

SIXTH REPORT

(for 1850)

OF THE

PRISON ASSOCIATION

OF

NEW-YORK:

INCLUDING A LIST OF

THE OFFICERS AND MEMBERS.

ALBANY:

CHARLES VAN BENTHUYSEN, PRINTER TO THE LEGISLATURE.

....

1851.

No. 120.

IN ASSEMBLY, MAR. 7, 1851.

Sixth Annual Report of the New-York Prison Association.

New-York, March 7, 1851.

To the Hon. the SPEAKER,
Of the House of Assembly of the State of New-York :

SIR—In compliance with the sixth section of the charter of the New-York Prison Association, I herewith transmit the sixth annual report of said association, and request that you will present the same in behalf of the association to that body over which you have the honor to preside.

I am very respectfully,

Your obedient servant,

JOHN D. RUSS,
Cor. Sec'y Prison Association.

1850

OFFICERS OF THE PRISON ASSOCIATION OF NEW-YORK FOR
1851.

President.

HON. WILLIAM T. MCCOUN,
Justice of Supreme Court.

Vice Presidents.

ABRAHAM VAN NEST, Esq.,
Merchant.

HON. BENJAMIN F. BUTLER,

HON. JOHN W. EDMONDS,

Justice of Supreme Court

HON. JOHN DUER,

Judge Superior Court.

Treasurer.

WILLIAM C. GILMAN, Esq.,
Merchant.

Recording Secretary.

REV. THOMAS GALLAUDET,
Prof. Deaf and Dumb Institution.

Corresponding Secretary.

JOHN D. RUSS, M. D.

EXECUTIVE COMMITTEE.

Chairman.—RENSELAER N. HAVENS.

Finance Committee.

ISRAEL RUSSELL,
DR. E. PARNLY,
FREDMAN HUNTER,
CHARLES M. LEUPP,
CYRUS CURTISS,

WILLIAM CHAUNCEY,
ALFRED PELL,
BENJAMIN ELLIS,
JAS. E. H. TITUS,
WILLIAM C. GILMAN.

Detention Committee.

HON. JOHN W. EDMONDS,
WILLIAM WALN DRINKER,
JOHN HOPPER,
ABNER BENEDICT,
JOSEPH MCKEEN,

JOHN H. KEYSER,
JOHN BIGELOW,
GEORGE E. BAKER,
DR. EDWARD BLEECKER,
MARCUS MITCHELL.

WILLIAM C. RUSSELL.

Prison Discipline Committee.

HON. JOHN DUER,
BENJAMIN F. BUTLER,
RENSSELAER N. HAVENS,
DR. T. A. TELLKAMPF,
JOHN D. RUSS, M. D.,

JOHN STANTON GOULD,
THOMAS GALLAUDET,
PHILIP S. VAN KENSSELAER,
LYMAN COBB,
JOHN JAY.

JOHN H. GRISCOM, M. D.

Discharged Council Committee.

ISAAC T. HOPPER,
JAMES S. GIBBONS,
RICHARD REED,
BENJAMIN FLANDERS,
WILLIAM C. ROGERS,

BENJAMIN B. ATTERBURY,
JOHN W. C. LEVERIDGE,
JACOB VAN NOSTRAND,
ISAAC LEWIS PEET,
CHARLES PARTRIDGE.

HONORARY MEMBER OF THE PRISON ASSOCIATION.

OSCAR 1st, King of Sweden and Norway.

CORRESPONDING MEMBERS.

- A. DE TOCQUEVILLE, }
G. DE BEAUMONT, } Membres de l'Academie Francaise, Paris.
M. CH. LUCAS, }
R. DEMETZ, Membre du Conseil General du Department du Stene-et-Oise, etc.,
Paris.
M. G. BLOUET, Architecte du Gouvernement.
J. G. PERRY, Esq., Inspector of Prisons of Great Britain.
COL. JERR, Surveyor General of Prisons and Director of the Convict Prisons of
Great Britain.
EDWIN CHADWICK, Esq., London.
C. J. A. MITTERMAIER, Professor of Law at Heidelberg.
Dr. N. H. JULIUS, Berlin.
— HITZIG, Chancellor of State of Prussia, Berlin.
Dr. VERDELL, Member of the Great Council, Vice President of the Council of
Health, at Lausanne, Switzerland.
COUNT PETIT DI FORETTO, Turin, Italy.
Dr. GOSSE, Geneva, Switzerland.
JACOB POST, Esq., London.
Rev. L. DWIGHT, Secretary of Prison Discipline Society, Boston.
Dr. FRANCIS LIEBER, Professor of History and Belles Lettres, Columbia, So. Ca.
WM. P. FOULKE, Esq., Philadelphia.
M. MOREAU CHRISTOPHE, Chevalier of the Legion of Honor, France.
Dr. VARRENTAP, Germany.
S. G. HOWE, M. D., Boston.
Miss D. L. DIX, Boston, Massachusetts.
Mrs. E. W. FARNHAM, California.
JOHN GRISCOM, L. L. D., New Jersey.
Prof. NATHAN DAVID, Copenhagen, Denmark.
CHARLES SUMNER, Esq., Boston.
Prof. J. L. TELLKAMPF, Berlin, Prussia.
JOHN HAVILAND, Prison Architect, Philadelphia.
GEORGE SUMNER, Esq., Boston.

N. B. The Physician and Warden or Keeper of each Penitentiary are, ex-
-officio, Corresponding Members of the Executive Committee.

HONORARY LIFE MEMBERS OF THE EXECUTIVE COMMITTEE

BY PAYMENT OF ONE HUNDRED DOLLARS OR UPWARDS.

City New-York.

BOORMAN, JAMES	MINTURN, ROBERT B.
BROWN, JAMES	PARKER, CHARLES
CROSBY, WM. B.	WALKER, JOSEPH
DELANO, JAS. WARREN	WOOD, WILLIAM.

Troy, N. Y.

Rev. WM. ANDREWS,	Rev. Dr. BEEMAN.
-------------------	------------------

Poughkeepsie, N. Y.

Rev. H. G. LUDLOW.

Hudson, N. Y.

Rev. Mr. DARLING.

Merriden, Conn.

Rev. G. W. PERKINS.

LIFE MEMBERS OF THE ASSOCIATION,

BY PAYMENT OF TWENTY-FIVE DOLLARS AND UPWARDS.

ALSOP, J. W.	JONSTON, JOHN
ASPINWALL, W. H.	JONES, JAMES J.
ASTOR, WM. B.	JONES, WALTER R.
BACLAY, ANTHONY	LANGDON, Mrs.
BARRON, THOS.	LEEDS, SAML.
BARTLETT, EDWIN	LEYRAY, JACOB
EEBEE, S. I.	LEROY, JACOB R.
BELMONT, AUGUST.	LEUPP, C. M.
BENZON, E. L.	LORD, RUFUS L.
BLANCO, E.	LORRILLARD, Jr., P. TER
BREVOORT, H.	LOW, CORNELIUS
BREVOORT, J. CARSON	LOW, NICHOLAS
BRIDGE, L. K.	McBRIDE, JAS.
BRIDGE, JOHN	McCOUN, WM. T.
BRONSON, Mrs. ARTHUR	MORGAN, E. D.

BROOKS, SIDNEY
 BROOM, S.
 BROWN, STEWART
 BRUCE, GEO.
 BUTLER, B. F.
 BLISS, IRA
 CHAUNCEY, HENRY
 COLLINS, E. K.
 CURTISS, CYRUS
 DALY, CHAS. P.
 DE RHAM, H. C.
 DOUGLASS, WM.
 DUER, JOHN.
 EDMONDS, JOHN W.
 ENGS, P. W.
 FIELD, R. H.
 FIELD, H. W.
 FISH, HAMILTON
 FOSTER, JR., JAMES
 FREELAND, J.
 FURNISS, W. P.
 GARNER, F.
 GHON, JOHN
 GRAHAM, J. B.
 GREGORY, D. S.
 GREEN, J. C.
 GRINNELL, HENRY
 GROSVENOR, JASPER
 HALSTED, W. M.
 HEDGES, TIMOTHY
 HERRICK, J. E.
 HERRING, S. C.
 HORN, JAMES
 HOWLAND, G. G.
 HOWLAND, S. S.
 HOWLAND, EDGAR W.
 HUNT, THOS.
 HUSSEY, GEORGE F.
 IRVING, RICHARD

Salisbury, Hertsmer co. N. Y.
 BURRELL, H.

Berklyn, L. I.
 PACKER, WM. S.

Poughkeepsie, N. Y.
 VASSAR, M.

Waterbury, Conn. Rev. Mr. ELLIOTT.

Rev. J. S. CLARK,

Meriden, Conn.
 Rev. Mr. SEARLES.

MURRAY, LINDLEY
 MORGAN, M.
 NEVINS, R. H.
 NEWELL, WM.
 NORRIS, A.
 O'CONNOR, C.
 OLYPHANT, D. W. C.
 OUTHOUT, WM.
 PARMLY, E.
 PELL, F.
 PHALON, J.
 RAY, ROBERT
 RHINELANDER, WM. C.
 ROBERT, C. R.
 ROOSEVELT, C. V. S.
 RUGGLES, S. B.
 RUSSELL, ISRAEL
 SAMSON, JOSEPH
 SANDS, DAVID
 SANCHEMERHORN, PETER
 SELDEN, DUDLEY
 SHERMAN, AUSTIN
 SPENCER, WM. A.
 SPENCER, Mrs. W. A.
 STURGES, JONATHAN
 TALBOT, CHAS. N.
 TITUS, JAS. H.
 TOWNSEND, S. P.
 VAN NEST, ABRAHAM
 VANNOSTRAND, JAS.
 VANRENSELAER, P. S.
 WETMORE, P. M.
 WHITE, ELY
 WHITING, JAS. R.
 WHITNEY, WM. E.
 WINTHROP, B. R.
 WILDERMING, WM. E.
 WOLFE, JOHN D.
 WOOLSEY, E. J.

LIST OF SUBSCRIPTIONS AND DONATIONS.

FROM JANUARY 1, 1850, TO DECEMBER 31, 1850.

A. B. & D. S.,	\$10 00
A. N. W.,	10 00
Abeel, J.,	10 00
Allen, J.,	5 00
Alsop, J. W.,	10 00
Anderson, Elbert J.,	10 00
Astor, W. B.,	25 00
Atterbury, B. B.,	3 00
Atterbury, Lewis & Co.,	10 00
Bard, Jas. D.,	10 00
Bard & Son,	10 00
Barron, Thomas,	10 00
Bartlett, Edwin,	50 00
Beebe, Samuel,	25 00
Biel, George,	10 00
Blanco, B.,	50 00
Bowne, W. & C.,	10 00
Brady, J. T.,	10 00
Brevoort, J. C.,	10 00
Bronson, Miss Mary,	20 00
Brown, G. W.,	5 00
Brown, W. H.,	10 00
Brown, Stewart,	20 00
Bruce, George,	25 00
Burger, Wm.,	5 00
Burr, E.,	5 00
Cameron, O. L.,	5 00
Cary & Co.,	15 00

Caswell, John,	10 00
Chauncey, Henry,	20 00
Chichester, Miss Mary,	5 00
Clark & Wilson,	5 00
Campbell, Geo. L.,	3 00
Collis, J.,	5 00
Cooper, Peter,	10 00
Crowin, T. J.,	3 00
Dawson, B. F.,	20 00
Delano, Wm., Jr.,	100 00
Delmonico, L.,	5 00
Dietz, Brothers & Co.,	5 00
Douglass, W.,	50 00
Ellis, Benj.,	4 00
Ely, C.,	5 00
Fairbanks, C.,	10 00
Fox, Henry,	5 00
Gallaudet, Thos.,	2 00
Gihon, John,	25 00
Godfrey, Pattison & Co.,	10 00
Goodhue & Co.,	50 00
Gordon & Talbot,	5 00
Grant & Bartow,	5 00
Greeley, Horace,	10 00
Hadden, D.,	10 00
Haggerty, Ogden,	10 00
Haight, Halsey & Co.,	5 00
Hall, F.,	10 00
Hallock, Gerard,	5 00
Hargous, Mr.,	10 00
Harrison, J. H.,	00 50
H. E. D. & Co.,	5 00
Hendricks, Mrs.,	5 00
Hitchcock, C.,	5 00
Hirschfield & Barnett,	3 00
Hoffman, P. V.,	5 00
Hopkins & Weston,	25 00
Horn, James,	25 00
How, B. W.,	25 00

Howland, S. S.,	25 00
Howland, G. G.,	25 00
Hubbard, J. W., & Co.,	5 00
Hunter, James,	10 00
Hussey, Geo. F.,	25 00
Irving, R.,	10 00
J. H. & Son,	5 00
Jeffrie, Geo.,	5 00
Johnson, Henry W.,	10 00
Johnston, John,	25 00
Journey, A., Jr.,	5 00
Kemble, Wm.,	20 00
Keyser, J. H.,	10 00
Knapp, S.,	10 00
Koop, Fischer & Co.,	10 00
Lamor, Geo. B.,	5 00
Lathrop, J. S.,	5 00
Leggett, S.,	5 00
L. M. H.,	10 00
Le Roy, L. R.,	45 00
Leupp, Charles M.,	25 00
Lewis, S. W.,	5 00
Livingston, M. & W.,	10 00
Lockwood, R.,	1 00
Long & Davenport,	5 00
Low, A. H.,	15 00
Low, Nicholas,	25 00
M. B.,	5 00
Marriner, A. S.,	5 00
Mason, S.,	5 00
Minturn, R. B.,	25 00
Morgan, E. D.,	10 00
Morgan, G. D.,	5 00
Morgan, Homer,	5 00
Montgomery, J., Jr.,	5 00
Murray street, No. 51,	5 00
Naylor & Co.,	25 00
Nevis, R. H.,	40 00
Newbold, Geo.,	5 00

Nobie, John,	5 00
Noel & De Courcey,	5 00
Norrie, A.,	25 00
O. & S.,	15 00
Oelrich & Kruger,	5 00
Oppenheim, J. M., & Co.,	5 00
P. A. B. & Co.,	5 00
Palmer, J. J.,	40 00
Parmley, J.,	5 00
Paton & Stewart,	10 00
Pearson & Co.,	5 00
Pell, A.,	5 00
Phelps, Dodge & Co.,	20 00
Phelps, G. D.,	5 00
Prout, W. F.,	5 00
Purdy, J. B.,	1 00
R. F. & Co.,	5 00
R. & Y.,	2 00
Ray, Robert,	10 00
Rhineland, W. C.,	25 00
Rodewald, A.,	5 00
Rogers, C. W.,	5 00
Ross, Brothers & Co.,	15 00
Ryder, E. T.,	5 00
Sands, A. B.,	15 00
Sanderson & Brothers,	10 00
Schiefflen & Brothers,	15 00
Sherman & Collins,	10 00
Shipman, C. H.,	10 00
Slachen, E. D.,	5 00
Smith, Gerrit,	10 00
Spencer, G. G.,	5 00
Spencer, W. A.,	10 00
Stamford, Manuf. Company,	10 00
Stevens, John A.,	5 00
Sturges, Jonathan,	25 00
Suarez, L. J.,	10 00
Talbot, C. N.,	25 00
Taylor & Merritt,	5 00

Thayer, Thomas,	2 00
Titus, James H.,	27 00
Tweedy, O. B.,	20 00
Van Wagener, Mr.,	5 00
W. B. & J. B.,	5 00
Walker, J.,	25 00
Walsh, Mallory & Co.,	10 00
Warren, James,	5 00
Warren, John D.,	5 00
Westervelt, J. A.,	5 00
Wetmore, O. & A.,	6 00
Whiting, A.,	10 00
Whitlock, B. M.,	5 00
Wight, Sturges & Shaw,	25 00
Wilderming & Mount,	25 00
Willett, Samuel,	5 00
Wilson, D. M., & Co.,	25 00
Winslow, R. H.,	5 00
Wolfe & Gillispie,	5 00
Wood, W.,	10 00
Woolsey, E. J.,	50 00
Wyckoff, John,	10 00
Zimmerman, Z.,	2 00

SIXTH ANNUAL REPORT

(for 1850)

Of the Executive Committee of the Prison Association
of New-York.

The Executive Committee of the Prison Association, welcome their Sixth Anniversary, encouraged by the success of the past, and cheered by the prospects of future usefulness.

The opposition first manifested by the Board of State Prison Inspectors about three years since, to our inspection of the State Prisons, continued until the close of the last year; and our influence in the discipline of these institutions is thus greatly lessened. It remains to be seen whether the new Board will adhere to this opposition.

The 6th section of our charter is as follows:

"The said Executive Committee, by such committees as they shall from time to time appoint, shall have power, and it shall be their duty, to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section of title first, chapter third, part fourth, of the Revised Statutes, are vested in the Inspectors of county prisons; and the duties of the keepers of each prison that they may examine, shall be the same in relation to them as in the section aforesaid are imposed on keepers of such prisons in relation to the Inspectors thereof, *provided*, that no such examination or inspection of any prison shall be made until an order for that purpose, to be granted by the Chancellor of the State, or one of the Judges of the Supreme Court, or by a vice-Chancellor or a Circuit Judge, or by the first Judge of the county in

which the prison to be examined shall be situate, which order shall specify the name of the prison to be examined, the names of the persons, members of the said Association by whom the examination is to be made, and the time within which the same must be concluded."

And that part of the Revised Statutes to which it refers, provides:

Revised Statutes, part 4, chapter 3, title 1.

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

Under this authority, plain and explicit, we have formerly acted; but since the prison passed under the control of the Board of Inspectors, elected under the provisions of the State Constitution, of 1846, our demands for a full inspection of Sing Sing prison, have been steadily refused. The offer has indeed been made to exhibit the books, and to allow us to converse with the prisoners, in the presence of a keeper. Apart from the fact that this restriction is contrary to the statute, it would effectually thwart the whole objects of our investigation. The prisoner dare not disclose all his knowledge and tell all his grievances before a keeper. The very cruelty and oppression of which he might have been the victim, would visit him with a vengeful weight for his disclosures. In his keeper's presence therefore his mouth is sealed; or rather, by the hope of favors and indulgences, he is tempted to conceal or gloss over, unpalatable truth.

This testimony of prisoners is important in itself; but when corroborated by numerous and independent examinations, and there has been no opportunity for collusion, as the authorities well know, it

may be received as substantially true. Under such circumstances, men however depraved, cannot agree in the relation of a fact, unless it have truth for its foundation. But it is perhaps even more important, as furnishing a clue for the examination of the keepers themselves, and of others who may have been witnesses or participators in the alleged occurrences.

How else can we discover abuses? Fallible humanity does not, except under the goadings of conscience, the promptings of interest, the compulsion of power or the recklessness of an utterly depraved heart, tell of its wrong doings. An officer therefore cannot be expected voluntarily to bear witness against himself. Nor dare he bear witness against his associates in office.

If then it be important that the Legislature and the public be made acquainted with the secrets of the prison house; if the law for the treatment of prisoners is to be any thing more than a dead letter; if our prisons are to be made to subserve the great purpose of the reformation of their inmates; then there must be full, frequent and impartial investigations of all that pertains to their administration and management. This, and this only, will secure a considerate, just and vigorous, yet merciful, exercise of the powers entrusted to their authorities. And such investigations can only be effectually made by men who have no purposes to subserve, but those of humanity; and who, by study and observation have fitted themselves for the task. Hence the necessity of just such an organization as the Prison Association. The Legislature has therefore wisely conferred upon us, the powers necessary for this end; and we submit whether the very sensitiveness of the prison authorities to their exercise does not confirm this opinion.

During the two years when we were allowed to perform our duties in this regard, no complaints were made either by Inspectors or officers, of its abuse in any form. It neither interfered with the economy or discipline of the prison, encouraged crime or excited insubordination. On the contrary, two at least of the old wardens, besides other officers bear testimony to its happy influence on the prisoners; encouraging them to a cheerful performance of their duties, promoting in them a spirit of contentment, and inspiring them with hope for the future.

See Inspection, department, page 18

Inspection, the county of

We ask the attention of the Legislature likewise, to the weighty consideration, that the contumacy of the Inspectors effectually frees them from all responsibility to the great court of final resort—Public Opinion. It is the peculiarity and the glory of our form of government, that it knows no secrets. Alike in theory and practice, the right of every citizen to a knowledge of the acts and doings of those in office, is recognized. Public writers in Europe comment on it; our own press battles lustily for it; our public men dare not, at the expense of position and influence, deny it. But one exception there is in our own State, to this otherwise universal fact. Our three State Prison Inspectors thrust themselves upon the public gaze, as the sole monopolists of secret and irresponsible power. Of their own acts, are they to be considered the competent investigators? Of their own honesty and humanity, will they pass for incorruptible and unimpeachable judges? Of their own administration of law, does the law constitute them the grand inquest and court of impeachment?

Nor will the Legislature fail to observe what is liable to be, if not what has been, the ease with which the present system may be perverted to the perpetration and concealment of evils. It requires but an understanding between the Inspectors and the wardens, with the usual external influences, for one to pass into the office of the other; and by this interchange of positions and opportunities, the frauds or cruelties of the subordinate are, from sympathy or interest, connived at; the penal institutions of the State, with their inmates unfortunately numbered by thousands, and their exchequer swelling up its annual account of receipts and disbursements to at least a half million of dollars, may become the sport of unprincipled and unfeeling men. We say not that such is already the case, but we do aver that without a constant, fearless and intelligent oversight of all concerned in the administration of prison affairs, such evils will be likely to occur; and further, we have reason to fear that an investigation into the secret history of Sing Sing prison for the last three years, would demonstrate the correctness of our surmises as to their existence, to a greater or less extent, for this entire period.

This question has still another serious aspect. If the inmates of our prisons are criminals, they are yet human beings. If they have made themselves obnoxious to the law, yet the law prescribes the nature and the extent of its penalties. They have their rights, as well

as their duties; and the former are to be as *sedulously guarded* as the latter to be rigidly enforced. But how shall they assert their rights? If they suffer wrong, who is to know it? If oppressed and maltreated, where is their remedy? Society has placed them beyond the pale of credibility, even when they tell of their sufferings. Nay, when they do attempt to speak of them, they are rebuffed with the contemptuous retort, "who will believe a convicted felon?" And thus the felon, God-created though he be, is left without a remedy for the stripes inflicted upon him which the law forbids; for the iron yoke riveted to his neck by the fiat of inhuman keepers, not by the law of the land; for the dungeons and the floodings and kindred tortures, which unwatched and secret power is as ready now, as in the worst days of the Inquisition, to inflict on its helpless victims. How long shall these things be?

One of the objects contemplated by our association, and to which it has steadily adhered, is to counsel and to relieve those who have borne the full measure of the penalty which the law has inflicted for their crimes. One would suppose that to such a refuge, the heart which knows the first promptings of humanity would almost instinctively point to the convict on his discharge. What, then, can be thought of that prison officer who warns and cautions the prisoner against thus bestowing his confidence? And yet, if we may believe the testimony of numbers discharged from Sing Sing, at distant intervals from each other, such is the advice and caution there given them. Our simple comment is, where shall the discharged convict go for friends and helpers in his new and perilous struggle with the temptations and trials of life?

Having been thus thwarted in the legitimate discharge of our duties, by the opposition of the constituted authorities, we have submitted our case to the decision of a judicial tribunal; and whilst waiting on the movements of the law, are constrained either to be altogether silent, or to present such testimony as we have been able to collect from convicts that have been discharged during the year. We prefer the latter course, because we think it due to the Legislature, whose law requiring an annual report of our doings we deem it a duty to obey to the extent of our ability, and because these statements, corroborated by the unvarying testimony of prisoners discharged during a period of three years, may serve to show the necessity of the institu-

It will not be out of place to add, that at least one other member of the executive committee has had inquiries addressed to him by the same Inspector, (Mr. Wells,) of a tenor similar to that of those propounded to the gentlemen above named. A copy of this letter we annex, with the simple remark that the gentleman addressed, feeling it to be due to his associates, laid it before the executive committee; whose unanimous opinion, coinciding with his own, was, that it was not worthy of notice.

SING SING, Nov. 18th, 1850.

LYMAN COBB, Esq.:

DEAR SIR—The twelfth annual report of the Prison Association of New-York, contains statements, said to be drawn from discharged convicts, which are not only untrue, but infamously libelous towards me, and as I find your name inserted in the report as one of the Executive Committee, who have made or authorized this shameful publication, I have thought it proper to address you, to enquire your reasons and motives for thus wickedly assailing my reputation.

From information derived from your daughter, who visited Sing Sing a year since, I presume that I was formerly personally acquainted with you, and, I therefore, ask the favor of a frank and explicit reply.

The libels complained of you will find included in p. 13 to 22 of that report, and you will perceive that I am charged with breaking my cane over the heads of unoffending convicts, beating sick men, when in their beds, with my fists, and punishing, striking and abusing female convicts.

Every statement of this kind is false, and as the fact that they may be the fabrication of discharged felons, will not shield the publishers from the legal consequence, neither will it exculpate them from the moral guilt of using their position as members of a philanthropic society, to libel and deeply injure a public officer and an unoffending citizen.

Where such falsehoods published in regard to you, you would consider that you were entitled to an explanation from those who assume the responsibility of inflicting the injury. May I, therefore, ask that you will write me by return of mail, informing me what countenance or aid you have given to the publication of that report—whether you are in fact a member of the Executive Committee, or whether your name has been used without authority, and what cause I have given you for this infamous and outrageous attack. By so doing, you will confer a favor, and, I trust, relieve yourself from a position which the evidence will yet show, is not sustained by truth, and from the consequences of a publication which could not have been made for any good purpose, or to subserve any justifiable end.

Respectfully,

Your obedient servant,

(Signed,)

A. H. WELLS.

Desirous of closing effectually, if it be possible, this controversy with the Inspectors, the Executive Committee adopted the following preamble and resolution on the 31st January, 1851, a copy of which was duly served on Messrs. Edmonds, Hall and Chauncey:

“Whereas, the last report to the Legislature of the Inspectors of Prisons, contained extracts from letters written to the Inspectors, without the knowledge of this committee, by Hon. J. W. Edmonds, Hon. Willis Hall, and Wm. Chauncey, Esq., members of this association, which, in the opinion of this committee, do not

justify the construction put upon them by the authors of that report; and whereas, these extracts were accompanied by hints as to those portions of the letters which were not quoted; therefore,

“Resolved, That these gentlemen be requested to furnish the Executive Committee with copies of the letters addressed by them to the Inspectors of Prisons, with such explanations as they may deem proper.”

Judge Edmonds replies to the resolution as follows:

NEW-YORK, Feb. 23d, 1851.

To the Executive Committee of the New-York Prison Association:

Gentlemen: In answer to your resolution of the 31 January, I have to say,

That when I received Mr. Wells's letter, (which I annex) I supposed from its tenor that my name had been appended to the report alluded to. I was aware that it had been the practice of the committee to have its reports thus signed by its chairman, and I believed from Mr. Wells's language that it was so in this instance. I was not then aware, what I have since learned, that the report was signed by the corresponding secretary, and not by me; and that Mr. Wells had written to the same effect to three or four other members of the committee, whose names were no more “appended” to the report than mine was.

Acting, however, under the impression produced by his letter that my name was signed to the report, and aware that I was then chairman of the Executive Committee, I wrote him a hasty reply, which I cannot forward to you because I kept no copy. A part of it only is given in the report of the Inspectors. So far as I can now recall its contents to my memory, it was to the effect, that since my promotion to the bench of the Supreme Court, I had not had time to devote to the affairs of the Association that attention which I had formerly bestowed upon them; that I was therefore in a great degree unacquainted with its matters, and was not aware until I received his letter that my name had been appended to the report; that I had not seen the report and did not know its contents; that, however, I would investigate into its statements in regard to him, and do him justice in the matter, &c.

In execution of this promise I repaired to your office and made the necessary inquiries. From the result of them I did not feel warranted in withdrawing my assent, whether regarded as express or implied, from the statements made in your report. And as I could not in my own judgment exempt him from the effect of these statements, and as I did not desire to have any personal controversy with the Inspectors, I did not communicate any farther with him on the subject.

I confess, however, that if I had anticipated that the Inspectors would have made the use of my note that they have, I would not have withheld such further communication.

You will readily perceive that my letter merely mentions my ignorance of the affairs of the Association and of the contents of their report, as a reason for declining a definite answer to Mr. Wells's letter until I could make due inquiry, and that if the Inspectors had published the whole of my letter, the inference which they have drawn from only a portion of it, would scarcely have been warranted.

Be that however, as it may, as my name has been drawn into this matter quite unwillingly on my part, I feel that you have a right to an answer to your resolution,

and that it is due alike to you and to the Inspectors, that I should state frankly the result of the inquiries which I have thus made.

The substance of the complaint made by the Inspectors in their report and by Mr. Wells in his letter to me is, that the Association have received and published to the world statements made by discharged convicts, of mal-conduct in the officers of the State Prison at Sing Sing, which the Inspectors say, if true, ought to subject those officers to fine and imprisonment.

How far the Association is justified in publishing such statements, is the question presented by these complaints.

The Association was formed in 1844, and it had three objects in view.

1. The amelioration of the condition of prisoners detained for trial.
2. The improvement of prison discipline; and 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.

To effect the latter of these objects it was deemed advisable to erect a work-house, and for that purpose an act of incorporation was necessary.

To effect the other two objects, it was necessary that the officers of the Association should have leave to visit and examine the prisons, a permission which they soon found the officers of the prisons were not always willing to accord to them.

For these purposes application was made to the Legislature. Messrs. B. F. Butler, Theodore Sedgwick, I. T. Hopper and I, attended at Albany and explained our objects, not only to the committees of the Legislature, but at a public meeting held in the Assembly Chamber, and attended by many of the members and a large concourse of other persons.

So far as the visitation of prisons was concerned, all we asked was the same privilege "to visit the respective prisons at pleasure," which was by law given to Circuit Judges, District Attorneys, Ministers of the gospel having charge of congregations in the town where the prisons were, and others.

The Legislature, however, without our solicitation, went much farther. They enacted,

"§ 6. The said executive committee, by such committees as they shall fix, time to time appoint, shall have power, and it shall be their duty, to visit, inquire and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as willature their State and discipline. And to enable enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are vested in the inspectors of county prisons; and the duties of the keepers of each prison that they inspectors of county prisons, shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. Provided, that no such examination or inspection of any prison shall be made until on order for that purpose, to be granted by the Chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situated, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association by

whom the examination is to be made, and the time within which the same must be concluded." Thus not only conferring a broad power of visitations, but making it imperative upon the Association, as one of the conditions of its charter, that it should make such visitations and inspections and should annually report the result of them; and thus clearly showing their intention to constitute the Association a means of conveying to them information in regard to the government of our prisons, which all experience had shown they were not likely to obtain from the officers themselves.

The Association accepted the duty thus imposed as a condition to the grant of the privilege it had sought.

I need not, to you, dwell upon the efforts the Association has made to execute that law in good faith; upon the diversion of its funds—the product of charitable donations alone—from other purposes to those of executing it, or upon the impediments which have from time to time been thrown in the way of its execution by the officers of the prisons. But I may be pardoned for saying, with some exaltation, that the few inspections which the Association has been permitted to make, have been attended with the happiest effects, in exposing mal-conduct, in restraining the officers within proper bounds, in conveying to the Legislature and the public valuable information in regard to institutions which otherwise are sealed books to the general eye, and in restoring to society many a fallen and erring fellow creature. And I may also be allowed to utter the regret with which I have witnessed the manner in which its efforts have often been thwarted by those who have for the time been clothed with public authority.

One of the most valuable features attending the inspections by the Association, and it is one which never attends the inspections of the public officers, is the personal examination of each prisoner, which the Association always exacted of its committees of examination. It is exceedingly difficult to convey an adequate idea of the irksomeness and pain of executing this task in such a manner as not to interfere with the discipline or the labor of the prisoners. I have, myself, stood day after day, for hours at a time, at the doors of the cells of the prisoners, listening to the details of human depravity and human suffering, until the sickness of the heart was even more intolerable than the weariness of the body. Still it was a duty which our experience told us ought not to be omitted, and which our Association rightly exacted from those upon whom they devolved the duty of examination.

We, of course, were not unaware of the danger which attended these communications. The fear of the officers of the prisons often sealed the mouths of the prisoners, and it was not until we had gained their confidence that they would speak freely to us. And when they did we were also aware that the communications we received came sometimes from men too depraved to estimate the obligation of truth, and sometimes from men who were full of hatred towards those whose duty it was to restrain their evil passions and vicious conduct within due bounds. We therefore knew how much allowance to make and what credit to give their statements.

We found a universal law prevailing among the officers of the prisons, that the word of a prisoner must not be taken for any thing. Yet we found those officers taking it every day, and in all the affairs of the prisons; we found that the law had made their testimony good in certain cases even when in prison; we found the Governor often pardoning them that they might be witnesses; and we found

that from their statements we often obtained clues to abuses, which enabled us to trace them out and ascertained their existence by irrefragible testimony.

We found more. We found that it was absolutely necessary that we should obtain their statements, because to the world at large all within the walls was darkness and secrecy, and from that source no testimony could be obtained, and from the officers we could not easily procure the knowledge of their own misconduct.

How easy it is for the officers to conceal their own conduct, was exemplified to me when I was an Inspector at Sing Sing.

I was astonished and worried by frequent complaints of the prisoners that they did not get enough to eat, and I gave peremptory orders that they should have enough. I directed the assistant keepers to send their men to the kitchen whenever they complained. One of them, who saw that one of his best workmen could not do a day's labor from weakness, sent him to the kitchen in vain. He went himself and could get no food for his man. He then complained to the principal keeper. That officer, when he found out who it was that complained, beat him over the head with an iron rule until it broke in his hand, then he beat him with the hardwood handle of a stone hammer, and when that flew out of his hands, from his own violence, attacked him with a stone axe and would have struck him with it in his passion if he had not been prevented. The poor convict was then tied up and whipped with some fifty lashes of the cat and ended the incident by some two weeks confinement in the hospital, and all for having complained of being hungry.

Although I was frequently at the prison and gave to its affairs as close inspection as any Inspector ever had done, months elapsed before this outrage was made known to me; and it was not until a committee of the Legislature was sent down to investigate the affairs of the prison, that I learned that the keeper had been in the habit of subduing by starvation the prisoners of whom he was afraid.

It was so easy for the officers to conceal even from me, with all my attention and vigilance, their abuses of authority and wanton cruelty.

Hence the wisdom and propriety of receiving the statements of prisoners though receiving them cautiously and with many allowances; and hence the rule of the Association, upon which they acted while they were allowed the opportunity of investigating them, to receive them but never to give them to the world unless supported by other and satisfactory evidence.

The aid which the Association was disposed to give to discharged convicts brought to their office many such persons, and their statements were listened to as a matter of duty. Its officers were prohibited by the conduct of the Inspectors from investigating the truth of those statements. They were made by different persons at different times, and under circumstances which precluded the idea of pre-concert. They worked conviction in the minds of the officers of the Association. What should they do?

If they concealed them, who was to know the complaints of the prisoners, and who redress their wrongs. What ear was opened to their complaints but ours? And where could they resort for relief but to us?

Warned by our own experience, we would have investigated their complaints with due allowance for exaggerations of passion and depravity; but by the conduct of the Inspectors we were deprived of the opportunity of investigation, and we were placed in the alternative of either utterly suppressing the information we received, or of calling the attention of the Legislature to it by incorporating it in our report.

I cannot for a moment entertain a doubt that it was the duty of the Association, under its act of incorporation, to communicate to the Legislature the information it obtained, and I cannot but feel that it would have been wanting in its duty if it had omitted to do so.

If all is right in the government of the prisons, their officers have nothing to fear from the investigations of candid and dispassionate men. If matters are wrong there, the Association cannot, without a dereliction of duty, refrain from speaking the truth in soberness and sincerity.

Such are the results to which I have been brought by the investigations to which I was invited by the letter of Mr. Wells; and, under the circumstances, I feel that I should do wrong if I hesitated in expressing my conviction of the propriety of the course pursued by the Association.

The views which I have thus taken of the duties of the Association are commended to my favor by this additional consideration:

Under our present Constitution, and the laws enacted pursuant to it, our State prisons are thrown entirely into the political arena, and become the foot-ball of party politics.

At every change of parties, men are to be thrust in or out of their government, not according to their fitness for the station, but according to their party attachments; and the Inspectors, though called such, are in fact governors of the institutions, clothed with the patronage of appointment and the absolute power of government. Over their department there is no supervision, except that which is conferred by the Legislature on this Association, or that which may from time to time be exercised by legislative committees. The difficulty of obtaining from the Legislature a committee of investigation is notoriously great. Their examinations must, of necessity, be fitful and uncertain; while those of this Association must, while their act of incorporation is permitted to continue, be steady and enduring, and be conducted by men who, from their experience, are able to trace the devious windings of fraud to its most concealed recesses.

It is a matter of regret that, while the Inspectors recognize the importance and necessity of establishing a supervisory power over them, they should struggle against such supervision in the hands of men over whom they can exercise no control, and whose conduct they can in no wise influence.

The supervision of this Association is always under the control of the Legislature, and how far or how long it will allow it to continue, must necessarily be submitted to their wisdom. But until it shall be positively withdrawn, it seems to me that it is the duty of the Association, as far as it shall be permitted, to exercise the power conferred upon it by the act of the Legislature, and to discharge the duty imposed along with it, without fear, favor, or affection; for I see no other means,

under the law as it now stands, of exposing to the Legislature or the public any misconduct of the Inspectors, or of such of their subordinates as they may be disposed to screen. And if, by the contumacy of the officers of the prison, it shall be prevented from making its investigations as thorough as they ought to be, it ought to go as far as it may be permitted; and, above all, not withhold from the Legislature any information which it may possess, and which may tend to elicit the truth.

I am, very respectfully, &c.,

J. W. EDMONDS.

William Chauncey, Esq., with a copy of his letter to Mr. Wells, (from which the publication in the Inspectors' report does not vary materially,) answers the resolution as follows:

NEW-YORK, February 26, 1851.

To the Executive Committee of the N. York Prison Association:

GENTLEMEN—Agreeably to a resolution of your body, requesting a copy of my letter to A. H. Wells, Esq., Prison Inspector, together with any remarks I may see proper to make on the same, I herewith transmit it for your inspection.

I have no comments to make on the correspondence, farther than to say that I did not intend, nor do I think the communication authorises, the inference that I intended to call in question the character or veracity of the members of the executive committee.

The report must be judged of by its own merits, and not by the individual opinion of any of the members of the board.

Yours, respectfully,

WM. CHAUNCEY.

We respectfully ask a careful examination of our last report by the Legislature, and by all who feel any interest in the penal institutions of our State.

1850, Feb. 14th, (No. 584, R. No. 2, p. 103.) Sentenced for five years for grand larceny, was pardoned and discharged yesterday after two years imprisonment, on condition of his leaving the State. Says, a prisoner by the name of John Taylor had been sick for some weeks so as to be unable to work, though he was not placed in the hospital; about two weeks ago he went into the file-shop, when Williamson, the agent of that shop, ordered him to do something in the shop; he replied that he was not able. Williamson then informed Solomon Lockwood, the deputy keeper in charge of the file shop, of the circumstance, and he represented the case to the warden. From the representations of Lockwood the warden thought that Taylor ought to be punished, and ordered him showered. Lockwood then went to Taylor and ordered him to accompany him to the bath; Taylor requested that he might be permitted to speak to the warden; this reasonable request was refused, and they hurried him off to the bath. When he got there he refused to go in, alleging that he had committed

no offence, and went directly back to the shop. Lockwood then went for Bob Lent who soon made his appearance with a club, accompanied by several of the guard with guns. Lent fell upon Taylor and beat him all the way to the bath; they put him in and showered him dreadfully; he was taken from the bath to the dock cell and kept there two or three days in his wet clothes, and paid no attention to dressing the wounds they had inflicted upon him; he remained in this cell several days when he was removed to the hospital where he now is. Says that Lent and Lockwood are both very intemperate.

Feb. 19th, (No. 585, R. No. 2, p. 105.) Sentenced for five years for petit larceny, second offence, was discharged from Auburn State prison 15th instant. Says that Wells, late warden, is a cruel tyrant, was very passionate; has seen him cut the hair close off their heads and showered them, and put iron collars on them. The present warden is a much better man than Wells; E. L. Porter is a fair man. A prisoner by the name of Bennet, who went from Sing Sing to Auburn on the 27th of last August, on leaving his cell in the morning had on a thin muslin cap that he had taken with him from Sing Sing, and which he had been allowed to wear while there; when he got in the yard, Underwood, a deputy keeper, ordered him to take it off; he replied I will not, but when I get in the shop I will if you order me to do so. Underwood complained to the warden who ordered Bennet to be punished. Underwood then ordered him to the bath; he refused to obey because he thought he did not deserve punishment; he said that he had always had the privilege of wearing it at Sing Sing, and he could not see why the same privilege should not be allowed him at Auburn. Underwood then called to his assistance several of the prisoners and ordered them to take him to the bath by force. Underwood beat the man over his head with his cane till he broke it; they then put Bennet in the bath and showered him with two barrels of water with ice in it. Bennet complained to Wells and Comstock, Inspectors, but they took no notice of it. Not long afterwards Dr. Clark came and Bennet wanted to speak to him, but Wells prevented his having an opportunity of doing so. Another person by the name of Sullivan was treated very much in the same way in the latter part of September or fore part of October, though he dont know whether they put ice in the water. Says that he has heard the men cry murder when the keepers have been beating them.

Complaints of tenor

copy of 585

March 3d. (No. 588, R. 2, p. 107.) Sentenced for five years for burglary and petit larceny, and was discharged the 12th inst. E. L. Porter, the warden gave him a few lines in which he says: "the bearer has been an inmate of this prison the last five years, and has during his imprisonment, uniformly conducted well." He says that a few days before he came from the prison he saw Wells knock a man down because he refused to strip to go in the bath. He says that a few days before he left the prison, Robert Lent knocked a man down and beat him so unmercifully that he was not able to work when he (588) left there; his name was Smith, and works in the file shop, some of the keepers assisted Lent; they dragged him by the hair and pulled some of it out, and kicked him. Keeper Horton witnessed this transaction.

March 13th. (No. 589, R. 2, p. 108.) Sentenced for five years for attempting to pass a counterfeit bank note; was discharged by expiration of sentence, 2d inst. A. H. Wells, one of the Inspectors says, "I have known him for about three years, during which time he has been faithful, industrious, sober and in all respects well behaved." (589) Says that Wells was a good keeper except when he got in a passion, he would strike the prisoners over the head with his cane, the present warden E. L. Porter, is a very fine man, but Bob. Lent is generally reported to be very cruel. Being employed in the weave shop he saw none of it himself.

March 26th (No. 592, R. 2, p. 113.) Sentenced for three years, for grand larceny; discharged 17th inst. Says that there never was a mark on the book against him, but he has seen others punished very severely. On one occasion he saw Robt. Lent knock down John Taylor, and jump upon him, they showered him and then locked him up: Says that it was a common thing for Lent to beat the prisoners with his cane. Lent was a very hasty, passionate man. A prisoner by the name of Lane told him that Wells cut his face by striking him with a cane. Wells was very passionate and when angry would not hesitate to beat the prisoners.

April 16th. (No. 594, R. 2, p. 114.) Sentenced for three years for burglary, discharged 15th inst: Says that he saw one of the deputy keepers strike a prisoner in the weave shop with a club, because he did not work enough; E. L. Porter, the warden is a good man;

and strongly recommends him to this association as having conducted well in prison; this is the first communication made to this association by a warden since Wells was appointed in 1843.

April 27th. (No. 598, R. 2, p. 115.) Sentenced for two years and five months, for grand larceny; discharged 15th inst.; says that the prison is not in as good order as it was when Mathew Gordon was warden; Wells who succeeded Gordon, is very passionate. On one occasion a young man by the name of Johnson, who had been cut in the face by a fellow-prisoner striking him with a poker, went to Wells and told him that he was unable to work; this put him in a passion and he struck him with his fist in the face, kicked him and then struck him with a rattan cane. Says they have not had fresh meat for two months, and that they had was very poor; that the deputy keepers furnish the prisoners without informing the warden; Lockwood, a keeper in the file shop is drunk every two or three days; the prisoners in the hospital play at cards and dominoes, &c. A prisoner by the name of Waters, alias Newman, who kept the books in the hospital, used to sell the liquor to the other prisoners. John Lent and Lockwood before mentioned, used to go to the hospital and drink the liquor ordered by the doctor for the use of the sick; about six weeks ago a prisoner attempted to hang himself but was discovered before he was quite dead, and taken to the hospital; the next morning the warden asked him how he came to do so; he replied that he would rather not live than be under such a keeper as Lockwood. A prisoner from Rockland county, on arriving at the prison, asked Wells, who was then warden, if he might write to his friends at home, Wells replied, no, if you ask me that question again, I will put you in the shower bath; this was about the month of July; about two weeks after, the person above alluded to had come to the prison, a yoke was put on his neck, with three prongs; and about four weeks ago one of the prongs got broke, they then took it off and put on a heavier one. John Archer, a deputy keeper is always driving the men and is never satisfied with what they do; Archer punished these men because they did not do as much work as he thought they ought to do; he locked them up; their names were Snyder, Spring and Martin.

May 6th. (No. 599, R. 2, p. 117.) Sentence for five years for receiving stolen goods; discharged 25th of last month; says that [Assembly, No. 120.]

Wells, when warden was very severe, punished the men frequently; has seen fifty showered of a day; used to beat the men with clubs, apparently hickory sticks as large as broom stick; has seen him knock a man down called Punch from Albany, three times with a club after showering him; this occurred about twenty-two months ago. I understand from one of the officers named Wood that this punishment was inflicted because Punch was required to do more work than he was able to perform; Punch worked in the file shop and was only 18 or 19 years old; very small and light; first time Wells struck him in the face with his cane which was thicker than a man's thumb; second time struck him with his fist on the side of the head; he also struck him down the third time, but whether with the cane or fist does not remember; he was then locked up for four or five days; had often seen Wells strike the prisoners with his fist and with a club like a blackguard. After Punch was brought out of his cell he had an iron collar put round his neck with three prongs about seven or eight inches in length; this was riveted on, and he had to sleep with it; the yoke was kept on four or five months. He refers to Barney Smith and Owen Turney, as having been cruelly punished. He further says—Mr. Wells held a ball in the female prison and sent to the male prison for Duell to come and play the violin, leaving the prison short of officers, thereby giving the prisoners an opportunity to escape; during the time he (Wells) has been Inspector he has allowed Mr. Swain to extort out of the prisoners, under the pretence of getting them liberated, after passing a resolution that if any of the keepers held any ordinary conversation with the prisoners in regard to their liberation he would consider it sufficient cause for suspension. I was on the 20th September, 1848, most cruelly treated by Mr. Wells, Mr. Wood, and Horton, without any sufficient cause; was showered till I could not stand; was then taken to the keepers' hall out of the prisoners' sight, then fallen upon by Wells, Wood, and Horton, with clubs, struck by Wells with the fist, by Wood with a club several times; Mr. Horton struck me in the mouth with a heavy iron key, knocked out two of my teeth, splitting my lip in such a manner as to make it necessary to have it sowed up; was then locked up in a dark and gloomy cell five days on bread and water, then taken out and a heavy iron yoke put about my neck with three prongs about one foot in length constructed in such

a manner that it was almost impossible to sleep with it on; it was kept on five weeks.

1850

July 31st. (No. 609. R. 2, p. 124.) Sentence for nine years for burglary, 2nd degree; discharged by pardon 25th inst. Says that E. L. Porter, the present Warden, is a good man, but Wells when he was warden was very severe; that he knocked the men about and beat them very often; he was very passionate; several of the under-keepers, particularly Lent and Lockwood, are bad men, when they are angry they curse and swear at the prisoners. Lent, occasionally strikes them; Lockwood drinks very hard, is generally drunk when on night duty. The provisions are generally pretty good, but the kids out of which they eat, are sour and smell so bad that it is sickening, and he thinks to this cause may be attributed much of the sickness that at different times prevails in the prison.

September 7th. (No. 617, Reg. 2, p. 126.) Sentenced seven years and six months; discharged 6th inst. Says that E. L. Porter, the warden, is a fine little man as ever broke the bread of life, if he was let alone; but Wells gives the orders and Robert Lent carries them into effect; Wells and Lent rule the prison; when Wells was warden he was very fractious; last week a man by the name of Her-rick, for some offence was ordered by Robert Lent to the bath, he refused to go, when Lent called to his assistance several of the keepers; they threw the man down, placed him on his back, and put a heavy bar of iron on his breast, not less than eight feet long, and at least three inches square; after taking the bar off they put him in the bath and gave him three or four barrels of water. The flour has been sour and of course the bread has been bad; about last April he saw Lent choke and drag a man down, by the name of Barney, and stamped upon his breast calling out "kill the devil—kill the devil," &c.; Barney was removed to the hospital where he remained some time and was then sent to the quarry; he remained there but a short time when he returned to the hospital and soon died there. If a prisoner does not eat all his bread it is returned to the kitchen, and at the next meal the same bread is again handed out to the same prisoner or some other, and in this way it is repeated till it gets white with mould; never saw E. L. Porter strike a prisoner; he is a good keeper; but Robert Lent and several of the other keepers do it frequently, with their canes. A colored man by the name of Reuben

Nickerson met a young man in the archway that goes under the prison, and struck him with his spade and fractured his skull, of which he died; an inquest was held and a verdict returned that Nickerson acted in self-defence; though it was the general opinion that it was a wanton piece of cruelty, without any provocation; Wells said that Nickerson done just right; he fully justified him. On one occasion Nickerson struck one of the prisoners on the shoulder and knocked him down. Wells procured a pardon for Nickerson, gave him money, and sent him off to Canada.

Sept'r. 12th. (No. 621, R. 2, p. 129.) Sentenced two years for grand larceny, discharged 6th inst. Says that Porter, the warden, is a good man, and all the prisoners like him; that Bob Lent always treated him well, but most of the prisoners dislike him because he is so hard with them; saw Barney Smith, a crazy man, knocked down for fighting; he died soon after, whether from the effect of the blows can't say; he received a punch in the ribs himself with a cane which he thought would have killed him; says that a negro who had killed a man was pardoned out through the exertions of the officers.

Sept'r. 19th. (No. 622, R. 2, p. 130.) Sentenced five years for receiving stolen goods, discharged 17th instant. Says that when A. H. Wells was warden he and Bob Lent were continually driving and showering the prisoners. Wells was very passionate, and frequently struck the prisoners; John Lent struck a man on the head and cut severely; the present warden, E. L. Porter, is a very fine man. The provisions are tolerable, but the prisoners do not get enough of it.

Sept'r. 23d. (No. 623, Reg. 2, p. 131.) Sentenced ten years for highway robbery, discharged on expiration of sentence 21st instant. Says that the head keeper is as good a man as ever they had. The provisions are not so good as they were when Eldridge or Gordon were keepers. The necessary nourishment is not given to the sick in the hospital; the liquors intended for the sick are drank by some of the keepers; Bob Lent and the agent, and inspector Wells go to the hospital for their drink as regularly as they would to the hotel. About two years ago was sick in the hospital and witnessed the abuse of Barney, as stated by other discharged prisoners. Says they commenced dining in the hall the 20th inst; the prisoners are allowed fifteen minutes at dinner. Says he made six dollars by bone work

which he sold to the convicts, and to prevent the officers taking it from him when he dressed he gave it to John I. Leeds, a keeper, who promised to meet him, but did not keep his promise.

Sept'r. 26th. (No. 624, R. 2, p. 132.) Sentenced four years and six months for grand larceny, discharged 9th of last month. Says Robert Lent rules the prison; that he is very harsh and unfeeling; has seen A. H. Wells, when he was warden, often beat the prisoners. Provisions are very bad. Eldridge and Gordon were good men. The clothes given on his discharge were very poor. It was the practice formerly that when a deputy keeper wanted a man punished he sent complaint to the warden, but of latter time that ceremony is dispensed with; the deputy now sends them to the bath, or beats them, or locks them up on bread and water, without consulting any one. They have fresh meat about once in three or four weeks; the potatoes are very bad; would not get more than three or four out of a dozen that was fit to eat. After Barney Smith, as mentioned by (No. 477, R. 1, p. 218,) his clothes were put in the wash; they were so bloody that they had to be soaked several days before it could be got out; Barney's head and shoulders were cut dreadfully. The cat has been abolished, but the club has supplied its place, which is more cruel and brutalizing than the cat itself. Has seen John Lent drunk frequently; Lockwood was a great drunkard; sometimes he would be gone a day or two on a spree, and then come back again. McDuffey is the best keeper in the prison.

October 12th. (No. 626, R. 2, p. 135.) Sentenced three years for assault with intent to rob, discharged this day. He is well recommended by E. L. Porter, warden. Says he has no complaint to make of his treatment while in prison; that Robt. Lent always treated him well; but that he is a very bad man, and that he and the chaplain are not fit for that place; the chaplain is lazy and in every way unsuited for his duties; that Wells bears a very bad character among the prisoners, and is usually known by the name of "the old liar."

October 19th. (No. 627, R. 2, p. 136.) Sentenced two years for grand larceny, discharged yesterday. Says that some of the keepers use the prisoners reasonably, while others use them most unreasonably. Last week a prisoner by the name of Wm. Pierce was caught talking; one of the keepers gave him a note to another keeper to lock him up; he returned without delivering the note, as was supposed, when the

keeper struck him in the face, and put an iron yoke upon his neck weighing over forty pounds, and stretching his arms upon it wide apart; he being unable to stand under it they put a rope round his body and passing it over a beam kept him in a most painful position for many hours, so that when released he was obliged to be taken to the hospital. Joseph Urmay and Flack are the keepers who inflicted this punishment. Saw Robt. Lent under the influence of liquor yesterday. Lent advised him to say nothing about the usage of the convicts by their keepers, as his word would not be taken for any thing, he would not be believed. Several of the keepers get drunk; has seen Lockwood, the keeper in the file shop, so drunk in the hat shop as to fall asleep, and the prisoners could do as they pleased while he was in that condition. Robt. Lent has more influence in the prison than the inspector, the agent, or the warden, and there would not be half the punishment if it were not for him; saw Lent beat and abuse the men repeatedly. Wells goes to the hospital and orders whom he pleases to go to work, and countermands the orders of the doctor whenever he thinks proper. The keepers try to prevent the discharged prisoners from applying to the Prison Association for assistance, telling them it will be of no use, that they won't assist any person. Says the provisions are better since they have got a dining-hall, as each prisoner can now exhibit his food for inspection.

October 23. (No. 628, Reg. 2, p. 138.) Sentenced five years for forgery, second degree; discharged yesterday; is strongly recommended by E. L. Porter, warden of the prison. Says they have some good keepers, but they have three bad ones, viz: Lockwood, Purdy and Flack; says Robt. Lent is a hard case, but thinks he has made some improvement of later time; thinks Wells has given him a caution; says the potatoes are cooked the day before they are used; lie in the water all night, and the next day they are sour and very unpalatable; the coffee is also bad, owing to its being made the day before it is used; the meat is a little better since they have had a dining-hall; says he saw Wells shower a prisoner named Barney with five barrels of water, having great lumps of ice in it, and while the man was dressing, he took his cane and laid on him as hard and as long as he was able, after which he put a ball and chain on him and placed him in solitary confinement for six months; but the man died before that time expired. The keepers, generally, discourage discharged prisoners from applying to the Prison Association for as-

sistance. Says the chaplain is very negligent in the performance of his duties; says Wells has a man in confinement suspected of setting fire to the work-shops; is to be kept on bread and water till he dies if he does not confess it.

FINANCES.

There has been received since the date of our last report, the sum of \$3,939.95; of which \$2,000 was a legacy left us by Miss Sarah De Milt. By the terms of the bequest, one-half this amount (\$1,000) is to be applied to the use of the female department. It has been deemed best to reserve this sum as the commencement of a fund for the purpose of the erection of a suitable home for discharged female convicts. We doubt not that there is both philanthropy and liberality enough in our citizens to warrant the hope that this most needful object may soon be attained.

Balance on hand the preceding year, \$113.46, making a total of \$4,053.61.

Of which were expended,

For inspection of prisons,	\$99 07
" discharged convict committee, rent, &c.,	1,834 81
" bill of costs,	21 56
" report,	284 97
" books and stationery,	27 50
De Milt fund,	2,000 00
Total amount expended,	\$4,267 91
Total amount on hand and received,	4,053 61
Balance due De Milt fund,	\$214 30

These contributions are entirely inadequate to the wants of the Association. We have, indeed, too frequently been compelled to deny relief to worthy applicants, thus subjecting ourselves to the imputation of pretence and insincerity.

We trust that the year on which we are entering, may be marked with more interest on the part of the benevolent amongst us, toward this truly pitiable class of our fellow-men, discharged convicts.

Timely relief may save many a one from relapsing into crime. Beside the positive comfort which may be given him for the moment, this practical sympathy encourages him in his struggles towards reformation. So favorably is this branch of our association regarded in Europe, that many of their most intelligent prison keepers have declared, that it presents to the convicts the only hope of recovery.

For the other objects of the Association, increased pecuniary resources are needed. An agent for the detention committee must be employed, and these duties will occupy the entire time of a competent man. It cannot be supposed that such can be had without adequate compensation.

Should we be successful in the attempt legally to enforce our rights to visit and inspect the prisons of the State, funds will also be required to meet the expenses of travel, incident to this service.

The numerous and important duties devolved upon us by our charter, cannot be performed without greatly increased resources. Whilst the members of the Executive Committee are willing to give their time, they must look for the means to meet the calls upon them, to such as know what it is to pity, and esteem it a privilege to save the fallen.

DETENTIONS.

We have already alluded to the necessity of an agent for the committee on detentions. Not only should the daily committals to the city prison receive attention, but also those to the various police stations and houses of detention. Whilst the former has been constantly visited by the corresponding secretary and occasionally by other members of the committee, the others we have reluctantly been compelled to pass by. This is a source of deep regret, as there are cases of continual occurrence where direction and assistance should be given. There are frequent instances of improper commitment, as the discharges without examination show. Arrests are not unfrequently made and the party temporarily committed, even without the oath of the officer; a course of proceeding wholly illegal. We state with confidence that the constant observation of a competent and disinterested agent would remedy very many of these abuses, as we have already had abundant occasion to know, in the limited attention we have been able to bestow upon these matters.

At the city prison every facility has been afforded us in our investigations, by the warden and his assistants; and our joint efforts have been successful in introducing several needed reforms. The street entrance to the female department has been closed, and all access to it is now through the prison office, where an observant officer is always in attendance. The practice of transferring permits to improper persons outside of the prison, and when beyond the control of the officers, which formerly was of too frequent occurrence, is thus completely checked. The general good order of the prison is promoted by this arrangement. The yard connected with the female department has also been enlarged, and a shed erected for the protection of the inmates who frequent it. This shed should be entirely enclosed and the room heated, so that it may be used in winter for a work shop. In the male department a large building has been erected for a work shop, but seems to remain unoccupied.

But all these are mere palliations to a great evil. The prison is entirely too small for the wants of the community, and its arrangements utterly unfit for a house of detention. The wise and humane law of the State, requiring the separate confinement of those charged with crime, is here, almost of necessity, habitually disregarded. A new and quite different building is indispensable, not only for the observation of this law but for the introduction of a proper discipline and a healthful management of the prison.

The control of our houses of detention is now by law entrusted to the Board of Governors of the almshouse and prison department. Whilst awarding all honor to the zeal and disinterestedness of the gentlemen who discharge the onerous and varied duties of this department of our city government, we are yet constrained to say that we do not think they have given that attention to the character of our detention prison, their adaptedness for the purposes designed, and the nature of the regulations and discipline enforced in them, which is so imperatively called for. Their mere economies, considered in the limited sense of the daily or yearly expenditures, seem by their reports to have been closely scrutinized; but the more weighty matters of so regulating these institutions as to secure to their inmates their just rights, as to make them means of reformation to those who are reclaimable or manifest contrition for their wrong-doing, thus far appear not to have commanded the study they deserve. Amongst those daily

arrested on the charge of crime, are very many entirely innocent, others detected for the first time, others of tender age, youths and mere children. Now we safely affirm that of these classes who enter our houses of detention, four out of every five pass out sevenfold more the children of crime than they were before. From the associations of these pest houses, no other result can be rationally looked for; and so it will continue to be until the whole system is changed. Greatly to improve the discipline, with the present conveniences, cannot be expected. But what has been done toward this end? Thus are we going on from year to year, absolutely educating the young to crime; perfecting the novice, and hardening the proficient. Looking at this question from the ignoble stand-point of dollars and cents, we ask, is it good economy? But when we examine it in its moral aspects, we are amazed that our city authorities, for a long series of years past, have seemed so willing to overlook it, or to blind themselves to its glaring evils. In our former reports, as well as in maturely considered memorials, we have invited attention to this subject; but our statements and recommendations have been alike disregarded.

Our houses of detention not only in this city, but throughout the State, are little else than seminaries of vice and crime. Of these, there are about seventy, annually sending into the community, their thirty thousand graduates. In this city alone, we have in round numbers, not far from twenty thousand, passing through the different classes, re-entering into life more thoroughly prepared for the practice of their debasing and ruinous arts, in which society itself, through these agents, has done its best to perfect them. And yet we are lavishing millions on our common schools, academies and colleges; spending untold sums in erecting and beautifying temples for the worship of God; multiplying and supporting police officers, constables, attorneys, judges, prison keepers and executioners; building and endowing almshouses and retreats; sowing private charities broadcast over the whole surface of society; whilst yet nothing, literally and truly nothing, is done toward arresting vice and crime in their first developments. Admitted even, which is doubtless true, that these educational and philanthropic agencies are preventive or restorative in their character; still men will fall into sin, and yield to the multiplied forms of temptation with which the world abounds. Is it wise, when this manifestation of character first takes place, to repress or to foster it? To nip it in the bud, or to allow the poison-

ous fruit to ripen? Men do not generally attempt to allay the fevered action of their bodies with stimulants, nor to quench fire with oil; but this were wisdom compared with our treatment of novices in crime. Engaged in the varied bustle and business of life, we pass on from day to day surrounded by crime, stopping a moment perhaps to deplore the desperate wickedness of the human heart, yet apparently in the most innocent unconsciousness, that to our own apathy and neglect may be attributed a large portion of the wrongs and misery over which we utter the passing sigh.

But whilst thus unjust to ourselves, as well as to those who might by proper care, be reclaimed, what shall we say to the more fearful wrong, of actually placing the young and the innocent in the very jaws of the destroyer? And this we are doing. Large numbers of those arrested on suspicion are the mere victims of circumstance or of malice; found perhaps in evil company; and that it may be unintentionally, or marked for sacrifice by a vindictive or jealous spirit. Thrust into the society and companionship of felons, and goaded to desperation by the wrong inflicted on him, the poor being readily listens to the teachings of his new associates. And if he leaves his den, desirous to forget what and whom he has seen or heard yet he is not forgotten. They remember him, search him out perhaps, recognize him, and tell of him as a prison bird. The brand is on him for life. Can it be wondered at, that the laws of society are broken, and that fraud and violence abound amongst us?

The remodelling of our detention prisons, and the reformation of the whole system of dealing with the accused, underlie all attempts to improve prison discipline in our State. We cannot too earnestly press this matter upon the consideration of the public, but especially, of those in office. It is of vital importance, involving on the one hand, the moral conservation of society, and on the other, the promotion and extension of vice and immorality. The people of our sister States are arousing themselves to it. Within the past year, Boston, with less than one third the population of our own city, has spent \$500,000, to secure this object; an expenditure which although enormous in itself, will pay a still more enormous interest in the increased safety and protection it will afford to virtue, and the checks, discouragements, embarrassments and limitations it will throw around vice and crime.

PRISON DISCIPLINE.

On this department of our duties we are precluded from an extended report, by the interdict placed upon us by the State Prison Inspectors.

There are few subjects connected with criminal jurisprudence that more imperatively demand an enlightened consideration than the discipline of our prisons, and certainly but few of equal importance are regarded with such evident indifference.

It has long been our desire to present the condition of our prisons to the Legislature, comparing their management and influence both on the habits and character of the prisoners, and the wellbeing of society, with that of prisons conducted on different systems in other States and countries. To this end we have collected valuable materials in the shape of reports of inspectors and wardens, discussions, reviews and pamphlets by able and enlightened statist, penologists and philanthropists, and by correspondence with gentlemen of intelligence both in our own country and in Europe. We now need but little else to enable us to bring this subject in a proper manner before the Legislature than the examination of our own prisons. Laborious as the undertaking must necessarily be, yet well knowing the amount of positive good which may be effected, we shall gladly devote ourselves to the task as soon as we can resume our duties under our charter, or we shall be called upon by the Legislature.

We fear that it must be acknowledged that the chief aim of our State hitherto has been to make the prisons self-sustaining, rather than reformatory institutions—a sad and short-sighted error. This is rather the economy of hoarding than of enterprize; a policy which, in withholding the investment of capital, foregoes its fruits. Hence the little attention that has been paid to the acts and doings of the wardens and keepers and their treatment of the prisoners confided to their care, so that their annual statement of earnings are satisfactory, and due parsimony manifested in their disbursements.

Prisons are intended as places of punishment, not State factories for money making, nor yet theatres for the display of official importance and the exercise of cowardly brutality. They are designed to

secure society against fraud and violence; not to teach men how to practice the one or perpetuate the other.

A practice has been for some time growing up that calls for a prompt remedy. The police of our city are allowed to visit the prisons for the purpose of "spotting" (as it is termed,) convicts about to be discharged, that is, of becoming acquainted with their appearance and habits, so that they may be recognized on their discharge. At first sight it may seem rather laudable than otherwise, it being intended, as its advocates will argue, to protect society against their future depredations. But this partakes too much of the common prison ethics to meet the approbation of right thinking men. It assumes the truth of the old adage, "once a rogue, always a rogue." In effect it denies the possibility of a criminal's reformation. It puts him beyond the pale of hope. We have good reason to believe that many have left our prisons with virtuous resolutions who have been driven back into crime by the knowledge that the watchful eye of the police was upon them, tracking them out in all their private associations, and even warning their employers of their former backslidings. What man is sufficient for this? Either let the criminal be confined for life or let him go free in the full sense of the word. Not more galling was the chain which fastened the culprit to the Roman soldier; than is the influence of an ever wakeful eye on its marked victim.

About two years since a law was enacted requiring that when executive clemency was invoked for a criminal, an advertisement stating the fact should first be published for a definite term in two or more papers. This bears oppressively on the friends of convicts who cannot afford the expense. An instance of this character has come to our knowledge where two sisters, whose brother it is believed was unjustly convicted, were for a long time, by their poverty, prevented from laying their complaints before the Governor. But this is not its greatest evil. Discharged convicts who have for years occupied respectable positions in society, and whose crimes had almost passed from remembrance, are compelled, under the stringent interpretation given to the law by the late Executive, if they wish to be restored to the rights of citizens, to publish their former infamy to the world, to re-open the old sore and subject themselves to suspicion where all has been confidence, and to distrust where they may have enjoyed respect. The publication is discretionary with the Executive and so

may seem to be innocuous; but whilst we may hope for a change in the policy of the State authorities, no assurance exists but that the unfortunate precedent already set may continue to be followed.

On the subject of pardons generally, we invite attention to the elaborate and suggestive essay of Professor Lieber, which will be found in the Appendix.

It is time that the proper authorities should earnestly investigate the system of government at the penitentiary on Blackwell's Island, and see whether it may not be advantageously modified or changed. It is now the largest prison in the United States, and but few in Europe surpass it. This, however, is rather cause for shame and self-reproach, than for boasting. Its system of discipline is just what it has been from its foundation; although we gladly admit that it is administered with more wisdom. Elsewhere it is thought that something is to be—and, indeed, has been—learned as to the treatment of criminals. But here, as to the system itself, all is stationary. The rock-anchored isle on which it stands, seems not more firmly fixed. Were it, however, as perfect as it appears to be unchangeable, it is doubtful whether the lazzaroni of our city would consider it so desirable place of residence; the fact being notorious, that to a certain class a few months sojourn at Blackwell's Island is rather pleasant than otherwise. The present warden has indeed done something in the line of progress, but still much remains to be accomplished.

DISCHARGED CONVICTS.

The committee in this department of our Association, present the report which will be found in the Appendix, (No. 1.)

The claims of the ransomed convict upon society, are peculiar. He enters on a new probation, but it is a probation totally unlike that of the youth just starting on his career of manhood, or of the stranger whose moral habits and character are unknown. These receive sympathy and encouragement from the common instinct of our nature, which insensibly prompts us to yield our confidence to those of whom we know no wrong. But the convict has to struggle against the prejudice which is equally instinctive, that forfeited confidence has no claim on our sympathies. Whether this feeling have its seat in

our innate sense of justice or not, still it is common to us all. The appeal then of the convicted man, is to the higher and nobler philanthropy which can overlook the past, and stoop to raise the fallen, can whisper words of consolation to the disconsolate, and can guide the feet of the wanderer back into the paths of rectitude. It is to that philanthropy which is nearest kin to the benevolence of Him who, when He calls upon the backslider to return, promises for his encouragement, "and I will heal your backslidings;" nay, who says, "I will be merciful to their unrighteousness, and their sins and iniquities will I remember no more." It is to such philanthropy that we would appeal in behalf of the discharged convict. Give him another chance; he thinks that every man is against him. "Let the tree stand this year also;" it is not for a sinful mortal to decide when it shall be cut down. Open to him the hand of kindness; he starts at his own shadow, fancying like the self-convicted Cain, "I am a fugitive and a vagabond on the earth—every one that findeth me shall slay me." Terrible indeed are his struggles, for he has foes within to embattle, as well as enemies without. His poor soul is driven to and fro between the frowns of the world and the tormentings of his own conscience. These awaken withip him remorse; those despair. Does not such a poor being need sympathy and encouragement? And shall his appeal—shall our appeal for him—be in vain, to those whom a kind Providence has guarded in hours of temptation, and whose cup overruns with blessings?

FEMALE DEPARTMENT.

The ladies having in charge the more immediate supervision and direction of "the home for discharged female convicts," have continued their self-denying labors with zeal and assiduity. The frequent marks of confidence which have been bestowed upon them by benevolent individuals, have been met by correspondent personal devotion on their part to the arduous and oft-times discouraging work they have undertaken.

A building specially arranged for their purposes is greatly needed, and we trust that the day is not distant when a discerning and liberal public will enable us to provide them with proper accommodations. For their report we refer to the Appendix (No. 2.)

We also present in the Appendix (No. 3) such extracts from the correspondence of the year as is of present interest, or may serve for future reference. We invite to it the attention of all who feel any interest in the suppression of crime or the reclamation of the offender.

In conclusion the committee have but to say, we do not weary of our work, however discouraging are many of its aspects.

If we have been deprived of the opportunity of fulfilling some of our duties, yet for those we have performed we have been cheered by the evident blessing of God on our endeavors. If there be joy in heaven over one sinner that repenteth, surely we who are permitted, to bring him under the influences that lead to repentance, may be partakers of this joy. More than one, we trust, has, through our instrumentality, been plucked even as a brand from the burning. For this we will anticipate the congratulations of the day when "both he that soweth and he that reapeth shall rejoice together."

By order of the executive committee,

R N. HAVENS,

Chairman.

New-York, Feb 26, 1851.

The Prison Association of New-York has now been in existence since the year 1844, time enough to afford full opportunity of testing its usefulness; and although instances have occurred of individuals, who, upon their discharge, have manifested a disposition to reform, and have received advice and some pecuniary aid from this committee, yet when assailed by temptation have again fallen into crime, still such instances are but of rare occurrence. On the other hand it is a source of sincere gratification to see not a few who have been able to resist the evils which surround them, and have become useful citizens. There is the merchant, the physician, the clerk, and the mechanic, filling their various avocations with respectability. The redemption of one individual from a state of degradation and despair, to comfort and usefulness, is a work worthy of much christian effort. No class of the community, it would seem, have stronger claims for sympathy than the discharged convict; let his intentions be ever so pure and sincere, he is surrounded on every hand with difficulty, and finds it impossible to rise above it without some one to encourage and

Discharged Convicts

assist him. So much has been said on this subject in former reports that it is unnecessary to repeat it here.

The reign of the Messiah, "who will have all men to be saved and to come to the knowledge of the truth," is foreshadowed by the prophet in the following terms:

"Then shall the wolf take up his abode with the lamb,
And the leopard shall lie down with the kid,
And the calf, and the young lion, and the fating come together,
And a little child shall lead them;
And the heifer and the she-bear shall feed together,
Together shall their young ones lie down;
And the lion shall eat straw like the ox;
And the sucking shall play upon the hole of the asp;
And upon the den of the basilisk shall the new-weaned child lay his hand:
They shall not hurt, nor destroy, in all my holy mountain;
For the earth shall be full of the knowledge of Jehovah,
As the waters shall cover the depths of the sea."

When the day shall come, so beautifully portrayed by the prophet we shall then look upon all men as brethren, the children of one father, and delight in doing one another good; the erring will be the objects of our peculiar sympathy and regard. And in what holier or better work can we be engaged than in extending to such, a hand of help; it has a tendency to soften and purify the heart and warm the affections; while we are doing good to others we are receiving good ourselves. Then let us not be weary in well-doing; for in due season we shall reap if we faint not, let us persevere and if we cannot accomplish all the good we wish, let us do all the good we can. Let us do whatsoever our hands find to do, and not be reaching forward to objects that we can never attain to.

Heavy complaints continue to be made by discharged convicts, of their treatment by the officers during their confinement, but they all with one accord, give E. L. Porter, the warden, the character of a fair man, and they say that if the government of the prison was left in his hands there would be no cause of complaint.

The tabular statement of the action of this committee during the year, and its results so far as they can be ascertained, is annexed.

ISAAC T. HOPPER,

Chairman and agent of the committee on discharged convicts.

12th Mo. 31st, 1850.

TABLE showing the number, sex, color, and present condition of all the discharged convicts relieved by the Prison Association during the past year.

PRESENT CONDITION, AS FAR AS ASCERTAINED.	PRISON DISCHARG'D FROM				SEX AND COLOR.					Total.
	Sing Sing.	Auburn.	Blackwell's Island.	City Prison.	Males.	Females.	Black.	White.		
Doing well,	25	.....	2	1	25	3	4	24	28
Hopeful,	9	.....	.....	.....	7	2	4	11	9
Doubtful,	5	1	2	.....	6	.....	1	.....	.....
Returned to prison, .....	.....	.....	.....	.....	.....	75	.....	75	75
Sent to The Home, .....	.....	.....	.....	.....	.....	1	.....	.....	.....
Unknown,	1	.....	1	.....	1	.....	.....	.....	.....
Total,	40	1	5	1	39	83	9	113	122	

In addition to the above, free passages have been procured for a considerable number, to their friends at a distance; and several, who stood in need, have been supplied with second-hand wearing apparel.

REPORT OF THE FEMALE DEPARTMENT.

The Female Department of the Prison Association offer the Annual Report of their proceedings, with a renewed sense of grateful joy, that they have been enabled to do *anything* for the most unhappy and destitute class of persons to be found in a christian community. They eagerly embrace this opportunity of expressing their earnest thanks to those who have given them the means of sustaining an unpopular, uninviting, and most laborious charity; and they are pleased to perceive, each year, a growing faith in their operations, and a more sanguine hope of success. Yet the consciousness of how little can be done for gigantic evil, by the small number of individuals thus far interested in behalf of the female convict, is almost paralyzing. It requires hardly less than the faith that can remove mountains, to uphold the spirits and animate the efforts of those who are engaged in an enterprise which ought to warm the heart, and unlock the coffers of every good citizen whom God has blessed with abundant means of comfort, education, virtue and religion. While minor evils, for as

such we must consider any physical deprivation, and any suffering unconnected with moral degradation, command the attention and enlist the most generous and brotherly sympathy of our citizens, the condition of those who are suffering, body and soul, under the consequences of ignorance and depravity, has failed in acquiring its rightful place in the long list of christian benevolences. We do not say that it has secured no place. We gratefully acknowledge the liberality of the few; and we feel that where we have succeeded in obtaining a hearing we have met with such responses as we could desire; but our hearts sink when we are forced, as on these anniversary occasions, to contrast the magnitude of the work we have undertaken, with the measure of means with which the public at large have as yet been induced to entrust us. We are at no loss to account for this comparative indifference. We perceive it to be perfectly natural. Lack of the senses necessary for the business and enjoyment of common life appeals at once and unanswerably to every human creature not utterly separated by selfishness from his kind. Widowhood and orphanage touch all hearts that have ever known the sweetness of family affection. No arguments are needed when we would enlist the general sympathy in the condition of sufferers by unmerited misfortune. Nature speaks for us, and forestalls our petitions. A man hardly dares refuse of his superfluity to sustain and console and instruct those whom Providence has thus directly thrown upon the sympathies of their fellow creatures.

But it is far otherwise with the unhappy objects of our care. They are in possession of the bodily senses they have abused, and retain, nominally at least, the family ties they have neglected or disgraced. They do not belong to the class of idiots, nor are they incapacitated from many kinds of occupation by means of which the necessities and even comforts of life are obtained. They seem to be what they are and to stand where they stand, by their own perverse choice, and the first and most natural thought is to let them abide by that choice. They are supposed to have made a deliberate election of "the pleasures of sin for a season," rather than that condition of plenty and credit which is the reward of industry, sobriety and good citizenship; whilst the spontaneous notion of justice which springs in all our bosoms, and which we apply so conscientiously to all sins but our own, decrees them outlawry at once, thus purchasing the right to dismiss the case and rid the mind of a painful subject.

But has there in truth, been any such deliberate choice—any such insane election? Our experience, which we have now a title to urge, has shown us conclusively that in nine cases out of ten, no choice was ever made, for none was offered. Hereditary tendencies have their share; evil associations theirs. Temptations subtly planned by the old in crime; lack of any kindly aid after the first offence; the daily example of vicious companions; the cruel desertion of those who should protect; the hard trials of poverty, harder for woman than for the stronger and bolder sex; the passion for drink seldom missing in those who are otherwise depraved, and often itself the cause of degradation; these are a few of the causes by which the women who have come under our care are brought to the wretched point at which we take them up. When we enquire as to the beginning of their downward career, it is rarely that they can fix upon any particular period in memory at the time when they cut themselves off from decent fellowship, and felt that they had become the antagonists of society. It is true that they sometimes date from seduction, and sometimes from the contamination of a new acquaintance old in vice; but ordinarily we cannot but perceive that from the very outset they have lacked the usual safeguards. Hedged in and guarded on every side as the happier classes of God's weak and erring children are, it is hard for them to appreciate the condition of those who from infancy have lived with companions, perhaps nearest relations, in whose mouths blasphemy is familiar, and with whom pleasure means vice. We are scarcely conscious of half the influences which conspire to keep our feet from wandering far from the path of safety; yet all these prove ineffectual to resist the seducing power of evil. How then, can we be pitiless toward the transgressions of the untaught, the unwarned, the neglected.

But if their present state were the result of fatal choice, would they not, to the christian, be more the objects of pity, of effort, prayer, sacrifice, than they are? Those who say that they "have need of nothing," yet all the while are "wretched and miserable, and poor, and blind and naked," demand our deepest sympathy. What is physical blindness to that darkness of soul to which evil seems like good, and all moral colors confounded in black confusion and despair? What deafness is like that of the heart, willfully shut against every virtuous suggestion? What widowhood so desolate as hers who has forfeited and contemned all the sweet and saving chari-

ties of home? What orphanage so deep and bitter as that which renounces the fatherhood of God? If the ordinary woes of humanity move our hearts and force us to feel and own the tie of brotherhood, surely the deeper ills of the soul, aggravated, as is meet, with personal suffering and debasement, should not fail to do at least as much. We ought to feel, at least, as much pity for sin, which is an evil in which we all partake, as for those misfortunes whose pressure we have never felt. We know how easy it is to sin; shall we utterly condemn and consign to social death, any who shall have fallen below a certain mark, the position of which is determined by ourselves?

"But there is something so disgusting in the idea of meddling with convicts, and above all with female convicts!" We know it, but we are willing to undertake the personal part of the work. Six years' practice has acquainted us with the nature of it, and taught us that with all its trials it has rich rewards. All we ask is means, means to work advantageously, to spread wide the benefits of our institution, which may be considered a pioneer in its path, and to show the world by our success what it ought to do for those who have suffered the full earthly penalty of crime. Prison officials in London and Paris and those who have given the fullest attention to the case and condition of the prisoner, both before and after his discharge, say to our members that *without an institution like ours all that can be done for the prisoner during his incarceration is useless*. M. Parrisse, the intelligent and benevolent governor of the great female prison of St. Lazare, in Paris, spoke to one of our members of a home for the discharged female convict, as a *necessary adjunct or complement* of prison discipline, a provision against re-commitment, which public authority ought not to abandon to private benevolence, since it is demanded by the plainest dictate of expediency.

Out of the multitude of women who go through all the degrees of crime in our prisons and penitentiaries, those who might be induced to reform are not to be counted by scores but by hundreds. Every thing we have done has served to show us how much more we might do if we had larger means of usefulness, and to deepen our regret that our facilities are so limited.

A home, in the widest sense of that benignant word, is the very

heart of the undertaking in behalf of female convicts. Household influences, including those of industry, order, self-restraint, temperance, kindness and religion, are the anchors of our hope. These require space, utensils, suitable furniture, opportunities for classification and separation; in short, many things which are not to be attained without the possession of a large and well organized establishment. The first step toward this is an appropriate building, planned with express reference to our needs, and affording the means of carrying out our design to the best advantage. Thus far we have been confined within the walls of an ordinary three story house, denied the use of many of the conveniences by the aid of which labor is now so greatly forwarded, and obliged to crowd our inmates in a way very unfavorable to the best operation of our plans, rather than turn from our doors one sinner that would fain repent.

May we not hope that since more than five years of effort have taught us what is desirable, the benevolent will perceive the safety of allowing us greater advantages? The affairs of our household are more completely systematized than they have hitherto been. Each department is managed to the satisfaction of the committees, and to the advantage of the inmates.

Through the beneficence of a single individual, we have been enabled to introduce a new element into the Home, which has already worked much good, and promises more. A teacher is devoted, for certain hours of the day, to giving the inmates lessons in reading, writing, and arithmetic. This, beside the important benefit it may prove to them, varies the monotony of work, which has no recreation; and is to the reflecting among these poor women, a touching evidence of a consideration of their happiness.

Without boasting, we may venture to say that the year just elapsed has been the richest in experience and in satisfaction, of any. Our numbers must, of course, be little varied from former years, since our house can hold no more. But in the order and industry of our inmates, the desire for improvement and the evidence of capacities for it; in the satisfaction given to employers and the gratitude evinced by the rescued, we feel that we have indeed advanced.

A few extracts from the many letters received during the past year, and some account of particular cases of reform and special effort,

will close our report. The statistics of the year are briefly comprised in the following statement:

1850. Received during the year,	148
Found situations for,	57
Returned to their friends,	9
Bellevue Hospital,	13
Island Hospital,	6
Lunatic Asylum,	3
Alms-house,	2
Magdalen in Philadelphia,	2
Discharged,	12
Returned to evil courses,	36
Received favorable accounts of,	44

CORRESPONDENCE.

The following is from an employer.

Dear Madam: A— desires me to write you word concerning herself and her situation. She is as well as usual, although she suffers much with her limbs. * * * She is very happy and contented; hopes to visit New-York in the summer. * * * A— is an excellent servant for me, and does every thing she can, with her strength, for my satisfaction.

From another employer.

Madam: I take the liberty once more to trouble you with our wants. B— C—, the girl I got from the Home in May last, wishes to leave in two weeks. We are very sorry to part with her, as she has in every way given entire satisfaction, and we would like to retain her if we could. Can you send us another girl within two weeks?

Another employer.

We deem it not only simple justice, but it gives us great pleasure to say that D— has been a good and faithful woman, and borne herself with christian propriety. We regret very much that her lameness compels her to leave her employment.

Copies of notices to friends of - Liberty

Again :

E— arrived here in safety, and is very much pleased with her situation ; and we are very much pleased with her, and feel very grateful to you. She sends her love to you and all the girls.

From a manufacturer in the back part of our State, we received the following, which may serve to show how we obtain employment for such of our inmates as we can recommend :

Dear Madam : * * . We had the pleasure of hearing from you, expressing your expectation of being able to furnish us with more girls. We have relied upon you, and would be happy to hear from you at your earliest convenience, when we may expect them. We would like to obtain, say twelve, or as many as you can make ready. We are now in great want of help, and shall feel quite disappointed if we cannot procure some from you. We are happy to acknowledge your disinterested philanthropy, and wish you the reward you so richly deserve. * * F— and G— have done so well that we think highly of your recommendations.

* * * I believe the girls are not unhappy, but contented. I know they are doing comfortably well. Girls ought to make here twelve shillings per week, over and above their board. K— has \$20 or \$25 laid up. * * * We are very much obliged to you for the frankness you have shown, and you may rest assured it has given no offence. We shall aim to make our girls comfortable, and guarantee to pay as high wages as any other concern engaged in our trade. * * * .

Every girl that you have sent us, except L—, is well, and perfectly contented, so far as we know. The three last sent are well, and making three dollars (extra) per week.

These specimens will serve to show that places for our inmates are not difficult to find, and also that much satisfaction is expressed by their employers. We would here express our thanks for the care, candor, and good-will with which they have met our solicitude for the welfare of our women.

From very numerous testimonials received from private employers, our limits forbid our selecting largely ; but we give a few specimens,

from which it will appear that there are many whose circumstances do not permit them uniting personally in a work like ours, yet who feel a truly kind and Christian interest in the undertaking, and lend us their aid as far as practicable.

Dear Mrs. — : I write you in behalf of M—. The situation of our family is such, that it will be inconvenient to keep her after the middle of November. She has been a good girl, and I have found her truthful and trusty. I know of no place for her here at present ; and she looks to you, as to a mother, to advise whether she had better return to New-York.

Mrs. — : N. being extremely anxious to have a line to carry to you, I give her this to meet her wishes ; and as all has been said that need be said, I can only add that we have been well pleased with her. We feel anxious to hear from her when she has ascertained the situation of her husband and child.

My dear Mrs. — : O— did very well for me through the winter. She is better help, so far as work is concerned, than I often meet with. For several days before she left, she had manifested a determination to do as she pleased, and not to do what I thought best. I tried to be very patient and forbearing with her, in hopes to get along with her through the summer. * * * When I saw that she intended to leave I felt sad, more on her account than on my own, fearing what would be the consequence. * * * She had twenty-one dollars in her pocket, a new dress, and some other garments.

(We beg to call attention to the fact that however candidly employers state the faults of our women, no one yet has ever complained of their dishonesty ; a circumstance to which we point with peculiar interest, because some persons naturally object to receiving discharged convicts as servants, from the fear of this vice.)

My dear Mrs. — — —

I like P—, very much and think she would do well in any family. She has proved herself trusty and kind, and there is no reason for her leaving, only she thinks she must be nearer her child. * * * She would like to know your mind before leaving, for she thinks a great deal of you and the home. I cannot blame her for having a mother's feelings. I think she is capable of taking care of herself and her child.

We commence our extracts from the letters of former inmates, with the following :

Mrs — , I hope you will excuse my not writing to you before ; it is not because I have forgotten what you have done for me. You have saved me from misery, through your kindness, and I have tried to be steady since I came here. I think you will be glad to hear I have joined the cold water army, and I wish some of the girls at the home would do the same. I think it would make great improvement in them. I like my place very much.

* Dear friend—It is with great pleasure that I write a few lines to you to let you know how I get along in my new home. First, I am very well, and hope these few lines may find you and your family well. If I have not written, it is not that I have forgotten you, for I often think of your kindness to me, and if you are not rewarded in this world, I trust there is a crown laid up for you in heaven. * *

(We may remark here that some of our inmates have married, and others have been received back by their husbands, in consequence of good conduct while under our care. Not unfrequently are we tendered testimonials of their gratitude, which though of little intrinsic value, are given with full hearts, and are received for their encouragement and that of those who may be still undergoing probation.)

Dear Mrs.—I received your letter with the greatest pleasure, I hope this will find you in good health, and as happy as I wish you to be. I hope the Almighty will reward you for the trouble you have had in seeing about my children. * * R—, sends her love to you and says she will never forget your kindness to her. and hopes you will never get discouraged in your labor of love.

MY FRIEND, MRS. ——— * * I would have wrote you before this, but I have no one to write for me that I can trust. I have to write it at night, myself ; I hope you will be able to make it out. Mr. — is very kind to me, and his wife too. They like me very well. I have got very hard work here; and often think of your kindness to me, and never will forget it, please God. Remember me to my children, and all the ladies of the Home, and please to tell them I am doing well.

Mrs. — — :

MY DEAR MADAM—I have employed for the last six months, S—, whom you sent to me from the Home, and as I am obliged now to look for a person who understands *cooking*, I send her back to yourself, thinking that you may give her work till she can find a new place.

She washes and irons remarkably well, and is the nicest house-cleaner I ever met with. If she should remain at the Home, I should be glad often to employ at days' work. I am now indebted to her \$4.62. This amount I will pay whenever you think fit to send for it.

We have selected our specimens of the correspondence of the Home, with express reference to the spirit evinced in them, the affectionate confidence of our former inmates, and the gratitude plainly visible in their childlike phraseology. If those who feel prejudiced against those unfortunates could be brought to realise the possibility of their conversion, they might perhaps feel less repugnance to the task of ministering to their welfare.

We must not omit respectfully to acknowledge the services of the city missionaries, and other clergymen, who have regularly and kindly ministered to the inmates of the Home. Their reward is not in any need of ours. May they find it in the "well done good and faithful servant," from the lips of their Maker.

We would also respectfully acknowledge the gratuitous services of our physician, Dr. Salters, and also of Dr. Stimson, to both of whom we beg to return our grateful thanks for all their kind attention and effectual aid.

C. M. KIRKLAND,
Corresponding Secretary.

New-York, Jan. 24, 1851.

OFFICERS

Of the Female Department for 1851.

CATHARINE M. SEDGWICK, *1st Directress.*
 SARAH P. DOREMUS, *2d " "*
 ANNA I. H. FITCH, *Treasurer.*
 CAROLINE M. KIRKLAND, *Corresponding Secretary.*
 ANNA CURTISS, *Recording Secretary.*

Executive Committee.

Mary Day,	Catharine M. Halsted,
Abby H. Gibbons,	Eliza Vanderheyden,
Mary Manning,	Elizabeth Manning,
Sarah F. Hicks,	Amy Hawxhurst,
Eather Mead,	Ruth S. Dill,
Ann Elizabeth Bond,	Susan B. Day,
Frances Bryant,	Margaret Sedgwick,
Ruth Beatty,	A. E. B. Ingalls,
Loanna Hall,	Caroline C. Smith,
Laura Hunt,	Jane Sedgwick,
Frances Emery,	L. K. Tracy,
Catharine Maria Ellis,	Mrs. John Beam.

Advisory Committee.

Hon. J. W. Edmonds,	John D. Russ, M. D.,
" John Duer,	Richard Reed,
Isaac T. Hopper,	Hon. James H. Titus,
Benjamin Ellis.	

*The annual report of the female department of the Prison Association,
 from Jan. 1st, 1850, to Jan. 1st, 1851.*

Receipts.

Subscriptions,	\$67 00
Donations,	1,970 75
Work,	550 03
Money returned,	7 75
Collected at Tabernacle,	52 50
Sale of barrels,	3 75
Balance from last year,	25 53
	<hr/>
	\$2,677 31

Expenditures.

Provisions and fuel,	\$598 91
Dry goods,	218 90
Working materials,	21 39
Household articles,	16 17
Stationery and postage,	15 20
Commissions,	188 70
Travelling expenses,	44 98
Medicine and attendance,	11 51
Salary,	182 50
Rent,	250 00
Discount on bills,	1 50
Water tax,	12 00
Writing desk,	10 50
Redeeming goods,	1 69
Anniversary at Tabernacle,	75 25
Funeral expenses,	3 00
Carpenter's bill,	6 00
Loan to fête,	28 00
Mrs. Platt,	3 00
Reserved for a house,	980 00
	<hr/>
	2,669 20
	<hr/>
Balance on hand,	\$8 11

Examined and found to be }
 correct, }
 J. S. GIBBONS, *Auditor.*

Subscriptions

Mrs. D. Y. Townsend,	\$2 00	
Mrs. H. Sedgwick,	2 00	
Mrs. Taylor,	2 00	
Mrs. Carey,	3 00	
Mrs. E. Knight,	2 00	
Mrs. Jonathan Whitney,	2 00	
Mrs. Alfred Hall,	2 00	
Mrs. T. C. Doremus,	2 00	
Mrs. James Halsted,	2 00	
Mrs. Vanderheyden,	2 00	
Mrs. Hopper,	2 00	
Mrs. Gibbons,	2 00	
Mrs. Mary Trimble,	5 00	
Mrs. Manning,	2 00	
Mrs. Bond,	2 00	
Mrs. Caroline Smith,	2 00	
Mrs. Edgar Hicks,	2 00	
Mrs. Oden Haggerty,	5 00	
Mrs. Budd,	2 00	
Miss C. M. Sedgwick,	2 00	
Miss Emily Jarolemus,	2 00	
Miss Mary Day,	3 00	
Miss Flora Foster,	2 00	
Miss Hannah Underhill,	2 00	
Miss N. Blunt,	2 00	
Miss Manning,	2 00	
Miss Curtis,	2 00	
Mr. J. B. Graham,	5 00	
Mrs. Hannah W Haydock,	\$5 00	} Paid in 1888.
Mrs. Freeman Hunt,	5 00	
Mr. Freeman Hunt,	5 00	
Miss Margaret Corlies,	5 00	
<i>Life Members.</i>		
Mrs. David Codwise,	\$10 00	
Mrs. Douglass Cruger,	10 00	
Mrs. Chas. E. Butler,	10 00	
Mrs. James Emery,	10 00	
Mrs. James Beatty,	10 00	

Donations in Cash.

The Female Association,	\$350 00
Miss Lund,	200 00
A merchant,	50 00
Mr. Wheelwright,	25 00
Mr. Edwin Bartlett,	25 00
Goodhue & Co.,	25 00
P. Harmony & Nephews,	20 00
F. Cottenett,	20 00
R. B. Minturn,	20 00
J. Beerman,	20 00
Mrs. Banyer,	20 00
The Hutchinsons,	20 00
Mt. J. J. Janeway,	20 00
A friend, through G. B.,	20 00
Mr. Jas. W. Strode,	10 00
Mr. W. S. Wetmore,	10 00
Mr. Jas. Freeland,	10 00
Mr. C. B. Tweedy,	10 00
Mr. Wm. Redmond,	10 00
Mr. W. H. Hutton,	10 00
Mr. R. Jones,	10 00
Clark, Southwick & Co.,	10 00
Wenterhoff, Piper & Kerch,	10 00
Latimer & Targe,	10 00
Madee & Iselin,	10 00
D. M. Wilson & Co.,	10 00
A. M. Treadwell & Co.,	10 00
Wetmore & Co.,	10 10
Mr. A. R. Wetmore,	10 00
Moses H. Grinnell,	10 00
Mr. Robt. Le Roy,	10 00
E. W. E. H. Gillelan,	10 00
Leland, Zimmerman & Davidson,	10 00
Mr. Geo. Tait,	10 00
Mr. Jas. Owen,	10 00
S. T.,	10 00
Wilson, Hawksworth, Ellison & Morss,	10 00
Several persons,	8 00

Mr. P. K. Fowler,	\$5 00
Mr. C. Hitchcock,	5 00
Mr. C. H. Rogers,	5 00
Mr. C. H. Marshall,	5 00
Mr. Thos. Massanger,	5 00
Mr. A. Wild,	5 00
Mr. A. Ladd,	5 00
Mr. Jacob Badgers,	5 00
Cash,	5 00
Mr. A. T. Stewart,	5 00
Mr. H. T. Brookman,	5 00
Mr. S. M. Lewis,	5 00
Mr. W. Howes,	5 00
Mr. Geo. Godfroy,	5 00
Mr. Richard P. Buck,	5 00
Mr. R. C. Reed,	5 00
Mr. Edward Sherman,	5 00
Mr. Francis Salters,	5 00
Mr. Sabenter Schoonmaker,	5 00
Mr. D. T. Stewart,	5 00
Moller & Sand,	5 00
Mr. Joseph Cormack,	5 00
Mr. A. Schleeper,	5 00
Mr. A. May,	5 00
Cash,	5 00
O. Hicks & Cruger,	5 00
Mr. Jas. T. Tapiste,	5 00
Mr. John Savenspus,	5 00
Mr. Cyrus W. Field,	5 00
H. Deitz, Brothers & Co.,	5 00
Mr. Daniel Johnson,	5 00
Grant & Barton,	5 00
Ranken, Duryea & Co.,	5 00
Mr. C. W. S. Dotes,	5 00
Doubleday & Beak,	5 00
Strahan & Scott,	5 00
E. S. & T. Shelton,	5 00
Mr. F. B. Hamlin,	5 00
Mr. J. H. Williamson,	5 00

Mr. S. Guillaume,	\$5 00
Bradford & Richmond,	5 00
Mr. J. Falconer,	5 00
S. & F. Kirby & Co.,	5 00
D. Lathrop & Co.,	5 00
Mr. J. H. Mintz,	5 00
Forrest & Smith,	5 00
Mr. John Jay,	5 00
Russ & Co.,	5 00
Mr. B. V. Seaver,	5 00
Bowers & Beekman,	5 00
Thomas & Co.,	5 00
Mr. N. B. Lane,	5 00
Cash,	5 00
Mr. C. J. Joggill,	5 00
Mr. S. V. Whitney,	5 00
Mr. C. V. Harris,	5 00
Mr. E. W. Mangam,	5 00
Mr. D. W. Linn,	5 00
Dawes & Carey,	5 00
Brush & Co.,	5 00
Mr. R. H. Berdeu,	5 00
Mr. E. Whittelsey,	5 00
Condit, Noble & Co.,	5 00
Churchman, Robross & Co.,	5 00
Mr. Edgar Sprague,	5 00
Hoose & Co.,	5 00
Ralker & Molenda,	5 00
Mr. N. Baylis,	5 00
Mr. T. H. Scrymer,	5 00
D. Appleton & Co.,	5 00
Mr. G. S. Putnam, (annual)	5 00
Mr. John G. Fisher,	5 00
Cash,	5 00
Otis & Underwood,	5 00
C. Graham & Co.,	5 00
Mr. R. Asher,	5 00
Mr. Thomas Kinse & Co.,	5 00
Mr. Charles McConnelly,	5 00

Cash,	\$5 00
Mr. Fanchaud,	5 00
Mr. Charles Blain,	5 00
Mr. E. Thebuts,	5 00
Cash,	5 00
Mr. Hopkins,	5 00
Mr. William Van Scht,	5 00
Mr. W. C. Whiting,	5 00
E. H. Stevens & Co.,	5 00
Starling, Cushing & Co.,	5 00
Mr. J. Shetlese,	5 00
Mr. Van Wyck,	5 00
N. Lester & Co.,	5 00
Mr. W. Clapp,	5 00
Cash,	5 00
Mr. Wolfe,	5 00
Mr. C. P. Sangar,	5 00
Mr. E. P. Clay,	5 00
Messrs. W. J. Buck & John Blunt,	5 00
Swift, Hurlburt & Co.,	5 00
Mr. S. B. Brown,	5 00
Mr. Robert B. Collins,	5 00
Lewis & Sanford,	5 00
Mr. F. Pell,	5 00
Mr. George W. Hatch,	5 00
Mr. W. Penfield,	5 00
Mr. C. L. Norton,	5 00
Mr. J. H. Hunt,	5 00
Mr. C. W. Warwick,	5 00
Mr. Henry Salsbury,	5 00
Mr. James N. Olney,	5 00
Mr. Charles Kemble,	5 00
Mr. Horatio Allen,	5 00
Mr. Higgins Kellogg,	5 00
Haskell & Merrick,	5 00
George W. Dow & Co.,	5 00
Pons & Palenque,	5 00
Mr. Anson Livingston,	5 00
Mr. A. M. Scheffeler,	5 00
Mr. J. W. Prentiss,	5 00

Mr. A. Morgan,	\$5 00
Mr. W. R. Paynter,	5 00
Mr. Robert Haydock,	5 00
Coffee & Cutter,	5 00
Cash,	5 00
Cash,	5 00
Cash,	5 00
Mr. Burdick,	5 00
Miss Mary Cook,	5 00
Mr. A. J. Ellis. (California)	5 00
Mr. James H. Titus,	5 00
Miss Van Horn,	5 00
Mrs. Ray Boynton,	5 00
Suydam, Reed & Co.,	5 00
Mr. J. F. Fisher,	5 00
Dr. Bleecker,	5 00
Mrs. G. Mead,	5 00
Mr. Hugh Dunn,	5 00
Mr. R. Ashel,	5 00
Mr. John. Curd,	3 00
Cash,	3 00
Cash,	3 00
Cash,	3 00
Cash, (E. S. B.),	3 00
E. & B.,	3 00
Cash,	3 00
Fisher & Von Stadl,	3 00
Mr. H. Jeroleman,	3 00
Mr. R. Tucker,	3 00
Cash,	3 00
Mr. William Handlin,	3 00
Mr. S. Van Warts,	3 00
Mrs. Nicoll,	3 00
Mr. P. S. Belknap,	3 00
Mr. Thomas Vernon,	3 00
A friend,	3 00
A. Bellarvin,	3 00
A. H. Brown,	3 00
Mrs. A. Hall,	3 00
A friend,	3 00

Cash,	\$2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Cash,	2 00
Mr. Lane Denman,	2 00
Mr. William Tapham,	2 00
Mr. C. J. Graecen,	2 00
Mr. H. G. Gourley,	2 00
Mr. George Bowman,	2 00
Mr. A. Sparks,	2 00
Mr. James Jacobs,	2 00
Mr. Hannah,	2 00
Mr. R. W. Ropes,	2 00
Mr. C. W. Williams,	2 00
H. D. & J. Ward,	2 00
Mr. Andrew Foster,	2 00
Mr. R. Hoe,	2 00
Mr. L. H. Holmes,	2 00
Mr. J. W. Hoyt,	2 00
Mr. E. Depuy,	2 00
J. N. G.,	2 00
Mr. J. H. Cornell,	2 00
Mr. Apgar,	2 00
R. Skeele & Co.,	2 00
A friend,	2 00
Mr. John Smith,	2 00
Miss Harriet Saltu,	1 25
Catharine Cochran, (an inmate),	1 00
George H. Cole and Henry W. Smith,	

Bade Tollenbeiss,	\$1 00
Schaalchunir & Co.,	1 00
Mr. L. H. Torry,	1 00
Mr. S. T. Kellog,	1 00
Mr. E. D. Lamarche,	1 00
Mr. W. F. Catterfield,	1 00
Mr. Hudson,	1 00
Mr. G. Levy,	1 00
Mr. William Andlin,	1 00
Mr. Lainbard,	1 00
Mr. H. Chase,	1 00
Mr. H. McCrary,	1 00
Mr. N. O. Whiteman,	1 00
Mr. James Rohe,	1 00
Mr. A. M. H. Alexander,	1 00
Mr. J. W. Doubleday,	1 00
Mr. C. Howes,	1 00
Mr. Queripee,	1 00
Mr. Chichester,	1 00
A lady,	1 00
Mrs. Seth Thomas,	50
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00
Cash,	1 00

(The sum of \$350 has been appropriated by the female association, but is not yet received. It is given expressly for a house.)

Donations in goods.

From Mr Jordan L. Mott, 1 stove, fixtures, &c., worth \$13.94.
Shepherd & Co., 1 stove, &c., worth \$8.44, both through Mr. Joseph Curtis.

Capt. O'Brien, late Inspector of Prisons, and Mr. Voules, late Inspector of the Hulks, are associated with me, and each has the specific superintendence of about an equal number of convicts in the different establishments.

The system of probationary periods of discipline is working very satisfactorily.

A large establishment for invalid convicts will shortly be opened at Dartmoor, which was formerly appropriated for the reception of prisoners of war, and will be fitted up for 700 men, being capable of extension for double this number.

A new prison similar in details to that at Portland is about to be commenced this week in Portsmouth dock yard which I hope will be ready in about 12 months for 800 or 1000 convicts. This is the first effective step which has been taken for abolishing the Hulks, except at Bermuda, where a similar prison is now in progress.

The great exposition which is to take place here next summer will I trust, tempt many gentlemen from America to visit our shores.

If you should be of the number, it will afford me much pleasure to make your personal acquaintance, and I trust you will give me the opportunity.

Believe me, my dear sir,

Very respectfully yours,

J. JEBB,

Lt. Col., and Surveyor General of Prisons, &c.

CIRCULAR.

New-York, November, 1850.

Dear Sir—The fifth report of the Prison Association of New-York, a copy of which I sent you some time since, contains a plan for a prison which is more particularly explained by my letter in the appendix. Your attention to this letter and the plan is especially requested as they not only propose great innovations on the present system of prison government, but also in the construction of the prison itself. If you will do me the favor of giving my letter and plan a critical examination and afterwards frankly stating your

opinion, whether favorable or not, in relation to each distinctive feature of the plan, you will greatly oblige me and subserve the cause of prison discipline. I wish you to state your objections to the whole or any part of the plan at length, and if you have any improvements to suggest please to make them. Our object is to present with a plan of a prison which shall combine all the elements of prison discipline in their greatest perfection. Hints in regard to heating, ventilating, construction of cells, any thing that your experience suggests will be most gratefully received.

As I wish to make use of your opinion for our coming report, please reply at your earliest convenience.

Respectfully yours,

JOHN D. RUSS,

Corresponding Sec'y New-York Prison Association.

P. S. Your opinion is particularly requested in regard to the best location of the work shops, whether before or after the cells; the best place for hospital, whether over central observatory or over the entrance building; also in regard to separate confinement for first sentences.

The Wardens and Keepers of the several State prisons.

RHODE ISLAND STATE PRISON, }
Providence, Nov. 23, 1850. }

JOHN D. RUSS, M. D., Secretary, &c., New-York.

Dear Sir—Yours of the 15th inst is received and I proceed to reply.

I was for several years the clerk of Dr. Cleveland (now deceased) while he was warden of this prison, and for three years I have held the office of warden. I presume that you have Dr. Cleveland's report of 1844 which set forth his views of the effect of separate imprisonment upon the mind and body of the convict.

I am no medical man and cannot give a learned essay like the one alluded to, but in compliance with your request I will make a few observations on the subject of prisons.

I think your idea of testing both systems under the same supervision a happy one, and if faithfully carried out, likely to arrive at a conclusion which will tend to establish a uniformity of opinion in regard to the comparative merits of the two systems.

I fully coincide with the opinion expressed in your letter in regard to the necessity of vigilant supervision over the prisoners to prevent disorder; and constant occupation to prevent ennui and the diseases created by idleness.

Prisons, almost of necessity, in part cut off their inmates from the enjoyment of pure air, and also in a measure deprive them of that muscular exercise which health demands by the necessity of introducing sedentary employments. In the construction of prisons, and the employment of prisoners these causes of disease should as far as possible be avoided.

It appears to me that the necessity of sedentary employments in separate prisons is one very serious objection to that system, and that insupportable ennui which is experienced by persons long in separate confinement, though it may not result fatally, will still induce derangement of the bodily and mental health.

I have observed that the prospect of long separate confinement in addition to confinement itself, seems to aggravate the sufferings of the convict; but when the term was expected to be short, he would endure the seclusion with comparative courage, with little injury to health and no injury to the mind.

For this, with other reasons, I would use separate confinement for persons awaiting trial, and should not object to that for persons on short sentences for first offences.

I like extremely well your plan for basement of prison, for work shops and tables for prisoners; but my experience leads me to dislike the arrangement for cells built against the outer walls, with a hall in the middle, for the following reasons:

First, The cell doors face each other, and of course must be blind, and also kept closed to prevent communication between prisoners. By this means ventilation is obstructed and the prisoner secluded from the observation of a watchman or keeper.

Second, By means of windows in the cells, prisoners in adjacent wings will communicate unless prevented by outside watchmen.

Third, It is more difficult to heat cells which are built against the outer wall, because of the introduction of cold air through the windows and the carrying off the heat by the stone wall unless the wall is furred, which is not proper for prison cells.

I will here say that I am ignorant of what is meant by the "Pentonville method of warming and ventilating." Our cells are warmed by hot-water pipes like Philadelphia prison.

Fourth, Another objection to labor in any cells which I have seen built on the outer walls, is the injurious effect on the eyes occasioned by the glare of a whitewashed wall, while the cells with small windows will be too dark if not whitewashed.

For these reasons I prefer cells built against the central wall with ventilating flues like the Boston new jail, with grated doors and large grated windows in the outer walls.

(By the way, I think those Boston jail window-grates are not sufficiently heavy.)

Ventilation will be more free at the extreme ends of the wings, and for that reason I would place the cells there.

I am sorry to say that my experience in matters relating to a hospital gives me no light, as we have in this establishment no such apartment.

Very respectfully,

Your obedient servant,

T. W. HAYWARD.

PENITENTIARY, ALBANY, }
December 4, 1850. }

My Dear Sir,—Your letter of the 19th November was duly received. Poor health and the absence of two of my officers must be my apology for neglecting to reply immediately.

I have given your plan and letter explaining the same, such attention as my other engagements would permit, yet I am not prepared to go into details of your plan and give an opinion to be made public through

your report, for the reason that I have not been able to give the distinctive and complicated features of your plan that critical examination which would be necessary to do justice either to you or myself.

I will, however, give my impressions and opinion in general of prisoners, and of prison management, as they have occurred to me while reading your communication.

I am in favor of the *silent* congregate system *thoroughly* and *systematically* carried out. For this purpose a plain, simple, straight plan of building, with cells or night-rooms in the centre, leaving an open space all around between the cells and outer wall, of not less than sixteen feet, nor more than twenty feet from ground floor to ceiling, above the top of upper tier of cells, is in my opinion the best for safety, inspection, supervision and convenience, of any plan yet adopted for the discipline, management and confinement of prisoners who are congregated for labor, &c. This plan has the advantage of allowing a yard in the rear of such building open to the air and sun on *three* sides, without obstruction from high buildings, of such size as may be desirable for work-shops and exercise of prisoners in going to and from their labor, &c., the benefit of which, in promoting health to the great mass of prisoners, I have found to far surpass any injury that has or could possibly occur from exposure to changes of weather. I would not, therefore, have the workshops for male prisoners in the same building or under the same roof containing their cells. I am not prepared to discuss the merits of the *two* systems at the present time, yet I do not hesitate to say that the *failure* to accomplish much that was desired and expected from the workings of the *silent* or Auburn system, has arisen not so much from any defect in the system itself, or in the buildings, as from bad management and administration, although I admit that great improvement is necessary in the buildings generally in regard to light, space for air, ventilation, &c.

If it should be desirable to have a State prison or house of refuge, or female prison, a penitentiary, a house of detention, and a reform school, all under the same superintendent or supervision, then I think your plan, or the general features of it, a good one for such a purpose; but I have thought and still think, there should be separate and distinct institutions for each.

The new prison now building and nearly completed in the city of Boston, I consider one of the best I have ever examined. It is in

the form of a cross. One main building or wing with two short ones running from a centre octagon building. The main features of this prison would answer well for a State prison where the two systems might as you desire be tested, and the defects, benefits, and superiority of the one over the other, be seen and made apparent. I would have the main wing or building like that at Boston, for those upon the *silent* system, with cells in the centre; and the shorter wings to be finished according to your plan, with cells or rooms attached to the outerwalls where a portion of the convicts might be confined upon the solitary or *separate* system.

But I would by no means recommend the experiment to be tried upon the class you name, (*viz*.) *first* offences and short sentences. I would select for this system of imprisonment, those guilty of aggravated offences; those who may have been in prison before, second and third sentences; the murderer who may have his sentence of death commuted to imprisonment for life. Upon this class of prisoners I should not object to have the *close confinement system* tested in connection with the silent congregate system.

I am opposed to the confinement of more than 400 prisoners in one prison, under one head, because I believe it very important that the general character and moral feeling of each prisoner should be known and studied by the warden or superintendent, and when there are more than this number in any one prison (I care not how constructed,) it is impossible that he can have that direct *personal* knowledge of those under his care necessary for a correct government.

I do not, however, think it necessary that the prisoners should be sentenced to solitary or *separate* confinement (as you suggest) for a short period on their first commitment for this purpose. I have had some experience as an officer at a prison where men were sentenced to so many days solitary confinement, and so many years at hard labor, but never discovered any benefit from such separate imprisonment, either to the prisoner or the government.

If therefore, the two systems are to be ever tried or carried into effect side by side in the same prison, under the same government and supervision, I trust that class of prisoners which I have named, will be subjected to the separate or solitary wing, rather than the

Boston 1850

encls letter
St. 44. 1/11/50

1850

young or first offender who may be sentenced for the shortest term of imprisonment the law allows.

And now, in regard to the *term* of first sentences: I cannot agree with you that the law should be so altered as to allow prisoners to be sent to the State prison for less than *two* years. Your suggestion, therefore, that convicts might be sentenced and benefited by a term of *7 months* to the State prison, I need not discuss. I will only add, on this point, that ten years since I gave my views fully on this subject in my report to the Legislature of the State of Connecticut, and that I have seen no reason, from the experience I have since had, to alter or abandon the opinions there expressed, which you will find in the following extracts from my report of 1840:

“From the long experience I have had in watching the effect of our discipline upon those who have been committed to my charge, I am convinced that three years is the shortest term for which any individual should be sentenced, if we would indulge the hope of producing that salutary change in his mind and habits which will in after life enable him to withstand the temptations that led to the commission of those crimes for which he was imprisoned.

“I have no doubt that the judges of our courts, on sentencing many for the shortest time the law allows, are influenced by the purest and best of motives. To show mercy to the criminal by giving him a short sentence, like the exercise of the pardoning power, (to use the language of another,) ‘it is pleasant, it is humane, it is agreeable to the best feelings of the human heart;’ yet, from a careful examination of those re-committed to this prison for the *second* and *third* time, and from much reflection on the subject, I am of the opinion that in most cases very short sentences are cruel to the criminal himself. A large proportion of those who have been returned to this institution are from that class who, on their first conviction, were sentenced for a less term than three years. The hope of a speedy liberation from confinement, which is indulged by many, and which is seldom if ever absent from the mind of the prisoner whose term of sentence is for *one* or *even two* years, tends to banish regret for past offences, and encourages them to form in their minds plans and schemes for future wickedness.”

In addition to and in connection with the above, I submit the following extracts from my report of last year, (1849,) as embracing my present views:

“Of the prisoners who have been discharged from this institution, some few are giving evidence of the good effect of their imprisonment by an industrious, sober life, and are evidently desirous of becoming useful citizens; yet, in the opinion of the Superintendent, from the experience he has had, the length of time of confinement is not sufficient to effect, to any great extent, the reformatory object of the system. It does not afford the prisoner, generally, sufficient time for reflection, or to wean him from his vicious course of life, or to confirm or establish the industrious and orderly habits to which he is subject while here, or to permanently implant in his heart the principles of virtue and good morals. Although unfavorable to sentences of extreme duration or severity, the Superintendent believes that a proper and discreet medium should be observed.

“It ought not to be expected that a few days' or months' imprisonment, discipline, or instruction will make any very lasting impression upon a mind willingly corrupt, and which has for years been pre-occupied with the vilest associations. The sentence should be sufficiently long to give ample time for reflection, that the prisoner may be led to think—to review his past wicked and criminal course of life, and, while subjected to the labor and discipline required of him, feel at one and the same time the hardship of transgression and the justice of his sentence and confinement.”

In your closing remarks, you say: “Under such a system, our institutions would be disciplinary, and would regard the good of the convict rather than the convenience of the keeper. As at present administered, the convenience of the keeper, to a large extent, governs, and *he of course is anxious only* to make his post as easy as possible.”

How far this may be a fact in regard to the keepers of our prisons in this State, or in the country generally, I cannot say; but I am free to acknowledge that no man, feeling *anxious only* to make his post as easy as possible, should be placed at the head of any of our prisons, or in any other capacity as an officer; for whenever that feeling “governs to a large extent,” whatever may be the arrange-

ments and convenience of the buildings for the comfort and good of the convicts, or the perfection and superiority of the system in *theory*, you will look in vain for order, system, discipline, or good management.

It does not become *me*, perhaps, to suggest a remedy for the correction of this evil; yet I may be permitted to say that if more attention were given to, and more anxiety felt for, the *convenience*, *encouragement*, and *remuneration* (for services) of those who are or may hereafter be placed over these institutions, we might soon expect to see at the head of our State prisons men who would not "of course feel anxious only to make their post as easy as possible," but, on the contrary, would devote themselves unceasingly to the duties of their office—men with well balanced minds, steady judgment, and unsullied integrity, discharging every duty to the public and to the prisoner with vigor, punctuality, order, and determination in fulfilling the important trust reposed in them.

I have no doubt that hundreds of individuals could be found to accept of and take upon themselves the office and responsibility of Comptroller of this State for *ten* or *twelve* hundred dollars per annum; but would it be policy, or for the interest of the State, to reduce the salary of this officer to this sum? Would it command the services of such able and distinguished men as have honored this office? Should we ever again find this important office filled with a Marcy, a Flagg, a Fillmore, or a Hunt? I think not.

You need men of character at the head of the Sing Sing and Auburn Prisons—of peculiar qualifications, such as I have named—who will devote their entire faculties of mind and body to the faithful discharge of the duties of their office. Can you secure the services of such men, without consulting their convenience and that of their families, for the salary now allowed by law? I think not.

But I must stop; I have written more than I intended, and will close by saying that every warden of a prison, to be successful, must feel that he has the confidence of the public, that he will not be removed except for cause, if he devotes his whole time and gives his entire attention to the duties devolving upon him. That his continuation in office will not depend upon a change of the political parties.

On this point I cannot express my views better than to give you the following extract of a letter received several years since from a respected and prominent member of your society:

"I never in my life saw a business where success depended so much upon the personal character and qualifications of the individuals engaged in it, as this of governing our State prisons. Hardly one in a thousand have the necessary qualifications for the task, and even he who possesses them must have much and long experience before he can perform it wisely and well. When these qualifications, and this long experience do unite in the same person, it is the most suicidal policy in the world to remove him, when most useful, because of a difference of opinion upon topics which ought to have no possible connection with the prisons."

I remain very respectfully,

Your friend and ob'd't. serv't.,

AMOS PILSBURY.

Dr. JOHN D. RUSS, *Cor. Sec'y. N. Y. Prison Ass'n.*

PENITENTIARY, ALBANY, }
December 9, 1850. }

My Dear Sir.—I wrote to you last week in answer to yours of the 19th November. I did not intend it for publication. I am not a scholar and have always been reluctant to write any thing for the public eye; indeed, I have been from my youth up, a man of *action* rather than of words; you will therefore excuse the *frank*, perhaps I should say *abrupt*, manner of expressing myself. Should you, however, think proper to use my letter, or any part of it, for your coming report, you are at liberty to do so. I should be happy to hear from you at any time. We have nearly fifty prisoners *less* than last year. Our reports have not yet been printed, whenever they are I shall send you a package of them.

I am very respectfully,

Your friend,

AMOS PILSBURY.

Dr. JOHN D. RUSS, *New-York.*

OFFICE NEW JERSEY STATE PRISON, }
December 6th, 1850. }

DR. JOHN D. RUSS, *Secy. N. Y. Pris. Ass'n.*

Dear Sir.—In compliance with your request, I proceed to give you my opinion of the plan for a prison, submitted by yourself, and published in the last report of the New-York Prison Association.

Having had charge of a separate prison for nearly ten years, it would be naturally supposed that my preferences and feelings would be strongly in favor of the separate system. Such I confess is to a great extent the case. If I were sure that *separate* prisons would all be conducted by practical men in a common-sense way, I would rejoice to see the system immediately adopted. With the controversy between the advocates of rival systems I have had nothing to do. I took charge of this prison with no experience, very little knowledge of prisons, and with no prejudice for or against either of the systems. Our State had adopted the Pennsylvania system, and I had only to administer it in accordance with our statute laws. I will frankly admit that my first impressions were strongly against the separate system. At the time of my taking charge there were twelve insane convicts; several of them maniacs. Most of these, it is true, had been sent when better fitted for a lunatic asylum; but in others the disease had unquestionably originated here, and in all it appeared to be aggravated by the rigid separation to which they were subjected. Subsequent experience has satisfied me that insanity is no more a necessary accompaniment of the separate than of the *congregate* system, no matter how long or short the terms of sentences may be. I know the opinion is generally held that separate confinement beyond one or two years tends to produce insanity in all prisoners. This is not my experience. I should, however, be wanting in frankness not to admit, that during the whole period of my official connexion with a prison I have constantly found a few individuals among the convicts on whom rigid separation would produce insanity; some in a longer, others in a very short time. This I only state as a fact which I will not undertake to explain; I am satisfied that it must be the same in all separate prisons. If it were generally understood it would remove much of the prejudice which exists against the system. The objections that are urged do not apply as against the system itself, but against its universal and rigid enforcement. I am decidedly of opinion that separation for first and every offence is the only plan in which we can hope for practical

improvement or moral reformation in the convict; but I would have power and discretion lodged with the prison authorities to mitigate it in *individual* cases such as I have referred to. In this prison, from want of any provision, a companion has been put into the cell upon the first symptoms threatening insanity, taking care to select in such cases trusty and discreet prisoners who may always be found. This has been done under a law which provides for employing prisoners to nurse the sick. It is not very frequently resorted to, yet the result has been that insanity has almost disappeared from the prison. Hardly a decided case has occurred and developed itself the last five years. If we had arrangements for employing these men in small shops until relieved, I should greatly prefer it.

You will most probably think what I have written not pertinent to your inquiries. It has been suggested principally by your letter published with the plan. To most of your views there advanced, I heartily subscribe, but you will perceive I differ from you in others; particularly as to the proposed limitation of sentences for separate confinement. The same view is I know entertained in England and France, but in my own observation I have not discovered that a limitation of sentences to the period proposed would obviate the tendency to insanity in such few cases as I have referred to. What the system requires is discrimination and a different treatment where these cases occur.

You will gather from what I have written, that I would not favor the employment of any large proportion of the prisoners in shops as your plan contemplates. Yet I am most favorably impressed with your plan. For carrying out what you suggest, a combination of the two systems, it is most excellent. I have examined it with care and can see but little to find fault with. In reference to the location of the shops, to which you direct attention, I would say, by all means at the end of the blocks of cells. By building them across the end of each block in the form of a T you would have more room without taking up space necessary for the cells, and without interfering with your plan of the building. I would suggest soil-pipes in every cell, and water-closets in the shops as indispensable. The water for these should be supplied from a capacious reservoir placed in an elevated position. The attic story of the entrance building would answer. I consider the plan of your basement doubly objectionable, partly from

the difficulty of securing proper drainage in many locations, but chiefly on account of the fumes of the kitchen and wash-houses being likely to find their way into the house, from being under the central building. I would rather appropriate one of the wings or blocks for these purposes, thus securing more spacious, airy and better lighted apartments all above ground. To make store-rooms under the cells would render them less secure against escapes. We formerly had our kitchen, &c., in the centre of the building and found it very annoying. Three years since we erected an additional wing for these purposes. I would prefer the upper story of the centre observatory for the hospital rather than over the entrance building on account of the former being of easier access from all parts of the prison. Would not a few cells in each block, of good size, well lighted and ventilated, answer as well as one large hospital as you propose for all. These cells could be appropriated to the sick when needed, and when not so occupied could be used as common cells. I would have every cell in the prison fitted to the necessities of the prisoner in ordinary cases of sickness as well as in health. Where it could be avoided I would not crowd the sick into one large room or into apartments communicating together.

You express your preference for the Pentonville method of warming and ventilating, this is probably the best, if not objectionable on account of the expense. We have lately applied steam on a plan somewhat novel, with perfect success. We generate steam in tubular boilers, convey it through the corridors of the prison in large wrought-iron tubes, from which small branches lead to each cell into a radiator. The water from the condensed steam is again carried from each cell to a common pipe which conveys it back to the boilers. The quantity of steam admitted to each room is regulated by a screw-valve outside of each room. The whole apparatus is easy of management, indeed almost self-regulating. Where, as in our case, flues have not been constructed for heating, this arrangement could not fail to answer a desirable end.

I will only add that I consider your plan a great improvement in the associate prisons; the architectural arrangements combine originality, economy of space and convenience of arrangements to an extraordinary degree, and I trust it will commend itself sufficiently to secure a trial.

I must crave your indulgence for the length of this communication and for the manner in which my crude suggestions are presented.

With great respect I remain,
Your obedient servant

J. B. GADDIS.

MARYLAND PENITENTIARY, }
Baltimore, Dec. 10th, 1850. }

Dear Sir: Business engagements requiring all my attention, have prevented me from giving any examination to your plan for building a prison and your letter of the 16th ulto, until this date. I now hasten to give my views, though I fear in a very crude and unsatisfactory form.

Your plan of a prison certainly presents many improvements over the one under my charge, and I see no objection to any part of it, except where you would cause a part of the convicts to work under ground, and others to be temporarily confined there when received or subject to punishment. Whilst there is abundance of room between the earth and sky, and where a sufficient space can be commanded to extend a building in length or breadth, I am opposed to going under ground for any part of a human habitation. Rooms partly under ground will answer very well for the storage of wood and coal and heavy materials used in manufacturing, and also for the preservation of many articles necessary to be kept and used about such an establishment; but for cooking, washing, and such like purposes, I should always prefer rooms above ground.

If an officer be allowed to each work-shop to overlook the actions and operations of the prisoners, as is the case in our prison, then those shops should certainly be located back of the cells, where your design having the hospital, over the central observatory. If the front building be made sufficiently spacious to give the family of the warden abundant room without throwing the hospital too high, there could be no great objection to placing the hospital over it, if no preferable place is to be had.

Your plan does not seem to contemplate having any female prison under your charge, as I do not see any provision in it for their confinement entirely separate and apart from the males. Many of the duties which you assign to the lower story of your prison, belong most properly to females; but I cannot perceive how they can carry

on their labor without being occasionally brought into contact with the males. This difficulty may be obviated, it is true, by confining them to one particular wing, and erecting high walls between their division and those reserved for the males; but these high walls will exclude a portion of the light and air which cannot be spared where manufacturing is carried on, or where health and comfort are aimed at. I take it for granted, however, that you design having a separate building for the females at a proper distance from the males. If so, then the question comes up, would not one story of *that* building answer for a hospital? This department should certainly be as much out of the way of the noise and dust of the work-shops, as you could conveniently have it. Under your plan, with very long buildings of but two stories in height above the basement, and with a number of cells intervening between the hospital and the work-shops, I am not certain whether its being erected over the central observatory will be attended with any of these disadvantages.

I admire your plan again, because it does not contemplate having more than two stories for the sleeping apartments of the prisoners. In the upper stories of the dormitory of the Maryland Prison, (which is five stories high,) the air is pronounced by our physicians to be extremely deleterious to the health of the prisoners, because the higher it ascends the more it becomes vitiated. The vitiated condition of the air in the upper stories of our dormitory is increased of course by the number of men who are confined within a limited space, and this evil is owing to the smallness of our cells. For these reasons I am in favor of enlarging their cells whenever it may be practicable, and your plan contemplates this much desired improvement.

There is another lamentable defect in the dormitory of our prison. For the want of an air-tight floor over the basement the prisoners have to breathe the damp air that ascends from that part, and for the want of the same floor—a floor between the basement and the other stairs of it—we cannot command that draught of air which is necessary to heating it in the winter and cooling it in the summer. There is, therefore, great room for improvement here. With an air-tight floor, such as you will have between the lower and the several upper stories, and a suitable number of registers in the floors, we could diffuse a sufficiency of heat through all its parts; and by the use of the same registers in summer, with holes in the walls of the

basement to admit the pure air from the outside by means of pipes leading to the registers, we could keep up an *abundant* circulation of invigorating air. By having a floor to close the communication between the lower story and the remaining ones, except where the registers are placed, the draught of fresh air from the outside is increased ten fold.

To heat the workshops and sleeping apartments, there is certainly nothing preferable to furnaces where you have a floor above, as in your admirable plan, to increase the draught of the heated air through the register fixed therein, and pipes leading from the *outside* to keep up the supply of air. The same plan, as I remarked above, can, with but few changes for the summer, materially increase the circulation of cool air through the entire building.

I have spoken in another place, of the quantity of deleterious air that arises to the upper part of those dormitories which are several stories in height, and have attributed this in part to the smallness of the cells. In this regard a change ought certainly to be made; the prisoners should have more room, light, and air in their cells, and particularly on Sundays; and this could be secured to them without increasing the means of escape, by the use of iron bars in the windows. This change, I repeat, ought certainly to be made in prisons like ours with eight by four cells, if it is our duty to consult either the health or comfort of the prisoners; punishment cells are excepted of course.

The location of your reception and punishment cells in the lower story of your building, the only proper place for them, evinces the necessity of having that story wholly above ground. Call it basement, or whatever else we please, I insist that it should be above ground, so long as we would require men or women to labor regularly, or to be confined in any part of it.

If the object of imprisonment be punishment alone, without looking to the great end of reformation, then it matters not whether the cells are small or large, or whether other improvements be or be not made. This remark brings me to the subject of separate confinement under first sentences, upon which you ask my opinion. If the sole end to be obtained in sending offenders to prisons is the punishment of crime, then I see no particular objection to separate confinement. But if we would make their condition as comfortable as pos-

sible and agreeable as is possible under prison government and discipline—the sole apparent object of those who bestow most of their attention upon prisons and their inmates—then I must enter my solemn protest against it. Solitary imprisonment is horrible to my contemplation in its most favorable aspect, and from the light now before me, I cannot but regard it as detrimental both to the mental and physical health of the prisoners. As it is the severest sort of punishment, I think that it had far better be applied to old and hardened offenders, than to those who have taken the first step in the pathway of crime.

One of the great objects of your Association appears to be the reformation of offenders, and the obtaining for them suitable employments after their release from prison. If a committee of gentlemen were selected in every State, by the appointing power thereof, (and liberally compensated for their services,) for the purpose of obtaining employment for discharged prisoners, it would do far more towards reforming and making good citizens of them than all the other means now used. It is utter folly to preach to them about the hideousness of crime and the loveliness and advantages of a life of uprightness, so long as there are so many to frown upon them and reproach them with their misfortunes, instead of taking them by the hand and securing for them the means of acquiring an honest livelihood. Could labor be more certain of meeting with an adequate reward, and of being recognised as an honorable calling, a diminution of crime would necessarily follow. I wish that such associations as yours—aiming exclusively at obtaining employment for prisoners at the time of their release—existed in every State. Hoping that this reply will come up to your wishes, I ask leave to subscribe myself

Your very obedient servant,

ISAAC M. DENSON, Warden.

Dr. JOHN D. RUSS, Sec. of Pris. As. of N. Y.

MONTREAL, Jan. 31, 1851.

JOHN D. RUSS, Esq.,

Cor. Sec. N. Y. Prison Association:

MY DEAR SIR—I must apologize for not sooner replying to your valued communication of 2d Nov. last, which accompanied the fifth report of the New-York Prison Association. I received your letter just on the eve of my starting on a tour of inspection to the provincial penitentiaries; since my return, a variety of occupations have

precluded the possibility of my paying that attention to your remarks on the expediency of constructing a prison adapted to the mixed, congregate and separate systems, which they demand.

I have now carefully examined your plan, and the Appendix to the 5th report of your Association, and must express in general my belief that it appears well adapted to the object you have in view. I will say more; that if classification be adopted as a principle in prison discipline, your plan is admirably calculated to subserve the object.

But, I would ask, how are the grave objections against classification—that great *catholicism*, as you justly style it—to be removed? The construction of a prison where it is possible to classify prisoners, does not remove the objections. The grand difficulty is to make the classification complete—that is, to have a discipline adapted to the idiosyncrasy of each inhabitant of a prison. The main argument in favor of the separate system is, that under it something like this can be effected, but under the congregate system it is impossible. I do not think your new plan removes the difficulty. I cannot see how the two systems can work side by side. All the objections against the congregate system remain under it in full force.

For my own part, my mind is made up. The separate system, if each convict could have free communication at all times with advisers who would only look to promote his welfare; and if the amount of time which he should spend in solitude could be limited to precisely the *quantum* that would benefit his moral, without either deadening or injuring his intellectual faculties, would approach perfection. But this is manifestly out of the question—expense alone would prevent its being attempted.

The only other mode appears to me to be, to adopt the congregate system, and to endeavor at all events, to diminish as much as possible, the evils attached to it. The first means to make it efficient towards the reformation of the offender, should be to bring his mind into a proper state of discipline; to induce habits of thought and of industry; and to fit him to mingle with his fellows without either contaminating, or being contaminated by them. The first step towards these objects is separate confinement; and that I am convinced cannot with safety extend much over six months. I agree with you, that for first sentences, if of short duration, the confinement should

be separate. For long sentences, and for second and third sentences, I think separate confinement also advisable as preparative for congregate. It seems to me, that this separate confinement should, if possible, be considered of a different character from the separate confinement that might be adjudged for infractions of the discipline, after the prisoner had been placed amongst the congregate gangs.

Of course a grand object in the congregated system is to prevent communication, as much as possible, between the prisoners; and that can only be effected by retaining the strictest surveillance. Your plan effects a great improvement in this respect: but are you sure that there are not balancing evils. You save time, by preventing those marchings and counter-marchings, at meal-times; but do you not do so at the expense both of the mental and bodily health of the prisoners? The relief to the mind by these associations of work, and this trifling recreation, has always appeared to me beneficial, because calculated to do away with lassitude, necessarily the concomitant of constant employment in a work-room; especially in sedentary trades. The exercise also is equally invigorating to the body, and the change of atmosphere is enlivening.

Now with all your care for the ventilation of your prison, I do not think you can remove the injury of your inmates constantly inhaling the same atmosphere; and that rendered less pure from the effluvia arising from the meals of the prisoners being taken at the place where they work. The dust and noise of the workshops in the same wings where the sleeping cells and the solitary cells are, would also it appears to me to be injurious. So far as the latter are concerned, however, the evil could be remedied by setting apart wings for separate confinement.

I highly approve of your remarks about the unwholsomeness of our present prisons erected on the congregated system. I doubt even whether they ought to be over two stories; but certainly I should say they ought not to exceed three stories high. It is only the fact of their being used merely as sleeping apartments that causes them to be tolerated; if prison labor is to be carried on in the buildings it must be remedied.

I do not see the advantage of having your hospital above, and your kitchen below the prison; it appears to me preferable that both

should be removed, if the other arrangements of the prison otherwise admit of it, from the main building. With care, however, perhaps no positive evil would result from this proximity.

I must apologize for the hurried manner in which I have penned these observations; the fact is I am at this moment so immersed in an inquiry into a matter of an altogether different character to that of prison discipline that I have scarcely a moment I can call my own; this must plead my excuse.

I send herewith the report of our Prison Inspectors for 1849, as laid before Parliament. I am sorry I cannot do so with the report of 1850. It will not be public before Parliament meets. A bill founded on the report of the Commissioners, (which I sent you a year ago,) was laid before Parliament last session, but deferred until next: It will then probably pass; it embodies all the suggestions of the Commissioners.

Believe me my dear Sir,

Yours, most truly,

W. BRISTOW.

EASTERN STATE PENITENTIARY, }
Philadelphia, 3d March, 1851. }

JOHN D. RUSS, Esq.,

Dear Sir,— ours proposing inquiries in relation to the plan of a prison, submitted in the report of the Prison Association of New-York, was duly received. I trust you will pardon the long delay of this reply when assured that it has not arisen from any want of interest or attention, but from the urgent and pressing demands upon my time and thoughts, consequent upon the assumption of duties both new and onerous at the busiest period of the year.

The design of erecting a building adapted to both modes of confinement commends itself greatly to my favor, and is, I have little doubt, the very one that will ultimately be come to, for it cannot be denied that entire separation, unless for very limited periods, cannot be endured with safety by all classes of prisoners. Use what means we may for their preservation, there are those among convicts, as well as in the community at large, who need the constant support of more vigorous and cultivated minds to preserve the mental equilibrium.

Of the propriety of separate imprisonment for first offences I have no doubt; indeed it seems to me to be the only mode that presents a

rational hope of reformation, while at the same time the period of confinement should rarely exceed two years, and then be under the jealous eye of humane, enlightened, conscientious men—those who feel for and make due allowance for the sins and frailties of their erring brethren; and perhaps even then it would be well to have a discretionary power somewhere lodged, by which the mode of confinement could be changed if it became necessary. Nor would I confine its discipline to first offences only; for like the inebriate taking leave of his cups, who may fall once, twice, nay even thrice or oftener, yet finally obtains the victory over his destructive passion, so may the convict, by kind and wisely directed efforts, be fully reclaimed from the error of his ways. This is not mere opinion; a few at least of such cases have occurred.

With reference to the plan of buildings, &c., a few crude suggestions will suffice, while referring to the excellent article entitled "Prison Economies," in the last number of the Prison Journal, a copy of which is herewith transmitted.

The proposition for basement rooms, (partly under ground I presume,) for bakery, cookhouse, store-rooms, &c., I think seems liable to objection, on account of the damp and darkness necessarily attendant upon their situation, which must more or less injuriously affect the health of those there employed, besides being inconvenient for the raising or lowering of heavy bodies. Perhaps a better arrangement might be made by throwing the cells at a sufficient distance from the central building to admit of these rooms being placed contiguous to or surrounding it.

Our experience is adverse to locating the infirmary in the front building. Over the centre or in a range of cells immediately adjoining, we find greatly preferable. The sick are there under more general notice, and can be attended to at night under all ordinary circumstances by one of the regular watchmen; whereas, if in a separate part of the building extra officers must be employed. A kitchen and apothecary shop should also be placed at some convenient point.

With reference to the question of placing the cells near or remote from the centre building, several reasons might be advanced for either side of the proposition—one or two may suffice. If first in order from the centre, a grave objection arises from deficient light and

ventilation, owing to the close proximity of the buildings. This is our experience here, while at the same time it has the advantage of nearness to the central point of care and observation, which is a matter of considerable moment in some cases. If removed beyond the work shops the distance to be passed over in reaching them may be objected, together with the noise and dirt of the shops, and perhaps the greater difficulty of approaching the work rooms with loads of materials, &c. But waiving all this, if the men are to pass any considerable time in separation, say from six months to a year or more, the advantages of superior light, dryness and ventilation, would lead me to place the cells for separate prisoners at the extremity of the corridors. It might perhaps be desirable to have one block arranged on the other plan, so that men who require close watching might be more carefully attended to. If the prison were designed for separate confinement exclusively, a good arrangement would probably be made by placing the cells one side of the corridor, with the separate work shop on the other, to which the men could be readily passed over. This change from shop to cell, and cell to shop, we think an advantage, and I have little doubt if generally adopted would add much to the healthfulness of separate prisons, both bodily and mentally, from the greater facilities offered of airing and cleaning the cells and bed clothes, and thus preserving a purer and healthier atmosphere. From the larger size of the work shops and the greater opportunities offered for admitting light and air, it can be better afforded, regarding the health of the men, to place *them* near the centre building rather than the cells.

In reference to heating, I certainly should avoid our mode of passing hot water pipes through the cells, being expensive, inefficient and too difficult of control; besides the impossibility of graduating the heat to the temperament of the prisoner. Air heated by means of steam, in properly constructed chambers, with the means of supplying the men with more or less as required, would be much preferable.

In regard to ventilation, artificial means alone can be safely relied upon, for in a calm humid state of the atmosphere, when ventilation is most needed, there is the least, if dependence be placed upon natural causes, as we too fully experience.

Having thus thrown together a few thoughts in relation to the sub-

Crabtree's

Howling

ject of your inquiry, I would close by expressing my thanks for the report more recently received, and promise in return to forward copies of our report as soon as it is published, which will probably be in a week or two from the present time.

Very respectfully, yours,

JNO. S. HALLOWAY, *Warden, E. S. P.*

In connection with the subject matter of the preceding letters, the warden of the Ohio penitentiary, Laurin Dewey, Esq., in a special report to the Ohio Legislature, dated December, 1850, says, "I have read with much interest and satisfaction the remarks of John D. Russ, M. D., corresponding secretary of the Prison Association of New-York. Dr. Russ has made prison discipline the subject of long and faithful study and investigation; I therefore beg leave to present the following extract from his late report and to commend it as embracing views adapted to our circumstances here, as worthy of the most serious consideration. In speaking of the separate and associate systems, and the combined advantages of both, he says, (here follows four pages, 480 to 485 inclusive, from the appendix to the last (fifth) report of the Prison Association.) to which he adds the following remarks:

"Should it become necessary to erect another prison I could not too earnestly urge its construction on a plan suitable for carrying into effect both the separate and associate system as should seem to its enlightened government, or according to the laws which might then exist, best adapted to the exigencies of individual convicts."

We regret that the keepers or wardens of other institutions have not yet found an opportunity to reply to the circular addressed to them by the corresponding secretary, as by this means we should have had an opportunity of more fully discovering the weak points in Dr. Russ's plans of prison government and prison construction. It will be borne in mind that these plans, although connected, in the appendix to our fifth report, are in fact separate and distinct propositions, and objections may be very properly made to the one which will not affect the other. Thus far the union of the two prevailing systems of prison government in the same building appears to meet with but few objections. In regard to the plan of prison construction there appears to be a greater diversity of opinion.

In considering this plan, however, we must be careful not to give too great weight to individual matters of detail which may be changed without at all affecting the principles of government and discipline. The question whether the basement or first story of the prison should be entirely above or partially below the ground, although very properly the subject of remark, does not in the least interfere with the general features of the plan discussed, nor does the fact that it contemplates the working, feeding and sleeping of the prisoners on the same gallery prevent each class from receiving daily all necessary recreation in the open air.

Without adopting this or any other plan it may be proper here to state what we conceive to be distinctive features of the plan presented in our last report, viz: economy of time and labor, practical classification, constant supervision, increased facilities for moral government and instruction, restrictions of intercourse, and a union of the separate and congregate systems of government.

It is proper to add that the publication of the communication of Dr. Russ in our last report, was not intended to commit the Association to an endorsement of the plans suggested, and that the above remarks were designed simply to call the attention of the Legislature and those interested in prison discipline and construction to a careful consideration of these matters.

DR. JOHN D. RUSS, *Cor. Sec'y N. Y. P. Prison Association,*

Dear Sir—Mr. Lieber requested me to send you the enclosed paper, which I do with great pleasure and hope you will receive, safely.

Yours respectfully,

M. LIEBER.

Columbia, S. C., February 25, 1850.

THE PARDONING PRIVILEGES AND ITS ABUSES.

The pardoning privilege consists in the authority partially or wholly to remit the penalty which, in the due and regular course of justice, has been inflicted for some offence. A pardon is always an act of frustrating that common justice which has been established by law as the best means of protection; a nullification of legal justice. It is the only power in modern politics in which the supremacy of the

Pardoning

law is acknowledged as the primary basis of liberty, that can be compared in any degree to the veto of the ancient tribune.* It is an irregular power depending upon irresponsible individual will. We ought, therefore, clearly to be convinced of its necessity, and, if this can be proved, we ought to inquire whether so extraordinary a power must not be guarded by proper limitations, especially if it should be found that it is liable to be seriously and even harmlessly abused.

In order to understand more fully the whole subject, it will not be amiss if we endeavor to obtain a view of the origin of this power, and to see why it is that everywhere we find it as an attribute of the chief executive power. Whether this fact must be attributed to any inherent characteristics, or to incidental circumstances.

When all government is yet mixed up with the family relations and the subjective views of the ruler alone prevail, he pardons, as a matter of course, whenever he sees proper and feels impelled so to do; but developed despotism over extensive States, takes a different view. Fear of insecurity and suspicion of disobedience to the commands of the despot, lead the ruler to fence himself in with a strict prohibition of applications for pardon. That which a wise people does for virtuous purposes by a Constitution, namely, the establishing, in calm times, rules of action for impassioned periods, distrusting its own power of resisting undue impulses and thus limiting its power,

* An inaccuracy of terms has in the case of the veto power created much confusion. The ancient tribune had the privilege of vetoing, and a so called vetoing power being to the chief magistrate of modern, constitutional States, people are apt to confound the two, and attack or defend them on common grounds. Yet the two have nothing in common. The Roman tribune had a real veto. He could prohibit an entire law, or a single operation of it; he could stop the building of a public fabric or veto an officer from doing his duty, or a general from leaving Rome for the army. But the modern veto has nothing to do with the law once passed; it amounts to nothing more than the withholding of one necessary ingredient to pass a bill into a law. In governments where the crown has the concurrent or sole initiative, either house, whose consent is necessary in order to make a law, might be said to have the veto power against the crown, with the same propriety with which we call the power, in our President, of withholding his approval, a vetoing power. The President can never interrupt the operation of a law, once being a law. In the case of pardoning, however, the power actually amounts to a tribunal veto. There the executive, or whoever may possess the pardoning privilege, actually stops the ordinary operation of the law. A man has been laboriously tried and sentenced according to the course minutely laid down by the law, and another power steps in, not according to a prescribed course, but by a pure privilege left to his own individual judgment, and says: I prohibit; and the due and regular course of law is interrupted accordingly. This is vetoing power.

the-despot does from fear of his own weakness, and therefore limits his own absolute power that he may not be entrapped into a pardon of disobedience. Chardin* tells us that in his time, it was, in Persia, highly penal to sue for pardon for ones self or for another person; and the same was a capital offence under the Roman Emperors, at least under all the tyrants among them, who form the great majority of the fearful list. Still, it is clear that the last and highest power, the real sovereign (not only the supreme power) must include the power of pardoning, and as in Athens the assembled people had the right of remitting penalties,† so does the civil law acknowledge again the privilege in the emperor who was supposed to be the sovereign, and acknowledged as the source of all law. Christianity confirmed all these views. The mercy of the deity is one of its chief dogmas; mercy, therefore, came also to be considered as one of the choicest attributes of the ruler, who, on the one hand was held to be the vice-gerent of God, and on the other, the sovereign source of law and justice; nor can it be denied that in times when laws were yet in a very disordered state, the attribute of mercy in the ruler, and the right of pardoning flowing from it was of great importance, and upon the whole, probably of great benefit to the people. The fact that the pardoning power necessarily originated with the sovereign power, and that the rulers were considered the sovereigns, is the reason why, when jurists came to treat of the subject, they invariably presented it as an attribute indelibly inhering to the crown. The monarch alone was considered the indisputable dispenser of pardon; and this again is the historical reason why we have always granted the pardoning privilege to the chief executive, because he stands, if any one visibly does, in the place of the monarch of other nations, not reflecting that the monarch has the pardoning power not because he is the chief executive, but because he was considered the sovereign; the self-sufficient power from which all others flow; while with us the Governor or President has but a delegated power and limited sphere of action, which by no means implies that we must necessarily or naturally delegate, along with the executive power, also the pardoning authority.

Although the pardoning power always existed, and was abandoned by ultra despotism for the sake of despotism itself, yet the abuse to

* Voyage en Perse. London, 1686; 1715.

† Demosthenes against Timocrates.

[Assembly, No. 120.]

which it easily leads, and the apparent incongruity which it involves, have induced many men of deep reflection, in ancient as well as in modern times, to raise their voices against it : of whom we may mention Plato*, and Cicero†, among the ancients ; and Pastoret‡, Servin, Filangieri, and the benevolent Beccaria, among the moderns. The latter, the pioneer of penal reform, and one of the benefactors of mankind, has the following remarkable passages :

“ As punishments become more mild, clemency and pardon are less necessary. Happy the nation in which they will be considered as dangerous ! Clemency, which has often been deemed a sufficient substitute for every other virtue in sovereigns, should be excluded in a perfect legislation where punishments are mild, and the proceedings in criminal cases regular and expeditious. This truth may seem cruel to those who live in countries where, from the absurdity of the laws and the severity of punishments, pardons and the clemency of the prince are necessary. It is, indeed, one of the noblest prerogatives of the throne ; but at the same time a tacit disapprobation of the laws. Clemency is a virtue which belongs to the legislator, and not to the executor of the laws ; a virtue which ought to shine in the code, and not in private judgment. To show mankind that crimes are sometimes pardoned, and that punishment is not a necessary consequence, is to nourish the flattering hope of impunity, is the cause of their considering every punishment inflicted as an act of injustice and oppression. The prince in pardoning, gives up the public security in favor of an individual, and by ill-judged benevolence proclaims a public act of impunity. Let, then, the legislator be tender, indulgent, and humane.”

Among the truths of this passage there are some errors, the exhibition of which will at once lead us to the consideration whether the pardoning power, having already been admitted as an extraordinary and super-legal one, be necessary at all, in a well and liberally constituted government, or ought to be suffered in a community which acknowledges the sovereignty of the law. Beccaria says that clemency should be excluded in a perfect legislation, and that pardon is a tacit disapprobation of the law. This is erroneous. No legislation can even be perfect in the sense in which it is taken here, namely

* De Legibus IX.

† Cicero in Verrem 7.

‡ Des Lois pénales.

§ Crimes and Punishments, chap. 46. On Pardons. Engl. Translation, 1807.

operating in all cases, in the same manner toward exactly the same end, for which the legislator has enacted the law, because the practical cases to which the laws apply are complex and often involve conflicting laws ; because the legislator, and though he be the wisest, is but a mortal with a finite mind, who cannot foresee every combination of cases ; because the changes of society, things and relations necessarily change the effect produced by the same laws, and because the law-makers cannot otherwise than cast the rules of action which he prescribes, in human language which of itself is even but an imperfect approximation to that which is to be expressed. Laws cannot, in the very nature of things, be made abstract mathematical rules ; and so long as we live on this earth, where we do not see “ from face to face,” where mind cannot commune with mind, except through signs which have their inherent imperfections, cases must frequently occur in which the strict and formal application of the law operates against essential justice, so that we shall actually come to the conclusion, that in a country in which the *sovereignty* of the laws is justly acknowledged, we stand in need of the conciliatory power to protect ourselves against a *tyranny* of the law, which would resemble the bed of Procrustes, and would sacrifice essential justice as a bleeding victim at the shrine of unconditional and inexorable law itself. We take it then for granted on all hands, that justice being the great end of all civil government, and law the means to obtain it, the pardoning power is necessary in order to protect the citizen against the latter, whenever in the peculiar combination of circumstances it militates with the true end of the state. But it is equally true that the supremacy of the law requires that the extraordinary power of pardoning be wielded in the spirit of strict justice, and not according to individual bias, personal weakness or any arbitrary rule or interested consideration ; a truth which is the more important in our country, because the same principles which make us bow before the law as our only supreme earthly ruler, also bring the magistrate so near to the level of the citizen that he who is invested with the pardoning power is exposed to a variety of influences, individual and political, which have a powerful, and often as practice shows, an irresistible effect, although there is no inherent connexion between them and the cases to which the pardon is applied ; influences, therefore, which in this sense, are arbitrary or accidental. But all arbitrariness is odious to sterling freedom in general, and the

arbitrary use of the pardoning power and its frequency produces the most disastrous consequences in particular.

It unsettles the general and firm reliance on the law, abiding confidence in its supremacy, and a loyal love of justice.

It destroys the certainty of punishment, which is the most important and efficacious element in the whole punitive scheme; and it increases the hope of impunity, already great in the criminally disposed according to the nature of man and the necessary deficiency, even of the best contrived penal systems.

It endangers the community since it is perfectly true what the prince of poets, in his great wisdom has said, that

“Mercy is not itself, that oft looks so;
Pardon is still the nurse of second woe.”

It interferes most effectually with the wise effects of reform, which our penitentiary systems aim at; for all men, practically acquainted with their operation, are agreed that no reform ever fairly begins in a convict before he has not calmly made up his mind to submit to the punishment, and so long as a hope of pardon leads his thoughts from the prison cell to the anticipated enjoyment of undue enlargement, a phenomenon easily to be accounted for upon satisfactory psychological grounds.

It induces large numbers of well disposed persons, male and female, from a superficial feeling of pity, to meddle with cases of which they have no detailed knowledge, and with a subject the grave importance of which they have never considered.

It largely attracts, to the community in which the pardoning power is known to be abused, criminals from foreign parts where such abuse does not exist—it imports crime.

It makes every sentence, not pardoned an unjust one, for in matters of state every act shall be founded on right and equal justice*; no one, therefore, has the right, whatever his power may be, to extend a

* Lord Mansfield is reported justly to have remarked to George 3d, who wished to save Rev. Dr. Dodd from the gallows, to which he had been sentenced for forgery; “If Dr. Dodd does not suffer the just sentence of the law the Perreans may be said to have been murdered.” *Holidays Life of Lord Mansfield, London, 1796, p. 149.* The Perreans were apothecarians of very high standing, but had been hanged for forgery, in spite of most weighty petitions.

Parke

favor to one without extending it to all equally situated, and, consequently equally entitled.

It adds with the very commonly annexed condition of expatriation, the flagrant abuse of saddling in an inhuman, unchristian, and unstatesmanlike manner, neighboring communities, with crime to which the people whose sacred and bounden duty it was to punish it, were too weak and negligent to mete out its proper reward*.

And it places an arbitrary power in the hands of a single individual or several individuals, in states where all arbitrary power is disclaimed, and allows them with one irresponsible act to defeat the ends of toilsome, costly and well devised justice and legislation, putting the very objects of civil government to naught.

We do not theorize on this subject. All the disastrous effects of the abuse of the pardoning power, whether inherent in the power itself, when unlimited by proper restrictions, or arising out of a state of things peculiar to ourselves, have shown themselves among us in an alarming degree, and are in many parts of the country on the increase.

For the proof of this evil state of things, we appeal to every one in our whole country, who has made penal matters the subject of earnest inquiry, we appeal to the fact that for a long series of years the official reports of persons connected with prisons and penitentiaries, and of legislative committees, have teemed with complaints of the mischievous effects of the pardoning power; we appeal to the daily papers near and far, and to recent occurrences in one of our most prominent states, where pardons have been granted to blood-stained criminals of the most dangerous, persevering and resolute sort, without even the least indication of their reform, after a short time of imprisonment, which had already been substituted for capital punishment; we appeal to the statistics, whenever they have been collected, from official documents on this melancholy subject.

So long ago as the year 1832, Messrs. De Beaumont and De Tocqueville shewed in their work on the penitentiary system in the

* This unwholesome abuse has been raised into a law by Sir George Gray's Expatriation Law, passed in 1847, according to which convicts who behave well shall be pardoned after the lapse of two-thirds of the imprisonment to which they had been originally sentenced, *provided* they will leave the country.

United States,* by documents and statistical tables, the frightful abuse of the pardoning power in the United States in general, and the additional abuse, naturally resulting from the circumstances, that pardon is more liberally extended to those convicts who are sentenced to a long period of imprisonment, or for life, than to less criminal persons. We refer especially to the 2d part of the 16th note of the Appendix, page 232 of the translation. We are aware that in some, perhaps in many states of the Union, the pardoning power has been used more sparingly since that time, but it will be observed that there is no security against a return to the former state of things, nor is the effect of pardoning, though rare, yet abused in a few glaring cases, which attract universal notice less injurious, for instance, if the member of a wealthy or distinguished family is pardoned, although guilty of a well-proved heinous crime, or if men are pardoned on political grounds, although they have committed infamous and revolting crimes. Such cases have a peculiar tendency to loosen the necessary bonds of a law-abiding and law-relaying community.

Many years ago Mr. McCarey said, in his Thoughts on Penitentiaries and Prisons, "The New-York committee ascertained that there are men who make a regular trade of procuring pardons for convicts, by which they support themselves. They exert themselves to obtain signatures to recommendations to the Executive authority to extend pardon to them by whom they are employed. And in this iniquitous traffic they are generally successful, through the facility with which respectable citizens send their names, without any knowledge of the merits or demerits of the parties. Few men have the moral courage necessary to refuse their signatures, when applied to by persons apparently decent and respectable, and few governors have the fortitude to refuse."⁷

To this statement we have now to add the still more appalling fact, which we would pass over in silence if our high duty permitted it, that but a short time ago the Governor of a large and important State—a State amongst the foremost in prison discipline—was openly and widely accused of having taken money for his pardons. We have it not in our power to state whether this be true or not; but it is obvious that a state of things which allows suspicions and charges so degrading and so ruinous to a healthy condition of public opinion

* Translated by Francis Lieber, Philadelphia, 1833.

ought not to be borne with. It shows that having the pardoning privilege, uncontrolled in any way, to a single individual, is contrary to a substantial government of law, and hostile to a sound commonwealth.*

A very interesting paper relating to the subject of pardon was furnished in the year 1846, by the Secretary of State of Massachusetts and published by the House of Representatives of that Commonwealth. The paper is of itself of much interest to every penologist, but when we consider that Massachusetts justly ranks amongst the best governed States of our Union, its value is much enhanced; for we may fairly suppose that the abuse of the pardoning power exists in many of the other states in no less a degree. In many indeed, we actually know it to exist in a far greater and more appalling degree.

From this document † we have arrived at the following results:

There were imprisoned in the State of Massachusetts, from the year 1807 inclusive, to the month of February of 1847, in the State Prisons convicted, 3,850.

Of these were pardoned before the term of imprisonment expired, 460. So that of the whole, were pardoned 12 per cent. or every eighth convict.

The average time of remaining in prison, (of these 460,) compared to the time of their original sentence, amounted to 65 per cent. In other words they remained in prison but two-thirds of the time of imprisonment imposed upon them by the law of the State.

Of the 460 pardoned convicts there had been originally sentenced to an imprisonment of ten years or more, the number of 49. And the time, which these convicts had actually remained in prison, compared to the terms of their original conviction, amounts to 60 per cent.; so that a criminal sentenced to ten years or more, had a better chance of having his imprisonment shortened, than those sentenced to a period less than ten years, in the proportion of about 6 to 7; in other words, while the less guilty was suffering a week's imprisonment, the prisoners of the darkest dye suffered six days only.

* In some of the worst governments, as those of Charles II., James II., and Louis XV., pardons were sold, but not by the pardoning ruler. It was the mistresses and courtiers who carried on the infamous traffic, though the monarchs knew about it.

† House of Representatives of Massachusetts, 1846, No. 63.

Pardon in Mo.

There were committed for life by commutation of sentence, and still farther pardoned at a later period from 1815 to 1844 inclusive, 75. The average time they actually remained in prison was a fraction over 7 years. So that if we take twenty-five years as the average time of a sentence of imprisonment for life, we find that they remained in prison but little over one fourth of the time which had been allotted to them, already in consequence of a first pardon, 25 per cent; or the executive substituted 7 years imprisonment, for death decreed by law. There were altogether committed for life by commutation of sentence, 15. And, as we have seen that five of these were further pardoned, we find that one-third of the whole were pardoned, 33 per cent. It does not appear how many criminals sentenced to death, had their sentences commuted to imprisonment for life.

The abuse of pardoning in the State of Massachusetts has nowever much decreased the latter part of the period through which the mentioned report extends; for according to a table published in the able and instructive third report of the New-York Prison Association. N. Y., 1847, page 41 of the report of the prison discipline committee, we find that from 1835 to 1846, there was pardoned in Massachusetts 1 convict of 1,804, while our statement shows that in the period from 1807 to 1846 every eighth convict was pardoned.

We beg leave to copy the chief result of the table just mentioned.

Table showing the pardons in the following prisons in one or several years from 1845 to 1846.

Vermont,.....	one convict pardoned of	5.87 convicts.
Maine,	"	20.74 "
New Hampshire,.....	"	4.56 "
Connecticut,.....	"	36.50 "
Massachusetts,.....	"	18.04 "
Virginia,.....	"	33.31 "
Maryland,.....	"	41.00 "
Sing Sing,.....	"	31.25 "
Auburn,.....	"	1.93 "
Eastern Penitentiary, ..	"	1.37 "
Western Penitentiary,	"	0.43 "
Mississippi,.....	"	19.81 "

Kentucky,.....	one convict pardoned of	8.50 convicts.
District of Columbia, ..	"	87.00 "
Ohio,.....	"	11.31 "
Rhode Island,.....	"	18.00 "

If we take the above list as a fair representation of the whole United States, we shall find that one convict of 26.33 is pardoned. But we fear that this would not be very correct; nor must it be believed that any average number fairly represents the average mischief of the abuse of pardoning. Although there be but very few convicts pardoned in a given community, yet incalculable mischief may be done by arbitrarily or wickedly pardoning a few prominent and deeply stained criminals, as the average temperature of a place may turn out very fair at the end of a year, while, nevertheless, a few blasting night-frosts may have ruined the whole crop.

It ought to be kept in mind that in all calculations of probability, averages must be taken with peculiar caution in all cycles of facts in which a peculiarly high or low state of things produces effects of its own, differing not only in degree but also in kind from the effects which result from the more ordinary state of things. In these cases averages indicate very partial truth only, or cannot be taken as an index of the desired truth at all. The effects of these maxima or minima are not distributive, and having effects of their own they cannot be counteracted by other facts in the opposite direction. This applies to moral as well as physical averages, and before we apply ourselves to averages we must distinctly know whether the elements we are going to use stand in the proper connexion with the nature of the result at which we desire to arrive.*

* A few examples may illustrate the truth too often forgotten: No farmer can determine the fitness of a given climate for the culture of a certain plant from the mean heat of the summer or the mean cold of the winter, for the mean heat does not indicate whether the weather is uniform or violently changeable; the mean interest at which money may have been obtainable in the course of the year does not indicate the truth, unless we know that it has not been peculiarly low at some periods and extraordinarily high at others; the general criminality of a community cannot be calculated from the percentage of crime, unless we know that there has not been a peculiarly disturbing cause, for instance, one man who has murdered half a dozen of people in a comparatively small community; and the mischief produced by pardons cannot be calculated by the average percentage alone, if we do not know that among these pardons there were not some peculiarly arbitrary or peculiarly hostile to the ends of justice.

The abuse then exists, and exists in an alarming degree. The question arises, how is it to be remedied ?

In trying to answer this question we would preface that we are well aware that, unfortunately, the pardoning power is in almost all States of our confederacy, determined by their constitutions, and cannot be changed without a change of these fundamental instruments. The object of the present paper, however, is not to propose any political measure, and we shall treat the subject as a scientific one, and an open question, irrespective of what can or may be done in the different States in conformity with existing fundamental laws. It is necessary before all, to know what is the most desirable object to be obtained. After this has been done it will be proper for each party concerned to adopt that practical course which best meets its own peculiar circumstances, and to settle how near its own means allow of an approximation to the desirable end.

Many vague things have been asserted of the pardoning power by writers otherwise distinguished for soundness of thought because they were unable to rid themselves of certain undefined views and feelings concerning princes and crowns. Some have maintained that the pardoning privilege can be justified only in the monarchy, because the monarch combines the character of the legislator and executive, while Montesquieu again wishes to restrict the right to the constitutional monarch alone, because he does not himself perform the judicial functions. All these opinions appear to us visionary and unsubstantial. There is nothing mysterious, nothing transcendental in the pardoning power. The simple questions for us can be, why ought it to exist ? If it ought to exist, who ought to be vested with it ? What are its abuses and how may we be guarded against them ?

We have already seen that certainly it ought to exist :

That there is an inherent necessity that it ought to exist in the executive, or in the executive alone :

That a wide-spread abuse of the pardoning power exists, and has existed at various periods :

That the abuse of the pardoning power produces calamitous effects :

That the executive in our country is so situated that, in the ordinary course of things, it cannot be expected of him that he will resist the abuse, at least that he will not resist it in many cases :

And that the chief abuse of the pardoning power consists in the substitution of an arbitrary use of power or of subjective views and individual feelings, for high, broad justice, and the unwavering operation of the law, which ought to be freed from all arbitrariness.

We know, moreover, that all our constitutions, as well as the laws of England, actually restrict the pardoning power in some cases ; for instance, regarding fines to be paid to private parties, or impeachments ; and in most of our States, the executive is not invested with the right of pardoning treason, which can only be done by the Legislature. For others, again, the Governor has no authority to pardon capital punishment before the end of the session of that Legislature which first meets after the sentence of death has been pronounced. It is obvious that no specific reason has induced our legislators to give the pardoning power to the executive. It was rather left where they happened to find it, or they placed it by analogy, and not in consideration of any intrinsic reasons.*

If it be true that pardon ought to be granted only in cases in which essential justice demands it *against* the law, or for very specific and peculiar reasons, for instance if a convict, sentenced to a short imprisonment, is so feeble in health, that, no proper hospital existing, the incidental consequences of imprisonment would be infinitely severer than the law intended the punishment to be,†

* A remarkable proof of this fact seems to have been afforded by the late constituent assembly of the State of New-York, for, so far as we are aware, there was no debate on the question, whether the pardoning power ought to be left uncontrolled in the hands of the executive. We can very well imagine, that after a discussion of this subject, a majority might have decided, erroneously in our opinion, that the pardoning privilege ought to remain where it was ; but we cannot imagine that a large number of men could have possibly been from the beginning so unanimous upon so important a subject, that not even a discussion was elicited, had the pardoning been made a subject of any reflection at all. This is impossible in the nature of things. Men will differ in opinion upon almost any point, and would certainly have differed upon so weighty and delicate a subject, had their minds been directed to it.

† We certainly think that ill-health, threatening disastrous consequences, should form a ground of release in cases of comparatively short sentences, if no good prison hospital exists. But even where no hospital exists, (which is undoubtedly a great deficiency) much caution must be exercised. An experienced and highly

not this also a case of essential justice against the law?) or because strong suspicions of innocence have arisen after the trial, it is equally clear that pardon ought to be granted after due investigation only, and that this investigation ought to be ensured by law.

The pardoning power might be transferred from the executive to the Legislature or to an assembly of judges. We are emphatically averse to either measure. The Legislature is composed of members wisely elected to represent a variety of interests and views, all of which ought to have a proportionate weight in the formation of laws; but neither the reasons why, nor the objects for which legislators are elected have any connexion with deciding upon a question of pardon. If the decision were left at once to the whole assembly, it would be impossible to give that degree of attentive examination to the details of each case which its nature requires, and a party feeling would frequently warp a decision which could be justified only on the ground of the highest and of essential justice. If the case were first given to a committee (as we imagine a standing committee of pardon) and the Legislature were regularly to follow the decision of the committee, the latter step is useless; if the Legislature, however, were not to follow implicitly this decision we have the incongruities just indicated. As to the forming a board of pardon of judges alone, we think the case would be equally incongruous. The business of the judge, his duty and his habit of thinking, is strictly to apply the law. He is a valuable magistrate only so long as he is a faithful organ of the established law, but in the case of pardon, the object is neither to

respectable prison physician in Massachusetts, stated in his report, some years ago, that pardons on account of deficient health, had a tendency to increase sickness in the prison, because many prisoners will seriously and perseveringly injure their health, in the hope of obtaining thereby a pardon. A prison ought to have a hospital, and if in spite of a good hospital, the consciousness of being imprisoned has of itself any bad consequences for the imprisoned patient, it must be taken as one of the many incidental, but unavoidable consequences of all imprisonment. There are more serious consequences than this, which we are, nevertheless, unable to separate from punishment. Punishment ought always to be individual, and to strike no one but the evil doer; yet there is hardly ever an individual punished, whose sentence does not at the same time entail mental or physical suffering upon others. Men are decreed to constitute societies, and concentrated woe and woe, and human judges cannot punish without inflicting suffering upon those who are unconnected with the crime, but connected with the criminal. If we were absolutely to follow out the first principle, the offence alone should suffer, we could not punish a single convict.

make nor to apply a law, but to defeat its operation in a given and peculiar case.

In order to constitute a proper authority to which the pardoning privilege can be safely entrusted, we ought to organize it so, that the following points seem to be well secured:

That a careful investigation of each case take place before pardon be granted:

That the authority be sufficiently strong to resist importunity:

That it contain a sufficient amount of knowledge of the law, its bearing and object.

That it enjoy the full confidence of the community.

These great objects it is believed can be obtained by a board of pardon, consisting of a proper number of members, say nine, (in the republic of Geneva it consists of this number) with one or two judges among them, to be appointed by the Legislature, with a periodical, partial renovation, (one third leaving every three years,) and with these farther provisions:

That the board sit at certain periods of the year, say twice;

That certain and distinct grounds must be stated in every petition for pardon, and that without them all petitions, ever so respectfully and numerously signed, be not received:

That pardon can be granted by the governor only when duly recommended by the board, and must be granted if the board recommend it a second time after the governor has returned the recommendation with his reasons against it:

That no pardon be recommended without advertising in the counties where the convict has lived previous to his imprisonment and where he has committed his crime, that the board have in view to recommend him to pardon, and without giving proper time to act upon the advertisement:

That no pardon be granted without informing, likewise, the warden of the prison or prisons in which the subject of the intended pardon, is or has been incarcerated, of the intention of the board:

And that the reasons of the pardon when granted, be published.

Without some such guarantees, the pardoning power will always be abused. The advertising of the intention of pardoning will not be mistaken for an extra constitutional and illegal call upon the county to exercise functions which do not belong to it, and ought not to belong to it, as, in reality the Governor of Ohio years ago respited the execution of a criminal guilty of an atrocious murder, informing at the same time the people of the county whence the criminal came, that he was desirous of knowing whether they desired the criminal pardoned or not*.

Nor must it be believed that while we recommend to inform a warden of a prisoner that his pardon is contemplated, we are desirous of countenancing a system of pardon founded upon the good conduct of the convicts in the prison. We consider such a measure inadmissible for many reasons. It has been tried in France on a large scale, but the effect was so bad that its own author obtained its abolition, confessing his error.† What we desire is that proper information be obtained before a convict be pardoned, and that no imposition take place. It frequently happens that a pardon is obtained by persons unacquainted with the culprit, and a dangerous and infamous man is returned to a community which had the deepest interest in seeing the law taking its uninterrupted course.

We think it proper that the Executive thus controlled on the one hand, and protected against importunities on the other, forms a party to the pardon, because the actual release must go through his hands.

We doubt not that if a board of pardoning were established, in a short time a series of fair principles and rules, somewhat like the rules of equity, would be settled by practice, and the pardoning would be less exposed to arbitrariness.

Totally distinct, however, from the pardoning ought to be kept the *restitution* of a convict, when innocence has been proved after conviction. It is a barbarous confusion to confound acknowledgment of wrong committed by society against an individual with the pardoning of a guilty person. Nothing can be pardoned where nothing is to be pardoned, or where the only pardoner is the convict. He is entitled

* National Gazette, Philadelphia, October 10, 1833.

† De la Ville de Mirmont, Observations sur les Maisons Centrales de Detention de Paris, 1833, p. 55 and sy.

to indemnity, and the process ought even to be called by a different name, and differently to be provided for. Not long ago a person sentenced for forgery in England to transportation for a very long period or for life, we forget which, was pardoned after several years endurance of the sentence. Some English papers justly remarked how incongruous a *pardon* is in such cases, where the question is indeed how a great and ruinous wrong committed by society against an individual may be repaired in some degree at least, and as far as it lies in human power. This is an important subject of its own, deserving the most serious attention of all civilized States, but does not fall within the province proper of pardoning. An inquiry into it may be offered at some future period.

(Signed)

FRANCIS LIEBER.

The Warden of the city prison respectfully reports the statistics of that Institution for the year 1850, as follows :

First District Prison.	White		Black		Total.
	Males.	Females.	Males.	Females.	
Number in prison Jan. 1st,....	111	48	17	6	182
Received during the year,....	9,901	5,056	723	417	16,097
	<u>10,012</u>	<u>5,104</u>	<u>740</u>	<u>423</u>	<u>16,279</u>
Discharged,.....	8,117	3,282	537	283	12,219
Eloped,.....	2	1	0	0	3
Deceased,.....	18	3	1	0	22
Sent to Blackwell's Island,..	1,619	1,757	161	131	3,668
" State Prison,.....	131	10	26	2	169
	<u>9,887</u>	<u>5,053</u>	<u>725</u>	<u>416</u>	<u>16,081</u>
Remaining in prison Dec. 31,..	125	51	15	7	198
There were also discharged from					
the Second District prison, ..	1,659	526	43	35	2,263
Third District prison, ..	2,064	731	84	60	2,939

Total number of commitments for the year, 21,299. Of whom 5,777 were natives, and 15,522 were foreigners.

Ages.

Number received under ten years of age,	115
“ between ten and fifteen,	592
“ “ fifteen and twenty,	2,616
“ “ twenty and thirty,	8,908
“ “ thirty and forty,	6,002
“ “ forty and fifty,	2,285
“ “ fifty and sixty,	599
“ “ sixty and seventy,	150
“ “ seventy and eighty,	26
“ over eighty years of age,	6
	<hr/>
	21,299
	<hr/>

Social Relations.

Married, 8,505. Single, 12,241. Widowed, 364. Unknown. 187.

Habits of Life.

Temperate, 2,446. Intemperate, 18,853.

Education.

Could not read, 9,449. Could read only, 1,646.
 Could read and write, 7,284. Well educated, 2,731.
 Classically educated, 25. Unknown, 164.

(Those designated as “unknown” were insane, could not speak English, or refused to answer.)

Crimes.

	Male.	Female.	Total.
Intoxication,	4,458	2,788	7,246
Vagrancy,	1,148	2,204	3,352
Petit larceny,	2,394	576	2,970
Disorderly conduct,	2,172	551	2,723
Assault and battery,	2,069	331	2,400
Grand larceny,	540	120	660
Insanity,	287	140	427
Burglary,	243	2	245
Violation of corporation ordinances,	114	11	125
Larceny,	95	11	106

	Male.	Female.	Total.
Abandonment,	101	3	104
Offences not specified in commitment,	62	32	94
Riot,	72	0	72
Bastardy,	62	0	62
Forgery,	51	8	59
Attempt to kill,	57	1	58
Misdemeanors,	34	19	53
Robbery,	46	0	46
Keeping disorderly house,	36	8	44
Obtaining goods by false pretences,	39	1	40
Rape,	30	0	30
Receiving stolen goods,	22	5	27
Witnesses,	23	4	27
Foreign convicts knowingly brought to this country,	26	0	26
Escaped convicts (from penitentiary),	24	0	24
Malicious mischief,	21	1	22
Fraud,	20	1	1
Assault,	17	0	18
Disobedient apprentices,	18	0	18
Murder,	15	0	15
Conspiracy,	14	0	14
Felony,	13	1	14
Seduction,	12	0	12
Attempt to commit larceny,	11	1	12
Bigamy,	9	3	12
Soliciting emigrant pas'gers without license,	11	0	11
Embezzlement,	10	0	10
Arson,	8	1	9
Carrying slug shot,	8	0	8
Desertion,	8	0	8
Fugitives from justice,	7	1	8
Indecent exposure of person,	6	0	6
Illegal voting,	6	0	6
Manslaughter,	6	0	6
Mayhem,	6	0	6
Libel,	4	0	4
Attempt to commit rape,	4	0	4

	Male.	Female.	Total.
Contempt of court,	2	1	3
Rescuing prisoners,	3	0	3
Selling lottery policies,	3	0	3
Perjury,	3	0	3
Attempt to commit burglary,	3	0	3
Pickpockets,	3	0	3
Selling obscene books and prints,	2	0	2
Driving over children,	2	0	2
Malicious trespass,	2	0	2
Interfering with officers in disch'ge of duty,	1	0	1
Marrying a girl under 14 years of age, ..	1	0	1
Selling unwholesome meat,	1	0	1
Incest,	1	0	1
Accessory to murder,	1	0	1
Peddling without license,	1	0	1
Abduction,	1	0	1
Opening letters,	1	0	1
Attempt to commit robbery,	1	0	1
Fugitive from service,	1	0	1
Sending a torpedobox,	1	0	1
Bribery,	1	0	1

AN ACT

To incorporate the Prison Association of New-York, passed May 9, 1846, by a two-third vote.

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

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

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

ARTICLE I.

The objects of the Association shall be,

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline, and the government of prisons, whether for cities, or counties, or States.
3. The support and encouragement of reformed convicts after their

discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

ARTICLE II.

The officers of the society shall be, a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz: a finance committee, a committee on detentions, a committee on discipline, a committee on discharged convicts, and an executive committee.

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

ARTICLE VI.

Any person contributing annually to the funds of the Association, shall, during such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars an honorary member of the executive committee for life; and a contribution of twenty-five dollars shall constitute a member of the Association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

ARTICLE VII.

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of

the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

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

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

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

§ 3. The said executive committee shall have power to establish a work house in the county of New-York, and in their discretion to receive and take into the work house all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or the court of special sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the alms house, may deem proper objects; and the said executive committee shall have the

same powers to keep, detain, employ and govern the said persons, as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

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

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

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

shall be the same in relation to them as in the section aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof: *Provided*, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the Chancellor of this State, or one of the Judges of the Supreme Court, or by a Vice Chancellor or Circuit Judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons members of the said association by whom the examination is to be made, and the time within which the same must be concluded.

STATE OF NEW-YORK, }
In Senate, May 8, 1846. }

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

Resolved, That the bill do pass.

By order of the Senate.

A. GARDINER, *President*.

STATE OF NEW-YORK, }
In Assembly, April 24, 1846. }

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

Resolved, That the bill do pass.

By order of the Assembly.

WM. C. CRAIN, *Speaker*.

Approved this 9th day of May, 1846.

SILAS WRIGHT,

STATE OF NEW-YORK, }
Secretary's Office. }

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

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

ARCH'D CAMPBELL,

Dep. Sec. of State.

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

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

BY - 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 either of the standing committees, or the chairman of the executive committee, or chairman of any standing committee.

II. At every meeting of the executive committee, stated as special, the attendance of seven 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 female department.
4. Report from corresponding secretary.
5. Reports from special committees.
6. 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; but a chairman pro tem. shall not have such power, unless authorized 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 of 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 moneys 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 moneys of the society, under the authority of the executive committee.
4. To have power, under the same authority, to employ one or more agents to obtain members and collect subscriptions to the Society; and it shall be their duty to make a report, at each monthly meeting, of their proceedings and those of their agents.
5. To annually examine and report upon the treasurer's accounts, and to audit the same.

VII.—The following shall be the duties of the committee on detentions:

1. To inquire 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 and 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 endeavor 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 inno-

cent, 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.

VIII.—It shall be the duty of the committee on discharged convicts,

1. Under the authority of the executive committee, to employ an agent for the relief and aid of discharged convicts, and for the performance of its daily routine of duties; whose place of business shall be at the general office of the Association.
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 superintendents, relative to the character and trades of prisoners, and to ascertain previous to the discharge of each prisoner, his feelings, views and capabilities, with a view to making the best arrangements for his future employment.
4. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure 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 behavior 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.

IX.—The general duty of the committee on prison discipline shall be supervision of the internal organization and management of

the 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, warming of prisons, ventilation, exercise, modes of employment, insolation, 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; 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, and their publication under the order of the Association.

Visitation. The visiting of State, county, and city prisons, including houses of reformation of juvenile delinquents, at such periods and in such manner as the committee may from time to time determine.

Criminal laws. Their character and influence on the commission of vice and crime.

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 pro-

ceedings of the committee, to record them in a book to be provided for that purpose, and to give due notice of all meetings of the committee.

XII. It shall be the duty of each standing committee to report to each monthly meeting of the executive committee the number of meetings held, and the names of the members attending at each.

XIII. If it shall appear from the report of any standing committee that any member has not attended any one of these meetings during the preceding three months, the member so neglecting to attend shall, if no satisfactory excuse be offered, be deemed to have resigned as a member of such committee, and the executive committee may proceed to appoint another in his place.

XIV. No person shall be added as a member to any of the standing committees unless the committee to which he is to be added shall have reported his name at a preceding meeting of the executive committee, and shall have stated that the member so proposed has consented to serve. No person, so proposed, shall be elected as a member unless by the votes of two-thirds of all the members present; and every such election shall be made by ballot, unless by unanimous consent the ballot be dispensed with.

XV. There shall be a standing committee of ladies for the female department, the members of which shall be selected by the executive committee, and shall have charge of the interests and welfare of persons of their own sex, under such regulations as the executive committee may prescribe, or they themselves, with the approbation of the executive committee, may adopt. Such committee shall have power to elect its own officers, and, when organized, shall be placed in all respects on the same footing as the other standing committees of the executive committee, in relation to the increase of their numbers.

XVI. The corresponding secretary shall conduct the correspondence of the executive committee, and of each of the standing committees when required, and shall report the same at each stated meeting of the committee, and shall record the same in books to be procured for that purpose.