject shall be brought before the meeting, except with the consent of a majority of the members present.

IV.—The Chairman shall nominate and appoint all Special Committees, and no person nominated by him shall be excused, unless upon reasons assigned by him that shall be approved by the meeting.

V.—The Chairman shall decide all questions of order subject to an appeal, and the rules of order shall be the same, so far as they are applicable as those of the House of Assembly in the Legislature of New York.

VI.—It shall be the duty of the Finance Committee,

1. To receive and pay over to the Treasurer of the Society, all monies received, either as donations or for memberships.

2. To audit and direct the payment of all bills against the Society, in such manner and form as they shall direct,—but no bill shall be paid by the Treasurer, unless approved by the Committee, and countersigned by the Chairman thereof.

3. To invest and control the surplus monies of the Society under the authority of the Executive Committee.

4. To have power to employ one or more agents to obtain members, and collect subscriptions for the Society.

5. To annually examine and report upon the Treasurer's accounts, and to audit the same.

VII. VI.—The following shall be the duties of the Committee on Detentions.

1. To enquire into the causes of commitment of all persons detained for trial, or as witnesses in any of the Prisons of the Cities of New York or Brooklyn, and to adopt proper measures for procuring the discharge of such as shall appear to be entitled thereto.

2. To visit frequently the prisons under their charge, and to endeavour to improve the condition of the prisoners:—by training them to habits of cleanliness and exercise: by securing to them comfortable accommodations, having a regard to space, light, and temperature: by procuring for them suitable employment: by providing them with books, or other means of mental occupation: by securing such a separation and classification as shall preserve the young, the innocent, and the less hardened from the contaminating intercourse of the more depraved: by obtaining for them honest and able legal advice; and generally by bringing all practical, moral, and religious influences to operate upon their minds.

VII. VII.—It shall be the duty of the Committee on Discharged Convicts,

1. To keep an office in a central part of the City of New York, where discharged prisoners may apply for aid and advice.

2. To keep a record of all commitments to our State Prisons, and New York and Kings County Prisons—of the crime of which each person was convicted, of the date of his commitment and discharge, and all other important information thereto appertaining.

3. To open a correspondence with the Prison Agents or Superintendants, 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.

4. 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 a correspondence with employers, to keep a record of the behaviour and prospects of those for whom places are obtained, that they

may be sustained and encouraged, with the idea, that a continual friendly interest is felt for them.

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

6. To see that the prisoners are provided with suitable clothing, of a kind that will not attract attention, and point them out as convicts.

VIII.—The general duty of the Committee on Prison Discipline shall be the supervision of the internal organization and management of prisons in which convicts are confined, embracing the moral and physical influences to be exerted on the prisoners during their confinement.

This duty shall be comprised under the following general heads:—

*Health.*—Under which shall be included Diet, Dress, Cleanliness, Warning of Prisons, Ventilation, Exercise, Modes of Employment, Insanity, and Medical Treatment generally.

*Reformation.*—Including the Classification of prisoners according to age, sex, physical condition, character, and numbers; Instruction, religious and ordinary; Moral treatment, Isolation, and Intercourse; Rewards and Punishments; and the Visitation of Friends, and Pardons.

*Financial System.*—Embracing convict labor, Prison revenues and expenses.

*Administration and Supervision.*—Comprising the mode of appointing officers, their qualifications, duties, abuse of their powers, and the internal police regulations of prisons.

*Comparison of Prison Systems and Reforms.*—Including the collection of works and reports, correspondence with other Societies, superintendence of prisons, and persons interested in prison discipline. The collection of statistics.

*Visitation.*—The visiting of State, County, and City Prisons, including Houses for the Reformation of Juvenile Delinquents at such periods and in such manner as the Committee may, from time to time, determine.

X.—Each Standing Committee shall have power to appoint its own Chairman and Secretary, and to divide itself into as many sub-committees as it may deem proper, and each Committee shall make a report of its proceedings at each stated meeting of the Executive Committee.

XI.—The Recording Secretary shall be the Secretary of the Executive Committee, and it shall be his duty to keep the minutes of the proceedings of the Committees, to record them in a book to be provided for that purpose, and to give due notice of all meetings of the Committee.

XII.—The Corresponding Secretary shall conduct the correspondence of the Executive Committee, and of each of the Standing Committees, and shall record the same in books to be procured for that purpose.

XIII.—The Chairman of the Executive Committee and the Corresponding Secretary shall be members ex-officio of all the Standing Committees.

XIV.—It shall be the duty of the Treasurer to keep safely all moneys deposited with him by the Finance Committee, to pay over the same in such manner and at such time as the Finance Committee shall direct, and to give such security for the faithful discharge of his duty as that Committee shall require.

XV.—No alteration in these by-laws shall be made, except a notice of the proposed amendment shall have been given at a previous meeting of the Executive Committee.

Which were adopted.

1844

## OFFICERS OF THE ASSOCIATION.

*President,*

HON. WM. T. McCOUN, Vice Chancellor.

*Vice Presidents,*

THEO. FRELINGHUYSEN, BENJ. F. BUTLER,  
ABRAHAM VAN NEST, JOHN W. EDMONDS.

*Treasurer,*

G. A. WORTH, President of the City Bank.

*Recording Secretary,*

WILLIAM C. RUSSEL.

*Corresponding Secretary,*

WILLIAM H. CHANNING.

*Finance Committee,*

P. M. WETMORE,	CHARLES M. LEUPP,
DR. ELEAZER PARMLY,	RICHARD J. THORN,
FREEMAN HUNT,	ISRAEL RUSSEL,
ROBERT B. MENTURN,	JOHN W. EDMONDS,
EDMUND L. BENZON,	WILLIAM H. CHANNING.

*Committee on Detentions,*

WILLIAM C. RUSSEL,	ABNER BENEDICT,
W. WALN DRINKER,	RENSELAR N. HAVENS,
THEODORE TELLKAMPF, M. D.,	WILLIAM JONES,
JAMES R. WHITING,	THOMAS E. BLANCH,
TOWNSEND HARRIS,	UZAL P. WARD,
JOHN O. STONE, M. D.,	JOHN W. EDMONDS,
JOHN HOPPER,	WILLIAM H. CHANNING.

*Committee on Prison Discipline.*

—CHARLES P. DALY,  
 J. L. TELLKAMPF,  
 JOHN L. O'SULLIVAN,  
 N. B. MORSE,  
 JOHN DUER,  
 THEODORE SEDGEWICK,  
 THOMAS W. LUDLOW RUST,  
 WILLIAM H. CHANNING.

*Committee on Discharged Convicts.*

—ISAAC T. HOPPER,  
 LEWIS VON MONDELSLOHE,  
 ISAAC BIRDSALL, of Sing Sing,  
 CYRUS P. SMITH, of Brooklyn,  
 EDGAR HICKS,  
 MARCUS SPRING,  
 RICHARD H. MANNING,  
 D. L. SEYMOUR, of Peekskill,

GEORGE H. PURSER,  
 JAMES T. BRADY,  
 BENJAMIN F. BUTLER,  
 JOHN W. EDMONDS,  
 ALEXANDER E. HOSACK, M. D.  
 GEORGE WILKES, M. D.  
 PIERRE P. IRVING,  
 WILLIAM H. CHANNING.

1844

On the 3d day of December, 1844, the following Notice appeared in the  
 Papers of this City.

## TO THE PUBLIC.

The undersigned has been directed by the Board of Inspectors of the State Prison at Sing Sing, to invite the attention of the benevolent to the destitute condition of discharged convicts.

It is of frequent occurrence that prisoners afford satisfactory evidence of sincere repentance and earnest desires to reform: yet when they go forth into the world, they are often, for want of employment, reduced to great distress and subjected to sore temptations. To starve or steal, is too often the only alternative presented to them.

The power of the Inspectors to afford relief in such cases, is confined by law, to the mere pittance of three dollars to each person.

But believing that very many can be saved from a return to their former evil practices, by timely aid—that not a few can be retained in the path of reform by encouragement and support judiciously applied—the Inspectors have directed me to appeal to the benevolent in this City, to render their aid by forming a Society similar to those which now exist in many parts of Europe, whose object shall be to find employment for those who shall give evidence of repentance and reformation.

JOHN W. EDMONDS, *President Board of Inspectors.*

NEW YORK, NOVEMBER 29, 1844.

The Subscribers, cordially approving of the purpose mentioned in the foregoing Card, and desirous of forming in this City, a "PRISON ASSOCIATION," whose objects shall be—

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

2. The improvement of Prison Discipline generally: and

3. The relief of discharged convicts, by affording them the means of obtaining an honest livelihood :

Invite a public meeting of the citizens of New York, at the Apollo Rooms, No. 410 Broadway, on the evening of Friday, the 6th of December next.  
The Chair will be taken by Vice Chancellor McCoun, at 7 o'clock.

NEW YORK, NOVEMBER 25, 1844.

THEODORE FRELINGHUYSEN,  
W. T. McCOUN,  
SAMUEL JONES,  
ELEAZER FARMLY,  
GARDINER SPRING,  
WILLIAM KENT,  
W. B. LAWRENCE,  
R. H. MORRIS,  
JOHN JAY,  
A. VANDERPOEL,  
W. C. BRYANT,  
THOS. J. OAKLEY,  
CHAS. W. SANDFORD,  
W. WALN DRINKER,  
JOB HASKELL,  
FREEMAN HUNT,  
SAMUEL R. BETTS,  
ROBERT B. MINTURN,  
HENRY GRINNELL,  
EDMOND L. BENZON,  
CHARLES M. LEUPP,  
ABRAHAM VAN NEST,  
CHARLES P. DALY,  
HENRY W. BELLOWES,  
ORVILLE DEWEY,  
JONA. W. WAINWRIGHT,  
JOHN HUGHES,  
JAMES MILNOR,  
HENRY ANTHON,  
D. P. INGRAHAM,  
F. A. TALLMADGE.

R. F. BUTLER,  
JAMES HARPER,  
DANIEL LORD, JR.,  
ISAAC T. HOPPER,  
M. ULSHOEFFER,  
LEWIS H. SANDFORD,  
WM. H. CHANNING,  
OGDEN HOFFMAN,  
M. C. PATTERSON,  
J. L. O'SULLIVAN,  
GEO. P. MORRIS,  
RICHARD J. THORN,  
HORACE GREILEY,  
THEO. SEDGEWICK,  
HY. MERRITT,  
J. L. TELLKAMPF,  
THEO. A. TELLKAMPF,  
ZEB. COOKE, JR.,  
JOS. B. COLLINS,  
DAVID AUSTIN,  
WM. C. RUSSELL,  
DAVID HALE,  
N. PEARCE,  
LEWIS P. W. BALCH,  
JOHN A. DIX,  
PROSPER M. WETMORE,  
JOHN T. IRVING,  
EDWARD S. GOULD,  
JACOB HARVEY,  
WILLIAM JONES,  
JAS. R. WHITING.

## CIRCULAR.

NEW YORK, NOVEMBER 25, 1844.

SIR:

We beg leave to invite your attention to the subject mentioned in the annexed notice, and to invite your attendance at the proposed meeting, and your co-operation with the subscribers in the objects in view.

Much has already been done in this country for the improvement of Prison Discipline, and American Prisons have become patterns for the greater portion of the civilized world. But much remains to be done, in removing from our system the well grounded objections to its harshness: in extending its reformatory influence: and in affording to discharged convicts means of support, and adequate protection against temptations.

These are considerations to which very little attention has hitherto been paid by our legislation, but are of paramount importance to the perfection of our system.

To awaken public attention to them—to aid the sincerely penitent in their attempts at reformation—to protect accused and friendless prisoners against the impositions too often practised upon them, and to infuse into the government of our prisons a greater effort at reformation, are the objects of the contemplated Association—for the advancement of which we earnestly beseech your assistance.

We are, very respectfully,

Your obedient servants,

ISAAC T. HOPPER,  
ELEAZER FARMLY,  
J. L. TELLKAMPF,  
THEO. A. TELLKAMPF,  
J. W. EDMONDS,  
WILLIAM C. RUSSELL,  
WILLIAM H. CHANNING,  
FREEMAN HUNT.

## REPORT.

---

Pursuant to this notice a large and highly respectable number of citizens assembled, on the 6th of December, at the Apollo Rooms.

The meeting was organized by the appointment of

HON. WM. T. McCOUN, Vice Chancellor, *President*.

REV. DR. GARDINER SPRING, }  
GEN. PROSPER M. WETMORE, } *Vice-Presidents.*

JOHN L. O'SULLIVAN, Esq. }  
JOHN JAY, Esq. } *Secretaries.*

After the meeting was organized, Mr. JOHN W. EDMONDS arose and said, in order to give direction to the purposes of the meeting, he would offer for their consideration the following resolution :

*Resolved*, That it is expedient to form in the city of New York a Prison Association, and that a Committee be appointed by the Chair to report to this Meeting a form of such Association, and a nomination of suitable Officers therefor.

Before taking the question, he begged leave to state the motives which had induced his colleagues to direct an appeal to the public, and the objects for which the meeting had been called.

The Inspectors of the State Prison had become aware of repeated instances, in which convicts on their discharge left the prison, with, as they believed, sincere intentions to lead honest lives, but who had been reduced to great extremities by the difficulty of obtaining employment, and had been frequently, by sheer destitution, again driven



to a course of crime. The power of the Inspectors to afford relief in such cases was limited, by the law, to the small sum of three dollars to each person; an amount, in many cases, scarcely enough to take them to their homes, and in no case, probably, enough to support them until they could procure employment. This had caused repeated applications to those officers for aid—so frequent indeed, as entirely to exhaust their means of granting it, and to press upon them the necessity of invoking the assistance of others.

The propriety of rendering that assistance was commended to the citizens of this vicinity, as much by their own interest, as by the dictates of humanity.

There are now, said Mr. E., 934 prisoners at Sing Sing, 861 males and 73 females. Of this number 496, or more than one half, were originally sent there from the cities of New York and Brooklyn. And the approach to Sing Sing, being mainly through this City, most of the prisoners from other parts of the State, find their way, on their discharge, to this city in the first instance, and many of them, having no home to go to, tarry here. Between 200 and 250 convicts are discharged from Sing Sing every year. And that prison is pouring out upon this City every month from 20 to 25 convicted felons, without money, without character, without employment, and without friends, except among the vicious. Discouraged and despised, either with a feeling of hostility to the world, from which they have no hope, or despairing of ever restoring themselves to the confidence and regard of society, the temptations to continue in a career of crime are to them almost irresistible.

The object with which they had been sent to prison might easily be defeated. They had been imprisoned, not merely that the example of their fall and their suffering might be a warning to others, but that they also might be admonished to sin no more. And if, when they left their prison, with a sincere desire to be honest, they could find no means of earning a livelihood—if the fear of employers and the prejudices of workmen should combine to exclude them from our workshops, a fearful alternative must be presented—to starve or to steal must be their destiny, and their relapse into crime must be an inevitable result for them.

It was, therefore, a question, well worthy the consideration of our citizens, what should be done with these people—whether they should be left to prey upon the community, and be sent back again to crime and the prisons, with their number constantly augmenting, or by timely aid and judicious encouragement, be helped on in the path of reform?

It would doubtless be objected—and with the officers of our prisons, whose vocations led them to look on only one side of the picture, the objection existed with peculiar force—that many of the prisoners were old and hardened offenders, on whose professions no reliance can be placed, and of whose reformation no hopes could justly be entertained. It was unquestionably true that there were cases of that kind—persons whose moral vision was too oblique to enable them to see the right or pursue it? There was one such discharged from the State Prison last year, who had been twelve times committed, and had spent over forty years of his life in prison; and the English Inspectors of Prisons mention the case of a woman who had been committed one hundred and twenty times.

But it is a sad error to regard these as justly characteristic of the whole class. They are exceptions rather than the general rule.—And it would be found on examination that the great body of our prisoners were those where reformation could not only be hoped for, but without much difficulty be secured. Thus of the whole number at Sing Sing only 335, or about one-third, were over 30 years of age, and 154 of them only had been in the State Prison before.

It must be conceded that it was not among such people that the most promising subjects for our operations were to be found, though it would be unjust to despair even of all of them. But the great difficulty with them was to overcome in their minds a settled feeling of despair, a conviction wrought upon them by their crimes and their consequences, that no hope existed for them, that it was impossible for them ever again to obtain the confidence and support of society—that the mark of Cain was upon them, and they were irrevocably doomed to be “fugitives and vagabonds on the earth.” They keenly feel the injustice of so awful a doom, and the foundation of their reclamation was to be laid, not in physical suffering inflicted in a spirit of vengeance, but in such encouragement and support as should convince them that their efforts at reformation will be met and cherished in a kindly spirit.

But there was a class of convicts, and it was a large one, of whose reformation strong and well grounded hopes could reasonably be entertained, and to whom our efforts could be wisely and beneficially directed. And the most skeptical would admit that such would be found among those who are young in life, who have education enough to read, who are temperate in their habits, who have committed only one crime, and been led to that by some such overpowering cause as destitution, sudden temptation, imbecility of mind, or evil associations.

The great majority of prisoners at Sing Sing, and probably at other prisons, would answer that description.

Thus 27 of them were under 17 years of age when committed, 192 of them under 21, and 599, or two-thirds of them under 30 :

746 males, or sixth-sevenths could read, and 56 females, or two-thirds of them ;

395, or nearly one-half, were of temperate habits ;  
515, or two-thirds of the males, and 31 females, or nearly one-half of them had never been in jail before ;

127 had been driven to crime by desitution, 41 by sudden temptation, 14 by insanity or imbecility of mind, and 261 by evil associations.

Here then, was a wide field for our operations in which vast good could be done, and which was in the highest degree worthy the consideration of philanthropists.

There were also other cases deserving attention, and he would mention them.

There were in the prison thirty-one persons suffering under the disease of mental alienation, twenty-two of whom were in that condition when sent to the prison. The prison was no place for such unfortunates, and there was too much reason to believe that their confinement there was only calculated to add to and confirm the disease beyond the hope of eradication.

Often there was reason to believe that innocent persons were sometimes convicted of crime and sent to prison. Of the whole number of convicts, 168 declare themselves innocent of the crimes of which they are accused. Some among them may be so, and it is lamentable to contemplate the anguish, the suffering, and disgrace to which they are unjustly subjected.

Among such cases was one of a young woman to whom her mother, on her death-bed, had given certain articles which she had inherited from her mother, and which in her last moments she had divided among her children. The father of the prisoner married again, and the step-mother soon quarrelled with the family, and when they asked for the things which had thus been given to them, she had influence enough to prevent it. The convict, determined not to lose these mementoes of her departed mother, and in ignorance of her legal rights, availed herself of the absence of her father and his wife from home, and obtained the articles. For this she was indicted and sent to the State Prison.

Another case was that of a poor black fellow, who owned a fishing smack, and for years gave up the produce of his toil to a store-

keeper who supplied him with provisions and liquor, and pretended to keep an account of his advances. After a while the negro began to think that all his labor was for the benefit of some one else, and he demanded an account. He was put off on one pretence or another, until winter coming on, and almost destitute of clothing, he, supposing he had a right so to do, entered the man's store in his absence, and took a suit of common clothes. For that he was sent to the prison, and his prosecutor exempted from all necessity of rendering an account.

The finale of the story was worth a thought. The negro was pardoned, and for years he had led a most upright and excellent life, and avoiding liquor was a far better man than he had ever been.

Mr. E. mentioned another case, that of a woman who had been sent to prison for bigamy. Upon examination it had been found that she had fallen a victim to the arts of an unprincipled husband, and she was pardoned after a few week's imprisonment. In the mean time one of her two young daughters had perished for want in this city.

Cases of this kind were frequently occurring, and Mr. E. asked if society did not owe it to itself, as well as to these unfortunate creatures, the adoption of such measures as would save them from the blasting consequences which invariably flowed from a conviction for crime ?

The many cases of sincere reform which come to the knowledge of all who are conversant with the subject, afford great encouragement to the effort now making.

The unthinking were too apt to judge of the whole by the examples of return to crime which met their view, but he apprehended that upon examination it would be found that that was the exception rather than the general rule, and that it was very much in our power to curtail even that exception.

Thus of the 861 male prisoners at Sing Sing, 154, or one-sixth had been in some State Prison before; and 11 females, or one-seventh of their number: and of the whole number of persons convicted of crime in this State in 1842, which was 1291, only fifty-five had ever been in the State Prison before. So too it had been found at Auburn, that of 206 persons who had been kept in view for a period of three years after their discharge, 146 led honest lives, and of 143, who had been watched for a similar period after their discharge from Sing Sing, 100 had during the whole time lived uprightly.

Now from all these facts was not the inference irresistible that large numbers of our convicts did reform—were already saved, and that proper efforts on the part of society to further their endeavours would largely augment that number?

The object of a wise penitentiary system was to deter from the commission of crime; in other words to reform offenders, and in the operation of the American systems, as compared with others, it would be found that that effect had already been produced, and there was abundant reason to believe that this beneficial result could be extended.

The time once was in this country when prisons were regarded as places of torment; when in order to make them a "terror to evil doers," it was the province of their officers to inflict suffering, and the business of prisoners to endure it: when the only appeal that was made was to the passion of fear, the vilest propensity of our nature: and when men were expected to be reformed by arming against their oppressors every generous impulse, and awakening their very best and most active faculties to purposes of resistance.

In many other countries the old system still obtains, not indeed to the awful extent which once prevailed when the world seemed to be one vast scaffold surrounded by executioners and crowded with victims—when seventy thousand people perished by the halter and the axe in one King's reign, but still to a degree which sets at defiance every hope of reformation, save that which is founded on the fear of physical suffering.

Such are now, in a great measure the prisons of Great Britain. There, prison reform has had a much slower progress than with us, and the old abominations are still to be found, while in our country, a new era has, within this century, dawned upon our penitentiary system, and new forms of prison government have been adopted, in which moral means are more regarded than physical force. In nineteen of our States, the prisons are established on the Auburn plan, and in three of them on the Pennsylvania plan.

A comparison of the state of crime in these countries, where this difference in prison discipline exists, vice not only shows us the good that has already been done, but opens to us a field in which indeed the harvest of humanity is great, and where we may reap an abundant reward in saving those who are lost.

In Ireland, during a period of 36 years, from 1805 to 1841, the convictions for crime swelled up from 3,600 a year to 20,796, showing an increase of 600 per cent. in that time.

In Scotland, during a period of 22 years, from 1820 to 1842, they swelled up from 1496 in one year to 3884, being an increase of 300 per cent. while her population increased only 50 per cent.

In England, during a period of 37 years, from 1805 to 1842, they swelled up from 4605 in a year to 31,309, or an increase of nearly 700 per cent.: her population during that time having increased about 60 per cent.

So that in the British Empire, where the old systems of prison government have prevailed, with all the accompaniments of the scaffold and penal colonies, loathsome dungeons and personal suffering, crime has increased with fearful rapidity in comparison with the increase of her population.

Let us now turn to another picture. In the following named ten States of our Union, the modern systems of our country have fully obtained, and we shall find in the comparison, not merely congratulation for the past, but, abiding encouragement for the future.

In *Maine*, the average number of convicts for 13 years, prior to 1837, was 80: for the last two years it has been 54. Crime has there diminished one-quarter, while her population has increased 25 per cent.

In *Vermont*, the average number for 25 years, prior to 1837, was 100; for the last two years it was 69: showing a diminution of one-third, while population increased 20 per cent. in ten years.

In *New Hampshire*, the average for ten years, prior to 1837, was 73: for the last four years it has been 88, being an increase of one-fifth, or about equal to the increase of population.

In *Massachusetts*, the average for ten years, prior to 1827, was 298: for the last four years 301, scarcely a perceptible increase; while the population increased 18 per cent. in ten years.

In *Connecticut*, the increase was about commensurate with the growth of population: the average for nine years, prior to 1839 having been 191, and for the last three years 206.

In *New Jersey*, where the population has doubled in 40 years, the progress of crime has been as follows: In 1838, 163. In 1839, 160. In 1840, 152. In 1841, 151. In 1842, 137. In 1843, 155.

In *Pennsylvania*, (and he was able to speak of her Eastern Penitentiary only,) the average number of convicts from 1836 to 1842 was 387: for the last three years it was 345, and her population has increased one-third in ten years.

In *Maryland*, the average for five years, prior to 1838, was 381; for the last four years 297, and population has increased one-eighth

in ten years. A part of this diminution was doubtless owing to a recent law which allowed a certain class of convicts to be sold into slavery!

In *Virginia*, the average for the last 43 years has been 55: for ten years, prior to 1823, it was 72: for the last year 52. Population increased 20 per cent. in ten years.

And in *New York*, the average for six years, prior to 1837, was 1455, and the last four years 1484; an increase of only two per cent. during a period when the population increased 25 per cent.

It would be well to extend the comparison. In England, the number of persons arrested and confined in prison for crimes was as follows:

	78,345 males.	20,782 females.	Total	99,127.
In 1836,	78,345	20,782	99,127	
In 1837,	85,695	24,400	110,095	
In 1838,	86,485	23,227	109,712	
In 1842,	110,792	28,596	139,388	

So that during seven years there was a regular increase equal to 40 per cent., and extending to the awful degree of almost one in every 100 of the population. And of the large number that were arrested in 1842, there were convicted, exclusive of violations of the game-laws, 87,299, or nearly one in every 160 inhabitants.

We have no means of making this comparison complete, for we have not yet adopted in this State a perfect system of prison statistics; but we have progressed so far that we can approximate to a right conclusion: thus in England, the convictions in 1842 for serious crimes—such for instance as in our State are punished by confinement in the state prisons—amounted to 31,309, or one in every 450 of her people. While in New York the convictions for similar offences, in 1842, were 1291, or one in 1808 of the population. In 1830 the convictions were one in every 1811 of the population, and during the 10 years, from 1830 to 1840, our population had increased 510,313!

And of the number thus convicted in 1842, in this State, 350, or more than one-fourth, were of foreign birth.

The comparison can be carried still farther. In England, 33,862 or nearly one-quarter of the whole number arrested and convicted for crime in 1842, were recommitments, being about one in every 424 of population. While in this State during the same year the number of recommitments was only one in every 5300 inhabitants.

Without yielding to the temptation to stop and congratulate ourselves and our country upon this auspicious state of things, we may

be allowed to pause a moment and ask, as pertinent to the matter in hand, what has produced this extraordinary difference?

Making all due allowance for the improved state of the English Police, though after all that is confined mainly to a few large places; for the peculiarly penal character of her game, excise, and revenue laws, we shall find that it is in a great degree to be ascribed to Temperance, Education, and our Penitentiary Systems.

This is not the place to discuss the progress of Temperance Reform, but no man can deny that it has in this country been indeed efficacious in arresting the progress of crime.

And as to Education, one fact tells the whole story. Of the 139,388 arrested in England in 1842, 39,566, or nearly one-third, could not read; while of all prisoners at Sing Sing, one-eighth only cannot read, and of the whole number of convictions in this State in 1841, one-sixth could not.

But beyond all doubt, the great agent which has been at work to produce these results has been the mild, the humane, and the just spirit which has been infused into the Penitentiary Systems of this country.

The Systems existing among us are known here as the Auburn and the Pennsylvania plans, but abroad they are spoken of as the "Silent System," and the "Separate System." Between these two an active contest is going on here and in other countries, but the rivalry is a glorious one. It is not a contest which shall be most successful in tormenting fallen man—most ingenious in inflicting suffering upon him, but which shall be most triumphant, by their appeals to the better principles of his nature, in leading him back to the path of virtue and reform.

Two Societies now exist in this country advocating these different plans. The Boston Prison Discipline Society has lately issued its nineteenth Annual Report, from which valuable paper many of the facts already given have been drawn. That Society has worked a great good in this matter both here and abroad. The Philadelphia Prison Society has existed, with a brief intermission during the Revolutionary war, since 1776, and the interest they feel is manifested by the fact, that their delegation is now present heartily co-operating with us, and welcoming us as co-laborers with them. We can form a Society too. Not like them, wedded to any particular system; we can select from both that which is wisest and best, and like them contend earnestly which shall be most successful in

See Chapter 1, p. 10  
 100

attaining the great end in view, the reformation of the criminal, and with it the diminution of crime.

Our efforts to this end must, however, depend very greatly upon the government of our prisons. If so conducted, on the one hand, as to allow such intercourse among prisoners as will afford opportunities for the vicious to corrupt the good and the doubtful, or if governed by a resort to animal suffering, and appeals only to the baser passion of fear, every effort at reform must be seriously impeded, for instead of exciting aspirations for repentance, we shall send prisoners forth from their confinement smarting under a sense of injustice and oppression, and incited to wage a relentless war upon society.

Two objections were made to our Systems, which as they affected their reformatory influence, were deserving a moment's consideration.

To the Pennsylvania plan was objected its tendency to unsettle the mind. Few could endure utter solitude long continued, and least of all those who were condemned to it abruptly from the maddening excitement of a criminal career. And as that plan approached that seclusion, so would the danger of destroying the minds subjected to it be more or less imminent. It could, however, be improved, and such modifications had already been adopted as in a great measure to obviate the objection, and at the same time preserve the great and invaluable advantage of guarding against the evils both inside and out the prisons which arise from imprisonment in common.

To the Auburn plan was objected its cruelty and harshness. We have lately seen this objection made by an Italian, one of a country where prisons are dungeons dug beneath the surface of the earth, from which the light of Heaven, both morally and physically, seems to be carefully excluded.

And the British Inspectors of Prisons argue with earnestness and ability against the introduction of our system into that Empire mainly for this cause.

This objection had unfortunately too much foundation. The idea has prevailed for years among the officers of our prisons, that they can be governed in no other manner. But the public has only a faint conception of the extent to which it has been carried, or of the abuses which have grown out of it—abuses which if allowed to continue will throw serious impediments in the way of the Society which it is now proposed to form. Many instances of the extremity to which this harshness had been pushed, had come to his know-

ledge, but he would mention only one or two. He had seen in a Report of the Legislative Committee an account of a prisoner who had been severely flogged for attempting to escape. The man availed himself of an early opportunity and plunged into the river and drowned himself. After his death there was found inscribed on his bunk this terrible legacy to his cruel tormentors:—

"To whom it may concern. I cant stand to be flogged. To Day I Die. first farewell all my friends now am unwilling to own that such a vile outcast ever knew I would not but for the flogging that i cant take I am sorry for what is happened but alas it is too late

"I thank Mr \_\_\_\_\_ for his kindness to me since I have been here tell Mr \_\_\_\_\_ not to be so fond of low creatures they will have to give account sometime. feed the molaters & show mercy  
A J U D  
S O N"

Another case was that related by a convict who had been pardoned for his good behaviour, and whose conduct in and out of the prison gave abundant reason to rely upon his veracity. His relation was in these words:—

"I will relate another case, that of a crazy man, (colored). The diabolical and cruel treatment which this man experienced exceeds every thing that can possibly be imagined or conceived. There is not the slightest doubt on my mind as to his insanity; he was certainly raving mad; he used to sing all night, and make such an uproar and noise in his cell, that none of the prisoners could sleep, or get any rest. I saw him brought down two mornings running for punishment; the first time I cannot say what number of lashes he received, but it was enormous; there were several keepers standing round, who took turn, and turn about, to whip him, (two at once), one standing on his left side, with a very heavy whip having eight lashes attached to a handle perhaps two feet long; the cords were very large, nearly as thick as a line used for hanging clothes on, the ends of which for about two inches were bound with wire. This instrument of torture, drawn in execution, drew the blood from his face, and in forcibly it was applied, but this was nothing compared with the whip used by the keeper who stood on his right side. He was lashing the unfortunate wretch, in the most inhuman and ferocious manner, with a raw and twisted cow hide, as heavy as a large sized riding whip; every time he struck the whip appeared to adhere to the body, and in forcibly drawing it back again long strips of skin were drawn away with it, which hung like long rags over the poor wretch's body; the flesh appeared to be cut and torn away, the blood, running in streams from his shoulders downward, formed a large puddle under his feet, in which, in the agony of his dreadful sufferings and pain, he was jumping about, splashing the blood upon all around him. They continued lashing him in this manner a full hour, or perhaps longer. When taken down he was washed in brize and locked up in his cell. We heard no more of him during the day, but at night he commenced singing again, and continued to do so all night, as he had done the night previous; they brought him down again soon after day-break next morning, but as soon as they attempted to tie him up he resisted in the most violent manner, and his strength was so great that a dozen of them could scarcely hold him. To tie him up to the usual place of punishment was impossible, they therefore procured a very thick cart rope, tied him to a post in the hall of cell and lashed him cut and lashed him with this rope, which remained loose, for more than half an hour. This rope must have been a full half an inch in diameter, and the inhuman and fiend-like punishment, which these butchers, (for I cannot call them any thing else,) inflicted, exceeds in ferocious cruelty every thing that can be imagined. His shrieks and cries were horrible and truly heart-rending. I pray God that I may never hear such cries, or behold such dreadful misery again. The poor wretch never spoke after he was taken down, and I understand he died in a few hours afterward, but I am not certain whether he did or not. All I know is that he was never seen or heard of by any of the prisoners afterward. When the punishment was over I saw several of the keepers as they dispersed; their clothes, hands, and even faces of most of them, were sprinkled and smeared with the poor fellow's blood. A stranger might have taken them for butchers, and so they were, butchers belonging to a human slaughter-house. I have heard he died under the lash, but do not know it to be so."

To such an extent had this mode of government proceeded, even since his connexion with the prison, that three thousand lashes had been inflicted in one month; and when such extreme severity had been objected to, the answer was—"it is necessary?" Some of the most experienced officers of our prisons had been found among the advocates for that necessity, and he had, at one time, resolved not to continue his connexion with an institution where it was necessary for him, even implicitly, to sanction such tremendous cruelty. But believing such a mode of government was brutalizing to the officers, injurious to the convicts, and destructive of all hopes of their reformation, and convinced that no such necessity did in fact exist, he had continued in his office in the confident hope that a radical change in the mode of government might be successfully adopted. The experience of the last six months had fully justified the hope. During that time the experiment had been tried, and it had been found that as the use of the lash had diminished, in the same proportion had offences against discipline decreased; and one or two hundred lashes now took the place of as many thousands. He trusted that the sound of the whip would soon cease to be heard within their walls, and with its departure and that of the shrieks and groans, the looks of gloom and the feelings of despair which followed in its train, would vanish the objections which were so frequently made against the cruelty of the American system of prison discipline. In the State of Maine years had passed since the whip had been used; and in the prison of Connecticut, which under its present able direction was justly regarded as the pattern of the system, its use had been almost, if not entirely abandoned, and due efforts would produce similar results nearer home.

But this reform, though important, and promising soon to be complete, was by no means all that could be done toward reclaiming prisoners. The further reforms demanded, and which would require Legislative aid, could be comprehended in two words—**CLASSIFICATION AND INSTRUCTION**; not the imperfect classification attempted in some of the British prisons, according to the crimes committed, nor instruction confined merely to their moral and religious duties, but that which should separate the hopeful from the incorrigible, and elevate the mind and improve the understanding.

Two errors prevailed in regard to prisoners. One was the harsh notion of regarding the hardened and irreclaimable, as characterizing the whole class, and condemning all for their sakes to enduring degradation. The other was that sickly sensibility, which, because of a few distressing incidents, looked upon all as deserving of com-

passion only. There was a common sense view of the matter, alike alien to both these extremes, which did not regard a prison as a place of ease, nor yet as a place devoted to purposes of torment only, but as a house of repentance, where the most hardened might be taught the useful lesson that the way of the transgressor is hard, and that virtue is sure of its reward here and hereafter.

To plain common sense a classification would readily suggest itself; into the innocent, the irreclaimable, and the doubtful.

Our duty to each class was widely different. To the innocent we owe it, that they should be protected against the contamination of vice, and above all against the dire necessity which oftentimes compels to crime as the only refuge from starvation. To the irreclaimable we owe it, that they should be deprived of the means of preying upon society, of gratifying their vicious propensities at the expense of the virtuous and the good, and of spreading the contagion of their evil example. And while to them the way to repentance should always be open, however faint the prospect that they would ever travel it, above all things is it due to them and to humanity that vindictive punishments should never be inflicted upon them. Vengeance belongs to the Creator, and not to mere mortal man, and can never be dealt out by us without arming for the conflict, on both sides, the worst passions of our nature.

The third class, however, is that which would be most deserving the regards of such a Society, not merely because it was the most numerous, but because here is to be found the germ from which, with proper cultivation, the green tree shall spring. Among such "external circumstances turn the scale. In low life, uneducated, neglected, and destitute, they often become criminal, while in a more favorable condition of education and society they would have continued reformed sensual and often profligate, always selfish and self-indulging." To such let a new chapter in human life be opened. When the suffering which must follow the evil lives they have led, shall awaken in them a due sense of their fall, and of the duty which they owe to themselves and to society, let them be helped on in the path of reform, and let us, by our timely aid, convert the convicted felon into the honest man and the good citizen.

To this class, particularly, let instruction be directed while in prison. Dr. Johnson well remarks, that the present occupies but little of our time, it is mostly engaged with recollections of the past and anticipations of the future.

In the life of a convict in our State Prison, this is most especially true. The tame monotony of their daily avocations—their employment in labor which yields them no profit, and which possesses for them no interest, take from the present every thing that is attractive to their thoughts. If driven back for refuge upon the past, "recollection at hand" raises before them only in the image of a life misspent. If they fly to the future they can only anticipate a return to former evil habits, or the endurance of a severer punishment in the degradation and want that is sure to follow from the crimes they have committed.

Once, Mr. E. said, when he was admonishing a convict that he must have better thoughts, the emphatic answer was "where shall I get them?" Sure enough, where could the poor fellow get them? Turned away from his mother's house at the early age of four years, wandering about the streets of one of our large cities, until the watchmen conveyed him to the almshouse; after a few years residence there, bound out to a hard and griping master, from whom he escaped by going to sea, and after a while herding with the ignorant and depraved, he at length found himself in a prison, where all intercourse with his fellows was strictly prohibited, and none allowed with his officers, save such as might be necessary to compel him to perform his daily task, where indeed could he get better thoughts? Not from books, for no one had ever paused to give him the key which should unlock to him their rich treasures. Not from the teachings of early life, for no parent had watched over his infancy to instill into his youthful mind lessons of virtue and wisdom. No wonder then that he had three times found himself an inmate of a State Prison, and when admonished that all his thoughts were bent upon the gratification of his animal propensities, he should ask in amazement "where shall I get better thoughts?"

To substitute for such a condition of things, some training which shall furnish food for their minds and open to them new views of life—and of their duty to themselves and their fellows—which shall, by proper instruction, awaken in them new aspirations for virtue, is a high and solemn duty which society owes to itself, as well as to these, its erring members.

It is by these views the officers of the State Prison have recently been governed, and as far as was within their power, without Legislative aid, they have carried them into effect, thus far with the happiest results. In the prison for females, where circumstances have allowed more general application of the principle, in a partial classification and daily instruction to the prisoners, an entire change

has taken place, and that which was once a scene of ribaldry, riot, blasphemy, and even bloodshed, is now the orderly, decorous, industrious workshop. The most abandoned creatures on their entrance fall at once into habits of sobriety and order, and aspirations for virtue have been awakened in minds where, hitherto, the vilest propensities have reigned with undisputed sway.

Nay, it is found that this system of instruction is the most powerful instrument of discipline within our reach, and is more effective than all other appliances to boot in preserving order and enforcing obedience. And why should it not be so? There is nothing new in this. It is but applying to the prison the principles upon which our families and our country are governed. To the ignorant in the world, and to many of these prisoners to whom no education has ever yet been vouchsafed, our laws have been like those which the tyrants of old inscribed on the summit of a column, and learned by his subjects only by the punishment inflicted for their infraction.

Such being the important effects of a system which aims, not at the infliction of retributive pain upon the prisoner, but at his reformation—which seeks not to convert his prison house into a den of despair, on whose gates shall be inscribed the injunction to leave all hope behind, but to make of it a penitentiary, where the lost may be saved, and where to the penitent offender hope may still dawn with its cheering light; the subject is worthy of our most earnest consideration.

And now having trespassed upon the time of the meeting far beyond his intention when he arose, Mr. Edmonds said he would conclude in the language of one who had written but too little on this subject.

"If such views are yet in advance of the age—if we cannot brook the idea of divorcing two things apparently naturally linked together as crime and retributive pain directly inflicted, we have no right to complain of the failure. \* \* \* \* \*

"But the hour is on the wing when the great truth will be practically acknowledged, that the Author of Nature has constituted human affairs in relation to the supremacy of the moral part of man over the animal—of the law in the mind over the law in the members—and when all human institutions will take a character in accordance with that truth—a truth old in Scripture but new in human practice—the most important in its height and depth, and length and breadth—the most all-pervading in its application to human concerns, here and hereafter, that has ever dawned on philosophy—which the most advanced student of the relations of social

man will find the load star of his course, steer he whithersoever he will into the moral universe, and alike his torch search he wherever he will into the secret shadows of life and human motive—at once the telescope for the vast and the microscope for the minute—the blood with which the heart swells and the extremest capillary beats—the Kingdom of Heaven within us—the essence of Christianity—Good will to man.”

The Resolution was seconded by W. H. CHANNING with the following remarks:—

Mr. President, in advocating the claims of the Society, which it is proposed now to establish, whose threefold aim, of aiding such persons as are detained for trial to obtain exact justice—of reforming the criminal while confined—and of giving him encouragement and opportunity to lead a virtuous life when released—must recommend it to the thoughtful and humane, I will offer the following obvious yet important considerations:—

1. The formation of such Societies is called for by the present state of reform in the treatment of criminals, throughout Europe and in this country. Since 1776, when the Philadelphia Society for alleviating the miseries of public prisons, so won the sympathies of Howard, that he said, “if I could form such a Society in England I would give £500.” The whole of Christendom has undergone a revolution in regard to the end and means of penitentiary discipline. Stimulated by the success, which has attended the two great experiments, made in this country, of the Pennsylvania and New-York Systems, and by the favourable reports of Commissioners specially appointed, or of travellers attracted by philanthropy—England, France, Germany, Switzerland, Italy, are rivalling each other in this humane work, and advancing with an efficient zeal, which promises to leave us behind. The hulk and the dungeon will soon be buried and forgotten with the instruments of torture of barbarous ages. By common consent, prisons are to be changed from places of torment to houses of reform. The almost miraculous power of kindness, wisely and steadily exercised, to quiet the most ungoverned in *mind*, has led observant men to reflect, that similar influences are also best fitted to subdue the intractable in *will*. Love, it is believed, will prove to be omnipotent in relation to the *morally*, as well as the *mentally* insane. It is seen, that terror is insufficient to deter from crime; and that a swift and certain, yet not arbitrary nor cruel justice, is far more effectual. Again it is seen, that the surest protection of Society against the evil disposed is to make them good, to convert felons into use-

ful citizens. And finally it is seen, that the most powerful influence to awaken in the abandoned self-control and self-respect, is an expression of confidence in their capacity to regain character and an honorable social position. In a word, the Christian law, of overcoming evil with good, is becoming every where superior to the vindictive spirit, which brands with life-long infamy those who have once erred. The wise statesmen, jurists, and philanthropists of the day, are consulting as to the best means of removing all capriciousness and tyranny from the administration of criminal law. It is necessary, that the violator of the peace of society and of individual rights should feel, that imprisonment, with its attendant disgraces and miseries, is the inevitable consequence of his own misdeeds, not the effect of spite. Social order will be preserved just in the degree in which it appears, that pure justice, untainted by partiality or personal malice, protects the interests of all classes, all individuals, equally and inexorably. Now to complete this change which is taking place in the public sentiment of Christendom, in relation to criminals, such Societies as the one proposed are indispensable. The wrong doer must be treated, and must see that he is treated, from the moment of his arrest till his release, with humanity; he must be convinced, that the interests of his fellow-men demand his exclusion from society until his character is amended, and that the end of his imprisonment is to enable him to reform, and thus to atone by future usefulness for past injuries. The proof that such Societies are needed, is found in the fact, that they are already commenced partially or wholly in several countries of Europe, and that applications for the formation of the proposed Society here have met with universal approval from our wisest and best citizens. The preparation of the public mind makes this movement timely, and ensures its success.

2. A second consideration to be urged in favor of such Societies, arises from the conviction, fast becoming general, that the community is itself, by its neglects and bad usages, *in part responsible* for the sins of its children; and that it owes to the criminal, therefore, aid to reform. The foundation of this conviction in facts becomes more evident, the more we look into the causes of crime. Statistics already collected are instructive upon this point, and the results thus obtained are borne out by most affecting histories. I invite the attention of the meeting for a few moments to this subject of the causes of crime.

The first and most obvious cause to be mentioned is an evil organization derived from evil parents. Bad germs bear bad fruit.



Every Physiologist, every Judge and Magistrate of any experience, every careful observer knows, how common are the illustrations of this tremendous *law of descent*, by which crime is transmitted by depraved tendencies. In many of our penitentiaries may be seen the father and his sons, the mother and her daughters, brothers and sisters, side by side, for similar offences, and this in cases where, owing to separation, the cause must be found not in bad training, but in bad propensities. There are cases where for generations certain crimes run in families. The child of the licentious, the intemperate, the dishonest, the violent, begins life with excessive or defective passions, with a wayward, wilful, perverse temper, with a virus of bad dispositions working in the system, which will break out in the contagious ulcers of vice, unless cleansed away by a healthful moral influence. "I owe my thievish propensities, I verily believe," said a poor creature not long since at Sing Sing, "to the state of my mother's mind before my birth." Physicians give us numerous cases, where disease brings with it irresistible tendencies to particular crimes. Why should we doubt then these well known facts of the transmitted taint of vicious and irregular desires? Does society owe no duty of protection to these helpless creatures, cursed from birth with the fatal inheritance of parental depravity? Should they be left to the working out in injurious acts of this poison in the blood? Are they to have no care extended to them, till a vile life proves that they cannot take care of themselves? Surely they need a *preventive* influence spread around them by society from the first, to purify away what is bad, to strengthen what is good, and to shield them from the temptations beneath which they are peculiarly liable to fall. And if owing to the incompleteness of social relations, such compassionate care cannot be given in early years, at least when they have through crime come under the control of the laws, a social guardianship should be extended to them. Such beings should be confined in prison, not to be tormented, but to be cured. The penitentiary should be a moral hospital for the morally infirm.

A second most obvious cause of crime is orphanage, desertion, imperfect education, and even training in vice. Facts are conclusive evidence here. In Great Britain, in the year 1838, among

34,475 inmates of prisons,  
13,600 were children,  
2,075 were under 14 years of age,  
1,039 were under 12.

What scenes of misery, neglect, outrage, utter abandonment, would

the biographies of these children spread before us! Amidst what an atmosphere of curses, and ribaldry, and deceit, and fraud, and drunkenness, and sloth, did these little ones first stumble into life! By what blows and burdens were they crushed! By what multiplied obscurations was the light of reason and conscience dimmed! Again take some facts from the last report of the Eastern Penitentiary, Philadelphia.

Among 156 convicts then in prison there,  
14 had been orphans at the age of 12 years;  
10 had a father only in early life;  
26 had a mother only;  
143 received no religious instruction;  
144 never attended Sabbath School.

Again, of 1778 convicts,  
214 were under 20 years of age;  
414 knew how to read only;  
491 could neither read nor write.

Such statistics tell at a glance that early neglect was certainly, in part, probably in great part, the cause of after crime. Is society merely to punish, and brand with disgrace, and cast out as unworthy of membership, beings who have thus already been more sinned against than sinning, in that their better powers of heart and head have never been called forth? Does it owe them no opportunity of cultivation and discipline? How many thousand children, in this metropolis, to-day are there, well endowed with intellect and will, yet prematurely sharpened by want in their wits, hardened by suffering to indifference, helpless, almost homeless, inured to shame and degradation, lurking in alleys, hanging round dram shops, driven out to beg and pilfer, with all their passions growing rank and running wild, training in the public school of villainy, to commit deeds which will consign them to the Penitentiary; who, under good influences, might fill stations of usefulness and honor. Is society in no part responsible for the failures of these orphans, these oftentimes more unfortunate than orphans? Allow me to relate one anecdote that illustrates the effect of early neglect to produce crime.

A boy of unknown parents was bound out, from the Alms-house, as an apprentice. His head, countenance, manner, all indicated uncommon force and intelligence. But the master, instead of appreciating the destiny which Providence designed for the child, thwarted his desires for cultivation, and kept him to the most narrow round of drudgeries. The boy grew moping, dull, discon-

tented, and at last resolved to run away. To procure the means he stole a desk, thinking it doubtless contained something of value, and was taken in the act of examining its contents. He was sentenced to the State Prison for two years. Observe now the character of the child thus twofold a victim, first of cruel parents, next of an unfeeling master, thus early branded with disgrace. The very day he was released, without revenge, full of confidence, with open hands and open breast, he went to the family of the man who had been thus instrumental in wronging him, as to a home. Was a boy like that intended to be a criminal? And how was he treated by one who having injured, however unwillingly, should have fostered him? The master let him go. He let him go, marked as a felon, a friendless outcast. If thus in early years, the heart is tampered with, what wonder that it hardens amidst the cares and temptations of life into vice. Such a Society, as the one proposed to night, is needed to awaken a new feeling of compassion for neglected youth, and to repay those who thus fail and fall for the want of early care.

Any Governor or Inspector of a prison knows, that a large proportion of the convicts are of a stolid, heavy temper, unintelligent, simple, foolish. Their better natures are frost-bound and torpid; they need to be broken up and tilled, and laid open to the warm influences of Heavenly and human love. Society owes them the debt of culture.

One other cause only, among the many which may be found in the condition of those who fall into lives of crime, have I time to mention. It is the want of an encouraging social position. It is rare, that one blessed with a good home, with confiding friends around him, with avenues to honorable employment open, and appealed to by the hope of usefulness and happiness, becomes vicious. In such cases we instantly feel how much guilt is aggravated.—Criminals are for the most part those who in youth and early manhood have been left to associate with the idle and thriftless, and have never been trained to regular employment. We seldom appreciate how easily, if left alone, unsustained by worthy example, uncheered by sympathy, without the pervading pressure of social conscience and good manners, without the excitement of religious, refined, intelligent acquaintances, we might become lawless and perverse. Want of these inestimable yet mighty restraints and motives, prepares the way for gradual self-abandonment. Slight deviations, uncorrected, hurry the transgressor into a rapid downward course. Without good friends bad associates are welcomed, as giving food to the social affections. Tempters ensnare the inexperienced, who have no

guardian hand to guide. The spirit of mere adventure entangles the careless into a web of vile associations, from which there is no after escape. The sight of evil, as by contagion, awakens the desire to commit evil. Innocence and native generosity imperceptibly give way to the cunning and impurities which the selfish habits of the world instil. The unfriended become the misanthrope. How many a young man in strauge cities, far from mother and sister, how many a husband far from wife and children, poor, perhaps dependant, took, almost without a thought, the first step in that path which ended in the gambler's hell, the plausible deceits of the forger and counterfeiter, the extravagances of licentiousness prompting to dishonest gains. A few statistics will exhibit this notorious fact, that want of good social influences is a prolific source of crime.—Of the

156 persons already mentioned in the Eastern Penitentiary,

18 ascribed their crimes to bad company;

46 lived at taverns;

18 were licentious;

49 were occasionally intoxicated;

91 were unmarried.

In how many of these, and similar instances, might one good counsel at the right moment, one retreat in which to escape from temptation, one wise friend, one steady influence of good have averted years of deepening crime? Now grant that all such failures show an original absence of moral principle and integrity, which deserves the expression of social indignation, and the stern infliction of legal penalties; yet the study of the *causes* of the crime may lead us to its *cure*. Regular hours of labor, firm yet gentle restraint, the training to useful modes of industry, above all, the assurance of a kind and faithful social sympathy to sustain their efforts to regain character and station, are the natural and the only means of restoring these fallen brethren and sisters to uprightness. Will any one say, they deserve no pity—that reform is hopeless—that the only course is to crush them with severe punishment while in prison—and when they come out to load them with contempt, pelt them with insult, deprive them of honest means of living by suspicion, persecute them out of every hiding place, and so push them headlong into ever deeper crime? Let such remember, that “Blessed are the merciful, for they shall obtain mercy;” and that our daily prayer should be “forgive us our sins, as we forgive those who sin against us.”

3. This leads me to the third and last consideration, which I would now urge in favor of the proposed Society. It is, that the attempts already made to reform criminals, and afterwards to sustain them, have been attended with the most gratifying success.—I have just heard an anecdote from one of our Philadelphia friends, who this evening are present, to show their sympathy in our movement, which briefly and affectingly teaches the true principle of Prison Reform. An Inspector of the Penitentiary was conversing with a convict, (who had already been in other prisons), as to the comparative good influence of different modes of treatment. "Ah," said the man, "it seems to me there never was but one judge on earth who understood the right treatment of criminals." The Inspector looked at him inquiringly, as if to ask whom he meant. "It was the Man of Calvary," answered the prisoner, as his eyes filled with tears. The "Go! and sin no more," had sunk into the heart of the condemned. "Sin no more,"—that is the spirit in which to meet criminals; and it is of mighty power to renew the prostrate moral nature. In the most fallen are the remains of good.—The antiquary expends a fortune to disinter from the ruins of ages the relics of art, some hand or limb of a statue, some urn or vase, some coin or medal, and prizes it as of inestimable value. Un-speakably higher is the skill which can set free from the rubbish of evil habit and association, the buried, but not lifeless, energies of goodness.

I have been lately at Sing Sing, and feel bound, on this occasion, to bear testimony to the good which has been accomplished there by persons inspired with this confidence in the possibility of restoring the evil by consistent justice. The faithful labors of the Chaplain and Matron, have been crowned with most encouraging results. In the womens' prison, where the experiment has been most thoroughly tried, it is surprising to learn, that the most turbulent and fierce have been softened to penitence, and earnest aspirations for a life of purity. And how has this been done? It has been done by the presence of cultivated, high minded, energetic women, who have devoted themselves to rebuilding in these ruined creatures temples of holiness and love. They have won their confidence by the sincerity of their sympathy. They have reawakened hope in those, who, under the memories of their own debasing vices, and the contumely of the world, had utterly despaired of themselves. "Can no charge be made," said one of the prisoners, "in the degraded name of *Convict*, by which we are called, and which makes us forever feel the smart of our origin? Since you ladies have come

here, we are a reformed people. Please call this a House of Reformation. Then we might hope to be relieved from our disgrace." Surely, delicacy and sense of character are not dead in such a heart as that. The one thought, with a large majority of the prisoners, is—"how can I, when released, secure an honest livelihood, where suspicion and ignominy will not follow me." Hence, the resort to fictitious names. The cases are so frequent, in which a prisoner, leaving the Penitentiary with the best resolves, and entering into regular and respectable branches of industry, finds himself exposed, betrayed, and instantly cast off, and so forced to herd with the vile, and to resort to crime for mere subsistence, that they become helpless as to the possibility of success, and recklessly give themselves up to a seemingly fatal destiny. Some of them are brave and resolute enough to say, "I will take my own name, go the very place where my crime was committed, and there prove by patience in well doing, that I am a new man." But we must not blame harshly those who lack such moral courage. Society, in its unfor-giving sternness, is more to blame oftentimes, for the relapses of criminals, than they are themselves. He deserves our highest respect who has sufficient force of character to live down merited reproach, by a steady rectitude. Beautiful instances there are of such triumphs; and one that I have heard is so striking that it deserves to be repeated here. The prisoner referred to, learned while in confinement, the art of shoe-making, and determined when he came out to establish himself in the neighborhood, and as it were, under the shadow of the prison walls. He hired a shop, and put up his sign, with these words for his motto—"Live, and let live." He was tempted by the bad, who hated his honesty, slighted by the good, who could not believe in his virtues; but strong in purpose, he slowly worked his way to success, secured a good business, hired fellow-prisoners, as they were released, for journeymen; and once, it is said, when by a change in administration, the old keepers were turned out of office, took some of them to stay at his own house.—That man is a hero. If, under our present imperfect Penitentiary Systems, such a character can be developed, what might we not hope, if thorough exertions were made to convert these periods of seclusion from the world, into seasons of mental and moral discipline? At Pentonville, near London, two days every week are devoted to moral and religious instruction, and opportunities for general intellectual improvement; and out of 436 convicts, there were but 20 who could not read the Scriptures. Can any one seriously question whether such a mode of treatment is not better fitted to restore the

convict sound, and in his right mind, to the world and to his friends, than the maddening and degrading tortures of the lash? All but the few, who are by birth and long habit moral monsters, and others, more than could be at first credited, who are actually imbecile, might be recovered by the influence of faithful, just, judicious, merciful teachers. Now such a Society as the one proposed, is needed; 1—to ensure the permanent establishment of the reformatory system in our penitentiaries, amidst all accidents of change in administration; and 2—to produce such a spirit of humanity and justice in the community at large, as will “lift up the hands that hang down, and the feeble knees, and make straight paths, lest the lame be turned out of the way.” I move, sir, the adoption of the Resolution.

The Resolution was then adopted, and the Chair appointed the following gentlemen as the Committee: ISAAC T. HOPFER, WM. C. RUSSEL, THEODORE SEDGEWICK, LEWIS H. SANDFORD, and JOHN L. O’SULLIVAN.

HUGH MAXWELL, Esq., rose to call the attention of the meeting to what many present had construed into an attack by the gentleman who first addressed the meeting, (Mr. Edmonds,) upon the conduct of his predecessors in office. Mr. Maxwell begged the meeting to suspend their judgement on that subject until those persons could be heard; and he appealed to Mr. Edmonds’s generosity not to permit such an impression to exist in regard to those who were not present to defend themselves.

Mr. EDMONDS, in reply said, he was much obliged to the gentleman for the suggestion, for it might be, that in his earnestness in aiming only at the object for which the meeting had been called, he had not been as guarded in his expressions as he might have been. If, however, he had committed the error imputed to him, he could not sufficiently express his sorrow, and at the same time his thanks for the opportunity offered him for correcting it. It would be found, however, he trusted, that he had not committed the fault, for all who had heard him would bear in mind that he had been particularly careful, when speaking in language of condemnation, not to mention a name or place, or even a date, except one, and that referred to a period when he was connected with the prison, and was himself, as its chief officer, more responsible in the matter than any one else. Nay, so careful had he been, that when he rehearsed the inscription on the suicide’s bed, he had omitted the name of the keeper referred to, though he had understood he was dead, and could no longer be injured by it. It was systems, and not men, that

he warred upon; and believing from the bottom of his heart, that the system of cruelty which had been deemed necessary for the good government of prisons, was in the highest degree injurious to the prisoners in obstructing their reformation, he had intended to say only so much as should enable him to appeal to an enlightened public to render their aid in overturning it. After repeating his thanks to Mr. Maxwell for the opportunity which he had offered of making this explanation, he sat down amid the loud and prolonged cheers of the meeting.

Mrs. ROSE, a Polish lady, made an eloquent appeal in behalf of the fallen of her own sex.

Mr. RENNELAER N. HAVENS, alluded to the condition of the Penitentiary on Blackwell’s Island, and the City Prison, and commended them particularly to the attention of the proposed Society.

On motion of THEODORE SEDGEWICK, Esq., the following resolution was unanimously adopted:

*Resolved*, That it is proper that such Society should have in view the condition and interest of persons arrested for crime and detained for trial, and after trial, until offenders.

Professor TELLKAMPP rose to offer the following Resolution:

*Resolved*, That the state and condition of Prison Discipline, including the treatment which prisoners receive during their confinement, the melioration of the condition of prisoners, the improvement of the government of our prisons, and the substitution in their management of the law of kindness for that of force, are objects worthy the attention of philanthropists, and deserve the particular consideration of such a Society.

Which he supported by reading an interesting paper in these words:

Mr. President, I have observed that the coöperation of individuals or societies for benevolent purposes in this country, greatly facilitates the accomplishment of the object, while it creates an interest in the preservation of civil order, and inspires a respect for the law. Through the organization of Prison Reform Societies, both here and in Europe, where different rains are brought to act in concert, and to combine their efforts for a common object, results have been effected, which no single individual would have been able to accomplish. Viewing the organization of the present Society in this light, I may be permitted to contribute a small share of information upon the subject in question, and expect to be indulged in a candid criticism on the creditable experiments of this country in Prison Reform; for impartial criticism is the best service that can be rendered where the end aimed at is still greater reform. In

criticising the merits and defects of the Prison Discipline of this country, a subject upon which the Americans are justly proud, from the fact, that they have taken the lead in its improvement, I shall not do it in the spirit of fault-finding, but with the expectation of suggesting still further improvements. If defects exist in the prevailing Penitentiary Systems, it is not a matter of severe censure; for infallibility is not to be expected in the conduct of human affairs.

We must, acknowledge that there are other benevolent means calculated to operate as preventives of crime, such as a more general diffusion of education among all ranks of the people, employment of the poor, habits of temperance, and similar measures, more effectual than the reform of prisons and of convicts; but the latter, at all events, is worthy of our serious attention, while the former may be left to the care of other societies.

The deep interest taken in this country, as well as in Europe, in penitentiaries, is to be attributed to the belief, that by means of them the *moral reformation* of the criminal can be effected. Religion, humanity, and civil order, point out the object of all punishment. Crimes militate against divine and human laws, yet if their punishments were cruel, the mode of punishment would but increase the evil. By the introduction of a punishment which, while it afflicts, also improves the criminal, we approximate nearer to the realization of justice, and oppose, in the spirit of Christianity, good to evil; for an enlightened conception of the principles of justice would dictate the necessity of avoiding in the treatment of convicts all unnecessary cruelty. Punishment is made more certain if it is mild and reasonable, for then a jury will not shrink from the responsibility of giving their verdict according to evidence. Brute force can have but a short period of existence in a civilized society. A government compelled to oppose its enemies only by physical force, would soon lose that moral power by which governments can alone be effectually sustained. The true end and design of government is legal security, which can not be preserved without the controlling force of criminal law. The power of the criminal law depends upon the approval of public opinion. The law must, therefore, necessarily be so reasonable that enlightened public opinion can approve of it. Every member of society is personally interested in the due execution of the criminal law, because every one desires to be secure from injuries to his person or property.—And every person, therefore, even from selfish motives, should take an interest in this subject. But there is a higher reason than this

844

In all our relations we should endeavor to be just. We should claim nothing but justice. If we transgress this limit, we err either on the extreme of cruelty or of mistaken clemency.

It is proved by sad experience, that despotism can not be exercised more effectually than under the legal form of cruel criminal laws, and that it can be exercised by such means, whatever the form of government may be. Thus, for instance, in the Republic of Rome, the power of life and death was given to every principal Magistrate, and that authority was derived from the wealthy class of citizens. Consuls, Prætors, and Quæstors, caused the inferior citizens of Rome to be scourged with rods, and put to death, until the *Lex Porcia de tergo civium*, made by Porcius, the Tribune, ordained that no Magistrate should punish with death, or scourge with rods, a Roman citizen, but simply direct him to go into exile.

All history, however, proves that a cruel administration of the criminal laws has never been able to exist for a great length of time, among a people whose course was onward, and whose aim was the establishment of a just and reasonable government. For instance: the criminal laws in England became milder upon the granting of Magna Charta, and continued so up to the time of the Tudors. From that period they increased in severity to the more equal reprobation again assumed by the Reform Act, when their execution punished with death four kinds of crime; under the Tudors, twenty-seven; under the Stuarts, ninety-six; under the Tudors, twenty-dred and fifty-six. The criminal laws have been ameliorated with great rapidity in this country since the Declaration of Independence, and greatly in Germany and France during the last century. Some believe that this has been done too rapidly. But it is far better that the laws should be even in advance of the public mind, than below it. For if they are below the public mind they can but sink it in the scale of improvement, or destroy at once that respect and ascendancy which the laws should always maintain. With good laws men may become better, with bad laws they will become worse. In any case criminal laws and punishments ought to be in harmony with reason and humanity, and adapted to the condition of the people, according to their moral and mental development.

Applying these general remarks to a criticism of the Prison Discipline of this country, we have to acknowledge that, in comparison with the old modes of punishments, great improvements have been made, but greater ought still to be made.

While in Europe such men as Beecaria, Howard, Romilly, and others, have had the merit of disseminating correct views on this subject, the people of the United States have the higher merit of attempting to carry them into effect, and by actual experiments, on a large scale, for the amelioration and reformation of criminals, they have proved that men, although criminals, are to be regarded by a civilized society as human beings capable of reformation.

Two Systems of Prison Discipline prevail in this country: the Auburn and the Philadelphia, or the Silent and Separate Systems. With the former we are more particularly concerned in this State; but the latter is entitled to our serious consideration; the experiment afforded by both being highly valuable. Both Systems separate the convicts by different means: the Philadelphia System by means of bodily separation in partitioned cells; the Auburn System by enforcing silence during the day, and separation during the night. Many persons are shocked at the idea of having the prisoners separated, and say, that society has no right to inflict such a punishment. The idea of excluding any individual from the society of his associates, seems, it is true, very severe, and, to sociable and of his sensitive dispositions, revolting. But it is necessary that the prisoners should be so far separated from one another as to remove each prisoner from the contaminating influence of others. While each prisoner from the contaminating influence of others. While society exercises the right to punish criminals it should not corrupt them, and it would corrupt them if it did not prevent communication among them; because men of a similar character, by coming in contact, would but impel one another in their career, so that not only the less criminal would be corrupted by the more criminal; but even the most criminal would gain in wickedness by mutual contact. If, therefore, society would not subvert the true objects of punishment, and expose the convicts to the danger of becoming more depraved, it must separate them. Both Systems have, therefore, been correct in their *design* of separating prisoners; but it seems that the *means* which they have employed to carry out this design, have not been equally correct or successful.

The desired separation has not been fully attained either in Penitentiaries under the Philadelphia or the Auburn Systems. The convicts in the Philadelphia prisons have communication among themselves, through the openings for fresh air, through the windows of the cells, and through the apparatus for warming the cells, &c.; and in the prisons of the Auburn System, communications also exist, by signs and other means, among the associated prisoners.

Both Systems, however, have these merits: *first*, of having prevented, at least in some degree, the corruption of prisoners by separating them: *secondly*, by employing the convicts in useful labor, and thereby relieving society to some extent of the expense of their support; *thirdly*, of enforcing greater obedience in the prisoners to the rules of the prison; *fourthly*, by preventing escapes; and *fifthly*, of producing, in some instances, reformation. But with all these good results the prevailing Systems require reform in the following points:

The Auburn, or Silent System, ought to be freed from some objections, the most important of which are; the cruelty with which the prisoners are punished, and the hiring them out to contractors. In order to avoid the cruel disciplinary punishments, it would be advisable not to concentrate so many convicts in one place, but to divide them into smaller numbers, of about 300 in each prison, and to classify them according to their character and age, in numbers of 20 or 25 in each workshop, so that they may be more readily managed. The bringing together of from six hundred to a thousand convicts at Auburn and Sing Sing, without classification, and without walls around the premises, has been the cause of inducing Keepers so frequently to make use of the lash, that cruel application of the principle of fear. A man may be led by reasonable treatment to his duty, and to moral reformation, but not by the whip. In this respect, however, I have learned, that there has been lately a reformation at Sing Sing. In that prison the female department appears now to great advantage, from the good conduct and improved moral state of the convicts, and by exercise and cleanliness their general health has been greatly improved. This department has the appearance of a well conducted school during the time of instruction, and of a very orderly workshop during the time of labor. The convicts manifest the highest regard and confidence towards the superintending Matrons. All the good effects of the Silent System exist there, although severe bodily punishments are avoided; the solitary cell being sufficient as a disciplinary punishment. This improvement is to be attributed, in a great measure, to the superior character and ability of the Matrons employed, and to the fact, that the number of female convicts commonly under the care of one of them, is only from 15 to 20. I observed that the principal Matron was able to instruct them, before they began their work, on some moral or useful topic. These instructions facilitate kind treatment, and lead to good order, since the convicts become

sensible that the Matrons have nothing in view but their good. With such a manageable body of persons, strict discipline is kept up, without recourse to severe punishments. I shall speak later of the other mentioned defect of the present system, of hiring the convicts out to contractors. The Philadelphia, or Separate System, on the other hand, has a dangerous effect upon the mind of a great number of prisoners, as I shall subsequently show more fully. The Solitary System will require reformation, and demands the most serious consideration. It seems applicable only to a short term of punishment. The danger to the mind of the prisoner is much increased in those prison buildings which have no yards for the exercise of the convicts; as for instance at Moyamensing, Pittsburg, and Trenton, and in those where sufficient mental instruction is wanting. Exercise and useful mental occupation are of the utmost importance in preserving the bodily and mental health of the prisoners. It is an act of cruelty to cast out into the world discharged convicts, whose health has been sacrificed, or whose minds have been permanently impaired in prison! Too much stress cannot be laid on this point. If the conductors of those prisons effect the separation of the convict, while they deprive him of the only mitigation of his sufferings, exercise in the open air, and in order to force him to penitence, bury him for a term of years in a small cell, in which he is entirely excluded from the salutary influences of exercise, the open air, and the warmth of the sun, so necessary for the support of life, they make that punishment so cruel, that it will frustrate all attempts for the moral improvement of the criminal. Morality is the result of free will, and will not be produced by force or enervating confinement. Can we expect to find a strong resolution to withstand the temptations of vice, in him whose powers of body and mind are gradually sinking under the weight of indescribable suffering. Moral health is intimately connected with physical health; and a mind languishing under the debilitating influence of close solitary confinement, is soon deprived of that healthful energy upon which so much depends in the cultivation of the moral feelings and sentiments. If all danger of escape, while exercising, can be avoided by means of yards, as at Philadelphia, why should we deny him, whom we wish to improve, an influence so requisite for health, and for the development of the moral feelings?

The criminal has, by his transgression, sacrificed the rights that belonged to him as a citizen, and society may therefore justly deprive him of them; but if by a mode of imprisonment, it should

844

destroy his mental and physical health, it would not seem like a just administration of the law, but should be regarded as a cruel torture. To such treatment even death would be preferable.

I cannot conscientiously withhold these remarks, since they relate to the moral and physical condition of hundreds of criminals not only in Europe, but also in Pennsylvania and in New Jersey.

*Reformation* is the avowed object of Penitentiaries, and many persons in this country and in Europe, have supposed, that it could be accomplished by *separation*, as well in the Philadelphia as in the Auburn System. But this is an erroneous impression. Evil may, in this manner, be excluded, but reformation will not be effected. It is at variance with the nature of the soul, that *moral* improvement can be produced purely by *mechanical* means—by separation in a solitary cell, or through silence enforced by the lash. No instructor would think of using such means for intellectual cultivation. Wise men have sometimes retired from society, in order to undergo self-examination, or to derive consolation for their misfortunes; but their seclusion was *voluntary*, without which nothing *moral* can be accomplished. These convicts, however, are not confined by their own will, but compelled by a decree of society. Entering the Penitentiary, as many of them do, with no mental or moral improvement, unaccustomed to direct their minds, except when tangible things are found to give them employment, or necessity to dictate their course, their idle moments may naturally give room for vague feelings and irregular thoughts; and if the idea of penitence should find place in so disordered a state, it would be so distorted by their mental wanderings, as to be incapable of any permanent effect. They need moral and mental culture in a higher degree than it has yet been possible to afford it to them. The benevolent friends of these institutions have, with the greatest difficulty, been able to obtain the appointment of but one moral instructor for each Penitentiary, where there are usually more than four or eight hundred convicts; and this single instructor is also occupied during the week in preparing his sermon for Sunday. If we would effect the reformation of the prisoners, and avoid the danger of their minds becoming dull or distracted, we must not be so sparing as heretofore, in furnishing the means of instruction, and such mental training as will enable them to read to advantage the books that are put into their hands. Their suffering is the most severe during the first weeks or months of their imprisonment before they are accustomed to their situation, and it is, therefore, highly important that they should be immediately enabled to em-

ploy their minds during their leisure moments. It is evident from the reports on the number of refractory prisoners, that much more remains to be done for reformation. The result, as regards reformation, is less favourable than was expected.

If we cannot expect a general or moral reformation, we should at least afford them the opportunity of again becoming useful members of society. The present instructors fulfil their duties most faithfully, but it is evident that their time is too limited; and, on the other hand, the contractors use the convicts only as money-making tools, and therefore they must work so unceasingly from sun to sun, that the clergymen at several of the prisons, in different States of the Union, have complained to me, and justly too, as I am convinced from my own observation, that there was *too little time for moral reformation, and too absorbing a desire of gain*. It will be, therefore, an essential improvement to abolish the custom of hiring them out to contractors, and so to limit the hours for working, that some time may be afforded for instruction and reformation. By abolishing the system of contractors, it will be possible to sell the manufactured goods of the convicts at a fair competition in the market. By such a measure, the monopoly held by contractors, which interferes with fair competition of mechanics, would cease. If contractors do not enjoy the monopoly of the *cheap*, good, and uninterrupted labor of convicts, and if the prison produce is sold at a fair competition in the market, no complaint can be made; for the convicts, had they been free, would have been obliged to labor, some in manufactories or trades, some on farms, to obtain a subsistence. Because they did not labor, but gained their living by criminal means, they have been imprisoned; and since they now labor, no one could complain, if their employment by contractors had not injured fair competition. If the latter is not the case, the penitentiaries stand like manufactories, which, if the convicts are not as now overworked, cannot undersell mechanics, since every business carried on by the State, costs more than private. The Penitentiaries exchange the value of a part of the surplus of their labor for the raw material of the surrounding country, and give their profit to the State, instead of giving it to the employer of a factory. No one complains of an employer and his factory laborers, but every one calls them useful producers, increasing the wealth of the country.

If some time could be afforded for instruction and reformation, and if the reformation of the convict could be effected, society would be benefited even in a pecuniary point of view, as it would

844

be less subject to depredations upon it by unreformed criminals, let loose from prison, only to begin again a new career of crime. I would suggest, that instruction should be communicated during the week to the prisoners by means of lectures, delivered to them mornings or evenings. By this means both Systems would be freed from some defects, and the means of moral culture greatly increased. The value of any system depends not only on the certainty with which convicts are excluded, without severity, and without injury to their health, from evil communications with each other, but principally on the fidelity with which the administration of such a system favors the cause of virtue. The wardens, instructors, physicians, matrons, and keepers should therefore be selected with the greatest care, and kept during good behaviour. They should not be changed with the changes of political parties. This changing of prison officers for political reasons, is one of the greatest of existing evils, and should be immediately reformed. The prisoners must be often visited by the Inspectors, and, from time to time, by independent official visitors, to prevent abuses or unauthorised treatment from the hands of the keepers. Without such a vigilant superintendance, emanating from the people, prisons of any system will be necessarily converted into places of torture, for unchecked power will be abused, and no one more requires a salutary check, than a prison-keeper, who has the disciplinary power over a number of convicts, who often provoke him, and who will be too often sustained in the infliction of unnecessary cruelty by the prejudices or despotical disposition of many men. Without sufficient vigilance by the people over the execution of the criminal law, prisons may easily be converted into a kind of Bastille, and the convicts treated as slaves of the State. Where this watchfulness is wanting, the greatest cruelties may be practised within the walls of a prison with confidence and impunity. This danger is increased in a community, where the rich may easily escape imprisonment by giving security or bail, and where consequently they feel but little interest for the rights of the poorer classes, who are compelled to undergo incarceration, when accused of crime before trial. Vigilance in the execution of the law, is as necessary as vigilance in the enactment of suitable laws. The old maxim ought to be ever remembered: *Vigilantibus, non dormientibus servit lex*. Here I may observe, that the mild administration of the Eastern Penitentiary at Philadelphia, is more to be ascribed to the humane and benevolent influence of the Quakers or Friends, and of its officers, than to the Separate System of that Penitentiary. This System could easily be



converted into a means for the most cruel punishment, on account of its secrecy, if such a benevolent and vigilant influence and supervision was not exercised by the Quakers, and by the people in general. It could be made to equal the torture of the Inquisition. No prison system works itself; it must be conducted by good officers and inspectors. The history of all prisons in all countries, and among others of *la maison centrale de Fontevault*, and of *Hagueneau* in France, where the Silent System is introduced, proves this fact. They were praiseworthy under good officers; they are now cited as very defective under inefficient overseers. At *Montpelier* in France, on the other hand, the female department of the Penitentiary exhibits a high degree of perfection, because its administration is highly reasonable. A reasonable government is the soul of a prison. It is of more importance than walls and dungeons towards perfecting a system, whose highest aim should be moral reformation, and not solely mechanical labor.

The experience gathered in the field of prison reform has so much increased within the last few years, as to render a more complete criticism a task too great for the space allowed for an address like this, and I shall be able to say but a few words on the most recent movements regarding the reform of the prison discipline of Europe, an account of which may be expected from me.

The liberal minded King Oscar of Sweden, has recommended a careful examination of the Auburn and Philadelphia Systems in his work "on Punishments and Prisons," laid before the Legislature of Sweden, in the year 1840.

England has begun to introduce the Auburn System in Westminster Bridewell, and other prisons; and the Philadelphia System in the new model prison in Pentonville, near London. But it has improved both Systems, by an amelioration of the disciplinary punishments, and by a greater care for abundant instruction. In Westminster Bridewell they have divided the convicts into manageable numbers, in order to control them without cruelty. In the model prison in Pentonville, near London, which as well as the former, I visited last year, and which has been constructed under the superintendance of the justly celebrated Messrs. W. Crawford, W. Russel, I. G. Perry, Inspectors of the Prisons of Great Britain, and of Major Jebb, the prisoners are provided with a great number of exercising yards, they receive during the week moral and other useful instruction, in a common chapel, by a number of teachers; are visited by their friends once in three months, and remain only one year and a half in prison, are then classified ac-

1844

ording to their behaviour in three classes, and transported to different places of New Holland. All these arrangements are made in order to diminish the danger to the mind of the prisoner, which exists in the penitentiaries of the Philadelphia System, but as yet in vain; seven cases of hallucination have occurred there during the last year, (during the first year of the existence of the prison,) in spite of all ameliorations and improvements of that System.

In Prussia the benevolent and intelligent King takes the liveliest interest in all measures calculated to improve the moral condition of the convicts. After an interview which I had with his Majesty, Dr. Julius and myself were invited, last winter, to present our views upon Prison Discipline to a section of the Cabinet at Berlin. The subject was debated, and a plan which I suggested, was adopted. The details of the plan are briefly the following. I proposed a combination of the good features of the Philadelphia and Auburn Systems, uniting with them some improvements:

*The Houses of Detention* for persons during trial, will be constructed after the Separate System, as existing in the model prison at Pentonville, near London, (with a sufficient number of exercising yards.) It being self-evident, that persons committed for trial should be kept separated.

*The State Lunatic Asylums* will receive those persons who have committed crimes while in a state of insanity; and it becomes the duty of the Judge presiding upon the trial of persons, whose insanity is satisfactorily established, to direct that they be sent forthwith to the Lunatic Asylum. By this means, abuses under the plea of insanity can rarely occur.

*The Penitentiaries* will consist of three divisions. The first on principles similar to the Philadelphia—the other two similar to the Auburn System. The last of the three divisions is to be ameliorated, so as properly to prepare the convict for his return into society. Female convicts are to be kept in distinct prisons.

The cells of the first division will be built after the model of those of Pentonville; a sufficient number of exercising yards will be provided.

The cells of the second and third divisions will be built more spacious and healthy than in the penitentiaries of the Auburn System, and each workshop will contain only 20 or 25 men, so that their superintendance may be more easily managed. The prisoners in these two latter divisions will be divided into classes, according to their character, so far as that can be ascertained, and according to

their health and age, and will be employed during the day, and separated in their cells during the night. The prison at Hartford, Connecticut, and the female department at the Sing Sing State Prison, satisfactorily establish that under such a regulation the Auburn System can be much ameliorated and rendered more effectual.

The prisoners of all three divisions will have every day one hour allowed for exercise; those of the first division in separate yards; those of the other two divisions in the common prison yard, marching one after the other in different circles.

There will be in each prison a chapel with partitioned seats, similar to those in Pentonville, for the service on Sunday, and for instruction on other days. The prisoners of the first and second divisions will receive one hour's instruction every day, and those of the third will receive more, according to circumstances.

Each convict will be during a short time in the first division in a separate cell, in order to give him opportunity for reflection; but since separate confinement is dangerous to the mind, it will be left discretionary with the physician and officers to remove those prisoners, in due time, to the other divisions, whose health seems to require it. Every prisoner has it besides in his power, by good behaviour and diligence, to be advanced into the second and third divisions. In this way there may be united at last in the third division the best convicts, who give proofs by their conduct of their reformation. Such a prospect is necessary, for it is the hope of a better condition, which makes a hard situation endurable, and which encourages exertion for the purpose of advancement.

The fear of being placed back in a separate cell in the first division, on account of bad conduct, will be sufficient to sustain order, without the severe bodily punishments of the Auburn System. The indicated classification in the two latter divisions will, besides, facilitate this object.

By the establishment of these three divisions in each penitentiary, the punishment will receive such a flexibility, so that it will be possible to avoid the objections of the Philadelphia and Auburn Systems, when each is carried out by itself, and by this means it will become possible to unite the good features of both.

The greatest care will be taken in the selection of prison officers: the Warden, Matrons, Physicians, Instructors, and Keepers; for the spirit that will prevail in the prisons, and the good to be effected, will principally depend upon the intelligence, firm character, and humanity of those persons. All these officers will be appointed during good behaviour, so as to give their whole interest

to the institutions, and to secure the great advantage of their increasing experience. In order that prison officers can have an individual influence upon the convicts, the number of the prisoners in each penitentiary ought not, if possible, to exceed 300; but no fixed number has as yet been agreed upon. The convicts will be under the control of Prison Inspectors, among whom are to be included physicians; and the time of imprisonment will be much diminished in comparison with former punishments.

Finally, for the purpose of giving employment to *discharged convicts, factories* will be erected, and farms assigned; and the hope is entertained that by these means a great evil, the liability of the criminal to relapse again into crime, will in some degree be prevented.

By employing discharged convicts who are destitute, upon farms, or in factories, the means will be afforded to them of leading honest lives. The effect of punishment at present destroys the prospects of the convict after he has served out his term of imprisonment. The ignominy of having been a convict follows him wherever he goes, and he will not be trusted. People usually will not employ him, and even if employment be given to him, those who are required to labor with him, consider themselves contaminated by his presence, and make common cause against him. Thus it is mainly after he has suffered his punishment that the real hardship of his situation begins to be felt, and he is driven back to crime from necessity. This is an evil which government should do something to remedy. If this effect be produced by punishing him, it is incumbent upon government to do something to counteract it. Not merely from humanity but from interest, for if the result of punishment is to convert an offender into a confirmed and permanent transgressor of the law, it may have been better for the interest and security of society that he had never been punished at all. To prevent discharged convicts from relapsing into crime becomes therefore a solemn duty on the part of government. A duty which it owes to society, and which springs from the very necessity which gives rise to the institution of government.

It is objected, that discharged convicts laboring together in factories, or on farms, will become acquainted with one another; but this is not a serious objection. It is to be remembered, that prisoners become known as such by their public trial; that they have communications, and know each other in prison, and that, when discharged, and returning to their former home, they are known to have been in prison. The question is simply then, whether as dis-

charged convicts, they shall be left to destitution, or whether they shall be aided in leading honest lives under some sort of control? If by employment in factories, or on farms, the incentives to crime are diminished, and the stimulus to honest industry increased, corruption is less to be feared; and it may be avoided in some degree by the necessary imposition of silence during the working hours. The safest way for reformed discharged convicts is, openly to acknowledge that they have been imprisoned; by this means they free themselves from the influence of other convicts, and regain easier, by their candor, the confidence and sympathy of the best class of the community. No contractors will of course be allowed in those factories, by the same reasons that have been enumerated. All the profits of labor are to be divided among the persons employed, and they could, under proper direction, comfortably maintain themselves by their combination of labor in factories and on farms.

Those discharged convicts who find employment elsewhere, are of course at liberty to follow their own choice. But if the discharged convict does not choose to employ himself in an honest way, and returns as a refractory convict to prison, it proves that he is incorrigible, and ought to be sentenced to imprisonment for life; and it should be reserved to the pardoning power to release those only who may be entitled to it by good conduct. Such a measure may appear hard, but it is the duty of government to establish security of person and property, and to protect the peaceful citizen against the depredations of unreformed criminals. Either society or the criminal must suffer, and it is but just that the guilty should suffer. The incorrigible criminal is unfit to live in a civilized community, and he should be excluded from it. Accordingly prisons of the following plan are to be destined for their reception:—They will resemble the above named second and third divisions of prisons, but the enforcement of silence will only exist during the working hours, and in their leisure moments the prisoners will be allowed to converse in the presence of an instructor or keeper, with the prohibition of conversation on those subjects which would have a dangerous tendency. By this means all unnecessary severity will be avoided, and the true end of the law attained.

For further information upon this subject, and particularly in regard to the arrangements which are to be made, in order to prevent the danger to mental health, which exists in the Philadelphia System, I refer to a work on the penitentiaries of the United States and Great Britain, which my brother and myself have published in Germany, under the auspices of his Majesty the King of

Prussia; I will take the liberty however, of calling your attention to the medical part of the work, wherein my brother states, that cases of insanity have occurred more frequently in prisons, where separate confinement has been adopted, than in prisons arranged on a different plan; establishing this position by extracts from public documents, and showing that the numerous cases of mental derangement which have been observed among convicts confined separately, are not to be ascribed to self-abuse, but that separate confinement itself is productive of insanity, or in other words, that the uneducated prisoners, who are possessed of vivid imaginations, or endowed with strong passions, suffer in many instances from being isolated and alone, through fright, anguish, religious scruples, &c. &c., so as to bring on mental derangement. In connexion with this statement it will not be regarded I believe, out of place, to give his views on the classification of prisoners, in conformity in the main, with my proposals on the subject. He says: "In consideration of the ends of imprisonment, such as we are justified in expecting with regard to moral improvement, as well as to the health of the convicts, I am of opinion, that none but those prisoners should be kept in separate confinement, who would exert an obnoxious influence upon their fellow prisoners, who however are susceptible of reform by means of education, &c., under this mode of imprisonment. I deem it therefore advisable not to subject to separate confinement those convicts; first, who are believed to have reformed; second, those whose state of health suffers from separate confinement; third, those who are condemned for life. This classification appears to me as natural as it is necessary, since it is founded upon the difference in the moral education, in the health, and in the nature of the crimes committed. If separate confinement should be introduced in Germany, I am convinced the necessity would soon become apparent, of employing at labor in common those prisoners whose bodily and mental health required it." I conclude these extracts with one of his suggestions respecting the classification of convicts: "It is necessary to fix the time of separate confinement in each case individually, so as to leave it at the discretion of the physician, and other superior officers of the prison to decide at what period of imprisonment the convicts should be transferred from the first division to the second. The term of imprisonment should alone be fixed by the Court." I omit the reasons given for this proposition in the work.

My brother's views on the influence of separate confinement on the health of convicts, are corroborated by more recent works on



object of Prison Discipline should be to raise the fallen wretch, to correct his progress in the incipient steps of crime, to prepare him for his return to society, and fit him to enjoy its blessings. The most degraded criminal is not insensible to kindness or sympathy. The very fact that he does not meet it in his prison, nor receive it from the world, drives him to seek it among his accomplices in guilt. Perverted as his moral being has become, he but obeys one of the strongest impulses of nature, and the very impulse that weds him to crime would, if properly directed, become a means to raise and restore him. He should feel that the virtuous part of society sympathises in his fate, and takes an interest in his regeneration.

To know how, or in what manner to approach criminals, to use the means by which their better feelings may be acted upon, and to exercise those influences by which their moral nature may be cultivated, are subjects yet before us. The improvements hitherto introduced have had reference rather to the structure of prison buildings, the most efficient organization for the purposes of manual labor, and the best means of securing and enforcing obedience. They relate rather to the government of prisoners as a mass than as individuals, with different habits and different characters. A wide field is therefore open for the labors of the philanthropist, and one that promises an abundant harvest. I understand the present organization is undertaken with the view of commencing the task; and as it is an object to which I have devoted some years of my life, I cannot express how deeply interested I feel in the result. If pursued in a practical and philanthropic spirit, in which misdirected and injudicious sympathy shall not be allowed to interfere with, or control the great ends of justice, I am satisfied that its benefits will be equally shared by the criminal and by society.

The resolution was adopted.]

ISAAC T. HOPPER offered the following resolutions, which were adopted:—

*Resolved*, That to sustain and encourage discharged convicts, who give satisfactory evidence of repentance and reformation, in their endeavors to lead honest lives, by affording them employment and guarding them against temptation, is demanded of us, not only by the interests of society, but by every dictate of humanity.

*Resolved*, That in the formation of such a Society it would be proper to have a Female Department, to be especially regardful of the interests and welfare of prisoners of that sex.

Amid the repeated cheers of his audience, he related several anecdotes connected with his own experience, while Inspector of the

prison in Philadelphia. He said he trusted the apparent egotism would be excused, because his motive in speaking in his own name was merely to give authenticity to the anecdotes, and to aid a good cause by the testimony of his own experience.

Mary Norris, a middle-aged woman, who had been frequently re-committed to prison, on one occasion begged me to intercede for her, that she might go out. "I am afraid thou wouldst come back again soon," said I.

"Very likely; I expect to be brought back soon," she answered. "Then where will be the use of letting thee out?"

"I should like to go out," said she. "It would seem good to feel free a little while, in the open air and the sunshine."

"But if thou enjoys liberty so much, why dost thou allow thyself to be brought back again?"

"How can I help it? When I go out of prison, nobody will employ me. No respectable people will let me come into their houses. I must go to such friends as I have. If they steal, or commit other offences, I shall be taken up with them. Whether I am guilty or not, is of no consequence; nobody will believe me innocent. They will all say, 'She is an old convict—send her back to prison—that is the best place for her.' O, yes, I expect to come back soon. There is no use in my trying to do better."

It touched my feelings to hear her speak thus; and I said, "But if I could obtain steady employment for thee, where thou wouldst be treated kindly, and be paid for thy services, wouldst thou really try to behave well?"

Her countenance brightened, and she eagerly replied "Indeed I would."

I used my influence to procure her dismissal, and succeeded in obtaining a good place for her, as head nurse in a hospital for the poor. She remained there more than seventeen years, and discharged the duties of her situation so faithfully, that she gained the respect and confidence of all who knew her.

James Gilman lived in the neighborhood of Carlisle, Pennsylvania. He was a revengeful character; and having a grudge against one of his neighbors, he induced his two sons, one about fifteen, and the other about seventeen years of age, to accuse him of an infamous crime. The two lads testified before the Grand Jury; but the crime alleged was of so gross a nature, and was so at variance with the fair character of the individual, that the witnesses were subjected to a very shrewd and careful examination. They became embarrassed, and flaws were discovered in their evidence; in

consequence of which, they were indicted for conspiracy; and being taken by surprise, were thrown into confusion, pleaded guilty, and declined the offer of a trial.

Before the Court adjourned, they were sentenced to two years imprisonment, at hard labor, in the Penitentiary of Philadelphia.— I was at that time one of the Inspectors of that Institution, and happened to be there when they arrived, at dusk, handcuffed and chained together, in custody of the Sheriff.

Their youth, and desolate appearance, affected my feelings. I tried to speak to them as a kind father would speak to erring sons. "Be of good heart, my poor lads," said I; "you can retrieve this one false step, if you will but make the effort. It is still in your power to become respectable and useful men. I will help you all I can."

I gave particular directions that they should be placed in a room by themselves, apart from the contagion of those more hardened in vice; and to prevent unprofitable conversation, they were employed in the noisy business of heading nails.

From time to time, I spoke encouraging words to them, and commended their good behaviour. When the Board of Inspectors met, I proposed that the lads should be recommended to the Governor for pardon. Not succeeding in my efforts, I wrote an article on the impropriety of confining juvenile offenders with old convicts, and published it in the daily papers. This had the desired effect. When the Board again met, Thomas Dobson and myself were appointed to wait on the Governor, to obtain a pardon for the lads, if possible. After considerable hesitation, the request was granted; on condition that worthy men could be found who would take them as apprentices.

I took the responsibility of providing suitable places, and succeeded in binding one to a respectable turner, and the other to a carpenter. I told them they were now going among strangers, and their happiness and success must depend mainly on their own conduct. They might perhaps, at times, be exposed to unprofitable company; but if they should at any time get into difficulty, I begged them to come to me, as they would to a considerate father. I invited them to spend all their leisure evenings at my house; and for a long time it was their constant practice to take tea with us on First Day Evening, and join the family in reading the Scriptures, and other instructive books.

At the end of a year they expressed a strong desire to visit their father. Some fears were entertained, lest his influence upon them

should prove injurious; and that, when once freed from restraint, they would not willingly return to constant industry and regular habits. They, however, promised faithfully that they would; and I gave bonds for them, merely for the sake of strengthening their good resolutions. They returned punctually, at the day and the hour they had promised; and their exemplary conduct continued to give entire satisfaction to their employers.

A short time after the oldest lad became free, the turner with whom he worked, purchased a farm, and sold his stock and tools to his former apprentice. Dressed in his new suit of freedom-clothes, I took him to the Governor's house, and introduced him as one of the lads whom he had pardoned several years before; testifying that he had been a faithful apprentice, and much respected by his master. The Governor was much pleased to see him, shook him by the hand very cordially, and told him that he who was resolute to turn back from vicious ways, into the paths of virtue and usefulness, deserved even more respect, than he who had never been tempted.

He afterwards married a worthy young woman, with a small property, which enabled him to build a neat two story brick house. They lived in great comfort and respectability; he always retaining the character of a sober, industrious man.

The other brother passed through his apprenticeship very creditably; and at twenty-one years of age, I likewise introduced him to the Governor, with testimonials of his good conduct. He was united to a very respectable young woman; but died six or seven years after his marriage.

I have aided and encouraged, I should think, as many as fifty young culprits, by means similar to those I have mentioned; and it is a great satisfaction to me to be able to state to you that only two of these turned out badly.

Patrick McKeever was a poor Irishman, who lived in Philadelphia, many years ago. He was arrested on a charge of burglary, convicted, and sentenced to be hung. I am ignorant of the details of his crime, or the causes that led to it. But there were probably some palliating circumstances; for when brought, seated on his coffin, in the death cart, to the foot of the gallows, in company with another criminal, he was relieved, and the other was hung. His sentence was changed to ten years' imprisonment; and this was eventually shortened one year.

During the last three years of his term, I was one of the Inspectors of the Prison, and I frequently talked with him in a

friendly, fatherly manner. He was a man of few words, and his hope seemed to have all died out; but I soon saw that his feelings were touched by kindness.

After his release, he immediately went to work at his trade, which was that of a tanner, and conducted himself in the most sober and exemplary manner. Being remarkable for capability, and the amount of work he could perform, he soon had plenty of employment. He passed my house every day, as he went to his work, and I often spoke to him in a friendly and cheering manner.

Things were going on thus satisfactorily, when I heard that constables were out after Patrick, on account of a robbery committed the night before. I went straightway to the Mayor, and inquired why orders had been given to arrest Patrick McKeever. "Because there has been a robbery committed in his neighbourhood," replied the Mayor. "What proof is there that he was concerned in it?" "None at all: but he is an old convict; and that is enough to condemn him." "It is not enough, by any means," replied I. "Thou hast no right to arrest a citizen without a shadow of proof against him; and in this case I advise thee, by all means, to proceed with humane caution. This man has atoned severely for the crime he did commit; and since he wishes to reform, the fact ought never to be mentioned against him. He has been perfectly upright, sober, and industrious, ever since he came out of prison. I think I know his state of mind; and I am willing to take the responsibility of saying that I believe him guiltless in this matter."

The Mayor commended my benevolence, but was by no means convinced. To all arguments, he replied, "He is an old convict; and that is enough."

I watched for Patrick, as he passed to his daily labors, and told him that the constables were after him, for the robbery that had been committed. The poor fellow hung his head, and the light vanished from his countenance. "Well," said he, with a deep sigh, "I must make up my mind to spend the rest of my days in prison." I looked earnestly in his face, and said, "Thou wert not concerned in this robbery, wert thou?"

"No, indeed, I was not. God be my witness, I want to lead an honest life, and live in peace with all men. But what good will that do me? Every body will say, he has been in the State Prison, and that's enough."

I did not ask him twice; for I felt well assured that the poor man had spoken the truth. I advised him to go directly to the Mayor, deliver himself up, and declare his innocence. This advice was

received with deep despondency. He had no faith in his fellow-men. "I know what will come of it," says he. "They will put me into prison, whether there is any proof against me, or not; they will not let me out, without somebody will be security for me; and nobody will be security for an old convict."

"Don't be discouraged," said I. "Go to the Mayor, and speak as I have advised. If they talk of putting thee in prison, send for me. I will stand by thee."

Patrick did accordingly. In the absence of any thing like a shadow of proof, his being an "old convict" was deemed sufficient reason for sending him to jail.

I appeared in his behalf. "I am ready to affirm," said I, "that I believe this man is innocent. It will be a very serious injury to him to be taken from his business, until such time as this can be proved; and moreover the effects upon his mind may be most discouraging. I will be security for his appearance when called; and I know very well that he will not think of giving me the slip."

The gratitude of the poor fellow was overwhelming. He sobbed until his strong frame shook.

The real culprits were soon after discovered. Patrick, until the day of his death, continued to lead a virtuous and useful life.

One day, when I was passing down Third street in Philadelphia, I saw a crowd chasing a boy, and calling, "Stop thief!" the poor little fellow ran at the top of his speed, but was soon overtaken, and carried before a magistrate. Upon inquiry, I found that he was charged with having entered a store, reached his hand across the counter, and taken two dollars from the drawer. A person in a back room saw him, and gave the alarm. The lad appeared overwhelmed with distress. He confessed his fault, but pleaded in palliation that he was very poor and hungry. His parents, who were Irish emigrants, had died a year or two after their arrival in this country. He had no relatives or friends, and obtained a precarious living by doing such little odd jobs as he could find to do. For several days he had not been able to get any work, and he did not know where to get a mouthful to eat. The appearance of the boy, and his affecting story seemed enough to soften the hardest heart; but it had no effect on his accuser, who insisted upon his being committed to prison. I received a volley of abuse from him, for "taking part with the young thief." Several of the bystanders pleaded for the friendless orphan, and the Justice united with them; but it was all unavailing, and he was imprisoned. A week or two afterwards, I stepped into the Court House, just as the lad was at the

criminal's bar, and about to receive his sentence. I related to the Court what I had witnessed in the case, and proposed that he should be intrusted to my care. I represented to them that he would be almost sure to be ruined by the contaminating influences of a prison, and that being turned out upon the world again, poor and without a protector, he would be almost sure to fall into vicious habits. My proposition was readily complied with. I took him to the Alms-house, and bespoke kind treatment for him, until I could procure a suitable place for him in the country. Upon my representations, my father, who resided on a farm, a few miles from Philadelphia, consented to have the lad indentured to him until he was twenty-one years old. He served his apprenticeship faithfully, and always manifested a very grateful and good disposition. But after his apprenticeship expired, while he remained with my father, as a hired man, a circumstance occurred which greatly afflicted the family. One night a neighbour came to the house with an officer, and accused the young man of having stolen his horse. He had behaved so extremely well, that my father could not possibly believe the charge. However, he had him called from his bed. As soon as he entered the room, his countenance changed, and he did not deny his guilt. He was carried off to prison. He manifested the greatest grief and contrition, and before his trial came on, he was so weak and emaciated that he could not walk from the prison to the Court-house. It certainly seemed a very discouraging case. He had committed a high offence after he had arrived at mature age, and when he was not tempted to it by want of any of the comforts of life. But the depth of his repentance excited commiseration, and my father could not give up his confidence in him. He told his history to the Court, and offered, if they would inflict a fine, instead of imprisonment, for his offence, to pay it himself, and take him again into his service. He was fined forty dollars, which my father advanced for him, and which he most gladly and gratefully repaid. He was so bowed down with shame and contrition, that I never had the heart to speak to him about this unhappy affair. He lived with my father some time, and afterward got into successful business. He has ever since conducted himself in a manner so exemplary, that he has secured the respect and confidence of all who know him. He is now the father of a family, and owns a handsome little property.

A young man whom I will call B. was comely in his person, witty and gay, and very fond of company. His means were too limited to enable him to appear as well as his companions, and he

had not resolution enough to deny himself the indulgences which they could command. Tempted by vanity and extravagance, and hoping to avoid discovery, he opened the desk of a person with whom he resided, and stole from it one hundred and thirty-five dollars. The sum was soon missed, and though his character had stood fair for integrity, circumstances were so much against him, that he became an object of suspicion. He was closely watched, and was frequently observed to be confused and embarrassed in his appearance. At last, his employer openly charged him with the robbery. He denied it at first, but being brought before a magistrate, he confessed his guilt, and told where the money could be found. His parents were in humble life, but much esteemed by their neighbors. Some of their friends visited the unhappy young man in prison, and found him exceedingly humble and penitent. He promised most faithfully to atone for his fault by an upright life, if he could only be forgiven for this one offence. These representations were made so earnestly to the prosecutor, that he united his influence with theirs to procure a discharge. The young man left the neighbourhood, and ever after deported himself with the utmost correctness. I knew him in the latter part of his life. He was a truly excellent man, and taught one of the most respectable schools in Philadelphia. When the yellow fever raged in that city, he sympathised deeply with the sufferings of the poor. He ministered to their wants, and watched with them day and night; until at last he took the malady himself, and thus ended his earthly pilgrimage.

In connexion with these anecdotes, Friend Hopper said he could not help mentioning a subject, which often gave him great pain. He often saw in the papers, accounts of young people committed to prison for small offences; in this way, their characters were blasted, and they often became reckless and desperate. If those who prosecuted on such occasions, would only make use of fatherly reproof, and friendly advice, and encouragement, he was confident that a very large portion of those delinquents might become useful and honored members of society.

And then the meeting adjourned.