

TWENTY-FIFTH ANNUAL REPORT

for 1869

OF THE

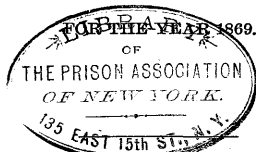
EXECUTIVE COMMITTEE

OF THE

Prison Association of New York,

AND

ACCOMPANYING DOCUMENTS,



TRANSMITTED TO THE LEGISLATURE, JANUARY 20, 1870.

ALBANY:
THE ARGUS COMPANY, PRINTERS.
1870.

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P93
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STATE OF NEW YORK.

No. 21.

IN SENATE,

January 20. 1870.

TWENTY-FIFTH ANNUAL REPORT for 1869
OF THE EXECUTIVE COMMITTEE OF THE PRISON
ASSOCIATION OF NEW YORK.

To the Hon. ALLEN C. BEACH,
Lieutenant-Governor and President of the Senate :

Sir—I have the honor to hand you herewith, as by law required,
the Twenty-fifth Annual Report of the Prison Association of New
York, and to ask that you will lay the same before the Legislature.

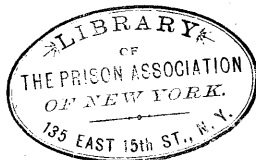
Very respectfully,

Your ob't serv't,

E. C. WINES,

Corresponding Sec'y.

OFFICE OF THE ASSOCIATION,
38 BIBLE HOUSE, NEW YORK,
December 31, 1869.



STATE OF NEW YORK

NO. 21

IN SENATE

JAN 20 1870

TWENTY-FIFTH ANNUAL REPORT

OF THE

EXECUTIVE COMMITTEE

OF THE

PRISON ASSOCIATION OF NEW YORK

NEW YORK

38 BIBLE HOUSE

1870

OFFICERS OF THE PRISON ASSOCIATION OF NEW YORK. 1870.

PRESIDENT.

JOHN DAVID WOLFE, 13 Madison avenue.

VICE-PRESIDENTS.

FRANCIS LIERER, LL. D., 48 East 54th. Hon. THEO. W. DWIGHT, LL. D., 27 LaSoy-
Hon. JOHN T. HOFFMAN, Albany. cise Place.
JOHN H. GRISCOM, M. D., 42 East 29th. Hon. J. STANTON GOULD, Hudson.
Hon. CHARLES J. FOLGER, Geneva.

CORRESPONDING SECRETARY.

E. C. WINES, D. D., LL. D.; Office, 38 Bible House.

RECORDING SECRETARY.

CEPHAS BRAINERD, Esq., 48 Pine street.

TREASURER.

WM. C. GILMAN, 48 Pine street.

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GOLDWIN SMITH, Ithaca.	JOHN H. KEYSER, 154 Ninth.
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RENSSELAER N. HAVENS, 15 Nassau.	JAMES H. TITUS, 34 Liberty.
C. E. HACKLEY, M. D.	

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WILLIAM T. BOOTH,	SINCLAIR TOUSEY,
G. B. HUBBELL,	STEPHEN CUTLER.

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ABRAHAM BEAL,	SAMUEL OSGOOD,
C. E. HACKLEY,	ROBERT K. McBURNEY.

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JOHN H. GRISCOM,	JOHN H. KEYSER,
ABRAHAM BEAL,	ADAM T. SACKETT,
CEPHAS BRAINERD,	ANDREW H. GREEN.

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FRANCIS LIERER,	JOHN STANTON GOULD.
CHARLES J. FOLGER,	RENSSELAER N. HAVENS,
WILLIAM F. ALLEN,	G. B. HUBBELL,
JOHN T. HOFFMAN,	JAMES H. TITUS,
JOHN H. ANTHON,	D. B. ST. JOHN ROOSA,
WM. H. FIELD.	SINCLAIR TOUSEY.

*The President of the Association, Chairman of the Executive Committee and Corresponding Secretary are ex officio members of all the Standing Committees.

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ABRAHAM BEAL; Office, No. 12 Centre street.

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- Clinton Co.: residence, Plattsburgh—M. K. PLATT, L. STETSON, P. S. PALMER
- Delaware Co.: residence, Delhi—Rev. F. A. M. BROWN, CHARLES MARVINE, THOMAS GREENLEAF, FERRIS JACOBS, M. D.
- Erico Co.: residence, Buffalo—SETH CLARK, F. P. WOOD, S. S. GUTHRIE, L. DANFORTH, N. HALBERT, Rev. JOHN E. ROBBE, JOHN S. FOSDICK, HUGH WEBSTER, EDMUND BRISTOL.
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- Montgomery Co.: residence, Fonda—Rev. Mr. FROTHINGHAM.
- Niagara Co.: residence, Lockport—Rev. J. E. MAXWELL and Mrs. D. C. MAXWELL.
- Orange Co.: residence, Newburgh—Rev. DR. FORSYTH, Rev. DR. MANDEVILLE, HUGH S. BANKS, O. R. WELLING.
- Oncida Co.: residence, Rome—Rev. SIMON VISSCHER.
- Oswego Co.: residence Oswego—G. C. McWHORTER, A. P. GRANT, G. MOLLISON, Rensselaer Co.: residence, Troy—Rev. J. D. TUCKER, AMASA R. MOORE, WM. SHAW.
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- Wyoming Co.: residence, Warsaw—Rev. E. C. WILLIAMS, Rev. J. V. STRYKER.

LIFE PATRONS, CORRESPONDING, HONORARY AND LIFE MEMBERS.

I. LIFE PATRON.

By the contribution of \$500 at one time.
John David Wolfe.

II. CORRESPONDING MEMBERS.

- M. Charles H. Lucas, member of the Institute of France.
- M. Auguste Frederic Demetz, Director of Meltray, 22 Avenue, Victoria, Paris, France.
- Hon. John Stuart Mill, M. P., Blackheath Park, Kent, Eng.
- M. A. Corne, Douai, France.
- Sir John Bowring, Clermont, Exeter, Eng.
- Count W. Sollowho, Director-in-Chief of the House of Correction and Industry, Moscow, Russia.
- John G. Perry, Inspector of Prisons, London, Eng.
- Hon. Matthew Davenport Hill, Bristol, Eng.
- Right Hon. Frederic Hill, London, Eng.
- Sir Walter Crofton, C. R., "The Close," Winchester, Eng.
- W. L. Sargant, Birmingham, Eng.
- Francis Lieber, LL. D., Prof. Political Science, Columbia College Law School, New York, and Corresponding Member of the Institute of France.
- Alfred Aspland, F. R. C. S., Dukenden, Ashton-under-Lyne, Eng.
- Samuel G. Howe, M. D., Principal of the Institution of the Blind, Boston, Mass.
- Dr. Varranthur, Frankfurt-on-the-Maine.
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- Miss Mary Carpenter, Bristol, Eng.
- Miss Erosithes Dix, Boston, Mass.
- Hon. Charles Sumner, Boston, Mass.
- F. B. Sanborn, Springfield, Mass.
- Z. R. Brockway, Detroit, Mich.
- Rev. Fred. H. Wines, Springfield, Ill.
- Hon. Andrew Shuman, Philadelphia, Ill.
- John G. Lytle, Philadelphia, Pa.
- Geo. W. Seaside, Boston, Mass.
- Gridley J. F. Bryant, Architect, Boston, Mass.
- Baron Franz Von Holtzendorf, Prof. Law in the Royal University, Berlin, Prussia.
- Mons. Bonneville de Marsangy, Counselor of the Imperial Court of Paris, No. 7 Rue Fenchilvre, Paris, France.
- Signor Martino Beltrani Scaglia, Inspector-General of Prisons in the Kingdom of Italy, Florence, Italy.
- E. A. Meredith, Esq., Ottawa, Dominion of Canada.
- Hermann Adami, LL. D., Bremen.
- Alfred Field, Pres. Chamber of Commerce, Birmingham, Eng.
- Rev. Sidney Turner, Inspector of Reformatories, London, Eng.
- Miss Florence Hill, Bristol, Eng.
- Miss Joanna Margaret Hill, Bristol, Eng.
- Fr. Braun, Director of Prisons, Denmark.
- LL. Col. G. Hutchinson, G. S. I., Inspector-General of Police in the Punjab, India.
- A. M. Dallas, M. D., Inspector-General of Prisons in the Punjab, India.
- Miss Florence Nightingale, South street, London, Eng.
- Edwin Hill, Esq., 1 St. Mark's Square, Regents' Park, London, Eng.
- J. Angus Croll, Esq., Southwood, Highbate, London, Eng.
- Faudee Routledge, Extra Assistant Superintendent of the Penal Settlement, Post Blair, India.

III. HONORARY MEMBERS

1. By election.

- Hon. John W. Edmonds New York
- Rensselaer N. Haven do
- Peter Cooper do
2. By contribution of \$100 at one time.
- George B. Archer New York
- Wm. H. Aspinwall do
- J. J. Astor do
- Wm. T. Booth do
- James Brown do
- H. K. Bull do
- John Caswell do
- Samuel B. Chittwell do
- Edward Cooper do
- A. B. Conger do
- Wm. B. Crosby do
- H. K. Corning do
- Wm. D. Croft do
- Wm. Butler Duncan do
- Windrop S. Gilman do
- Wm. C. Gilman do
- Horace Gray do
- Meredith Howland do
- John Taylor Johnston do
- James Lenox do
- Miss Lenox do
- Miss Lenox do
- Allan McLane do
- Samuel P. B. Morse do
- George D. Morgan do
- Adam Norrie do
- R. M. Diphant do
- John A. Phillips do
- G. B. Robert do
- C. V. S. Roosevelt do
- Francis B. Rowland do
- Adam T. Sackett do
- Joseph Sampson do
- J. P. Sheafe do
- Mrs. Mary Sheafe do
- C. H. Shuman do
- Henry M. Schellefeld do
- R. L. Stuart do
- Alexander Stues do
- James Stokes do
- Jonathan Swanwick do
- Mrs. Catharine L. Spencer do
- H. S. Terbell do
- Alex. Van Rensselaer do
- George C. Ward do
- Salem H. Wales do
- R. W. Weston do
- Samuel Willets do
- Rev. E. C. Wines do
- John David Wolfe do
- Walter Wood do
- William Wood do
- Joseph Howland Matlowan, N. Y.
- Mrs. Joseph Howland do
- Rev. N. S. Beman, D. D. Troy, N. Y.
- Rev. Dr. Darling Albany, N. Y.
- Thomas W. Olden do
- Erastus Corning do

IV. LIFE MEMBERS.

- By contribution of \$50 at one time (formerly \$25.)
- John H. Abel New York
- J. W. Alsup do
- John H. Anthon do

Mrs. John J. Astor.....	New York.	Charles P. Kirkland.....	New York.
Wm. B. Astor.....	do	John H. Keyser.....	do
W. W. Astor.....	do	Josiah Lane.....	do
Samuel J. Beebe.....	do	Mrs. Langdon.....	do
August Belmont.....	do	Samuel Leeds.....	do
James G. Bennett.....	do	Jacob Le Roy.....	do
Bartholomew Blinn.....	do	Jacob B. Le Roy.....	do
Wm. A. Booth.....	do	Rufus L. Lord.....	do
J. Carson Brevort.....	do	N. Ludlum.....	do
Louis K. Bridge.....	do	A. A. Low.....	do
Sydney Brooks.....	do	Abijah Mann.....	do
S. Brown.....	do	Edward H. Miller.....	do
Stewart Brown.....	do	J. Matthews.....	do
James M. Brown.....	do	William T. McConn.....	do
George Bruce.....	do	C. A. Meigs.....	do
Orsanus Bushnell.....	do	Thomas D. Middleton.....	do
Miss Burr.....	do	W. H. Moore.....	do
Edmund Coffin.....	do	E. D. Morgan.....	do
Benj. G. Clarke.....	do	H. T. Morgan.....	do
Wm. T. Coleman.....	do	William F. Motz.....	do
E. K. Collins.....	do	William Newell.....	do
Israel Corso.....	do	William Nichols.....	do
F. Cottinet.....	do	Charles O'Connor.....	do
Cyrus Curtis.....	do	David Olyphant.....	do
Stephen Cutler.....	do	William Oehout.....	do
Wm. F. Cary.....	do	Thomas Owen.....	do
Henry C. De Kham.....	do	E. Paraly.....	do
Abraham Denike.....	do	F. Pell.....	do
Wm. E. Dodge, Jr.....	do	J. Phalton.....	do
Richard L. Englele.....	do	H. P. Phinney.....	do
Lucy H. Elder.....	Elizabethtown, N. J.	Howard Potter.....	do
J. W. Edmonds.....	New York.	Thomas Prosser.....	do
J. Stiles Ely.....	do	P. R. Pryne.....	do
P. W. Engs.....	do	Robert Ray.....	do
B. H. Field.....	do	Fremant Rowland.....	do
H. W. Field.....	do	William C. Rubinslander.....	do
Hamilton Fish.....	do	George S. Robbins.....	do
James Foster, Jr.....	do	Samuel B. Ruggles.....	do
James Freeland.....	do	James L. Schiefelin.....	do
Mrs. Elizabeth Farnsworth.....	Massachusetts.	Cornelius Smith.....	do
W. P. Furniss.....	New York.	A. B. Sherman.....	do
F. Garner.....	do	A. T. Stewart.....	do
James W. Gerard.....	do	T. B. Stillman.....	do
Arthur Gitman.....	do	Henry Stuyvesant.....	do
J. B. Graham.....	do	L. I. Suarez.....	do
E. Boonen Graves.....	do	Chris. D. Swanwick.....	do
John C. Green.....	do	Charles N. Talbot.....	do
Henry Grinnell.....	do	Moses Taylor.....	do
Eliza P. Gurney.....	Burlington, N. J.	J. L. Terry.....	do
Ogden Hagertry.....	New York.	James H. Titus.....	do
Valentine G. Hall.....	do	P. F. Townsend.....	do
Mrs. Valentine G. Hall.....	do	Sinclair Tousey.....	do
L. P. Hawes.....	do	George T. Trimble.....	do
A. Heckacher.....	do	Robt. S. Van Dusen.....	do
H. Herrick.....	do	Abraham Van Nest.....	do
Silas C. Herring.....	do	James Van Nostrand.....	do
D. Hoadley.....	do	P. S. Van Rensselaer.....	do
James Horn.....	do	John G. Vose.....	do
B. W. Hows.....	do	J. R. Vose.....	do
Edgar M. Howland.....	do	A. Ward.....	do
James O. Holden.....	do	W. W. Walker.....	do
Thomas Hunt.....	do	Prosper N. Wetmore.....	do
George F. Hussey.....	do	Samuel Wetmore.....	do
Richard Irvin.....	do	El White.....	do
John Jay.....	do	James R. Whiting.....	do
H. L. Janeway.....	do	William E. Whiting.....	do
S. S. Jeffrey.....	do	B. R. Winthrop.....	do
Solomon Jenner.....	do	E. J. Woolsey.....	Astoria, N. Y.
Edward Jones.....	do	Henry Young.....	New York.
James J. Jones.....	do	H. Burrell.....	Salisbury, N. Y.
Walter E. Jones.....	do	Rev. J. Clark.....	Waterbury, Ct.
Alexander S. Johnson.....	do	Rev. Mr. Elliott.....	do
J. F. Joy.....	do	Rev. Mr. Sears.....	Morriston, Ct.
James Kemble.....	do	S. D. Gregory.....	Jersey City, N. J.
J. Kincaid.....	do		

CHARTER AND CONSTITUTION

OF THE

PRISON ASSOCIATION OF NEW YORK.

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

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

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

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

ARTICLE I.

The objects of the association shall be—

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or States.
3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

[Senate No. 10.]

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ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life; and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may from time to time be appointed by the executive committee.

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

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

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

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

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons, in said city, as the court of general sessions of the peace, or the court of special sessions, or the court of oyer and terminer, in said county, or any police magistrate, or the commissioner of the almshouse, may deem proper objects; and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may from time to time make by-laws, ordinances and regulations relative to the management and disposition of the estate and concerns of said association, and the management, government, instruction, discipline and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the busi-

ness of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature, and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

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

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

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

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

Resolved, That the bill do pass.

By order of the Senate,

A. GARDINER, *President.*

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

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

Resolved, That the bill do pass.

By order of the Assembly,

WM. C. CRAIN, *Speaker.*
Approved this 9th day of May, 1846. SILAS WRIGHT.

STATE OF NEW YORK,
SECRETARY'S OFFICE. }

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

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

ARCH'D CAMPBELL,
Deputy Secretary of State.

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

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

BY-LAWS OF THE PRISON ASSOCIATION OF NEW YORK.

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

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

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

1. The reading and approval of the minutes of the last preceding meeting.

2. Report of the treasurer.

3. Reports from standing committees.

4. Report from the corresponding secretary.

5. Reports from special committees.

6. Report from the general agent.

7. Miscellaneous business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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TWENTY-FIFTH ANNUAL REPORT OF THE EXECUTIVE COMMITTEE.

Agreeably to a requisition of law, the Executive Committee of the Prison Association of New York submits its Twenty-fifth Annual Statement to the Legislature of the State.

A QUARTER CENTURY'S WORK.

This Association has now completed the twenty-fifth year of its existence and labors. For a quarter of a century it has pursued a career of quiet but effective beneficence, and has received the benedictions of thousands who were ready to perish, but who have been reclaimed, redeemed and restored to themselves, to society, and to virtuous and useful industry, through its agency. It seems to the Executive Committee every way fit that we should, in the present report, retrace the history of those years, and show, in a summary way, what our society has accomplished in the improvement of penal institutions, and in the reformation and elevation of the criminal and degraded portion of humanity. This review will include a history of its organization, its doings, its opinions, its observations, its recommendations, and the results accomplished, so far as they can be spread out on paper.

ORGANIZATION OF THE PRISON ASSOCIATION.

The Prison Association owes its origin to the board of inspectors for the State prison at Sing Sing, which, in November, 1844, through its president, the Hon. John W. Edmonds, issued a card in the public papers, setting forth the necessity for such an organization. This card was accompanied by a call for a public meeting, signed by many leading citizens of New York, among whom may be mentioned the late Benjamin F. Butler, Theo. Frelinghuysen, William Kent, John Duer, Ogden Hoffman, Daniel Lord, James Harper, Archbishop Hughes, and the Rev. Drs. James Milnor, Jonathan Wainwright, and Orville Dewey.

The meeting thus called was held on the evening of December 6th, ensuing, Vice-Chancellor McCoun presiding. Judge Edmonds submitted the following resolution:

[Senate No. 21.]

Resolved, That it is expedient to form, in the city of New York, a Prison Association, and that a committee be appointed to report to this meeting a form of such association, and a nomination of suitable officers therefor.

In his address supporting the resolution, the judge presented a mass of interesting and instructive facts and statistics, gathered during his service as State prison inspector. He showed the almost insuperable difficulties encountered by discharged convicts in their efforts to obtain employment; the fearful alternative too often presented to them by society, to starve or steal; the strong and well nigh irresistible temptation thence arising, to continue a career of evil-doing; the abundant streams of crime continually issuing from poverty, ignorance, sudden temptation, parental neglect, evil associations, youthful inexperience, insanity and mental imbecility; the hardening and degrading influence of severity, and the softening, elevating, reformatory effect of kindness, in the treatment of prisoners; the necessity and good results of the classification of convicts; the importance of instruction as well in secular as religious knowledge; the hopeful nature of the work contemplated by the new organization; the practicability of the repression of crime by raising and reforming the fallen; and the need of a thorough reform in the principles and modes of prison discipline. The Rev. Wm. H. Channing seconded the resolution, and enforced it in a train of remarks similar to those of the mover, in which he showed that prisons ought to be made houses of reform rather than places of torment, and that society owes to criminals aid and support in their efforts to reform, since it is itself, by its neglect and injustice, in part, at least, responsible for their crimes.

The resolution was adopted and a committee appointed to draft a constitution and nominate officers.

Theodore Sedgewick, Esq., then moved the following resolution, which was carried unanimously:

Resolved, That it is proper that such society should have in view the condition and interest of persons arrested for crime and detained for trial, and after trial until their commitment to their final place of confinement, and particularly of juvenile offenders.

Prof. J. L. Tellkamp, then a citizen of the United States, but since Inspector-General of Prisons in Prussia, offered the following resolution:

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

Prof. Tellkamp supported his motion in a written address of much learning and power. He discussed at length the separate and silent methods of prison discipline, more commonly known at that time as the Philadelphia and Auburn systems. As between the two systems, he gave the preference to the latter; but at the same time he advocated a system made up of the two—a sort of eclectic method—as, upon the whole, superior to either. He animadverted upon the tendency of the Philadelphia system to produce mental imbecility and insanity, and upon the cruelties practised under the Auburn system. He was especially earnest in his opposition to the contract system of prison labor as both wrong in principle and injurious in its influence on the convicts, since it wholly overlooks their moral amelioration, and treats them simply as so much machinery to be employed in the production of wealth. He gave an interesting outline of a plan of prison discipline presented by himself to the Cabinet of Prussia and adopted by the government of that country, under which the houses of detention were to be constructed upon the separate plan; state lunatic asylums were to be erected for the treatment of insane convicts; and the penitentiaries were to be organized in three departments, forming three successive stages of imprisonment,—the first on the Philadelphia system, and the other two on the Auburn plan; the last stage, however, to be so conducted as to properly prepare the convict for his return to society. The cells of the convicts undergoing imprisonment in the first stage would be constructed on the separate plan; those for the prisoners in the second and third stages to be more spacious and airy than is common in penitentiaries on the congregate system. Every prisoner would have it in his power, by diligence and good behavior, to be advanced from the first to the second and from the second to the third stages. In the last two stages the convicts would be classified according to character and conduct, and would be continually advanced to higher degrees of liberty and privilege, in such a way that imprisonment would gradually and, as it were, imperceptibly, melt into freedom. Thus the hope of a constantly improved condition would encourage exertion, beget patience, promote industry, and act both as a stimulus and aid to moral amendment. Punishments would be mainly moral, consisting in degradation from a higher to a lower class or department, and such a character of flexibility would be impressed upon the discipline that it would be possible to avoid the gravest objections urged against both the separate and congregate systems, uniting the good and eliminating the bad features of each. We have here, in outline, developed, at the first meeting of the Prison Association, the germ of the Irish prison system, which has since become so famous, and is, by common con-

sent, regarded as the best ever devised by the wit of man. The plan thus sketched has certainly, however, according to the report of Baron von Holtzendorff, made to this Association and published in our twenty-third annual report, never been carried out, in detail, by the Prussian government.

Mr. Isaac T. Hopper submitted the following:

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

Resolved, That, in the formation of such a society, it would be proper to have a female department, to be especially regardful of the interests and welfare of prisoners of that sex.

In supporting his resolutions, Mr. Hopper, who, as a prison inspector in Philadelphia, had had large experience among convicts, related several highly interesting cases of reformation, the effect of kind words wisely spoken and kind acts judiciously done. He said that he had personally aided as many as fifty young culprits to regain their character and standing, and he had the satisfaction of being able to state that only two of them had turned out badly. He added, that he could not help mentioning a matter that had given him much pain. He often saw in the papers accounts of young people committed to prison for trifling offences, mere peccadilloes. By such committal their characters were blasted, and not unfrequently they became reckless and desperate. If those who prosecuted on such trivial occasion would, instead, make use of friendly reproof, counsel and encouragement, he felt confident that a large proportion of these delinquents might be saved to become useful and honored members of society.

After the passage of Mr. Hopper's resolution, "The Prison Association of New York" was organized by the adoption of a constitution and the election for officers of a president, four vice-presidents, a treasurer and a corresponding secretary, together with an executive committee. The executive committee, of which the officers were constituted *ex officio* members, was subdivided into four standing committees: a committee on finance, a committee on detentions, a committee on discharged convicts, and a committee on prison discipline.

OBJECTS OF THE ASSOCIATION.

The objects of the Association, as stated in the constitution, and more fully set forth in an appeal to the public by the executive committee, are three: I. A humane attention to persons arrested and held for examination or trial, including inquiry into the circum-

stances of their arrest and the crimes charged against them; securing to the destitute and friendless a full and impartial trial; and protection from the depredations of unprincipled and unfaithful persons, with whom they might come in contact; particularly, a class of professional sharpers, called in common parlance *shysters*. II. Encouragement and aid to discharged convicts in their efforts to reform and earn an honest living. This is to be effected by procuring situations for them, by providing tools to enable them to commence a little business for themselves, and by keeping up a friendly oversight and correspondence after they have been thus provided for. The great aim is, to induce as many as possible to "cease to do evil and learn to do well." It is intended—so the executive committee stated in their first appeal to the public for contributions, and it is as true now as it was then—that a strict scrutiny shall be had into the character and conduct of all while in prison, and as to those who afford no hopes of reformation, to report their names to the police, so that they may be closely watched, and thus be prevented from continuing their depredations upon the community. III. To study the question of prison discipline generally, including the government and conduct of State, county and city prisons; to obtain statistics of crime; to gather and disseminate general information on the subject of prison discipline; to evolve the true principles of the science; to impress a more reformatory character on our penitentiary system; and to correct and invigorate public opinion as regards this whole question of crime and its treatment. This is the most important of all the objects of the Association, since it aims at the reformation of prisons themselves. It goes to the root of the matter, builds from the foundation, and purifies the stream in the fountain. It is the salt of Elisha, that sweetens the head-waters, so that all bitterness, all noxious qualities, are removed from the issues.

FIRST YEAR'S WORK.

The first annual meeting of the Association was held in the Broadway Tabernacle, on the evening of December 5, 1845. It was an occasion of much interest. The Boston Prison Discipline Society and the Philadelphia Prison Society were present by their delegates, who presented interesting and valuable communications in behalf of the organizations which they represented. Addresses were made by several gentlemen, particularly one of great eloquence and vigor by the Hon. John Duer, in which he depicted, in vivid colors, the abuses prevalent in our prisons, especially in our city prisons, and pressed upon the com-

science of every man and every woman in the community, the duty of aiding in some way, either by personal effort or the contribution of money, or both, in the removal of those abuses, and the reform of the prisons. Warning in his subject, and rising to a rare strain of pathos and power, he exclaimed, in reference to our chief city prison: "The Tombs! an awful name; but how appropriate! how descriptive! how significant! The Tombs! where living men are buried, and by a refinement of cruelty, the living are chained to the dying and the dead, until the whole become one mass of moral putrefaction. The Tombs! whence those who were buried issue forth again, speaking and moving as men, and bearing the form of humanity; but with death—death spiritual and final—stamped on their visages and reigning in their souls. These are strong words, sir; but they are not stronger than the occasion demands; not stronger than the truth requires; not stronger, nor half so strong as the claims of that duty which our knowledge of the truth imposes."

The report of the first year's labors shows that the society had entered intelligently, industriously, and successfully upon its work. Mr. Isaac T. Hopper was appointed agent of the society, with the special design of acting as an aid to the detention and discharged convict committees. A female department was organized; a home for the reception of discharged female prisoners was established; and a matron appointed to take charge of it. After several years of associated labor, this department became a separate organization, under the name of "The Women's Prison Association and Home." Both before and since the separation, the ladies composing this association have worked bravely and effectively, under the animating power of faith and love, in a field of christian effort hard and unpromising in itself, which has yet, under their earnest and kindly culture, been made to yield much precious fruit. The whole number received into the home has exceeded 3,000, and the average daily number has been about thirty. One-sixth of those received have been found incorrigible, and have either left without permission, or been discharged as unworthy. Of the remaining five-sixths, the great majority have been placed in situations at service, concerning the greater part of whom satisfactory assurances of their reformation have been received. The expense of each inmate, including rent and salaries, has been less than \$100 per annum, one-fourth of which has been defrayed on an average by her own earnings. In a late report, the managers thus speak of the nature and scope of their work:

"Ours is no refuge for the idle; those who are found to be incorrigibly so are sent away. Ours is no hospital for the sick; those

who are incurably so are transferred to and cared for in other institutions. Ours is no shelter for the vicious; to them the air of industry and propriety of thought and action, which pervades all our chambers, becomes most repulsive, and either causes their speedy voluntary flight, or so brings to light their evil propensities that they are soon sent away. Ours is no almshouse for the mere physically infirm; for them other refuge is found. Ours is, emphatically, a Home for fallen woman, when the spirit of remorse has been awakened within her, and repentance begins to make its redeeming voice heard; when the green spot, which the Almighty Father has planted in every human heart, however degraded may have been its past, shows signs of a coming spring; and when, to the torn and contrite spirit encouragement and hope may profitably be spoken."

We now return from this digression, and resume our history, being still on the first year of the society's labors. The members of the detention committee, though pressed by the claims of private business, were zealous and active in the discharge of their duties in the cause of humanity. Their visits to the detention prisons of New York and Brooklyn were sufficiently frequent to give them a familiar acquaintance with their condition and working. They speak of them as a disgrace to the public authorities; as inflicting a grievous wrong on the community; as ill-constructed, ill-arranged, void of all proper system, costly in their maintenance, and baneful in their moral influence. They congratulate themselves, however, on having accomplished some good results in this field, particularly in the attention given to eighty boys who had been arrested for a violation of law, forty-eight of whom had been returned to their friends, and, as was hoped, saved from a career of crime and restored to the path of rectitude.

The discharged convict committee also labored assiduously, and with an encouraging success. The great object here was to prevent released prisoners from relapsing into crime, by securing them from the temptations of want, and affording them the means of earning an honest livelihood. Two hundred and twenty-nine discharged prisoners were aided by furnishing them, to a less or greater extent, with board, clothing, tools, etc., etc. Eighty-three were provided with situations, concerning seventy of whom the association had received reports from their employers of their continued good character; a proportion, the committee say, beyond what might have been expected, and showing that much good may be done even to the fallen, without any great expenditure of time or money. The committee insist that it is a sad mistake to suppose that all convicted criminals are hopelessly depraved. This

is so far from being the case that the greater part may, they believe, by encouragement and judicious aid, be won back to the ways of virtue, while the very same persons would, in all probability, by hardness and rigor, be again plunged into the abyss of crime.

The committee having charge of the department of prison discipline were particularly enjoined to visit and inspect the various penal institutions of the State. That they might be able to discharge this duty in a satisfactory manner, under instruction from the executive committee they applied to the Legislature for an act of incorporation, with power to examine both State and county prisons. The Assembly passed the necessary bill; but the Senate refused its assent, and the bill failed to become a law. Nevertheless, the committee, by courtesy, inspected not only the prisons of New York and Brooklyn, but also the State prison at Sing Sing and some six or eight county jails. They found defects of a grave and glaring character—filth, vermin, idleness, ill-ventilation, frequent change of officers, etc., etc.; together with a huddling together, in the same apartment, of prisoners of all grades and ages, and in some instances, of both sexes. They found the promiscuous association of the prisons to be for evil and evil only. They found the prisoners, including the man of gray hairs and the mere child, the murderer and the vagrant, the expert and the novice in crime, all herded together, and subjected to influences the most corrupting and ruinous. The Association, in this its first annual report, took ground distinctly in favor of solitary confinement in all detention prisons and county jails. They avowed the opinion that, whatever arguments might be used against the separate system for more protracted imprisonments, that system is obviously and decidedly preferable for short ones.

In regard to the two leading systems of prison discipline—the separate and the congregate—the Association declared itself not pledged to either, but disposed rather to favor a plan combined of both. It believed that thus a system might be devised, which would avoid the evils and secure the advantages of each. It still adheres to the same belief, and is happy to know that this principle is embodied and made fundamental in the Irish prison system, where it is rapidly uniting the suffrages of the enlightened and the humane throughout the civilized world. The congregate system had been too generally administered with harshness and rigor, and this evil had been considered inseparable from the system. It was this consideration mainly that created so strong a prejudice against the congregate system in the several commissions from European states, sent out by their respective governments to inspect the prisons of the United States.

The Prison Association, in their first annual report, took ground against the idea that the severity complained of was necessarily inherent in the congregate system, but maintained that it was due to the want of fitness and adequate qualification in the persons selected to administer it. In confirmation of this view, the Association referred to the Boston House of Correction, in which, during a period of twelve years, though more than seven thousand criminals had been received, not a blow had been struck, and yet the best of discipline had been maintained. It also referred to efforts, then recently and successfully made, to introduce a milder system of government into the prison at Sing Sing. Even in the male prison, where the reform had been by slow and timid steps, the number of lashes per month had been reduced, from three thousand to two hundred and fifty; and the prison was nevertheless better governed than it had been before. But in the female prison, where the change was made with bolder and more rapid strides, the greatest success was attained, and the highest encouragement afforded; for whereas previously the number of offences against prison rules had been at the rate of four hundred and fifty per annum, now the offences were reduced to forty; and yet the discipline was superior to what it had been previously. Where all had been disorder and turbulence before, all was order and quietness now. These results were secured by laying aside the harsher features of the congregate system, and replacing them by the milder discipline of the separate system.

Such was the work done, such the results achieved, and such the convictions attained, during the first year of the society's existence.

SECOND YEAR'S WORK.

The second anniversary of the Association was held on the evening of the 22d December, 1846, and was no less interesting than the first. Representatives were present from the Philadelphia and Boston prison societies, and letters were read from distinguished gentlemen both of our own country and Europe. Some of these communications present thoughts and suggestions so important, and withal so timely just now, that we do not hesitate to offer a few brief extracts. Dr. Julius, of Prussia, said: "You have again rescued your State from the unfeeling and harsh discipline of Captain Lynds, whose effects in Sing Sing and in Auburn, in former times, I was able to investigate myself, on my visit to your country. The same yoke was at that time imposed by Mr. Wiltse, and I am happy that you have so fully succeeded in introducing quite a different state of things, though the

immense size of both your State prisons will always remain an insurmountable barrier to a permanent improvement and to a reforming administration. I should think that separate prisons ought never to have more than 300 prisoners, and penitentiaries on the silent system perhaps a little more. This, I think, is the reason why Wethersfield has been well conducted, nearly without corporal punishment." The suggestion here regarding the size of prisons is one of vital importance, and well deserves the serious consideration of those who make our laws.

The following eloquent passage occurs in the letter of the Hon. Wm. H. Seward: "You ask me, gentlemen, to cheer and encourage you. Such encouragement can be derived only from the inflexible purpose of doing good amid much unavoidable misapprehension and reproach. For there is nothing immediately attractive to society in sympathy for offenders who have endangered its safety and disturbed its peace. Humanity to convicts is eminently conservative in its operation. But no man can invoke humanity for the convict without being suspected of a bad ambition; and no man can alleviate the punishment of the criminal without drawing upon himself the anger of those who derive personal satisfaction from the inflictions of social justice. Our holy religion makes no distinction among the prisoners whom it enjoins us to visit. Your experience has taught you that such ministrations bless those who render even more than those who receive them, and you are sure of ultimate vindication. An Oglethorpe, a Howard and a Clarkson have gained immortal names on earth by labors similar to yours; and Christianity is a fraud, if the charity which believeth all things, hopeth all things, endureth all things, and withal vaunteth not itself, cannot open the gate of heaven."

But by far the most important extract we offer is from the letter of Dr. S. G. Howe, of Boston, as follows: "The object of your Association is a high and noble one; I know of none more so. While others are hurrying on the vanguard in the great march of humanity, or toiling to keep the main body in continued progress, you are busy in the rear ranks, helping the feeble, comforting the helpless, and lending a helping hand to those who have been neglected or trodden down in the unequal pressures of society. May your success be equal to your merits, and your reward be found in the number of those who, through your means, shall be lifted from the hell of sensualism to the heaven of moral purity. If I read the signs of the times aright, a better day is dawning upon that unfortunate class of our fellow-men, who have hitherto furnished the material of the jail, the penitentiary

and the gallows. They have always had the sympathy and the aid of good men; but this has not been enough to bring about a reform in their treatment, which will soon be effected by an enlightened self-interest on the part of the public. This self-interest will soon be made active by the knowledge that the suffering classes—the wretchedly poor, the ignorant and the criminal—will make every other class in the community suffer with them. What God hath joined together, man cannot put asunder. All attempts to do this, to isolate the degraded classes, to save society from the contamination of their vices, must be ineffectual. No laws of moral quarantine can shut out vice, and penal colonies even cannot put it beyond the pale of humanity. When attention is once called to criminals and their treatment, it will be found that they have been nearly as much sinned against as sinning; that they are, for the most part, inheritors of a physical organization, which makes them the slaves of rampant animal appetites; that they have but little intellectual light, and less moral training; that they cannot help violating the lower laws of morality—those which guard property; and that they are then severely punished by that very society in which the higher laws of morality are almost universally violated with impunity. But you are not to undertake the reform of criminal legislation; much less, of those wider institutions which underlie the vices and crimes of society. Your work is with the discipline of prisons and its improvement. The doctrine of purely retributive justice is rapidly passing away, and with it will pass away, I hope, every kind of punishment that has not the reformation of the criminal in view. One of the first effects of this will be, I am sure, the decrease of the length of sentences, and the adoption of some means by which the duration and severity of the imprisonment may, in all cases, be modified by the conduct and character of the prisoner. What we want now—what no system that I know of offers—is the means for training the prisoner's moral sentiments and his powers of self-government by *actual exercise*. We may remove all temptation, and prevent him from exercising his evil propensities; we may even, by seclusion and low diet, subdue the cravings of the passions, and put them to sleep, like wild beasts in their lair; but unless we implant new and higher sentiments and give to them strength by exercise, those passions will become rampant again as soon as the prisoner goes out again into the world, and will make him their victim more speedily than before. If we keep a man from crime for twenty years by depriving him of the freedom of action, and if he resolve every day in the whole time to be virtuous, we have no assurance that he will not fall before the first temptation. It will be difficult

to contrive any system by which any considerable amount of self-government can be left to prisoners, without running the risk of their escape. Nevertheless, I do not think that it is impossible to do so; and I believe that there are many who might be so trained as to be left upon their *parole* during the last periods of their imprisonment, with safety, and with great advantage to themselves."

These are profound reflections, and show in the writer a depth and keenness of insight denied to the most of his cotemporaries. When these sentences were penned, the brilliant experiment of Machonochie in Norfolk Island had been completed, and that, no less brilliant, of Montesinos in Spain was approaching its conclusion. It is evident that Dr. Howe had no knowledge of those gentlemen or the remarkable results accomplished by them in prison discipline. Yet in his paper are embodied the great principles on which their experiments rested. Ten years later there was founded by Sir Walter Crofton, on these same principles, what has since been known as the Irish prison system, of which the paper of Dr. Howe seems almost a prophecy. In the intermediate prison at Lusk the prisoners are, to all intents and purposes, on their *parole*; yet in fifteen years not a half dozen attempts to escape have been made.

The report of the second year's labors of the Association is a document of much interest, showing that it had been no less industrious than in the preceding year in the prosecution of its appropriate objects, and that the success attained was no less conspicuous and cheering. The institutions examined were the three State prisons, the penitentiaries on Blackwell's Island and at Albany, the city prisons of New York and Brooklyn, and ten county jails.

In regard to the common jails, the report declared that, for all purposes other than security, the system was a failure; that safe-keeping was, in almost all of them, the sole end in view; that reformation was lost sight of; that moral corruption was the grand result attained; that, to a great extent, they were feeders to our penitentiaries and State prisons; and that, in short, so injurious was the then existing system of imprisonment, it was a question whether the interests of society would not be better served by its abandonment than by its continuance. The opinion was expressed that our jails could never be what an enlightened regard to the public weal demanded, until they afforded opportunities for reflection, instruction, the inculcation of religious principles, and the formation of industrious habits. The difficulty in the way of a system which would secure these conditions was stated to lie in the small number of prisoners in most of our jails. To meet this difficulty, the important suggestion was made that the State be divided into a proper number

of penal districts, each embracing several counties, and each to be the seat of a prison constructed on the most improved plan, in which should be effectively applied all the best agencies for reformation, classification, productive labor, sanitary appliances, and adequate instruction — industrial, secular, moral and religious.

The investigation into the state of the penitentiary on Blackwell's island revealed abuses and evils in the organization and management of that institution of a flagrant character. Among these were: A total want of ventilation; an extreme filthiness and slovenliness in the dress and persons of the prisoners; the packing of two hundred women into a workshop whose dimensions were 100 feet by 75 feet, with only the occasional presence of a matron, where ribald jests, obscene talk, and horrid oaths were the order of the day, the whole forming a seething mass of corrupt and corrupting humanity; a female hospital, with an average population of one hundred and fifty patients, nearly all prostitutes, constituting, in fact, the great general hospital of the city, where these wretched outcasts were cured at the expense of the public, which was thus made to pay an enormous tax for the support of licentiousness; the small number of prisoners required to work, the unproductiveness of their labor, and the loose business management of the prison, not a solitary article manufactured by the prisoners having been accounted for; an utter want of fitness for their duties of many of the officials, as shown in their intemperance, vulgarity, profaneness, violence and cruelty; the introduction of political tests into the appointment of officers and consequent subjection of the administration and discipline of the prison to the control of party politics; the flooding of the island at all times with a promiscuous company, through a system of indiscriminate permits to visit it, issued by various grades of city officials, whereby discipline was materially interfered with, and what was designed to be simply a penal institution was perverted to purposes of the grossest licentiousness; the supervision, in part, of the female prisoners by male keepers, one of whom had the entire charge of his gang, day and night, to the number of sixty; and, finally, the want of adequate provision for the secular, moral, religious and industrial instruction of the prison population. These and other abuses and deficiencies were set forth and animadverted upon with a just severity by the committee who conducted the investigation and prepared the report.

But the most comprehensive, thorough and satisfactory examinations, made during the year under review, were those of the three State prisons. The reign of cruelty had, for the time being, at least, in great measure passed away. At Sing Sing and Auburn, where

three years previously nearly one hundred stripes a day had been given, and the whipping post was never dry, weeks, and even months, now elapsed without a blow being struck. The inflicting of corporal punishment had become infrequent, and he was considered the best officer who permitted the longest time to pass without a resort to it. The committees which conducted these investigations complained that less than the one-hundredth part of the yearly outlay upon the prisons was directed to the moral and religious improvement of the prisoners. They censured, in strong terms, the plan of farming out the labor of the convicts—that is, the contract system—showing that it interfered materially with the discipline of the prisoners and the reformation of the prisoners, and had in it much that tended to restore and perpetuate the former iron rule.

A large number of persons in the detention prisons were relieved according to their several necessities. Of the discharged convicts, 506 received attention, of whom 205 were provided with permanent employment. Concerning far the greater part of these, encouraging accounts were received from their employers.

The application to the Legislature for a charter, whose failure was reported the preceding year, met with a better fate on its renewal this year. A charter was granted, imposing grave duties and conferring large powers. Among the duties imposed was that of "visiting, inspecting and examining all the prisons in the State, and reporting annually to the Legislature their state and condition, and all such other things concerning them as may enable the Legislature to perfect their government and discipline." Among the powers conferred were those of "establishing a workhouse in the county of New York," and of "examining on oath any of the officers of the prisons, and to converse with any of the prisoners therein, without the presence of the keepers or any of them." To enable them to carry into effect the first named of these powers, the Association presented a memorial to the common council, praying for a grant of money to that end. This application was renewed annually for several years, but without effect. No appropriation was ever made to the Association for this object. Nevertheless, in the year 1849, and no doubt as the result of the society's efforts, a workhouse was established on Blackwell's Island. This greatly desired object was accomplished by the tact and skill of Judge Edmonds, a member of the executive committee, but then acting in his official capacity as a civil magistrate.

1847 AND 1848.

The fourth annual report of the Association, covering the transactions of the years 1847 and 1848, shows a prosecution of its work

equally vigorous and successful as before. Although obstructions were interposed in reference to Sing Sing which prevented any examination of that institution, Auburn and Clinton prisons were carefully inspected. A great advance was reported in the humane character of the discipline. The officers, with few exceptions, were found to be intelligent, kind and capable; and, as a general thing, they were respected and esteemed by the convicts. The number of offences against discipline, and the amount and severity of punishments had very sensibly diminished. But one instance of barbarity was discovered at Auburn, showing a state of things in strong contrast with that of former years. Though no examination was permitted at Sing Sing, it was yet otherwise ascertained that, since the organization of the Prison Association, the number of monthly violations of prison rules had diminished from 115 to 66, and the number of lashes given per month from 1,121 to 38; while at the same time, the average prices of convict labor per day had increased from 31 cents to 45 cents; showing, very clearly, that kindness, by promoting a cheerful and contented spirit in the convicts, had, in equal ratio, augmented their productive industry.

The favorable influence of the Prison Association on the feelings, hopes, aims and purposes of the convicts in our State prisons, had been, according to this report, decided and conspicuous. It had shown them, that, though they were fallen and debased, there were still those in the community who cared for them, sympathized with them, and were willing to co-operate with them in their efforts to reform. This conviction carried with it at once a soothing and quickening influence upon convicts, tranquilizing their minds and stirring them up to resolutions and efforts looking to a reformation of life. A no less beneficial effect had been produced upon prison officers by the agency of the Association. They had been incited to greater diligence in the discharge of their official duties, and to a more humane treatment of the prisoners under their charge.

A service of great importance and value was, in 1847, rendered to the community by the Prison Association. During the previous year a new Constitution had been put in operation in the State of New York. As our prison system had been thereby materially changed, it became necessary to adapt the statute law to the requirements of the new organic law. The Association felt it to be a duty to propose such alterations in the law relating to this subject as the progress of civilization and the interest of the State demanded. A committee was accordingly appointed, consisting of John Duer, John W. Edmonds, Benjamin F. Butler, Rensselaer N. Havens and others, to consider and report what changes might be advantageously intro-

duced. The committee found the statutes relating to this subject scattered over a legislation of so many years that it was difficult, in many instances, to discover what the law really was. Under such circumstances, it was believed by the committee that they could render a more important service to the State, as well as more fully effect their own object in the advancement of the interests of humanity, by collecting, arranging and consolidating into one act the then existing laws, introducing, however, at the same time, such new enactments as they might judge necessary. This was truly a Herculean task; but under the double prompting of patriotism and philanthropy, the committee undertook and accomplished the labor. The Legislature enacted into a law the bill so framed; and thus did the Prison Association bring the State under an obligation of gratitude for essential aid rendered in the important work of improving its criminal jurisprudence.

It would extend beyond due limits the present historical survey to pursue the chronological method throughout the whole twenty-five years of the society's work, besides involving not a little repetition in the narrative. We therefore propose, in the further prosecution of our design, to group the subjects to be considered, and to offer a summary of the results attained in each department of labor thus passed in review.

DETAINED PRISONERS.

We have already stated that the Association seeks to impart needful counsels and aid to prisoners under detention. Cases are daily occurring in which direction and assistance are imperatively required, and where the lack of such friendly offices would result in much wrong and suffering to the persons arrested and to others dependent upon them. There are frequent instances of commitments on insufficient grounds, as the numerous discharges without trial and the numerous failures to convict on trial attest. Innocent persons, through malicious or mistaken testimony, are often committed for trial, and sometimes, on trial, are convicted and sentenced. Not a few complaints are preferred from passion, or prejudice, or under the promptings of revenge, or which are of too trivial a character to be entertained. Foreigners, ignorant of our language and laws, and without money or friends, are not unfrequently found in our houses of detention in a state bordering on despair. Children detected in petty pilfering—often their first offence—are thrown into the common receptacle of the city's felons, and subjected for weeks or even months to all its poisonous and polluting influences. Numbers of the arrested are the mere victims of circumstance or malice. They are found in evil company, it may

be unintentionally and by accident; or they are marked for sacrifice by some jealous or vindictive foe. The innocent are sometimes in danger of being condemned through inadvertence, or from mistaken testimony, or for want of the aid of honest lawyers; and even the guilty are made to suffer punishments which might be properly mitigated, if the circumstances in extenuation were reliably brought to the notice of the court; but this information, essential, it may be, to a righteous judgment, owing to the ignorance, the fears, the confusion, or the friendless situation of the accused, cannot be furnished without timely aid volunteered upon the spot. Cases of the kind just enumerated afford abundant occasion for the humane, discriminating and laborious diligence of the Association. Without its intelligent and kindly interposition, mistakes and abuses would multiply; and while the objects of them would be compelled to suffer without alleviation, the community itself would also be made to suffer from a corresponding increase of crime, consequent upon the education in villainy, afforded, and indeed almost necessitated, to numerous novices, by the associations of the prison house.

We would, however, pause, for a moment, at this point, to guard against a misapprehension and misinterpretation of our sympathy and care for persons under arrest. While much attention is given to the circumstances of detained prisoners, with a view to their protection against the arts of malicious prosecutors and dishonest lawyers, to the assertion of their rights while in confinement, to their discharge when improperly arrested, and to the procurement for them of a fair trial by calling to their aid competent and upright officers, the Association has ever been very far from any desire or endeavor to transform the criminal into an injured innocent, or to palliate his crime with the gloss of a morbid sentimentalism. We would not abate—we have never sought to abate—one titlle of the loathing which is felt for crime, nor would we shield the criminal from the just punishment of his unlawful deeds. It has ever been the aim of this Association, while extending a helping hand to the innocent, the unfortunate, the erring, the penitent and the reformed, to do nothing to impede the course of justice or to obstruct a righteous administration of the law. On the contrary, we have sought—and those who know us best will most readily attest our sincerity in this statement—to facilitate and promote such administration.

The following are the statistics in this department of our work for the quarter century just completed:

93,560 poor and friendless persons visited in the detention prisons of New York and Brooklyn, all of whom were counseled and assisted as their several cases seemed to require.

25,290 complaints carefully examined.

6,148 complaints withdrawn at our instance, as being of a trivial character, or founded on mistake, prejudice or passion.

7,922 persons discharged by the courts on our recommendation, who were either young in years, or innocent of the offences charged, or offenders under mitigating circumstances, or manifestly penitent and resolved to "sin no more." Giving a total of 133,922 cases in which relief of some kind has been offered in the detention department of our work.

We deem it proper, and indeed requisite, to offer a few cases as specimens of the nature and results of our labors in this department.

A youth in a hardware house yielded to the temptation of purloining penknives. He stole some thirty dollars' worth, just enough to send him to State prison. The senior partner was determined that he should be punished to the extent of the law. The junior partner remonstrated, on the ground that it was his first offence, and that by a more lenient course he might be saved. At first, the senior partner peremptorily rejected the suggestion, but at length yielded so far as to agree to call on the Prison Association for advice. The young man was seen by our agent, and the firm advised to give him another trial. They assented, and the result was most satisfactory. The young man ever afterward conducted with entire honesty, and now holds a responsible position in one of the first houses of New York, and is trusted to an unlimited extent.

A robbery had been committed. An industrious mechanic by the name of Patrick, who had been in State prison, was arrested on suspicion; not that there was an item of proof against him, but solely because he was an old jail-bird, and the robbery had been perpetrated in his immediate neighborhood. The agent of the Association knew him, and believed him to be a thoroughly reformed man. He said to him: "You were not concerned in this robbery, were you?" He replied: "No, indeed, I was not. God is my witness that I want to lead an honest life. But what good will that do me? Everybody will say, 'he has been in State prison,' and that is enough." The agent did not ask him twice, for he felt assured that the poor man had spoken the truth. When he was called up for examination, the agent appeared before the magistrate and said: "I am ready to affirm that I believe this man is innocent. It will be a serious injury to him to be taken from his business, until such time as this can be proved. I will be security for his appearance when called, and I know very well that he will not think of giving me the slip." The gratitude of the poor fellow was overwhelming. He sobbed until his strong frame shook. The real culprits were soon

after discovered. Patrick, till the day of his death, continued to lead a virtuous and useful life.

A woman was charged with burglary, in the city of Brooklyn. In the absence of the family she had entered a house, gathered up a large bundle of clothing, and removed it to a house in Williamsburgh, where it was found by a police officer. On her arrest she represented that this was her first offence, and begged to be forgiven. Our agent had grave doubts of the truth of her statement. On making inquiry into her character, his suspicions were confirmed. Having learned that a discharge was expected, he waited on the prosecuting attorney, and communicated the result of his inquiry. The consequence was that the woman, instead of getting off on the false pretence that it was her first offence, was sentenced for six months to the penitentiary.

A porter was indicted for grand larceny, stealing \$3,000 from his employers. The firm not wishing him punished with severity, on the advice of his counsel, he pleaded guilty to an *attempt* at grand larceny. The recorder requested our agent to investigate the case, and ascertain why the firm wished to show him so much mercy. After diligent inquiry the agent felt compelled to report that nothing of an extenuating character appeared in the case, and that the accused richly deserved a severe sentence. He was accordingly sent to Sing Sing.

Another case was that of a young English woman, arraigned on a charge of grand larceny. She had a trunk containing \$22 in money, two gold watches, and much valuable clothing. Her lawyer—one of the class known as *shysters*—had procured from the girl an assignment of this property, and an order on the property clerk for its delivery to him. Indeed, he was already in possession of the money and the watches, and only awaited the sentence of the girl, who had pleaded guilty to petit larceny, to secure possession of the trunk and clothing. Our agent insisted on a return of the watches, and warned him that the trunk would be taken at his peril, telling him plainly that if he went on in this way, he apprehended that he would ere long find his way to Sing Sing. A few days afterward he received a letter from the counsel, accompanied by the watches, and an order on the property clerk for the trunk and clothes.

A German woman, under false representations by the proprietor, had been brought one evening, as cook, to a low restaurant in West Broadway. Not liking the looks of the place, she refused to remain, and expressed a wish to leave immediately, but they would not let her go. Early the next morning she left the place, and later in the day called for her trunks. They were refused, till a claim of twelve

shillings for lodging should have been paid. She declined to meet this iniquitous demand, and applied to the Prison Association. Our agent addressed a line to the keeper of the restaurant, demanding the woman's trunks. They were refused. He then applied to the mayor, through whose aid they were recovered, without the payment of a dime.

A child nine years old had been charged with petit larceny, and on that charge committed by the court of special sessions to the house of refuge. The parents were distracted, knowing the child to be innocent. They applied to the Association. Our agent carefully collected and arranged all the facts in the case, and submitted them to the court. The court was convinced that it had acted on mistaken information, and the result was a prompt restoration of the little creature to the weeping father and mother. Boundless gratitude was expressed for our timely and successful interposition.

The foregoing cases are but specimens of the thousands of similar ones to which the attention of the Association has been given, more or less of which form a part of our daily experience. They reveal several phases of this department of our labors, exhibiting the Association as a shield to the innocent; an effective agency for reclaiming those just entering on a career of crime; a friend and helper of children, when falsely accused; a protection to the friendless and the feeble against the dishonest arts of professional and other sharpers; a sharp detector of old offenders; and a fearless agent in preventing their escape, through whatever false pretences, from the just punishment of their transgressions.

DISCHARGED CONVICTS.

The Association, as before stated, seeks to encourage and assist discharged convicts in their efforts to lead an upright life and earn an honest living. To this object our efforts are constantly and earnestly directed. Christianity makes no distinction in regard to the prisoners whom it enjoins upon us to visit, to care for, and to relieve. It is this pre-eminently humane and unselfish principle, which lies at the foundation of our society, and to which it seeks to give that broad and effective application, which was manifestly intended by Him who announced it as the law of His kingdom. Pitiable had been the condition and dismal the prospect of the discharged convict, compelled often to experience the blighting influence of despair. But a new era dawned upon the criminal with the formation of this society. It gave to convicts new hope and new incentives to virtue. They felt that they were no longer hunted like wild beasts, but cared for as rational beings. The consequence has been, that many have resolved so to conduct them-

selves while in prison as to merit assistance when they come out. And bravely has that resolution been kept in numerous instances. The Association can point to numbers of its beneficiaries who are doing well, and who enjoy the confidence of their employers and the respect of the community. When we consider what was the condition of these erring ones when they first claimed our assistance—broken in health, prostrated in mind, without friends, without solace, without hope even—and now see them industrious, respected and happy, it is a source of unalloyed gratification, and affords the strongest incentive to perseverance in our labors. These erring ones are members of the human family as well as we, possessing human sympathies and affections, as well as human passions and vices. They are our brethren; children of the same Father; heirs of the same immortality; candidates for the same heavenly inheritance; and—which is an infinitely higher consideration—the Redeemer of the world is equally willing to save them, as he is the more favored of their fellow creatures.

The statistics for twenty-five years in this department are as follows: 18,307 discharged prisoners aided with board, clothing, tools, railroad tickets or money; 4,139 persons of the same class provided with permanent situations; making a total of 22,446 persons aided in this branch of our work; or a grand total in the two departments of the detained and the discharged, of 156,368 cases, in which relief of some kind—moral, material, or both—has been extended to persons who have been arrested and imprisoned, justly or unjustly, on a charge of crime. It should also be mentioned, in this connection, that besides the relief given to the accused and convicted, aid, more or less extensive, has been afforded to thousands of persons connected with the families of prisoners. Particularly, for some years past it has been the custom of the executive committee to place a few hundred dollars in the hands of the general agent for the relief of such families, to be distributed on New Year's day. The character of this work will be best shown by a single sentence from one of the agent's reports. He says: "What a delightful employment I found it to alleviate the distresses of the poor, the very poor, the worthy poor, the Lord's poor; to minister to their pressing wants; to feed the hungry; to clothe the naked; to redeem bedding and warm clothing in midwinter from the clutches of the pawn-brokers; to pay the rent of those in danger of being put out of doors; and to enable the needy to procure the absolute necessities of life."

Having illustrated, by the narration of a few cases, the nature and utility of our work in the detention department, we think it not

unsuitable to introduce some illustrations of a similar kind in that of released prisoners.

A young man had been imprisoned at Sing Sing for an offence committed in a moment of sudden temptation. He had previously sustained a fair reputation, and was therefore not a criminal in the sense of being addicted to crime as a business. After his discharge he came to New York, and sought for work. Said he: "I have looked about for employment, but every door is closed against me. The moment I am known as a discharged convict, I am shut out of employment, and, it appears to me, out of the pale of human sympathy. I am ready to work; there is no kind of employment I would refuse; but the world appears in arms against me. O God! what shall I do? If Heaven had not passed sentence against self-murder, I would commit suicide; but this I dare not do. Christ has forgiven me, if man has not, and I must not offend him. But oh! I shall die; and if I do, it will be the death of a man who has starved in a land of plenty. But when I die, it shall be the death of an honest man." The anguish of this man, under his failure to get work, was intense. He was aided to start a little business for himself, in the management of which he was industrious and exemplary in all respects. He became a member and class-leader in the Methodist church; lived a consistent life; was prospered in business; purchased a home for his family; laid up a moderate competence; and died respected, honored and loved by all who knew him.

A poor, crushed, desolate man called at the office of the Association, and stated that he had been confined in State prison for five years. He had looked diligently for work, but, being a "State prison bird," could find none. He said he was willing to do any thing, and go anywhere to do it. He said imploringly: "Please give me employment, and I solemnly promise to disgrace neither myself nor the Association." A delicate hint was given him that his clothes were not quite suitable, and a looking-glass was placed in his hand. He stood aghast, almost petrified, and wept profusely. To an inquiry as to the cause of these painful emotions, he replied: "I have not seen myself in a looking-glass for the last five years. I remember well what I was then; but, oh! what am I now? A discharged convict, and every body knows me to be such." His appearance was indeed sadly against him. But words of encouragement were spoken to him; he was taken into an adjoining room, where he had a good wash; a decent shirt and suit of clothes were put on him, and a black sick handkerchief was tied about his neck. This kindness overwhelmed him, and he wept convulsively. After a half hour of friendly talk, hope beamed in his eye, and he fervently

thanked God that the Prison Association had proved to him an ark of safety. Remunerative work was obtained for him. Some months afterward, he called at the office, so improved in his appearance that he was not at first recognized. Among other grateful reminiscences, he said: "I shall never forget the day when that handkerchief was tied around my neck; nor shall I ever steal again, for I always carry that handkerchief with me." Nor has he. On the contrary, he became a deacon in a church, superintendent of a Sunday-school, exemplary in all his deportment, and active in every good work.

Another case, that of a middle aged woman, who had been often committed to prison. On one occasion, when our agent visited the penitentiary, she begged him to intercede for her that she might go out. "I am afraid you would come back again soon," he said. "Very likely; I expect to be brought back soon." "Then where will be the use of letting you out?" "I should like to go out; it would seem good to be free a little while, in the open air and the sunshine." "But if you enjoy liberty so much, why do you allow yourself to be brought back again?" "How can I help it? When I go out of prison, nobody will employ me. No respectable people will let me come into their houses. I must go to such friends as I have. If they steal or commit other offences, I shall be taken up with them. Whether I am guilty or not, is of no consequence; nobody will believe me innocent. They will all say, 'she is an old convict—send her back to prison—that is the best place for her.' O, yes, I expect to come back soon. There is no use in my trying to do better." The agent's feelings were touched to hear her speak thus, and he said: "Mary, if I could obtain steady employment for you, where you would be treated kindly and be paid for your services, would you really try to behave well?" Her countenance brightened and she eagerly replied: "Indeed I would." He procured her release, and succeeded in obtaining for her a place as head nurse in a hospital for the poor. She remained many years in that position, discharging its duties with such fidelity and acceptance as to gain the respect and confidence of all who knew her. Nor did she ever afterwards return to crime.

Whole volumes might be filled with the record of cases just like these. Of the four thousand and upwards of released prisoners—men and women—for whom permanent places have been procured by the Association, not five per cent, according to the best information that can be obtained, have fallen back into criminal practices; while, certainly, more than ninety per cent have been quietly reabsorbed into virtuous society, have become good citizens, and have pursued and are pursuing a career of useful industry as farmers,

mechanics, laborers, clerks, merchants, and a few even as members of the learned professions.

VISITATION OF PRISONS.

By its act of incorporation, it is made the duty of the Prison Association to "visit, inspect and examine all the prisons of the State, and annually to report to the Legislature their state and condition." There are in our State four State prisons—three male and one female; six penitentiaries (so called)—belonging to and managed by the counties in which they are severally situated, but most of them receiving prisoners from the counties adjacent, and one (that at Albany) constituting in effect a United States prison; sixty-eight county jails; and some twenty or more station houses; about one hundred in all. These have all been again and again visited; their condition and management thoroughly explored; and the facts elicited spread out in the fullest detail before the Legislature and the people. Probably not less than six hundred inspections have been made of the penal institutions of our own State, and at least a hundred of those of other States; and the reports in which the results of these numerous examinations have been embodied cover 5,349 printed pages.

The degree to which political influence pervades and controls all classes of our penal institutions, makes the administration of them fluctuating and uncertain, and renders anything like steady progress impossible. There are no settled principles of prison management, but the character of the discipline depends upon the character of the head for the time being, and unfortunately, "the time being" is, for the most part, exceedingly short, the successive administrations of our State prisons not much exceeding, on the average, two years. Nor is it merely the heads of the prisons that are changed, but ordinarily the entire staffs, within these brief periods. • This fact will account for the alternations of praise and blame meted out in our reports to the discipline maintained in the prisons at different times, since it fluctuates with the fluctuations of administration. Upon the whole, however, the management of the prisons—financial, industrial and moral—appears of late years to have been rapidly deteriorating, and abuses and corruption to have multiplied to an alarming degree, so deeply has the canker of change and consequent incompetency worked itself into the system. We propose to review and exhibit, at some length, the observations made, the facts elicited, and the conclusions reached, in the various and searching examinations instituted by this Association, within the past few years.

A CENTRAL AUTHORITY.

New York—and the same is true of all the other States—has no supreme central authority, clothed with a general power of control and direction over the entire penal and correctional system of the State. It is the conviction of this association, deeply felt and often expressed, as the result of its long and wide study of our prisons, that in any comprehensive reorganization of our prison system, the creation of such central authority will be found absolutely essential. At present the fundamental principle of all good government—a responsible head—is wanting in relation to our prisons; scores of separate boards, and hundreds if not thousands of individuals, including county boards of supervisors, having a voice in their management. This one fact is an ample explanation of the slow progress made in the general improvement of our prison system. The select committee of 1850, on prison discipline, in the British Parliament, took no wiser action than that of adopting a resolution, that "it is desirable that the Legislature should intrust increased power to some central authority," the design of such centralized power being to secure uniformity in prison construction and management. Without some such supreme authority, ready at all times for deliberation and action, there can be no homogeneous system of administration, no well directed experiments, no careful deductions, no established principles of prison discipline, nor any skillfully devised plans for carrying such principles into effect. But if the construction and management of all our prisons were intrusted to a central board or bureau, improvements of every kind could be readily introduced, and that, too, in the safest manner, by first trying the plan proposed on a small scale and under the best circumstances for insuring trustworthy results, and then, if successful, gradually, under the guidance of experience, extending the sphere of its operations. It is material to remark, though the observation would naturally occur to reflecting minds, that a supreme authority, like that proposed, would be quite compatible with local boards acting under its direction. But with or without local boards, a general board, properly constituted, could find little difficulty in the efficient superintendence of the whole system. We ardently hope yet to see all the departments of our preventive, correctional and punitive institutions—the industrial school, the juvenile reformatory, the jail for the adult, the local penitentiary, and the State prison—moulded into one harmonious whole; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same results, and placed under the same control, yet without the loss of

the advantages of voluntary aid and effort, wherever they may be attainable.

If it were necessary to fortify our position by authority, such support is at hand in the published opinions of some of the most intelligent and experienced of our prison officers — Mr. Haynes, of Massachusetts, Mr. Prentice, of Ohio, Mr. Rice, of Maine, Mr. Cordier, of Wisconsin, and Mr. Miller, of Missouri. These gentlemen have expressed themselves as decidedly favorable to the creation of central prison boards in our States, as likely to be productive of many and important reforms in prison discipline.

But experience is the best and most fruitful teacher; and this we have on our northern border. What the prison system of the new Canadian Dominion is, we are not informed; but under the late provincial government, a central prison board was created in 1859. Within the eight years of its existence, reforms of great breadth and importance were inaugurated. Many new jails were erected, and many others materially improved, on plans approved by the board; a uniform dietary was established, whereby the annual cost of rations was brought down from \$89.25 to \$32.85 *per capita*; carefully prepared registers were introduced into the jails, by means of which criminal statistics of great value were annually collected and published; and central prisons, intermediate between the provincial penitentiary and the common jails, in which a reformatory discipline could be introduced, either had been, or were about to be established, at convenient points throughout the province. Not a tithe of these valuable and gratifying results could have been secured, otherwise than through the existence and agency of this central board.

OUR COUNTY JAILS.

A popular preacher in Brooklyn said recently in a sermon: "Look at our jails. They are a disgrace to civilization. Some of them are fit to put wild beasts in, but most of them are not." The rhetoric is strong here, but there is a terrible basis of truth underlying it. There may be a half dozen of the sixty-eight jails in the State (though we could scarcely name so many) properly constructed to meet the exigencies of the existing system; but, in general, they are as faulty in construction and arrangement as they well can be—dark, damp, cramped, ill-ventilated and gloomy in the extreme. It would seem to have been a study with those who built them to shut out all the light and air they could, and to make them as comfortless as possible. The thought does not appear to have ever occurred to them that what they thus sought to exclude, was not only essential to the health of the prisoners, but might be made to contribute to their

moral improvement as well. Quite a number of our jails are in the basements of court-houses, and almost wholly under ground. The jail of Orange county, at Newburgh, for instance, in which thirty prisoners are often confined at a time, is in a cellar entirely beneath the surface, and so damp that a fire has to be made in it 365 days in the year. Of course it is extremely unhealthy, often either developing the seeds of consumption when latent in the system, or implanting them where they had no existence before. The jail of Warren county is also almost wholly under ground, and few prisoners are confined there for any considerable time without becoming either rheumatic or consumptive. There are other jails in the State scarcely less unhealthy than the two just named, and from the same cause.

We propose to offer a condensed view of the condition of our common jails, and the leading facts connected with their management, as they have come to our knowledge through repeated visitations.

Overcrowding is a sore evil in our jails. In many the accommodations are not more than half, in some less than half, what they ought to be, considering the number of prisoners confined in them. We have seen seventeen women confined in a room of the Albany jail sixteen feet by fourteen, with the thermometer at over ninety. The same night, when they went to bed, they must have covered the whole floor, so as almost to touch each other. In the same prison the cells for the men are eight by four by seven feet, affording therefore only two hundred and twenty-four cubic feet of air; yet not unfrequently three prisoners are locked up together in the same cell, during the whole night and for a considerable part of the day. In the jail of Warren county, mentioned above, there are three cells, each twelve feet by six. Five or six prisoners are sometimes crowded into every one of them.

From this defect results another—that of an *inconvenient, unsatisfactory and demoralizing internal arrangement of the jails*. No classification, of any value, is or can be attempted. The drunk and the sober are, in some instances, separated into two groups; but even this is not in most cases possible. Everywhere the young and the old, the innocent and the guilty, the novice and the expert, the transgressor who has fallen but once, and the hardened offender who has committed his score of felonies, are thrown together in a common apartment, where they have nothing to do the live-long day but to recount old deeds of villany, or concoct schemes for the commission of new ones. Here the young, the inexperienced, those who have taken but few and trembling steps in the way of transgression, and even the wholly innocent and uncontaminated, have their passions excited and their imagination inflamed by impure or thrilling recit-

tals, and are quickly and surely initiated into all the arts and mysteries of crime. Does it require the gift of prophecy to foretell the future of the inexperienced and young offender, who has been subjected for weeks and even months to influences such as these? They are as sure to become criminals as they are to grow older, unless a miracle of grace supervene to prevent it. The result is—as our reports have over and over declared—to make our jails nurseries of crime instead of schools of reformation. What horror would seize the people of this State, if any one should propose to open in every county a school to train our youth in vice and make them adepts in crime! Yet just such schools are the greater part, if not all, of our common jails. They are better adapted, and their tendency in point of fact is, rather to *make* criminals than to *reform* or even to *punish* them.

The examinations of jails made by this Association, have revealed the fact of the *want of a proper separation of the sexes therein*. It is not meant by this statement that men and women are actually confined in the same apartment (though even this has been reported as to some jails; but in more than half the jails in the State, the sexes are in such relative positions as to be able to converse together with the greatest ease; and in many they can see each other through grated doors, or through a hole for passing food, or open-work iron floors, the women being over the men. In one jail the turnkey was found sleeping in the corridor, with only a wooden grating between him and the female prisoners, with his bed not six feet from theirs, with a light burning in the prison, and with the key of their apartment in his pocket. This facility for conversation between the sexes, is most corrupting and pernicious. The jail keepers have spoken of it as a monster evil; in several of the counties it has been presented by the grand juries; this Association has denounced it again and again as an influence not to be tolerated; but thus far to little or no purpose.

The Association has found an *utter want of uniformity in the method of keeping the records of the jails*. Nothing can exceed the looseness, meagreness, and lack of system, with which the statistics of the jails, with a few honorable exceptions, are kept, when kept at all. A few years ago the Association was instrumental in getting an act passed by the Legislature prescribing a form of register, requiring every county to be provided therewith, to keep its records in duplicate, to retain one copy in a strongly bound book, and to send the other in sheets at specified periods to the proper officer. The execution of the law was committed to the Secretary of State, and not, as had been asked, to the Prison Association. The next year,

on the plea that "the act relating to jail returns had given him infinite trouble," he procured its repeal; since which time chaos has come back to the jail records, there being now, as aforesaid, no uniformity but a uniform irregularity.

Nowhere, in our numerous inspections of county prisons, *have we found the inmates provided with regular employment*. In most of the jails the prisoners scrub, whitewash, saw wood for the use of the prison, assist at housework, and perform other little services; but in none of them is any branch of productive labor pursued. This is a sore evil, because, first, "an idle brain is the devil's workshop," and because, secondly, the labor of the inmates might be made to contribute materially to their support.

Our inspections of jails have not shown, anywhere, *the existence of much that could be called discipline*. Their keepers, as a general rule, are quite satisfied that they have done their duty, if they keep safely the bodies of the prisoners committed to their custody. When prisoners are noisy or quarrelsome, they are locked in their cells, or chained to the floor, or handcuffed, or shut up in a dungeon. Good advice, moral suasion, is resorted to by some jailers; but this agency is not extensively used. But little punishment is inflicted; very little indeed is required. What necessity can there be for disciplinary measures where the whole multitude are tumbled together and permitted to gossip and amuse themselves pretty much as they please? We do not blame the officers for this. They cannot help it. It is the system that is in fault; and it is they who framed and continue the system, who are responsible for its evils.

Another essential defect of the jails of the State which our committees have exposed, is *a total lack of the means of secular education*. A little, a very little, is done in some of them by the keepers and their families in this direction; but it is as irregular as it is limited. There is not a library in a single common jail in the State. In some of them not a solitary book is found—not even a Bible, hymn book, tract or scrap of printed matter of any kind. This is a lack which cannot fail to bear bitter fruit. For its own sake at least, if not for the sake of the men and women immured within the jails, society should see that the prisoners are supplied with suitable reading matter; and this especially, as the weary hours are beguiled by no manual employments.

A still more important lack brought to light by our committees of inspection is *that of religious instruction*. The law provides that there shall be a Bible in every cell. In a few cases this provision is complied with to the letter. In perhaps rather more than a moiety of the jails, one or more Bibles are found; in very many there is not

a single copy. Two or three counties employ a chaplain for their jails at a slight remuneration; in three or four more, gratuitous preaching is pretty constantly had from volunteer clergymen. All the others are *without stated preaching*, though in a few of them an occasional sermon is heard. The total annual cost of the common jails of the State is not less than a quarter of a million; but of this large sum not \$500 are expended with any view to meeting the religious wants of the prisoners. And for the improvement of their mental condition, which, in the case of numbers, is one of darkness and degradation, not a dollar is laid out. Not a book is bought, not a lesson given, not an effort of any sort made to pierce the dense folds of ignorance, and let a modicum of light into the darkened chambers of the soul.

Our inspections have revealed, and our reports repeatedly announced, that the *dietaries of the jails, as a general rule, are abundant and good*. There are exceptions to this, but they are not numerous. But the style of serving the meals is quite commonly repulsive, and tends to coarseness rather than refinement. The mode of providing the rations is objectionable. The plan is for boards of supervisors to allow a certain weekly sum *per capita*, the sheriff supplying the rations at his own discretion. The Association has more than once expressed its strong dislike to this method of furnishing supplies to the prisoners. "Such a trade," in the words of the Philadelphia Prison Society, "seems abhorrent to the best feelings of humanity." Let proper supplies be provided, and let the county pay the costs—nothing more. This would take away all temptation to reduce either the quality or quantity of the food with a view to profit. Such is the method pursued by the Commissioners of Public Charities and Correction in supplying the City Prison of New York (the Tombs) with rations, and the consequence is, that the cost in that institution is less than one-fourth the average outlay for the same purpose in the county jails. The price allowed to the sheriffs for the board of prisoners varies in the different counties from two dollars to six dollars per week, the latter being almost at hotel rates in the country.

The sheriffs of the several counties are, *ex officio*, keepers of the county jails; an arrangement which this Association has, at different times, vigorously combated, and for the following reasons: First, sheriffs are not selected with the slightest reference to their qualifications as jailers. Secondly, the duties for whose performance they are chosen necessarily call them away a good deal from the jails and the care of the prisoners. But thirdly, the controlling objection to the system is, that the office of sheriff is not permanent, whereas

that of jail-keeper ought to be. No otherwise than as the effect of permanent official tenure can a prison officer, and especially the head of a prison, acquire that experience, tact and efficiency, which will render him truly successful in the discharge of his duties. We have therefore urged that there should be a separation of the office of sheriff from that of jailer, and that the latter position should be made permanent.

The Association has found and reported the *sanitary condition of the jails in general not such as could be desired*. Indeed, in the construction of many of them, all the known principles of hygiene and physical wellbeing seem to have been systematically set at naught: the ventilation imperfect, the sunlight not admitted in sufficient quantity, the cells close, the air always foul and often damp, the odor offensive, and so on to the end of the chapter. Very great diversity obtains in regard to the cleanliness of the jails. Some are scrubbed two or three times a week; others scarcely once a month. In some, the cells are whitewashed monthly, or even fortnightly; in others, the whitewash brush seems almost unknown. In some, the prisoners are not allowed to spit upon the floors; in others, the floors are disgustingly filthy. In some, the bed blankets (sheets being furnished in but few) are washed every two or three weeks; in others, scarcely more than two or three times a year. In some, the prisoners' under-clothing is washed weekly by the jailer; in others, they do their own washing or get it done out. In some, the inmates are required to wash hands and face daily; in others, this is left to their option. In some, soap, combs and towels are provided; in others, not. But in one particular, a uniformity as absolute as it is remarkable prevails; in none of the jails is a bath-room found, or any means of washing the entire person, other than a tub or bucket.

Most of our jails have been found unsafe as regards the retention of prisoners, and have been so represented in the reports of the Association. A few may be pronounced fairly secure, so far as walls and bolts can accomplish this result. But the catalogue of such is not long; they might be counted on the fingers. In general, they are any thing but secure. Most of them could be sawed, or dug, or otherwise broken through in a few hours, by any expert rogue. The safe-keeping of their inmates, therefore, so far as it is attained, is a result due to the care and vigilance of the officers, and not to the prisons themselves.

But the Prison Association has not only ascertained and pointed out the defects of our common jail system, it has also spread before the Legislature and the public its views concerning the modifications essential to an effective reform. We here briefly recapitulate the points made by the Association:

1. Prisoners in our jails must not be made worse by a residence in them, but if possible, better. Persons under arrest and awaiting trial are precisely those for whom well constructed and well governed prisons are most needed. Such are often innocent, and are so proved on their trial. Is it right to let them find in the prison a corruption which they did not bring to it? But even if guilty, why place them in a prison where they will be likely to be still further corrupted?

2. County jails should be made simply houses of detention. Their punitive character should be abrogated, and a class of prisons, occupying a middle ground between the State prison and the common jail, established for the treatment of persons convicted of minor offences. Detention for trial, and punishment on conviction, are essentially different processes, and the "fitness of things" requires in each a special method, in harmony with its nature and adapted to the end in view. There is between the convicted and the accused the vast difference which separates judicial certainty from simple suspicion. Hence the association of these two classes in prison is not only an impropriety and a wrong, but a procedure contrary to morals, to justice, to the public security, to humanity, which no christian nation should permit, and which the criminal law ought, at whatever cost, to prohibit. Even the Roman law recognized the distinction between the house of detention, which it called *carcer*, and the prison, which it called *vincula publica*; and expressly declared that the *carcer* "should be regarded as a place for *detaining* men, not for *punishing* them."

3. Separate imprisonment should be enforced in all common jails. If association is the seminal evil of our jail system, the remedy must be in individual imprisonment. The Prison Association held this view from the start, and has maintained it throughout. The reason on which this view rests is not far to seek. Persons under the arrest of justice, charged with different offences, almost always differ also in age, character and moral condition. Suppose ten, twenty, fifty such, confined in the same prison; some of them will be wholly innocent, others guilty of some slight misdemeanor, and others still, utterly blasted and gangrened by a long course of crime. Is it not a supreme injustice to compel a contact of the former with the latter — to force upon the upright man, unjustly prosecuted, the contiguity, morally and physically corrupting, of all those gross and foul natures, who are awaiting their legitimate punishments? It is deplorable that a question like this, resolved nearly half a century ago by the concurrence of the most eminent publicists, has still to be asked, and still awaits a practical answer, in New York.

4. Provision should be made for imparting religious instruction to all, and secular instruction to such as need it.

5. The reform which would crown and give effect to all the others is some central authority, having a general oversight and control of the whole penal and correctional system of the State. Without this, though there may be improvement in isolated localities, there can be little general advance in prison discipline. Something may be effected here and there by spasmodic effort, but there can be no combined, comprehensive, systematic agencies at work throughout the whole field, accomplishing reforms, commensurate with its territorial limits, and adequate to the demands of an enlightened statesmanship and a progressive civilization.

OUR STATE PRISONS.

It is of our State Prisons that the most frequent and exhaustive examinations have been made by the Association. These indeed have commonly been annual, with the exception of an interval of a few years, during which a controversy existed between the Inspectors and the Association touching the authority of the latter to visit and inspect the prisons under their care. Our examinations have often been by sworn testimony, which the Association is empowered to take at all times from the officers and employes of the prisons; but on several occasions it has been specially authorized by the Legislature to put other parties on oath, and receive their depositions. Our inquiries have covered a wide range of topics, but have been directed with special care to the following points: The influence of politics on prison administration; the contract system of labor and its results; the financial management of the prisons; and the reformatory agencies employed in them. We submit a summary of the results of our observations and inquiries touching the subjects named.

1. *Political influence.*—The Constitution provides that there shall be a board of three State prison inspectors, and that these shall have the appointment of all the officers of the prisons and the general superintendence thereof. They are elected by popular suffrage, and are so classified that one goes out of office every year.

The political influence, which is the bane and blight of our prison system, grows out of the fact that the whole management of our penal institutions is in this way made the foot-ball of party. The inspectors are selected on account of party services and with a view to party interests, rather than out of any regard to their fitness for the position. Whenever the majority of the board is changed from one political party to another, it is the practice to remove nearly all the officers and to fill the vacancies with others who, in most cases,

have no experience in prison management. The subordinate officers are often appointed without ever having been seen by the inspectors, and on the mere recommendation of politicians. Nor is this all. Even when the political character of the board is not changed, the new inspector demands his share of the offices as a means of rewarding those to whom he is indebted for his place. Existing officers must be removed to make vacancies, and the usual course is to remove those who have been the longest in the prison and have valuable experience, and to put in men who are untried, and often wholly unfit for the duties required of them.

The natural effect of this system on the discipline of the prisons is to unsettle and almost destroy it, keeping our penal institutions in a state of constant excitement, confusion and turmoil. The shortness and uncertainty of official tenure prevent the best men from applying for office, and even from accepting it when it is offered to them. It cannot be expected that men of character will submit themselves to the hazards involved in official position under such circumstances. The consequence is, that many very unfit men are appointed, whose influence on the convicts is deleterious in the extreme. Even when the men selected are of average intelligence and respectable in character, the frequent and arbitrary changes have a bad effect upon discipline. Many of the prisoners are intelligent and shrewd. They study the new keeper's character closely and with sharp discrimination. They quickly discover his weak points, and one way or another obtain a controlling influence over him; sometimes by flattering his vanity; sometimes by stealing from contractors, and making presents to him of the objects of the larceny; and, again, by buying articles of him at extravagant rates. The low character of many of the officers causes them readily to yield to solicitations presented in so attractive a form.

2. *The contract system of labor, and its effects.* It consists in letting the labor of the convicts to certain parties called contractors, who hire it for a stipulated period, at so much per day for each man. The essential points covered by the investigations of the Prison Association on this subject are: The effect of the system on the financial interests of the State, the discipline of the prisons, and the reformation of the convicts.

There can be no doubt, from the testimony of numerous witnesses, every way qualified to form a correct judgment, that the pecuniary interests of the State suffer materially from the contract system. The rates paid by contractors for the labor of convicts is not, on the average, more than one-third of what is paid for the same kinds of labor outside, while the convict laborers do about three-fourths as

much work as the same number of citizen laborers would accomplish. But, besides getting the labor of the prisoners at these cheap rates, the contractors are furnished with all necessary shop and yard room rent free; a franchise worth, not unfrequently, hundreds or even thousands of dollars per annum. It appears, then, that prison contractors obtain the labor of three convicts where they would get that of one citizen, and yet that each convict performs, on the average, three-fourths as much work as a citizen laborer. Putting these elements together, the case stands thus: The labor of twelve convicts will cost no more per day than that of four citizens; yet the convicts will do nine days' work, while the citizens will do but four. Thus every dollar paid for convict labor will produce as much as two dollars and an eighth expended on citizen labor. Is it possible that the State can be other than a loser by a system which sells the labor of its convicts at such an immense sacrifice—less in fact than half its value? The profits made by contractors out of convict labor are very large. Mr. Haynes, of the Massachusetts State prison, in his evidence before a committee of the Prison Association, testified: "Our contractors have always become wealthy, if they have retained their contracts for any length of time." But we need not go out of our own State for proof on this point. In 1863, a contract was let at Auburn prison for five years. At the expiration of the second year, the unexpired portion of the contract was sold to another party for \$30,000. It cannot be supposed that the profits of the first two years were much, if any, less than \$20,000.

Thus a handsome fortune must have been realized from a single contract in the brief space of two years. But could the State realize equal profits with individuals? No doubt of it, provided the office of the head of the prison were made permanent, and the incumbent was a man of integrity and competent business talent. A committee of this association, in 1866, took the parole evidence of Amos Pillsbury, of the Albany Penitentiary, and G. E. Hubbell and D. L. Seymour, ex-wardens of Sing Sing, who concurred in this opinion decidedly. Written opinions to the same effect were received from Mr. Rice, of Maine, Mr. Brockway, of Michigan, Mr. Miller, of Missouri, and Mr. Cordier, of Wisconsin; all of them prison officers of intelligence and experience.

But we have the testimony of fact, as well as the opinion of experts. For many years Gen. Pillsbury had charge of the Connecticut State prison; during a part of which time he managed the labor of the prisoners himself, and a part it was let to contractors. We have his testimony that the first named of these methods was the most successful financially.

The average earnings of the convicts engaged in industrial labor in the Wisconsin State prison, in 1864, under State management, were \$1.36 a day, which was fully thrice the per diem of our New York convicts let to contractors the same year.

In Maine, where the industries of the State prison are managed by the warden, Mr. Rice, the convicts do even better than this, many of them netting the State two dollars a day. Under the contract system the prison went behind-hand from ten to fifteen thousand annually. Under Mr. Rice's administration, with an average of prisoners hardly amounting to a hundred, there has usually been a surplus of several thousand dollars.

In some States the practice has existed of leasing the prison at a stipulated annual bonus, or on the principle of dividing the profits equally between the lessee and the State. In Kentucky, both principles have obtained at different times; and under both, successive lessees have retired with large fortunes. Mr. Thomas S. Theobald managed the prison for ten years on the principle of dividing the profits. During that period, with an average of prisoners not exceeding one hundred and fifty, the clear profits amounted to \$200,000; and every dollar of the State's share—\$100,000—was paid into the public treasury; the lessee himself retiring with an equal sum.

Another effect of the contract system is to impair the discipline of the prisons. First, it places for the entire working day, all the prisoners contracted for, to a great extent, under the control of men with no official responsibility; men independent, to a great degree, of the prison authorities; men who see in the convicts only so much machinery for making money; men whose only recommendation to the positions they hold in the prisons is the fact that they proved the highest bidders for the human beings offered for hire. Secondly, it introduces among the convicts, as superintendents of their labor, strangers who are employed as agents, clerks, foremen, and, in some instances, even as simple laborers, men utterly irresponsible; men selected with little regard to their moral character and often without morals; men who do not hesitate to smuggle liquor and other contraband articles into the prisons and sell them to the convicts at 100, 200, 300 per cent above their market value. Thirdly, it sets up in the prisons "a power behind the throne, greater than the throne," a power which, by the almost unanimous testimony of present and former prison officers, is well nigh omnipotent; a power which coaxes, bribes or threatens in pursuit of its selfish ends; a power which makes and unmakes officers, inspires or remits punishments through officers whom it has bent to its will, and even stoops to devices to get the poor prisoner who has incurred its wrath into straits and difficulties,

that its revenge may gloat over his punishment. The result of all is, that more than half of all the irritation, discontent, insubordination and punishment in our State prisons is due, directly or indirectly, to the baneful influence of this system.

A third effect of the contract system is, to obstruct and render nugatory all influences and agencies looking or tending to the reform of the prisoners. In former times, the moral amendment of criminals was regarded as an impossibility. Thrust away from public view, they were abandoned as irreclaimable to the mercy of men often more wicked than themselves. Happily, this hard, cold, cruel doctrine has been exploded. Experience has shown the possibility of reformation even within the walls of a prison, and has brought thinking men to the conviction that the proper object of prison discipline is to cure the bad habits of criminals, and make them honest, industrious, useful members of society. But reformation does not follow as a matter of course upon imprisonment. It can be effected only through a system of agencies wisely planned and patiently carried out. The chief of these are religion, education and industrial training. The successful application of these agencies is a work in which time, and no small amount of it, is an essential element. It is at this point that the contract system impinges, with a crushing force, upon the great work; and too often the collision proves fatal to it. Contractors, as such, have no interest in the reformation of prisoners. Their interest and the interest of reformation not only do not run in parallel lines, but are repellent and antagonistic. Let any change be suggested with a view to giving more time to the mental, moral and industrial improvement of the prisoners; such a suggestion is sure to be met with the objection: "The contractors would not agree to such an abridgment of the convicts' labor." Thus does this system of convict labor, by an instinct of its very nature, oppose itself to all those vital forces of reformation, by which, if at all, the inmates of our prisons must be redeemed, regenerated and re-absorbed into the mass of upright and honorable citizens.

3. *The financial management of our prisons.* The Prison Association has given much time and thought to this question, and the results of its investigations have been, from year to year, spread before the Legislature and the people in its annual reports. Our State prisons ought to be self-supporting. If managed by competent and upright men, they would be; but they fall short of this by tens and even hundreds of thousands of dollars a year.

The contract system has much to answer for in this respect. We have already, in part, but only in part, shown the prejudicial effect of this system financially. Direct losses to the State have been

shown in our reports to occur, through it, not only from the low rate of wages paid by contractors, but also from reclamations, on their part, for real or imaginary claims for damages; from bad debts and cancellation of contracts; from the corruption of keepers; from overwork, as at present managed; and from sales to the State, at exorbitant rates, of the property or rights of contractors under their contract. It would swell this review beyond due limits to reproduce, at any great length, the facts, under these heads, with which our reports have been burdened in past years. Let a few instances suffice for illustration. Alfred Walker made a contract, March 1, 1867, for working the marble quarry at Sing Sing prison. It called for 100 men, and was to continue five years. This contract was owned in June, 1868, in equal shares, by himself and William Sands. At that time he bought the interest of Sands in the property and contract for \$11,500. It thus appears that the estimate put by the contractors upon the whole concern was \$23,000. The State had become dissatisfied with this contract, and had authorized the inspectors to buy it back. Did they purchase it at \$23,000, or even at a fair advance to Walker on that sum? Not at all. Within one month from the date of Walker's purchase from Sands, he resold to the inspectors the property and franchises of the contract at \$125,000! What was this less than public robbery to the tune of \$102,000? The Prison Association made an earnest attempt to find out who shared in the plunder, but they have to acknowledge that they were baffled in the attempt.

The valuable water power at the Auburn prison was, some years ago, granted to certain contractors. It was not sold to them along with the labor of the convicts, but was just thrown in gratuitously. These men afterwards, on the ground of a deficient supply of water at times, claimed damages from the State in the sum of \$200,000. The Legislature authorized the inspectors to settle the claim in their discretion, which they did by allowing the contractors \$125,000. This was another robbery, to the full amount thus allowed. There are other similar cases not a few, though fortunately not of such colossal proportions; for if they had been, all the revenues of the State would scarcely have met the expenses of the prisons.

But the subjection of the prisons to political influence has a relation to their finances, as the Association has discovered, no less real and hardly less disastrous than the contract system. This influence is mainly felt in the effect produced upon the inspectors themselves. They naturally regard their position as a prize gained in an exciting political contest, instead of considering it as a sacred trust to be administered solely in the public interest. To them, the appoint-

ment of warden and keepers is a source of political power, if not of direct pecuniary gain, rather than the means of promoting the interest of the prisons and prisoners. The financial returns to the State are thus made secondary to the advantages which will accrue to themselves. Doubtless not all inspectors are governed by such considerations; but the tendency of the system is strongly in this direction, and the results pointed out do often, and indeed, constantly occur. The influence thus operating on the inspectors is communicated to all the officers, through the *uncertainty of official tenure*; and there is much reason to fear that the temptation thus held out to spoliate upon the public proves, in numerous instances, too strong for resistance. It is difficult to assign the limits to which the State in this way, year by year, suffers loss either through the incompetency or the venality of its prison officers.

4. *The reformatory agencies of the prisons.*—The investigations of the Association on this head have revealed a state of things by no means creditable to our prison administration. Dr. Bates, after serving six years as inspector, testified in 1868: "I think there are some reformations in prison, but the number is small. Very many, especially the younger prisoners, go out worse than they come in." Mr. Augsbury, an ex-warden of Auburn, said: "As reformatories, our prisons are a failure. Men are there educated in crime." Mr. Williams, who was for several years a contractor in Clinton prison, swore: "The reformation of the convicts does not appear to me to enter into the thought of the authorities." To the same effect was the testimony of the physician, principal keeper, clerk and schoolmaster of Auburn prison; the chaplain and the principal keeper of Clinton; and the chaplain and principal keeper of Sing Sing. The active agencies employed with a view to the moral and mental improvement of the prisoners are: one religious service in each prison on the Sabbath; Sunday schools; a Bible in each cell; private counsels from the chaplains; the merest modicum of secular instruction; and the use of the prison libraries. Beyond this, no effort, no contrivance, no anxiety, no zeal, no thought even appears to be expended by the authorities to this end.

COUNTY PENITENTIARIES.

There are ^{eight} ~~eight~~ penal institutions in the State which have received the name of penitentiaries. They are situated in the counties of New York, Kings, Albany, Onondaga, Monroe and Erie. The penitentiary in the county of New York is on Blackwell's Island, and is managed by the Commissioners of Public Charities and Correction. The others are under county control and management. The peni-

tentaries in the counties of Albany, Erie, Monroe and Onondaga are, in effect, though not in name, district prisons, each receiving prisoners from the counties adjacent thereto, by special agreement with their several boards of supervisors. The Association, by its committees, has often inspected these institutions, and has not hesitated to characterize them as, in general, the best managed of our penal institutions, owing to the comparative freedom of some, and the absolute freedom of others, from the blighting control of party politics.

ADMINISTRATION OF CRIMINAL JUSTICE.

The Prison Association has not confined its inquiries to the administration of penal institutions, but has extended them to the administration of penal law as well. The review of its quarter century work would be incomplete without at least a brief exhibition of its discoveries in this field of inquiry.

The disproportion between the indicted and the tried is a striking feature in the criminal administration of the State. Of 3,624 persons indicted in forty-four counties, fifty-two per cent were brought to trial; thirty-two per cent confessed their guilt; fourteen per cent were convicted; five and one-half per cent were acquitted; one per cent failed of conviction by the disagreement of the jury, and forty-seven and one-half per cent were discharged on bail or *nolle prosequi*. In almost all cases of conviction by confession, the confessions were of crimes of a lower grade than those with which they stood charged. In most cases, also, those who confessed were on trial for their first offense, the old criminals preferring the chances of escape by trial. Of 236 persons indicted for homicide, only thirty-five—about ten per cent—were convicted and punished; of whom but six were sentenced to the death penalty. It is in relation to the higher crimes that the disproportion between the arrests and the convictions is so enormous. Moreover, not only are the more serious crimes rarely punished, but even in cases where a conviction is obtained, it is apt to be so long delayed that its moral effect is almost wholly lost. More commonly, however, in crime of this character, the transgressor, by hook or by crook, manages in the end to escape the just punishment of his misdeeds.

The large disproportion, noticed above, between the committals and the convictions, is mainly owing, as our investigations have led us to believe, to two causes—viz., the practice of bailing, and the mode in which prosecuting attorneys are compensated—by salary instead of fees. The bail accepted is mostly what is called straw bail; at least forfeited bail bonds are very rarely collected. The records in the offices of the county clerks show some curious readings on this point. Inquiry

made in fifty-three counties how far forfeitures of bail bonds were exacted, revealed the fact that in only four had a dollar of revenue been received from this source for four years. In Erie county, in one year, sixty-two recognizances, amounting to \$18,600, were estreated; but not a farthing of the forfeiture was collected. In Rensselaer county, the same year, fifty-four bail bonds were forfeited, amounting to \$43,200; but not a penny of the money was collected. These two are a fair specimen of what is going on all over the State, showing that the system of bailing, as managed by the courts, is little better than a sham and a mockery. If the prisoner appears, when called for trial, it is well; if not, it is just the same; his bondsmen are not held to their responsibilities. This is one cause why so many escape. Another is, as suggested above, the mode of compensating the district attorneys. If they received a fee for each conviction, instead of fixed salaries, a different state of things would be shown. Man has been defined, and with too much justice, "a lazy animal." Under the present system, the district attorneys get as much for doing nothing as for doing something; and this fact, human nature being such as it is, has a paralyzing influence.

We have spoken of the long delay that too commonly occurs in bringing criminals to trial. This is partly due to the practice of sending cases back and forth, like a shuttle-cock, between different courts; but much more to the method, already noticed, of remunerating prosecuting attorneys. But, whatever may be the sources of this delay, it is certain that our criminal population have well learned to fear the law. They fully understand that there are loopholes in its administration through which they can escape the penalties of their crimes. They know just how to elude its meshes, and they have learned to laugh at its impotent menaces. Hence these desperate men hesitate at nothing, are appalled by nothing, in seeking to effect their nefarious purposes; and we cease to be startled at the record of violence and blood presented in the daily papers, when we see that criminals seldom receive the punishment due to their misdeeds, but are turned loose to tell their comrades in crime how easy it is to elude the vigilance of law and escape the award of justice.

Another class of abuses in our criminal administration has been ferreted out and exposed through the investigations of the Prison Association; we refer to the matter of fines imposed by justices of the peace. The greatest looseness prevails here. There is no system of checks; no accountability; no means of knowing how much fine-money the justices receive, nor what proportion of it, if any, they pay over to the county treasurers. As a consequence, an abuse

has sprung up and spread over the entire State—that of appropriating by the justices, without legal right, a part or the whole of the money accruing from the fines imposed by them. In one county the treasurer said, "I have received nothing from fines; they have all been stolen by the justices." In another the same officer gave \$475 as the amount received from this source during the year. When asked whether that was the sum of all the fines imposed, he said he did not know whether it was all, or half, or a fourth, or what proportion it was of the total amount levied and paid. Similar answers were received from all parts of the State. In the aggregate, no inconsiderable sum is thus wrongfully withheld from the public treasury. But it is not on account of the pecuniary loss that the practice is mainly objectionable. It is the insult to law, the injury done to the public morals, the debauchery of the public conscience which render it most deplorable and call most loudly for legislative redress.

The investigations of this Association have brought to light and exhibited to public view a strong and growing tendency of crime to crystalize, as it were, into aggregates and masses. Men more rarely now than formerly commit robberies and burglaries alone. They operate in groups. Some gangs are confined to single towns; others extend their operations over whole counties; others, still, embrace several counties; while individual gangs gravitate toward each other, that they may reciprocally give and receive assistance when needed. This tendency to aggregation is apparent in our large cities as well as in the rural districts. Through the agency of these affiliated societies of thieves, stolen property is, or may be passed rapidly from hand to hand, until it becomes impossible to trace it, or, if discovered, the original purloiners cannot be ascertained, and consequently go unwhipped of justice. If the tendency to organization continues to increase in the future as it has for some years past, we shall soon have bands of thieves and spoliators in all the counties of the State, whose members will be known to each other by secret grips, passwords and other signs, who will aid each other in disposing of their plunder, in baffling pursuit and arrest, in escaping from jail, and in procuring bail which will effect their release from custody.

THE SOURCES OF CRIME.

The Prison Association has made wide and careful inquiry into the causes which are most active in leading men to the commission of crime. Before, however, entering into a detail of the conclusions reached, a preliminary explanation of the term may perhaps be fitly offered. Crime may be defined to be such a violation of the rights of others as is cognizable by human laws and punishable by human

tribunals. It is any conduct which is liable to judicial investigation and punishment at the hands of the civil authorities. It is by no means uncommon for crime, in the popular apprehension and dialect, to be confounded with vice and sin; but this is an erroneous view. According to the etymological derivation of the words, crime is that which is punishable; vice, that which ought to be avoided; sin, that which is hurtful. Crime is injurious to the rights of others, violates human enactments, and may be punished by the laws of the land. Vice is injurious to ourselves, and ought, on that account, to be avoided. Sin has its seat in the heart, violates the divine law, and, by a reflex action, is in the highest degree hurtful to ourselves. Murder is a *crime*, because it invades the rights of the murdered person, violates human laws, and may be punished by human governments. Opium eating is a *vice*, because it is injurious to the eater, and should therefore be shunned by him. Ingratitude is a *sin*, because it has its seat in the heart, is a breach of the law of God, and hurts him who is guilty of it by drawing upon himself the divine displeasure. Sin, accordingly, is a generic term, embracing every form of guilt, and including, as species, both vice and crime. Every crime, every vice, is a sin; but every sin is by no means either a vice or a crime. It is the province of the theologian to investigate the nature and remedy of sin; of the moralist to trace out the causes and cure of vice; and of the legislator to provide for the punishment and prevention of crime.

Among the most prolific sources of crime is the want of due parental care and government. Back of all other causes, underlying all, and giving potency to all, is this lack of early domestic restraint and discipline. Of this, from a careful study of statistics and personal conversation with thousands of criminals, the Association does not feel the slightest doubt: and this conviction is but the echo of the inspired dictum: "Train up a child in the way he should go; and when he is old, he will not depart from it."

Of all the approximate causes of crime, drink is the most potent. Other causes slay their thousands; this, its tens of thousands. Rum—such is the unanimous judgment of the keepers of our jails—sends seven-eighths of their inmates to these prisons. Two-thirds of all the prisoners interrogated by our committees have acknowledged that they were of intemperate habits, and a considerable portion of the remaining third, that they occasionally drank to intoxication; while scarcely one in a hundred has claimed to be a total abstinent.

Next to intemperance, the most active among the immediate producers of crime is lewdness. Of nearly 6,000 women committed to our jails in one year, more than three-fourths were prostitutes; and

of the men interrogated, nearly one-half have confessed that they were frequenters of brothels. "Will you please, sir, preach from this text next time?" said an inmate of one of our State prisons to his chaplain. "What text?" inquired the latter. "This here, in Hosea," was the reply, where it says, "whoredom, and wine, and new wine take away the heart." To the question why he desired that text preached from, he answered: "Because, sir, they are what brought me here, and I guess most all the rest of us."

Theatres are but the vestibule of the grog-shop and the brothel, and those who frequent them gravitate towards these places, which are but so many work-shops of crime, as naturally as the stone sinks to the bottom of the well. It would be rationally inferred, and facts justify the inference, that they are among the active promoters of crime. Nearly fifty per cent of the persons committed to prison admit that they have been theatre-goers.

The gambling saloon is a potent crime-producer. It is easy to see how. Beyond all other vices, it works a paralysis of the moral powers, while it stimulates the selfish propensities to the highest pitch. What better school of crime could be imagined? But do facts justify this view? They do to the fullest extent. Of 975 prisoners at Auburn, 317 were, by their own confession, gamblers — about one-third. The same proportion was found in the Connecticut State prison. Said the chaplain of this prison: "Many prisoners hasten their ruin by buying lottery tickets; but rarely is one known to commit crime, when he has money in a savings bank."

Our very prisons are active agencies in producing crime. How could it be otherwise under the system of promiscuous association prevailing in them? The burglar, the pickpocket, the gambler, the murderer, the drunkard, the vagrant, the witness, the youth in his teens, and the child who has not yet reached them, all mix and mingle together. "If it were the deliberate purpose of society," observes Miss Dix, "to establish criminals in all that is evil, and to root out the last remains of virtuous principle, this purpose could not be more effectually accomplished than by incarceration in the county jails, as they are, with few exceptions, constructed and governed."

The connection of ignorance with crime is most evident. Nearly one-third of the inmates of our common jails cannot even read, while one-fifth can read but not write. In the State of New York only two and seven-tenths of the adult population are unable to read, while thirty-one per cent of the criminals do not possess that ability. It thus appears that nearly one-third of the crime in this State is committed by a class of persons comprehending only about

two-hundredths of the population. Could there be a more striking proof of the effect of ignorance in producing crime?

Want of a trade must be classed among the occasions of resorting to crime as a means of living. In proof of this, it is only necessary to mention that, taking the whole United States, more than four-fifths of those who crowd the State prisons never learned a trade.

Other sources of crime — some more, some less prolific — as ascertained by the researches of this society, and spread out in detail on the pages of our reports, are: bad books; orphanage; pauperism; insanity; the carelessness of police officers in making arrests; inefficient preventive police; immigration; proximity to great thoroughfares; density of population; want of early religious training; neglect of church; Sabbath-breaking; and lack of ministerial instruction.

Here are twenty distinct fountain-heads of criminality; yet, it is seldom that any one acts altogether alone in working out its deplorable results. The separate acts of drinking, gaming and the like may not lead to the commission of crime; but one of these acts lead to another, and that to a third, and so on, till their conjoint operation is, to plunge those who practise them into crime and its consequent wretchedness and ruin. Thus, going to the theatre may introduce a young man to the society of prostitutes; these may incite him to drink; drink may lead him to the gaming saloon; gambling will probably land him in poverty; and from the pressure of poverty he may be impelled to the commission of criminal acts. Each successive step has its own corrupting power; each individual lapse leaves its sting to fester in his moral nature. And when at length the goadings of want drive him to replenish his exchequer by the robbery of others, conscience has become deadened, the temptation meets but a feeble resistance, and the youth falls an easy prey to the enemy, who is striking at the precious life, and seeking but too successfully to involve in virtue, honor, health and happiness in one common ruin.

THE REPRESSION OF CRIME.

The Prison Association has studied the question of the repression of crime no less than that of its sources. In reference to the agencies to be employed to this end, it has laid down the following propositions: 1. That there is needed some modification, and indeed, in certain cases, a reversal of the time-honored maxim of the law, that "every man is to be deemed innocent till he is proved guilty." 2. That more stringent legislation is demanded in reference to the receivers of stolen goods, and other capitalists, whose money is used in a way to shelter, sustain and aid the criminal classes in their work

of spoliation and robbery. 3. That the licensing of pawnbrokers needs to be more carefully and effectually guarded. 4. That the laws against carrying concealed weapons should be made broader in their scope and be more vigorously enforced. 5. That brothels, dance-houses and free concert saloons must be suppressed by sharp laws and summary proceedings under them. 6. Lodging and tenement houses for the working classes must be constructed on more scientific principles, and brought under police regulations and supervision at once more fit and more effective.

EXTENT AND SCOPE OF OUR WORK.

The Prison Association is, by the terms of its charter, simply a State organization; but through the breadth of its labors and correspondence, it has gradually assumed larger proportions, till, in a sense, it has become true that its "field is the world." It has, through a commission of two its members, visited and examined the penal and correctional institutions of eighteen States of our Union and the neighboring province of Canada, and has prepared and issued, through the Legislature, a detailed report thereupon. It presented, in its last annual report, and proposes to offer in the present, a comprehensive *résumé* of the work done and results accomplished in the State prisons and juvenile reformatories of the United States, for the years immediately preceding the dates of said reports. During the past few years, it has published papers of much value, prepared by its corresponding members abroad, on the present state of the prison question in England, Ireland, France, Italy, Germany, Russia, Denmark and British India. This feature of our reports has attracted much attention, and been recognized at home and abroad as one equally novel and useful. One of our foreign correspondents, Baron Franz von Holtzendorff, of Germany, says of it: "No attempt has hitherto been made to collect within such a report all the materials having reference to the same object in foreign countries. Therefore it may be said, without exaggeration, that your idea of printing short reports on foreign prisons, together with those of your New York Association, may lead to a centralization of prison experiences. It will be of the highest use, also, for us to have such a panorama of progress, and a permanent exhibition of what is being performed on this territory of humanitarian work." Another of our foreign correspondents, Mr. A. Corne, of France, remarks: "Your reports constitute a rich mine of information on all questions connected with penitentiary science. Those who feel an interest in such questions have but to resort to them to learn what is doing in this department of philanthropic work throughout the world. A profound

gratitude is due to your Association for the zeal and intelligence with which it gathers and diffuses light on one of the most important of social problems." These voices from distant lands have numerous echoes in our own; but we forbear citation, having already, it may be, overstepped the boundaries of a becoming modesty.

Here we close our review of the work done by this Association during the first quarter century of its history. With devout gratitude we recognize the good hand of our God upon us in the labors of the past, and earnestly invoke a continuance of His gracious favor on our work during the new cycle upon which we are entering. Without His blessing, we can accomplish no useful results; with it, we may patiently and cheerfully pursue our labors, in the assured confidence of a wide and growing success.

WORK OF THE PAST YEAR.

Visitation of Prisons.

Less work than usual has been done in this department during the year just closed, for the reason that exhaustive examinations of all classes of our penal institutions had been made for the two or three years immediately preceding. Still we have not been wholly idle in this regard, as several important papers among the documents accompanying this report will show, particularly one by the committee on prison discipline, in relation to the State prisons.

Detention and Discharged Convict Department.

The general agent of the Association, Mr. Abraham Beal, under the direction of the appropriate committees, has been diligently at work in these departments, as the following summary of his labors therein will demonstrate.

4,650 persons, poor, friendless, and needing counsel or other aid, were seen by him in the detention prisons of New York and Brooklyn, and such advice or relief administered as their cases seemed severally to require.

896 complaints were examined by him, and such cases selected for special attention as were found to have extenuating circumstances connected with them.

220 complaints were withdrawn at his instance, as trivial in character, or the result of mistake or excited feeling, and especially where families would be involved in want and distress through their prosecution.

278 persons were discharged from custody on his recommendation, which was in no case given except after careful inquiry made, and

the conviction was entertained that the cause of justice as well as mercy would be thereby promoted.

1,039 liberated prisoners were aided with board, money, railroad tickets, etc., etc.

123 discharged convicts were supplied with clothing adapted to their necessities.

145 discharged prisoners were provided with situations, in which they could earn and eat honest bread.

Many families of prisoners, left in a destitute and suffering condition by the incarceration of those on whom they depended for support, have also had such relief afforded them as their circumstances demanded and our means would warrant.

REFORM OF OUR PRISON SYSTEM — CHANGE OF THE CONSTITUTION PROPOSED.

The two master forces opposed to the reform of the prison system of our State are political appointments and instability of administration, which stand to each other in the relation of cause and effect. The extent to which partisan politics enters into the management of our prisons has been sufficiently shown in our review of the quarter century's work of this Association. This, in fact, is the controlling power; and our State prisons, under existing constitutional provisions, are managed and must continue to be managed, to a great degree, as a part of the political machinery of the State. It requires no great penetration to see that such a feature must be extremely prejudicial to our penal institutions. It is evident that a wise, vigorous, steady administration can be secured only by the appointment of men qualified by nature, education, taste and habit for the important positions which they are to fill. That a merely political appointment affords no guaranty of such qualifications might be inferred from the nature of the case, and such inference is abundantly confirmed by the teachings of experience. The great objects of prison discipline—the safety of society and the reformation of the transgressor—can never be secured while appointment to office is in the hands of mere politicians. Persons so chosen, sensible of their dependence on party rather than fidelity, look to political chicanery more than to a faithful discharge of their duties for continuance in their places. But more than this: Where political influences control appointments, the selection of incumbents is apt to be governed by other considerations than their fitness for the work to which they are called. Yet there is hardly any other business where so much depends on the special qualifications of the persons charged with it; it is a duty not to be learned in a day, and its efficient performance

requires a union of rare qualities—judgment, patience, kindness, sympathy, a quick insight into character, a strong instinct of justice, a large and varied experience, and high administrative talent. To change the men relied upon for such a work with every fluctuation of party, is to strike a fatal blow at that steadiness of administration, without which neither success nor progress can be attained.

The only remedy for this state of things is such a modification of the system of appointment to office as shall withdraw such appointments from the maelstrom of party politics, and thereby impart greater stability to the administration of the penal institutions of the State. But how can such a change be effected? Not otherwise than by a change in the fundamental law of the commonwealth.

The executive committee long ago saw this necessity and called public attention to it. In its report for 1864, this language was held: "Our deliberate opinion is, that, under the present system of election and appointment to office, * * * * the entire theory of our penal system is rendered nugatory. Inspection may correct isolated abuses, and philanthropy relieve isolated cases of distress; but real, systematic improvement is impossible." The association had become convinced that the whole system needed not simply to be revised, but revolutionized. Under this conviction, a committee was appointed to report a plan for its reorganization. The committee was composed of the following gentlemen: Theo. W. Dwight, John T. Hoffman, Francis Lieber, William F. Allen, John Stanton Gould, J. W. Edmonds, G. B. Hubbell, John H. Grisoom, R. N. Havens and E. C. Wines. A convention to revise the Constitution of the State had been ordered, and the special object had in view in the appointment of the above committee was the preparation of an article relating to prisons for submission to the convention when it should assemble. On the 28th day of June, 1867, after mature deliberation, the committee presented a memorial to the Constitutional Convention, accompanied by the draft of a prison article. Gov. Hoffman, then mayor of New York, having been absent from the city on the 27th, when the paper was signed by other members of the committee, on the following day sent a despatch to the corresponding secretary at Albany, in these words: "New York, June 28th. I approve the proposed clause relating to prisons, striking out compensation. Provision should also be made for removal, as in case of other officers, for cause. John T. Hoffman."

The article, thus prepared and submitted, after having been amended agreeably to the suggestions of Governor Hoffman, and with a few other unimportant verbal changes, was finally adopted as a part of the amended Constitution by a large majority of the Con-

vention, leading members of both political parties supporting it by their speeches and their votes. That the Legislature and the people may see, at a glance, the difference between the prison article of the Constitution of 1846, and that of the Constitution framed by the Convention of 1867, we here place the two side by side:

Constitution of 1846.

Sec. 4. Three inspectors of State prisons shall be elected at the general election which shall be held next after the adoption of this Constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The Governor, Secretary of State and Comptroller shall meet at the capitol on the first Monday of January next succeeding such election, and determine by lot which of said inspectors shall hold his office for one year, which for two, and which for three years; and there shall be elected annually thereafter, one Inspector of State Prisons, who shall hold his office for three years; said inspectors shall have the charge and superintendence of the State prisons, and shall appoint all the officers therein. All vacancies in the office of such Inspector shall be filled by the Governor till the next election.

Constitution as amended by Convention of 1867.

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

Sec. 2. Such Board shall appoint the warden (or chief officer), the clerk, physician, and chaplain of each State prison, and shall have power to remove either of such officers for cause only, after opportunity to be given in law words, and upon written charges. All other officers of each prison shall be appointed by the warden (or chief officer) thereof, and shall be removable at his pleasure.

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

No opposition to the prison article of the amended Constitution having been developed in any quarter, an attempt was made by Judge Miller, in the judiciary committee of the last Assembly, to have it submitted separately. The attempt failed, however, and the Constitution as a whole having been rejected by the popular vote, this article, as a matter of course, fell with it and was buried in its ruins. Earnestly believing that there can be no radical improvement in our prison system till its administration is divorced from politics, and so made stable and permanent; and, as earnestly desiring such a reform, the executive committee respectfully asks that the Legislature will, at its present session, take the necessary steps to secure, at the earliest practicable moment, such an amendment to the Constitution as will be likely to effect the desired object. And for the reason that the article incorporated into the rejected Constitution

was prepared by an experienced committee after long and earnest deliberation; that it was unanimously approved by the executive committee when submitted to them; that it was not made a party question by the convention that adopted it, but received the hearty support of both parties; that it has the sanction of the present chief magistrate, who took an active part in framing it; that it was approved and recommended by the board of state prison inspectors in their last annual report; that it has the prestige of the votes of a preponderating majority of one of the most enlightened bodies ever assembled in this State; and that it promises the best results for prison discipline in case it should become a part of the fundamental law; for these reasons we ask that the said article may be recommended by your honorable body for incorporation into the Constitution by the votes of the people of New York.

The last of the reasons stated, the intrinsic excellence of the provision, is of course the most weighty; and its truth or falsity must of necessity be of controlling force in determining the action of the Legislature thereto relating. We therefore beg leave to offer some further thoughts to enforce this view, and especially to show the superiority of the proposed over the existing provision of the Constitution.

A mere glance at the two articles is sufficient to reveal the radical differences in the systems severally created by them, and the immense improvement to be anticipated from the substitution of the one for the other. The present Constitution makes the governing board a political body; the amendment we propose would take the management of the prisons out of the arena of party politics. The administration of the State prisons under the existing Constitution is fluctuating and unstable; under the Constitution as proposed to be amended, it would be fixed and uniform. The present Constitution, while holding the head of each prison responsible for its discipline, gives him no voice in the selection of his police force; the Constitution as we would make it, would clothe him with the exclusive power of appointing and removing his subordinates, subject of course to his just responsibility to the managing board. The present system virtually necessitates the appointment of politicians, and that often of the "baser sort," as prison keepers; the proposed system would make its appointments mainly, if not wholly, on the ground of merit. The existing system ruthlessly dismisses the ablest officers at the behest of party; that which we would substitute will secure the retention of competent incumbents as long as they are willing to stay. The present Constitution limits the duties of the inspectors to the State prisons; our amendment would put the board of managers in actual charge only of the State prisons; at

the same time, however, authorizing the Legislature to confer such powers and impose such duties upon them in respect to county jails, local or district prisons, and other penal and reformatory institutions within the State, as it may see fit, thus enabling them to unify our prison system, and blend its several parts into one comprehensive and harmonious whole. The salaries, emoluments and opportunities attached to the position of inspector by the present Constitution create a scramble for the office by hungry politicians, who have no claims to it other than those of party service; while the system to be called into being by our amendment would, by the absence of such inducements, repel this whole tribe, and attract only men of character and social position, who would accept place on the management solely from the impulses of patriotism, from a sentiment of humanity, from the sense of public duty, or from the force of these several motives combined.

Let us a little expand and elaborate these thoughts.

The proposed system, if adopted, will take the management of our State prisons out of the domain of politics. The choice of prison managers will no longer be through party nominations, by party votes, and for party ends; instead, their appointment will be made by the highest dignitaries of the State—the Governor and Senate—under their responsibility to the people and the constraint of their oath of office. Holding office for ten years, the prison board will be comparatively permanent, and may take their measures on their own independent convictions, making their appointments on the ground of qualification, and managing the affairs of the prisons with a view to the public weal rather than the exigencies of party.

The new system, supposing it to be put in operation, will impress a character of stability on the administration of the prisons hitherto quite unknown in our experience. The four principal officers—warden, chaplain, physician and clerk—are, by the terms of the proposed article, to hold office during good behavior. Even the board that appoints will have no power to remove, except for cause, which cause must be stated in writing, and opportunity given to the accused to make his defense. Impeachment and trial will thus be the only means of removal, so far as these officers are concerned. The warden being the responsible head of the prison and held accountable for its condition and discipline, the sole power of appointment and removal of subordinate officers is placed in his hands. Of course, no competent warden, under the grave responsibility resting upon him, would either appoint or remove men, except upon the ground of their fitness or unfitness for the duties required. It is to be presumed that a gradation both of the rank and pay of officers

will be established, so that a constant stimulus will be presented to fidelity and ever-increasing efficiency in the service. The present system takes away all those motives to integrity, which, in private life, are found necessary to insure it. As no degree of merit can secure an incumbent in his place, he must be a man of high virtue who does not act upon the principle of getting all he can out of it, while it remains in his possession. Whatever honesty may be found in prison officers must, therefore, be set down to the credit of inherent and unaided virtue. The system is utterly at war with a high-toned, pure and virtuous service; and if it does not render such service an impossibility, it is at least a standing invitation to venality and speculation.

The proposed system will insure a better class of men in the directorship of our prisons. The office at present is a political one, with salary and perquisites attached, and also with abundant opportunity to make money corruptly, if the incumbent is disposed to indulge such a propensity. That more than one has gratified a proclivity of this kind is matter of common belief, and there is no need to be squeamish about saying so. The office, under the Constitution amended as suggested, will have no emoluments connected with it. It will be merely honorary and beneficent. There will, therefore, be no scramble for it among lean and hungry politicians, and, consequently, there will be selected for the service only men who are moved thereto by an impulse of benevolence or duty, and whom the general voice of their fellow-citizens has pronounced fit for the trust.

The new system will secure a higher grade of qualification than is now found in prison officers. When M. M. Demetz and de Courtilles were about to found the reformatory colony of Mettray, instead of building lofty walls for the restraint of their future wards, they educated the guardians who were to control them, thus substituting moral power for coercion. "We did not disguise from ourselves," they said in one of their early reports, "that the task of changing bad boys into good ones was not to be confided to the first comers. It is a serious charge, demanding minds thoroughly prepared, entire self-devotion, and morality above suspicion." Accordingly, instead of opening their juvenile prison with such material as came to hand, they established a preparatory school, and, with the aid of a chaplain and schoolmaster, devoted the first six months to the training of a staff of officers to aid them in their work. Not until they had first provided themselves with qualified assistants, did they receive the first installment of the young delinquents, who were thenceforth to constitute *la colonie agricole*. The *école préparatoire* has been maintained ever since (30 years), and the course of instruction includes religion, grammar, arithmetic, geography, algebra,

geometry, drawing, music, agriculture in all its details, and a theoretical and practical acquaintance with the special duties of prison officers. The result is a reformatory from which 97 per cent, on the average, go out to become good and worthy citizens; a reformatory, consequently, the most successful the world has ever seen. So vital a part of the institution does Mr. Demetz consider this preparatory school, that he does not hesitate to say that, were it to be closed, Mettray itself must cease. Certainly there is the highest wisdom in this procedure. No doubt one of the first measures of the new prison board would be—certainly it ought to be—to establish a similar school for the special training of prison officers. The position of prison officer would be permanent under the provision suggested, and the officers themselves should be proportionably raised in character and dignity; but to such elevation a higher grade of education and morals would be indispensable. Entering the service in early life, they should form a class by themselves, should be thoroughly trained in all their duties, serving first as guards, then as keepers (with gradations of rank and pay in each class), then as deputy-wardens, then as wardens of small prisons, and then, according to their ascertained merits, tested chiefly by the small proportion of reconcivions under them, as wardens of larger prisons. Thus alone would the details of prison discipline be gradually perfected, and uniformity in its application attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, successful.

The penal system created by the amended Constitution, if carried out to the extent intended, would give unity and homogeneity, as well as a comprehensive scope, to this branch of the public service. There needs to be a vast addition to the class of institutions of a preventive character, into which vagrant and truant children, who have not yet become criminal, but are in imminent danger of crime, should be received and properly trained intellectually, morally and industrially. Here is the true field of promise, where efforts for the repression of crime may be most successfully and economically applied. Next our county jails demand the most earnest study and the exercise of the highest wisdom in the organization of measures of reform. As at present managed, they are a disgrace to the intelligence and civilization of our State. Then we want, to complete our prison system, a class of juvenile prisons, and another class of penal institutions, for adults, intermediate between the common jail and the State prison to which persons convicted of minor offences, especially after two or three committals, could be sentenced, where hard labor, education, moral and religious agencies, and other reformatory processes could

be employed upon them, and where they could be subjected to these influences long enough to have their idle, vagrant and vicious habits broken up, and replaced by habits of industry, order and virtue.

The provisions we suggest, if incorporated into the Constitution, will enable the authorities to introduce a better system of prison labor. The present arrangement, by its continual change of officers, and the resulting instability in the administration, almost necessitates the contract system of labor in our State prisons; and that system has been found extremely prejudicial to the interests of the State both financially and morally. Under permanent officers and a stable administration, the industries of our prisons might be successfully managed by their respective wardens, or by financial agents appointed expressly for this purpose.

Coercive discipline, as a main reliance, would disappear from a prison system created by the Constitution amended as we propose, and moral forces would take its place. In framing a machinery of prison discipline, ingenuity has been, in past times (and those times still linger), directed to devise and give efficiency to a *coercive* apparatus, and the creation of a *moral* apparatus has not even yet received sufficient attention. It is on the reverse principle that we must now proceed, not in justice merely, but from necessity. We cannot now give a coercive discipline its full scope; for the civilization of the age will not permit it. The atrocities which disgraced the prisons of a *by-gone* period cannot be repeated in our day, for the reason that they would not be tolerated. If therefore we do not succeed in giving our convicts a better spirit, if we do not gain their will and enlist them in the work of self-reformation, we shall be comparatively powerless in restraining what is bad in them. If we halt between the systems of coercion and organized persuasion, we shall have the weakness of both without the efficiency of either.

REFORMATION THE SUPREME END OF PRISON DISCIPLINE.

The amendment we propose, if adopted and incorporated into the Constitution, would undoubtedly result in making the reformation of the convicts the actual as well as declared object of the discipline of our prisons. Three questions are involved here: 1. Are criminals capable of reformation? 2. If so, what are the essential bases of a reformatory prison discipline? 3. What are the special agencies to be employed in the work of reformation?

As regards the first of these questions, this board entertains not the slightest doubt. We believe that a large majority of criminals may be regenerated and restored to a right mind and a right habit of life. For proof of this, our first recourse is to authority; our second

to experience. We summon to the stand, as witnesses, a few only of the many persons we might call, who, from long experience as prison officers, are best qualified to testify on a question of this kind. Mr. Hubbell, ex-warden of Sing Sing prison, says: "I think that from one-half to three-fourths of young criminals may, by judicious management, be reformed and made useful members of society. Some of the older criminals may, no doubt, also be reformed; much depends upon their antecedents." Mr. D. L. Seymour, another ex-warden of Sing Sing, says: "My belief is, that fully two-thirds of all the inmates of our prisons may, by a judicious course of treatment and by the use of proper, moral, religious and educational agencies, be reformed and restored to society as honest and industrious citizens."

The Rev. John Luckey, for nearly twenty years chaplain at Sing Sing, thus declares his opinion: "I think that nearly all convicts, through the use of right methods, are susceptible to reformatory influences." Mr. Haynes, warden of Massachusetts State prison, gives his judgment in these words: "I have no doubt that eighty per cent can be reclaimed." The late Capt. Alexander Machonochie, who proved his title to the front rank of prison reformers by his numerous and admirable treatises, and his rare ability as a prison officer by his management of the penal colony on Norfolk Island, declared his belief that "convicts can be gained, *to a man*, by a system which studies their natural feelings and seeks their own improvement." He further says: "I fear neither bad habits nor any other difficulties. I believe that while life and sanity are spared, recovery is always possible, if properly sought. There is indefinite elasticity in the human mind, if its faculties are placed in healthful action, and not either diseased by maltreatment, or locked up in the torpor of a living grave."

So much for authority. What now is the voice of experience? What do facts testify? Capt. Machonochie was put in charge of Norfolk Island, and managed it for four years. It was the worst of all the penal colonies of Great Britain, containing, so to speak, the very scum and sweepings of the whole of them. The Captain's own testimony as to the result of his experiment of substituting moral for material forces in the management of criminals, is given in these pregnant words: "I found the island a turbulent and brutal hell; I left it a peaceful, well-ordered community." And this testimony is confirmed by numbers of intelligent and disinterested witnesses. Felons in scores and hundreds, who had been steeped and saturated with crime till almost every trace of humanity had disappeared, had their self-respect, their manhood, their virtue restored under his firm but kindly treatment, and were returned by him to society, both

qualified and disposed to atone for the injuries they had done it, by upright, honorable and useful lives.

A remarkable experiment in prison discipline was conducted by Colonel Montesinos, in Valencia, Spain. He had charge of the prison in that city, averaging 1,000 inmates, from 1835 to 1850. Prior to his incumbency, the system was one of stern coercion, for which he substituted a system of moral forces, of organized persuasion. The percentage of recommitments under the former system was from one-third to one-half. For the first two years, they remained as before; for the next ten years they averaged only one per cent, and for the last three, not a single prisoner came back; in other words, the number of the discharged and the number of the reformed had become identical.

Scarcely less remarkable was the experiment of Counselor Herr Von Obermaier, in the city of Munich. He was governor of the criminal prisons there, in which were confined the worst male convicts, collected from all the districts of Bavaria, none of them having less than eight years to serve. More unpromising material could not well be imagined. Yet, so completely had these hard, rough natures been subdued by the law of love, that when a new convict, not believing in the reality of any such law in a prison, began to behave ill, and disobey the rules in presence of his fellow convicts, the latter would immediately check him, saying: "That conduct will not do here; Herr Von Obermaier is our friend, and we shall not allow you to act contrary to the rules of the house." The late celebrated George Combe, of Edinburgh, speaks of this prison as an illustration of the power of the moral sentiments and intellect to govern and reform criminals, without using the lash or any severe punishment."

Under the Irish prison system, as administered in Dublin, reformation has become the rule, non-reformation the exception; inasmuch that the late Lord Brougham declared that Sir Walter Crofton had annihilated crime in Ireland. His lordship's rhetoric was never lacking in strength, but in this case it had a solid substratum of fact beneath it. If crime has not been literally annihilated there, committals and convictions have been brought down certainly to one-half, we think to less than one-half, of what they had been previously.

The House of Correction and Industry at Moscow, Russia, presided over by Count Sollohub, affords another signal example of what may be done in the way of reforming criminals. The release of a prisoner who has been subjected to its discipline is a rare occurrence; while numbers are to be met with who are industriously earning an honest living at the trades they learned during their incarceration.

The second inquiry relates to the essential bases of a reformatory prison discipline. There are, as we conceive, three fundamental principles that must underlie and interpenetrate every such system; it must work *with* nature; it must gain the will of the prisoner; and it must subject his reformation to adequate tests.

1. It must work with nature rather than against it. There are certain great principles which the Creator has impressed indelibly upon the human soul. These we must not seek to utterly repress and crush out of the man by our modes of prison discipline, but rather to guide, control and mould them to our purpose. For instance, sociability is among the strongest instincts of humanity. It is one of the vital forces of free society — a main spring of its progress in all that constitutes a true and high civilization. What reason is there why, under proper regulation, it may not be made equally beneficial to men condemned to the temporary loss of liberty for their crimes? It was a fundamental maxim of Captain Machonochie, who, of all men, went deepest into the philosophy of public punishment, that the criminal must be prepared for society in society. His words are: "Man is a social being; his duties are social; and only in society, as I think, can he be adequately trained for it." Thus only can a suitable field be provided for the *voluntary* cultivation of active social virtues, and the *voluntary* restraint of active social vices. To prepare for society in society, he says, seems just as requisite as to send men to sea to prepare them to command ships. Penitence, good resolution, moral and religious principle — these are an excellent and indeed the only sure foundation whereon to build a virtuous character and life. But where they have been originally weak, or habitually disregarded, as is too often the case with criminals, it seems as idle to expect that the mere theoretical inculcation of them, late in life, however enforced by suffering, will be sufficient to make them the actual guides of future conduct, as it would be to teach a trade in this way, or any other practical application of abstract rules.

Moral lessons, like engineering, require a field of progressive experimental application. Books, counsels, exhortations, are not enough. There must be friction; the contact with temptation; and the toning up and hardening of the character, which results from its successful and habitual resistance. Count Sollowh, of Moscow, one of the ablest and most philosophical of prison administrators, in a paper on the prison question in Russia, published in our last report, remarks: "As the death penalty has had its just reactions, so the isolation of man, the obligation imposed on him of perpetual silence, belongs to principles against which the sentiments of the

human race revolts. *Man has no right to contravene the Divine will.* It is on this idea that the new Russian penitentiaries have been founded. They do not recognize the right to impose absolute silence; but they seek to prevent conversation from becoming hurtful." Another high authority on penitentiary science, Mr. Frederick Hill, for many years inspector of prisons in Scotland and afterward in England, holds this language: "When prisoners are brought together, they should really associate as human beings, and not be doomed to eternal dumbness, with their heads and eyes fixed like statues in one direction. All attempts to enforce such a system, and to carry on such a warfare with nature, must be productive of endless deception and give rise to much irritating punishment." Such, in point of fact, is the case. Extended inquiry in our own and other States, leaves no doubt that more than half of all the punishments inflicted on prisoners is for violations of the rule of silence. But it is objected that the intercourse of prisoners is corrupting. We reply, not necessarily so. The nature and circumstances of that intercourse must be considered, before we can pronounce categorically upon its tendency. Promiscuous intercourse of prisoners, such as it existed in all prisons half a century ago, and still exists in our common jails, is no doubt demoralizing to the last degree. But this corrupting power of association may be counteracted; nay, such association may be converted into a means of moral amendment by being subjected to virtuous direction and control. The social sentiments and relations, as before intimated, are the great springs of human improvement. It is by them that the heart is stirred, and warmth and energy imparted to the character. Man droops and pines in solitude, whether that solitude be created by a physical or moral separation — by walls of granite, or a wall of absolute and eternal silence. No sound excites like the voice of his fellow man. This imparts strength to dare, to do and to suffer; and these three words express the sum of human duty.

Another principle, which the Creator has deeply embedded in the human soul, is hope; and this he feeds by manifold and incessant stimulants in the shape of the successes and prizes of life. Without this motive power, even the good could scarcely keep their goodness; without it, surely the bad cannot be expected to regain their virtue. Until quite recently, the fit inscription over the entrance of nearly all prisons would have been: "Ye who enter here, leave hope behind." Even yet the spirit of these words lingers in too many. Undoubtedly, the first stage in a criminal's imprisonment should be made intensely penal. Cellular separation is the mode best adapted,

for many reasons, to this stage; but justice, even amid the stern discipline of isolation, should be tempered with mercy, and hope made to shed its cheering light on the prisoner. It should be not only made known to him, but impressed upon him, that his fate is, to a great extent, placed in his own hands; and this, when he emerges from his solitary cell, he should find to be not an illusion, but a fact. Manifold inducements to industry and obedience should be held out in this second stage of his imprisonment—abbreviation of sentence, moderate but increasing percentages of earnings, improved dietary and dress, special employments, greater freedom from restraint, and other privileges and distinctions. Thus would the stimulus of hope be kept ever active, and the convict encouraged and quickened in a course of vigorous self-restraint, self-conquest and self-culture.

What has thus been said in reference to making the social sentiments an instrument of reformation, and giving the highest possible development and activity to hope with the same end, may serve as an illustration—it is certainly nothing more—of what is meant by a prison discipline which works with nature rather than against it. It is a treatment of the fallen conformed, in our measure and degree, to that which the God of nature employs in dealing with his children, with a view to their improvement in "whatsoever things are true, honest, just, pure, lovely and of good report." A prison management, thus based upon and conformed to nature, could not fail to stimulate and call into exercise in prisons the motives, impulses and habits which make good men and women out of them, and to discountenance and weaken those which lead to wickedness and vice.

2. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible, with his mind in a state of hostility? No system, therefore, will succeed which does not secure a harmony of wills between officers and prisoners, so that the prisoner shall choose for himself what his officer chooses for him. Such a result, however, can never be attained, except where the officer really chooses, and wisely and steadily pursues the good of the convict. There must be, not on the lips, but in the heart, a benevolent consideration for the convict's own best interests; nor is this at all inconsistent with the conscientious discharge by the officer of his duties to society. Heretofore, and too much even now, in criminal administration, society has been supposed to be placed in one scale, and the convicted culprit in the other. What more natural, if even abstract right be left out of view, than that the latter should kick the beam? What could be expected but that the convict should be sacrificed

to the supposed interests of society—his own, the while, quite unthought of? But what if a deeper view showed the respective interests of the two parties—society's and the convict's—to be *identical*? In that case, the contest which has often arisen between a sense of public duty and pity for a trembling criminal, whose fate is in our hands, would no longer exist. A happy reconciliation would have taken place between interests hitherto too generally regarded as antagonistic. The prison may now be made, without in the least impairing its discipline, a well devised and effective school of reform, for the conviction has a solid basis to rest upon, that society is best served, by saving, not sacrificing, its criminal members. That consent of wills for which we plead as an essential condition of reformation—for a bad man never can be made good against his will—is no longer an impossibility, no longer an illusion. In the Irish system it has become a reality as conspicuous as it is pleasing. It was, perhaps, still more signal in the prisons of Valencia and Munich, under Montesinos and Obermaier. Count Sollohub has secured it in his house of correction at Moscow. And nowhere can reformation become the rule instead of the exception, where this choice of the same things by prison-keepers and prison inmates has not been attained.

3. A really reformatory prison discipline must supply a system of reliable tests to guarantee the genuineness of the reformation claimed for the liberated prisoners. Not otherwise can the distrust felt by the community toward this class of persons be overcome, and its confidence won; and until this is accomplished, there can be no ready or general reabsorption of reformed criminals into virtuous society. Yet, such reabsorption is an essential condition of the permanence of even genuine reformation. In this respect the Irish system, through its intermediate prisons, has proved a signal success. When that system was initiated, Mr. Organ, then and now *superintendent of liberated convicts, found the greatest difficulty in obtaining, here and there, a situation for a discharged prisoner; now, on the contrary, he finds scarcely less difficulty in promptly supplying all the orders he receives for such men. The reformation of the Irish convict is tested in the intermediate prison, which is so called, because it holds a middle ground between an imprisonment strictly penal and a condition of full liberty. The imprisonment is almost wholly moral; in other words, it is but nominal. Walls there are none; bolts and bars are discarded; and very little super-

*This remarkable man passed away from earth while this report was preparing.—
COR. SZC.

vision is employed. The prisoners are trusted to go of errands, and even to work, without the presence of an officer, beyond the prison limits. They are locked up only at night, and then not in solitary cells. While engaged in the labors of the day, they converse together as freely as laboring men usually do, no restriction being placed upon them in this respect, other than those self-imposed restraints, which result, in their case as in that of other laborers, from an honest and diligent attention to work. The minimum stay of a convict in the intermediate prison is eight months, and from that to two years or more, according to the length of the original sentence. The intermediate prison is found to be an ample test of reformation, and in it the difficult and perplexed problem of the reabsorption into society of criminals who have "ceased to do evil and learned to do well," has had a complete solution. The concurrent testimony of employers is, that, as a general thing, the men obtained from the prison are the most reliable hands they get, the training they receive there having had the effect to render them docile as well as diligent.

The three propositions in which we have stated the essential basis of a reformatory prison discipline, seem to us self-evident statements, moral axioms, as indispensible as the axioms of geometry; for a perverted nature can never be righted through a contravention of nature's laws; a man who has fallen away from virtue can never be restored to it against his will; and society will not employ men who have shown themselves untrustworthy till they have given evidence of a change of character.

The third inquiry has reference to the special agencies to be employed in the work of reforming criminals.

1. The first is a hearty desire and intention on the part of the officers to accomplish this great result. Such a feeling and purpose, really existing and operating in the minds of all prison officers, would of itself revolutionize the prison management of our State—yes, of our country and the world. It would change the whole spirit of prison administration, which is the great matter immediately in question. The necessary and appropriate processes will follow, when that is established. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our entire prison arrangements. It is the exercise of the Christian virtues as related to man that is wanted; and this, when exhibited under the control of principle and conscience, not of mere sentiment and impulse, is also the best manifestation of those virtues as related to God. Once let prison officers understand that their business is to *reform*, and not merely to *punish*, their fellow-men, and let their *intention* be con-

formed to this *conviction*, and they will speedily become inventive as to specific methods. Let the principle be established in theory and rooted in the heart of those who are to apply it, and suitable processes will follow as naturally as the harvest follows the sowing.

2. Another potent agency in the reformation of criminals is the conviction, seriously entertained by prison officers, that they are capable of being reformed. This belief on their part is indispensable to success, for no man can heartily maintain a discipline at war with his inward convictions. No man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is an element of peril to any undertaking; confidence a guaranty of success. Nothing so weakens moral forces as unbelief; nothing imparts to them such vigor and efficiency as faith. "Be it unto thee according to thy faith," is not a mere dictum in *theology*; it is rather the statement of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

3. A third reformatory agency would be such an organization of our prison system as will secure the active coöperation of the prisoner in his own improvement, moral, mental and industrial. This can be effected only by a system of progressive classification, whereby the prisoner will be enabled during his incarceration, through industry and good conduct, to raise himself, step by step, to positions of greater freedom, privilege and comfort; while idleness and bad conduct, on the other hand, keep him in a state of coercion and restraint.

4. Religion, of all other reformatory agencies, is that which is first in importance, and most potent in its action upon the human heart and life. To the question, "what do you think of a prison without a chapel, where the convicts can be assembled on the Sabbath for worship and Sunday school instruction, and on week days for morning and evening prayers?" Mr. Moses C. Pillsbury, one of the most distinguished prison officers of the last generation, replied: "Not much unlike, in regard to wisdom, to a beautiful ship, laden with the richest cargo, and sent to sea without rudder, compass or chart." This puts the supreme importance of religion in prisons in a light as clear as it is striking. Religion is the only power that is able to resist the irritation that saps the moral forces of these men of powerful impulses, whose neglect of its teachings has been the occasion of their being immured within prison walls.

5. Education is a vital element in the reformation of the fallen, and should be carried to the utmost extent consistent with the other purposes of a prison. Education quickens intellect, gives new ideas, supplies food for thought, inspires self-respect, supports pride of character, excites ambition, opens new fields of exertion, ministers

to social and personal improvement, and affords a healthful substitute for low and vicious amusements. What more can be needed to show the value of this agency in reforming criminals?

6. The formation of industrious habits in prisoners is an agency, without which no hope can be entertained of their reformation. Labor is as much an auxiliary of virtue as it is a means of support. It was a favorite maxim with Howard, "Make men diligent, and they will be honest." Work is the only sure basis of a reformatory discipline. "Unless prisoners acquire habits of industry and a liking for some kind of labor," observes Mr. Frederick Hill, "little hope can be entertained of their conduct after liberation." What ought, therefore, to be aimed at as a matter of prime importance, is the formation of fixed habits of labor in our convicts. Good resolutions are well, as far as they go; but as a dependence for the future, unsupported by the habit of honest, useful toil, they will prove wholly fallacious. It will turn out with them as with sick-bed resolves, which usually vanish with returning health. In her efforts to reform the women in Newgate prison, Mrs. Fry's first efforts were directed to the introduction of industrial labor. Her society paid the salary of the first female officer engaged to teach the women needle-work in the jail of Edinburgh. The reformed convict must support himself by work after his release, and his labor will come in competition with that of the whole laboring community. If he would succeed as they do, he must toil as they do. He will have to be up as early, labor as unremittingly, and be in all respects as regular in his industry as they, or he will find himself without employment while he sees them occupied. This he will never do, unless the habit is formed during his imprisonment. It is there that he must become accustomed to work steadily, diligently and strenuously, just as other laborers do, or he will never be able to live by the labor of his hands, amid the sharp and active competitions that exist among the toiling millions of America.

7. The acquisition of a full trade, during the convict's incarceration, is a valuable aid in effecting his reform. The ranks of criminals are recruited chiefly from the class of persons who have no regular business, and especially from those who have never learned a trade. More than eighty per cent of our imprisoned criminals belong to this class, which shows to what an extent the want of a trade is an occasion of crime. Now, to teach a convict a trade is to place him above want, and so to remove from his path a stumbling-block of large proportions. Make a criminal a good mechanic, and you have gone far toward making him an honest man. The true doctrine is, that all people should learn to help themselves. If they

do not know how, the best service we can do them is to teach them this art. A convict learning a trade is mastering the art of self-help. He feels that he is doing something for himself. As a consequence, he is filled with hope; he is in better temper; his spirits are cheerful and buoyant. This feeling is itself a reformatory agency, and the man in whom it is found is much more likely to be morally improved by his incarceration than another in whom hope, alacrity and cheerfulness have been extinguished. And unless a prisoner acquire both the habit of industry and the knowledge of some handicraft, that is, the power as well as the will to live honestly, he will be sure, sooner or later, to go back to his old criminal practices. How strong a shield against relapse the knowledge of a trade is, appears from a statement of Mr. Rice, warden of the State prison of Maine. Mr. Rice, be it observed, gives a full trade to every convict who stays long enough to acquire it and has the requisite capacity. He states, that, of two hundred convicts discharged during his incumbency, only seven (three and a half per cent) had been reconvicted, and that but two of the seven had learned a trade, one of whom was an old thief, who had previously served three terms. Mr. Rice adds: "If convicts were obliged to remain in this prison at least two and a half or three years, all that have any capacity would go out with a good trade; and, in my opinion, not over two per cent would ever return to this or enter any other prison as convicts."

8. To make the discipline of our prisons effective in the reformation of their inmates, the standard of official qualification in the officers must be advanced to a higher point than has ever yet, as a general rule, been attained. But enough probably has already, in a former paragraph of the present report, been said on this topic; and there is no need either to repeat or expand the views there stated.

9. If the character of sentences were so changed that the release of prisoners were made dependent on their reformation, or at least on the accumulation of a certain amount of marks as the result of good conduct, industry and progress in learning, such an element in their imprisonment could not fail to be powerfully operative in the direction of their moral amendment. It was Archbishop Whately who first announced the doctrine that the convict should be detained until, by his own efforts, he should have earned the right to be free. Some years later, yet in total ignorance that he had been anticipated in this view by so great a thinker as the Archbishop of Dublin, Captain Machonochie promulgated the same important doctrine. But he did not, like Whately, rest in mere theory; he developed the doctrine into a system, thus rendering it capable of practical application; nay, he actually applied it, so far as the unfortunate

restrictions by which he was hampered on Norfolk island would permit. Still later, the same doctrine was embraced by Matthew Davenport Hill, the distinguished recorder of Birmingham, and was developed and enforced by him in successive charges to the grand jury, with that clear, sharp legal statement, and that cogent, irresistible logic of which he is master. The doctrine has also been strongly maintained by Frederick Hill, brother of the Recorder, in his excellent treatise on the Causes and Cure of Crime; and by other able men both in Europe and America. It is based on the idea that the criminal is a dangerous man, or, if you please, a morally insane man, whom it is not safe to suffer to go at large; and therefore he must be restrained of his liberty, till, like other madmen, his cure has been effected, and he may be set free without new peril to the community. Or, to state the same principle in other words, men who have committed crime have thereby forfeited their privileges in society, and before they can regain them, they must give satisfactory proof that they again deserve and are not likely to abuse them. Can any thing be more conformable to abstract reason and natural justice than such a principle? It would not, as might be supposed on a superficial view, proscribe punishment as such, which will always be necessary both to teach the lesson that "the way of the transgressor is hard," and to induce penitence and submission; still less, would it leave out of view the object of setting a deterring example. What it *would do*, would be to raise the character of both these elements in criminal treatment, placing the first in the light of a *benevolent means* by making it an agency of reformation, whereas, at present it is too often regarded as a *vindictive end*; and securing the second by showing the law *constantly and necessarily victorious over individual obstinacy*, instead of being, as now, frequently defeated by it. No doubt, much of the hardness of old offenders arises at present from the gratification of pride in braving the worst that the law can inflict, and maintaining an ungovernable will amid all its severities. But for this pride there would be no place in a system in which *mere endurance* could serve no useful end, and only *submission, obedience and reformation* could restore to freedom. Under such a system, the voice of the law to a convicted felon would be: "You have broken one of the first laws of society. You have shown yourself unfit to go at large. You must be separated for a season from your fellows. You must suffer the penalty which the law has rightfully annexed to transgression. You must be shut up in prison, and remain there until you give evidence that you are a changed man and can be safely permit-

ted to enjoy your freedom. In thus dealing with you, society has no resentments to gratify, no vengeance to inflict. It is for your good, as well as for her safety, that she so afflicts you. You must be punished for what you have done; but while you are in prison, we will give you every chance to recover yourself. Nay, more; we will help you in that work. If you are ignorant, we will teach you; we will give you an opportunity of learning in the prison school what you ought to have learned in the common school. If you never learned a trade, we will put you in possession of one. If religious truth was withheld from you in childhood, you shall be made acquainted with it in your adult age. We will, through these various agencies, impart to you the power, and we would fain hope the disposition, to earn and eat honest bread. But you must work with us. Your will must be in accord with ours; your efforts must tend in the same direction. There must be, on your part, a real and hearty co-operation with us. On this condition alone can you attain that radical reformation of character, to which we wish to bring you, and the attainment of which is indispensable to your liberation. Until you show to our satisfaction that you can be restored to freedom with safety to the community, your imprisonment must continue; and if you *never* give us such satisfaction, then you *never* can be discharged; your imprisonment will be for life. We do not set the madman free, till he is cured of his madness; neither can we safely, or even justly, set the criminal free, till he is cured of his propensity to crime. As the security of society and the good of the lunatic require that his confinement should be regulated upon this principle, so, equally, do the security of society and the good of the criminal demand that his incarceration should be adjusted upon the same principle. We put your fate into your own hands; and it is for you to determine the period, within certain necessary limits, during which the restraint upon your liberty shall continue. You may either prolong it to the close of your life, or restrict it to a duration which you yourself will allow to be but reasonable and just."

We admit that there would be no chance for the safe introduction and successful working of such a system, till a complete separation shall have been effected between politics and prisons, and the executive administration of the latter shall have been made permanent and placed in the hands of honest, capable and experienced officers. When these conditions shall have been fulfilled, its introduction would be followed by changes in the character, purpose and spirit of prison discipline, and in the temper and conduct of prisoners, as auspicious as they would be great and striking. With sentences measured only by the flux of years, time becomes the great enemy of prisoners.

Instead of being systematically taught to value it, as the industrious poor are compelled to do outside, they are systematically taught to hold it of no account, to catch at every passing gratification, and to cheat and while it away by every means in their power—indolence, self-indulgence, pretended sickness, and habitual prurency of thought, word and act. It is impossible to over-estimate the moral injury thus inflicted. A dreaming, aimless life is very apt to be a corrupt one, and is, besides, of necessity, a worthless and enfeebling one. (But give to prisoners an object of pursuit by making their liberation depend on the conduct and character evinced by them, on their diligence in labor and learning, on their self-command and self-culture, and on their various efforts to reform and the success attained therein, and you at once lift them into a moral atmosphere higher, purer, more bracing. In the presence of such an object, all the manly energies are called out. Time becomes precious. It is sought to be improved, not cheated. Idleness is shunned. Prurient and other distracting thoughts are repressed. Evasion of duty under every form brings its own punishment, by lengthening the term of detention. And it is a consideration of the highest moment, that the impulse to exertion is thus made moral, not physical; that it comes from within, rather than from without. This accustoms the prisoner to act for himself, instead of requiring to be led by others. It would prepare him, moreover, to meet subsequent temptation in the great world without. And the habit of self-control and self-guidance, thus formed in prison, would remain after discharge, and would of itself more than compensate for all the sacrifices which it might have cost to acquire it.

It is quite possible, and indeed every way probable, that, while the great mass of prisoners would, under such a system, be reformed, there would be a residuum who would prove irreclaimable. Should this be the case, it would involve the necessity of a separate prison for incorrigibles, where they could be confined for life. Nor could there be any injustice in such a disposition of them, since their liberation, having been placed in their own option, would have been voluntarily spurned and repudiated by them. And even in the prison to which they might have been consigned as irreclaimable, there should always be left a door of egress, to be opened on evidence afforded, though at the eleventh hour, of a change of purpose and an amended life.

We close the discussion of this point with a brief citation from one of Recorder Hill's charges to the grand jury of Birmingham: "Gentlemen," said that eminent jurist, "if you desire, as I most earnestly do, to see this principle" (that of allowing convicts to earn a dimi-

nution of sentence by good conduct) "universally adopted, you must be prepared to strengthen the hands of government by advocating such a change in the law as will enable those who administer the criminal justice of the country to retain in custody all such as are convicted of crime, until they have, by reliable tests, demonstrated that they have the will and the power to gain an honest livelihood at large. You must be content that they shall be retained until habits of industry are formed—until moderate skill in some useful occupation is acquired—until the great lesson of self-control is mastered—in short, until the convict ceases to be a criminal, resolves to fulfill his duties both to God and to man, and has surmounted all obstacles against carrying such resolutions into successful action. (But as no training, however unlightened and vigilant, will produce its intended effects on every individual subjected to its discipline, what are we to do with the incurable? Gentlemen, we must face this question; we must not flinch from answering, that we propose to detain them in prison until they are released by death. You keep the maniac in a prison (which you call an asylum) under similar conditions; you guard against his escape until he is taken from you, either because he is restored to sanity, or has departed to another world. If gentlemen, innocent misfortune may and must be so treated, why not thus deal with incorrigible depravity? This is a question which I have asked times out of number, without ever being so fortunate as to extract a reply. It is always tacitly assumed that imprisonment must not be perpetual; but whether that assumption is founded on any reason supposed to arise out of the nature of things, or whether it only rests on the present state of public feeling, I know not. If the former ground is taken, I would give much to learn what the argument is; when disclosed, I must either answer it or yield to it; but while I am kept in the dark, each alternative is barred against me. If, however, this assumed inadmissibility of perpetual imprisonment is rested on the present state of public sentiment, I have seen too often the change from wrong to right in that mighty power, to despair of its becoming an ally instead of an opponent. It is my belief that if long terms of imprisonment, even to perpetuity, were placed before the public mind as indissolubly connected with the privilege to the convict of working out his own redemption from thralldom, by proving himself fit for liberty, it would require no great lapse of time to produce the change in opinion which I contemplate. Alarm on the score of expense ought not to be entertained, for two reasons. First, because no unreformed inmates of a prison, however extravagant its expenditure may be, cost the community so much as they would do, if at large. This fact has been

so often proved that I must be allowed to assume it as undeniable. But the second reason is that prisons may be made either altogether, or to a very great extent, self-supporting."

Upon the whole, then, as the result of the foregoing argument, our judgment is, that the great impediment in the way of the reformation of prisoners is, first, the want of a right method; secondly, the want of competent men to apply it; and, thirdly, the want of a permanent prison administration. Given these three conditions, and we believe that the mass of imprisoned criminals could and would be returned to society in the same condition morally, in which the demoniac was restored to his friends by our Saviour — "clothed and in their right mind."

CONFERENCE OF STATE PRISON OFFICERS AND MEMBERS OF THE PRISON ASSOCIATION.

In the early part of the summer a letter was received by a member of the Prison Association from an officer of one of the State prisons, in which he suggested that it might be desirable for the inspectors and officers of the prisons to meet a committee of the Prison Association in friendly conference on the discipline of the prisons, but with special reference to the question how discipline can be enforced and order maintained under the altered state of the law, punishment by shower-bath, crucifix and buck, having been forbidden by act of the Legislature at its last session. This letter was laid before the Executive Committee, who approved the suggestion, and directed their secretary to propose such a meeting to the board of State prison inspectors. The proposition was accepted by the inspectors, and the conference appointed for the 25th day of August.

A brief preliminary explanation of the occasion for this meeting may not be out of place. A serious revolt occurred in the prison at Sing Sing in the latter part of March, in which one of the officers lost his life. About the same time a convict by the name of Dean died in the prison, and his death was believed to have been the effect of a severe administration of the shower-bath. These occurrences naturally produced much excitement in the community, which was shared by the Legislature, then in session. The standing committees of the two houses on State prisons were instructed to visit Sing Sing and inquire into the facts. The result of their investigation and report was the enactment of a law prohibiting the further use of the shower-bath, buck and crucifix (sometimes called the yoke), as instruments of disciplinary punishment. This Association approves the act as proper in itself, but it was, probably without sufficient consideration, made to take effect immediately on its passage. No

time was allowed for the officers of the prisons to prepare for the change. Much disorder and turbulence on the part of the prisoners, it was alleged, resulted therefrom. At Sing Sing and Clinton, a new mode of torture, called the hooks, was devised, or rather borrowed from that repository of horrors, called the Spanish Inquisition. This instrument and its use may be thus described: Hooks are driven into the wall; the convict's hands are placed behind his body, irons are put on his wrists, fastening them securely together; the arms are then drawn up, and the body raised so that the toes just touch the floor, and the convict hangs on those hooks, being drawn up by the arms in the manner described. The punishment, if continued for any length of time, is more severe and more dangerous than either of those for which it has been substituted.

The state of things, as above detailed, gave occasion to the conference, which convened at Albany on the day appointed, and held a session of some four hours' duration, in the Senate chamber. The prisons were represented by Inspectors Hammond, McNeill and Scheu, warden Nelson and Dr. Collins, of Sing Sing, and Dr. Wolff, of Clinton; no representative being present from Auburn. The Prison Association was represented by Gov. Hoffman, Comptroller Allen, Prof. T. W. Dwight, Judge Edmonds, John Stanton Gould, G. B. Hubbell, Drs. Griseom and Wines, and Gideon Haynes, of Massachusetts State prison, who had been invited as a corresponding member.

The Inspectors and other prison officers made statements in explanation of the present condition of the prisons, particularly that of Sing Sing. They said that a restless and uneasy feeling had pervaded the minds of the prisoners since the abolition of the shower-bath, and that they had apparently broken the rules and engaged in revolt expressly to see what the officers would do, and to what punishments they would resort by way of repression. They were turbulent and ungovernable, not unfrequently assaulting officers with deadly weapons, and putting them in peril of their lives. The dark cell was not found sufficient to curb their insubordination and violence, besides being highly objectionable on the score of health and loss of time of the prisoners. Some quick and sharp punishment was needed to hold them in check. Nothing was now left by law but the dungeon, and in Clinton and Sing Sing it had been found absolutely necessary to invent another punishment, which was, suspending the convicts by the arms on hooks so that the man would stand on tiptoe, the arms being securely fastened together behind the back. Dr. Wolff said that when this punishment was introduced at Clinton, he regarded it as not only cruel, but dangerous, and had entered a strong

protest against its use to the prison authorities, whereupon it had been so modified as to do away with its dangerous character, still he did not like it. Dr. Collins maintained that, as applied in Sing Sing prison, it involved neither cruelty nor peril; and Warden Nelson said that he had seen a prisoner, after having been subjected to it for six or eight hours, jeer and scoff at it by singing and dancing. It was claimed that the late revolt at Sing Sing had been entirely quelled, and that the order established and discipline maintained there at present are as good as they have been for a number of years past.

Most of the gentlemen composing the committee of the Prison Association submitted their views at more or less length. They admitted the embarrassments and difficulties by which the prison officers were surrounded, as the result of the sudden change in the law, and, while approving its principle, expressed the opinion that the Legislature had made a grave mistake in requiring the law to go into operation immediately on its passage, without giving the authorities time to prepare for the change. They also dwelt strongly on the further serious obstruction to discipline at the Sing Sing and Clinton prisons, arising from their insecurity; in the case of Sing Sing, on account of the proximity of the railroad and the total absence of an inclosing wall, and in that of Clinton, from the weakness of the stockade surrounding the prison premises; all of which circumstances were a perpetual invitation to the prisoners to attempt to regain their liberty by escaping. In the main, however, the remarks of the members of the committee of the Prison Association were directed to the evils of the existing prison system of the State, for which the authorities in charge were in no way responsible, such as the dominating power of party politics in the management of the prisons; the continual fluctuations thence resulting in their administration; the necessary inexperience and incompetency of the officers, especially under-officers; the multiplication of artificial and conventional offences; and the almost total absence of natural and reformatory methods of treatment. The urgent necessity of the large punishment cells, each containing 996 cubic feet of space, whose erection in each of the prisons is required by the Law of 1847, but which remain unbuilt to the present time, was unanimously insisted upon by the members of the joint meeting. Mr. Hubbell gave a detailed and highly interesting sketch of the Irish reformatory system of prison discipline, the results of which have been so remarkable and so gratifying, and which he and other members of the Prison Association, particularly Prof. Dwight, claimed was quite applicable to our State and country, if not in all its details, at least in its fundamental principles. Dr. Griscom read a paper in which he proposed

the lengthening of a convict's sentence for a breach of prison rules, just as it is now abbreviated by a compliance therewith.

Mr. Haynes, of Massachusetts, by special request, submitted at considerable length a description of his own methods of government and discipline, with their results, in the Charlestown prison. From his statement the following facts appeared: That he has been thirteen years warden of the Massachusetts State prison; that no blow had been struck upon a prisoner in all that time; that no punishment had been inflicted other than the dark cell; that this punishment was not found necessary more than two or three times a week on an average; that it was in no case continued a minute after the prisoner promised obedience, which was generally within a few hours; that deprivation of privilege was found very effective in discipline; that the self-respect and manhood of the prisoners was in all proper ways sedulously cultivated; that prison holidays, on which the whole body of the convicts were let into the prison yard for an hour and a half or two hours, and permitted to converse and amuse themselves in their own way, had been instituted in 1863, with the happiest moral and disciplinary effects; that popular and scientific lectures had been instituted four years ago, with like results; that the prisoners greatly dreaded deprivation of these indulgences, inasmuch that it was a powerful stimulus to good conduct; and that the contractors found that the recreation of the holidays had so inspiring and invigorating an effect upon the convicts that, so far as they were concerned, they were quite willing to allow them a full hour each week for this relaxation.

Without coming to any definite conclusions, the conference adjourned to meet at Sing Sing in the month of October, on a day to be designated by the inspectors. On the notification of these gentlemen, the committee of the Prison Association attended at the appointed place and hour, General Amos Pillsbury, of the Albany penitentiary, being present at the request of Gov. Hoffman, who was unable to give his personal attendance. The inspectors themselves however, failed to arrive, in consequence, as was afterwards explained, of a thick fog on the river, which detained the boat on which they had taken passage almost the entire day. From the general tenor of the discussions at the first meeting, hopes had been entertained that the conference might agree upon certain propositions to be submitted to the Legislature. But the failure to meet a second time necessarily defeated all joint action. Our committee left a message for the inspectors, to the effect that they would attend again, either at Sing Sing or New York, on any day they would name; but no summons was ever received, and consequently no renewal of the conference ever took place. The executive committee have therefore

no other alternative than to submit to the Legislature their own views on the questions at issue. On one point at least there was perfect accord between the prison authorities and the Prison Association. The general prison law of 1847 makes it the duty of the inspectors "to cause to be erected, in each of the State prisons of this State, separate rooms or cells, not less in their dimensions, in the clear, than nine hundred and ninety-six cubic feet," for the separate imprisonment of convicts found "incurably disobedient," and where they could be kept at "hard work," either on the trades at which they had previously worked, or some others. Twenty-two years this act has remained a dead letter in the statute-book. All the members of the conference agreed and even insisted on the urgent necessity for the immediate erection of these punishment cells. In this opinion we entirely concur. The percentage of convicts who give trouble in prison, and especially of those who commit grave offences against the discipline, is comparatively small. Probably a half dozen in the hundred would be a liberal estimate. Even in the most extensive revolt which occurred at Sing Sing during the year, in which several hundred convicts took part, only thirty were singled out for punishment as having been ringleaders in the disturbance. It is plain, therefore, that, if a very few of the worst men should be segregated from the mass, their absence would be felt as an immense relief. There are many things forbidden in a prison simply because, if allowed, the privilege would be sure to be abused by bad men; and doubtless some of the most irritating of these might be abolished, if a few mischievous men were removed. The multiplication of conventional offences (*mala prohibita* and not *mala per se*) is always injurious to the discipline of a prison, and an obstruction to the reformation of its inmates. The use of the punishment cells would make it possible to reduce this class of offences, and would materially promote the higher objects of prison discipline. We say, therefore, emphatically, let the cells be built with as little delay as possible. As it has been nearly a quarter of a century since the law requiring their erection was passed, the number designated therein should be increased at least fifty per cent; and probably more. This measure should engage the early attention of the Legislature, and an act should be passed authorizing and requiring the inspectors to immediately carry the existing law into effect, and providing at the same time, as a matter of course, the necessary funds to enable them to do so.

On the main question at issue, viz., whether the law of last winter, abolishing the shower-bath, buck and crucifix (or yoke) as prison punishments, shall be retained or repealed, the Prison Association

entertain very decided convictions. We favor its retention, and of course are opposed to its repeal. No doubt, an error was committed by the Legislature of last winter in causing the act to take effect immediately, and thus depriving the authorities of the State prisons of all opportunity of preparation for the change required. No doubt an uneasy feeling was thereby produced among the convicts, and the most ill-disposed of them took advantage of this feeling to stir up bad blood and to organize tumult and revolt. But this is no sufficient reason for repealing a good law, which we conceive the one in question to be. The punishment cells for incurrigibles, which we hope to see built with the utmost practicable speed, will afford such relief that men competent to take charge of our State prisons will surely find no difficulty in maintaining proper discipline without a resort to shower-bath, crucifix, buck, hooks, or any other relic of the punishments of a by-gone and barbarous age. Should this prove impracticable to the men now in office, or their successors, under the existing Constitution, it will be a cogent argument in favor of the change in that instrument, recommended in a former part of this report. The prison authorities at the conference in Albany lamented the passage of the act under consideration, and charged upon it the disorders that have since occurred in the prisons. But is it quite certain that they are right in this opinion?

The most terrible revolt of the year at Sing Sing, involving the loss of life both to officers and convicts, occurred prior to the passage of the act, and while the shower-bath was in full play. Surely that riot was not stimulated by the act; on the contrary, a legislative committee, sent to inquire into the circumstances of the revolt, gave it as their judgment, that the cruelties of the shower-bath and other barbarous punishments were among the principal causes of the revolt. That very revolt was, in fact, the occasion of the act being passed. More than a hundred convicts were shower-bathed last year, beside all who were punished by the yoke and buck (and one or other of these punishments were of almost daily occurrence); yet mutinies and rebellions were not thereby repressed, any more than they had been in previous years by the same agencies. Is there any likelihood, then, that they would be prevented by the restoration of these punishments, or the use of others similar in character? We think not. The evil requires a different remedy. We have no hesitation in declaring our own conviction that the punishments forbidden by the act of last winter were brutal, inhuman, murderous, disgraceful to our civilization, and not to be tolerated. The very committee, on whose report, as we believe, the act complained of was passed, so represented them to the Legislature.

We therefore repeat the expression of our belief that the remedy for the disorders and tumults which have disgraced our prison management, not simply since the law in question was passed, but for a long time previously, lies in a direction quite different from that of a restoration of the forbidden punishments. Discipline in prisons is a science of moral far more than of material arrangement. A true prison discipline—one conformed to the demands of reason no less than to the dictates of humanity—will aim to win the living soul of the convict, not simply the inert and obedient body; and we surely cannot have worse success in seeking to gain the minds of our prisoners, than we have had in laboring to fetter their limbs. By bending our energies to devise and render effective an apparatus of moral forces, rather than to expand and improve our apparatus of physical coercion, we may be able—there is strong ground to anticipate that we shall be able—to solve a problem which all concur in regarding as difficult, and which would seem incapable of solution on the principle of force heretofore employed—the problem, namely, how we may so organize and conduct public punishment as to check crime and yet restore the criminal.

The punishments which the Legislature has forbidden are opposed to the tendencies of the times in which we live. The maxims of the civilization of our age and country are the maxims of humanity. Their tendency is to repress wanton cruelty even to convicted felons; to pave the way for their progressive improvement; to develop their better qualities, and hold their worse in abeyance; to guard their morals and higher interests; and all this, not by regulation, not by physical restraint, not by a coercive régime, but by supplying instead something better—that is, a principle of goodness, an inward craving for and impulse toward a better life. To aim at virtue by fencing it from without, instead of strengthening it from within, is but a repetition of the fable of the dog with his piece of meat; a signal instance of dropping the substance, to catch at the shadow. Vindictive punishments, whether public or personal, tend to sear rather than to invigorate, to harden rather than to mollify, to corrupt rather than to mend. Therefore, a degraded and degrading costume, stripes, tortures of every name, and whatever tends to destroy a man's self-respect, should be struck from the catalogue of disciplinary penalties; and instead, let the punishment for prison offences be the forfeiture of a portion of the progress already made toward liberation, or other forfeitures, with or without a period of stricter imprisonment and an abridgment of food, as the case may be; let it even be made, if you please, in aggravated cases, an addition to his original sentence. There is no greater mistake in the

whole compass of prison discipline than the studied imposition of personal degradation as part and parcel of the punishment. The tendency of such degradation is to destroy every better impulse, to extinguish every worthy aspiration. But no imposition would be so improving, none so favorable to the cultivation of forethought, self-restraint, self-respect, a proper regard for others, or, to sum up all in one word, manhood, as the making of every deviation from the line of right bear on the convict's present condition, and especially on his ultimate release. A punishment like this has been fitly compared to the drop of water that wears away the granite rock; without ever degenerating into cruelty, it would nevertheless speedily subdue the most stubborn nature, and effectually restrain the most refractory conduct. No doubt the convict ought to feel the disgrace of his crime and sentence. This is a fit part of his punishment, ordained by the Creator himself. Beyond this, there should be no degradation of his manhood. No wanton outrage should be offered to his self-respect. But, contrariwise, on entering his prison-house, he should be made to feel, or at least given to understand, that he has a character to redeem, a future of virtuous, useful, honorable industry to create; and every means calculated to foster this sentiment should be used, every agency eschewed which has a tendency to obstruct its growth. Away then with parti-colored dress, lash, shower-bath, yoke, buck, hooks, and the whole array of degrading and torturing devices, in which the perverse ingenuity of man has been so fertile. Let them go to swell the rubbish of buried barbarisms. We would much sooner, if gifted with the power, persuade the Legislature to abolish the new punishment than to revive the old. That punishment, borrowed from the repository of inquisitional inventions, is a plain violation of the spirit and intent of recent legislation.

THE PRISON ASSOCIATION AND THE GRAND JURY OF WESTCHESTER COUNTY.

In this connection we desire to make a brief reference to an arraignment of this Association by the grand jury of Westchester county. We have already alluded to the insurrection that occurred last summer at Sing Sing prison, in which several hundred convicts were engaged. Under instructions from the county judge, the grand jury instituted an inquiry into the causes of the disturbance. In their report thereon, they declared themselves "unable to ascertain any definite reason" for the revolt. Nevertheless, they put forth three propositions touching the cause of that and other outbreaks at Sing Sing. One of the causes they found in "the sweeping changes of officers with every change of political power." On this point we have no

controversy with the grand jury. We heartily join in every denunciation which they have culminated against this corrupt and corrupting system.

Another cause for the outbreak they found in the abolishment of certain punishments formerly used in the prison, making special reference to the shower-bath, which, as they averred, had been "greatly dreaded by the convicts." On this point we have a controversy with the learned college of grand jurors; but have already, perhaps, expressed our views upon it with sufficient fullness.

Their opinion as to the third cause is conveyed in these words: "The influence of the Prison Association we believe to be injurious in this respect: that it contributes to a false sympathy on the part of the community, which eventually results in the convicts being regarded as objects of sympathy and pity, rather than offenders against the peace and welfare of the community; and this, on coming to the knowledge of the prisoners (as it certainly does more or less), causes a general discontent." It is not surprising that a body of men who regard the humane treatment of prisoners as demoralizing, should lament the disuse of the cat and shower-bath. We should be sorry indeed if the spirit which dictated this report should become the dominant principle in the management of our prisons. After all, the prisoner is a wretched fellow creature, suffering from the most dreadful of all diseases; and the true function of a prison is, not merely to punish, but to cure as well. The howl of Carlyle, which is re-echoed in this paper, is simply brutal. This is what he says concerning the treatment of prisoners: "A collar round the neck, and a cart whip flourished over the back; these, in a just and steady human hand, are what the gods would have appointed them. To guide scoundrels by 'love' is, I take it, a method that will not hold together. Hardly for the flower of men will love alone do; and for the sediment and scoundrelism of men, it has not even a chance to do."

How much more of truth, as well as christianity, is there in what Dr. Chalmers says of the same class of persons: "The little that I have seen of the world, and know of the history of mankind, teaches me to look upon their errors in sorrow, not in anger." It is in this spirit and on this principle that the benevolent labors of the Prison Association have been conducted. This is God's method with his revolted and rebellious children. So He himself declares: "With loving kindness have I drawn thee." The problem was to win back man's obedience. Loving kindness was God's device to achieve this miracle. If we would accomplish the same thing for our criminal brother, we must just pursue God's plan. Without in

the least relaxing the steadiness of a calm and resolute discipline, we must treat him with tenderness and humanity. It would appear that genuine kindness is a principle which keeps a lingering hold of our nature, even in the last and lowest degree of human wickedness. In offenders the most hardened, there still remains—so says the immortal Howard, so say all the most experienced and skillful prison administrators—there still remains one soft part which will yield to the demonstrations of tenderness and love. This one ingredient, at least, of a better character—susceptibility to kindness—is found to survive the destruction of all others. However fallen a man may be from the moralities which once adorned him, whatever abyss of crime he may have reached in his descent, the manifestation of good will, of heartfelt kindness, on the part of his fellowman, carries with it a softening, purifying, redeeming influence; and through it the very worst of men can be converted into consenting and active agents of their own recovery.

The Westchester jury aimed a blow against the Prison Association, but it recoiled upon themselves. The press, with great unanimity, took up the defence of the Association and its labors, pouring its criticisms, at the same time, with merciless severity, upon the heads of the jurors. We offer a single specimen in an extract from the comments of the New York Daily Times: "The third and last cause of revolt mentioned by the grand jury is—*mirabile dictu!* the 'influence of the Prison Association,' which leads to a false public sympathy with the convicts, and thus encourages a mutinous disposition in them. Nothing could better show how little study the grand jury were able to give to the subject of their presentment, and how little they knew even of the elements of a question which has been the subject of the most profound thought and elaborate investigation on the part of many of the best and greatest minds of the present century. It is not worth while, however, to argue the case with men who should have lived before John Howard was born, and who entertain ideas that are opposed by practical experience, and have been repudiated by everybody who has examined the terms of prison discipline."

CONVICT LABOR IN ITS RELATION TO FREE LABOR.

For the last few years, as the time for the meeting of the Legislature has approached, an annual excitement has been gotten up in reference to the supposed competition of prison with outside labor, and the alleged wrong thereby done to honest mechanics in free life. Public meetings have been held in different parts of the State, and petitions from mechanics' associations and others sent in, praying

the Legislature for protection to the mechanical interest against the unjust rivalry of felon labor, by prohibiting all such labor in the State prisons as might compete with the labor of artisans outside; that is, all skilled labor whatever therein. Bills have to this end been introduced into the Legislature at its last two sessions. It was through the same influence that a printing contract for convict labor at Sing Sing prison was, two years ago, annulled by authority of the Legislature, although, through the introduction of the printing business into the prison many of the inmates were rapidly and joyfully mastering the art of setting types and the still more important art of self-help, thereby securing themselves against the necessity of a fresh resort to crime on their release and the community against the fresh spoliations to which it would thus be subjected. A journal of high standing, in commenting on the abolishment of this contract, made use of the following language: "We denounced the movement from the outset. The attempt to introduce into our prison system a new craft, ranking among the most honorable and useful of the mechanic arts, was promptly resented as an insult by the whole body of workmen. * * * * The sum involved is not of so much consequence as the principle at stake. Fifteen thousand dollars [the sum allowed by the State as damages for canceling the contract] will have been well invested, if it shall establish as a rule of future prison management, that *none of the skilled mechanic arts are to be introduced among convicts*; that they shall be employed at such avocations only as require little instruction or experience and interfere least with ordinary industry; that our workmen shall not be obliged to compete in market with the products of felons whose time can be hired for a few cents a day."

In our last report we argued at length the question of skilled labor in prisons in opposition to the view of those who inaugurated the movement against the introduction of such labor therein. It is not improbable, judging from the past, that the attempt to shut out skilled labor from the State prisons will be renewed this winter. Therefore, though we do not propose to enter again, with any degree of fullness, into the discussion, we think it not amiss to summarize the argument submitted in our report of last year. The points of the argument were these: 1. That the product of prison labor, thrown into the general market, cannot interfere appreciably with the interests of mechanical and manufacturing labor outside, there being perhaps 15,000 prisoners engaged in productive labor in the whole United States, in a total population of 40,000,000. 2. That it is contrary to the principles of a sound political economy to suppose that injury to the general interests of society can, by any possibility, arise from

the circumstance of a number of people being employed in producing useful articles, for which there is a demand in society. Such a view is as strongly opposed to immigrant labor as it is to prison labor, and, if correct, should bar our shores against the entrance of a solitary foreigner, as effectually as if the ocean were fire instead of water. It further follows from the same view, that the abstraction of millions of men from the productive labor of the world by standing armies is a blessing instead of a curse, as the common voice of mankind hitherto has declared it. 3. That whatever might be gained by individuals through the cessation of prisoners' labor would be lost to society at large in the cost of maintaining the prisoners—a mere robbing of Peter to pay Paul. 4. That society is benefited by the production of the greatest possible amount of values, so that if prisoners are to cease working, society must be content to be poorer by the amount of profit that would accrue from their work. 5. That if the labor of men *in* prison will be mischievous, their labor *out* of prison must have been equally so; and, by parity of reasoning, the labor of immigrants must be no less injurious, and its absence would be a greater blessing than its presence; and so, equally, the non-productiveness of soldiers is a priceless benefit to the producing classes. 6. That it surely cannot be the wish of those who oppose mechanical labor in prisons, that men should commit crime and be incarcerated, merely that so much labor might be taken out of the labor market; yet, if they were not so imprisoned, the produce of their industry would be in the field of competition with that of the complainants just the same as it now is. 7. That criminals ought to be made to earn their own support while undergoing their sentences, that society may be relieved, to that extent, at least, of the burdens imposed upon it by their crimes. 8. That work is the basis of all reformatory prison discipline; it not only aids reformation, but is essential to it; so that, if the reformation of criminals is important—a point conceded by all,—it is no less important that they be trained while in prison to the practice and the love of labor.

It may be said that it is only skilled labor which is sought to be excluded from our State prisons; and that is true, because the clamor to that effect has been raised by mechanics alone. But the argument is just as good against any and all kinds of industrial labor; for if skilled labor interferes with the artisan, unskilled labor interferes with the farmer, the miner, the quarrier, the lime-burner, and all others engaged in work belonging to this category. So that the logic of the argument goes inexorably to the exclusion from our prisons of every species of labor whereby marketable values are produced, even to cooking the food of the prisoners, making and

mending their clothes, and scrubbing and whitewashing their cells; nor does it leave them any kinds of labor whatever, except the crank, the tread-wheel, the shot-drill, and such other kinds of profitless toil, as the ingenuity of man has invented, or may yet invent. How much more rational as well as humane, how much better policy as well as better philanthropy, was the practice of that enlightened and noble prison reformer, Colonel Montesinos, of Spain, who introduced into his great prison at Valencia, averaging a thousand inmates, no less than forty-three distinct trades (printing among them), and allowed each man to choose the trade he would learn, at the same time encouraging his industry by remitting to him from one-third to one-half of the earnings of his labor. And what were the results? A prison administration conducted mainly through convict sub-officers; a prison wholly self-supporting; prisoners diligent, contented, cheerful, obedient; disciplinary punishments almost unknown; and recommitments brought down from fifty per cent—the proportion to which they had risen previously to his incumbency—to zero; for during the last three years of his administration not a man came back who had been in the prison before. As to the pretence that the introduction of printing into a prison is an insult to the craft, we cannot comprehend how a man who sets type outside of a prison is any more insulted by the fact that another man who happens to be inside is engaged in the same occupation, than he would be by the kindred fact that the two breathe the same atmosphere. If there is any principle which differentiates the cases, so that the prisoner's doing the same work insults, while his breathing the same air does not, we fail to see it. The declaration that "no skilled mechanic arts must be introduced among convicts," is in the very spirit of Carlyle's "Model Prisons." It is a sentiment which belongs to a former and more barbarous age, and indicates a policy as foreign to the wisdom as it is to the humanity of our own; for its inevitable tendency and almost certain result will be to force every man who has once, no matter under what stress of circumstances, deviated from the strict line of right, to follow crime as a business for the rest of his life, and so to open upon society the very flood-gates of wickedness and rascality. A policy, the very reverse of this, seems to us to be dictated alike by patriotism, statesmanship and religion. As all prison statistics show that the want of a trade is a potent influence in producing crime, let us see whether teaching a trade to every inmate of a prison will not prove an equally potent agency in repressing it. For ourselves we do not doubt it. Our intimate conviction is, that the material no less than the moral interests of the State would be promoted by such a policy.

PROVISION FOR DISCHARGED CONVICTS.

Edward Livingston has been justly called "the father of penitentiary reform in the United States." More than half a century ago, his profound and sagacious genius foresaw and foreshadowed most of the great reforms which have since taken place in this department of social science. As early as 1803, when mayor of New York, he called attention to the perils which beset those who have committed crime and undergone the sentence of the law on their discharge from prison, and to the necessity of doing something to save them. In 1821, in preparing his celebrated Code for Louisiana, among other provisions relating to the treatment of crime, he introduced one for the creation of an asylum or industrial home for discharged prisoners, where temporary employment could be given them, until permanent work should be obtained, or some providential opening should offer for them to begin life anew. No wiser suggestion none holding out better hopes for the class of persons for whose benefit it was intended, has ever been made. Impelled by this conviction, the executive committee, not doubting its authority to found such a refuge under that provision of its charter which enjoins upon the Association "the support and encouragement of reformed convicts after their discharge, by affording them in means of obtaining an honest livelihood and sustaining them in their efforts to reform," applied for the means necessary to enable them to carry into effect so benevolent a design. We believe that such an institution, after the first outlay required for its organization, might be made, if administered with integrity and economy, nearly or quite, self-supporting; and we are sure that it would prove an immense benefit to the community, pecuniarily as well as morally, by bridging over the interval between the discharge of prisoners and their full restoration to the public confidence, thus saving scores and hundreds of the well-intentioned from a relapse into crime, and, at the same time, saving the State the cost of renewed trials and imprisonments, and individual citizens the losses entailed upon them by fresh robberies and spoliations. We therefore respectfully, but earnestly, renew the application of last year, and cite again the opinion of that veteran prison officer, Amos Pilsbury, on the importance—the absolute necessity, indeed—of this or some kindred agency—the salvation of released prisoners. In a communication to the Corresponding Secretary, after declaring his conviction of the utility of educating imprisoned criminals, he goes on to say: "All the education they might receive, however, would be of little benefit, unless they can, upon their discharge, be assisted to obtain situations, and encouraged to keep the good resolutions they

may have formed. This is the supreme necessity in the work of reforming criminals — this the complement of all other measures. I know of no other so important; and I hope your Association will exert its energies to the utmost in that direction."

NAUTICAL REFORM SCHOOL.

This great measure for the repression of juvenile crime, recommended in our last and several previous reports, has at length become an accomplished fact. A school-ship, purchased, fitted up and equipped by the Commissioners of Public Charities and Correction, now rides the waves of New York harbor. It was opened in September, and already numbers two hundred inmates. A special paper on this important institution, which promises to be so fruitful an agency in checking the tendency to crime in our youthful population, will be found among the documents accompanying this report.

A PRISON FOR YOUNG CRIMINALS.

In our last report, we called the attention of the Legislature to the increasing proportion of young offenders in this and other States. We showed from statistics, furnished by official documents, that, on an average, twenty-four per cent of the inmates of the State prisons of the country are minors; that in one the proportion rises to within a fraction of fifty per cent; that in several it is thirty per cent, or more; and that in our own State it is not less than twenty per cent, or one-fifth of the whole. The tendency, of late, is in this direction. Thieves, pickpockets, burglars and other criminals average many years younger than they did a quarter of a century ago. In view of this sad and alarming state of things, the executive committee urged upon the Legislature the establishment of a special prison for young transgressors, in which they might be subjected to a more reformatory treatment than has heretofore been, or is now, practised in our State prisons. This appeal was responded to by the passage of an act authorizing and requiring the Governor to appoint a commission to select a site and frame a plan of organization for the proposed prison. It is understood that the commissioners have discharged the duty thus laid upon them, and will submit their report to the Legislature at an early day. Other States are already moving in the same direction, incited thereto by the revelations and recommendations of our report of last year. It is therefore much to be desired that our new reformatory prison for young criminals be based upon right principles, as, whether good or bad, it will be sure to

become a model for other institutions founded elsewhere for the same class of offenders.

All of which is respectfully submitted by order of the Executive Committee:

E. C. WINES, *Cor. Secretary.*

OFFICE OF THE PRISON ASSOCIATION,
38 BIBLE HOUSE, NEW YORK,
December 31, 1869.

DOCUMENTS

ACCOMPANYING THE

REPORT OF THE EXECUTIVE COMMITTEE.

I. ANNUAL REPORT OF THE TREASURER.

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

1869.	Cr.	
Jan. 5. By balance on hand from last account		\$537 73
donations		3, 670 00
amount of appropriation from State Legislature		4, 000 00
proceeds of sale of \$6,000 U. S. five per cent bonds, and		
interest on the same		7, 085 33
		<u>\$15, 293 06</u>

1869.	Dr.	
Dec. 31. To cash paid for prison visitation and inspection, including		
salaries	\$6, 509 54	
cash paid for relief of discharged prisoners	2, 117 68	
cash paid for office expenses, including rent, fuel, station-		
ery, postage, etc.	2, 602 73	
cash paid for printing, advertising and expenses in connec-		
tion with library and annual report	608 51	
cash paid expenses of committee on prison architecture. . .	51 80	
cash paid for money borrowed in 1868	1, 000 00	
1870.		
Jan. 6. balance on hand, to new account		2, 107 89
		<u>\$15, 293 06</u>

1870.	Cr.	
Jan. 6. By balance on hand from last account		\$2, 107 89

E. E.
New York, January 6, 1870.

WM. C. GILMAN, *Treasurer.*

II. DONATIONS FOR 1869.

Wm. H. Aspinwall	\$100	Thomas Owen	\$25
J. H. Abel	25	Wm. Odhout	25
Geo. B. Archer	100	Thomas W. Olcott	10
Wm. J. J. Astor	25	George Oplyke	10
Arnold, Constable & Co.	100	Gelrich & Co.	10
James Brown	100	Thos. Prosser & Son, for 1868	50
James M. Brown	25	do	50
Stewart Brown	50	J. E. Parsons	50
Issac Bell	25	L. Perkins	10
B. Blanco	15	Pavensett & Co.	10
Jacob Badger	10	Geo. D. Phelps	80
Wm. A. Booth	25	Howard Potter	10
Wm. A. Butler	10	Popenhusen & Konig	10
Robert Bowne	5	R. Palanca	10
Cephas Brainerd	5	Dennis Perkins & Co.	25
Hanson K. Corning	100	Paton & Co.	5
John Caswell	25	Guy Richards	25
James Cruikshank	10	D. B. St. John Rooms, for 1868	10
Wm. F. Cary	10	do	10
Erastus Corning	50	Chas. H. Rogers	25
R. Carter	20	A. Rodewald	10
Edward Cooper	25	C. V. S. Roosevelt	100
E. Coffin	25	U. J. Rider	5
S. Cambreleng	10	H. M. Schiefel	25
Hull Clark	10	Jonathan Sturges	100
R. L. Dugdale	10	Mr. and Mrs. J. F. Sheafe	100
Robert Dillon	50	R. Schuyler	5
Wm. E. Dodge, Jr.	25	E. T. Skidmore	10
Mrs. Elizabeth Farnsworth	50	James Stokes	100
French Consul General	5	U. J. Smith	10
Winthrop S. Gilman	10	A. T. Sackett	20
Wm. C. Gilman	100	C. H. Schuman	100
James Hunter	20	Jas. L. Schuman	20
Hendricks Brothers	10	H. S. Terbell	50
Joseph Howland	10	Sinclair Tousey	25
Allan Hay	50	C. N. Talbot	25
R. Hoe & Co.	10	Wm. Tucker	10
James P. Harper	5	Geo. T. Trimble	10
A. Ingham	10	James H. Titus	10
Richard Irwin	25	Selden Usher	10
John Taylor Johnston	100	John G. Vose	100
M. K. Jessup	100	John D. Wolfe	25
J. R. T. Jones	5	George C. Ward	100
J. H. Keyser	5	A. R. Walsh	5
James Lenox	50	E. J. Wheeler	50
A. A. Low & Bros.	50	Weston & Gray	100
Allan McLane (through Rev. G. H. Houghton, D. D.)	100	B. F. Wheelwright	10
H. T. Morgan	50	A. Wiggin	5
T. D. Middleton	15	Isabel Wallace	10
James Marsh	5	Henry Young	25
W. H. H. Moore	5	Anonymous	5
O. D. Munn	25	Trustees of Tennessee State penitentiary	10
J. Milham	10		
Wm. F. Motz, Jr.	10	Total	\$3,677
Chas. Newcomb	5		
Naylor & Co.	25		

The treasurer also acknowledges as a donation from Alfred Field, Esq., of Birmingham, England, £18.10 sterling, being expenses generously paid by him for distribution of our reports, etc., abroad.

WM. C. GILMAN, Treasurer.

III. PRISON DISCIPLINE IN THE UNITED STATES, AS SHOWN IN THE STATE PRISON REPORTS FOR 1868.

BY THE CORRESPONDING SECRETARY.

ALABAMA.

The following communication from Mr. Smith, lessee of the State Penitentiary, with the memorandum of statistics accompanying it, is all we have from this State:

STATE PENITENTIARY,

WETUMPKA, ALABAMA, December 13th, 1869.

E. C. WINES, Corresponding Secretary, New York:

Dear Sir—I herewith transmit you a statement of facts relative to the prison, etc., as requested, per your communication of an ancient date. Absence from the prison for the past twelve months, occasioned by the superintending of convicts employed on the railroad works progressing in our State, has prevented me from giving your favors that attention which so important a matter deserves. I regret much that such should have been the case, for I was desirous that the statements should appear in the late reports of the Prison Association of New York. Our annual report to the Legislature of Alabama, which is now in session, has but recently been completed and laid before that body. I send you statements compiled from that report, which, being too late for your report of 1868, I hope will reach you in time for that of 1869. I most heartily approve the conference on criminal punishment and reformatory treatment, and will endeavor to attend the congress to be held in Cincinnati. In the future I will be most happy to confer with you and give you any information in my power that will lend aid to the reformation proposed, and one that is greatly needed in our country. Craving your pardon for what may have seemed negligence in the past, I remain your obedient servant,

WM. SMITH, Lessee.

The report referred to in the above letter has not yet come to hand. The statistics will appear in the tabular statement, to be printed further on in the present paper. We simply call attention, in passing, to the fact that the total earnings of the prisoners for the year were \$85,000; the total expenditures, \$75,000; leaving a net profit of \$10,000. The productive employments of the convicts are railroad building, and the manufacture of ploughs and wagons.

Whipping appears to be the only punishment in use here. Thirty-nine lashes are the extent to which the punishment can be inflicted, which must be in presence of officers.

ARKANSAS.

We have no information concerning the State Prison of Arkansas, or the penal affairs of that State for the year 1868.

CALIFORNIA.

As the reports of this prison are made biennially, none has reached us later than that for the years 1866 and 1867. The following extract from the recent message of Gov. Haight to the Legislature of the State shows gratifying progress :

The discipline of the prison and the condition of the convicts have been undergoing steady improvement during the past two years. Within that period gambling by the convicts has been effectually prevented, and a school established for the instruction of such as are disposed to make some effort to learn to read and write. The desire to learn manifested by a large number, and the progress made, have been gratifying.

It has been the earnest endeavor of the Board of Directors to make the prison more reformatory in its character, and at the same time reduce the excess of expenditures over receipts so as to lessen the amount annually required for its support. The prison, however, can never be what it should be, either in economy of management or in discipline and reformatory influence, until the present system is exchanged for one demonstrated by experience to answer the desired ends. The present system places the prison in the charge of officers subject to change every four years, with the Lieutenant-governor as warden. The second executive officer in the State, who is ex-officio President of the Senate, has devolved upon him duties as widely distinct as can well be imagined. It is the unanimous opinion of the Board of Directors that the system should be radically changed; that the Lieutenant-governor should be relieved of the immediate charge of the prison, and the system known as the "Irish prison system," which is regarded as superior to any other, introduced, with some necessary modifications, under the supervision of a board of commissioners, composed of gentlemen who, from motives of philanthropy, would serve without other pay than their traveling expenses, and who should appoint a warden to serve during good behavior. The warden of a prison should, if possible, be a man with peculiar natural aptitude for the position, who holds by so fixed a tenure as to make the management of convicts and of the prison his permanent occupation.

The Irish system unites kindness with sufficient severity, substitutes confinement for corporal punishment, and establishes a system of marks and rewards for meritorious conduct, which results in many cases in permanent reform.

This system, as necessarily modified, requires two prisons—a primary one, with cells for solitary confinement, where prisoners are first confined for a period of eight months (more or less, according to conduct), and a secondary one, with shop buildings arranged as at San Quentin.

I recommend that provision be made for the appointment of a board of commissioners of five or more persons, who shall be charged with the supervision of the prison, the appointment of the warden (the latter to serve during good behavior), one commissioner to retire every other year, and the subordinate officers of the prison to be appointed by the warden.

It will be observed that Gov. Haight, who shows himself to be an enlightened as well as an earnest friend and student of penitentiary science, has recommended for California the plan which the Prison Association succeeded in causing to be engrafed upon the amended Constitution of 1867, and which, on the failure of that instrument, it now seeks to have incorporated as a special amendment into the existing Constitution.

Gov. Haight's views and purposes are further developed in a communication by a correspondent to a San Francisco paper. This communication comes to us from a quarter which stamps its statements as authentic. We append a few extracts :

Reporter—The object of this interview, Governor, is to have a conversation with you in reference to that portion of your message which recommends the adoption of the Irish prison system.

Governor Haight—As I understand it, there are four divisions—four separate methods of treatment in the Irish system.

Reporter—There are three departments of what may strictly be called prison treatment. The fourth division is that which provides for the obtaining of employment, and for the efficient police surveillance of the person after he is discharged.

Governor Haight—We cannot expect to accomplish that much at once. What I want to do is, to adopt that system as the basis, and to set it going. For the present, all we can expect to accomplish is to adopt two of the divisions of the Irish system.

Reporter—But you will see that that falls very far short of the system you have recommended.

Governor Haight—Yes; but it cannot all be accomplished at once. I propose to lay the foundation of the system, and to see that what further money is expended shall be so laid out that the buildings erected shall be suitable for the working of the system. Then I propose to have a commission, composed of philanthropic gentlemen, who will act without any other pay than having their traveling expenses paid. To this commission I would give the sole control of the prison. This would take the whole matter out of the region of politics. So long as it is there, no permanent reform can be effected.

Reporter—It would be useless to talk of the Irish system so long as the officers go out with each administration.

Governor Haight—Yes; that is why I wish to give the appointments to an independent commission. The insane rush which is always made for offices to which emoluments are attached effectually prevents the executive, as a rule, from dealing with such appointments, irrespective of political pressure and party considerations.

I am convinced that this Irish system is the right thing, and, if I can put it on such a footing as to insure its completion hereafter, I shall deem it one of the greatest reforms of my administration.

Reporter—It certainly will be an achievement worthy of note, and none the less so because it is one of those unostentatious movements which lack the popularity and excitement which are so attractive to ordinary politicians.

* * * * *

Reporter—Then there is the third and last division of the Irish system. Prior to obtaining his liberty, the prisoner is placed on a large and exceedingly well managed farm, near Dublin. Here he is allowed to earn a small sum to serve him when he again goes into the world. Out of this sum he is allowed sixpence per week, and on Saturday he is granted a half-holiday, and may, if he chooses, go into the city and spend it. This is done to gradually prepare him to rightly use his liberty, and to furnish a test by which to judge of his reform. It is found that in the great majority of instances the money is not spent, but saved. What they learn on the farm makes them useful in that kind of work, and the division fully pays its own cost.

Governor Haight—That is without doubt an admirable part of the system, and one that might be easily carried out here. I see much good in it, and there does not appear much difficulty in giving it effect.

Reporter—Do I understand that you propose to adopt at once the first division of the Irish system—that which separates for eight months in a separate cell each prisoner on his entrance to the prison?

Governor Haight—Yes; we must have more cells at once, as we have not room for the men now here. That being so, my idea is that we should erect a number of cells upon the Irish plan, and so begin the system. The separate cell system avoids the necessity of flogging—a reform I am very desirous of bringing about. It has besides many other advantages in its effects upon hardened offenders.

* * * * *
 I propose to inaugurate these changes, and to undertake as much as it is possible to perform during the remainder of my term. Let me be understood as to what I propose. First, I desire to make two divisions at San Quentin. The separate, solitary-cell division, for prisoners commencing their term and for those who are refractory. Then the present workshops should be so utilized as to serve for the congregated silent working department. Then, by giving up the whole matter to a Commission, I hope to remove the thing out of the region of politics. This Commission, I hope, will procure employment for each liberated prisoner. That will be one portion of their duty. If I can, by the aid of the Legislature, bring these things about, the foundation will be laid upon which the best system may be erected. It is possible, too, that we may carry out the farm system, especially for the young men you spoke of. If I can effect these things, I shall look back upon them as the greatest reforms of my period of office.

Further items of information relating to the State prison, subsequent to the date of the last biennial report, are furnished in the fourth annual report of the California Prison Commission, published near the close of 1869. From this, we learn that a prison school was started during the latter part of the year 1868, which, considering the limited amount of time that could be given to it, and other obstacles, has been highly successful. We quote from the report:

At the next meeting of the board of trustees (after Thanksgiving, in 1868), a committee on prisons and prison visitation was appointed, consisting of Dr. Lucky, Dr. Gibbons and W. O. Andrews. A day or two after that, Dr. Lucky received a note from the captain of the yard, Mr. Gilchrist, who had, and still has, the immediate charge of the convicts, stating that he had just begun the experiment of a school, notifying all the prisoners who could not read or write to assemble in the dining-room for instruction. The first day sixty-five pupils were present. He stated that he was in need of spelling-books, slates, pencils, pens and paper. Dr. Lucky, taking the matter in hand, made an appeal for a supply of books to the pupils of the public schools, through the teachers, at a meeting of the Teachers' Institute. The result was, that a great number of school books of various kinds, slates, copy-books, etc. were contributed, amounting to over 10,000 [1,000?] in number. Liberal donations of such as were still needed were also made by several of the booksellers, and, to make the supply complete, some purchases were made with money donated for the purpose. The school has steadily increased, until now it numbers about 160, divided into twenty classes, each taught by one of the more intelligent convicts. Though circumstances at present will admit of holding the school only on Sabbath mornings, yet the results, so far, have been of the most gratifying kind. Many who before were entirely uneducated are now rapidly learning to read and write. Some, who were compelled to get their letters written by others, are able to communicate with their friends without any such assistance. There has been a large increase in the number of letters leaving the prison, and,

what is more, there is a marked difference in their character, the change in this respect being greatly for the better. Quite a number of the scholars are studying arithmetic. A few are giving their attention to algebra, geography, etc. Nearly all take their books with them to their cells, where they improve the time which they have in study; and some carry them to the workshops, so as to have them ready for use as soon as their tasks are completed. Men of all nationalities participate in the benefits thus offered, none being excluded who prove themselves worthy of the privilege.

An experiment of great interest and hopefulness is detailed in the following extract:

During the summer, quite a number of men are required to work at night, in burning brick. For this purpose free men had been employed, until Mr. Hunter, the present contractor in that branch of manufacture, took charge of the brick yard. He conceived the idea of taking convicts whose terms of imprisonment were about to expire, and placing this labor in their hands, paying them but half the amount that he had been obliged to give to others, the money to be retained until they were ready to be discharged. The directors allowed him to try the experiment, which has worked admirably, and given good satisfaction to all concerned. Almost every prisoner is anxious to have the benefit of this arrangement, and those who are successful in securing the privilege labor as faithfully, and perform their work as well, as any men that could be found. The hope of earning something with which to begin life again for themselves acts as a strong inducement to industry and fidelity; and the moral effect of thus laboring for wages, and to a great extent as free men, with some degree of trust reposed in them, cannot but be good; while the fear, not only of losing the money they have earned, but also of forfeiting all the time which they have gained by good behavior, under the commutation act, and returning to close confinement, in disgrace, in case of an unsuccessful attempt to escape, effectually prevents anything of this kind, and renders the measure one of perfect safety.

The result of this experiment tends to show, as far as it goes, that the Irish intermediate prison can be engrafted on our penitentiary system with ease and success.

Heretofore there has been no place for religious services other than the mess-room, a comfortless and most inappropriate place. Early last year, a handsome and commodious apartment, 60 by 48 feet, was fitted up in a new workshop, for a chapel and school room.

With the consent of the Prison Board, the Prison Commission have adopted sundry measures with a view to the promotion of the comfort, amendment and elevation of the prisoners, which are detailed in the following extract:

A supply of letter paper and envelopes is kept constantly on hand, to be furnished gratuitously to all. We also keep a supply of postage stamps, which are given to every one asking for them. Those able to purchase, and who prefer to do so, are charged at the rate of ten cents for three, or twenty-five cents for eight. This is quite an accommodation, and reduces the expense of postage to most of the prisoners, to much less than it used to be. As the stamps cost us in legal tenders twenty-five per cent less than these rates, it leaves a profit, which is balanced by the donations before spoken of. None are denied who apply for them, whether they pay for them or not, and yet, the six hundred furnished during the short time in which the experiment has been tried, have actually cost us but fifteen cents. Candles to a limited

extent are furnished to all who attend the school, for use on Sabbath evening. By the kind permission of the commissary, we some time ago placed a quantity of candles in the hands of the officers, to be sold to the convicts at the wholesale prices in this city, just one-third of what they had formerly paid. This gives to many an opportunity to improve their evenings in reading, who were unable to do so before. The stock in trade to begin with was donated by some of the city merchants, so that the Commission will be at no expense whatever in the matter.

CONNECTICUT.

The directors of the State prison thus discuss the subject of prison discipline in their report:

Society has two objects in establishing and maintaining places of confinement for those who have violated law. The first is its own safety and protection, the second the reformation of the offender and his restoration to the ranks of virtue.

How best to attain these objects has been the subject of much thought among those whose sympathies extend to the unfortunate criminal, after society, whose laws he has offended has closed the prison doors upon him.

We are warranted by the laws of safety in restricting the liberty of the criminal as much as is necessary to prevent the further violation of law; but such portions of his rights only should be taken away from him as cannot be left to him without danger to the State. Absolute justice demands that the offender must make restitution for the laws he has broken, and submit to such restraints as the community sees fit to place upon him: nor ought the criminal to be subjected to greater restraint than is necessary for the preservation of the public safety, and his own highest good.

The offender, having been confined under these proper restraints, must still be maintained. He still requires food, clothing and medical attendance, and the same law of absolute justice requires that he should maintain himself during his confinement as before. Under the present management and healthful discipline of the prison, administered with great discretion and prudence by the warden and his associates, these several objects have been attained in an eminent degree.

The most perfect order is maintained in every part of the institution, while the prisoners seem as cheerful as their circumstances will permit. A comparison of the present institution, now not only self-sustaining but a source of actual revenue to the State, with the old prison at Simsbury, with its subterraneous passages and apartments dripping with moisture costing the State several thousand dollars annually, shows an advancement in the management of prisons of which the State may well be proud.

Two material improvements are reported: The construction of a substantial and beautiful iron fence in front of the prison grounds, out of the surplus earnings of the prisoners; and the introduction of gas into the cell-houses, by a special appropriation, so that the inmates are now able to read from supper to bed-time. It has been a long struggle to get this last named reform, but the battle has been won at last.

The directors, in their report for the previous year, recommended that the insane among the convicts be removed to the State Institution for the Insane, at Middletown. A resolution to that end was reported to the Legislature; but the managers of that institution

succeeded in engraving an amendment on the resolution which defeated, as was intended, its whole effect, so that not a solitary removal has taken place under it. The result has been that one of the insane committed suicide; a second died; a third is but just alive; while others, still, are tending in the same direction. Such a result throws a heavy responsibility upon the gentlemen who defeated the benevolent intent of the resolution. It is to be hoped that another attempt in the same direction will be more successful, for though the warden does all he can to ameliorate the condition of this unhappy class, it is out of his power to treat them properly or make them comfortable in a prison, especially those who are in a raving condition.

Mr. L. P. Hawes, of New York, presented 175 books to the library of the prison, much to the gratification of the convicts, who are reported as making good use of them.

The benefaction of Mr. Dorsey is thus referred to by the directors:

By the generosity of Henry C. Dorsey, Esq., of Pawtucket, R. I., the sum of sixteen hundred and sixty-six dollars and sixty-six cents was placed in the hands of Capt. Willard, as trustee, on the 1st of January, 1869, the interest of which is to be appropriated annually forever to furnish a good roast dinner, with suitable accompaniments, for the State prisoners at Wethersfield. In accordance with the design of the donor, one hundred dollars was expended for that purpose on Sabbath day, the 31st of January last, the birthday of the donor. On that occasion an interesting and able sermon was preached by the Rev. Mr. Parker, of the South Congregational church of Hartford. The exercises were enlivened by excellent music, furnished by the South church quartette, under the direction of C. W. Huntington, Esq. By a resolution of the last General Assembly, Capt. Willard was authorized to pay over the aforesaid fund to the treasurer of the State, who was authorized to receive the same and set it apart, the same to be known as the Dorsey Fund, and pay to the warden of the prison, on the 31st of January, 1869, and annually thereafter, one hundred dollars, for the purpose specified in said gift.

The finances of the prison are reported satisfactory, the surplus earnings for the year, with an average of less than 200 prisoners, being \$2,236.82.

The following extracts from the report of the chaplain, Rev. B. C. Phelps, will be found interesting:

The chapel services have been attended with marked attention, and frequently with encouraging signs of reform; seldom has a month passed without some one having professed a change of heart, or been deeply interested in their spiritual welfare, and disposed to converse freely upon the subject.

Our Sabbath school embraces about thirty scholars; in this work, the warden and his deputy, and Mr. Frank W. Bacon, one of the overseers, have rendered important service.

On Sabbath afternoons I visit all the cells, giving every man an opportunity to communicate with me, and hold conversation with as many as time will permit. The report might be largely extended by details of experience and resolves of future reform.

Seven have made considerable proficiency in learning to read, and, by the use of the slate, many are acquiring the art of writing with commendable progress, and a larger number than usual are devoting much of their time to the study of arithmetic.

The library is one of the most encouraging features of prison reform; for convicts have been accustomed to read but little before their imprisonment, but their leisure hours afford them little opportunity for any thing else, in consequence of which they acquire a fondness for books, by which many accomplish a large amount of reading in the course of a year.

The solitary cell and the cats are employed as punishments here.

DELAWARE.

There is no State prison in Delaware. Persons convicted of felonies are confined in the county jail at New Castle. We are without information touching the penal affairs of the State for 1868.

FLORIDA.

The State penitentiary of Florida did not go into operation till the beginning of 1869; of course, there could be no report for 1868. The following letters from Col. Martin, military superintendent, are all we can offer touching State prison matters in Florida:

STATE PENITENTIARY, CHATTAHOOCHEE, FLA.,
August 12th, 1869.

REV. E. C. WINES, *Cor. Sec. N. Y. P. Association*, 38 Bible House, New York,
DEAR SIR—I am in receipt of a copy of the report of the Prison Association of New York for the year 1868, for which I tender my thanks.

It is to me a work of great value, placed as I am, without the means of obtaining information as to the practical workings of the various prisons throughout the country.

Our prison is barely in its incipency, and the government of it being on somewhat a different plan from any other prison I know of, in last January I sent you a copy of the law establishing a penitentiary, and for the government thereof, in this State. As you will have perceived, it is conducted strictly under a military organization, commanded by a colonel, captain and lieutenant, with a sufficient guard and non-commissioned officers.

The prison itself was not erected for a prison, and consequently is not adapted to the purpose. It was erected for a United States arsenal, is situated on a beautiful eminence about a mile from the Chattahoochee river; the buildings are of brick; the shops are good; the square inside the walls contains four acres; the wall is some twelve feet high; the buildings are erected in the wall; the main building is 160x36, three stories; the windows are large, and not close enough together to allow one to each cell. At present, the prisoners are all confined in one room at night. In the day they are worked, erecting a saw and grist-mill, and manufacturing brick.

We have not yet decided what kind of cell to use, whether heavy plank, brick or iron. As I am advised at present, I am in favor of iron, on account of its safety, cleanliness and economy of space. I inclose herewith a circular, with draft of an iron cell, gotten up by a firm in New Jersey at my suggestion. I would be much pleased to receive your opinion of it, as well as any other suggestion you may be pleased to make.

I have at present fifty convicts confined here, forty-five of whom are negroes and five white. Crimes, principally larceny. About ten can read and six can write

They are not educated in crime, and are easily controlled, a reprimand being always sufficient, save in one case a man attempted to escape (he had escaped once and was recaptured), the guard bayoneted him. There is not an ordained minister of any denomination within twenty miles of the prison. We have no books, and it is only from such good men as will volunteer to ride over twenty miles to instruct those poor, unfortunate creatures that they can get a word of cheer or a glimpse of hope.

Under such circumstances, I think you will admit that my task is not a light one. But I hope for better things by the end of the year. I am doing all in my power to awaken an interest in the care and education of our criminals, and to that end will urge the legislature, at its next session, to make an appropriation for a sufficient number of your reports to distribute amongst its members and the heads of departments.

Begging you will excuse my unintentionally long letter,

I remain, respectfully, your obedient servant,

M. MARTIN,

Col. Commanding S. P. Fla.

STATE PENITENTIARY, FLA.,
September 13, 1869.

REV. E. C. WINES, *Cor. Sec. New York Prison Association*, 38 Bible House, N. Y. :

MY DEAR SIR—I am in receipt of your letter of the 1st inst., and thank you most heartily for your kind offer in regard to the testaments and books.

There are but nine (9) prisoners who can read; some twelve others are learning. There are but six white men confined here, the balance are plantation negroes—crimes principally larceny, and five for murder. I have got two colored men—one a Baptist and the other a Methodist—to give the convicts instruction on the Sabbath. Yesterday we established our Sunday school. Some twenty seem anxious to do better, and to me appear to be sincere. Nearly all profess religion, but I have little faith in their professions. I want to see the fruit.

I have written the commissioner of the Bu. B. F. and A. Lands for this State, with whom I am acquainted, and from whom I expect to get a supply of books, so that we can have an evening school during the long winter evenings.

The contract for the erection of cells has been put under the control of the Adjutant-General, Comptroller and Treasurer by the last Legislature, by whom the appropriation was made. This board has never organized yet, and nothing has been done in the matter. In the meantime the convicts are herded together at night, to the great injury of the discipline of the prison. The health of the prison is remarkably good. Have not had to call a doctor in two months.

The convicts are obedient and willing, working as well as could be expected. I have had occasion to punish but one severely (tying by the thumbs). Solitary confinement on bread and water, a reprimand in presence of all the convicts, and non-allowance of the commutation of imprisonment are the modes of punishment resorted to. I find no difficulty in controlling prisoners when I am present, but our guard are disposed to be at times overbearing, and at others careless in the discharge of their duty. Indeed, they give me more trouble than the prisoners. They are all colored men, and disposed to strut in their brief authority.

It is one thing for the Legislature to appropriate money, and another to put it in the treasury. Our men at the head of the State government have got affairs into such a "fix" that it is as much as I can do to get funds to pay for provisions, not to speak of clothing and incidentals.

Hoping for the best, and again thanking you for your kind assistance,

I remain

Respectfully and truly yours,

M. MARTIN, *Col. Com. S. P. F.*

The condition of the county jails is exhibited in the following letter and petition of the Hon. C. Thurston Chase, superintendent of public instruction in the State:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
TALLAHASSEE, FLORIDA, July 16th, 1869. }

Secretary of the Prison Association:

DEAR SIR—Inclosed please find a slip, containing a brief and temperate exposé of the condition of the jails in this State. New jails are being erected. Can you not supply me with such plans and specifications as will enable us to secure prisons fit for occupancy? I need not specify; you know what is wanted, you will aid us materially and benefit humanity.

I shall take pleasure in reciprocating in any way.

Very truly,

C. THURSTON CHASE,

Superintendent Public Instruction.

TALLAHASSEE, June 21, 1869.

To the Honorable the Senate and Assembly of the State of Florida:

The undersigned, a citizen of this State, begs leave to invite your attention to a great public wrong, and prays that some measures be adopted to remedy the evil.

It has come to the knowledge of your petitioner, by personal observation, by the presentation of grand juries, and other sources, that the jails in this State are unfit places for the confinement of any human being.

Some of them are not secure, and to prevent inmates from escaping, the jailors are compelled to resort to measures which are revolting to humanity and to their own feelings, as handcuffing and chaining the prisoners to the floor.

In some, there is not sufficient protection against the cold storms and winds of winter or the excessive heat of summer.

From others, God's priceless blessings of light and air are almost entirely shut out, making these prisons, where even innocent men are confined, dismal dens deserving of all execration.

As a general thing, they are badly ventilated and not well supplied with water as a protection against fire; nor are water and other needful appliances for cleanliness and decency regarded as they should be. In consequence of this, the rooms and the bodies of the men become infested with loathsome vermin.

Thoughtless youth, who ignorantly rush into criminality, are liable to be thrust into the same rooms with confirmed reprobates, burglars, highwaymen and murderers, making our jails schools for training young men in vice.

A thousand petty crimes come before the courts now, which were formerly disposed of on the plantation or were overlooked by the citizens. Then, the jail held a secondary place in the punishment of crime. Now, it is the open sepulchre into which the innocent and guilty are liable to be forced to await the slow coming and delays of courts.

The system for the correction of evil-doers has been suddenly changed, but the appliances by which it should be accompanied have not yet been provided, and it may become a grave question whether the present system, unless speedily improved, will not be found more grievous and oppressive upon those it reaches, than the former, which it has superseded.

No complaint is made against courts or officers of justice. Time and experience will correct irregularities in them if they occur. The fault is with the jails. Not with the old ones merely; the newer structures are, in some instances, the worst. The plans on which they are constructed are bad, and the wrong is being reproduced in

those that are building. Yet the cost of a well-planned structure would be no more than that of the vilest prison.

It is respectfully submitted that good plans for the construction of jails can be secured at a small cost. Your petitioner, therefore, humbly prays that measures be adopted at an early day to procure the necessary plans and specifications, and that county commissioners be furnished with copies of them for their guidance. Should this not be deemed sufficient, the legislative body which authorizes the construction of jails may, at least, give some general directions for their construction.

C. THURSTON CHASE.

GEORGIA.

No report has been published—at least none has reached us—of the State penitentiary of Georgia. The following letters from Mr. Darnell, the keeper, will be read with interest:

OFFICE OF THE PRINCIPAL KEEPER GEORGIA PENITENTIARY, }
MILLEDGEVILLE, October 21, 1869. }

Rev. E. C. WINES, 38 Bible House, N. Y.:

DEAR SIR—After considerable delay I return sheet of printed questions, with answers annexed, made out as nearly correct as possible. I regret that I am not able to make the report more satisfactory, but the whole penitentiary has been leased on the farming out system, by an act of the Legislature, and it has been almost impossible, under these circumstances, to obtain correct statements from the lessees.

All the offices of the institution have been abolished except that of prison keeper, and the number of employés is about twenty-five, who are employed by the lessees. No salaries are paid but the salary of the prison keeper, \$3,000.

No "cost per capita," nor "earnings per capita," can be given, nor can any estimate of the "earnings" or "expenditures" be had, for the reason that the lessees are to relieve the State of all expenses.

Any information desired on the subject will be cheerfully given, if possible to obtain it. Would like to have a copy of your work on State prisons.

Very truly,

JOHN DARNELL,

Principal Keeper Ga. Penitentiary.

OFFICE OF THE PRINCIPAL KEEPER GEORGIA PENITENTIARY, }
MILLEDGEVILLE, November, 24, 1869. }

E. C. WINES:

DEAR SIR—Your letter of 16th inst. has been received. Book also received, and am well pleased with it.

"Please tell me," you say, "your opinion of the principle on which your penitentiary is conducted." I take great pleasure in answering this question. I am unqualifiedly and unconditionally opposed to it. The principle of "farming out" State prisons is, in every respect, detrimental to the public good, and I hope may soon be abandoned. Very truly,

JOHN DARNELL.

ILLINOIS.

The system of prison labor employed in the Illinois penitentiary from its organization to the year 1867, nearly a quarter of a century, was that known as "leasing," or "farming out." The principle of this system is that of letting, to an individual or firm, the prison and

its labor during a term of years, for a stipulated annual bonus paid to the State, the lessee paying all the expenses of the prison, and having control of its discipline as well as its industries—a principle of prison management utterly vicious, and open to endless abuses. This system was abolished by the Legislature in 1867; a Board of three State Prison Commissioners was created, having general powers of control; and a warden appointed by them, with the powers usually inhering in that office. The intention was to introduce the contract system of prison labor, as practised in this and most of the other States. The new law, however, had limited the duration of contracts for convict labor to two years, and it was found, on advertising for bids, that contractors were unwilling to invest money in stock and machinery for so short a term. After a trial of two months, the Commissioners were unable to let the labor of more than 105 prisoners, and of these at only fifty and fifty-one cents per day. They were compelled, therefore, to make arrangements for working the convicts on State account. The financial results for the seventeen months since the change of system took place will be found in the statistical table embodied in this paper. Though less favorable than could have been wished, they are as much so perhaps as ought to have been expected under the circumstances. The account given by the Commissioners themselves is in these words:

With the assistance and co-operation of faithful, competent and skillful officers and employes in the penitentiary, we hope and expect to be able, in future reports, to make a more favorable exhibit of financial and reformatory results than at present. It must not be forgotten that we have been intrusted with a great *experiment*—that we have had only seventeen months, under unfavorable circumstances, in which to try the new system; that during the first three months, while vainly endeavoring to contract the labor of the convicts, the institution was under heavy expense without scarcely any earnings; that a large expenditure had necessarily to be made, when finding it necessary to run the labor of the institution on State account, for machinery, tools and stock; that the rapid and continued increase of convicts rendered a considerable enlargement of the operating facilities of the shops and the stock of raw material to be worked up, absolutely necessary; that owing to the dilapidated condition of the State machinery and heating apparatus, which had to be repaired, and the unfinished condition of portions of the institution, which have now been completed, at great expenditure of labor and money, our manufacturing operations were at first prosecuted under great embarrassment; and that serious damage and delays were occasioned by the occurrence of three fires within the Penitentiary inclosure, during the past year—one burning the stone cutters' shop, one destroying the tanning shop of the cooperage department, and another consuming a dry-house in connection with the cooperage department—unfortunate but apparently unavoidable accidents. These circumstances and facts must not be overlooked to the prejudice of the important experiment which the State has here undertaken. We ask for a close inspection and candid criticism of our administration and operations, but at the same time we trust that the General Assembly and the people of the State will not expect too much of us. We have earnestly endeavored to do the best that could be done. We have squandered none of the people's money, and have studied to so

organize and shape the affairs of this institution as, by proper legislative encouragement at the coming session of the General Assembly, we may at an early day place it upon a self-paying, self-sustaining basis, so that it may not only cease to be a tax upon the treasury, but also be productive of humanizing, improving and reforming results upon the convicted criminal offenders of our State. We feel and know that the much good has been done here, promoting the cause of morality and for the reformation of bad and depraved men, during the past seventeen months, and are equally positive that much more can and will be accomplished hereafter, if our efforts are supported and our arms strengthened.

We ask for no definite amount of appropriation for the next two years. All we ask is, that the members of the General Assembly will do as your excellency has done, namely: visit the penitentiary, examine carefully and thoroughly what we have done and are doing, and judge for themselves, after a careful inspection, how much money is actually required for the future successful operations of the extensive works of the institution. We are well aware that the people of the State have a very inadequate conception or understanding of the extent of this penitentiary. They are not aware that it is the largest and most complete in the United States, or that, with one exception, it contains a larger number of convicts than any other in the world. We wish that the people could know and appreciate these facts, so that they might, in justice to the penitentiary officers, understand better than they now do where the money goes to that is here invested, and the character and results of the immense works here quietly but vigorously carried out from morning till night of every week day of the year.

The following is the business card of the institution:

[One side.]

Illinois State Penitentiary.

(Photographic view of the institution.)

Geo. W. PERKINS, Warden,

Joliet, Ill.

[Reverse side.]

Contractors and Jobbers in

MACHINES, FRONES AND FOUNDRY WORK,

WAGONS and Agricultural Implements,

Cooperage, Cane Seat Chairs, Rustic Settees and Chairs,

Harnesses, Horse Collars, Brooms, Willow Ware,

Boots and Shoes,

Cut Stone, Dimension Stone, Bridge Stone, Flagging, Rubble and Rip Rap.

Special attention given to Iron Work for Jails.

Contracts solicited.

The Commissioners express themselves as in decided hostility to the contract system of prison labor:

We have serious doubts as to the policy of hiring the labor of convicts to contractors. The system is fruitful of trouble and mischief, and renders strict discipline next to impossible. In this institution, more annoyance and confusion attend or originate in the two contract shops, employing only about 100 convicts, than in all the rest of the penitentiary. Contractors insist upon their right to employ their own citizen foremen—men who have no direct interest in the general discipline or welfare of the institution—and that the convicts shall, during working hours, be under their supreme control. There is not, unfrequently, a conflict of authority between the contractors and the officers—the former exacting too many privileges, and the latter finding it impossible to secure good discipline and a systematic gov-

ernment, unless the prison rules and regulations are of uniform application and effect throughout the entire institution. The experience and views of all practical prison officers, with whom we have conversed upon the subject, coincide with ours in this matter. Far better would it be if the State, entirely abolishing the contract labor system, would operate the entire labor of the institution, thus enabling the prison officers to govern all the inmates according to a uniform system, without outside interference. Then could thorough discipline be secured, and more satisfactory results as to behavior and improvement be obtained.

It seems that, at its last biennial session, the Legislature enacted a law for the establishment of a prison for boys and young men convicted of felonies, and we heartily join in the hope expressed by the commissioners in the following extract:

Some of the courts continue to sentence mere boys to this institution. We trust that the act for the establishment of an institution for the correction and reforming of juvenile offenders, passed by the last General Assembly, but which failed to become operative, will become a law and a fact, for the benefit of such boys, whose imprisonment and association here with experienced and hardened criminals must necessarily be unfavorable to their reform.

The spirit in which the discipline of the prison is administered is seen in the following passage from the report of the commissioners:

Our system is one of kindness and humanity. It is our desire, as well as the spirit of the law, not to punish convicts with needless severity—to govern rather by kindness than by tyrannical or severe measures.

In a similar spirit are these remarks of the warden:

Our plan of discipline is based upon the strictest principles of justice and right. No matter what a man's crime or antecedents may have been, his treatment here is governed wholly by his own good or ill behavior. His rights, limited though they may be, are sacredly respected; cruelty and injustice never effected a reform, and unless the prison officer can gain the confidence and respect of the convict, he has mistaken his calling most emphatically.

The report of the chaplain is full of interest. We append the following extracts:

In entering on the scene of my duties, I found one vast field of moral desolation. The subject of religion was repulsive and hateful to a great majority of the convicts.

In full sympathy with the administrative officers of the prison in their efforts to draw the prisoners from their wretchedness by kindness and the manifestation of a warm interest in their welfare, I soon had the satisfaction of seeing a growing interest and frankness on the part of these hitherto intractable men.

By contrasting their sufferings and adversity with the prosperity and happiness of those whose honest industry had procured them homes of comfort and refinement, the conviction was soon forced upon them that the past had been an error. It was not then difficult to show them that all opportunity of amending their lives was not lost; but with the temptations that would beset them, no reasonable hope of reformation could be entertained that was not founded on the thorough regeneration of the heart.

Before the close of the first year of my labors many hopeful conversions inclined me to take such measures as would cause the influence of these results to operate on others. To this end I determined (not without many misgivings) to organize a

Christian society among the prisoners. Beginning from a small origin, this society was rapidly enlarged, until it now embraces nearly a fifth of the whole number of convicts. Aside from its actual membership, its influence over a great majority of the men is of the most elevating character. Doubtless, as in many other Christian societies, some of its members simulate a change they have not experienced. But most of them are leading devout and exemplary lives.

This society was organized on the 15th day of March, 1868, with fifteen members. I dared to hope, at this time, that it would be enlarged to forty or fifty members in the course of a year. The result shows that my hopes were more than realized within the first month.

The following exhibit shows the present condition of the society:

Number of members received.....	201
" " discharged from prison.....	17
" " pardoned.....	13
" " deceased.....	5
" " expelled for cause.....	14
	— 49
Present total	212

It is regarded as a phenomenon that the services of this society are held without the presence of the guards. But the power of religion over its members is such that no inclination to abuse the confidence thus reposed in them has been manifested. On the contrary, they seem to vie with each other in demonstrating to their officers that, under the influence of their Christian professions, they may be trusted.

It is my custom to hold three services each Sabbath; first, a sermon to the assembled male convicts, in the morning; after which, a society meeting, composed of the members of the prison church; a sermon to the female convicts, in the afternoon, closes my public services for the day. Aside from these labors, it has been my practice to devote the remaining hours of the day and evening to visiting the convicts in their cells, distributing religious papers, tracts, etc.

The law requires the chaplain to become the intellectual, as well as the moral teacher of the convicts. In pursuance of my duties as such I have met with fair success. To visit the prisoners at their cells I find to be the only practicable method of instruction, since it would be impolitic to attempt to organize them in classes. About one hundred of the convicts have learned to read and write; fifty have been taught to read and spell. There are now between seventy-five and eighty under instruction in arithmetic; these comprise such only as had no previous instruction in this branch. Aside from those who have been under a regular course of instruction, a majority of the others have received such instruction as circumstances would admit. Most of those who came in with a limited education have manifested a desire to improve themselves. These, however, have not received as much attention as those entirely destitute of education. On the whole, I have every reason to feel that fully as much has been effected in this direction as was anticipated at the commencement of my labors.

Nor can we withhold the following testimony to the zeal and efficiency of this officer. It is from the report of the board of commissioners:

We respectfully, and with a feeling of peculiar satisfaction and gratification, refer you to the report of the penitentiary chaplain. He has labored with assiduity, and you to the report of the penitentiary chaplain. He has labored with assiduity, and displayed a degree of devotion and zeal in his work, during the past seventeen months of his official charge, that has been in the highest degree commendable. He works night and day, spending nearly all his time in the penitentiary, mingling among the convicts, encouraging them with good words while at work, imparting

to them comfort and instruction in their cells, teaching many of the ignorant the rudiments of education, influencing them to better thoughts and higher aspirations, inspiring them with manly impulses and resolves, and on each Sabbath day preaching to them when assembled in the chapel. When newly arrived convicts have been clothed in the stripes and prepared for their new life in prison, before they are assigned to their labor in the shops, he addresses them kindly and impressively, instructing them in the rules of the prison, and urging them to good behavior. The effect of his teaching is strikingly apparent in the demeanor of the convicts, and in the general discipline. Some of the results of his efforts are truly wonderful. Some of the worst criminals and wickedest men among the convicts have been conquered by him, having been influenced from the errors and dispositions of their former life, and apparently changed to new and different men. He has organized among the convicts a religious society, now numbering 212, not including many who have been discharged since its foundation. We have the best of reasons for believing that many of these converted men are now true christians at heart; in fact, reformed and redeemed men, as is demonstrated in the cases of many of those who have been discharged, who are now doing well and living honorable lives as citizens, and in the cases of others, still here, whose changed conduct and general demeanor for the better are almost incredible.

Since the publication of the biennial report for 1867-8, from which we have drawn the foregoing exhibit, Gen. Dornblaser has resigned the wardenship (for what reason we were not informed), and some months passed, in which the prison was without a head. During this time, the discipline, if newspaper reports are to be trusted, was in a bad state, and much disorder, insubordination, and even violence, prevailed. About midsummer, the late efficient head of the Chicago Reform School, Geo. W. Perkins, was appointed warden, since which time matters have assumed a better shape, and we trust that all things will soon be "put to rights," industrially, financially and morally, under his administration. The latest information we have is contained in the following extract from a letter written by the chaplain, under date of July 16, 1869:

Permit me to add that our religious society continues to realize my hopes; and, although sorely assailed by many who refuse to believe in the sincerity and penitence of the criminal, it is silently accomplishing one of the most marvelous works ever, I believe, noted in criminal annals.

The dark cell is the only punishment in use here.

INDIANA.

Indiana has two State prisons, one on the southern border, at Jeffersonville, the other on the northern, at Michigan city.

1. Southern Prison.

In place of any digest of the report for 1868, we append the following letter from the chaplain of the prison, the Rev. John W. Sullivan:

INDIANA STATE PRISON SOUTH,
JEFFERSONVILLE, Oct. 12, 1869.

REV. E. C. WINES, D. D.:

DEAR SIR: * * * * * Our prison is now in a more healthy and prosperous condition than at any former period of its entire history, owing mainly to its government and disciplinary arrangement.

Col. L. S. Shuler, the warden (since the first of last January), is a man peculiarly adapted to the duties and responsibilities of his high position,—a moral, good man, a perfect gentleman, of humane disposition, fine judgment, and having as kind a heart as ever throbbed in a human bosom. I mention this as being, in my judgment, an indispensable trait in the character of every one having control of prisoners.

He does not think it detracts from his dignity to speak to a convict, take him by the hand, converse freely, and familiarly with him, advise, and counsel him, nor does he think he compromises the obligations of his high position, in declining to inflict corporal punishment, when milder and more salutary measures will subdue the offender, and secure cheerful submission to law. He rules in kindness, and hence the occasions for punishment are exceeding rare. At one time, at the hour of lock up in the evening, he was present in the cell house, without another officer, with all the convicts, near 400 in number, out of their cells, in the halls. They received license from him to do as they wished, mingling freely together, meeting old friends; soldiers, who fought side by side on the battle field, not having seen each other since the close of the war, now met, and such greetings; and thus an hour or two passed, with the Colonel in the midst of them, respected and loved by all; and during the whole of this time, not a profane word or obscene remark was heard from any lips, and at a certain signal, every man, as though drilled for the occasion, was at his cell door, ready to enter and be locked up. The effect of all this was most apparent in the cheerful industry and quiet submission to rule which prevailed subsequently throughout the prison. He attaches more importance to a system of privilege, as a means of governing, than to any other method. Bad as some convicts are, there are but very few who will not appreciate a favor; and any indication of kind feeling or assurance of sympathy in those who rule over them, is not only elevating to their depressed spirits, encouraging to their hopes, but, in itself, is a controlling power.

The moral appliances, authorized by law, and employed in the reformation of the convict, have more than double the influence and force than heretofore, because he is invariably found in the Sabbath school, in the prayer meeting, and at public worship in the chapel, and at all times ready to sustain and encourage the chaplain in the discharge of his responsible duties.

The result of his administration for the last nine months and a half may be summed up as follows:

1. The prisoners are better fed, better clothed, and better provided for in their sleeping apartments.
2. The sanitary regulations have been greatly improved, and as a consequence the health is much better.
3. There is a vast increase in the amount of work done, and better work than heretofore.
4. The financial condition of the prison was never as good as at the present time.
5. There is a decidedly increased interest taken in our Sabbath school, a larger attendance, and more good being accomplished.
6. Chapel services are more highly appreciated, and the exercises more interesting and profitable.
7. The institution of a prayer meeting, held in the chapel on the Sabbath, and three prayer meetings, held in the cell house through the week, at night.
8. The organization of a religious association, under the title of "Christian Broth-

erhood," composed of 130 members, all convicts, many of whom have found redemption in the blood of the Lamb, the forgiveness of their sins.

Take it altogether, as to finance, discipline, morality and religious influence, we think we have the model prison of the United States.

However, with all our moral health and prosperity, we cannot give any credit to the contract system, the legitimate tendencies of which are to render inoperative and abortive the agencies employed for the mental and moral culture of the convicts; but, with that unfriendly influence to oppose, we have succeeded to an extent exceeding, indeed, our own expectations, while the advocates of the lash and brutal force are compelled to admit that the humane administration of Col. Shuler is a decided success.

JOHN W. SULLIVAN,
Chaplain.

Further information of the present state of this prison we have from a reliable source, which, however, must be anonymous to the reader. It is from a communication to the Indianapolis Journal of a recent date. The writer says:

During a recent visit to Louisville, we missed a train on the return, and concluded to modify the weariness of waiting for the next by dropping down to the penitentiary and paying a visit to Colonel Shuler and his large and constantly increasing family. We arrived at the prison after working hours, but Colonel Shuler very kindly showed us through the establishment. The Colonel has introduced a new system of government at the penitentiary—that of kind treatment, expostulation, reasoning and personal appeal to the better nature of the convict, instead of the oath, the birch, the cat, and other brutal treatment. The result has been looked forward to with no little anxiety. It was feared that Colonel Shuler, like other enthusiastic men, had overestimated the advantages, while he failed to comprehend the disadvantages, of the new dispensation; but a sufficient length of time has now elapsed to judge of its merits by actual and practical results. The touchstone of experience has been applied, and Colonel Shuler's ideas have proved to be pure gold, instead of dross. Cheerfulness, ambition and hope have taken the place of sullenness in many a convict's breast, and the health, morals and discipline of the prison have been improved. Colonel S. makes it a point to know every man in the prison, and something of his history. Being naturally a judge of human nature, with unusual capacity for government, his success has been beyond his most sanguine expectations. He has tamed all the incorrigibles in the prison, and finds kind treatment, with such punishments as the ball and chain and the dark cells, more efficacious than the cat. The men are healthier, quieter and do their work better, while, at the same time, under the influence of Mr. Sullivan, the moral instructor, they are improving their minds, and acquiring a healthy ambition to become something better than thieves when their terms of imprisonment expire.

The influence of this system on one of the greatest desperadoes in the prison is thus sketched:

From a desperate, morose, sullen fellow, addicted to all sorts of outbreaks, he has become well behaved and trusty, and enjoys to the fullest extent the confidence of the officers. It is cheering to notice that he has never, in the slightest, abused this confidence.

Another effect of the present warden's treatment of his men is seen in the following statement:

Among the negro convicts is old Peter Palmer, sentenced for twenty-one years, whose time, counting the discount for good behavior, expires next July. The other day, Peter dug up a hundred dollars in gold, and gave it to Colonel Shuler to keep for him until his time was out. Peter says he was always afraid to trust his treasure to the keeping of others, but, 'fore God, he believes Colonel Shuler is an honest man.

We offer a graphic picture of the convicts going to their evening repast:

The sight of the convicts going to supper was an interesting one. The various detachments marching past at lock-step, each convict with his right hand on the shoulder of his fellow, presented the appearance of enormous striped centipedes, slowly crawling along. In the dining hall everything was orderly and quiet. The convicts had an abundance of good, wholesome food, and ate it without any confusion.

It seems they have a character in the prison among the female inmates, as will be seen from the following:

Of course, we could not come away without seeing Mrs. Clem, the lioness of the institution. We found Mrs. C. in the female department, looking well and cheerful. She was dressed in plain calico, neatly fitted, with a trifle of white linen about the throat. She is hopeful that the Supreme Court will provide a way out of her difficulty, and complains that the newspapers pursue her even within the walls of the prison. She pointed to her cell, and jocularly told us to go in and examine the "spring mattress" upon which the papers represented her as sleeping, and the velvet Brussels upon which her dainty feet trod. We found her cell neatly but not gaudily furnished, the spring mattress being stuffed with clean straw. Mrs. Clem also denied the soft impeachment of going a-fishing, not that she is any too good to do it, but merely to vindicate the truth of history. Confinement does not seem to tell upon her, and she is buoyed up by the hope of getting out in a short time.

The ordinary punishments used in this prison are privation of privileges and loss of time gained by good conduct; occasionally the ball and chain; and, in extreme cases, the "cats."

The convicts are permitted to write to their friends as often as they please, on condition of good behavior; for violation of rules they are deprived of the privilege for a month. This is found a strong aid to discipline.

On funeral occasions, all convicts, *not employed on contracts*, go in procession to the grave, accompanied by the warden, chaplain, and such other officers as can be spared. The exercises at the grave consist of singing, prayer, and brief remarks by the chaplain. The contract system, it will be observed, at this point, as at all others, opposes itself to the moral and religious agencies by which the spiritual nature of the convict might be improved.

2. Northern Prison.

The report of this prison for 1868 contains little that is of general interest. It is taken up chiefly with an account of efforts made to

let the labor of the prisoners, which, to a very great extent, proved unsuccessful, inasmuch that, in the aggregate, about one-half of the prison labor remained unemployed throughout the year. In consequence of the enforced idleness of so large a proportion of the men, the financial exhibit for 1868 is much less favorable than that of the southern prison, and less so than that of this prison for the preceding year.

The office of chaplain was vacant at the date of the report for 1867. It has since been filled by the appointment of the Rev. Aaron Wood, but this gentleman gives no report whatever of his labors, or their results. Upon the whole, the report of this prison is a meagre one, and scarcely worthy of the present state of social science in the department of prison discipline.

IOWA.

The biennial report of the State prison of Iowa shows progress in the right direction. On the subject of prison punishments, Mr. Heisey, warden of the prison, says:

In accordance with my suggestion, the Legislature authorized the treatment by confinement in a dark cell, and bread and water diet, of offenders against the rules of the prison. After the best reflection I could give the subject, I determined, during the past year, to abolish entirely the mode of punishment by "the degrading and cruel lash." Experience thus far has fully justified the humanitarian idea. Efficient, complete discipline has been maintained, is all the while maintained, without the cat-o'-nine-tails; and I am thoroughly convinced that this harsh measure of punishment is as unnecessary as it is cruel and barbarous.

Of the excellent results of a recently organized Sunday school, disciplinary as well as otherwise, he remarks:

Of the same general nature may be set down a new means of instruction, and, as it has happily resulted, a powerful auxiliary in discipline, in the establishment of a prison Sabbath school. This school was organized on Sunday, May 9, 1869. Governor Merrill had particularly recommended it, and the good people of Fort Madison earnestly seconding the suggestion, it was inaugurated at the time stated. The results have been beneficent and only beneficent, from the beginning to the present time. The school has had an effect favorable to the good spirits and cheerfulness of the convicts which must be pronounced remarkable. The school is conducted as Sabbath schools generally are conducted, the citizens of Fort Madison showing their interest in it by supplying, every Sunday, sufficient teachers to conduct the school, and a large number of persons to take part in the lessons, and by their presence manifest an interest in the success of the undertaking and in the welfare of the men. It is but my plain duty to express hearty gratitude to the governor of the State for his suggestions in this matter, and to the citizens of Fort Madison who have kindly aided in the practical success of the school. That it has a good effect upon all the convicts, and a specially good effect upon most of them, there is no room to doubt. The wonderfully good effect is seen in these remarkable facts:

1. There is less punishment required to preserve the discipline of the prison now, by more than one-half, than before the organization of the school.

2. The men do more and better work in the shops than before the school was organized.

3. All the officers of the institution testify to the better disposition of the men universally.

If these things shall continue, it will be found that the best discovered means of prison discipline is the Christian Sabbath school.

The chaplain, Rev. Joseph McDowell, adds his testimony in these words:

The success of our religious instructions has been, by the blessing of God, such as to give a confident hope that practical good has been accomplished. When I commenced my labors, there were thirty-four convicts who could neither read nor write. They were taught as well as could be done with the very limited accommodations for the purpose, but since the organization of the Sabbath school they have made great progress. Twelve of them can now read quite understandingly in the word of God, and all the others are rapidly improving.

The Sabbath school has indeed had a marked effect upon all the convicts. There is a noticeable reformation in all of them, to be directly traced to the practical inauguration of the school. From all I can discover, not a few of the men are hopefully changed for the better. In this great work of the Sabbath school, officers, guards and contractors have shown a deep interest, the most of them being always present to assist in the instructions. It is a fact worthy of special mention, that the contractors have always accorded to me every kindness and seconded every effort I have made in the religious instruction of the men, not objecting to my labors—on any occasion when I have thought proper—among them, when their time was at the disposal of the contractors.

The results in religious instruction cannot be added up like sums in arithmetic; but there is no doubt that the instructions here given have been blessed, and, we may hope, may bring forth fruit in the future that shall be plainly manifest.

The liberality of the contractors, as stated above, is worthy of all commendation; and it is all the more noticeable, as being in such sharp contrast with the general conduct of the gentlemen holding this relation to the labor of the convicts.

KANSAS.

The report of the officers of the Kansas State prison, for 1868, is an interesting and encouraging document. It shows that the prison is making healthy progress, both as regards the theory and practice of penitentiary discipline. The administration has been changed in its *personnel* during the year, and the change appears to have been a decided gain to the institution. The board of directors, in their report, say:

The books of the institution were, at that time [viz., when they assumed charge, a fact to which we also directed attention in our last report], in a very unintelligible condition, owing to the fact that the business of the institution was formerly transacted partly by the warden and partly by the chairman of the board of directors.

They add:

Through the untiring efforts and ability of the new clerk, Freeman Bell, order has been brought out of chaos, and the books are now intelligible and in a satisfactory

condition. The condition of the prison, under the able management of the warden, J. L. Philbrick, is all that could be desired, and we congratulate the State on having secured the services of a man so peculiarly adapted to perform the duties of this responsible position; assisted by his deputy, H. Hopkins, the best interests of the State will be advanced by their supervision.

Mr. Philbrick thus expresses his views in regard to the value of farm labor in a prison:

Last spring, deeming that the interests of the State demanded some land for tillage, I rented about fourteen acres, at seven dollars per acre. This ground was plowed, planted, worked and harvested entirely by convicts, and the proceeds from it are:

1,060 bushels of potatoes, at 50 cents.....	\$530
24 bushels of beans, at \$3	72
700 heads of cabbages, at 3 cents	21
And other vegetables amounting to.....	50
	\$673

Thus it will be seen, notwithstanding we had a very bad season for late vegetables, on account of the grasshoppers, this was a profitable investment; and I do most earnestly hope that the board will use their influence with the Legislature in getting them to grant the authority and means to purchase more farming land for the institution, knowing that the interests of the State cannot be better advanced than by making such a purchase. As I have referred to this matter in one of my monthly reports, I will not again go into details, but will simply say that all of the grain and vegetables needed on the premises, both for convicts and horse-feed, can be raised with but trifling expense to the State, if we only had the ground; and it will be many years before the institution can be made self-sustaining in any other way; but by raising all of its own produce, at least \$10,000 can be saved per annum.

These remarks touch only the question of the pecuniary value of agricultural labor of imprisoned convicts; but Mr. Organ, late superintendent of liberated convicts in Ireland, has shown that it has even a higher value as respects their reformation, its moral influence being most bracing and salutary.

The following observations by Mr. Philbrick on the qualifications of officers, on the means of securing permanently the services of such as prove themselves competent, on the true end and method of prison discipline, on the intellectual and disciplinary value of prison libraries, and on the evil effects of unduly short sentences and of the almost universal expectation and scramble for pardon among convicts, are pertinent and timely:

The officers connected with the prison at this time manifest an earnest desire to faithfully discharge their duties, but during the time I have had charge of the prison several changes have taken place among them, some because the pay was not sufficiently remunerative, while others have been discharged because they did not possess the necessary qualifications to control convicts, the reformation of a convict being the great aim in view. Brute force alone will not answer, and muscular power is only one of the essentials; a good officer must have a clear intellect, a sound judgment and a perfect control over his own temper at all times to enable him to act quickly,

firmly and justly, in order that the proper discipline may be maintained which is so necessary in an institution of this kind. Such men can usually command more pay than they get here, and, if they come at all, their stay is short, and by the time they have become sufficiently acquainted with the prison and convicts to be useful, they have secured situations or engaged in some kind of business where they can get more for their services; and I am of the opinion that officers just appointed, entirely unacquainted with the discipline and business of an institution like this, should not receive the same compensation for their services that officers do who have served one or two years; and in order that the officers who have proved themselves properly qualified by nature and experience may be retained, I would recommend that all who serve one year should have their salary increased one hundred dollars, and those who serve two years two hundred, making the salary for the first year five hundred dollars, the second year six hundred dollars, and the third year seven hundred dollars. This, I think, would stimulate them to retain their office by faithfully discharging their duties, and would at all times keep a number of old officers, who by their experience (other things being equal) are worth more to the State than any new or inexperienced one can possibly be. One officer who has learned the nature and disposition of the convicts can control more with safety, and maintain better discipline and get along with less trouble with the prisoners, than two new ones can. Hence I believe it is a matter of economy to the State to retain them even by increasing their salaries.

There are now in the library about five hundred volumes of useful reading matter, one hundred and sixteen of which have been added this year, and the largest portion of the convicts confined here manifest great interest in it. By a very wise provision of the law passed last winter, three hundred dollars from visitors' fees and earnings of the prison were set apart annually for the purchase of a library. This will in time produce one both creditable to the State and useful to the inmates of the institution.

A well selected library in an institution of this kind is one of the most important things connected with it, for it not only aids the convict in gaining useful knowledge which will prove a benefit to him when discharged, but materially assists the officers in maintaining that discipline without which a prison life would prove intolerable, and all of its influences, instead of tending to reform, would be wholly demoralizing, making the bad worse and the extremely vicious still more vile. Many people think that is the result of all prisons. That some, in times gone by, may have been so conducted as to produce such results may be true; but all are not so, and I feel confident, by the time another year rolls around, God helping me in my endeavors, that I will be able to show to the people of Kansas that a larger percentage of the convicts of this institution have been reformed and are following honorable occupations and gaining honest livings than have been turned out from any other institution in the country. That every man in the institution will be reformed is impossible, but I believe that fifty per cent of all that are discharged now, and are to be discharged the ensuing year, will become honest men in the community.

One of the greatest evils I find to contend with among the convicts is the everlasting subject of pardon. This seems to be uppermost in the mind of nearly every convict in the penitentiary. A majority of all the letters written by the convicts' friends outside dwell upon the theme, and imply that their pardon is the only thing lacking to make themselves and the rest of the world perfectly happy. Many of the parties applying for pardons are ready to join a vigilance committee and help hang a man for stealing a horse, while under the excitement of the moment, who will use all of their influence in getting a convict pardoned (who is under sentence of one or two years) when he has been here but three or four months. Again, the friends in most cases represent that the convict is innocent, that the guilty one has not been

arrested, etc., when the convict himself had already confessed his guilt to me, and expressed sorrow for his crime and the shame brought upon himself and family, thus making the convict (if any difference between them) the most honorable of the two; still he wants to be and is all the time thinking that he will be pardoned.

This keeps him uneasy and irritable about his work, manifesting in every thing that he does a restless disposition, unpleasant to his fellow convicts and in some cases causing them to get punished for misconduct, all in consequence of this evil influence upon their minds. This not only prevents that reformation essential to the safety of the community and the welfare of the convict when he is released from prison, but places the officers of the institution in a false position, for most of the convicts think that they only need the recommendation of the warden or deputy to be discharged; hence, neither the warden nor any other officer has that power over the mind and actions of the convict that he ought to and would have, if it were not for this continual idea of pardon.

There is a portion of a class in the community who seem to make this branch of business a specialty, and have manifested a great interest in getting convicts pardoned; but, so far, I have never known them to intercede for any one, unless the convict or a friend who was come-at-able had money, showing their judgment to be that poverty is a crime and must be punished.

More than twenty years ago I became an officer in a penal institution, and was connected with a prison several years, and since that time have been familiar with the workings of different prisons in this country, and will venture to say that there is hardly a man, whose experience with prison life and convicts entitles him to consideration, but will sustain me in saying that pardons, as a general thing, produce more evils than they do good; for while one may be made happy by it, hundreds are made miserable, for they think, and in most cases know, that they are as much entitled to one as the party who so received it. That there are some cases that ought to be pardoned I do not deny, but they are much fewer than the people think, unless the whole are pardoned. If the reformation of the convict is the aim in view, which I claim should never be lost sight of, the practice of sending so many men to the penitentiary for three or four months, or any term less than a year, is an evil one, for before the prisoner learns the rules of the prison, or learns to respect himself or any body else, he is discharged and goes out into the world a worse instead of a better man, and his influence over the convicts left in the institution has a bad effect, and, knowing that he has but a short time to stay, he looks upon every thing like reforming with contempt. While I do not look upon extremely long sentences as the most desirable for reformatory purposes, extremely short ones are the worse of the two, and if it is necessary to restrain this last class, it should be done by sending them to the workhouse, or county jail, instead of the penitentiary. Convicts with sentences from two to ten years, are capable of being moulded into useful men and women again, with very few exceptions. There are men sentenced here for five years, for horse stealing, from one county, and for four months for the same offense in another county. This seems very unequal justice, and there is no class of people in the world who feel and criticize the actions of the courts more than the convicts themselves, and it is a common expression among them, when a man is sentenced here for a few months for grand larceny, that he had a soft thing of it, and that he was going to do all of his stealing in that place hereafter.

The following passage from the report of Mr. Mitchell, chaplain, will be read with interest:

When I made my last annual report there were in the prison 125 prisoners. There are now 170-123 white males, 35 colored, 5 Indians, 3 Mexicans, and 4

women. Of these, 86 can read and write, 65 can read but not write, and 25 can neither read nor write. Fifty-two of these prisoners have both parents living; 80 have fathers only; 18 mothers only; 48 have neither parents living, and 22 know nothing of their parents. Hence, a very large per cent of these unfortunate persons are orphans, and as such have special claims upon our benevolence and mercy. We have held divine services every Sabbath except in a few instances when providentially hindered, during the year. The religious services of the prison consist of a prayer and social meeting, Sabbath morning at nine o'clock. Preaching at two P. M. Bible class at four P. M., and prayer meeting on Wednesday evening. Those who are members of the prison church, or who desire to be Christians, attend the Sabbath morning social meeting and the Wednesday evening prayer meeting. All attend preaching, and a mixed number the Bible class. All who desired it have been baptized, and to all who have professed faith in Christ, the Lord's supper has been administered. About forty of these prisoners are members of the prison church, and of this number none have tried to escape, neither have any been returned to the prison for a second offense, while nearly all of this class who have gone out by pardon or expiration of time, have sought connection with some branch of the Christian church, and are trying to live exemplary Christian lives.

The physician's report is interesting; but we cannot make room for extracts. His department, when he took charge of it, appears to have been in the same chaotic state as the rest of the prison; but he has brought order out of the confusion; and his administration seems to be both methodical and efficient.

Since writing the above, the report for 1869 has been received, evincing solid progress in every direction. Financially, the prison came within ten thousand dollars of being self-supporting; its discipline has been greatly improved, while the punishments have, at the same time been reduced in equal ratio; the library has received important additions; the taste of the convicts for reading grows stronger, and their knowledge visibly increases; the religious services of the prison, preaching, prayer meeting, and Bible class, have been attended with increasing interest; and a regular prison school has been organized, numbering forty-five scholars, none of whom knew the alphabet a few months ago, but many of them can now read quite well. The Kansas State penitentiary is evidently advancing by rapid strides to take its place in the front rank of American prisons.

The only punishment in use here is the ball and chain on the leg, the prisoner the while being kept constantly at work. The authorities congratulate themselves that the shower bath, lash, iron cap, tying up by the thumbs, stocks, etc., etc., are punishments quite unknown there, further than by report.

KENTUCKY.

No report of the State penitentiary of Kentucky for 1868, has reached us. We have received some statistical items in manuscript

from the warden, Captain H. I. Todd, which will appear in the statistical table.

MAINE.

The State prison of Maine has long since, under the management of its present head, Mr. W. W. Rice, taken rank as one of the most successful penitentiaries in America, in respect both of its finances and its reformatory work. On the subject of discipline Mr. Rice expresses himself thus:

To enforce the necessary discipline in this prison, it is sometimes found necessary to punish by solitary confinement in a cell without bed, and diet of bread and water, and occasionally, for the second or more serious offenses, in a *dark* cell; and the convict understands that he loses the time he is in punishment, and also the deduction from his sentence, that he would be entitled to for one month of good behavior. Comparatively few cases will occur when it will be necessary to resort to punishment, provided the officer in charge is well adapted to the responsible position he is intrusted with. He should be a man capable of controlling his temper and governing himself under all circumstances, avoiding all familiarity, and discharging his duties faithfully, firmly, and without ostentation. If on the other hand he is irritable, vacillating, or in any way unreliable, disorder, confusion, and frequent punishments will prevail wherever he has control.

I am glad to be able to say that a greater degree of harmony and efficiency exists among the subordinate officers at the present time, than at any time since I took charge of the prison; consequently, the discipline is better and more easily enforced.

Some people think that the inmates of this prison are treated too well, so that there is danger of their committing new crimes to bring them back. I have only to reply to such by simply stating the fact that out of 236 whom I have discharged during my connection with the prison, only eight have returned as convicts.

The following statement and suggestion on the subject of pardons will attract attention:

Twenty-one have been discharged by pardon during the year, nineteen by the governor and two by the president. This is the largest number of pardons granted in any one year, during the five and one-half years I have been in charge of the prison, and much larger in proportion to the average number of convicts in prison than have ever been granted in any other State, showing that the executive has erred on the side of humanity, if at all. It may be proper to remark that in several cases the sentences were reduced but a few weeks or months by the pardon, which was granted for meritorious conduct *in prison*. In Massachusetts last year, with an average number of convicts nearly four times as large as we have, only fourteen were pardoned.

Since June, 1863, ninety in all have been discharged from this prison by pardon, and of the number only two have returned here as convicts.

The pardoning power is very properly lodged with the governor and council, and may be used to affect the discipline of the prison very materially; and I may be allowed to suggest, that except in cases of extreme hardship or when new evidence is discovered causing a doubt of the guilt of the convict, a rule might be adopted, with good results, that no convict shall be granted a pardon until he has served in prison at least two years, nor within one year after he has been punished for violation of the rules of the prison.

Mr. Rice's views in regard to the proper length of sentences deserve thoughtful consideration:

I am tempted to repeat what I said in my last report in regard to the *habit* our courts have of sentencing men to the State prison for a term of but *one* year. The reports of other prisons in the New England States show that the sentences to them are much longer than they average in this prison, and comparatively very few for one to two years only.

Of the forty-nine committed for a term of years to this prison during the past year, thirty-one, or sixty-three per cent, had but two years or less, while in Massachusetts, in 1867, but twenty-eight per cent had only two years and under. Now I am not in favor of extraordinary sentences, and think that sentences for a term less than life should rarely exceed five years, and that life sentences should be restricted to capital offenses, still I believe it mistaken sympathy as well as mistaken policy that sends a convict to this prison under a sentence of less than *three* years. Less time than that is not long enough to make him master of a trade or to wean him from the habits and haunts that made him a criminal. A sentence of but one year attaches disgrace to a man, but it neither reforms him nor protects society only from his depredations during his term of service, at the termination of which he goes out little better prepared to earn an honest living or to resist temptation to commit crime than before.

Worthy of respect and applause as the management of this prison is in most points, there are two material defects, which we cannot regard or speak of otherwise than as a disgrace to the State; no provision is made for the secular instruction of the illiterate among the prisoners, or for the support of a permanent chaplain. Both these great interests might be committed to the same hands in so small a prison, and at a very moderate cost, compared with the immense advantage certain to accrue therefrom. One criminal thereby annually saved from a continuance in his career of depredations would more than pay the salary of such an officer; for it is a well established fact that on an average criminals spoliates on society to the amount of about \$1,600 each per annum.

The only punishments employed here are the solitary cell and loss of commutation for one month.

MARYLAND.

The authorities of the Maryland penitentiary, including directors, warden, physician and clerk (there is no chaplain), are evidently vigilant, alert, active, upright, and studious, in a high degree, of the best welfare of the institution; but they struggle against difficulties, physical and financial, which would appal men less brave of heart, less resolute in spirit, than they. The overcrowding in this prison is fearful, thrice or four times as many being huddled together therein as there are suitable accommodations for. The directors speak of this condition of things as existing "to an extent that is discreditible to the State and repulsive to humanity;" and we

judge that but for the extraordinary care of the medical officer, the prison could hardly fail to be visited by some epidemic disease that would more than decimate its population.

The financial difficulties which beset the directors are thus set forth in their report: "The undersigned regret that they have to state that the amount for the hire of prison labor was \$10,527.13 less than the sum received for the services of the prisoners in 1867. This fact was consequent upon the reduction of the price of a day's work, and a diminution of the numbers employed." They think that "if the labor of all the convicts could be farmed out, even at a very low rate, the revenue therefrom would maintain the institution." But this is so far from being the case that "only about one-half the prisoners are profitably employed;" that is, doing work for which the institution receives a money equivalent. But further: there is not only no prospect of securing remunerative employment for the convicts on contracts, but even if such should be obtained, "there is no shop room in which to work the men."

Yet despite these grave disadvantages, the financial showing of 1868 is better than that of 1867, the expenses having been less by \$16,103.05; and this in the face of an increase of salary awarded to all the members of the prison staff. This decrease of expenses, we are assured, has not been made at the cost of the fare and comfort of the prisoners—they having been furnished with proper clothing and bedding, and with table rations abundant and wholesome.

The directors have constructed a table of much interest, showing the annual average number of convicts from the year 1862 to that of 1868 inclusive, the aggregate annual cost of supporting the institution, and the expense *per capita* for each year and each day.

Year.	Average number of prisoners.	Gross cost of maintaining the institution.	Cost per year for each prisoner.	Cost per day for each prisoner.
1862	353	\$43,156 00	\$122 25	33 40-100 cents.
1863	384	42,610 54	118 57	31 11-100 "
1864	413	53,592 56	130 63	35 70-100 "
1865	396	63,004 10	171 95	47 11-100 "
1866	541	78,307 83	144 74	39 65-100 "
1867	667	101,506 30	152 18	41 70-100 "
1868	648	85,403 25	131 79	36 11-100 "

The directors have formed another table, covering ten years, and designed to show the diminution of crime among the white population, and its increase among the colored race, "if prison statistics are any authority in that connection."

1859—Whites.....	97	Colored.....	14	Excess of whites....	83
1860 ".....	115	".....	9	".....	106
1861 ".....	78	".....	1	".....	77
1862 ".....	79	".....	23	".....	56
1863 ".....	115	".....	49	".....	66
1864 ".....	52	".....	46	".....	6
1865 ".....	73	".....	106	Excess of colored....	33
1866 ".....	144	".....	230	".....	76
1867 ".....	144	".....	233	".....	79
1868 ".....	144	".....	218	".....	138
1869 ".....	82	".....		".....	73

We rather think that "prison statistics" are not much of an "authority" in this case. The directors forgot that slavery was a factor in the problem at the beginning of their decade, but had been eliminated at its close; and that the cowhide in the hands of the master performed the same punitive function in the case of negro larcenies in the first half of the period selected by them, which the penitentiary now does in the hands of the criminal courts. If then their statistics prove any thing, they prove that crime in the negro race has increased within the last ten years, 1,500 per cent. But do they themselves believe that the members of this race do 1,500 acts in violation of law, where they did one ten years ago? Impossible! But their inference that crime has diminished among the whites is as unfounded as their other inference that it has increased in such an enormous ratio among the blacks. When the increase of population is taken into the account, 82 crimes in 1868 are more than 97 were in 1859. Besides, 82 for the year named was evidently an exceptional number, since for each of the two years immediately preceding, the number was 144, and surely a diminution of 62 (nearly 50 per cent) was too great to be normal, even supposing the ratio of crime to have been really on a descending scale.

Since the above exhibit for 1868 was prepared, the report for 1869 has been received. It is a document of much interest and highly suggestive. The good work of curtailing the expenses of the institution has been still going on. The reduction in 1868 over the preceding year was \$16,103.05; that of 1869 over 1868 was \$12,687.13; making an aggregate diminution in two years of \$28,990.18. If this decrease had been effected by the undue curtailment or deterioration of the food, clothing, bedding, or other necessary comforts of the convicts, it would be matter of censure rather than commendation. Not so, however. There has been no reduction of quantity, no falling off in quality, as regards the food supply. Both officers and prisoners attest that the fare has been of better quality and greater in amount than in former years; and the directors challenge a comparison, in this regard, between their institution and any other con-

vict prison in this country or Europe. The convicts are permitted and even invited to make complaints whenever there may be occasion. How, then, has this curtailment of expenditure been accomplished? Simply by the practice of the old fashioned virtue of economy — by stopping up leaks, instituting checks, husbanding every available resource, allowing nothing to go to waste and nothing to be stolen, and holding all who are in any way concerned in the disbursement of funds or the care of property to a rigid accountability. Surely, here is a potent lesson to be learned, a high example to be followed, by the authorities of our own prisons. If Maryland, with 600 convicts, has reduced the annual cost of their maintenance \$30,000, through the simple agency of an honest and economical administration, we in New York, who have 3,000 convicts in our State prisons, ought to be able, by a like honesty and economy, to reduce our expenditures by at least \$150,000; nay, by a much larger sum, since, even under our present industrial system, our prisoners earn, proportionally, considerably more than those of Maryland.

Notwithstanding the crowded condition of the prison — the accommodations being for 300, while the number rises often to 700 — the discipline, though mildness itself as compared with that of by-gone years, was never so good, never so effective, as now. And how has this result been achieved? Let the directors answer:

The lash has been almost abolished, and it is but for comparatively trivial offences that we are occasionally called to condemn to the cells, or the wearing of the ball and chain. Among the means contributing to this happy change of conduct, has been the increased indulgence in the disposition of the time acquired by each prisoner after their daily tasks have been performed, in the use of the yard and grass plots for exercise, and in the providing means of entertainment and amusement for the holidays appointed by law.

Humanity, kindness, love, treating the prisoners like men, and thus seeking to give back to them their manhood — these are the agents, more powerful than all the terrors of the inquisition, that have wrought the change.

Maryland has no commutation law by which her convicts can abridge their terms of sentence by good conduct; but the warden, Mr. Horn, pleads for it with an earnestness and force of logic, which ought to prevail with the Legislature. The warden also proposes the introduction of a jet of gas into every cell.

In last year's report, after having cited a remark of the medical officer of the prison, to the effect that the prisoners had been allowed a daily recreation of an hour in the prison yard, during the summer months, after their work was done, and that this had been greatly beneficial to their health, we added this remark:

It is to be regretted that the moral effect is not stated as well as the sanitary; and especially that no details are given as regards the kind of recreation permitted, the restrictions under which it was enjoyed, or the conditions, if any, on which a participation in it could be had. It would have been gratifying to know whether it was made, to any degree, an instrument of discipline.

In response to this, we have received a letter from the warden, dated September, 1869, in which he says:

In the summer of 1867, we concluded to try the effect of giving the prisoners the recreation above named. We informed them that every man would be considered as placed upon his honor not to violate any of the rules of the institution, and that if they did so, the privilege would be withheld. After a trial of nearly three years, I have the gratification to be able to say that *not one single bad result has arisen from this indulgence*. Although every restraint has, in a measure, been removed, and they have been permitted to talk or sing as might best suit their fancy, provided nothing of an immoral character was indulged in, the result we find to be that the men are far more obedient and well behaved than at any former period in the history of this prison. The liberty allowed has been made use of as a means of prison discipline so far that the prisoners are aware that it is only given them as a reward for good conduct, and that any violation of the discipline would abridge or take from them this great privilege. The consequence is, that the better class of prisoners restrain the more reckless from doing any thing that might be the cause of its withdrawal.

MASSACHUSETTS.

The writer of this paper visited the State prison at Charlestown, on the 29th of October last. Instead of offering a summary of the report for 1868, he will append extracts from a communication made as the result of that visit, and published at the time in one of the New York journals:

BOSTON, November 29.

I spent a few hours to-day in the State prison at Charlestown. I found the prison, as usual, in good condition; the men in the workshops busy as bees in the season of honey-making. The past year has been one of pecuniary prosperity to the prison beyond any previous one. The aggregate earnings of convict labor during the year have amounted to \$132,576.89, while the total expenditures have been only \$104,020.84, leaving a net gain to the institution of \$28,556.05. These figures, be it understood, have undergone no manipulation, but represent cash, the balance of profit named having been actually paid into the State treasury in money, and being an actual surplus over all that has been drawn from the treasury for all the purposes of the prison. Mr. Haynes stated the pecuniary results of the labor of the convicts for the last three years as follows: Net profit in 1867, \$32,346.16; net profit in 1868, \$27,646.49; net profit in 1869, \$28,556.05. Total in three years, \$78,538.70.

These results have been obtained with an average number of prisoners not much exceeding 500. How striking and suggestive the contrast between these figures and those yielded by our New York prison management.

EDUCATION.

In this department of prison administration, Massachusetts has taken a long step in advance. Heretofore no secular instruction has been given to the illiterate among the convicts, except that imparted in the prison Sunday school by outside volunteer workers. The State has done nothing in this direction. But this reproach — a grievous one — has at length been wiped out, and a policy inaugurated much more

in harmony with the traditional forecast and liberality of the old Bay State. Last winter the Legislature passed a bill authorizing and directing an annual expenditure of \$1,000 "in furnishing suitable instruction in reading, writing, and such other branches of education as may be deemed expedient, to such of the convicts as may be benefited thereby, and are desirous of receiving the same." In accordance with this act, a school has been established in the prison during two evenings in the week, which hitherto has been mainly conducted by the warden, assisted by some of his officers and several of the convicts (one of them a graduate of Harvard college). No act relating to the prison, I was assured, has been passed for years, which is so highly appreciated by the convicts. More than 60 prisoners are now in attendance on the school; and the desire to avail themselves of this privilege is almost if not quite universal. A course of popular lectures, adapted to the wants of the convicts, has been given for three successive winters in this prison, to the great delight and profit of those to whom they have been addressed.

PRISON HOLIDAYS.

For a number of years past—since 1864, I think—Mr. Haynes has been in the habit, on all public holidays, and occasionally at other times, of allowing the convicts about two hours of recreation and unrestrained intercourse with each other. So beneficial, as regards the discipline and *morale* of the prison, have these occasional opportunities of relaxation and freedom been found, that the Legislature at its last session passed the following act: "The warden of the State prison may, at such times and under such circumstances as he deems expedient, with the consent of the inspectors, allow the convicts to assemble together in the prison yard for recreation and exercise." This act enables the warden not only to increase, to any reasonable extent, the number of such periods of recreation, but also—which is more important—to apply them more directly and therefore more effectively to the discipline of the prison. They have already proved, and, in their increased frequency, are likely to prove, more and more an efficient agent in this regard.

DISCIPLINE.

Mr. Haynes holds that there are two ways of maintaining the discipline of a prison—one through fear, the other through hope. The fear of the lash, shower-bath, and other instruments of physical torture, he says, may deter convicts from violating the rules of a prison, but he holds that the remedy is worse than the disease. The debasing effects of the lash, so he reasons, is not confined to the person whipped; but both the officer who inflicts the blows, and those compelled to witness the infliction, are hardened and demoralized thereby. If, on the other hand, one can inspire the convict with the feeling that there is something for him to hope for, such a sentiment will not only operate more constantly and powerfully, but will be, at the same time, far more elevating and reformatory. For the last fourteen years, covering the incumbency of the present warden, moral agencies have been the main reliance for discipline, the dark cell having been the only punishment used there in all those years. These means have been found sufficient to subdue a revolt, lately organized by some of the most desperate and daring men in the prison, into the details of which I do not propose to go. It is enough to say that the revolt, which at one time threatened to assume formidable proportions, was, within a period of three or four days, completely quelled, and the men (forty in number) all quietly at work again, simply as the result of solitary confinement and the threatened withdrawal of privileges in case they continued in their refusal to yield.

PARTICIPATION OF THE CONVICTS IN PRISON EARNINGS.

Mr. Haynes expresses a decided conviction that the men should have an interest in the profits of the institution. He is satisfied that if a percentage of the gains

of the prison could be divided among the inmates as a reward for industry and good behavior, upon the same principle as time is deducted from their sentences by the commutation law, it would be an important step in the right direction. The feeling now prevailing among them—and it has an evil tendency—is that the State is making profit out of their labor, while those dependent on them are suffering from want; this would be dispelled by allowing them to participate in their earnings. Each would then have a personal interest in the prosperity of the institution; and the tendency of such an arrangement would be to promote industry, patience and perseverance—virtues which would exert a beneficial influence upon them when discharged.

IMPROVEMENTS.

I observed that a story had been added to one of the ranges of shoe shops, giving an additional room 213 feet long and forty-two wide. But the great improvement consists in the erection of a block of twelve new brick houses on the prison grounds as residences for the subordinate officers. They are two-story dwellings, which, though rather plainly and cheaply built, will be convenient and comfortable.

PRISON PRAYER MEETING.

A prayer meeting for convicts, formerly held in this institution, but for some cause discontinued, has been revived this year by the chaplain, Rev. G. J. Carleton. It was organized June 2, 1869, and has since been regularly held for an hour every Wednesday afternoon. Not a moment is lost on these occasions, for so many are ready to speak, pray and sing, that sometimes several rise at once, and the only trouble is to give all an opportunity to express their minds. Some persons, Mr. Carleton says, laugh at the idea of having such meetings among convicts, and say that it is all nonsense for such men to speak and pray and assume to be religious. But he pertinently replies: Is it indeed impossible for a man inside the walls of a prison to become a Christian? Was not the Philippian jailer converted in his own prison? Why should it be thought a thing incredible that a reflecting human being, out off from all association with the world, and having more time and opportunity for solemn consideration than he ever had before, should so ponder upon his condition as to be led, through the co-operating grace of God, to feel that he is a sinner; and then to realize that Jesus is a Saviour of sinners; and then to trust in him as *his* Saviour; and then to delight to tell what the Lord has done for his soul, and to exhort others to trust in the same almighty Redeemer, so that they too may rejoice in the same salvation?

The chaplain does not claim that all the seventy men who attend the prison prayer meetings are heart-Christians. They themselves do not claim it. But some think they have been born of the Spirit, and give evidence that their hope is indeed "a good hope through grace." They speak and pray with as much fervor, fluency, appropriateness and apparent sincerity, as any professed Christians outside of prison walls. Many who do not profess to have yet found the Saviour have risen to ask others to pray for them.

Mr. Carleton says that some officers will address him in some such way as this: "Don't you think, chaplain, that some men go to these meetings and pretend to feel more interest about religion than they really do, thinking that it may help them, indirectly, in obtaining a pardon?" He says that his reply is: "No doubt of it; but what then? There have always been individuals in this world who will act hypocritically; and probably there are some such now, both in prison and out of it. Whatever may be said to the contrary, it is undoubtedly true that the human nature of the persons residing in this stone palace is very much like the human nature of the persons residing in all other places."

MICHIGAN.

When Lord Byron appeared before the world with his first poetical publication, under the title of "Hours of Idleness," the Edinburgh Review criticised his verses with that caustic and merciless severity, which it knew so well how to employ. It closed what was intended as a work of absolute demolition in these words: "But we must not look a gift horse in the mouth; we must not be too severe upon his lordship; for it is the last we shall ever hear from him." "English Bards and Scotch Reviewers" was quickly hurled by the exasperated poet in the face of the proud autocrat of criticism; but the arrow was received in contemptuous silence. Years, however, rolled on; and the great poem of Childe Harold was issued from the press. Then the voice of the thunderer was heard again, and its opening words were: "Lord Byron has improved marvelously since his last appearance upon these boards." The writer of this paper, in conjunction with Prof. Theodore W. Dwight, visited the Michigan State prison in 1865, and we ventured some criticism on its condition and management, in a report subsequently published, under the title of "Prisons and Reformatories of the United States and Canada." On reading the "Annual Report of the Inspectors of the State Prison of the State of Michigan for the year 1868," we experience a feeling akin to that of the Edinburgh Review on his perusal of Childe Harold; for certainly, there has been a "marvelous improvement" in the state of things in this prison since the date of our visit. We have a vivid recollection of a scene which occurred in the mess room, when the convicts had finished their dinner. The warden invited us to address them. In compliance with this invitation, the writer had uttered a few sentences, when a contractor opened the door, and demanded that the men be immediately sent to the workshop. The warden remonstrated. The contractor was inexorable, claiming that the time of the prisoners belonged to him. The warden yielded, and, apologizing for the discourtesy, cut short our remarks and dismissed the men to their work. Now, however, as we learn from this report, the chaplain is every day allowed from five to ten minutes at 12, meridian, to make an address to the prisoners, sing a hymn, and offer a prayer, exercises which they seem to appreciate, and in which many of them join with no little interest.

The labor of the convicts has been let on recent contracts at an average advance of about forty per cent on the old prices; the prison is rapidly approaching, if it has not already reached, the point of self support, with perhaps a moderate surplus of earnings over expenditures; a school for secular instruction has been established, which is held one hour every Sunday morning, being taught by certain of

the prison keepers, and attended by some seventy convicts; a Sabbath school for religious instruction is also kept up as heretofore; discipline is enforced with much less trouble than formerly, and punishment for disobedience less frequently inflicted; and the chaplain now devotes his whole time to the moral and religious interests of the prisoners. It is an interesting fact that of the 194 convicts discharged during the year, 165 (about 85 per cent) earned the full deduction from their terms of sentence allowed by the commutation law, an indication that they had passed the whole period of their incarceration without a violation of the rules of discipline.

The following paragraphs from the report of the warden, Mr. H. H. Bingham, embody an important suggestion, and point to an advance in the right direction:

If the prison should pay expenses, with some surplus, I am of the opinion, as a matter of justice, and also as a reformatory measure, that the convicts themselves are entitled to that surplus on their discharge, dependent, however, upon their good behavior here. The past year we have discharged 165 on their good time, who had served, on an average, about two years' time each in prison. To pay average price received for convict labor is about sixty cents per day. To pay 165 convicts each one-tenth of their earnings, would require an annual outlay of about \$3,100. To make the amount of such payment dependent upon the net earnings of the prison, would incite to care and economy in their food and clothing, and also to diligence and faithfulness in their daily labors, so that their services would become more valuable and we could obtain reasonable prices therefor.

I would, then, recommend that legislation be had, so that convicts discharged prior to November 30, 1869, against whom no charge for violation of prison rules had been sustained, should, on their discharge, receive six cents per day for all the time served subsequent to the passage of the law. If this year there shall be a net surplus of \$5,000, I would increase the amount to those discharged the succeeding year to eight cents, and if the net earnings should be \$10,000 and upwards, to ten cents.

regard for their families, who may be in very dependent circumstances, and pride of character, would in one class of convicts incite to good behavior here, so that they might take home on their discharge all that they would be entitled to. Those that might not have occasion to use their money in this way, would have the means to purchase tools, etc., or a small capital with which to demean business. Hence a great inducement would be offered for each convict to demean himself in an orderly manner, and he would also become interested in the good behavior of all the others; the necessity of compulsory labor and corporal punishment would be very much lessened, and we should find that cheerfulness and alacrity would take the place of sullenness and discontent, and convicts would feel that they had received some remuneration for their services instead of all their hard earnings inuring to the benefit of the State.

DETROIT HOUSE OF CORRECTION.

This is, to all intents and purposes, in some respects at least, a second State prison, as it receives certain classes of convicts from all parts of the State. The document, containing the annual reports of the inspectors and officers of the institution for 1863, is one of extraordinary value. Facts are stated, views on criminal punish-

ment and prison discipline set forth, and experiments of a somewhat novel character detailed, which impart to it an interest and importance not usual in such papers.

Peremptory and Indefinite Sentences.

On this subject the inspectors hold the following language :

The subject of commitment of criminals for a time left indefinite at the time of sentence, is certainly worthy of consideration. No plan now occurs to us which might not be open to considerable objection. We are, at present, little prepared to make any definite suggestions.

It is beyond question that the sentence of common prostitutes and confirmed drunkards for short terms is a very great evil, my considerable reform under this method is impossible. The short confinement becomes only a needed respite from vice, during which the physical health is recruited only to enable the subject to plunge into greater excesses. Should a person so convicted be permitted to be liberated when a repetition of outrage on the order, law and decency of society is certain? All agree that an insane person should not be set at large until again clothed in his right mind. And are not the confirmed drunkard and common prostitute as proper subjects for curative restraint and discipline as the insane person? Is not the peace and health of society as much involved in the one case as the other?

Too long fixed sentences, on the other hand, are of course objectionable. And the ordinary relief by executive pardon is, beyond doubt, wholly inadequate.

It may be that the difficulty may be relieved, if not obviated, by a law providing that the confinement shall, at the time of sentence, be left indefinite; that the case of each person shall, at stated periods, be brought before a proper tribunal for careful review, with power to continue, limit, or terminate the confinement, according to the circumstances of each case. Provision should also be made, we think, that a certain portion of the earnings of such persons should be restored to them, when they are set at large.

Mr. Brockway, the superintendent, discusses the same question in a more positive spirit. He says :

Permit me also to respectfully urge that legislation be asked designed to render more efficient for reformatory purposes the imprisonment in this institution of certain classes of persons, viz. Prostitutes, vagrants, confirmed pilferers and those whose passions or appetites are beyond their control, who by indulgence become dangerous members of society, and are convicted of misdemeanors before any proper tribunal. Experience has demonstrated that to sentence such persons to imprisonment for definite periods of time, frequently subverts the purpose in view, and is almost always a hindrance; for the effect of too long sentence is depressing, and if too brief, diverting, so that in either case that mental process, essential to reformation, is prevented or destroyed. Human wisdom is insufficient to adjust the sentence at the time of imposing it, as now done, so as to avoid this consequence, and I am satisfied that it can only be accomplished by the aid of that observation of the character and conduct to be had subsequent to the commitment of the prisoner. There certainly cannot be an increase of liability to erroneous and unjust sentences, by leaving the duration of imprisonment to be determined by competent authority, after suitable opportunity for observing the prisoner; but on the contrary, it must be lessened by such a course.

To commit these persons to the House of Correction until they are reformed, as is proposed, will be a strong inducement for them to enter immediately upon the

work of self-improvement, and thus a shorter period of imprisonment will be required to fit them again for society, than when sentenced to such definite term as in the opinion of the court at the time, will accomplish this, with or without the co-operation of the prisoner, as the case may be. As the object of imprisonment, in these municipal prisons at least, is confessedly the reformation of the offender, are we not bound by every consideration to adopt such means as shall secure this result in the briefest time and with the least injury to his interests?

The influence of the proposed change in the time and manner of fixing the duration of imprisonment will be most salutary as a restraining force in community, and will put "punishment" before the people in its proper light, viz., as a healing or curative measure. One of the formidable obstacles to the reformation of persons received into this prison, is their mistaken idea that imprisonment is inflicted to satisfy justice, or to pay them off in privation and suffering for some real or fancied wrong to somebody or something, which they may have committed; falling to see, as they generally do, that the spirit of the law that punishes and of the pardon that forgives, is essentially the same, being only different instruments for restoring to society sound members.

To be more definite, I request that an act be procured from the present Legislature authorizing or directing courts of competent jurisdiction to commit persons from one or all of the classes mentioned, when convicted of misdemeanor, to the House of Correction until discharged by the circuit or other judge, on recommendation of the superintendent or inspectors, upon the ground of their improved character.

Ground is here distinctly taken in favor of the substitution of reformation sentences in place of time sentences; a principle widely advocated (we cannot say *adopted*) in Europe, and which, as we shall see in the progress of this review, is favored and proposed by high authorities in some other of our States besides Michigan.

It will be seen also, from the foregoing citations, that another important reform in prison discipline is recommended, that of allowing prisoners a certain percentage of their earnings as an incentive to industry and general good conduct.

Loss and Gain in the Weight of Prisoners.

The Prison Association has repeatedly recommended and even urged upon prison authorities, in this and other States, the practice of weighing prisoners on their commitment, and at stated periods during their incarceration. They have not been very successful in this effort, but at least this is regularly done in the Detroit House of Correction. The results are both interesting and instructive. They are thus stated in the report of the superintendent :

The table showing the loss and gain in the weight of prisoners during their imprisonment, is worthy of examination. The whole number weighed, both on their admission and release, is 744. The aggregate of gain is 4,001 pounds, and of loss 794½ pounds. The largest decrease of weight of one individual is twenty-seven pounds, and the smallest three pounds; while the largest increase for one person is the very large figure of fifty-nine pounds, and the smallest nine pounds. Were such proof needed, this table would demonstrate the sufficiency and suitability of the dietary of the institution.

The following paragraphs exhibit some curious readings. They show the effect of intense and long continued cold, an exciting political canvass (such as a presidential election), and an abnormal or broken condition of the family relation, on the commission of or conviction for crime. They also show with what uniformity the same classes of crimes are reproduced, and teach us that we must seek the remedy in the nature and causes of the offence. Says Mr. Brockway:

During the months of January, February and March of this year, when, as will be remembered, the weather was severely cold, and there was unusual destitution among the poor, there were received eighty more prisoners than in the same months of the year previous, and seventy-one of these were men and only nine women.

For the summer months the number received is about the same as for 1867, but in September, October and November of this year, immediately preceding and including the month in which the presidential election was held, the number of prisoners received is one hundred and five less than for the same time in 1867. Is it possible that the election may have caused this reduction, through the demand for votes, thus relaxing the faithfulness of officers and tempering the administration of justice in the courts?

It is worthy of note, too, that this year, as formerly, a very large majority of our inmates were living out of the family relation, the exact proportion being, for 1868, seventy-one and thirty-one hundredths per cent of the whole number received and for the whole period of the existence of the house of correction, sixty-four and ninety-two one-hundredths per cent.

The whole number of prisoners received from the opening of the institution, August, 1831, to 1st January, 1869, is 4,924 (3,360 men, and 1,564 women). Of these the city of Detroit has supplied 3,748, and the surrounding counties 1,176.

The nature of the offences for which the persons received during the year 1868 were convicted are, against the person, seven per cent; against property, twenty per cent; against the peace, seventy-three per cent; and for the whole period of the institution, viz.: against the person, fourteen per cent; against property, twenty per cent; against the peace,* sixty-six per cent; showing a noticeable uniformity in the proportion of offences under the several divisions. This uniformity is found to exist as to the social relations, education, nationality, previous occupation, ages, and not only so, but is strikingly similar in all prisons in the land, and indeed, throughout the world. Careful examination of these statistics will reveal what social conditions are most productive of vice and crime, and ought to guide in the selection and application of remedial agencies.

* The chaplain has this passage in his report, which lets us into the origin of these "offences against the peace": Nearly two-thirds of the convicts last year were "sent up" for "*drunkenness and disorderly*" conduct; the latter being in most cases consequent upon a brain "disordered" by strong drink. Let society, then, purge itself from the snares and traps by which the prisoner is beguiled into offences against good order before pronouncing him the chief of sinners. He who entices men into sin, or into a condition that is prolific of all sins, is *particeps criminis*, and as such deserves at least an equal share in the punishment. For its own protection, for the protection of the citizen, for the prevention of crime, the abolition of liquor-vending establishments should therefore be speedily secured. Reason, philosophy, virtue, all pronounce the prevention of crime a thing of greater moment than its punishment."

Reformatory Agencies Employed.

On this subject the superintendent makes the following statements:

The reformatory influences that centre here are so fully explained in the reports of the chaplain and matron of the house of shelter, that I will not notice them at length, but simply express my high and increased estimate of wise measures for the education and refinement of prisoners as a means of improving their moral character, and briefly enumerate the agencies in use here for that end.

1. The primary school held three evenings each week.
2. The weekly lecture of scientific cast.
3. The singing exercise on Sabbath morning.
4. The pungent and plain presentation of religious truth on the same day.
5. The prayer meetings held for the men on Sunday 9. M., and for the women on a week day evening.
6. The personal and private visitation of each prisoner in the male prison by the chaplain, and in the female prison by the matron of the house of shelter.
7. A well selected and carefully distributed library of fresh, readable books.

I have never witnessed, either in prison or out, more marked, uniform and thorough impressions for good than are to be found among the prisoners here, following these means. The divine Spirit is quietly moving upon the face of this deep, bringing out from time to time characters of solid worth.

Finances.

The industrial management and its money product (the average of prisoners being 292 and of sentences 81 days) are thus stated:

The financial result for the year is satisfactory, though the surplus is somewhat less than for the year previous, it being for 1868, \$15,203.37, and for the year 1867 \$30,027.50. The difference is accounted for in the reduced price at which we have sold our chairs, the increased expense arising from the increased number of prisoners in confinement and the absence of shop room for their advantageous employment. As before stated, this difficulty is now remedied by the completion of the new building.

House of Shelter.

This is an institution for female criminals, established in connection with the house of correction; not exactly the same, yet bearing a general similarity to the Irish intermediate prison. It is the most interesting experiment yet inaugurated in connection with this most interesting prison. Of it the inspectors say:

The design of this house is to afford a temporary refuge to women who, at the expiration of their imprisonment, seem willing to pursue a better life. A more needed or more noble charity was never devised. The hopeless condition of degraded women is a constant reproach to our civilization. Whether any reform in this respect can be achieved has, thus far, nowhere received any satisfactory solution. Up to this time, in our own community, hardly any effort has been made in this direction. The dismissal of a convict woman from her prison gates has been an open dismissal to a life of renewed crime and shame. Practically, she could not return to any pure and virtuous society, even if she longed to do so. No Christian community should be content to rest with such a reproach upon it.

We dare not express too sanguine confidence of entire success in the institution which we have now founded. But it can hardly fail of some success. Its operation

may open the way to greater good than we can now see. The thoughtful report of the matron will show the difficulties which must attend this work, as well as the encouragements which are already apparent.

It is intended to receive here, *as into a home*, women who, on coming from prison, seem willing to accept a reform of life. It is intended that they should be here received into a *family life*, where they shall receive intellectual, moral, domestic and industrial training, under the influence, example and sympathy of refined and virtuous women. At the table, in the work room, and in the room for social intercourse and conversation, it is intended that the features and atmosphere of a family—of which the matron and teacher are the head—shall, as far as possible, be preserved. In this way, it seems to us probable that some, and we hope many, of these women may be reclaimed to a life of usefulness and honor.

At the date of the report, the shelter had been opened but two and a half months. Of course it was but partially organized, and yet it had already developed some precious fruit and gave promise of much more. We cite the closing paragraphs of the first report of the matron, Mrs. A. H. R. Wiggin:

I firmly believe they can be saved to themselves, to society, and for heaven, through the influences that are centered in this and similar "homes."

These forces are, personal friendship, home life, divine love. Those who are not susceptible to religious means can often be moved by *human affection*. If we can succeed in attaching them to *ourselves*, it is comparatively easy to procure the transfer of that attachment to Him to whom it belongs of right.

"Home life" is powerful; for these we seek to benefit are what they are more from the absence of pure home life in childhood than from any other one cause. A home well governed and ordered, where habits of regularity and industry are maintained, enlivened by cheerful and attractive amusements, where the domestic affections are encouraged and given play, exerts a restraining, guiding and purifying influence, stimulating the nobler feelings to action. This "House of Shelter" home will be the spot around which the thoughts of many otherwise homeless ones will cluster, and to which they will delight to return in after years. Love, as exemplified in a truly Christian home, is, next to the personal influence of loved ones, the strongest force to hold to virtue the wayward wanderer. The influence of a single word often brings up memories of such a home, even amid scenes of dissipation, and stirs the better nature otherwise obscured.

But far transcending all other is the power of God's love, as manifested in the life and love of Jesus Christ, to reclaim and hold these hearts. This love He has committed to us to wield for others, and our own devices and efforts will be successful in proportion as they are inspired by Him. We may be gifted to please, apt to instruct, wise to guide, and imbued with a deep, strong love, but the real power is of God.

Since the foregoing exhibit of the condition and working of the Detroit House of Correction for 1868 was prepared and sent to the printer, we have received the report of that institution for 1869. In some respects it is a document of unequalled interest in the history of prison reform in America. It chronicles the inception and progress of experiments of the highest importance in penitentiary science; some of them of a type entirely new, and others new as regards the breadth given to and the thoroughness impressed upon them. The significance of these experiments and their results, even as

developed in their very infancy, is such that we offer no apology for the extended extracts which follow, but, on the contrary, should feel that we were doing a wrong to social science and to the class of workers who, in this department, are engaged in giving it a practical application, if we withheld them. The following passages are from the report of Mr. Brockway, superintendent:

Permit me to ask your special attention to the annexed reports, having a particular relation to the educational and reformatory work of the institution. Their earnest, hopeful tone, together with the intelligent thoughtfulness they exhibit, constitutes a good guaranty that the work is well done, and makes it unnecessary for me to report at length upon this interesting department. Gratifying success and much valuable experience have been gleaned from the house of shelter enterprises thus far. Difficulties in the way of the special work of this "house" have been developed during the past year as never before, thus putting clearly before us the problem we have to solve, an essential prerequisite of every worthy effort for man's improvement.

While the house of shelter, and similar houses elsewhere, supply humanizing ministrations to those who most need them—afford a refuge and a friend for the despised, the friendless, the victims of society, and thus satisfy our benevolent impulses—they do not, nor can they, reach the evil that makes them a necessity, or accomplish general reformation results without radical changes in legislation. Time must be given, and constraint imposed by authority of law, to construct from these ruins right characters. Such changes in their constitution are required, such severing of entangling alliances—family and other—such favorable social surroundings in all the after life, that full control must be had at the beginning, and partial control be continued for long. It is wrong to return to society such persons until they give good evidence of a purpose and a power to conduct themselves properly, and this can only come by culture. Their increased liability to pursue a vicious course, the result of their former life, renders them at best but dangerous companions for the young who are pure. The influence of the known fact of their history is now and always a bad element, and the necessity, according to nature, that they shall transmit to posterity the physical, mental and moral malaria that made them what they were, are practical difficulties in the way of our work, and form forcible reasons for continuing the care of them until they are surely cured.

The house of shelter must degenerate into a temporary home for friendless ones who have been imprisoned, and this as a charitable measure, not mainly for reformation, unless legislation be had giving us control of these until they are renovated and really reformed.

On pages 10, 11 and 12 of my report for 1868, it was urged that legislation was needed to facilitate the reformation of a certain class of offenders; that not only should they be committed for longer periods, but that the sentence, when imposed, should be indeterminate, its duration to be fixed by the prisoner himself, terminating only when he should be fitted for society again. It was thought such a law would be a greater restraint upon those living in outlawry, and would stimulate prisoners to enter upon the work of self-improvement.

Act 145 of the last Legislature, known as "The three years law," was passed, and became a law on the 3d of July last. It was carefully drawn by a competent attorney, and embodies the principles of the foregoing recommendations,* but owing to amendment made hurriedly in the last hours of the session, differences of opinion as to the scope of the law have sprung up hindering its full operation. [The Supreme Court have recently decided that section 4 is limited to Wayne county.]

* Only, however, so far as prostitutes are concerned.—COR. SEC.

Immediately after the passage of the bill at Lansing was announced in the newspapers, an exodus of prostitutes took place from Detroit. The police informed me that full 100 left town in two or three days, going to Saginaw, Cleveland, Buffalo, Chicago, etc., and again when the law took effect (8d July) a large number left the city and State. A sense of insecurity pervaded the whole class, and much indignation was expressed by men about town who derive their support directly and indirectly from these poor creatures.

I have received into the house of correction during the six months of the law 20 females sentenced under it, 18 for three years each, and two girls, children, until of age. Any or all of these can be partially or wholly released upon such improvement of character as shall give reasonable promise of respectability thereafter. Three of the 20 were released by order of circuit judge, who disapproved of the finding of the magistrate; four have been transferred to the house of shelter, one of whom has been sent to service in an interior town, thirteen remain yet in the house of correction, but under the recent decision of the Supreme Court before alluded to will be immediately released, save those from Wayne county.

All these are the very worst of their class. Such is the want of faith in reformation by imprisonment, or such disregard of this is felt by courts generally, that they send to prison only those who have continued long in a vicious course. Indeed, it has been found quite impossible to impanel a jury of citizens who would find a verdict of guilty when the penalty (as under this law) is imprisonment *until reformed*, or for the period of three years. I am satisfied that the public mind has not yet grasped the thought of treating prisoners for reformation.

The effect of this law upon the prisoner is shown so far to be most salutary. I am sure it is based upon sound principles, and hope to see its provisions extended to other classes of criminals.

The experiment of educating, in well organized schools within the prison, the class of prisoners confined in such institutions as this, has never been so thoroughly made, to my knowledge, as here during the past year. The teachers' reports give so fully and correctly the means and methods used, and the very remarkable progress of the scholars, that I refrain from remark except to say that there is discernible an intimate connection between the progress of intellectual development and improved moral character. Good physical condition renders possible intellectual activity and growth, and these together put the prisoner in the most favorable condition for benefit by moral and religious influences. There is little hope that those who have inherited tendencies to vicious and criminal practices, intensified and stimulated by long indulgence, will return to society seeking new and better associations, after a brief imprisonment, unless they find themselves fitted for the new condition as they were not before. To make clear to one's consciousness that his thoughts and impulses are in common with a given class in community, is to incline him to their society, and to create or develop in prisoners capabilities for good and conscious sympathy for good society is indispensable to their social elevation, without which there cannot be reformation. Education in school, as conducted in this prison the past year, has done this for very many, and therefore, I say, has promoted their reformation.

Intelligent prisoners, whose attention I have turned to the causes of crime, very generally attribute it to the lack of education, with its attendant social conditions. One writes me thus: "Oh, if I had the power, I would compel the education of every child in the land." Another, alluding to a book in which he had been very much interested, writes: "I am just beginning to appreciate these great thoughts, and I get such rapturous delight from them that I sometimes think I want no other heaven than to drink continually from these fountains. But I am willing to tear myself away if by it I may learn to think forcibly myself, that I may be able to call forcibly to others to partake of this and all the sweet sources of joy that God opens to men when they are truly men."

No prison system that leaves out the thorough intellectual education of the prisoners, can ever achieve uniform reformatory results, or is worthy of a place in the political economy of the present age.

The chaplain's report of results in his particular department, though somewhat startling, is worthy of all credence, as will appear to those who closely read his able paper. He is of ripe years, and has had long and varied experience as pastor and preacher. Though he is enthusiastic, he is not a fanatic, and his statements may be received without the usual allowance for veridancy and bigotry. I can repeat with emphasis the remark of last year, that "I have never witnessed, either in prison or out, more marked, uniform and thorough impressions for good than are to be found among the prisoners here."

In view of the recent decision of the supreme court on the "Three years' law," and the favorable effect of it so far as tried, I recommend that immediate steps be taken to perfect a bill for presentation to the next Legislature remedying the faults of the present law and widely extending the application of the principal of indeterminate sentence as there embodied.

In our notice of this institution last year, we said: "The department of education does not appear to be as well organized as would be desirable, but this result will no doubt be reached in due time." The "due time" referred to here has already come, and the "desirable organization" has been achieved, as the following citations from the report of H. S. Tarbell, teacher, attest:

My labors commenced September 16, 1869, and have continued on Tuesday and Thursday evenings of each week, making the number of evenings taught thirty, or at an average of two and a half hours each, say seventy-five hours.

The number of prisoners enrolled on the school register was:	
For September	76
For October	18
For November	13
For December	31

Total	136
Of this number, there have left	39

Leaving now belonging to the school	106
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They were first divided into those who could read sufficiently well to use text-books other than Readers, and those who could not.

Of the former class there were	97, or 71 pr. ct.
Of the latter class there were	39, or 29 pr. ct.
Total	136, or 100 pr. ct.

The former class was then reclassified according to their attainments in arithmetic and general ability. The thirty-nine above named were divided into two classes: those who could read a little and those who could not read at all. The numbers in these classes at date are:

In the Fifth Reader	23
In the Fourth Reader	51
In the Second Reader	31
Webb's Word Method	11
Total	106

In respect to mathematical study, there have been forty-two using Stoddard's Practical Arithmetic, ninety-seven using Stoddard's Intellectual Arithmetic, thirty-three using arithmetical cards, and thirty-nine receiving only oral instruction in this department of knowledge. Of the whole number enrolled:

Those who could not count to twenty were 25, or 18 pr. ct.
 Those who could not write numbers to 100 were 89, or 65 pr. ct.
 Those who did not know the multiplication table were 101, or 74 pr. ct.

For the first five evenings I labored unassisted in the work of instruction. On the sixth evening Frank Howard, one of the prisoners, took charge of the class in Sanders' Second Reader, and has had exclusive charge thereof since, succeeding admirably. On the seventh evening the class in Webb's Word Method was placed in charge of Robert Davis, a prisoner, who has been faithful and painstaking, but who has hardly done as well as Howard. On the twenty-third evening, Mr. Mahony, an officer of the house, took charge of the reading and spelling of the class using the Fourth Reader, and has proved himself very apt and efficient.

For five evenings there was 1 teacher.
 For one evening there were 2 teachers.
 For sixteen evenings there were 3 teachers.
 For eight evenings there were 4 teachers.

In this connection I ought to mention that the chaplain, Rev. C. C. Foote, has been present every evening, and relieved me of all labor except the work of instruction. I consider his presence of great value.

In speaking of the progress of the prisoners in their studies, I will endeavor to refrain from the use of vague or general terms, such as "fair," or "satisfactory," etc., and will, as the most available and definite standard, compare their work with what classes of the same advancement would do in our public schools in the same time, *fifteen weeks*.

The figures which follow are obtained from a comparison of pages passed over, and from the marks given at the examination of classes at the last school session.

The class in Webb's Word Method has made, in reading, spelling and arithmetic, about three times as much progress as a class of children just entering our public schools would have done. We will represent its progress by 300 per cent. Similarly, the better portion of the class in the Second Reader would indicate a progress of 400 per cent, and the poorer portion of the same class of 150 per cent. The class in the Fourth Reader, with a corresponding comparison, would show: in reading, 300 per cent; in intellectual arithmetic, 150 per cent; in practical arithmetic, 300 per cent. The class in the Fifth Reader has made no special advancement in reading; in intellectual arithmetic it shows 200 per cent, and in practical arithmetic 150 per cent. A comparison shows that those prisoners who have received instruction in the multiplication table learn it with about three times the rapidity of children in the public schools. Of the sixty-one who have been drilled on this table, forty-two have learned it, twelve have left the school, and seven have not yet entirely completed it.

When enrolled, could count were 82 per cent.
 Can now count are 100 "
 When enrolled, could write numbers to 100 were 85 "
 Can now write numbers to 100 are 100 "
 When enrolled knew the multiplication table were 25 "
 Now know the multiplication table are 63 "

In conclusion I would state, that the interest and progress of the prisoners in school work has been greater than I expected when I undertook the task of teaching them. The proportion of those who are anxious to learn is considerably greater than in a corresponding number of pupils in our public schools. I judge that ninety per cent of those in attendance are reasonably anxious to learn. Some who have visited the school pronounce the proportion greater than this.

The change in the appearance of the prisoners is very manifest. When men first come down to the school room they appear vacant and heedless, and it is difficult to secure their attention or any mental effort, but in the great majority of cases this soon changes to wide-awake interest. The range of attainment of those enrolled is very great, covering about seven years of public school life; but the range of mental capacity is far greater, the men in the higher classes having far more intellectual force and clearness than their mere scholastic advancement would indicate. The men who are getting advanced in years are less apt and successful than younger men. Those who are doing best are the young men twenty-five to thirty years of age—old enough to have some of the resolution and solidity of manhood, but whose minds are still fresh and pliable. A more minute gradation is desirable, and if sufficient room could be found, would be of considerable advantage.

The instruction of prisoners well advanced works well, and might be extended. Instruction in penmanship, spelling and composition would be of great practical utility, and yield the largest return of desirable results, in proportion to the effort required, of any form in which instruction could be imparted.

In order that there may be any substantial progress, the prisoners must have a chance to study. I would respectfully suggest that you consider the propriety of affording to well behaved prisoners the reward of a light in their cells for an hour or so on evenings of no school, in cases where you are convinced a good use would be made of it.

Miss Emma A. Hall, teacher of the school in the female department, reports as follows:

The school for the female prisoners was organized January 1, 1869. Two reading classes were then formed. The first, fourteen in number, were those who could spell out only a few easy words. "Webb's Word Method" was given to them, and at the close of the seventh session they could read and spell every thing in it, and received Third Readers. The class continued steadily to progress in knowledge and increase in numbers. The second class numbered twenty, who could not read a word, neither knew their letters. Began by teaching them orally, using large word method cards and the blackboard, thus combining the *old* method of teaching reading with the *word* method. Very soon gave them also "Webb's Word Method." The majority of the class made good progress, and a portion were soon promoted to the Second Reader, their places being filled again by new pupils.

In many instances during the year the promise of *promotion* to a higher class, as added to the desire to learn for the benefit that it would bring to them, has acted as a strong incentive to diligence.

On the first of March a writing class of forty members was formed. Those who wished to learn to write, and had finished their labor task, were allowed to leave the shop on three days of each week, at five o'clock, and go to the school room an hour for this purpose. The constant attendance of a majority of the pupils after the day's work, and the care and pains taken to follow the instructions given in writing, proved their eagerness to learn the art.

At the same time, also, the evening classes began the study of arithmetic, by the use of *intellectual* arithmetic and oral and concert exercises. As sufficient progress has been made, *written* arithmetic, with slate and blackboard exercises, have been introduced.

Brief exercises in geography, with the use of the globe and other simple means of illustration, have proven their ignorance of the most common events and facts of every-day life, and that they eagerly receive any information about them.

The deplorable ignorance of those received in school during the year, and the progress made, will be best understood by the following statistics:

Whole number in school during the year.....	234
Could not read on admission.....	46.00 per cent.
Could read, but with difficulty.....	54.00 "
	100.00 "

(None were fluent readers.)

Can now read readily in the Fourth Reader.....	29.00 per cent.
" " " Third Reader.....	31.25 "
" " " Second Reader.....	36.61 "
Read in Webb's Word Method.....	3.14 "
	100.00 "

Whole number in the writing classes during the year.....	151
Could not write at all on admission.....	82.11 per cent.
Could write, but very poorly.....	17.89 "
	100.00 "

Can now conduct ordinary correspondence.....	43.71 per cent.
Can write a fair copy.....	56.29 "
	100.00 "

Whole number in the arithmetic classes.....	206
Could not add numbers, and may could not count.....	88.35 per cent.
Could add and subtract a little, not able to multiply.....	10.19 "
Had made some progress in fractions.....	1.46 "
	100.00 "

Are now well advanced in fractions.....	9.71 per cent.
" " " division.....	34.00 "
" " " multiplication.....	13.59 "
Can add and subtract readily.....	42.07 "
	100.00 "

Attention has been given to orthography in the reading and writing exercises. Careful observation of these classes this year, and the record of them, teach us that in very many instances the progress is greater than that in public schools generally. The reasons, doubtless, are their maturity of mind because of age, their isolation, and, as has repeatedly been expressed to us, a consciousness of their ignorance and a wish to redeem lost time.

The following extracts are from the report of Mrs. Wiggins, superintendent of the house of shelter:

The whole number received at the house of shelter, from October 20, 1868, to December 31, 1869, is 44, including four classes: *First*. Those received from the house of correction at the expiration of their sentence, who came voluntarily, and remain the same. *Second*. Those received from the house of correction before the expiration of their sentence. While such receive every privilege of the house, and are not treated as prisoners, they are under moral obligation to remain until their term of imprisonment expires. *Third*. Those committed to the house of correction under the "Three years' law" (which became operative July 31, 1869), and subsequently transferred to the house of shelter. The knowledge that they "may, upon reformation or marked good behavior, be absolutely discharged from prison," acts as an important stimulus to self-amendment. *Fourth*. A friendless one, who is guilty of no crime.

The house of shelter differs from Magdalen asylums as they generally are: *First*. In that the persons received have been imprisoned at the house of correction, where the preparatory process is had. *Second*. More prominence is here given to the home influence. The spirit of real family life prevails, and the appointments of a good home are liberally supplied, the earnings of the house of correction being the source of our support, and not the charitable contributions of citizens. *Third*. Here greater thoroughness is required in efforts for intellectual improvement, every afternoon being devoted to study in school. *Fourth*. The general culture of manners and refinement receive unusual attention. *Fifth*. Our aim is to cure when possible, and not particularly to afford a temporary respite from an evil course, though this is desirable, and not to be deprecated.

Objection has been made that the cheer and comforts that pertain to the house of shelter educate the taste of the girls for a kind of life they cannot lead when engaged independently in active duties, thus unfitting them for the situation where they must, if at all, earn an honest livelihood. I am of opinion that this objection is not well founded, for I have observed that discontent with the present condition, springing from the desire for something higher or better, is not a hindrance, but a help to better social condition. Indeed, it is one of the best evidences of improved character, when observed in those formerly contented in degradation. The girls perform all the domestic work alternately, and are thus taught how to be useful and successful as domestics. They also labor diligently at the same employment as at the house of correction, viz., braiding chair seats; and it is worthy of remark that they accomplish, in the same number of hours, considerably more than the average of prisoners. Much encouragement is derived from this fact, for when those who are usually so inefficient learn to hold themselves voluntarily to continued manual labor, the will is strengthened, and the prospect of complete triumph over self is insured.

Positive exercise of the energies, the mind stored with practical knowledge, a taste for and love of the beautiful, leads to a proper understanding of the principle of right, and to its adoption as a rule of action.

A leading and encouraging feature of the house is its quiet religious atmosphere. The presence of the Divine Spirit is evinced in the daily life and conversation of those whose former life has been most wicked, and who at first occasioned us the greatest care and anxiety. It is indicated in "the girls' Sabbath morning prayer meeting"—a thought of their own, a sensible power for good in the house, and conducted and continued by them, without once being omitted during the entire year. It is shown by their thoughtful tenderness, often, at evening devotions, in which they participate, and which they have repeatedly conducted in the absence of those in charge. Again, it is manifest in the earnestness and spirit with which the Sabbath school lesson is studied an hour on Saturday afternoon, and in their appreciation of books of a religious character. There has been an unconscious growth of the nobler qualities of mind and heart, a realizing of the peace and joy there always is in right living; a gradual harmonizing of feeling and action among the members of the family, an influence so marked that new girls received are impressed by it, and voluntarily strive to reach the same standard.

We estimate the motives of the 44 who have voluntarily come to the house of shelter, as follows: Honest renunciation of the former life, with the view to prepare for usefulness to others, 11; impelled by the hope of improved social condition and greater comfort for themselves, 11; actuated by curiosity, 10; necessity, 7; friendlessness, 1; at mandate of friends, 4; of the 44 there have been discharged, 39; remaining, 5; supplied with situations with fair prospects, 16; sent to relatives, 6; sent to hospital, 1; dismissed by their own request, 5; dismissed as unworthy, 7; left without our consent or knowledge at the time, 4; remaining, 5; released and remaining with fair prospect of reformation, 59 per cent, or, 26; released and remaining with doubtful prospects, 41 per cent, or, 18.

The doubtful prospects as to the eighteen are attributable to the following causes, viz.: Were too weak to hold themselves voluntarily in contact with the influences of the Shelter, 9. Doubtful from the absence of any purpose or desire for improved condition or better life, 9.

The members of the family have been previously imprisoned in the house of correction, viz.: Six times, 4; five times, 1; four times, 2; three times, 4; twice, 11; once, 19; never imprisoned, 3.

While all of the above but five have been restored to society, only two have been recommitted to the house of correction. The ages are, viz.: Over thirty years of age, 4; from twenty to thirty, 10; from fifteen to twenty, 28; under fifteen, 2.

The following incident exhibits, in vivid colors, the purifying, refining, elevating influence of kindness; and how effectually love is doing its work in the Shelter:

A girl eighteen years of age, left an orphan before she can remember, was reared in an almshouse, and since twelve years of age has lived "everywhere." During her first imprisonment she was ranked among the lowest in mind and character—could not read, never smiled, worked mechanically. But a few weeks passed between her release from prison and commitment under the three years' law. Special efforts were made in her case. Various methods were used to arouse her. Bouquets were daily sent to her cell. She began to *think*. Never, in all her life, had she known *one friend*. She believed herself to be alone, forsaken even by God, whom she but dimly comprehended. When she fully realized the truth that some one person was interested for *her*, the change was wonderful. A light came into her face which has never since left it. From that moment progress commenced. She was transferred to the house of shelter, and appreciates the privileges and benefits of a good home. Before the expiration of her term we shall be able to send her out with fair prospect of success.

Mrs. Wiggin speaks hopefully of the general work undertaken here:

The practical question to be considered after one year's labor under the most favorable circumstances now employed is, *how much* can be done for this class? With suitable legislation, by which full control can be had for a sufficient time to work a real change of the qualities of the being, and with wise and well directed measures, the reformation of a majority may be effected. This view is confirmed by the observed effect of what is known as the three years' law. I have received several cases that show very clearly its benefits by way of stimulus to effort for improvement on the part of the prisoner, and in the time for real changes to be wrought given under it.

Reformation requires *time*. Any degree of improvement must be promptly recognized; and when these reach the average morality of society, a generous confidence so necessary to the development of their better natures, should be given them; else they are almost sure to be discouraged.

The school in the Shelter, taught by Miss Hall, for three hours every afternoon, is yielding excellent fruit. Without going into the details of the work, we offer an extract showing the spirit with which some at least of the inmates enter into it, and the rapid progress made by them.

One of the four pupils with whom the school opened, December 2, 1868, was thirty-five years of age; did not know her letters, or how to make a figure or letter, and could count but a few numbers. In less than three weeks she could read and

spell the greater part of Webb's Word Method; could make very fair figures, and had learned a part of the multiplication table. Her zeal and application were truly wonderful. This was her first opportunity to learn to read, and she appreciated it. She carried her book in her pocket that she might improve every spare moment, and often while studying or reading, her face was really luminous with interest.

Another instance is that of a little girl ten years of age, who has an active, inquiring mind, constantly reaching after something new, and a persistent questioner. She attended nine school sessions at the house of correction, and began to learn to read; then ninety sessions here, and now reads readily in the Third Reader; has begun arithmetic, and is learning to write.

With the instruction in the elementary branches, incidental lessons on the practical concerns of life, facts of history and topics of science most nearly related to every day experience, have been given. In our real home as well as school life, these girls are daily acquiring that knowledge of familiar things which is an essential element of true education. We aim to employ the most natural and effective means of informing and training them for the work they will have to do, and that will place them most advantageously for beginning that work.

The report of the chaplain, Rev. C. C. Foote, the sobriety and authenticity of whose statements are vouched, as we have seen, by Mr. Brockway, is one of thrilling interest. A few passages are sub-joined:

The religious awakening with which we were so richly favored during the whole of the last year has continued, with but slight abatement, to gladden our hearts during the present year. Only a condensed record of "what God has wrought" can be given in this report. A detailed personal history of reformations wrought out in this institution would fill a volume with interest "stranger than fiction." Persons fallen away from everything pleasant, honorable and of "good report," in personal condition, domestic and social relations, and separated by their vices from their dearest friends—have, by the blessing of Providence on the reformatory appliances of the house of correction, been reclaimed and restored to their families and friends to occupy honorable and happy positions in society.

The economy inaugurated by the warden for reclaiming the fallen committed to his supervision, is such as to *compel reflection* in those to whom reflection is possible. And when this initiatory process becomes reflexive and thorough, the results are at times painful to behold. It is no uncommon occurrence to see strong men prostrate upon the floor, with faces bathed in floods of tears, imploring forgiveness for and deliverance from the multiplied and grievous sins of a mispent life.

The first indication of the operation of the Divine Spirit is the intense interest with which the word of God is heard. A visitor attending our public service said it was painful to see strong men with breasts throbbing with the intensity of their emotions, hanging in breathless silence upon the lips of the chaplain. Confessions of sin are often accompanied with a *contrition* that leaves no doubt of their sincerity, and are sometimes as full as they are startling. Said a man in our prayer meeting, "I have committed every sin that could be committed, but murder; yes, and that too, for I have been murdering myself for years."

The cleaving away of the moral heavens from over these hearts riven with anguish, is often accompanied with a peace and joy as beautiful and grateful as the mental tempest was appalling. Sweeter words of grace, or richer expressions of love are seldom heard, than are listened to here, bursting from the lips of these reclaimed ones. Expressions like the following are constantly greeting my ears: "I want to tell you that I have found the Saviour." "That I might tell you how I love Him."

"How glad I am that I came here where God has had mercy on my soul." "These are the happiest days of my life." "Time passes so pleasantly I am quite willing to stay my time out." "I would rather die here than return to my former sivil life." "I thought this place would be a hell, but I have found it to be a heaven." "I have spent my former life like a fool; here I have learned to live for God." "I love the memory of my mother as I love nothing else, but I love my Saviour infinitely more."

It is due to truth to say that the reformatory influences of the house of correction are, as a rule, powerless on persons sent here on short commitments. The idea of "correcting" vices worthy of imprisonment by a thirty or sixty days confinement is preposterous. What end is to be attained by such a sentence it were difficult to determine. If reformation be the end sought, then, for reformation's sake, allow the subject to tarry till that end be accomplished. What greater folly can there be than to commence such a work and leave it to spoil for lack of time for its completion.

To the regular chapel services and prayer meeting, a third service has been added, which has been attended with the happiest results. To find out among hundreds of persons those wishing to enter at once the christian life, has been a difficult and laborious task. From five to eight hours, or until strength has failed, have been regularly devoted to this work, without the intermission of a single Sabbath, for nearly two years. The plan has therefore been adopted of publicly inviting all who wish to exchange a life of sin for the service of God, to tarry in the meeting for prayer, at the close of which they are requested to remain for personal conversation with the chaplain. It is here, mostly, that those consecrations are made that under the fetters of sin, lead from death to life.

The inquiry is often propounded, in doubtful tones, "Will these reformed men hold out?" We respond, the question comes from the wrong party. Society, by its multiplied baleful usages, having vitiated these, its members, commits them to us for recovery. We perform the task assigned us, and return our charge to society again, as their God-appointed protectors. We ask, with profoundest solicitude, will society vitiate them again? We have taught our charge to live in their higher nature. Will society, with the lusts of baser life, smother this higher life that has been generated by the good grace of God? Having, by the blessing of Heaven, saved these souls from perdition, we dismiss them from our care to try their chances among the thousand yawning hells society has dug for them.

Will society, with these thousand snares, prove too much for these infants in the spiritual life? Will the thousand devils that society has "licensed" to ply the infernal arts of their trade for destroying weak moral natures, take captive again those who had "clean escaped" them? Having saved these unfortunate criminals from a moral shipwreck, we launch them forth again upon their perilous voyage, to encounter the giddy whirl of a thousand appalling maelstroms. Happy are they if they make the desired haven. If they go down, heaven and earth shall justly hold, not us, but society responsible.

Among the reformatory appliances of this institution too prominent a place can hardly be given to the evening school. To render a prison a "reformatory," it should be divested, so far as possible, of its sterner features, otherwise the prisoner's mind will take on a morbid condition, the natural result of its unpleasant surroundings. It needs but little philosophy to see that this morbid mental condition is incompatible with mental activity and reflection, which are the necessary forerunners to genuine reformation. Now, the chief excellence of the prison school is, that it disperses this gloom from the mind of the prisoner. The acquisition of useful knowledge, and the mental discipline, are of life-long utility. But the infinitely greater benefit is in the quietude, rest and contentment wrought by the exercises of the school room on the minds of those in attendance.

It is no exaggeration to say that a more cheerful, pleasant, inquisitive and happy company of scholars cannot be found in Detroit, than gather at the appointed hour

around our excellent teachers, Mr. Tarbell and Miss Hall. And it is now to be recorded with profoundest pleasure that between forty and fifty per cent of the persons enjoying the benefits of the school profess to have renounced a life of vice for a life of christian virtue, while only about six per cent of those in non-attendance claim for themselves any such spiritual reformation.

From these remarkable statistics it may be demanded, why are not the advantages of the school extended to all? First, because there are not facilities for all. Second, because experience has demonstrated that no such happy results can be realized for those "sent up" for the brief period of thirty, sixty or ninety days. Such look upon themselves rather as "boarders," unpleasantly situated for a short period, soon to seek better quarters, while those sent here for a year or more soon come to feel at home. The latter learn to adjust themselves to their new condition, and seek to make the most of it. Hence the school, the teacher, the library, the chaplain and the chapel are cherished as invaluable aids for the promotion of not only their pleasure, but their highest good as well. But to the former class such results are a simple impossibility.

We close with a single extract from the report of the inspectors:

The discipline is maintained without corporal punishment or other severe measures. Full control is had, a spirit of subordination is surely prevalent, and much of self-respect is felt among the prisoners. Full record is kept of all reproofs, deprivations and penalties for violation of the rules of the establishment, and shows closely the care and patience exercised by the officers to avoid conflict with and punishment of the prisoners, and much ingenuity is observable in contriving simple means to make the intractable properly sensitive to the rules that should govern them. The statement, often too true, that prisoners generally leave prison worse than before entering, cannot be truly said of the House of Correction. The thorough effort for their education, and the real interest manifested for their reformation, are productive of good results without doubt. It cannot be that the impulse toward reformation given to so many here is a hallucination. While doubt may justly be felt for the permanency of passing emotions, however passionately expressed, real effort to purify the body, to educate the mind and cultivate the noble sentiments by noble practices does not admit of question as to its right drift and salutary tendency. Examples are frequently found in society to attest this truth; reformed men are living happily and usefully who date their right start from their imprisonment here. We affirm, however, that reformatory results, achieved by prison establishments organized under existing laws, must be the exception and not the rule. We hope therefore to see such changes speedily made as shall clearly put forward reformation as the first object of imprisonment and secure uniform results in this direction.

MISSISSIPPI.

The following letter from the Superintendent of the Mississippi State penitentiary contains all the information received concerning the penal affairs of that State:

SUPERINTENDENT OF OFFICER, MISS. STATE PENITENTIARY, }
JACKSON, August 10, 1899. }

REV. E. C. WINES, D. D., LL. D., Corresponding Secretary N. Y. Prison Association:

DEAR SIR: Owing to the unsettled state of our government, I am sorry to be unable to comply with your request for my report for 1899. In January of that year the finances of the State were in such a low condition that the executive department was unable to furnish food for the convicts, and the military authorities took it under their control.

The prison is at present leased to Mr. E. Richardson for a term of three years, by the military commander, and a considerable number of the colored convicts are employed by him on his plantations in the neighborhood. About one hundred, principally whites, are employed at the prison in carriage, furniture and shoe-making. We have at present 327 prisoners. Whites—men, ninety-six; women, one; blacks—men, 226; women, five. Of these one white man and twelve black are for life. The influx of prisoners since January has been very small, only twenty having been received against ninety-eight in the corresponding period of 1868. I fear this is not all owing to a decrease of crime, but is in a great measure attributable to the unset tled state of our courts.

The ministers of the various denominations hold services every Sunday in turn, the services being held in the hall of the prison on which all the cells open. The doors are all unlocked during divine service, so that all can attend if they wish, which is pretty generally the case; and great attention seems to be paid by them to the services.

Lately the Roman Catholic priest has volunteered to hold a service once a month in a room of the prison, for such of the convicts as are of his persuasion. The attendance is voluntary, each convict wishing to attend giving his number at morning roll-call.

In the absence of any report, I have sent you the above few particulars, thinking they might be of interest.

I am yours most respectfully,
Z. A. PHILLIPS,
Superintendent Miss. State Penitentiary.

MISSOURI.

In our review of prison work in the United States last year, we quoted largely and approvingly from the report of the penitentiary of this State, and spoke of the prison itself as being now, as heretofore, under the administration of Mr. P. T. Miller, "an object of special interest to the students of penitentiary science."

The administration has been changed since then, and the present warden is the Rev. D. A. Wilson, formerly a missionary to Africa, a gentleman of high character and ability (personally known to the writer), in whose statements entire confidence may be placed. We make these remarks as prefatory to the following letter from Mr. Wilson:

OFFICE OF THE WARDEN, MISSOURI STATE PENITENTIARY, }
CITY OF JEFFERSON, Mo., September 14, 1869.

THE REV. E. C. WINES, D. D., Corresponding Secretary N. Y. P. A.:

DEAR SIR:—Inclosed you will find the statistics of this prison requested in your circular of August 25th.

The excess of expenditures is in part owing to the fact that a large number of prisoners are employed on the erection of a new cell building, partly to the fact that during the winter many are unemployed, and partly to the fact that being in debt, purchases have to be made on credit, and interest paid.

The figures I have given cannot be relied upon as exact, for reports have been made out for some time with a view to a good showing. The estimated value of real estate does not include the new cell building, which already has cost more than half of what I have put down.

We have now a resident chaplain, although no proper provision has as yet been made for his support. There is a Sunday school for the women, a prayer meeting for men, desirous of attending. Soon we hope to have Bible classes, and classes for secular instruction. There are many things needed to bring this prison up to the standard which you have assigned it in your review of prisons. "The mantle of Miller fell upon his successor," only so far as reports are concerned, and these were prepared, I am told, chiefly by others.

I make these observations, because, while strangers rely upon the statements of your report, all persons here, conversant with the condition and management of the prison, know that they do not correspond to the facts.

Very respectfully yours,
D. A. WILSON, Warden.

In consequence of the discredit thus thrown upon the recent reports of this institution, we forbear all citation from that last issued, and content ourselves with stating the fact that, like those of the wardens of the State prisons of Massachusetts and Michigan, it makes the important recommendation that convicts, in reward for good conduct, be allowed a portion of their earnings as an aid to discipline and reformation, as they are now granted a diminution of sentence on that ground.

NEBRASKA.

There is no State prison in Nebraska.

NEVADA.

The reports of the State prison here are made biennially. The one before us is for the years 1867 and 1868. The warden, *ex-officio*, is Lieutenant-Governor James S. Slingerland; and a lively and enjoyable writer his report proves him to be. Here is his word-picture of the prison on his accession to the wardenship in January, 1867:

"The 'old kitchen,' which stood as a landmark, to which, it is presumable, the main buildings composing the prison were afterwards built, was nothing but a tinder box, built of rock, with here and there a patch of mortar, full of seams and openings, through which the wind had full sweep; covered with an old, weather-worn shingle roof, through which the rain poured in winter; lined inside with canvas, that hung in tatters on the walls; and connected with the main building by an opening in which no door had ever been built. The dining-room was lined in the same manner, and also the two front rooms adjoining, with the addition of here and there a patch of wall-paper, making it still more inflammable. Office and guard-room were in the same condition; wood-work old and decayed, and with all the rest sadly in need of new material. The roof of the main building—forty by one hundred feet—was shingled, rivaling in antiquity the roof of the kitchen; open and leaky in winter, and in summer ventilating the whole building with a hurricane of wind and sand, and throughout the whole of this one hundred feet, but three flues, to which the stovepipes led from the different parts of the building, some of which reached for a distance of thirty feet, smoking and leaking with every storm of wind and rain; putting all of which together, which you have a fair picture of the condition of the buildings as I found them on the 7th day of January, 1867, and for which, with the rock pile adjoining, the territory paid \$80,000.

Fortunately a fire occurred, the work of some kind-hearted incendiary, early in May following, which consumed nearly the whole concern, leaving little but the prisoners. Gov. Slingerland proved equal to the emergency. He immediately entered upon the work of rebuilding, and now reports a good substantial prison, nearly fire-proof throughout, at a cost of \$25,000, with accommodations for 112 prisoners.

The warden provides a generous diet for his men, as the following bill of prison fare will show:

Breakfast—Beefsteak, potatoes and bread, hot or cold.

Dinner—Roast beef or stew daily; baked beans on Mondays, Wednesdays and Saturdays; mush and molasses or *pudding* on Tuesdays, Thursdays and Fridays; soup on Tuesdays, and bread and potatoes every day.

Supper—Cold meat, hash, potatoes and bread, *stewed peaches or apples* every other day; to which may be added vegetables, when in market.

"Prison discipline" does not appear to have made great progress in Nevada. The lieutenant-governor's theory would not have been unsuited to the times prior to John Howard. It is stated in terms curt, pointed, and quite clear from ambiguity. He says: "In the system adopted I have not proposed to consume precious time in trying to make an unmitigated rascal an honest man. I have no 'trusties'; they all stand on an equal footing one with another." He gives this pleasing testimony of his staff: "The force around me are worthy and vigilant officers; I employ none but worthy, trusty and sober men." Here he is in advance of the times anterior to and contemporaneous with Howard; for in those days there were fearful stealings on the part of officers (the practice is not yet wholly abated), and it was no uncommon thing for officers and prisoners to take a good "drunk" together. Indeed, we are inclined to think that Gov. Slingerland has done injustice to himself, in one of his sentences quoted above; and we base our conviction on the following passage from a subsequent part of his report, which shows that he makes greater use of moral than of physical force in his discipline, and that his great kindness of heart does not expend itself in words, but is translated into action:

It is a fact worthy of notice that, during the past two years, there have been but two occasions for punishment, those being for insubordination. Prisoners have been orderly and well behaved, and, with a few exceptions, have all been credited with the five days' commutation allowed by law for good behavior, thus materially shortening their terms of imprisonment. A "Conduct Roll" is kept, and posted at the end of each month, in which the five days is credited if deserved, and, if not, in lieu thereof, a black mark is set opposite the name of the prisoner incurring, by misconduct, the forfeiture. It seems to be the general desire of all to gain this commutation, and, as the record shows, but few have failed to gain it for each month of the two years. Heretofore, when a prisoner went out by expiration of sentence or pardon, the

board of State prison commissioners have allowed me to purchase for such prisoners a suit of clothes. This is an item of considerable amount in my expenses, as, since the fire, when a prisoner was discharged he had to be supplied with a new suit, the old ones being burned on May 1, 1867. I have also supplied them with money, from five to ten dollars each, out of my own pocket. I would suggest that a fund be created, called the "State Prison Contingent Fund," say \$250, to meet such expenses as above stated, said fund to be under control of and at the order of the warden of the State prison.

NEW HAMPSHIRE.

The document issued by the authorities of the New Hampshire State Prison, which brings the history of that institution down to May 1869, consists of the following papers: 1. Warden's report; 2. Report of the committee of council [inspectors]; 3. Report of the chaplain; 4. Report of the physician; 5. Report of the agent for discharged prisoners. It is no undue praise to say that these several papers are, without exception, model compositions of their kind. One feels in their perusal that he is moving in an atmosphere pure, bracing, healthful; the pulses of the soul beat with a higher vitality; and faith in humanity, even fallen and criminal humanity, gathers strength for its conflict with evil. Were we to follow the dictate of feeling, we should print these reports unabridged; but we must content ourselves with such brief extracts as will serve to indicate merely the general tone of the institution, and the general character of the work done there.

Mr. Mayo, the warden, discusses at length, and with rare good sense, the subject of the reformation of convicts during their incarceration. In the course of his remarks, he says:

During my connection with this prison it has been my constant aim, in all my treatment of those under my charge, to make them feel that there was yet hope for them, a chance for them to become virtuous and respected members of society. My efforts in this direction have been specially directed to the younger and least hardened of our numbers.

On the question of discipline, he remarks:

Good order is of course the first requisite in a place like this; yet strict rules need not have an unfavorable influence on those who feel their force. We do not break or crush men, but exercise that restraint that is necessary to comfort and safety. It would be an exaggeration to say that our rules had at all times been carried out to the letter, yet we think that personal inspection will convince any one that we have approximated as near to this as is practicable or even desirable. The old punishments of the dark cell, with bread and water, has been continued for extreme cases; and in two cases of obstinate refractoriness it has been found necessary to use the ball and chain for a time.

On Thanksgiving day, the institution gave an extra dinner to the convicts. On the thirty-first of January, Mr. Dorsey feasted them on roast turkey and mince pie. On the fourth of July, the con-
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tractor, Mr. G. F. Comings, furnished them an abundant supply of strawberries and cream, with lemonade. And one evening in the winter the Sunday-school teachers surprised their classes with a bountiful collation in the prison chapel. A few times during the year the restraint of prison life was removed, and the prisoners were permitted to enjoy, for a brief space, the sweets of social intercourse. On the effect of such indulgences as those specified above Mr. Mayo remarks:

These privileges, slight as they may seem, go far to alleviate the bitterness of convict life, while at the same time they in no wise tend to create insubordination. On the contrary, their influence is salutary in this direction, gratitude being a stronger restraint than fear. Slowly and with care I am striving to reduce to practice every plan that promises to ameliorate the condition of the prisoners, without interfering with the end for which they are here.

Other states are moving in the same direction, some of them faster in certain respects. Both Massachusetts and Rhode Island [he might have added Wisconsin and the Albany penitentiary] have discarded the parti-colored dress as tending to degrade and destroy the self-respect of the prisoners. How far such alleviations may be carried with safety and entire good effect, I am not prepared to say, but the limit has not yet been reached where it must be said that it is not wise to go further.

The prison school is a great success. Of it Mr. Mayo says:

On the return of the long evenings our school was resumed, and it has been continued through the winter and spring with the most gratifying results. More interested scholars or more rapid advancement than we have been permitted in many instances to witness, it would be difficult to find. Among the pleasant duties I may have ever been called upon to perform, has been that of instructing some of those who came here without even the rudiments of an education.

The course of popular and scientific lectures, instituted the preceding year, and found so entertaining and profitable to the convicts, was renewed during the winter of 1868-9, with equal acceptance and advantage.

Under the heading "Causes of Crime," the warden has this significant passage, which all good citizens would do well to ponder:

Take out of this prison those who attribute their presence here to intemperance, and there would be hardly enough left to care for the buildings. I am firmly convinced that a vigorous execution of our prohibitory law would decrease our prison commitments more than one-half.

Give every rum-seller a life sentence, and other sentences would be few and far between. We have many sad cases of young men from respectable families, brought here in consequence of taking a single glass of liquid poison, sold by some heartless violator of the law.

Chaplain Holman is abundant in labors, giving time, strength and heart to his work, of the good results of which he speaks in a strain of great hopefulness. The Sabbath school has been highly prosperous, averaging eighty-one scholars, though the attendance is entirely voluntary. The library has been very generally used. The secular

school was maintained 109 evenings during the year, and through its agency thirty men were taught to read and forty to write, while quite a number, previously ignorant of the first principles of arithmetic, made no little proficiency in mastering the simpler elements of the science. Mr. Holman declares himself "satisfied that there have been several cases of spiritual conversion—a radical change to a better life."

We must make room for a somewhat extended extract from the report of Mr. D. S. Palmer, agent for discharged prisoners. He says:

The good influences of the Sabbath and evening schools, which have lately been under the direction of the excellent chaplain and his assistants, tell powerfully upon the prisoners for good, as is evident in the talk and behavior of about every discharged prisoner who has attended these schools. No discharged prisoner seems willing to leave the city until he has called upon the teacher who had charge of the class of which he was a member, to thank him or her kindly for the good instructions given him. They praise the warden, chaplain and other officials for the interest they have taken in the schools, and express their gratitude for the good lectures that have been given them by public speakers in the chapel.

Of the prisoners who have been discharged during the last year, almost every one has found immediate employment on leaving the prison; and so far as I have been able to obtain information, with scarcely an exception they have been faithful to their employers; especially is this true of those who have been at work in this city, of whom there are some ten or eleven, and all having their homes in good boarding houses where they are surrounded by good influences. Some of them are paid fifty dollars per month, and some two dollars per day, by the persons who employ them. A young man left the prison two days ago with chances for employment in three different establishments, and at once accepted an offer of fifty dollars per month, secured a good boarding house, and is now at work. Such has been the promptness of many others, as they leave the work-shops in the prison, where they have labored as faithfully as do men who are paid for their services. In the prison they have led sober and temperate lives, and they all promise to shun bad company and places where intoxicating liquors are sold, in the future. Those who leave the city for their former homes, or to obtain employment elsewhere, have been almost invariably furnished with free passes through the kindness of railroad officials in Concord, to encourage them to do well; and very grateful have the prisoners felt for such kind acts, as the sums allowed them by the State are very small, in many instances scarcely enough to take them to their homes. During the year, forty-three prisoners have been discharged (most of them in consequence of expiration of sentence), and only one of this number has been returned to prison again. I do not know that any, save one, of the other forty have been charged with or even suspected of committing a crime since their discharge.

By the side of such testimony as this, how cold and flippant—to use no harsher terms in characterizing it—appears the remark of the warden of the Nevada State prison, that he had not wasted precious time in the attempt to change rascals into honest men! Have the time, pains and patience of these New Hampshire officers and their volunteer assistants from outside been "wasted" in accomplishing such results as those recited above? John Howard,

Elizabeth Fry, Sarah Martin, Alexander Machonochie, Herr Von Obermaier, and Don Manuel Montesinos, might, with equal fitness, be stigmatized as "wasting precious time" in their self-denying and self-sacrificing labors.

NEW JERSEY.

There is little of general interest in the report of the State prison of New Jersey for 1868. The passage most interesting is the following, cited from the report of the warden :

I am pleased to be able to report that the abolition of the old modes of convict punishment, at the suggestion of your Excellency, which had been for at least ten or fifteen years in vogue in this institution, has resulted in no degree damaging to the good order and discipline of the convicts. In view of the able committee, appointed at the last session of our Legislature to inquire as to the best system of prison management and discipline, and report to the coming session, it would be presumptuous in me to suggest any matter coming within the purview of their duties.

Of course we must resort to the report of the committee, or commission (the latter was its official designation), referred to in the above extract, to learn what has been done, and what is proposed to be done, in this State, on the subject of prison reform. Soon after the appearance of their report, last winter, the writer prepared a somewhat extended notice of it; and we cannot now, perhaps, give a better view of prison matters in New Jersey than by transcribing at length the article, which was published at the time in a popular weekly journal.

The revived interest in prison discipline, so widely prevalent in this and other countries within the last few years, asserted its force in New Jersey in the appointment, by joint resolution of the Legislature, approved April 9, 1868, of a commission, consisting of three eminent citizens—ex-Governors Haines and Fort, and Samuel Allanson—"to examine into the system existing in the State prison in this State, and similar institutions of other States, and to report to the Legislature, at its next regular session, by bill or otherwise, an improved plan for the government and discipline of the said prison, having special regard to economy and the reformation of criminals; and also to report such suggestions or measures bearing upon the subject as to them shall seem fit and proper."

The commissioners devoted much time and labor to the duty thus laid upon them, during the summer and autumn of last year, visiting prisons extensively in their own and other States, collecting and examining numerous documents bearing upon the subject of their investigations, and conducting an extended correspondence with gentlemen whom they judged capable, by their knowledge of prison affairs, to aid them in their labors. By the close of the year they had completed their work, and their report, a document reflecting credit alike upon the commissioners and the State, was submitted to the Legislature very soon after it convened in January.

The report of these gentlemen is now before us. We propose to offer a brief résumé of its contents. "The great rule of legislation," say the commissioners, "is the consideration of the old law, the mischief, and the remedy. So, on a question of reformation [of prison discipline], it is proper to examine the existing system, its evils, and the remedy for them."

In this order we will follow the commissioners in our review of their work.

1. PRESENT PRISON SYSTEM OF NEW JERSEY.

Forty years ago the old and corrupting system of association, by night as well as by day, prevailed in New Jersey, as it did in the other States, and there, as elsewhere, the convicts left the prison more hardened than they entered it. About that time, Pennsylvania inaugurated her far-famed separate system of imprisonment; and New Jersey, dissatisfied with her own system, was not long in following her example. In 1838, a prison upon the separate plan was completed at Trenton, with 192 cells. After a trial of twenty-one years, the financial or moral, was abandoned, common workshops satisfactory results, either financial or moral, was abandoned, common workshops were provided, and the Auburn plan of associated labor by day and isolation at night was substituted. The building, however, having been constructed upon the separate plan, offered serious impediments to the congregate system in its integrity.

The cells were too large to serve as mere dormitories for individual prisoners, and hence it was found necessary to put more than one convict, sometimes indeed as many as four, in each, to sleep; which is as contrary to the Auburn as it is to the Pennsylvania system, and quite as destructive of its normal working. Then the blocks of cell-houses, in prisons on the separate plan, not only radiate from a common centre, but have their corridors or halls between the rows of cells instead of enclosing them. The Sunday sermon or lecture has to be repeated in every corridor, each prisoner remaining in his cell, with the door slightly ajar, to enable him to hear the discourse. As it is contrary to the principle of the system for prisoners ever to see each other, a chapel is out of the question; and so the shepherd never sees his flock when he feeds them, nor the flock their shepherd while receiving their spiritual nutriment at his hands. This mode of conducting divine service has continued to the present time.

Hitherto, female convicts have been confined in the same range of cells with the men, where communication is easy through pipes and windows. The want of good morals was shown in the person of a mulatto child, eight months old at the time of the commissioners' visit, born of a black woman, who had been for several years an inmate of the prison. This, it is to be hoped, is an exceptional case; yet, so far as inmates of the prison. This, it is to be hoped, is an exceptional case; yet, so far as inmates of the prison, the commissioners could learn, no investigation of the matter had been had, no punishment had ever been inflicted on either prisoner, and no officer had been dismissed for dereliction of duty, all of which shows an extreme lack of vigilance, both in preventing and detecting offences, and a want of a due sense of the moral turpitude of this particular offence. It is a relief to learn that a separate range of cells for women is in process of construction, whereby all communication between the sexes, by word or act, will be excluded.

The government and discipline of the prison are intrusted to a board of five inspectors and a keeper, who, by constitutional provision, are appointed by the Legislature in joint meeting, and hold office for but one year. The keeper appoints his assistants. The appointment of physician is in the hands of the governor of the State and the chaplain or moral instructor, in the hands of the governor of the State and the inspectors united.

As regards disciplinary punishments, the law of New Jersey has this provision:

"If any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him and said prisoner and deputy keeper, who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with a chain on the leg, or handcuffs, or both, for six days; and if, in his opinion, the convict should receive further punishment, he shall refer the

case to the acting inspectors, who shall order such further punishment as they shall think proper, provided that corporal punishment shall in no case be inflicted."

The obvious intent of this law is to prevent unusual, cruel and torturous forms of punishment. That this benevolent intent has failed, is plain from the following extract from the commissioners' report:

"In one of their visits to our State prison, they found five men fastened in separate cells, prostrate and in a prone position, straps of strong leather passing around both wrists of each convict, and secured to iron rings in the floor, allowing very little movement of the person, obliging the condemned to void his excrements in his clothing, and rendering the air of the cell nauseatingly offensive. One case, it was stated, required such punishment to be continued twenty-two, another ten, and a third six days. In some cases, suspension by the hands or wrists is resorted to, tying culprits up, with arms elevated above the head, and allowing the feet scarcely to touch the floor. This is a painful infliction, and but few can bear it without danger."

Bad as our prison punishments in New York have been, they are less objectionable than those enumerated in the foregoing citation, which carries us back to the tortures of the middle ages.

The industries of the prison are managed on the contract system, and they appear to be worse managed, at least less productively, than those of any other State prison of which we have any knowledge. The labor of the convicts is let at the low rate rest of the year. For the last four years, with an average of 500 to 600 prisoners, the State treasury has been called upon to supply an annual deficit of \$100,000. This is a worse showing than that made by our New York prisons, which had reached, as we supposed, the *ne plus ultra* of small returns and extravagant expenditure.

2. EVILS OF THE SYSTEM.

The first evil resulting from this system is, the short term of office of the inspectors and keeper. An annual appointment involves, almost of necessity, an annual change. There is sure to be a change, when the political ascendancy in the State shifts from one party to the other; but it does not always wait upon such a revolution. That abominable party war-cry, "to the victors belong the spoils," is applied, to which it is, in reason, no more applicable than it is to the administration of our colleges. As the keeper owes his position to political influence, he selects his deputies, for the most part, on the same principle; and the result is, as it inevitably must be, there and everywhere, inexperienced, incompetent, inefficient officers. Not infrequently, even worse than that—officers who are profane, intemperate, licentious, corrupt—"pot-house heroes," as the commissioners expressively designate them.

The second pernicious effect of the system is but the logical issue of the first—want of discipline. Prisoners are keen-sighted; they will read an officer through and through in a very short time; and if, when "weighed in the balance," he is "found wanting," the consequence is, work neglected, materials spoiled, disorder rampant, and sometimes even open defiance of authority, insurrection, and downright rebellion.

Another mischief is, the small earnings of the prisoners. Under the present order of things, the contract system, with its untold evil influences, becomes a necessity. No successful system of convict labor can be organized and managed by the State, except under a stable prison administration. The head of the prison this year may be competent, and next year quite the reverse. What is done to-day may be, is almost sure to be, undone to-morrow. Even under the system of letting the labor

of the convicts to contractors, this perpetual fluctuation, this utter instability in the administration, of all other causes, is the one most potent in keeping down the price of labor.

The mode of giving moral and religious instruction, necessitated by the present system, is a fourth evil fruit of it. It mars the usefulness alike of the private and public ministrations of the chaplain. How can he probe the conscience, and enter into the heart of a prisoner, in the presence of two or three of his comrades? It is impossible. There can be no such thing as a private conference. And yet, without this, there is no room for those personal appeals and personal counsels, which are most moving, simply because they are most fitting. Then, in his public services, the preacher does not see his hearers, nor they him. Thus the power of sympathy, so stirring and so effective where it has free play, is greatly weakened, if not wholly lost. What if a screen were stretched before every pulpit in our churches? Where were the fire of the preacher? Where the answering glow of the hearer? Would converts, in that case, be "multiplied like the drops of the morning"? We trow not. Nor are we at all surprised to be told by the commissioners that, as the service proceeds, there being several prisoners in each cell, some amuse themselves with games, some disturb the preacher with loud laughing and talking, some jeer and scoff, while others are listless, and give no attention to the word spoken.

3. THE REMEDY.

This is the vital question. In reference to it the commissioners make many excellent suggestions, which they have enforced by cogent arguments. They recommend an extension of the term of office of the keeper and inspectors; the abolishment of the contract system; the substitution of a chapel for the corridors, in the Sabbath services; the enlargement of the means of moral and religious instruction, by the institution of a Sabbath school and a daily service of prayer; an increase of space for the accommodation of prisoners, by the addition of more wings to the present building, or the construction of a new prison—giving the preference decidedly to the latter; an absolute and entire separation of the sexes; the establishment of a reformatory for girls; such a change in the county jails as shall make them simply places of detention for persons awaiting trial, with arrangements for confining each prisoner in a separate apartment; and the impression upon the entire prison system of the State of a genuine reformatory character, making that the leading aim and object. The discussion of these several topics by the commissioners, particularly what they say in regard to the contract system, the necessity for a new prison, and reformation as the true end of prison discipline, is able and conclusive. No doubt the changes they advocate are all most desirable reforms, and, if introduced, would constitute a material advance on the present prison system.

Yet conceding this, we confess to a disappointment in this part of the report. It does not go to the root of the matter. What is wanted in New Jersey, what is wanted in New York, what is wanted in all our States, is not an amendment merely, but a re-creation; not the improvement of the old system, but the substitution of a new. The commissioners do not seem to us to have shown an adequate boldness in dealing with the question of the remedy for the evils they have so well pointed out. There is here a reserve, a caution, almost a timidity, on the part of the commissioners, which greatly mars the otherwise excellent service they have rendered to the cause of prison discipline. In an appendix to their report—marked D—they do indeed present a pretty full account of the Irish prison system, closing with this remark:

"Our apology for the presentation of so detailed a statement respecting the Irish prisons is, our belief that the system there established is founded upon correct principles, and that in its essential features it might be readily adopted with signal advantage in our own."

Then, in another appendix—marked E—the commissioners say: "The following plan, substantially the Irish system, is proposed, *merely for consideration.*" They proceed to sketch a prison system, consisting of four stages, as follows: I. A penal stage, with separate imprisonment for eight months, but reducible to six by perfectly good behavior. II. A reformatory stage, worked upon the mark system, in which the prisoners should be advanced, according to merit, from class to class, gaining, at each step, increased privileges and comforts. III. A probationary stage into which should be admitted only those adjudged to be reformed, for the purpose of testing the reality of their reformation, to which end the imprisonment here should be little more than moral. IV. A stage of conditional liberty—*ticket-of-leave*—in which the reformed convict should be permitted to enjoy full freedom, subject, however, to revocation for a violation of the conditions on which it should have been granted.

Here, indeed, we have thorough work; but the plan suggested is in an appendix, and *not* in the report; it is submitted for "consideration merely," and not recommended for adoption. It is much to be regretted that the commission did not squarely and boldly plant themselves upon this ground, fortifying their position with those resistless arguments with which both reason and experience would have supplied them in abundance, and leaving to the Legislature the responsibility of accepting or rejecting their work. It is to be regretted, especially, that they did not insist upon an organization of the new prison recommended by them, upon the principles there laid down. And it is to be still further regretted, that they did not, as authorized by the terms of their appointment, report by bill a complete plan for an improved prison system for the State. What action the Legislature took on their suggestions and recommendations, we know not; but we hope it is not yet too late to give effect by legislation, in the new prison at least, to the ideas so well announced in the plan sketched by the commissioners in the appendix to their report.

Soon after the publication of the foregoing remarks, we received a letter from one of the commissioners—ex-Governor Haines—in which he states, briefly, what was done by the Legislature, as the result of their report, as follows:

In your review you say you are not informed of what action our Legislature took on the subject of our report. I reply, one measure was the passage of a commutation act, of which I inclose a newspaper copy. Another was an act totally changing the character of the management of the financial department. The keeper, being by our Constitution an annual officer, is, by this act, made chiefly the custodian and disciplinarian of the prison. A board of supervisors controls the industries and finances, thus removing from the keeper all opportunity for speculation or peculation. There was an appropriation for enlarging the prison, and another for making additions to the library.

The greater good of our report was the light thrown upon the condition of the State prison and jails of the State, and we hope a foundation has been laid for greater improvements. As a people we are slow and cautious; but in the end, and after much delay, we usually take the right ground. We who are charged with being reformers must be patient and hopeful.

NEW YORK.

1. *The State Prisons.*

The condition of things in the State prisons of our own State is, perhaps, sufficiently set forth both in the report of the executive

committee and in a special report made by the standing committee on prison discipline. We add a few particulars.

In his message to the Legislature, presented January 6, 1869, Governor Hoffman holds this language in regard to the State prisons:

Our prisons have not been for many years *self-supporting* institutions. I am satisfied they can be better managed, as well in respect to finances as discipline. The prison system of this State abounds in evils and errors. Many of these are, doubtless, due to the fact that the persons appointed to discharge the duties of agents, wardens and keepers, are too often selected from political considerations only, without reference to their capacity and qualifications. The present contract system for the employment of the labor of the prisoners is an unwise one. It affects very unfavorably the discipline of the institutions, and does not produce satisfactory pecuniary results. The labor of the convicts should be directed and employed entirely by the prison superintendents, and the products of such labor should be sold by them for the benefit of the State. This system would remove many existing causes of complaint in regard to convict labor, and result in material advantage to the public.

The law passed some years ago allowing to convicts, for good behavior, a certain number of days' deduction from their terms of imprisonment, by way of commutation of sentence, has been beneficial in its operation; and if, under a system by which the superintendent should directly employ the labor of the prisoners, provision should be made that a small portion of their earnings be laid aside for their benefit, to be paid to them on the expiration of their sentence, the effect upon their present conduct and future lives would, I think, be useful alike to them and to society. I cannot in this message enter into detailed statements and suggestions of all that is necessary for prison reform. I commend to your consideration the report of the Prison Association, which, under a resolution of the last Legislature, was directed to investigate the financial administration of the State prisons and the reformatory agencies employed in them.

It is time that the great State of New York, throughout which extends such a grand and liberal system of education and charity, should give to this subject of prison management and reform the attention which its importance demands, and which, hitherto, it has failed to receive.

On the same subject, in his message submitted at the opening of the present session of the Legislature, he speaks thus:

The report of the comptroller will show, in detail, the expenses and earnings of the several State prisons during the past year, and give the necessary explanations thereof.

There have been, during the year, numerous disturbances among the convicts, and the expenses of the prisons continue to be largely in excess of the earnings. I renew the objections made in my last annual message to the contract system for the employment of the prisoners' labor. It is a vicious one, and should be abandoned.

The discipline of the prisons has been seriously affected by legislation which has deprived their officers of nearly all discretion in regard to punishment. I think the chief officer of each prison should be clothed with the fullest discretionary powers in relation to the character and amount of punishment, subject to the restriction that it shall be inflicted only in his presence.

I submit to the Legislature that the subject of prison management has become one of very great consequence and demands earnest attention. More concentrated re-

responsibility is needed, as well as protection against frequent changes of administrative officers. It is doubtful whether such results can be attained without an amendment of the Constitution making an entire change in the system.

The commissioners appointed by me, pursuant to chapter 408 of the Laws of 1869, to select a site and submit plans for the construction and management of a State penitentiary will, I am informed, make their report to the Legislature at an early day.

I have visited, during the year, all the State prisons, and given personal hearing to large numbers of convicts who desired to present applications for executive clemency. The total number of applications for pardon and commutation of punishment, presented personally or in writing, and examined by me, is about six hundred. Eighty-six pardons, and twenty commutations have been granted.

We would agree with the governor as to confiding to the chief officer ample discretionary powers relative to punishments, provided he held his office permanently, and might therefore be presumed to have the knowledge and experience which would make such a deposit safe in his hands. But we have grave doubts whether this would answer under our present system, where the executive administration changes, on an average, every two years, and often is not prolonged beyond a single year — sometimes, indeed, not even that.

The governor, it has been seen, refers to the report of the comptroller, Hon. Wm. F. Allen, for a detailed statement of "the expenses and earnings of the several State prisons during the past year." The part of the comptroller's report, thus referred to, is as follows:

But little need be said of the financial exhibit of the State prisons. That there is a radical defect in the system cannot be doubted. By the Constitution the inspectors have the charge and superintendence of the prisons, and the appointment of all the officers therein. They alone have the power, if the power exists anywhere, to secure efficiency in the discipline, economy in the expenditures, and success in the general administration of their affairs. Great practical benefit would result to the State if the management of the prisons could be entirely disconnected with party politics, and the wardens and keepers could hold their offices by the tenure of good behavior rather than party favoritism, so that each could see in the position he held that degree of permanence which would enable and encourage him to accomplish some good to the State, and make a reputation for himself. Much might, doubtless, be accomplished by wise legislation, and without some legislation by which the expenditures may be systematized and reduced but little change for the better can be looked for in the financial affairs of the prisons.

If the figures in the following table be taken as giving a fair exhibit of the condition of the prisons, it would seem that they are further from being self-supporting year by year, and are fast retrograding.

In 1867 the excess of advances from the treasury over receipts from earnings was	\$366,874 79
In 1868 it was	512,547 74
In 1869 it was	595,774 45

The following statement shows the expenditures and earnings of each of the prisons for the year ending September 30, 1869:

	Advances from the treasury.	Received from earnings.	Excess of expenditures.
Auburn	\$214,609 28	\$128,717 71	\$85,891 57
Clinton	\$341,062 81	158,807 56	182,255 25
Sing Sing	\$540,159 30	192,904 60	347,254 70
Miscellaneous expenditures not distributed			20,389 43
	<u>\$1,065,831 89</u>	<u>\$490,429 87</u>	<u>\$644,790 95</u>

From the above exhibit it will be seen that the expenditures of Clinton prison last year exceeded its earnings by \$182,255.25. Thus is exploded the stupendous sham with which the public has been amused for some years past, to the effect that this prison was not only earning its support, but actually bringing in a revenue to the State treasury. In their report for 1867, the inspectors claimed that Clinton prison had that year made a clear profit, over all expenses, of \$20,749.51. Last year, under special instructions from the Legislature, the Prison Association made a searching examination into the financial management of all the State prisons. In regard to Clinton, they found that, by a skillful manipulation of figures, by an exaggeration of values on the one hand and the omission of just charges against the institution on the other, the prison accounts had been made to show the balance of profit stated above, whereas in truth there was a deficit of at least \$65,308.35, making a total difference between seeming and reality, of \$86,057.86. On the state of facts as thus revealed, we last year offered the following remarks:

Nothing could be more injurious to the pecuniary interests of the prisons than to make up erroneous accounts for the purpose of appearing well before the public in any one year. In such cases the apparent prosperity will be but evanescent. The deception will be disclosed in a year or two from the stern fact that the cash drawn from the treasury for support will always show the amount of expenditure, and the income of the prison will surely appear by the actual cash receipts deposited with the treasurer. Therefore, if its receipts are unfairly made to look large in any one year, there will be, sooner or later, correspondingly low returns. The accounts should always be fairly kept, and thus the public will understand the true working of the institution; and if the result should be unsatisfactory, the Legislature will be better able to apply a remedy.

How speedily has the prediction here ventured been turned into history! The enormous deficit of \$182,255.25, for a single year, tells the whole story, and affords a fresh illustration of the truth of the old adage, that "honesty is the best policy."

* Thirteen months. Advances for Sept. 1868, \$49,061.50.

In our report of last year, we exposed a huge grab at the State treasury made in Sing Sing prison. Its nature and proportions will be best explained in a short extract from the report:

Alfred Walker made a contract, March 1, 1867, for working the quarry at Sing Sing. It called for 100 men, and was to continue for five years. This contract was owned in June, 1868, in equal shares by himself and Sands & Son. At that time he bought the interest of Sands and Son in the property and contract for \$11,500, and thus became absolute owner. The estimate that the owners of the property put upon it was, that it was worth \$23,000. Shortly after this, in the very same month, Walker made a bargain with the inspectors, acting as the agents of the State, to sell his whole interest for \$125,000, thus obtaining \$62,500 for what he had paid almost contemporaneously \$11,500, and an equal advance for his own half interest.

We devoted nearly four pages of our report to a complete exposition of this attempt upon the treasury, and a plea (the strongest we could frame) against the payment of the claim set up by Walker. We failed, however, in the effort; and the Legislature allowed the whole amount—\$125,000. The comptroller's report informs us that it has been paid. It is by such abuses as this—to call them by no harder name—and others which have been detailed from year to year, in our reports, that the deficits of our three State prisons are swelled to such proportions, reaching, for the year just closed, the astounding aggregate of \$595,774.45! Now, the State of New York had, in her State prisons last year (say), an average of 3,000 convicts (the number was probably a little less, but let that pass). The aggregate deficit—\$595,774.45—distributed among these, would give a deficit *per capita* of \$199. The average *per capita* cost of the prisoners in all the State prisons of the United States for the previous year, including salaries of officers, was \$177. The deficit alone, therefore, of our prisons would have supported our convicts without a stroke of work or a cent of earnings, at the average cost of prisoners throughout the country, and left a surplus of \$66,000. But let us take another comparison. The *per capita* cost of the convicts in the Connecticut State prison was, last year, \$116. Our deficit would have supported our convicts at that rate of outlay, still without work, and have left a surplus of \$249,000. One more comparison. The Albany penitentiary subsisted its prisoners in 1869 for \$110 *per capita*. At the same rate of expenditure, our aggregate deficiency would have paid the expenses of our prisons—the convicts as before remaining in total idleness—and, at the same time, would have left a surplus for other uses of \$267,000.

The *Edinburgh Review* once published what was meant for a severe, but was only a slashing, *critique* on Goethe. The article was translated and reprinted in Germany, with this curt but caustic comment: "This is what in England they call *reviewing*." In like man-

ner, when looking at the foregoing detail and comparisons, one is tempted to exclaim: "This is what in New York is called *prison administration*."

2. The Albany Penitentiary.

We place this among State prisons, because, though originally a county institution, it has become, through the action of the general government, the State prison of the United States for the District of Columbia, to which all prisoners convicted of felonies in the District are sentenced.

The financial management of this prison for the past year, as indeed during the whole period of its existence, has been eminently successful, as the following extract from the report of the superintendent, Gen. Pilsbury, will show:

In reviewing our records, there is reason for a just pride in the almost uninterrupted success of its management: in the fact that, instead of being a burden upon the county or the State, it has been made a source of profit; that in twenty-one years (as the tables hereto appended will show) it has safely kept 19,421 prisoners, and although 14,426 (or more than three-fourths) of these were of that unprofitable class who are committed for very short terms of less than six months, yet the gross earnings have amounted to \$627,201.95, while the ordinary expenditures have been but \$486,920.26; thus showing a gain or profit of \$140,281.69.

In this connection, it may not be unsuitable to state that, during a fifteen years' wardenship of the Connecticut State prison—Mr. Pilsbury's administration netted a clear profit to the State of more than \$100,000. Thus the gains of the two prisons over which he has presided, added together, foot up a round quarter million of dollars; and this in spite of the fact that the average number of convicts in the Wethersfield prison was less than 200, and the added fact that more than one-half the inmates of the Albany penitentiary were wholly unproductive, but instead were a drain upon the earnings of the others. All these things considered, we doubt whether a financial success equal to this can be found elsewhere in the prison annals of the world.

At the last session of the Legislature an act was passed authorizing the transfer of 150 convicts from Sing Sing prison to the Albany penitentiary, said convicts to be maintained in the latter institution without expense to the State, *provided* the inspectors should so direct within twenty days after the passage of the act. A letter was addressed by Gen. Pilsbury, under date of May 18, to the board of inspectors, proposing a meeting to arrange the details of the transfer. The board, ignorant that the transfer must be made within twenty days, fixed the proposed conference in July, at the time of their stated quarterly meeting. Of course no transfer could be made

under the law, and in point of fact none has been made. This, we think, is much to be regretted. It would be well to revive the act, *minus* the limitation, so as to let the transfer be made at any time that might be convenient and mutually agreed upon by the authorities of the two institutions. If the penitentiary were but of sufficient capacity and the whole body of our convicts were removed thither, the transfer would have at least this advantage, that it would relieve us of those huge deficits which are, from year to year, eating up the substance of our tax-burdened citizens.

Gen. Pillsbury has expressed his views at length on the question of prison punishments. The following passages contain the substance of his remarks :

Long experience and observation in the management of prisoners have convinced me that, in general, they cannot be well and safely governed unless they are made to understand that the chief officer of the prison is vested with ample power to punish them whenever they may deserve it, for disobedient or disorderly conduct. It is quite visionary to suppose that any government of men, whether in a prison or out of it, can be effective—can, in short, be any government at all, unless it has the power of rewards and punishments. That is the essence of all government, human and divine. Something has been done for our prisons in the way of rewards, by authorizing a certain deduction of time from terms of imprisonment, in the case of prisoners whose deportment while in confinement has been uniformly good. With some natures this is a useful stimulus to good behavior; but there are others to whom it is perfectly indifferent—who are so reckless that it has no influence upon them whatever. How then are *these* to be governed? If the hope of reward will not restrain them, what remains but the fear of punishment? And what punishment are they to fear, unless they are made to know that the chief officer of the prison has the power to inflict it promptly, summarily, and, if needs be, severely? I say the chief officer of the prison, because I think it essential that he alone should have this power of punishment. It should never be entrusted to subordinates. If the chief officer is not fit to be entrusted with it, then he is not fit for his place, and should be removed and another appointed who is fit; and let him be held personally and officially responsible for the just and reasonable exercise of his power.

The law allows a parent to chastise his child, and a master his apprentices, in moderation and reason, but there must be no injury to life or limb. Why should society be more tender of its convicted offenders, than of its children and apprentices? But the truth is, if prisoners are made to distinctly understand that there is an ever present and watchful power over them to punish misconduct, as well as to approve and reward *good* conduct, they will seldom give occasion for punishment. The knowledge that such power exists, and is always ready for action in proper cases, will prove sufficient of itself to enforce the discipline.

We make room for a single extract from the chaplain's report :

In my intercourse with the prisoners at their cells I have not in a single instance met with rudeness, but always with civility and respect. Often the wish has been expressed that I would call more frequently, and stay longer, and was this practicable, I am persuaded greater good would be accomplished. The conversations which I have sometimes had on religious subjects, especially with the long-term prisoners, have been full of interest, and were followed by the removal of erroneous feelings, and skeptical doubts. I have frequently left the cell doors of some of the convicts,

thankful for the desire they expressed to learn the meaning of God's word, and for the opportunity I had of unfolding to them the truth. While many I know resist all the demands of conscience and the Bible, I cannot but hope that the disclosures of the future will show good results, far beyond what we now generally expect.

Since these sentences were penned, Mr. Dyer has passed away from earth; doubtless to a higher, holier, happier sphere of service. His genial smile, the kindly tones of his voice, his persuasive and winning words, will be seen no more, heard no more, within those rugged prison walls; but his wise counsels, his solemn warnings, his tender exhortations, and, above all, his pure, bright, holy example will linger long in the heart, and, let us hope, exert a regenerative power over the life of those to whom his ministrations were given with a zeal equaled only by their fidelity. A rare combination of solid, not to say shining, qualities met in his character; not the least noticeable or least useful of which was prudence, an attribute so important, so essential indeed, in a religious teacher of prisoners. We are assured by the superintendent, that, in his fourteen years of service as chaplain, he never had known a single indiscreet act or word chargeable to him in all his intercourse with the inmates of the penitentiary.

3. *New State Reformatory.*

This important movement, inaugurated last winter by the Legislature, has already been noticed in the report of the executive committee. At a meeting of the committee of arrangements for a national congress on penitentiary and reformatory discipline, Prof. Theo. W. Dwight, one of the commissioners to choose a site and devise a plan of organization for the proposed institution, made some highly interesting statements in regard to that matter. His remarks were thus reported in one of the daily papers :

Dr. Dwight, at the conclusion of the business of the meeting, by special request, gave an account of the plan of organization of the new penal and reformatory institution in the sixth district of this State. In accordance with the provisions of the law, the governor appointed five commissioners, to choose a location and present a plan, of whom Dr. Dwight was one. The commission selected Elmira. They then felt that they ought to adopt some of the improved methods of prison discipline. In their opinion, the best method is to take a young class of criminals—between the ages of sixteen and thirty—sixteen being the age at which criminals are no longer admissible to the House of Refuge. "We thought it better," continued Dr. Dwight, "to take only those sentenced for their first offence. Our idea then was to bring to bear only those reformatory influences—reformatory as distinguished from penal. We adopted the main thought of the Irish system, namely to commence a course of discipline on the main thought of the Irish system, namely to commence a course of discipline upon a tract of 250 acres. Our design was to inclose fifteen or twenty acres with a high wall, rendering escape from this inclosure impossible; but to allow to such as behave well the comparative freedom of the Irish system, and to employ them in labors upon the farm.

With regard to sentences: in all cases where, under the present law, criminals are sentenced for a term less than five years, inmates of the new reformatory should be sentenced "until reformation, not exceeding five years," which would give the managers power to discharge reformed criminals before the expiration of five years. Where any persons are sentenced for a term exceeding five years, the shortening of their term will be left to the operation of the commutation laws. Our object is to try the experiment of reformation sentences. We thought that possibly the mark system as practised in Ireland may be so applied as to determine the duration of imprisonment, but this is left to the discretion of the managers.

Our next thought related to management. How shall an efficient warden and board of managers be secured? We all know the detrimental influence of the working of the present system upon the prisons of New York. Our prisons are given over to party politics. One inspector is elected each year to serve three years. The result is continual change. The system should be abandoned altogether.

Our commission adopted the plan recommended by the Prison Association to the Constitutional Convention. Five managers are to be appointed by the governor, each of whom shall hold office for ten years. They are to serve without any compensation other than their traveling expenses, and are to appoint the warden, physician, chaplain, and clerk. The warden is empowered to appoint and to remove subordinate officers. He is made removable only for cause, and entitled to a hearing before removal. At present the inspectors elect all deputies. Our plan introduces the principle of responsible government, which is the only good government. We discard the contract system. The warden is the superintendent of the industries as well as of the discipline of the institution, and he is responsible for its success. The board of managers are to be the building committee, and not to take another committee's plan of an edifice, and then graft upon it their own system of organization. Our thought is, that they will associate the warden and architect—appoint the warden first, and let him counsel and instruct the architect. The Legislature has the sole power to fix the salaries of officers, but we shall attempt to secure the passage of an act giving this authority to the board of managers, with perhaps some restriction in the shape of a maximum. We further propose to have a superintendent of discharged convicts for all the prisons, especially for the new one, who shall be authorized to make suggestions to the Legislature.

This is excellent in the main; but we must express our dissent on one or two points. We think thirty years too high a limit for the age of the convicts in that direction, and would greatly prefer that it should be fixed at twenty-five instead. This for several reasons: 1. Because the age of twenty-five years seems old enough as the extreme limit of admission into such an institution as this is intended to be. 2. Because, whatever the limit fixed by law, a good many who are beyond will swear that they are within it, and thus a legal limit of thirty will only secure an actual limit of some years above that age; and so of any other age taken as the extreme. 3. If all persons not above thirty, convicted of felonies, are sent to the new State reformatory, it will soon be the largest penal institution in the State, and the experiment will be in danger of failing on this ground alone.

There is another point, suggested by the remark last made, on which we find ourselves unable to agree with the commissioners. Their proposition, if we understand it, is to sentence *all* criminals

between the ages of sixteen and thirty, convicted of a first offence, to the State reformatory. We would much prefer that some discretion in this regard should be left to the courts, for the reason that *some* persons as young as thirty, or even twenty-five, though never before convicted of crime, might be very unsuitable associates for the mass of the inmates, whom, therefore, it would be every way desirable to commit to a different prison.

NORTH CAROLINA.

The new State prison has not yet been finished. The work is going on; but how near completion, we are not informed. We were favored, during the summer, with a call by three members of the newly organized Board of Public Charities for North Carolina, from whose statements we judge that much interest is felt there on the prison question, and that the State intends to pursue an enlightened policy in the matter of prison discipline.

OHIO.

Penitentiary science is making rapid progress in this State, both theoretically and practically. This fact is patent in the latest prison reports, in the recent message of Gov. Hayes to the Legislature, and from other evidences not necessary to be given in detail.

The following passage from the report of the warden will be read with interest:

In view of the fact that convict labor alone is now more than paying the expenses of the penitentiary, and with its other earnings, yielding a very considerable revenue, I would respectfully recommend that this surplus money be applied to the general improvement of the prison. The excess of cash earnings last year over current expenses, was \$29,242.50. The surplus earnings this year cannot be less than \$50,000, though I think it will be more. Much could be accomplished for the good of the institution if such an amount should be at the disposal of the board from year to year. The discipline, as we are now situated, is as good as could be expected, but not altogether satisfactory. Discipline simply means order, system and obedience. We want more than discipline. Some measures should be taken to improve, if possible, the tone of those whose misfortune it is to be here. There are many now who leave this place, rude as it is in reformatory discipline, wiser and better, and I am satisfied that that number can be largely increased when reformation becomes the chief aim of the institution. As the prison is arranged now, each must be subjected to the same discipline, eat the same food, dress in the same hideous garb, work in the same shops, without any regard whatever to his moral standard as a man—in fact it is a perfect jumble of all classes and kinds without regard to any thing save their ability to labor. I cannot think that such a state of things is right, nor can perfect discipline be maintained under such circumstances. We must classify before any great good can be accomplished in the way of reformation. Classification, in the sense I mean, is the complete separation of those who are well disposed and desire to be reformed from those who are vicious and depraved. Of course, I do not assume that this, or any other plan, or that prison officials can

absolutely reform men or women depraved as convicts are thought to be; but they can pave the way, offer facilities and assist those whose desire it is to be better men. Or, in other words, if there be no reformation, let the responsibility rest where it ought, and not upon the State for any neglect on its part. But to classify properly, we must have more room than the present prison inclosure affords. If the Legislature will but ratify the purchase made by you of the grounds lying north and adjoining the penitentiary, and devote the surplus earnings of the prison—nothing more—to its enlargement, all can soon be accomplished without burdening the people of the State.

The Board of Directors say :

Few convicts have heretofore been reformed, but that fact is as much owing to the neglect of the State, as the intrinsic wickedness of the subjects. The religious services, the Sunday school, and the intercourse and influence of the officers have recently produced decided results. Some have been discharged wholly reclaimed, and it is evident that there is generally among the convicts more cheerfulness, more good feeling, more self-respect and more obedience to the rules than has existed heretofore. We hope and believe this state of things is the forerunner of other and more marked effects. Efforts in this behalf ought to receive the sympathy and generous support of the State, and we respectfully and earnestly request an appropriation for books, and such other means of reformation, as can be profitably used.

The fact that convicts may be reformed is a sufficient motive for legislative action, but it may not be amiss to refer to one which is lower and more selfish. The value of our prison labor has been gradually rising for several years, and every one acquainted with the subject is aware that it is owing in part to the improved moral condition of the convicts. While, therefore, we are reclaiming the lost and supplanting vice by virtue, we are at the same time putting money into the treasury, and lessening the public burdens.

The management of penitentiaries is attracting more and more attention every year, and the unfortunate convicts are enlisted the sympathies and consideration of the benevolent and humane. They are no longer considered as outcasts, and beyond redemption. They are regarded as men, as responsible beings, as having souls to save or lose, and as capable of laying aside their depravity and becoming worthy citizens here, and entertaining a hope of rest hereafter. If this is not all a delusion, it is due to them and to the State, that every means of reformation should be adopted, and when they leave the penitentiary, a larger proportion should be industrious and useful citizens.

In their report for 1869, the directors take this advanced position, which fully sustains the doctrine of indefinite or reformation sentences, in place of definite or time sentences :

It may seem to be in advance of the present day, but it is, as we believe, but anticipating an event not far distant, to suggest that sentences for crime, instead of being for a definite period, especially in cases of repeated convictions, will, under proper restrictions, be made to depend on the reformation and established good character of the convict.

This we believe to be the fundamental principle of an effective reformatory prison discipline; but it is obvious to remark that it can never be practically applied with any chance of success, till our prisons are taken out of the domain of politics, and their administration is made permanent in the hands of competent officers.

The following extracts from the report of the chaplain, Rev. A. G. Byers, relate scenes and incidents as full of suggestive instruction as they are of interest :

Twice during the year work has been suspended in the prison for the purpose of holding public religious services with the prisoners.

The first time was on the occasion of the Baptist State Sabbath School Convention, held in Columbus last May ; and the other was on the 4th day of July, held in commemoration of our national independence.

On the former occasion, the complete surprise to the prisoners, the large company of visitors, the nature of the exercises—manifesting a lively Christian sympathy with the prisoners—the direct personal appeals to their better natures as men, and the earnest assurances of their common interest, as sinners, in the redeeming mercy of Him who came to proclaim liberty to the captive and the opening of the prison doors to them that are bound, all conspired to render the occasion deeply impressive, and the sighing of the prisoners, the tears of contrition, and the uplifting of a thousand hands for prayer, presented a scene not easily described, but never to be forgotten.

The influence of that meeting lingers yet, not merely as a pleasant memory, but as a wholesome incentive in many hearts, prompting them to patience, obedience and hope.

On the fourth of July (the celebration of the day by appropriate religious and patriotic services having been determined upon) it was deemed proper, in the judgment of your honorable board, with the concurrence and hearty co-operation of the warden, and the approval of his excellency Governor Hayes, to select a certain number of prisoners whose good conduct as prisoners would justify such consideration, and whose characters as men gave assurance (as far as human conduct may assure the judgment of men) that society would have no cause to complain at their liberation ; and on that day, in presence of their fellow prisoners, restore them again to civil liberty.

Three prisoners (two under sentence for life, one having served faithfully for eighteen, and the other for thirteen years, and neither having ever violated a prison rule ; and one under sentence for seven years, having served more than half his term, and giving evidence of thorough reformation), were selected, and, in presence of over a thousand prisoners and many deeply interested citizens, were presented with their pardons.

The pardons were presented on behalf of the governor, by Rev. I. Crook, in words well chosen and deeply impressive. Short and appropriate addresses were also made by Hon. C. N. Olds, Judge J. L. Bates, president, and Judge M. G. Mitchell, member of the board of directors. These addresses, together with the devotional exercises and patriotic songs, rendered the services in the chapel highly interesting throughout, and when, subsequently, the prisoners sat down to an excellent dinner, during which the rule restricting them to silence was removed, and the enjoyment of the repast heightened beyond expression by free but not unconstrained sociality, the occasion was made as replete with happiness as it was possible for men, as prisoners, to feel. The only constraint experienced was that of the fullness of the heart. All were free to speak, but many a heart was too full for utterance. It was no easy thing for men who for years had sat beside each other at their meals in solemn silence, to realize so much and at once. It was an expression of confidence so new, so unexpected, such a recognition of their manhood, such an appeal to the heart, the judgment, the conscience, that only those situated as these men were could realize its almost overwhelming power. It was kindness asserting its law over the hitherto lawless, and there were but few hearts so obdurate and

perverse as to resist its charm. That there were a few, is only in proof of the perverting power and the hardening influence of crime; that there were only a few (constituting the exceptions), is in confirmation of a general rule that will, ere long, I humbly trust, establish kindness as a law, regulating the treatment of the erring, the guilty and the depraved.

Your honorable board will, I feel assured, pardon this extended notice of events which transpired under your own eyes, and of the influence of which the several members of the board, from personal observation, are fully competent to judge. I have, however, felt it due to the chief executive of the State, in whom is vested, by solemn sanction of law, authority over the liberty and even life of the felon; due to the warden, as chief executive of the prison, in whose hands is lodged the care and comfort of the prisoners; due to your honorable board, charged with the administration of laws whose inexorable behests, as applied to crime, leave so little discretion as to the criminal; due to my own office, whose sacred functions are designed to reform and elevate character, that these events should be thus presented, not in vindication of what has been done, but as suggestive of what may hereafter become a rule whereby a fair test of character can be applied, intelligent discrimination exercised, a humane system of discipline established, and the line more distinctly drawn between the incorrigibly vile and those in whom some latent desire for rectitude and honor might be touched, and life and character rescued from dishonor and ruin.

The following gratifying passage, extracted from the message of Gov. Hayes, will close our review of the prison question in Ohio:

A large proportion of the convicts, when admitted, are quite young. The age of about one-third does not exceed twenty-one years. More than two-thirds of the inmates of the prison are now under thirty years of age. It will occur to any one who considers these facts, that, under our system of prison discipline, too little effort has heretofore been made to reform these young men. A high authority has said, "No human being is so debased and wicked that he cannot be reclaimed." It is believed, that, under a wise system, the young, at least, can be reformed and prepared for useful and worthy citizenship. The present system has two capital defects—the mingling in intimate association of the young with the hardened criminals, and the failure to educate the convicts in habits of thrift and self-control. The defects are in the system. The convict, when he leaves the penitentiary, is exposed to greater temptations than ever before, and the result of his prison life is that he has less power to resist evil influences, and, too often, less disposition to resist them. I do not enlarge upon the objections to the present system; it is not claimed to be reformatory. In a recent report, the directors said: "The great mass of convicts still leave the penitentiary apparently as hardened and as dangerous to the State as they were when they were sentenced." The vital question is, how to remove this reproach on our penal legislation. In considering it, I commend to you the remarks of the board of State charities on the Irish convict system. The distinguishing merit of that system is that "it enlists the co-operation of the prisoner in his own amendment, without withholding from him the punishment due to his crime." If the adoption of that system, with such modifications as our condition requires, is deemed an experiment which it is inexpedient for the State to try until its advantages are better understood, I submit that the least that ought now to be attempted is to provide for a classification of convicts, so as to separate beginners in crime from hardened offenders. Whether this can best be done by alterations and an extension of the present penitentiary or by the erection of a new one, is for your wisdom to determine.

In several other States voluntary associations have been formed to provide for, encourage, and furnish employment to discharged convicts, and their efforts have been of incalculable benefit to this unfortunate class. If a similar association should be formed by the benevolent citizens of Ohio, they will reasonably expect to receive proper assistance from the general assembly, and in that expectation I trust they will not be disappointed.

OREGON.

The Rev. Dr. Atkinson, formerly a member of the prison board of this State, who has had large opportunity of visiting prisons in the United States, and has been a diligent as well as an enlightened student of penitentiary science, has favored us with a memorandum, under date of December 27, 1869, on the prisons of the Pacific coast, which we insert at this point, as it contains interesting information relating to the State penitentiary of Oregon. He says:

It is nearly a year since I promised to write you a few facts concerning our *homes for criminals* on this coast. I call them *homes for criminals*, as perhaps the best expression of modern thought on this subject. My inquiries in different prisons, east and west, in 1865, and my reading of reports, especially one or two from your society, together with a little insight of our temporary structures, have led me to think that discipline is the key to this whole question. Work and classification, as much or more than *walls or watchmen*, contain the idea. Our prisons in Oregon and California are, for the most part, temporary structures. That at San Quentin, Cal., was built at large cost, and its additions have been made necessary by the crowds sent thither, but its idea is not a home so much as it is a corral. Armed men keep it. Officers feel compelled to be severe in order to be safe. Effort is made to employ all the prisoners, yet with limited success. Classification is not possible with their present structure and position. The contract system prevails. The State has been generous. Good officers have often been put in charge, but the prime idea was defective, and the working must be there. There is no unity in the building. Some cells contain a dozen, some only one prisoner, and open to the yard. The effort to have a school or Sabbath services has been partially successful, by the constant effort of the chaplain; care of discharged prisoners is a prime work with him, but it is hard work amid present competitions and against strong prejudices. The commutation system prevails, or did in 1865.

The San Francisco city prison is well built and was well kept, a Christian matron, with her husband, being in charge in 1865; but party changes make changes constantly in both city and State prisons. No line of action can long be continued in either. Probably the county jails have the same history.

Our Oregon State penitentiary was built by the United States army, while we were a territory, at Portland. It was a good, airy, dry and comfortable stone, brick and iron structure, somewhat like one of the wings of that at Albany or at Charleston. A few prisoners worked within as shoemakers and saddletrees makers, etc., but most of them worked on the streets, under guards. For four years they have been at Salem, the capital. A wooden house, with wooden cells, and iron gratings, with large windows, is their abode. A high plank fence incloses several acres, and also a passage way to a large inclosed brick yard, where during the last year the seventy-five or eighty, with a horse power and other machines, have made more than a million of brick.

Others have raised vegetables and grain on the adjacent field and garden, which belongs to them. Upon the feet of the rebellious the "Gardner shack" is put,

grounds, and the coming crops, to pay the remaining fifty cents, which they will more than do. All of which proves satisfactorily that, within a few years, the institution can be made self-supporting—that, instead of being a continuous burden, convict labor can be made to return State revenue, other than their own expenses.

It thus appears that, in effect, the penitentiary has been self-supporting during the last two years; only the *cash receipts* have been equal to but about fifty per cent of the *cash expenditures*.

PENNSYLVANIA.

1. Eastern Penitentiary, at Philadelphia.

This is now the only prison in the United States in which the separate system of imprisonment is maintained—that in the western section of the State having at length, probably finally and forever, abandoned it.

The document entitled "Fortieth Annual Report of the Inspectors of the State Penitentiary for the Eastern District of Pennsylvania," covering the operations of the prison for 1868, forms a pamphlet of 137 pages, and consists of the following papers:

I. Report of the inspectors. II. Penitentiary population for the year 1868. III. Statistics of prisoners received during 1868. IV. Statistics of prisoners twenty-five years of age, and under, received during 1868. V. Statistics of army prisoners, received in 1868. VI. Warden's report. VII. Physician's report. VIII. Moral instructor's report.

The report of the inspectors, extending to the forty-first page, is devoted mainly to an elaborate vindication and defense of the Pennsylvania system of prison discipline.

The statistical portion of the work, covering over fifty pages, we presume to be the work of Dr. Ourt, the clerk of the penitentiary, who has long since gained an enviable reputation as a statistician, which will certainly not be diminished by these extended and exhaustive tables, so full of instruction relating to all the phases and departments of criminal matters.

The following paragraphs are taken from the report of the moral instructor (chaplain), Rev. John Ruth, who is indefatigable in his labors:

In pursuance of my duties, I have adhered to my former plan of visiting from cell to cell in regular order.

By thus systematizing my work, I have found time to make 7,515 visits for moral instruction, to a prison population of 879. While making these visits I have distributed 33,496 pages of selected tracts, temperance papers and religious periodicals.

Three hundred and fifty-nine religious services have been held in the several corridors during the year. As in former years, I would acknowledge the obligations of the institution to the "Local Preachers' Association of the Methodist Episcopal Church," for assistance in these services.

Mr. Ruth made diligent inquiry into the early associations and habits of the prisoners—879 in number—composing the prison population for 1868, with a view of ascertaining how far youthful influences are conducive to crime. The most important results are thus stated: 39 per cent claimed to have had good home influences; while 61 per cent admitted that they either had had no home, or a home whose influences were bad; 16 per cent had attended Sunday school regularly; 84 per cent, irregularly, or not at all; 11 per cent had received a fair education; 60 per cent could read; 29 per cent were totally illiterate; 19 per cent alleged, as the immediate cause of committing crime, intemperance; 31 per cent, bad company; and 50 per cent, combined vices.

2. Western Penitentiary at Pittsburg.

The report of this institution for 1868 is mainly an earnest plea for the legal abolishment of the separate or Pennsylvania system therein, and the passage of a commutation law as an incentive to industry and general good conduct on the part of the prisoners. The argument prevailed, and both measures were enacted—the former to apply only to the Western penitentiary; the latter general in its operation.

We received a letter, under date of August 26, 1869, from T. H. Nevin, Esq., president of the board of inspectors, in which he thus speaks of the good effect of the change of system:

Through great opposition we have succeeded here in getting two acts through our Legislature, authorizing us to congregate our prisoners for "labor, learning and religious worship," and to give them the benefit of a "commutation" law similar to the one in use in New York.

The salutary effect of these laws upon the conduct of our prisoners is wonderful. The change is more noticeable to us in Pennsylvania than it would be anywhere else in the United States, because it is the result of a system so directly opposed to the "solitary and separate" idea of our State. We have, as yet, no chapel building, but we bring our convicts out in the corridors every Sabbath, and place them in position to hear the preached word, and to see the living preacher. We have a choir (made up of prisoners) that would really do credit to any Christian congregation. We are aiming to make our prison a model institution, and I think we shall succeed. We are now erecting a suitable building for bathing purposes; hospital, laundry, and cells for the women, and library.

All this is more than confirmed by the cheerful and cheering reports of inspectors, warden and chaplain, for 1869. The inspectors say:

The year of our Lord 1869 has been one of unusual interest in the management of this institution. The twin laws of "Congregating," and "Commutation," enacted by the last Legislature and approved by the governor, have been put in successful operation. The laws are short but comprehensive. Their effects are

already noticeable upon the conduct of the prisoners, and their prospective advantages will be felt in all time.

In presenting our forty-third annual report, we cannot let the occasion pass without calling the attention of the Legislature to the manifest improvement in the discipline of the prison, under the influence of the more liberal ideas embodied in their late legislation respecting the Western State Penitentiary. The spirit and morale of the prison has changed. The convicts acknowledge a difference and show it.

The commutation plan is working well. It puts the prisoner's case largely into his own hands. If he desires to amend, and so shorten his sentence, while he helps to maintain the better order of the prison, the opportunity is offered to him. It is of course on trial; so far it has done well. We believe, however, that its full benefit can only be realized, if constitutional difficulties were removed, by withdrawing the pardoning power entirely from the executive, except in cases of error, and so removing a source of vexation, and oftentimes undeserved blame, from the governor, and also putting out of the way one of the most fruitful causes of dissatisfaction, as well as the greatest barrier to reformation among the convicts.

Our resident chaplain devotes the larger portion of his time to the mental and moral improvement of the prisoners. His report is interesting, and differs from any heretofore made by his predecessors, inasmuch as he has enjoyed larger liberty in preaching the gospel to a congregation which he can see.

Some of the new features inaugurated in this department are worthy of special notice. The preaching of a funeral sermon, when a death has occurred; the slow march of the pall-bearers conveying the coffin down the avenue, so that each prisoner might look upon the face of his dead comrade; the introduction of a convict choir, to lead the singing in all religious services; the formation of several Sunday school classes in the afternoon of the Sabbath, as well as the varied secular teachings of the week days; and these are all the results of the congregated law. We look forward with anxious solicitude to the completion of the new chapel building, when these efforts to reform will be very greatly facilitated.

The warden, Edward S. Wright, speaks in a similar strain of the good effects of the two laws.

The chaplain, Rev. J. L. Milligan, is evidently what is now, in common parlance, called a "live man." We wish it were possible to reproduce the whole of his stirring report; but we must restrict ourselves to two or three brief citations. Of the new "congregated" worship and its effects, he holds this language:

No longer does the preacher stand and speak to indifferent vacancy. He is placed in the midst of those he addresses. He is kindled and warmed into earnest proclamation of the gospel by the personal presence and appealing countenances of those who greatly need its controlling and consoling power. Order, quietude and respect mark every service; and in many cases deep, heart-felt and subduing attention is given to the spoken word. Not a single case of punishment has grown out of this Christ-like practice. On the other hand, it has infused cheerfulness and higher appreciation of moral efforts among the prisoners. They do not look upon them as merely perfunctory, but as services intended and observed for their good in the same manner that all other men are reached. We are well aware that we are on trial before the scrutiny of our great commonwealth in this regard. It gives us pleasure to state that the confidence thus necessarily placed in the conduct of the prisoners has not been forfeited.

It would be a chilling atmosphere for both preacher and prisoner to be placed in the attitude in which we commenced the public religious services of the year.

Of the "congregated" Sabbath school the chaplain says:

The Sabbath school now numbers 100, and many wish its privileges who can not be accommodated. It affords an important aid to discipline. It brings back the memories of home and boyhood days and associations, which tend to elevate and set the conscience at work. It can only be looked upon as a noble auxiliary to reformation.

A paragraph on "congregated" secular instruction must close our exhibit of the new régime introduced into this important penitentiary:

For want of a suitable room I have not been able to accomplish what I desired in the way of classification for secular training. Only two classes for rudimentary instruction have been formed. There is a strong desire on the part of most of the prisoners to obtain knowledge. The very ignorant as well as the better informed urgently press their wants. These necessities are met chiefly by the personal attention of the chaplain. Also, whenever it is deemed judicious to do so, by placing the tolerable scholar in the same cell with the more ignorant one, thus stimulating both to study. Some of the keepers also occasionally help their men out of their entanglements in arithmetic and other books. So that by these several plans all are tolerably well reached. But the work is distributed over so much space that it consumes much time and energy with less benefit than a fully classified school would do.

RHODE ISLAND.

Improvement, progress, is still the word in the prison of this State. On the subject of finding work for prisoners on their liberation, the inspectors say:

The inspectors would strongly urge, the consideration of the subject of the employment of discharged convicts. Men and women, upon leaving the prison or jail, frequently have no proper place to which they can go, and meet with no person who is especially interested in giving them employment. How often the same criminals are committed and re-committed, let the records of the prison and jail testify. If our system of punishment is reformatory, it should carry its good influences beyond the prison walls. The State and the city could find no office more economical and more salutary than one which should take cognizance of the needs of discharged convicts, and provide for their complete supply.

The commutation law, recently enacted, bears the same fruit here as elsewhere, as the following statement attests:

The law providing for the commutation of punishment, in cases where good behavior of the convict merited such a favor, has, in its practical working, accomplished good results. It is believed that there is less need of punishment, and a greater willingness to obey the regulations and laws necessary for the enforcement of discipline. But few instances of disorderly conduct have occurred during the past year, and it is believed that a feeling of mutual good will prevails among the law prisoners and those who have them in charge. The encouragement which the law holds out is very salutary in its effects. The hope of shortening, even for a few days, the term of imprisonment, is a stimulus to the good conduct which is to merit such an indulgence, and the inspectors have every reason to congratulate the people of the State upon the complete success of what was deemed by some a doubtful experiment.

On the advantage of an occasional lifting of the stern restraint of prison rule, the inspectors use the following language:

The inspectors have thought that some relaxation from the usual severity of prison discipline might be beneficial in its results. They have accordingly authorized the warden to permit the prisoners to enjoy an hour or two of comparative freedom in the prison yard, upon the occasion of the public holidays. On Independence day and on Christmas day a certain portion of the day was spent in recreation. On Thanksgiving day the prisoners were assembled in the chapel, and spent an hour in singing and indoor amusement. The inspectors as yet have seen no evil, but only good, resulting from this occasional indulgence. It has served to break the monotony of prison life, and to introduce into it an agreeable feature. Out-of-door exercise seems particularly essential, not alone for the preservation of the physical health, but also for the promotion of the moral welfare of persons who are confined in prison. In the best managed prisons in England, France and Italy, a certain time each day is devoted especially to physical exercise, and certain places are set apart in the prison yards, where, under the eye of an officer, the prisoners are required to walk in the open air for at least half an hour, and in some instances an hour, daily. The inspectors believe that if more frequent opportunities were afforded, and better facilities furnished for such exercise, the result would be advantageous to the best interests of all our penal institutions and their inmates.

The chaplain, Rev. Wm. Douglas, bears this testimony to the improved tone and bearing of the prisoners:

Since my last report to your honorable body, there has been a very marked improvement in all departments of the prison. By the exercise of unremitting attention on the part of General Viall and his corps of officers, a state of discipline and good order has been attained much in advance of previous years. The quiet and ready obedience of the men to the wholesome restraints of the prison discipline, shows that they appreciate the kind and humane, yet just, treatment which they receive. Their personal appearance is much improved. Instead of a morose and sullen look, they now, for the most part, present a cheerful appearance.

The Sunday school in this prison is one of the best of its class. The teachers not only faithfully instruct the prisoners on the Lord's day, while they remain in confinement, but diligently seek employment for them on their discharge, endeavoring in this manner, after having raised them up, to keep them from falling again. The chaplain remarks:

We have now in our Sunday school twenty-three classes composed of the inmates of the State prison and county jail, both male and female. The females are in a space partitioned off by themselves, and are taught by ladies. The teachers in both departments of the school have attended constantly and faithfully to their duties. They have taught and advised their scholars while in the prison; and after their liberation these teachers have cared for them by finding them employment, still following them with Christian counsel. The good accomplished by the devoted labors of these pious men and women will never be fully known till the revelation of all things.

From an incidental reference of the chaplain to a "conference meeting held on the first Sabbath of the month," it would seem that

a meeting for prayer and mutual edification has been instituted in this prison. We are glad to learn this fact, and all we have to say in the way of criticism is, if a monthly prayer meeting is good, would not a weekly be better?

We paid a short visit to this prison last autumn, and in a brief detail of our observations there, published soon after in a New York paper, we said:

Gen. Viall, who in the field did his country good service in its hour of greatest need, is now doing equally good service in his warfare upon crime—not criminals—as the head of the State prison of Rhode Island. I found a very great improvement in the condition of things here since my last visit, four years ago. Gen. Viall is emphatically "the right man in the right place." He has toned up the prison immensely. He governs almost wholly by moral means. His only punishment is the solitary cell, and even the use of this has become rarely necessary. The discipline is excellent, and breaches of order few and far between. Without any appropriation from the State, the general has instituted a prison school, to be held two hours during each of five evenings in the week. He takes charge of it himself, without additional remuneration, and is aided by his under-keepers, who officiate in turn. The desire for instruction on the part of the convicts is general and eager.

An agency for maintaining the discipline, very simple and yet quite efficient, has been put in practice by Gen. Viall. It is a roster of the prisoners, on which the name of each is plainly written. This is hung up at the end of the block of cells, with the names in full view, except when a man is under punishment, and then the reverse side of the slip on which his name is written is exposed to view, showing a black streak, which is a token of dishonor.

There is one feature in the present management of this institution worthy of all praise. The only branch of productive industry pursued here is boot and shoemaking. The contract on which the men are let binds the contractors—the Bay State Company, I think—to give to all who are employed by them work in their shops outside on their discharge. If such an arrangement were but universal in our prisons, the problem how to dispose of our discharged convicts would be solved.

SOUTH CAROLINA.

We are without information in regard to the penal affairs of this State beyond the statistical items communicated by the superintendent (which will be found tabulated with the statistics of other prisons), and the further fact that all the labor of the prison is used in the construction of the new prison buildings. The per diem value of this work is estimated at fifty cents. The punishments used are "dark cell, bread and water diet, ball and chain, and so forth." How much may be included in this last expression, we know not.

TENNESSEE.

The State penitentiary of Tennessee is not, or was not at the date of the last report received (1868), in a satisfactory condition. Two

reports—a majority and minority report—were made by the board of directors; and there was a controversy of long standing between the board and the lessees, involving an issue of some \$30,000. Into these matters, even so far as to state their history, we do not propose to enter. We cite a gratifying passage from the majority report of the directors:

Discipline has been and is carefully enforced, and the health, comfort and moral and material wants of the prisoners carefully looked to. Under the direction of the Rev. Dr. Robinson, of the Freedman's Bureau, with a self-sacrificing corps of assistants, schools have been opened, where the convicts are taught the rudiments of an English education. A Sabbath school has also been organized under the auspices of the same parties, which, as a means of reformation, has produced the most gratifying results. The Sabbath is now largely devoted to educational and religious exercises, in which nearly all the convicts participate. These exercises are carried on in strict subordination to the rules or discipline of the prison, and by reason of them it is hoped that even a penitentiary may become a place of reformation rather than of punishment. The convict feels that he is not a *Pariah*, but a human being, with a mind and soul to be cultivated and cared for. To these efforts of self-sacrificing and philanthropic ladies and gentlemen, the directors and officers have given the most cordial sympathy and support believing that no class are beyond the pale of reformation and improvement.

Per contra, the minority report contains this passage:

The majority report fails to give any list of punishments since the removal of Mr. McIlwee. During a great portion of the time since that date, no record has been kept of the punishments. The old and barbarous system of whipping convicts has again been introduced, to what extent I am unable to say, owing to the absence of records.

The chaplain of the penitentiary, Rev. Jonathan Huntington, departed this life on the 23d of September last, in the 65th year of his age. An obituary notice speaks thus of him and his work:

He held the position of chaplain to the penitentiary, and took a deep interest in his work. Any signs of real reformation in the convicts were hailed by him with unaffected pleasure, and always secured from him the most assiduous attention. As the Tennessee State prison has been crowded with inmates who cannot, in very many cases, be considered vicious culprits, Mr. Huntington really had a promising missionary field. He believed so, and often said so, and he felt satisfied that not a few of those who professed to have experienced a change of heart in that prison, under his ministrations, would justify his expectations and adorn the profession they made.

TEXAS.

No report and no information.

VERMONT.

Vermont has heretofore been behind all her sister States of New England, both in the financial and moral management of her State prison; but the report for 1868-9 gives token of solid progress in

the right direction. On the subject of "reformatory agencies" the directors say:

These centre in the specific work of the chaplaincy, aided by the library, secular instruction and the general discipline and government of the institution. Of the value and necessity of these in the prison, no intelligent person can have a doubt. They are above price, and they deserve the most liberal encouragement. To these agencies the public mind is now turning with increasing interest; and the people of Vermont, we are persuaded, do not intend to be far behind other States in this respect.

The time has gone by, if it ever existed, for regarding punishment as the chief end of the imprisonment of violators of the law. Reformation is superior to that, in the esteem of thinking people; and the just combination of the two is found to be of growing importance. The commutation law has important relations to reformation. It works well both for the discipline and the interests of the men.

They have also the following just and weighty remarks on secular instruction in prison:

The matter of providing for secular instruction is, in our judgment, worthy of grave consideration. In the general, the inmates of prisons come from that class which have had the least advantages in our schools. Few of them are well educated. Many have neglected the opportunities once proffered, and in their confinement they lament their folly. Most of them are anxious to learn. Is it wise for the State to lose its own opportunity of making good citizens of ignorant and vicious men, by neglecting to instruct them, when, in their sorrow under punishment for crime, they are most ready to receive it, and most easily molded?

The directors deal some heavy blows at the contract system. Indeed it meets with little favor any where at the present time, and we look upon the system as doomed in our American prisons. The Prison Association has made war upon it for twenty-five years. This is what the board say of it:

Our conviction is that the practice of contracting the labor of the convicts in such a way as to put the control of the prison industries out of the hands of the directors and superintendent is attended with insuperable objections. It almost inevitably interferes with the proper discipline of the institution, by placing the men during the working hours under the partial control of persons whose pecuniary interests stand over against those of the State, and who are in danger of conflict with the rules and authorities of the prison. It impedes reformation by impeding discipline, preventing the proper classification of the men, and subjecting them to the influence of motives which do not conduce to their moral improvement. Nor do we think the practice wise as a financial measure. If a contractor can do well with the employment of convicts, why cannot the superintendent do the same?

The chaplain, Rev. Franklin Butler, states the nature and extent of his work, with its encouragements, in the following sentences:

Worship in the usual form, for the men, and a separate religious exercise for the women, on the Sabbath; Bible-class instructions in some portions of the year; occasional visits to the cells and private conversation with the inmates, together with the distribution of religious tracts under certain conditions; the instruction of some in the rudiments of reading, spelling, geography and arithmetic, combined with the general influence of a pastor and a friend, have constituted the sum of my labors.

These services I have taken pleasure in performing without regard to the compensation which the State provides for the office; and in no year have I ever been more encouraged in my work than in that which now closes.

The Sunday school children of Vermont made a New Year's gift to "the men in prison," of a fine, rich-toned cottage-organ. Mr. Butler thus describes the effect of its presentation:

The reception of this "offering" by the men forms a notable era in the memory of all connected with the prison. The inmates were greatly delighted with the instrument itself, but when told of its origin they were moved with emotions which found utterance only in deep-drawn sighs and flowing tears. Strong men, unused to bend, wept like children, and, on the day of its dedication to the service of song in religious worship, there was a "Bochim" within the walls, in which gladness vied with sorrow for the pre-eminence, and which, we trust, will be instrumental of inspiring penitence, hope and good purpose in some who had fallen deep into the pit.

He adds:

The beneficent effect of this instrument received from such a source is becoming more and more manifest. It has greatly aided all my endeavors to impress religious truth, and encourage effort not only to regain the lost reputation but to achieve a worthy character by genuine reformation. Indeed, we have reason to hope that one or two have been led, not more by any one means than this, to seriously undertake both a moral and a religious life. It is certain that, in all my experience with convicts, I never saw a body of them more respectful, attentive and apparently thoughtful in religious service, and in all my intercourse with them, than I have witnessed here in the past year.

VIRGINIA.

Mr. Burnham Wardwell has been for nearly two years superintendent of the State penitentiary of Virginia. During that time no report has been issued. The writer, therefore, happening to be recently in Washington, determined to extend his journey as far as Richmond. He spent two days at the penitentiary, and closely observed its arrangements and working. The result of his observations, in a communication dated January 31, 1870, was published in a New York paper, as follows:

An experiment in prison discipline of much interest has been going on in this penitentiary for nearly two years, the fundamental idea of which is the substitution of moral for material forces in the management of imprisoned criminals. This experiment remains one strongly of those of Machonochie, at Norfolk Island, of Montesinos, at Valencia, Spain, and of Obermaier, at Munich, Bavaria. It will not be out of place to make a brief reference to the labors of these reformers. Capt. Machonochie was four years in charge of Norfolk Island, which contained some 1,500 convicts, the sweepings of all the penal colonies of Great Britain. He found the island a "turbulent, brutal hell;" he left it "a peaceful, well-ordered community." This wonderful change was accomplished wholly through the judicious use of kindness. The experiment of Col. Montesinos lasted fifteen years, from 1835 to 1850. The average number of prisoners under his care was 1,000, rising sometimes to 1,500. Prior to his incumbency, the average percentage of recommitments was from one-third to one-half. During several of the last years of his administration, not a man came back. This remarkable result was also effected through the wise applica-

tion of moral agencies. Col. Montesinos established, among other reformatory appliances, forty-three distinct branches of labor in forty-three different workshops, and he gave to each convict his choice of learning any one of these various trades. Into the prison of Munich, over which Councilor Herr Von Obermaier presided, were received the worst convicts of Bavaria, the shortest term of sentence being for eight years, and from that on to life. So complete was the ascendancy obtained over these desperadoes by his firm but kind and paternal treatment, that when a new convict began, as new comers usually did, to misbehave, they would say to him: "That sort of conduct will not do here; Herr Von Obermaier is our friend, and we shall not allow you to act contrary to his rules."

It is in the spirit of these men and of the discipline established by them, that the experiment at Richmond has been conducted. Since April, 1868, Mr. Burnham Wardwell has been at its head, and his great study and aim have been the reformation of the criminals. He is a thorough believer in the practicability of reforming them, and hence he works with a will to that end. Prior to his incumbency, the system was one of stern coercion, the whipping-post, cowhide, shackles, bucking irons, gag, and ball and chain being in daily use. There was no heating apparatus in the prison—neither furnace, stove nor grate (with fire) in cell or corridor—and only one blanket was furnished to each convict in the coldest weather; numbers had their feet so frozen as to be crippled for life, and others only escaped this calamity by spending the night in pacing their cells. Not more than forty prisoners were allowed in the prison yard at the same time, nor these without six men with loaded muskets and fixed bayonets to guard them. Forty was the largest number ever allowed in the chapel at once, and they were guarded in the same manner.

But Mr. Wardwell has changed all this. His is pre-eminently a moral and not a coercive method, and the results fully vindicate that method. They are, indeed, most extraordinary. Facts illustrative of this position so crowd upon me, that it is difficult to make a selection. I offer a few only out of many, taking them almost at random.

Some weeks ago certain ladies of Richmond proposed to hold a charitable fair, to which the prisoners were invited to contribute. When the articles were ready, a dozen convicts were sent to convey them to the fair, with Mr. W.'s little son, a child of eleven years, as their only guard. When about to start, one of them jocularly said to the superintendent: "Maj. Wardwell, what would you do if we were to run away?" He quietly replied: "I should give Wally an awful scolding." "Well," said the convict, "we will not go, then." Nor did they.

The prison burying-ground is outside of the prison walls. Formerly, a convict who died had the burial of a dog. Now the remains are placed in a decent coffin, and more than one hundred prisoners attend his body to the grave, where a regular funeral service is held. No guard accompanies the funeral train, the superintendent and chaplain, unarmed, being the only officers in attendance. When this was first done, the chaplain remonstrated, saying: "They will surely break and run." The superintendent replied: "If they do, we shall fill up with others." But no attempt, then or since, was made to escape. Nor is this reliance upon moral forces unprecedented. Col. Montesinos was in the habit of sending out gangs to work outside of his prison at Valencia, numbering often four hundred men, for whose control and custody, nevertheless, officers chosen from among the prisoners, and unarmed, were found quite sufficient.

As already stated, not more than forty prisoners, well guarded, were formerly admitted into the prison yard. The prisoners now assemble every morning for prayers in the open yard, when the weather is favorable; otherwise, in the chapel. The cells are unlocked in winter at half-past six, and the prisoners are allowed half an hour to dress and wash, after which they are permitted to come out on the galleries,

which overlook the yard. At seven the drum beats as a signal for assembling. At the first stroke the prisoners begin to file off from their respective galleries, and fall into line. They march slowly, in single file, and form in concentric circles in the prison yard, five or six circles deep. This occupies about ten minutes, and it often happens that, while it is going on, there is not a person in the yard except the little drummer-boy, Mr. Wardwell's son, and yet, day after day, more than six hundred imprisoned felons (cut-throats and desperadoes many of them) assemble there in perfect silence and without the slightest disorder. Mr. Wardwell *never* has any officers with arms inside of the prison yard; and in this he has but followed, though probably without knowing it, the example of Col. Montesinos. I should add, in this connection, that, when the prisoners are thus assembled, the exercises consist of—1. Singing a hymn; 2. Reading a portion of Scripture; 3. Repeating the Lord's Prayer by the superintendent and prisoners in concert; 4. Singing one or more additional hymns, during which the prisoners retire to their workshops or cells.

A usage obtains in this penitentiary which, I think, is not found in any other in this country, and probably nowhere else, except in the Irish intermediate prisons. The doors of the cells are close, and, when shut, the occupant has not light or air enough. Mr. Wardwell, therefore, allows the cell doors to stand wide open every day and all day. The prisoners are in their cells the whole of Sunday, except when in church and Sunday-school; and since there is not work enough for more than half the convicts, the other half are in their cells all the time. The prison is by no means a secure one, yet there has scarcely been an escape during the past year, nor any attempt for many months. I have spent yesterday and to-day (Sunday and Monday) in the penitentiary, and I have passed freely over all parts of the premises. I found each convict in his cell, and order, quiet and cheerfulness reigning everywhere.

It has been customary, from time immemorial, in this penitentiary, to furnish a ration of tobacco to the prisoners. This has involved the institution in an annual expense of about \$1,200. Last summer Gov. Wells issued an order forbidding the further distribution of this ration, and authorizing the superintendent to increase the guard, if found necessary, in consequence of the enforcement of the order. Immediately on receiving this order, Mr. Wardwell gathered the convicts into the prison yard, and informed them that instead of doubling the guard he would only double the Lord's prayer. Two daily services instead of one have been maintained since, and no trouble whatever has arisen from withholding the tobacco.

One illustration more. A colored convict had a felon on his finger. It had been ripe for opening two days, but he had refused to allow the doctor to cut it. On the third day the doctor called in six other convicts. Just then the superintendent came in from the city, and, learning that there was some excitement in the hospital, hastened thither. At his request the convict at once permitted the painful operation to be performed.

The only punishment now used in this penitentiary is confinement in a darkened cell, with a diminished ration, and only until the offender promises obedience for the future. Even this has become rare, so that over the door of each, in large letters, is put the inscription, "This cell to let." Some time ago Mr. Wardwell had the old whipping-post dug up, and placed in the prison chapel, and the following notice conspicuously attached: "For Sale—Price, 1,000 Union Spellers, or 500 Gospel Primers." Here it remained for several weeks, until that eccentric philanthropist, H. C. Dorsey, of Rhode Island, having heard of it, purchased it on the terms proposed. This gentleman has been in the habit, for some years past, of giving a feast of roast turkey to the inmates of prisons in different parts of the country, on the anniversary of his birthday, January 31. This year his gifts were bestowed upon the prisoners in the Albany penitentiary, and in the State prisons of Maine, Vermont, Connecticut, Rhode Island, Kentucky, Maryland, and Virginia—in all, not less,

probably, than 3,000. Being in Washington on other business, and having long felt a desire to visit the Virginia penitentiary, I came down here on Saturday last, and have been abundantly repaid for my trouble. Yesterday morning I attended divine service in the prison chapel, where a sermon was preached, and a number of addresses made by citizens and strangers, including one of a very effective character by a former chaplain, the whole interspersed with numerous hymns, sung with a will by the whole body of prisoners, though led by a well-trained prison choir. At two o'clock P. M. the prisoners again met in the chapel for Sunday school. I passed around among the classes, taught by some thirty or forty volunteer workers from outside, mostly ladies from the North, who are here as teachers of the colored schools; and I think I never witnessed such perfect order and such universal attention—yet there was not an officer present except the superintendent, nor a weapon of any sort in the room. One fact of great interest was stated to me by Mr. W., viz., that at least 200 men who did not know a letter a year ago, could now spell out a chapter in the Testament, and that nearly all of them could read intelligibly.

To-day has been truly a gala day to the poor fellows confined here. Mr. Dorsey had sent on \$333—or as he drew the check, "*666 half dollars*," for with him *six* is the perfect number, as *seen* was with the old Israelites. With this money Mr. Wardwell had purchased turkeys, fresh fish, rib beef, and ham, in profusion. The convicts usually take their meals in their cells; but, on this occasion, tables were spread in the chapel, and nearly 700 plates laid—enough for the convicts, the Sunday school teachers, and any strangers who might be present, invited or otherwise. About two o'clock the prisoners were marched from their cells to the prison yard, where they were dismissed, without guard, to amuse themselves. At three, they were called to order and marched into the dining-room, where, after spending an hour on the dinner, they listened for two hours to speeches by various gentlemen, and by three of the lady teachers. I shall leave Richmond with the profound conviction that Major Wardwell has accomplished a great work, though as yet only on the threshold of his experiment.

And yet since these lines were penned, that experiment has closed. Another superintendent has been appointed, and Mr. Wardwell has retired. The impression which the opportunity of a whole year's observation, while engaged as a teacher in the prison Sunday school, made upon the mind of an intelligent and cultivated observer—Col. Munford—as regards Mr. W.'s system of discipline, and its effects, is ably and eloquently set forth in the following passages from an address delivered by that gentleman to the prisoners, on Thanksgiving day. His words (and he is a true Virginian, to the manor born) more than confirm the representation given above. Speaking of the causes which the inmates of the penitentiary had to give thanks, he said:

No longer do the mute implements of torture—the dungeon and the rack—with you "appeal from tyranny to God." In this institution a most humane policy has been adopted. The handcuff and the whipping-post have been supplanted by the Bible and the Sabbath school. Instead of blasphemy and imprecations, the sound of punishment has been found to be less efficacious in promoting discipline than the hope of reward and appeals to the nobler instincts of our nature. The penitentiary, instead of being a college where diplomas in crime are annually given—where her

alumni are trained as missionaries of vice and infidelity—may now become, as its name imports, a house of penance or correction. Its inmates are removed from many of the temptations of the world, which lead to crime; they are subjected to a discipline at once firm and humane, and ample opportunity is afforded for the cultivation of the mind and heart. Your physical wants are well supplied, while habits of industry and obedience to law are taught, and very soon acquired. When you leave this place you may illustrate in your lives the benefits of a humane system of laws administered with kindness and justice. Your temporal blessings are seen and felt by all, and should be duly acknowledged in sincere thanks to God. But your spiritual blessings, which are unseen and eternal, are far higher and nobler, and they should fill your hearts with devout gratitude and love to God. Whence come these spiritual blessings which you enjoy in common with the whole Christian church? Are they the gift of any human institution or system of laws? Can the power of man either give or take them away? Can chains or dungeons bind or darken the light of the blessed Gospel of Christ when it has once illumined the sinner's heart? What influence has sent these ladies as ministering spirits to break to you the bread of life, and point you to the living waters? The love of Christ constraineth them, the spirit of Christ inspires them, and His example is ever before them. When the King shall say unto them on his right hand, "Come ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world; for I was an-hungred, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me"—when the King shall accept a service rendered to one of the least of these His brethren as done unto Him, then shall these devoted teachers receive their reward, and wear as jewels in their crowns the tears which have been shed by repentant sinners.

Your superintendent has stated that not a weapon of any sort is permitted within the sacred walls of this chapel. For the first time, I am told, the experiment has been successfully made of assembling all the convicts of a penitentiary in a room for public worship without a weapon being in the possession of a guard. Can this be true? Would any of you ladies be willing to trust your persons in such a company if no weapons, offensive or defensive, were here? This is a great mistake. There are weapons, both defensive and offensive, here, and ready for use at a moment's notice. Many of you prisoners are armed; and all of you teachers, I trust, have put on the whole armor of God. "Stand, therefore, having your loins girt about with truth, and having on the breastplate of righteousness, and your feet shod with the preparation of the gospel of peace; above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked. And take the helmet of salvation and the sword of the Spirit, which is the Word of God."

In conclusion, let me congratulate you upon the organization of a church in your midst. The founding a Christian church in this institution is an event of deep significance. Our blessed Lord and Master has said that "where two or three are gathered together in my name I am in the midst of them." But where a visible church is organized, and true believers, members of Christ's mystical body, unite in His worship, and participate in His holy sacraments, we have the assurance of His constant presence and blessing. He has promised to send the Holy Spirit, the Comforter, to make His glorious gospel effectual for the salvation of souls. And here even in this prison the blessed beams of Divine truth are shed abroad to disperse the dark mists of sin, of ignorance, and of superstition. The Sun of Righteousness has risen with salvation in His beams, and you that enjoy this blessed light should break forth in songs of thanksgiving and praise.

WEST VIRGINIA.

There is no State prison in West Virginia.

WISCONSIN.

The State prison of Wisconsin, under the efficient management of its warden—H. Cordier, has pursued "the even tenor of its way," only advancing from one degree of excellence to another. This is one of the very few prisons in our country where the reformation of its inmates is made a leading object.

As regards the apparently less successful administration of the finances of the prison, Mr. Cordier explains that the labor of the convicts having been for the most part withdrawn from the erection of the prison buildings, now completed, it became necessary to provide new and remunerative employment for them. This was a matter of much embarrassment and delay, and caused a great loss of time on the part of the men. However, all difficulties were in the end surmounted, and the manufacture of chairs successfully established as the main business of the prison; and despite all disadvantages, the prison very nearly reached the point of self-support.

On the subject of discipline, and the mode of administering it in this institution, the warden (here called commissioner) has the following remarks:

A cruel and inhuman system of prison discipline cannot be otherwise than injurious in its effects. It destroys good will and confidence, and makes the men suspicious, revengeful and reckless of consequences. It promotes insubordination and conspiracies, makes labor a curse, fills the dark cells with desperadoes, and the hospital with the sick; in short, it has the tendency of making good men bad, and bad men constantly worse.

Kindness is the principal means of discipline employed in this prison, and it has always been found most salutary in its effects. Human nature is the same here as elsewhere; while men may be influenced by counsel, remonstrance or persuasion, they very seldom can be moved by mere brute energy. They certainly cannot be made better by inflicting those barbarous punishments which have been the terror of past ages, and would be a disgrace to any civilized nation now. Aside from privileges of various kinds to be earned by good conduct, the following may be cited as the most noteworthy agencies employed in the reformation of our convicts.

First. The commutation law, by which each prisoner against whom is not recorded any infraction of the rules of discipline, may diminish his sentence five days in each month, and if he should be entitled, after the expiration of his term of imprisonment, to a certificate of good character for obedience, industry and integrity, then the commissioner shall be authorized to restore him to citizenship.

Second. Religious instructions, consisting in divine service every Sabbath morning, and private conversations of the chaplain with convicts in their cells, at any time during the week. The present chaplain, to whose report your attention is respectfully called, deserves much credit for his indefatigable labor in behalf of these unfortunate persons.

Third. The day school, in which those convicts, who are unable to read, write or cypher, receive instructions in those branches of education. This school, now in successful operation for nearly two years, may be considered one of the most remarkable features of the institution.

Fourth. The prison library, although not as extensive as it should be, is well calculated to communicate useful knowledge, and elevate the minds of the convicts. All books of every description are eagerly sought, well read and pondered, and afford a rich source of amusement and instruction.

Fifth. The prison dress. The parti-colored dress heretofore worn, and regarded by all experienced prison officers as degrading in its tendency, has been changed for one of uniform color—a light grey—and the former is used only as a means of punishment. This change met more than my expectations. It inspired the convicts with confidence and self-respect, encouraged them to new efforts to redeem their manhood; not being constantly reminded of their disgrace, it promoted cheerfulness, and with it a higher degree of industry. It appeared to them like a sacred token that they were still children of the human family, fallen from grace, but not hopelessly lost. May the time be near, when the parti-colored and zebra-striped dress will be banished from all American prisons.

The mode of dealing with our convicts may be briefly summed up as follows:

We treat them always as human beings, entitled to our heartfelt sympathy, and not as hardened criminals, insensible to all feelings of kindness and affection. We never allow any officer to speak to them harshly, or to allude in any manner, however remote, to the crime of which they stand convicted. No prisoner is punished for his first offence against prison rules; he receives, instead, an earnest but kind warning not to repeat it. Punishment is never inflicted until it has been explained to the offender, that his own good, as well as that of the institution, requires it, and corporal punishment is in all cases abolished. We never let prisoners suffer for want of comfortable clothes, or of good wholesome food. We take good care of them when sick. We encourage them, at every opportunity, to cultivate their mental, moral and physical powers, and to make a solemn pledge to enter society again as better men.

The chaplain—Rev. H. Drew—thus speaks of his spiritual and educational labors, and their results:

In presenting this report, I am happy to say that the religious department of the prison is in as good and prosperous a condition as I have ever seen it at any time since my connection with the institution. Nothing has occurred during the past year to disturb the harmony of our chapel services. On the contrary, all the convicts have evinced, by their good conduct in church, an interest in the returning services of the Sabbath that would be creditable to any outside congregation. Many who have been discharged from prison during the past year have left this institution better men, and, I believe, with a true, earnest and honest purpose to lead a new life, a life of honest industry and Christian integrity. Many others, who still remain in confinement, evince by their daily deportment a determination to reform their habits of life, and yet convince the world that they can become honest and respectable men.

The prison school is still in successful operation, with a membership of about sixty scholars. We have received into the school, since my last report, forty-eight scholars, the majority of whom had no education whatever. The remainder could read but imperfectly in the primer, or in the beginning of the first reader, but had no knowledge of writing or arithmetic. We have discharged from prison thirty-four, all of whom could read and write intelligently, and understood arithmetic sufficiently for the common transaction of business. Of those now in the school, there is but one in the primer class, eight in the first reader, eleven in the second reader, and the

remainder in the third reader. In arithmetic there are ten in the mental and the balance in the practical arithmetic, in various stages of advancement, from the beginning to nearly completing the book.

It is truly surprising to see what proficiency the school has made in the art of writing during the past year. Many, who one year ago had no knowledge whatever of this art, now write a very fair business hand. This experiment of a school in a prison has demonstrated its utility. The salutary effects of the school are clearly seen in the improved habits and uniform good conduct of those who enjoy its benefits. The little education which the convicts obtain in this school seems to inspire them with more self-confidence and higher and clearer conceptions of human duty.

The office of prison warden in Wisconsin, as in too many other of our States, is a political one. He is chosen once in two years, as the Governor is, by the popular vote of the whole State. Mr. Cordier has been three elected to the office, and has therefore served six years. So successfully, in a financial point of view, has he fulfilled the duties of the position, that one of the leading papers of Wisconsin lately declared that he was "worth his weight in gold to the State." But another person wanted his place, and the exigencies of party required his sacrifice. Mr. Cordier, we believe, declined to be a candidate for re-election, alleging that it would involve too much canvassing and wire-pulling, and that, after all, he could neither refute nor deny "the only charge brought against him, viz., that he had held the office six years"! We trust that his successor will prove himself equally capable and efficient; and, in the meantime, are glad to learn that Mr. Cordier's services will not be lost to the cause of prison reform in this country. He has been chosen to preside over the large penal institution recently organized in Pittsburgh, Pa., where, we presume, partisan politics will not be felt as a disturbing element. The people of Western Pennsylvania are to be congratulated on having secured for their new prison the services of a head so experienced, enlightened, progressive and able as the late commissioner at Waupun.

Tabular view of State Prison Statistics for 1888.

STATES.	Location.	Warden.	Estimated value of real estate.	Estimated value of personal property.	Number of cells.	Dimensions of cells.	Average number of prisoners.	Total No. of officers and employes.	Aggregate salaries.	Total ordinary expenditures, including salaries.
Alabama (6)	Wetumpka	William Smith	\$30,000	\$19,000	308	7 1/2 x 10 1/2	303	85	\$13,000	\$75,000
Achena	Little Rock	L. S. Hoopes	.....	.....	.....	.....	.....	.....	.....	.....
Arizona	Wetford	Wm. Willard	100,000	8,000	348	7 1/2 x 8 1/2	351	14	7,500	31,500
Connecticut (6)	Waterbury	M. Merin	.....	.....	.....	.....	.....	.....	.....	.....
Florida	Chattahoochee	John Daniel	10,000	14,000	600	8 1/2 x 10	500	55	(0) 13,000	Unknown
Georgia (6)	Joliet	Geo. W. Perkins.	1,000,000	1,000,000	1,000 sep. 15 ft 10 in	.....	1,110	85	49,303	297,844
Illinois (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indiana	Michigan City	W. W. Higgins	.....	.....	350	7 1/2 x 7 1/2	407	55	17,555	44,418
Iowa	Jacksonville	L. S. Shuler	.....	.....	.....	.....	.....	.....	.....	.....
Kansas	Frankfort	J. L. Palkow	501,500,000	50,000	123	8 1/2 x 10 1/2	105	105	26,107	26,107
Kentucky (6)	Frankfort	H. T. Todd	60,000	20,000	648	8 1/2 x 9 1/2	550	25	20,000	90,000
Maine (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Massachusetts (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Michigan	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Minnesota	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nebraska	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oregon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals and averages.	.....	.....	\$7,404,695	\$822,705	8,898	8 1/2 x 9 1/2	14,063	688	\$688,915	\$2,413,334

(6) Statistics of these prisons furnished by the prison authorities; of the others, as far as given, they are compiled from the reports.

(7) Keeper's salary only—other officers paid by leases.

(8) Exclusive of salaries.

(9) Estimated cost when completed.

New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oregon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia (6)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals and averages.	.....	.....	\$7,404,695	\$822,705	8,898	8 1/2 x 9 1/2	14,063	688	\$688,915	\$2,413,334

Tabular view of State Prison Statistics for 1908—(Continued).

STATES.	Total prison earnings including fines from convicts in prisons.	Excess of expendi- tures.	Excess of earnings.	Cost per capita.	Yardings per capita.	Average number employed in pro- ductive labor.	Kinds of productive labor.	Is contract system in use?
Alabama.....	\$85,000	.....	\$10,000	\$435	.....	340	Half-d building; manufacture of plows and wagons.	Yes.
Arkansas.....	.....	.....	.....	.....	.....	.....	.....	.....
California.....	.....	.....	.....	.....	.....	.....	.....	.....
Connecticut.....	22,841	.....	2,813	117	.....	132	Shoemaking, boot-making, staple and harness making, carriage and making carriage's rules.	Yes.
Delaware.....	.....	.....	.....	.....	.....	.....	.....	.....
Florida.....	.....	.....	.....	.....	.....	.....	.....	.....
Georgia.....	.....	.....	.....	.....	.....	.....	.....	.....
Illinois.....	228,360	\$98,275	.....	205	.....	800	Eleven branches. See p. 103.	Leasing system. Contract system in a limited ex- tent; work done for cash or sale account.
Indiana.....	.....	.....	.....	.....	.....	.....	.....	.....
Northern.....	34,423	9,000	.....	149	115	.....	.....	.....
Southern.....	52,039	.....	1,854	136	129	.....	.....	.....
Iowa.....	19,150	8,012	.....	192	192	.....	.....	.....
Kansas.....	6,021	38,079	.....	200	40	.....	.....	.....
Kentucky.....	.....	.....	.....	.....	.....	500	.....	.....
Louisiana.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine.....	28,515	4,405	.....	175	141	.....	.....	.....
Maryland.....	19,848	35,455	.....	173	115	.....	.....	.....
Massachusetts.....	127,471	.....	37,647	133	233	.....	.....	.....
Michigan.....	.....	.....	.....	.....	.....	.....	.....	.....
Minnesota.....	64,869	6,031	.....	149	154	.....	.....	.....
Missouri.....	.....	.....	.....	.....	.....	.....	.....	.....
North West of Connecticut (State Prison for certain purposes.).....	65,329	.....	15,303	173	.....	224	Manufacture and setting of chain.	No.
Mississippi.....	111,454	110,014	.....	330	161	477	Quarrying, stone cutting, chain-making, coopering, manufacture of shoes, harness, shawls, and felt hats, etc.	Yes.
Nebraska.....	101,861	29,210	.....	1,351	.....	.....	.....	.....
New Hampshire.....	37,485	.....	4,770	172	308	.....	.....	.....
New Jersey.....	38,392	55,977	.....	169	79	.....	.....	.....
New York.....	.....	.....	.....	.....	.....	.....	.....	.....
Alabama.....	138,438	46,824	.....	175	133	302	.....	.....
Clinton.....	226,069	22,055	640	077	230	.....	.....	.....
Sing Sing and Matte- lab (State Prison for U. S. Prison for District of Columbia.).....	175,129	151,830	.....	227	123	509	.....	.....
Ohio.....	59,026	.....	10,225	113	149	300	.....	.....
Pennsylvania.....	.....	.....	.....	.....	.....	.....	.....	.....
Eastern Penitentiary.....	111,823	.....	20,342	.....	.....	.....	.....	.....
Western Penitentiary.....	24,959	.....	1,974	.....	.....	.....	.....	.....
Rhode Island.....	31,052	25,097	.....	97	51	.....	.....	.....
South Carolina.....	97,013	19,913	.....	101	68	.....	.....	.....
Tennessee.....	6,703	.....	321	98	109	60	.....	.....
Texas.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia.....	12,052	5,543	.....	157	85	15	.....	.....
West Virginia.....	68,049	.....	.....	103	24	500	.....	.....
Wisconsin.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals and averages.....	\$2,067,831	\$277,534	\$11,655	\$300	.....	6,512	.....	.....

(a) Convict labor employed chiefly in erecting prison buildings, and consequently bringing no cash income.

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Connecticut.....	22,841	2,813	117	132	Shoemaking, boot-making, staple and harness making, carriage and making carriage's rules.	Yes.
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Georgia.....
Illinois.....	228,360	\$98,275	205	800	Eleven branches. See p. 103.	Leasing system. Contract system in a limited ex- tent; work done for cash or sale account.
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Totals and averages.....	\$2,067,831	\$277,534	\$11,655	\$300	6,512

(a) Convict labor employed chiefly in erecting prison buildings, and consequently bringing no cash income.

Tabular view of State Prison Statistics for 1898—(Continued).

STATES.	Average per diem paid for convict labor.	No. of hours devoted to labor.	Punishments for prison offences.	Average length of sentences.	Percentage unable to read on admission.	Percentage in temporary insanity.	Percentage of weak mind and epileptic now in prison.	Percentage of life men.	Percentage of minors on admission.
Alabama.....	40	10	Lash in presence of officers, 30 victims.	1 10 0	90.00	90.00	0.00	8.04	12.00
Arizona.....
California.....
Colorado.....
Delaware.....	35	84	Solitary cell and cane.	4 0 30	85.00	85.00	3.22	5.12	15.00
Florida.....
Georgia.....
Illinois.....
Indiana.....
Iowa.....
Kansas.....
Kentucky.....
Louisiana.....
Maine.....
Massachusetts.....
Michigan.....
Minnesota.....
Mississippi.....
Missouri.....
Montana.....
Nebraska.....
Nevada.....
New Hampshire.....
New Jersey.....	35	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	44	10	.....	.....	.....	.....	.....	.....	.....
North Carolina.....
Ohio.....
Oregon.....
Pennsylvania.....
Rhode Island.....
South Carolina.....
Tennessee.....
Vermont.....
Virginia.....
West Virginia.....
Wisconsin.....
Totals and averages.....	43½	.....	.....	.....	.....	.....	.....	.....	.....

Minnesota.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri.....	40	94	Dark cell, day's bread and water, and scant on bread and water.	3 1 0	15.37	47.07	0.00	1.00	38.85
Nebraska.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nevada.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	35	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	44	10	(Only two punishments in two years, of what kind not stated.)	4 6 14	.....	.....	.....	.....	.....
North Carolina.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Oregon.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tennessee.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
West Virginia.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals and averages.....	43½	.....	.....	.....	.....	.....	.....	.....	.....

This average is for about 1000 prisoners, but two-thirds have sentences of less than a year.

Tabular view of State Prison Statistics for 1888—(Continued).

STATES.	Funeril services.	Regulations relating to correspondance.	Regulations relating to visits of friends.
Alabama.....	None.....	Through warden, how often not stated.....	In presence of officer, frequent not stated.
California.....	Reading Scripture, remarks and prayer by chaplain.	Can write once in three months, if necessary, can receive visit in every Sabbath. All correspondence examined.	Can see friends once every three or four weeks. In presence of officer.
Connecticut.....	None.....	How often principal keeper, not stated.	At any time by consent of principal keeper.
Dakotaa.....	(At the burial of a convict, the chaplain offers prayer. "No attendance of prisoners.")	Letters may be sent every two months, once subject to inspection. Moral newspapers allowed.	(The warden) visits in eight cases in three months; in some cases once in 30 days.
Florida.....	None.....	Convicts write as often as they choose, on condition of no correspondence for misconduct, privilege withdrawn for one month.	Visits are allowed every two weeks.
Georgia.....	(All convicts on contract attend religious services in chapel, remarks, and prayer at grave.)	Prisoners can write once in three months, can receive all letters written to them.	Visits of friends every three months, but no visits can be made whenever necessary.
Illinois.....	None.....	Allowed to write every three months, at State's expense, and weekly at their own expense. All letters examined.	(Allowed twenty minutes' interview in presence of an officer, whenever their friends come to see them.)
Indiana.....	Services in chapel, at which all convicts are assembled.	Can write letters once in three months, but receive all sent. All letters examined.	Prisoners can see their friends once in three months.
Iowa.....	Service in chapel. All attend.		
Kentucky.....			
Louisiana.....			
Maine.....			
Maryland.....			
Massachusetts.....			
Michigan.....			
Minnesota.....			
Detroit House of Correction.			
(S. P., for certain purposes.)			

Minnesota.....	Reading Scripture, short address, and prayer in chapel.	Can write monthly, at expense of State; if offender at their own, all letters examined.	Resident relatives weekly, non-residents once a month, if convenient, always in presence of an officer.
Mississippi.....		Writes once in three months; receive letters at any time. Correspondence all examined by chaplain.	Can see friends every three months, always in presence of an officer.
Missouri.....		Same as above.....	Same as above.
Nebraska.....		Can write once a month, receive letters whenever sent. All letters examined.	Once a month in presence of officer.
Nevada.....			
New York.....			
New Jersey.....			
New Hampshire.....			
Ohio.....			
Oregon.....			
Pennsylvania.....			
25 Western Penitentiary.....			
Rhode Island.....			
South Carolina.....			
Tennessee.....			
Texas.....			
Vermont.....			
Virginia.....			
West Virginia.....			
Wisconsin.....			

GENERAL REMARKS.

No person who has carefully read the foregoing paper, and critically scanned the statistics embodied in the table just given, can fail to have been struck with the evidences of progress now making in the United States in penitentiary science and prison discipline. The problem of crime and its treatment has been keenly studied within the past few years; the education of public opinion on this subject has been rapid beyond all former precedent; and the development of sound principles and their application in the management of prisons have been active and successful in a pre-eminent degree.

The principles of prison discipline, in which the thinkers and workers in this department of social science, as appears from the reports which have just passed under review, are substantially agreed, or rapidly approaching such agreement, are, in brief, such as these following:

1. The reformation and rehabilitation of criminals—not vindictive suffering—should be made the supreme aim in prison management. On this point the unanimity is absolute, with no dissentient voice.

2. Progressive classification, based on character and merit, and not on any arbitrary principle, such as age, crime, etc., should be established in all prisons above the grade of the common jail. The advance of public sentiment, as shown by the reports, is wholly in this direction. No better method has yet been devised to this end than that offered in the Irish prison system, where there is, I. A penal stage, with separate imprisonment, longer or shorter, according to conduct. II. A reformatory stage, worked on the mark system, where the prisoners are advanced from class to class, as they earn such advance, giving at each step increased comfort and privilege. III. A probationary stage, into which are admitted only such as are judged to be reformed, and where the object is to test their moral soundness—the reality of their reformation. So far the agreement is general, not to say universal; but there is, IV. A stage of conditional liberty (ticket of leave), in which the reformed convict enjoys full freedom, subject, however, to a revocation thereof for any misconduct. Grave doubt is widely felt whether this part of the system is applicable to our country. Two of our governors—Hayes of Ohio, and Haight of California—have, in their late annual messages, formally recommended the Irish system for adoption by their respective States, with such modifications as may seem necessary to adapt it to our circumstances.

3. A system of rewards for good conduct and industry should be instituted in all our prisons, whereby hope shall become an ever present and ever active force—more potent and controlling than

fear in the minds of prisoners. So far there appears to be absolute unanimity. Such rewards should consist of: *a*, a diminution of sentence; *b*, a share in their earnings; *c*, a gradual withdrawal of prison restraints, and a constant increase of privileges, as they shall be earned by good conduct. The principle of rewards is now universally held; as regards the *modes* or *kinds* of reward, a perfect unanimity, probably, has not yet been reached. On the policy of shortening sentences all are agreed; on that of allowing a participation in earnings, there is a general theoretical agreement, though the reports of none of the prisons record the actual adoption of this principle. Within a few days, however, the principle has been incorporated into the legislation of Ohio by the passage of an act permitting such participation by convicts, to the amount of one-fourth of their earnings. The prediction may be safely ventured that it will not be many years before laws to this effect will be as common on the statute books of our States as commutation acts now are. The third mode—enlarged privilege and freedom—though probably at present not carrying all votes, will follow in due time, and become co-extensive with the others.

4. A probationary stage, in which the training shall be more natural, and the moral cure of the delinquent can be adequately tested, should be found in every prison system. This principle does not yet command universal concurrence, though the tendency of opinion sets strongly in that direction. It is singular, however, that while it has received a wide theoretical assent, the theory, so far as we are informed, has been reduced to practice nowhere except in the Irish convict prisons. The reason for such a chasm, and that so generally existing, between principle and act, must be sought, no doubt, in the difficulty of bringing the two practically together, and in the further fact that a successful application of the principle requires an adjustment thereto of other and antecedent stages of a prison system. The principle cannot possibly be incorporated, as an isolated element, into any prison system; but must, of necessity, come in as the complement of a system, all the parts of which are contrived and adjusted to reformation as the one great end in view. There is no prison system in our country, and probably not elsewhere, other than the one to which it originally belonged, on which this principle *could* be engrafted, without changes so radical as to constitute a new system. Yet it is a principle so essential to a true and effective prison discipline, that, sooner or later, the changes *must* be made, which will permit its introduction. There is a problem of the gravest importance, and as difficult as it is grave, on which the minds of prison reformers throughout the world are now bent

with an interest that may be characterized as intense,—the problem how to secure the reabsorption of released prisoners into society, without a relapse into crime. Thousands upon thousands, intent on a better life on their emergence from prison walls, fall back into transgression simply because the ban of society is upon them; nobody trusts them, nobody will give them work, nobody will permit them to earn and eat honest bread. The solution of the problem stated above, so vital and yet so hidden, so important and at the same time so perplexed, lies in the direction of this principle—lies, in fact, in a successful application of this principle, as a living and indispensable part of a prison system. The discharged convict, though reformed and resolved to live honestly, fails to get work; and he fails so generally, that failure is the rule and success the exception. Why is this? It is not that society is hard-hearted; that it has no sympathy with *misfortune*; that it is vindictive and cruel; that it tramples upon a man merely because he is down. Far from it; but society *distrusts* the liberated prisoner; it has no *confidence* in him; and, what is yet more to the purpose, it has *no guaranty for its confidence*. It is this *want of a guaranty* that builds a wall of granite between the convict on his release and remunerative employment. Conquer the distrust of society, replace that distrust with confidence, furnish the needed guaranty that the man is trustworthy, and every difficulty will vanish; every shop, every factory, every farm, every avenue of honest toil, will be open to his entrance. But the problem is, *how* to abate the prejudice which society feels toward the liberated convict; *how* to overcome the dread which it has of him; *how* to allay its fears; *how* to win for him its confidence and conciliate its regard? There is but one way to accomplish this result. The convict must furnish *proof*, during his incarceration, that it is safe to confide in him; safe to put him at the work-bench; safe to place in his hands "the shovel and the hoe;" safe to admit him to the intimacy of the fire-side and the home circle. In other words, he must be tried, his cure must be tested, before he is discharged. But this can never be done where the system of imprisonment is one of material isolation to the end; neither can it any more be done where the system of imprisonment is one of moral isolation to the end. There must be a field, an opportunity, for the trial. But such a theater and such a chance the separate system can never furnish; nor any more can the congregate system, on its present basis. Both of our present systems must be in part retained, in part discarded, in part changed; and so changed that the passage from imprisonment to liberty shall not be, as now, *per saltum*, by a single bound; but the change must be such that the former shall gradually, almost

imperceptibly, melt into the latter; such that the latter part of the imprisonment shall be little more than moral, in which, as far as may be, all the arrangements shall be those of ordinary life, with its trusts, its temptations, its responsibilities, its victories over self and sin, its toning up and strengthening of the character by the *friction* to which the man is, in these various ways, subjected. Or, to sum up all in one word, the *principle* of the Irish "intermediate prison," in the form which it there has, or some other, must be impressed upon *our* system of imprisonment, where, doubtless, it will yield the same precious fruit that it does in the country in which the idea was first conceived and applied. "The same precious fruit." What fruit? The conquest of distrust, the implantation of *confidence* toward liberated prisoners. And has that result been achieved? Yes, to the fullest extent. What was thought to be an impossibility—what is yet so regarded by many—has become a living fact. In Ireland, the labor of discharged convicts, which, fifteen years ago, was spurned as a gift, is to-day eagerly sought; and the competition for it is so sharp that employers are often obliged to wait for it weeks, and sometimes months, because the applications of others were in advance of theirs.

5. Greater breadth should be given to moral and religious agencies. This principle is abundantly recognized in the reports under review, and it is asserting its force with greater potency from year to year. Twenty-six State prisons have resident chaplains, who preach—some once, some twice—on the Sabbath, and perform pastoral duty to a greater or less extent; most of the others have regular Sunday services by volunteer clergymen, chiefly resident pastors in the towns where the prisons are situated. Sunday schools or Bible classes are maintained in eighteen prisons, with much interest and excellent effect. In nine prisons, convict prayer meetings are regularly held—in one three times, and in another twice a week. They are reported as orderly, spirited and very salutary in their influence. Only eight prisons are reported as having "funeral services" at the burial of convicts; in the others, as far as appears, no such respect is shown to the dead; no such agency for good is used in behalf of the living. This is a sad omission, and is keenly felt by many prisoners, producing in their minds a loneliness and desolation, described by one as "a feeling of forsakenness." In the reformed system of discipline lately inaugurated into the Indiana State prison (south), the effect of the introduction of funeral services, with other decent appointments for the dead, is said to be truly wonderful. It is "for good (so the report declares), to an extent that can never be known."

6. There should be a stronger infusion of the educational element in our prison systems. No principle of penitentiary discipline is more generally recognized than this; nor is it a recognition in words merely, but in action as well. There is no department of the work in which reform is pushed with greater vigor than here. Secular schools, held more or less frequently, either on Sundays or week days, have been established in the State prisons of California, Florida, Indiana (south), Kansas, Massachusetts, Michigan, New Hampshire, Oregon, Western Pennsylvania, Rhode Island, Tennessee and Wisconsin; and also in the Detroit House of Correction. Lessons are given either by teachers or chaplains at the cell doors in all the State prisons of New York, and in those of Connecticut and Illinois. In the Eastern penitentiary of Pennsylvania, secular instruction is imparted to each prisoner needing it, in his own cell. In the Virginia penitentiary reading is taught in the Sunday school. We think it safe to say that secular instruction has been increased within the year at least fifty per cent; and what is most gratifying is the eagerness with which the opportunity of learning is embraced, and the rapid progress made therein, greatly exceeding, according to a careful estimate made by a competent teacher, in the Detroit House of Correction, that of classes in the same departments of study in the public schools.

7. Industrial training needs a higher development and a greater breadth. On this point there is no dissent among the friends of a reformatory prison discipline; but a formidable impediment is found in the contract system of labor prevailing in most prisons. In prisons where the industries are managed by the head of the institution, as in Maine and Wisconsin, a full trade is taught to all the inmates who have the necessary aptitudes, and whose terms of imprisonment are sufficiently long; and there the proportion of recidivals is surprisingly small.

8. The principle is daily gaining adherents that peremptory sentences ought to be replaced by those of indeterminate duration—that sentences limited only by satisfactory proof of reformation should be substituted for sentences measured by the mere lapse of time. The justness of this principle strikes every mind the moment it is announced; the difficulty felt by all is as to the possibility of applying it. But that question resolves itself into another, viz.: whether the administration of our prisons can be made permanent and placed in the hands of competent governors. Nothing could be more idle than such an experiment under existing prison systems; few things more hopeful than the same experiment under the system suggested. It will scarcely be more difficult to judge as to the moral cure of a criminal than it is of the mental cure of a lunatic; we mean, of

course, when we have men of ability and experience at the head of our prisons, who make prison discipline the study and work of their lives. The principle has been already tried to some extent, and with excellent effect, in the Detroit House of Correction. It is proposed to introduce it into our own new State Reformatory for young criminals. The directors of the Ohio penitentiary give it an emphatic indorsement, and declare their belief that its general adoption is only a question of time.

9. The idea that the social principle must be brought more into play as one of the forces of a reformatory prison discipline has not yet gained, possibly we ought to say, is far from having gained, all suffrages; but it is, nevertheless, making progress, and securing recruits from year to year. It was a maxim of the greatest thinker and writer on penitentiary service the world has ever seen, Captain Alexander Machonochie, that "criminals can be trained for society only in society;" a truth in which men are slowly coming to acquiesce. This principle is even now applied, to a less or greater extent, in the State prisons of Massachusetts, New Hampshire, Rhode Island, Maryland, Indiana, Missouri, and Virginia (at least it was in the last named State under the late warden, Burnham Wardwell). In Massachusetts the principle has a legal recognition and sanction, and may have, by permission of law, as broad an application as the prison authorities think proper to give it. In the Maryland penitentiary the prisoners, whose conduct is such as to merit it, have, for three years, been allowed an hour of recreation and freedom in the prison yard daily, when the weather would permit. For some months, one-half of the prisoners in the Indiana State prison (south) have been granted a like privilege (the two sections alternating weekly), in the corridors of the cell-house. The testimony in both cases is that no disorder or impropriety of any kind has been chargeable upon the convicts, and that so far from any evil thence resulting to the discipline, the influence, on the contrary, has, in this regard, been highly beneficial. Nor has any general demoralizing effect been the consequence, but the reverse; since, instead of the worse prisoners corrupting the better, the better have exerted a restraining and regulating influence upon the worse.

10. Political influence must be eliminated from prison administration, and greater stability impressed thereupon. But one voice, touching this point, and that in full and swelling chorus, comes up from the reports which have passed under review. There are but three prisons in the country, so far as we know, into whose management politics does not enter as a disturbing, if not a controlling, element. These are the Eastern Penitentiary, at Philadelphia, the

Albany Penitentiary, and the Detroit House of Correction; the two latter not from any organic structure in the governing power, but from the personal character and high ability of their superintendents, which are such as, themselves, to control all partisan bias, commanding it into unanimity on every election. But while the injurious effect of political influence is thus widely felt, nowhere else, probably, is it so dominating and disastrous as in our own State, where it rules supreme; though there is hope that its reign will be cut short by the adoption of the proposition, now pending before the Legislature, looking to an amendment of the Constitution, the great aim of which is the removal of our prisons from the arena of politics, so as to place their administration in the hands of competent men, and make it permanent there.

11. The principle that, to a far greater extent than heretofore, moral agencies should be substituted for brute force in the management of prisoners, is fast uniting, if, indeed, it has not already united, all suffrages in its favor. And here, contrary to what has been stated as regards the principle enunciated in number four of this detail, action waits upon theory. Let the reader recall the statements made in reference to the penitentiaries of Virginia, Maryland, Southern Indiana, Ohio, Wisconsin, Western Pennsylvania, Detroit, New Hampshire and many others, and he will readily convince himself of the truth of this declaration.

12. That prisons themselves, as well as prisoners, should be classified, so that there shall be prisons for young criminals, prisons for women, etc., is an idea that has taken root widely and deeply in the public mind. The question of these classified prisons has been a good deal ventilated in the prison reports of the last two or three years, and already these discussions have begun to bear fruit. An act for a prison for young offenders and those who have been convicted for the first time has passed the Legislature of Illinois. Bills to a similar effect are now pending in the Legislatures of New York and Ohio, which are sure to pass. A female prison, to be placed in charge of a woman, is in process of construction in Indiana, under a law containing provisions as admirable as they are novel. The agitation for a women's prison in Massachusetts, under a leadership no less distinguished than that of Governor Claffin and Senator Wilson, is just now very vigorous; and the final passage of an act creating such an institution in the old Bay State is simply a question of time.

13. The growing sentiment in favor of preventive institutions, such as truant homes, industrial schools, etc., for all cities and large towns at least, though not very apparent in the reports under review,

is nevertheless a fact, as cheering as it is certain. This is the true field of promise in which to labor for the repression and extirpation of crime. The object here would be to nip it in the bud, to cut off the stream in its source, to kill the brood in the egg; and whatever the cost of such agencies might be, it would be far less than the spoliation resulting from neglect, and the subsequent expenses involved in arrests, trials and imprisonments.

14. That greater effort should be made and more comprehensive methods adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character, is possessing itself of the thought, and awakening the anxiety, of this and other countries. A signal proof of this is furnished in the fact that the government of France has lately constituted a commission of eminent citizens—twenty-one in number—to study this very question, and report the result of their study, to the end that it may be embodied either in an imperial decree or a legislative act. In our own country, also, this question, among others relating to penitentiary science, is receiving its due share of attention; and it may be safely predicted that not many years will elapse before organized methods of dealing with it will be established in most if not all of our States, as they are now in some of them.

15. That the contract system of prison labor is bad, and should be abolished, is a conviction which has impressed itself so widely on prison boards and prison officers, as to have become well nigh universal. This is abundantly apparent in the reports, of whose contents we have given a summary—meagre, it must be confessed, and far from doing justice to them—in the foregoing pages. The system is regarded as a blunder in prison management, prejudicial alike to discipline, finance and reformation; and although we do not quite assent to the dictum of the politician that "a blunder is worse than a crime," we still consider a blunder, especially in so grave a matter as this, a thing to be righted, and, from the tone and temper of the reports before us, we feel persuaded that its rectification is but a question of time. The intelligent board of commissioners [directors] of the State penitentiary of Illinois tell us that more trouble and difficulty to the discipline arises from the 100 men let to contractors in that prison than from the 1,000 men who are worked by the prison authorities. A feature of prison management, of which this can be said in truth—and from our personal observation, as well as from scores of pages of sworn testimony taken by the Prison Association on this point, we can readily believe it—such a feature cannot stand the scrutiny now everywhere directed to it, and, sooner or later, *must fall*.

16. Another principle of prison discipline, not so apparent in these reports, because the offenders to whom it is applicable are not sentenced to State prisons, but in which all the best thinkers have come to agree, is that repeated short sentences are worse than useless—that, in fact, they stimulate and facilitate transgression, in the case of vagrants, habitual drunkards, prostitutes, and petty transgressors of every name. It is to these classes of offenders that indefinite sentences—sentences to run till a cure has been effected—are peculiarly suited. The object is not so much to *punish* as to *save* them, and to protect society, partly from losses occasioned by their deprivations, but much more from the demoralizing and corrupting influence they exert on the community. Hence, the objection to long sentences in their case, drawn from the disproportion between the sentence and the offence, is to no purpose. That is not the question. A lunatic is confined—yes, imprisoned—who has committed no offence, but simply because he is afflicted with a malady that makes him dangerous; and he is restrained of his liberty till he is cured. Why should not the habitual violator of law—the “revolver”—even though each individual offence may be trivial in itself, be treated in the same way? A loyal Indian, in our late civil war, wanted to kill children as well as adults; and, when opposed in his wish, pointing to a child who stood near, he enforced his view by suggesting: “Make big seesh!” So it is very certain that these *little* criminals, who receive a ten days’ sentence twelve to fifteen times a year, will, in the end, make *big* criminals, and then they will fill our State prisons as they now fill our common jails.* While we do not assent to the rude, barbarian logic of our aboriginal patriot, when it is a question of murdering children, we do surrender ourselves completely to its force, when it is a question of saving diseased and imperiled adults.

17. The necessity for district prisons, holding a middle ground between the State prison and the common jail, has also come to be widely—possibly we might go so far as to say, universally—recognized. The necessity is for prisons in which the classes of offenders mentioned in the preceding paragraph may, after at most one or two short, ineffectual imprisonments, be sentenced either indefinitely (which is the wiser plan), or for periods so long that reformatory processes (in which time is ever an essential element) may take effect upon them, and idle, vagrant and vicious habits be replaced by those of regular and honest toil.

* One of these revolvers, on being asked how often she had been in prison, replied: “O, sir, the times are *uncountable!*”

18. As a principle that crowns all and is essential to all, it is now commonly felt and acknowledged that no prison system for a State or country can be perfect, can even be successful to the broadest and most desirable extent, without some central authority, that sits at the helm, guiding, controlling, harmonizing, unifying, vitalizing the whole. Even at the very moment of penning the present paragraph, the writer is in receipt of a letter from Sir Walter Crofton, the distinguished author of the Irish Prison System, which he has marked “private,” but from which we feel sure he will not object to the citation of a single sentence. “Our legislation,” he says, “on prison matters is fairly good; but the local self-government, *of which we are so proud*, prevents that uniformity in the development of sound principles in prison discipline which is so important.” A truth, this, which is painfully felt in every State of our Union.

Such, then, is a bird’s-eye view of the principles of prison discipline and prison management, more or less widely, more or less strongly, held in this country, as shown in the reports upon our table. They are, to recapitulate in the briefest words: Reformation of criminals as the supreme end; progressive classification according to character and merit; rewards as an incentive to industry and good conduct; the necessity of a probationary stage to test the moral cure of the convict; greater breadth and effectiveness in moral and religious agencies; a stronger infusion of the educational element into prisons; a higher development of industrial training; the substitution of sentences limited by proof of reformation for those measured by mere lapse of time; greater use of the social principle; the elimination of political influence from the management of prisons, and greater stability in their administration; the substitution, to a greater extent, of a moral for a coercive discipline; the classification of prisons as well as prisoners; the multiplication of preventive agencies; the employment of more comprehensive and effective means for aiding and saving discharged prisoners; the abolishment of the contract system of prison labor, as detrimental to discipline, finance and reformation; the inutilty of repeated short sentences; the necessity of district prisons intermediate between the State prison and common jail; and the absolute need of some central authority to give unity and efficiency to any prison system.

The tabular view presented above offers a mass of prison statistics, which have a value beyond that of merely gratifying a laudable curiosity, since they afford a basis and a stimulus to effort in the field of legislation as well as philanthropy. We propose to gather up and present, in a more popular form than that of mere columns of figures, some of the items of information furnished in the tables.

Of our thirty-seven States, three (Delaware, Nebraska and West Virginia) are without State prisons, county jails being there used for the imprisonment of persons convicted of felonies; one (New York) has four State prisons; one (Indiana) has three;* and one (Pennsylvania) has two. The Albany penitentiary and Detroit house of correction are also classed as State prisons, for reasons already given. This gives forty-two State [or what are called in other countries convict] prisons for the whole United States. The estimated value of real and personal property in nineteen of these prisons (being all for which returns have been furnished) is \$8,357,495. Similar estimates for the other prisons would undoubtedly bring up to a round twelve million the money invested in land, buildings and furniture for the imprisonment of persons convicted of State prison offences throughout the United States. The number of cells in the forty-two State prisons (reported and estimated) is 13,338; and this is rather below than above the real number, though it cannot vary from actuality beyond 500 either way. The average dimensions of these cells are 8 feet in length, $4\frac{1}{2}$ in breadth, an $7\frac{1}{2}$ in height, giving, for the average contents of each, about 238 cubic feet, being little, if any, more than half the size required for the proper sanitary accommodation of a convict from the locking up at night to the unlocking in the morning.

The average daily number of convicts in the State penitentiaries of twenty-seven States was 14,063; a similar ratio to the population for the other ten would give a total daily average of 16,311. The whole number of officers and employes in nineteen States was 828; the aggregate salaries paid them amounted to \$638,915, being a salary to each individual of \$772. Supposing the officers in the remaining eighteen States to bear the same proportion to the population of these States, the whole number in the United States would be 1,242, and their aggregate salaries \$958,472. The average number of men to each employé was twelve and a fraction; the extremes being in the States of Nevada and Virginia, in the former of which there was an employé to every two and a half men, and in the latter to every twenty. It is not a little remarkable that the prisons in these two States are also at the extremes of discipline—that of Nevada being the most coercive, and that of Virginia the least so, of all the prisons of the Union; unless the discipline in the Oregon prison may be regarded as equally coercive with that of Nevada, and here the proportion of employés to prisoners is as one to three and a half.

* We say three, because a separate State prison for women has been created by law, and is in process of construction.

The total ordinary expenditures of the prisons in twenty-five States were \$2,862,312, or, for the whole thirty-seven at the same ratio, they were \$3,340,535; the total earnings for twenty-five States were \$2,087,351, or, on the same basis, for the thirty-seven, they were \$2,376,909; the excess of expenditures over earnings in the prisons reporting was \$797,534, or, for all the States, at the same ratio, \$877,281. Twenty prisons had deficits amounting, in the aggregate, as just stated, to \$797,534; and ten had an excess of earnings over expenditures, aggregating \$111,955.

The average *per capita* cost of convicts in the State prisons (including salaries) was \$200, and the average *per capita* earnings were \$130, including the unproductive as well as the productive. The most economically administered prison was the Albany penitentiary, where the inmates were subsisted for \$113 each; the most expensive prison was that of Nevada, where each man cost \$1,254. Had all the State prisons of the country been managed with the same economy as the Albany penitentiary, their earnings would have paid all current expenses, and left an aggregate surplus of \$448,232. The whole number engaged in remunerative labor in seventeen State prisons (all that reported on this point), was 6,812, being a fraction less than one-fourth. The same ratio in the other twenty prisons would give 12,070 as the aggregate of prisoners in the whole United States, who are employed on work that produces cash income.

The contract system of labor prevails in eighteen State prisons, and that of working the men on State account, in twelve. The average annual earnings per man, in the former, are \$127; in the latter, \$208, including the two prisons in Pennsylvania. Omitting them, and taking only prisons of the same class as those in the first category (congregate), the earnings amount to \$262 to each man; the same, in both cases, being distributed to the whole number of inmates, and not to those only who are engaged in remunerative labor. The average *per diem* paid by contractors for prison labor is fifty-one and a half cents—the extremes being found in the Massachusetts prison, where the average is ninety-four cents, and in that of New Jersey, where it is thirty-five. The average number of hours of labor is nine and three-quarters.

The average length of sentences, excluding of course life-sentenced men, is, for the whole country, four years and fourteen days, the Virginia and South Carolina penitentiaries furnishing the extremes; the average terms of sentence being in the first, eight years, and in the second, two years. It is remarkable that the average length of sentences is shorter by more than a fourth in the Northern than in the Southern (late slave) States, being in the former three years and

nine months, and in the latter, four years, ten months and sixteen days, notwithstanding persons are sentenced to State prison for far more trivial offences at the South than at the North; in Tennessee, for instance, for stealing a fence rail, valued at eight cents. The extremes of sentences at the North are in New Hampshire and western Pennsylvania, being five years, six months, and twenty-nine days in the former State, and two years and four months in the latter. The extremes at the South are in the same States that furnish the extremes for the whole country, viz., Virginia and South Carolina, as already given—eight years and two years. The proportion of life-sentenced men for the whole country is within a fraction of five to every hundred; and the period of detention for this class of convicts is, on the average, between seven and eight years. A man sentenced for life has a better chance for a speedy release than one sentenced for twenty or even fifteen years.

Twenty-eight per cent of the inmates of our State penitentiaries are returned as wholly illiterate, not knowing their letters; seventy per cent as intemperate; and seventy-seven per cent as never having learned a trade. These figures show, very clearly, to what a fearful extent ignorance, drink and idleness are stimulants or occasions of crime. Give knowledge to all, withhold the means of drunkenness from all, and train all to the habit and love of work by training them to skill in it, and, though we might not expect to see men changed into angels, or even saints, we should see them, almost to a man, observant of law; our police force and our criminal courts might be disbanded; and our vast penitentiary establishments turned into great industrial houses, in which, with no iron doors to bar egress, and no grated windows to frown upon the passers-by, the cheerful hum of free and virtuous labor would be heard the live-long day.

There is one column of percentages in the table we have constructed—partly from the reports and partly from returns made by the prison authorities themselves—which has a sad significance; a column showing that nearly one-fourth of all the inmates of these grim abodes of guilt, and crime, and wretchedness are minors—mere boys, ranging from twenty years down even to the child that has not yet reached his teens! Who can contemplate such a fact, and not feel the fountains of his sympathy stirred to their very depths? Who can think of it and not ask himself, How far am I, along with the rest of society, by my selfish indifference, neglect and failure in duty to these wretched children—half of them orphans, and more than a moiety of the remaining half worse than orphans, through the brutal ignorance and fiendish wickedness of their pa-

rents—how far am I thus responsible for this state of things? And will not all Christians, all good citizens, be moved by such an exhibition, first, to devise preventive agencies to save these youths from falling into crime; and, secondly, when they have fallen, to found reformatory homes—houses of discipline, in which curative, healing processes shall be applied to them, through which they may be “re-deemed, regenerated and disenthralled”?

There is another column of a less painful interest, and which yet affords abundant food for thought, viz., the one which gives the percentages of pardons, showing that in some prisons more than twenty out of every hundred receive executive clemency, and that the proportion in the whole country rises to one-tenth, which would give as the whole number pardoned in 1868, one thousand six hundred and thirty-one (1,631). These sixteen hundred pardoned criminals represent many times that number of applicants; in fact, the proportion that do not apply is a lean minority. Gov. Hoffman informs us that he examined over six hundred applications last year, or an average of more than two for every working day of the year—enough almost to fill up his whole time. This desire and expectation of pardon on the part of convicts, and the extent to which it finds expression in the form of petitions to the executive, have become a sore evil. While it is an onerous and unreasonable tax upon the time and strength of our chief magistrates, its effect upon the convicts is far from beneficial. They are always hoping, planning, working to get out; and this makes them restless, irritable and indisposed to yield themselves to the reformatory influences that might be brought to bear upon them. The true method is to place our prisons upon a proper basis, make their administration permanent, put them into the hands of competent officers, and then say to the incarcerated criminal: “When you show yourself a reformed man, and convince us by satisfactory proofs that it is safe to let you be at large, you can go; but not before.” This would place every man’s pardon in his own hand, and free our governors from a world of anxious toil, and from a responsibility to which they ought not to be subjected; especially when, by all the pains and care they can give to the work, they can scarcely hope to escape mistakes, and may well congratulate themselves if the errors into which they fall are not numerous, and sometimes of a grave character.

The percentage of foreigners in our State prisons, taking the whole country together, is out of all proportion to that which exists between the total population of native-born and foreign-born inhabitants, being considerably more than one-fourth.

IV. REPORT ON THE STATE PRISONS OF NEW YORK, AND MEMORIAL IN FAVOR OF AN AMENDMENT TO THE CONSTITUTION RELATIVE TO OUR PENITENTIARY SYSTEM.

BY THE PRISON DISCIPLINE COMMITTEE.

To the Legislature of the State of New York:

The Prison Association of New York, in the exercise of the powers conferred upon them by their charter, and in execution of the duty imposed upon and required of them by the act of the Legislature of 1869, to examine "with reference to the moral and financial administration of the prisons of the State and the reformatory agencies employed in them,"* respectfully

REPORT:

That, thus far, they have been enabled to give their attention only to the State prisons, leaving the other prisons in the State, also embraced in the duty imposed, for future consideration; and in their present examination of the State prisons they have confined their attention to the subjects of "moral and financial administration" and "the reformatory agencies employed."

FIRST.

FINANCIAL ADMINISTRATION.

The Inspectors, in their annual report made January 1, 1869, asked from the Legislature appropriations to the amount of \$1,005,900 for the current year, to wit:

For Sing Sing male prison	\$414,550
female prison	28,175
For Auburn prison	201,700
Insane Asylum	20,775
For Clinton prison	340,700

* The same provision of law was contained in the legislation of the previous session (1868). In obedience thereto, a special committee made an exhaustive investigation by personal inspection and sworn testimony, the results of which were embodied in a paper printed in our Twenty-fourth Annual Report, to which the Legislature is respectfully referred for important details relating to the "moral and financial administration."

And they reported that the annual earnings of the prisons fell \$242,734.88 short of their ordinary annual expenditures.

This financial result, causing our prisons to be a yearly drain upon the State treasury, is not a sudden event, arising from recent occurrences, but is the legitimate and inevitable result of our pursuit of the same system for more than a quarter of a century.

Referring to the second report of the inspectors (that of last year being their twenty-first), it appears that the deficiency in the first year under the existing system (viz., 1848) was \$61,640.48, and it has gradually grown to about \$250,000.

Amid this continuing and growing result of annual deficiencies, the question has ever been uppermost: How does it happen, that, with 2,000 to 3,000 full-grown prisoners, and most of them abed-died and in good health, enough cannot be earned to pay expenses, which at most do not much exceed \$200 a year for each person?

It is at least half a century ago that the idea of making the prisons self-supporting was embraced, and it has ever since been the all-controlling spirit of our system of prison government, controlling so far, at one period, as to cause the idea of reformation of the prisoners to be lost sight of.

At one time it was thought that the "contract" plan, whereby the labor of the prisoners could be hired out, would answer. It was tried; but it was supposed to interfere with mechanical industry outside the prisons, and restrictions were thrown around it, and now, after many years of trial, with and without such restrictions, it has clearly failed in its object of making the prisons self-supporting.

It was in furtherance of the leading idea above mentioned that one of our prisons was located at Sing Sing, in order, out of the marble quarries there, to earn the requisite amount without interfering with the outside mechanical industry.

And so with the prison at Clinton, that the same result might be obtained from the iron in that vicinity.

Thus far, both these experiments, also, have failed, and both of these prisons have fallen further short of meeting their expenses than the Auburn prison, where the "contract" plan has most fully obtained and has been most successful, though now terminating also in failure.

The failure of the contract system would, in itself, as a financial result, be disappointing and discouraging; but we cannot be blind to the fearful sacrifice of sound principle which has been made, and has been and is justified only by that very financial result. That system puts the prisoners under the control, not of State officers, but of traders.

For the whole working day these convicts, whom the State holds in trust to reform them and return them to a virtuous life, are not under State control, but under the absolute government of men whose only interest is to obtain from each an amount of labor exceeding the sum paid for it, and to whom the minds or souls of the prisoners are of little value in comparison with the product of their toil.

What the causes of these failures? and what the remedy for them? are questions of very grave import. They seem to flow naturally from experiments long, and patiently, and faithfully, and, we cannot resist the conclusion, fully tried. It would be rash for us to advise a continuance of them, and perhaps as inconsiderate for us to believe that they ought to be abandoned.

For instance: Why is it that convict labor remains now at about the same price at which it ranged twenty years ago, when within that time every thing else has so enhanced in price that the ordinary expenditures for the prisons have risen from \$168,416.39 a year to \$589,913?

Why abandon the marble quarry at Sing Sing, when heretofore the produce—which was of an inferior and condemned quality—was taken from the surface, and now when it is taken thirty, forty or fifty feet below the surface it is said to produce a very superior article, and that said by the State officers and the experienced men who are working it, who are so confident of results as to be willing to guaranty that, with 500 prisoners engaged in the quarry, the whole cost of the prison can be paid?

And, finally, why abandon the iron business at Clinton, when it is declared that the failure there has been entirely owing to the "contract" system, and that, with the labor of the prisoners, conducted alone under State authority, that prison also can be made to be self-supporting?

These are grave questions, which we have not had time fully to investigate between the date of this report and the time when the nature of the law of the last session came to our knowledge, and the Association cannot answer them.

But the time has come for a full examination of them. The experiments the State has been trying have been tried long enough. The disastrous results have continued long enough, for they are annually swelling rapidly, without any hope of diminution under our present system of administration. One result, however, of our experiment is, that they have at length brought us to such a point that we can now investigate them with a fair prospect of attaining certain results. Such results can, however, be obtained only by the examina-

tion of persons skilled in the questions involved; for the Legislature, before acting, will need the facts that can thus be gathered together, rather than the opinion of any body of men, however respectable or well intentioned they may be.

The practice of the English parliament to raise commissions expressly for such purpose, and who will sit until all testimony is exhausted on the subject, is one well calculated to attain such an end.

These questions—of great moment, for they involve an annual tax upon our people of at least a quarter of a million—have developed themselves so far, that this Association can now present them distinctly to the consideration of the State government. Minor matters of particular expenditure may be hereafter examined and reported upon.

In the mean time, the crisis growing out of our present condition is so palpable to the Association, that it feels as if it would be wanting in its duty, if it delayed presenting them until those minor matters were looked into; for the annual appropriations for prison purposes are increasing in rapidity and amount to a degree hitherto unknown in the history of the State.

For the past five years they have been as follows:

1865	\$594,275 00
1866	654,384 00
1867	1,018,766 00
1868	905,336 40
1869	1,199,498 15
Forming an aggregate of	<u>\$4,367,259 65</u>

Besides two appropriations in 1868 and 1869, of \$5,000 and \$7,000 a month for working in the quarries in Sing Sing, and one in 1869 of \$3,000 a month for the iron business at Clinton, which make an aggregate of over \$4,500,000 appropriated for our State prisons in five years.

This is a statement of Legislative appropriations only, which are so much scattered among various acts of the Legislature, and make their appearance on so many different pages of the statute book, that it may not be in all respects a correct account of all the moneys expended for prison purposes.

To guard against all error in the matter, we have obtained from the Comptroller the following statement of actual expenditures for the several five years ending on the 30th September in each year:

1865	\$378,000 38
1866	692,294 06
1867	896,909 11

1863	989,188 17
1869	1,147,051 58
Making an aggregate of	<u>\$4,308,858 20</u>

SECOND.

MORAL ADMINISTRATION.

In this topic is supposed to be embraced the whole scope of prison discipline—the punishment of offenders, the protection of the community, and the reformation of the prisoners.

Here the Association are afraid that they may spread their views at too great length for the purpose of this special report, for they are free to admit that this topic has far more interest for them than the other. The Association have long lamented the freedom and ease with which the reformatory purpose of our prisons has been sacrificed to the prosperity of their finances. It was well said, at the recent Constitutional Convention, that, on an examination of all the reports of our prisons from the beginning, the first word that was ever said in those documents of such reformatory objects was in 1844.

Aside from our prison officers, this reformatory purpose of our penitentiary system was, with our people, a cherished one; but those officers were so deeply impressed with the financial question, as to deem it of paramount importance. This idea had its origin in the days of rivalry between the "separate" and the "silent" systems, which were known in those days as the Pennsylvania and Auburn systems; the great argument in favor of one being the prevention of moral contamination, by a prohibition of intercourse, and, of the other, that the prisoners might be made to earn enough to pay all the cost of their punishment.

Hence, there grew up in our systems a mode of government by force, whereby disobedience might be promptly suppressed and industry as promptly enforced.

Hence, too, grew the belief that one keeper was enough for about fifty prisoners, because, by the use of corporal punishment, he could control that number.

Hence, too, grew the idea that, although the law has authorized no punishment but deprivation of liberty, and labor without remuneration, it was right to inflict upon the prisoners any other suffering, because, as was argued, they were sent there to suffer, but, in fact, because of its instrumentality in promptly enforcing that obedience and industry which were so essential to financial success.

And hence it was, that our system of prison discipline became, as it were, one of cast-iron, under whose unyielding pressure the inno-

cent, the penitent, the remorseful and the obedient suffered in the same manner, and often in a greater degree than the hardened, the obdurate and the rebellious.

The whip was the readiest and most efficient instrument of producing the desired obedience.

As time rolled on, the severity of this mode of discipline was at intervals modified. But these modifications were occasional only, and fitful, dependent upon the humanity, the sensibility and the courage of the prison officers for the time being, for the cowardly were always the most severe and inhuman. These efforts, however, did not seem ever to have contemplated any different mode of government, and expired in the success of only reducing the amount of suffering.

At length, and in 1844, a more persistent effort was made to change the mode of discipline; not merely to modify it, but to govern rather by moral suasion than by bodily suffering. In the female prison, the experiment was entirely and rapidly successful. The number of inmates there was small, not exceeding eighty; the Inspectors were able to have a keeper to each twenty-five prisoners, as many as one person could properly govern; and a solitary cell was built in the yard, away from the main prison, where the incorrigible could be confined, until reflection, and not force, induced penitence.

It was at Sing Sing that this effort was made, and in the male prison there it was far more difficult.

The law did not allow more than one keeper to about fifty prisoners, and it was impossible for him to obtain such a personal acquaintance with that number as to enable him, besides keeping them steadily at work, to administer to them those moral remedies which would be different probably with every one of the fifty. And those keepers said, with great truth, that it was as much as they could do, even with the aid of the foreman of the contractor and with the whip, ever at command, even to keep them at work, much less to acquire that personal knowledge which the new plan required.

The plan however was adhered to—some of the more refractory among the officers who would not give up the old practice were removed, the remaining officers were carefully instructed and encouraged by the inspectors, several solitary cells were built, and the use of the whip was gradually diminished until it almost entirely ceased.

In the mean time—in December, 1844—this Association was organized, adopting as its cardinal leading principle "the supremacy

of the moral part of man over the animal," and it was incorporated in May, 1846, with a special grant of the power of inspection of all prisons in the State.

And also in the mean time, the attention of the Legislature was called to the subject, partly by the complaints of the ejected officers, at whose instigation a committee of the senate was sent to examine the matter, and partly by addresses made in behalf of this Association, in the presence of members of the Legislature in the Assembly chamber, by John W. Edmonds, circuit judge of the first circuit, Benjamin F. Butler, Attorney-General of the United States, and Isaac T. Hopper.

A proposition to abolish the use of the whip was introduced into the Senate, but reported against, with a strong minority report in favor of the measure. And in the Legislative session of 1847, the work was consummated by the passage of what is now chapter III of the fourth part of the Revised Statutes. Then it was enacted that solitary cells, not over twenty at Sing Sing, ten at Auburn and five at Clinton, should be erected for the confinement of the incorrigibly disobedient, and that no keeper should inflict any blows on a convict except in self-defense, or to suppress a revolt or insurrection.

It will not be out of place to mention that this law was drawn up by this Association, under the immediate supervision of Messrs. Duer and Butler, two of the revisers of our statutes and members of our executive committee; Vice Chancellor McCoun, who was president of the Association; the circuit judge, who was chairman of the executive committee; Isaac T. Hopper, the general agent, and other members of the executive committee.

Thus, was an entering wedge into the law of the land for these reforms obtained, and a cheering prospect opened of its continuing presence and expansion to the end.

But a speedy disappointment of the more sanguine of these hopes was near at hand. The new Constitution went into effect in 1847, and thenceforth the office of inspector became more than ever a political one, elective by the people and with a large and extending party patronage; the solitary cells provided for in the act were never built; those erected for the male prison at Sing Sing were removed to make way for a railroad; and though the whip was no longer used, other and even more cruel modes of inflicting bodily pain were resorted to, and the domination of force was again triumphant.

This was however rather the result of circumstances than of any change in the opinion of our people upon the subject. The continuance of their feelings was shown by subsequent events.

The various improvements in prison discipline which have been introduced since 1843, and their effects, are mentioned in detail in the twenty-first annual report of this Association. It will be enough in this connection briefly to allude to them, and they are referred to at all, for the purpose of showing how steady and persistent is the public feeling, under all circumstances, in favor of them.

One of the first steps was to disabuse the minds of the officers of the idea that it was their duty to inflict upon the prisoners any suffering not required by law, merely because punishment for crime was the object of their confinement. This was a slow and difficult work, and has not yet been completed, as is shown in various ways even to this day; as in the repulsive character of their uniform; the denial of paper for the water-closet; the suppression of funeral services; arbitrary commands, and an overbearing manner toward them, etc., etc.

The introduction of libraries into the prison was an interesting movement. Out of 861 prisoners at Sing Sing, in 1844, there were only 115 who could not read. The others, being seven-eighths of the whole number, had nothing to read but their Bibles and hymn books, and such works as were smuggled in among them.

A library was formed in that prison, the product of voluntary donations.

So thoroughly did this movement accord with the public sentiment, that the Legislature soon began a system of appropriations for libraries in all the State prisons, until the amount thus directed within the last twenty-four years amounts to the aggregate sum of \$18,025.

Another measure was to increase the means of the convicts on leaving the prisons. An allowance of only \$3 apiece was then made.

It was ascertained by this Association, that seven out of ten of the discharged male convicts led honest lives afterward, and it was believed that this proportion could be increased by more aid to them on their discharge. The Inspectors at Sing Sing, in November, 1844, appealed to the public "to render their aid by forming a society, * * * whose object should be to find employment for those who shall give evidence of repentance and reformation." Thereupon this Association was formed, and in its first appeal for funds it avowed among its purposes "to aid discharged prisoners in their efforts at leading honest lives."

This measure also was in accordance with public feeling. Liberal contributions were made, so that the Association was enabled to employ an agent (Isaac T. Hopper), whose whole time was devoted to that object, and, during its first year, relief was extended to

seventy-four from the State prison at Sing Sing, forty from the penitentiary, and two from the house of refuge. Of the males thus relieved, places of employment were procured for fifty-eight, and only one of the number turned out bad.

The Legislature, in due time, again interfered, and increased the allowance to discharged convicts from \$3 apiece to \$10.

A plan was introduced into all the prisons to allow the inmates what is known as "overstent," or a compensation for overwork, to be paid to them on their discharge.

The advantage of this measure was at once apparent in the good order and industry of the men; but it was shorn of much of its benefits by the want of legislative sanction. It was introduced on the mere motion of the prison officers, and could be carried out only by an arrangement with the contractors. The men who were at work for the State—and that was a large portion of them—were deprived of the privilege, because the officers had no power to expend the funds of the State for that purpose.

This measure has been adopted in other prisons besides ours, and how far it is deserving of a sanction and regulation by law, is a matter well worthy of a searching investigation.

This measure, as well as the next one to be mentioned, and several minor matters, were in conformity with an idea of introducing among the prisoners a system of rewards as well as punishments. Hence there was held out to the prisoners a hope of reward for good conduct. The only way the prison officers could carry out this measure was by applying to the Executive for pardons. These applications were so numerous, that one of our Governors (Seymour), after his term expired, having become convinced of the value of the measure, procured from the Legislature a law enabling prisoners, as it were, to pardon themselves; or, in other words, by good conduct to reduce their terms of imprisonment. This was lately exemplified in the case of a prisoner, whose conduct in the prison had been so exemplary and his example so salutary, that every one connected with the prison—inmates as well as officers—rejoiced when they saw that he had reduced his term eight months out of four years.

How far this measure may require remodeling, so as to remove from it all danger of prejudice or partiality on the part of the subordinate officers of the prisons, is a subject well worthy of a full investigation.

The importance of this suggestion is shown by the fact, that, in one year (1868), out of 1,123 who were discharged from prison, only 82 left by termination of sentence, while 829 went out by commutation.

Another reform, originating about the same time, was the idea of instructing the uneducated among the prisoners. The schools introduced were at first conducted by the volunteered services of benevolent people. But the Legislature soon approved the measure, appropriated money to pay hired instructors, and there are now ten teachers, employed steadily as paid officers of our prisons, at an aggregate expense of \$1,500 a year.

The treatment of the insane among the prisoners was a subject of earnest remonstrance by the Inspectors of Sing Sing prison in their report of December, 1843, and the suggestion was made of the erection of a separate building for insane convicts. This idea also was recognized by the Legislature, and the asylum now at Auburn, with its seventy or eighty inmates, is the consequence.

So, too, the subject of children born in the female prison was a matter of earnest appeal at that time, because every child born there prior to that period had died in the prison. There, also, the Legislature interfered, and such provision was made that that unvarying "slaughter of the innocents" was arrested.

Another reform was the introduction of funeral services at Sing Sing. Before that, the practice was to cut up and pack the dead bodies in a barrel, to be sent to New York for dissection, or encase them in rough wooden boxes, and have them borne away on the shoulders of three or four men, and thrust into the ground, to rot and be forgotten. The effect of the new measure was wonderful, and was shown in their feeling during the service, and in their more subdued and obedient deportment afterward.

The first instance was in the female prison, over the corpse of an incorrigible inmate, who had threatened to take the life of the inspector, who performed the funeral service (for the chaplain was absent, and the clergymen of the village refused to officiate). It was a touching scene, when, involuntarily, the surviving convicts, their tears flowing, dropped on their knees around the coffin during the prayers, and, with deep emotion and interrupted by sobs, sang the hymn, "I would not live away."*

* And particularly at this part—

Who, who would live away from his God—
Away from yon heaven, that blessed abode,
Where the rivers of pleasure flow o'er the bright plains,
And the noontide of glory eternally reigns;—

Where the saints of all ages in harmony meet
Their Saviour and brethren transported to greet,
Where the anthems of rapture unceasingly roll,
And the smile of the Lord is the feast of the soul.

These are some of the chief improvements which have, within the last twenty-five years, been introduced into our system of prison discipline. They have all been based on the idea of appealing—even with our felon population—to the moral rather than the animal part of man. Their progress has been slow—but sure—trying, indeed, to the patience of their advocates, but it would seem with none the less wisdom for its tardiness; for out of that has grown a belief that, practically, they can be advantageously adopted, and the conviction that they are indeed in accord with the feelings of the people; and, at all events, that the time has come when it can, by searching investigation, be ascertained how far they ought to be permanently established.

It is supposed that, by these and other kindred measures (which there is not space in this paper to enumerate, but which ought to be known by the Legislature in all their details), the number of discharged convicts, who lead honest lives afterward, has, within those twenty-five years, increased from seven out of ten to nine out of ten. Thus, in 1843, in Sing Sing, one of every six were recommitments, and, in 1869, the number was one of every fifteen.

That, however, has not yet been sufficiently investigated to enable it to be said that it is certainly so, but it is surely deserving of investigation as a portion of that serious innovation of introducing into our prisons a system of rewards, as well as punishments, as a feature of prison discipline.

Such an investigation, thoroughly and searchingly made by a competent board, would show the Legislature whether the innovation ought to be sanctioned or abandoned; and, if sanctioned, how far it ought to be regulated and systematized, so as to secure strict and impartial justice.

The contemplation of one feature of the movement, however, need not be delayed until the coming in of the report of such investigation, and that is, the important fact that during the very year when these experiments at reform were being made at Sing Sing, the earnings of the prisoners in that prison were \$20,510.73 more than they had been the previous year, having during that year run up from \$36,970.37 to \$57,481.10.

How far this was owing to the introduction of these reforms is also well worthy of inquiry.

THIRD.

THE RECENT DISTURBANCES AND REVOLTS IN OUR PRISONS.

Frequent allusions have been made in this paper to the unfavorable circumstances under which these reforms were introduced and have been carried on.

Those circumstances have arisen from two causes:

One is the partisan political character of the prison officials.

And the other is the inadequate means furnished by the State for enforcing good discipline.

On the first topic, namely, the political character of the prisons, the Association refers with pleasure to the report of the Inspectors under date of January 1, 1869, and to the representations of the officers of the prisons made to the select committee of the Association at the meeting in Albany in August last. This paper can add but little to what was there so forcibly said.

The difficulty here is fundamental, and arises out of the provisions of the Constitution.

By that instrument, a board of three inspectors is formed, to hold office for three years, and one to be elected every year; and they "shall have the charge and superintendence of the State prisons, and shall appoint all the officers therein."

Thus they have an appointing power of nearly 300 officers, whose pay exceeds \$205,000 a year, and themselves owe their places to the political influence which can secure their nomination by a purely partisan political convention, and every year one of them is liable to the hazard of being superseded by some aspirant for the place who can command a larger political influence.

Here, then, is a combination of causes that must inevitably work mischief.

In their original selection, political influence is of more weight than any consideration of fitness for the office. Every year a new man may come into office, and, to supply the demands of his political supporters, one-third at least of the old officers must be removed. And, upon any change in the political complexion of a majority of the board, all of an opposite political tendency must be swept away.

The inspectors are not to blame for this. They cannot help themselves. The pressure is too great for them to resist, as may be judged from a remark made by one of them, when his politics obtained the ascendancy in the board, viz., that he had 6,000 applications for office in the prisons!

It is this appointing power that is the mischief, and it cannot, under the present Constitution, be taken away from them. May it not, however, be shorn of its mischievous tendency by depriving the inspectors of the power of removal without the consent of some superior tribunal?

There is another mistake which the Constitution made, and that is, in calling them "inspectors." They are not inspectors, but governors, of our prisons, and there is no power of inspecting their

conduct known to the law, except that which is conferred on this Association, and its power is to inspect, not to redress. It can complain and find fault, but it cannot correct, and, if its complaints are disregarded, there is no redress known to the law.

The existence of a competent board who should be clothed with the power to inspect the prisons and redress all evils, and without whose consent no removals should be made, leaving to the prison officers a power only of suspension until a trial before such board, would go far to remove the evils now so patent.

Surely something ought to be done to remedy, if we cannot entirely remove, an evil so universally admitted to exist, and so pregnant with mischief.

The evil of having our penitentiary system subject to all the fluctuations of party politics is apparent enough to any one, but the full extent of the evil can be realized only by those who know how absolutely necessary is experience to a competent discharge of the duties of an officer charged with the function, on one hand, of governing and reforming a band of convicted felons, whose past lives have, in many cases, been continued scenes of disorder, turbulence and vice, in whom there has never been cultivated any reverence for either God or man, who know no ruling power but force, are conscious of no prompting to obedience but fear, and with whom all higher motives for a better walk of life are deadened, if not obliterated; and, on the other, of dealing justly and wisely with those whose imprisonment is the result of mishap rather than vice, in whom remorse is awakened, and ever active in their conduct, who are, perhaps, innocent of the offences charged against them—and such cases are not infrequent—and whose whole deportment gives evidence of upright and contrite hearts.

The other topic embraces the means of maintaining discipline in the prisons.

The prohibition of the use of the whip, in 1847, was not enacted until after more than three years' trial of the experiment of doing without it.

The inspectors at Sing Sing, in their report to the Legislature in January, 1845, said that they believed the universal use of the whip, as the sole means of punishing offences against discipline, was "injurious alike to the officers who inflicted it and the prisoners who received it; but they were assured, by those whose experience certainly gave great weight to their opinions, that it was a matter of imperious necessity. They were reluctant to believe in the existence of such necessity, and in April last they entered upon a new mode of government, and they are rejoiced to have it in their power to

state that the happiest results have attended the experiment. In the female prison the whip is never used, and in the male prison now only as a last resort; and the consequence of the change has been, that, while among the males the number of lashes has diminished from 1,195 a month to about 200, the number of offences against discipline has decreased from 130 a month to 50, and in the female prison from 47 a month to 11. And in the mean time the inspectors are assured by their officers, by the contractors, whose interest would make them particularly vigilant on this subject, and by their own careful observation, that order, industry and obedience have been fully maintained among the prisoners, and they are confident in the hope, that, when the outer ward shall be completed, so that solitary confinement for short periods can be resorted to as a means of punishing the refractory, the use of the whip can be dispensed with, save only, perhaps, as a last resort in extreme cases."

In 1847, after two years more of such experiment, the whip was prohibited, but other means of punishment were provided. The outer ward, spoken of in 1845, had been finished and used. But, unhappily, that ward was soon removed to give place to a railroad, the new cells, provided for by the law of 1847, were never built, and the keepers were necessarily driven to the use of some other means of force to maintain discipline. Those others were accordingly adopted, and for over 20 years have prevailed in our prisons until the law of 1869 forbade the inflictions of "the punishments commonly known as the shower-bath, crucifix, or yoke and buck, in all the State prisons and penitentiaries of this State."

But, unhappily, no other mode of enforcing discipline was provided, and this, becoming known to the prisoners, soon gave rise to an alarming state of things. Into that condition of things this Association have made diligent inquiry.

First, it was asked, how came the convicts to know of the law? for they did know it almost, if not quite, as soon as the officers.

We found they had these means of information:

From the foremen of the contractors.

From new convicts, who in May and June were at Auburn 61, or one a day, at Sing Sing the same number, and at Clinton five in May and eleven in June.

From teamsters and sailors bringing in and carrying out goods.

From the guards and keepers, to the number of more than 200 in all the prisons.

From visitors, who at Sing Sing range from 20,000 to 30,000 a year, amounting sometimes to 50 or 60 a day, who were in May

and June last in Auburn 1,344, or some 26 a day, in Sing Sing 3,062, or 59 a day, and in Clinton about 50 a month.

From religious persons on spiritual errands, not officially connected with the prisons, but claiming the right of visiting them.

From waiters and servants having a free range through the prisons, of whom there are 45 at Sing Sing, 20 at Auburn and 10 at Clinton.

And from a cessation of the punishments, which confirmed what had been told them.

The effect of this knowledge first showed itself in a general uneasiness among the prisoners, in a want of ready obedience and a tendency to resistance.

This was followed by individual acts of violence. One or two instances selected from each of the prisons will give an idea of the form it now assumed.

At Auburn, a keeper was twice assaulted by a convict, struck down by a hammer, and his life saved only by the interference of another convict. The keeper was disabled for several weeks.

At Clinton, a keeper was stabbed in the stomach. He yet lives, but is disabled for life.

At Sing Sing, a keeper was knocked down by a bar of iron, and a convict wrested a musket from one of the guards and fired on the officers from the deck of a vessel in which it was easy for him to find a refuge.

These and such like individual acts of violence were followed by more general outbreaks.

At Auburn, there was no general outbreak, but whole shops refused to work.

At Clinton, there was a general conspiracy to escape, but it was discovered in time and prevented.

At Sing Sing, some 700 refused to work—150 on one day, and 500 or 600 the next day. They were locked in their cells, and kept so for several days, on scanty food, until they consented to go to work. While thus confined, they tore up their bunks and made a sort of battering rams, with which they broke out the windows across their galleries. The windows had been darkened, so as to prevent their seeing what was going on outside, and they did not like it. The dormitory, where over 1,000 of them are confined on Sundays and at nights, is noisy; and from 800 to 900 of them have been seized at the same time with a fit of coughing, in the midst of the chaplain's religious services in the chapel.

None of the prisons have yet been restored to their former condition of order, silence and obedience.

Worse consequences than those have been prevented by the following means:

Locking them in their cells for days in succession, involving, of course, a period of idleness—by some of them much enjoyed for a while, but ultimately subduing them;

Putting the ringleaders in irons, and keeping them in their cells. There are yet thus in irons, 20 at Sing Sing, 12 at Auburn and 10 at Clinton.

As a substitute for former modes of punishment—tying them up by their hands and handcuffing them;

Depriving them of commutation of sentences already earned under the law;

Curtailing them of special privileges heretofore granted as the reward of good conduct;

Depriving them of seeing visitors and corresponding with friends and relatives;

And taking from them their privilege of reading.

But the chief means have been found in the conduct of the well disposed among the prisoners. These are far more numerous than the world outside has any idea of. And it may well be more owing to their action, at great personal risk to themselves, than to any other cause, that the insurrections have not been more general, and have not resulted in emptying our prisons.

It is not upon this class that the law of 1869 conferred any benefit, but upon the degraded, the brutal, the desperate among the prisoners, who take advantage of the fact that that law abolished one kind of punishment which they dreaded, and provided, as they supposed, none other in its place, compelling the officers to do their duty at the momentary hazard of their lives, and yet, as one of them expressed it, compelling them to make bricks without straw.

It is impossible that this state of things can long continue. The hardened ringleaders among them know as well as we do that it is the well disposed convicts that constitute the chief obstacle in their way, and their first effort will be to remove that.

Whether they can ultimately succeed in that, and, if so, how soon or how bloody may be the process, it is not easy to divine; but, in the mean time, something must be done to restore order and discipline in the prisons.

The law of 1869 was eminently just and wise, and the legitimate result of the advancing public opinion of the last twenty-five years. And it would not be wise, from any temporary cause, to repeal it.

But a commission, such as has already been suggested in this paper, may—taking advantage of the experience of half a century, and

collecting all the information which that long time has gathered—find no difficulty in devising a scheme of prison discipline that shall answer every purpose demanded of it.

This is eminently proper and necessary now from another consideration. We have five State prisons:

At Sing Sing, for males.
do females.
At Auburn, for the sane.
do insane.

At Clinton, for males.

In which, at the beginning of this year, we had 2,930 cells and 2,995 prisoners. In Sing Sing, there were, in the male prison, in 1868, 102 more prisoners than cells. And, in the female prison, there have been for ten years more prisoners than cells; at one time (1865) there were 52 more prisoners there than cells.

This state of things strikes at the very foundation of our boasted "separate" system of prison discipline.

Our Legislature, conscious of this, and having no other adequate remedy suggested to them, have in several years past adopted a temporary expedient of transferring prisoners from the State to local penitentiaries.

And we have now quite a number of State prisoners confined in those local penitentiaries, entirely removed from State supervision, and subjected during their confinement, not to any well-digested and uniform system, but to such discipline as each local authority may choose to adopt. And, if any one of those institutions should be under the influence of the former governing principle of our State prisons, and care more for making money than reforming the prisoners, it will not be difficult to divine the mischiefs that may ultimately ensue.

The incongruity of this state of things is strongly shown by this fact: The law of 1869 prohibits the use of the "shower bath, crucifix and yoke and buck," not only in our State prisons, but in all the penitentiaries in the State, while the law of 1847 prohibits the use of the whip only in the State prisons. So that our State prisoners may be removed from the humane influence which the Legislature intended to throw around them, and be consigned to prisons where it is possible that there may be revived the old practice in one of our State prisons, where 3,000 lashes a month were inflicted.

Taking all these things into consideration—in view of the fact that an additional State prison is now contemplated, and seeing plainly that our penitentiary system has not kept pace with the

advance of our knowledge, the increase of our population and the consequent augmentation of crime among us, and believing that the time has fully arrived when the requisite reforms may be established, this Association will not propose any mere temporary remedy, and is not prepared, without a far more thorough investigation, to suggest one of a permanent character.

But they do respectfully and most earnestly recommend the appointment of a commission—to whom no pay shall be given except for necessary expenses—who shall be charged with the duty of inquiring into and maturing a financial plan for our State prisons; of maturing a system of prison discipline, and of making all the investigations necessary to that end; which shall be a permanent body, clothed with the power of inspecting the prisons and removing from office any one connected with them; of receiving complaints against the officers, and either consenting to their removal or restoring them after suspension; with power to correct all evils that they may discover in the moral or financial administration of our prisons, and thoroughly to guard against speculation or partiality in contracts, as well for supplies as labor.

Thus it is apparent that, since the adoption of our present Constitution, and for a period of over twenty years, the administration of our State prisons has been in a great measure a failure, both financially and morally, and has retarded rather than advanced the reformatory agencies which the intelligence and humanity of our people have demanded and actually forced upon them—forced upon them, we say, for that administration, like its predecessors of many years ago, seems to have had moneyed, more than moral, results in view, and while it has recommended the expenditure of hundreds of thousands of dollars for purposes of profitable labor, it has given so little attention to moral results as even to have left unbuilt the solitary cells, which the law intended should be a substitute for the whip, the crucifix, the bath, and the buck, and which that law commanded should be built at as early a period as practicable; and we search in vain during those years, for any earnest or persistent call upon the Legislature for the funds necessary for that purpose or for even an application to that purpose, of the unproductive labor of the convicts.

Surely, if the administration of the prisons had been as earnestly interested in their moral as in their financial prosperity, so slight a difficulty could long since have been overcome. Greater difficulties in the financial department have been swept away. Thus the pay of officers of one prison alone (viz., Sing Sing) has in twenty-four years increased from \$25,524.75 in a year to \$90,686.48, or nearly

300 per cent, while the number of prisoners has increased only about 50 per cent. In Auburn the increase has been, in the same time, from \$22,159.75 a year to \$64,195.65, or about 200 per cent, while the increase of prisoners was about twenty per cent.

Time indeed is it, that this state of things should be ended and some new plan adopted.

And more especially is proper action necessary now, when step have already been taken under legislative sanction for the erection of another prison; for in that building provision may be made for a classification of the convicts.

All experience in this country and abroad has shown the value of classification as a "reformatory agency." Both the prison systems which have prevailed among us have been founded on the idea of saving, by this means, the novice in crime from the inevitable contamination of intercourse with the habitual and confirmed offender, and encouraging the penitent in their efforts at reformation.*

Hitherto we have been unable to even make a commencement towards such a classification. Now, however, it can be done, and it would be indeed lamentable to forego the opportunity.

The establishment of such a board as has been suggested, with its broad powers and supervision over our whole penitentiary system, would be necessary, in order to embrace the idea of classification, and cause it to move in harmony with all the other parts of the system.

But how can such a board be established? Only, perhaps, by an amendment to the Constitution, which now provides, not only for the appointment, by the inspectors, of all the officers of our prisons, but commits to them the "charge and superintendence" of them.

The Prison Association have long lamented the evils which they saw must inevitably flow, and have actually flowed, from the government thus prescribed by the Constitution, and they have looked forward anxiously to the time when an alteration might be made.

They, therefore, hailed with pleasure the assembling of the late Constitutional Convention. They availed themselves of that oppor-

*The increase of crime among us seems to be greater than the increase of population. In 1847, with a population of about 2,700,000, the number of our State prisoners was 1,421. Now, with a population of about 4,000,000, we have 2,881 prisoners. So that, in that period, the number of convicts has increased more than 100 per cent, while the population has increased about 67 per cent. Be that, however, as it may, even if population only keeps pace with crime, it is most evident that it is time to make preparation for an inevitable increase, which may, in the next twenty years, as it has in the past twenty, double the number of our State prisoners, and that by a steady increase.

tunity, and rejoiced to see a plan adopted by it which would remedy most, if not all, the evils complained of.

But, unhappily, that measure has failed of final adoption by the people, with other parts of the proposed new Constitution; and the Association see no remedy—no hope for future reforms—no prospect of relief from the existing and growing evils, other than in the adoption of that measure.

They, therefore, earnestly petition the Legislature to take such measures as will again submit to the people—but, this time, distinctly and by itself—the proposed amendment to the fundamental law of the State.

All which is respectfully submitted, by order of the New York Prison Association.

New York, December, 1869.

J. W. EDMONDS,
J. H. ANTHON,
SINCLAIR TOUSEY,
JOHN STANTON GOULD,
JAS. H. TITUS,
RENSSELAER N. HAVENS,
D. B. ST. JOHN ROOSA,
CEPHAS BRAINERD,

Of the Prison Discipline Committee.

PROPOSED AMENDMENT.

I. There shall be a Board of Managers of Prisons, to be composed of five persons appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years.

II. That board shall have the charge and superintendence of the State prisons, and have such power and perform such duties in respect to other prisons in the State as the Legislature may prescribe.

III. They shall appoint a secretary, who shall be removable at their pleasure, perform such duties as the Legislature or the board may direct, and receive a salary to be determined by law.

IV. The members of the board shall receive no compensation other than reasonable traveling and official expenses.

V. The board shall appoint the warden, clerk, physician and chaplain of each State prison, and shall have power to remove them for cause, only after an opportunity to be heard, on written charges.

VI. All other officers of each prison shall be appointed by the warden thereof, and be removable at his pleasure.

VII. The Governor may remove any of the managers for misconduct or neglect of duty, after opportunity to be heard on written charges.

VIII. The five managers first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years, during the first ten years.

IX. This amendment shall go into effect on the first Monday of January next after its adoption by the people; from and after which date, section four of article five of the Constitution shall be null and void.

V. PROPOSED STATE REFORMATORY FOR THE YOUNGER CLASS OF CONVICTS.

BY THE COMMISSIONERS.

[In the legislative session of 1868, a bill was introduced by Senator Chapman into the Senate of New York, providing for the appointment of a Commission to select a site for a new State prison. At the suggestion of the Prison Association, the bill was amended so as to designate the new institution a reformatory instead of a prison, and also adding to the duties of the Commissioners that of reporting some general plan of organization; and in that form it became a law. The results of the inquiries and study of the Commissioners is presented in their report to the Legislature. This paper is a document of great significance; and, if its principles and recommendations shall be embodied in legislation, it will, we are persuaded, mark an era in the history of penitentiary science, and especially of its practical applications. We offer no apology for incorporating it entire into the permanent records of the Association.]

To the Honorable the Legislature of the State of New York:

GENTLEMEN—The Commissioners appointed by His Excellency the Governor of the State of New York, under chapter 408 of the laws of 1868, authorizing the selection of Commissioners to recommend a suitable location for a State penitentiary or industrial reformatory, respectfully report:

The act under which they are appointed provides that they shall select a suitable site in the sixth judicial district (comprising the counties of Otsego, Delaware, Madison, Chenango, Broome, Tioga, Chemung, Schuyler, Tompkins and Cortland), upon which to erect a State penitentiary or industrial reformatory; and also requires that they shall report a plan for the organization and management of the proposed institution, subject to the approval of the Legislature.

I. THE PLAN OF ORGANIZATION.

The subject of prison discipline has received increased attention within the last few years, and many new ideas and reforms have been introduced into penal institutions abroad, as well as suggested by the results of experience at home. It is expedient that these

should be embodied, as far as practicable, in the plan of the institution which is submitted for the sanction of the Legislature.

It is not our purpose, in this report, to give in detail the reasons which have led experts in prison discipline to their conclusions; but rather to state the results of our own reflections and of such study as we have been able to devote to the opinions and practice of others. We desire to sum up in as few sentences as possible what, in our judgment, can be accomplished by a properly organized reformatory, and to give an outline of its organization.

It is apparent that the law under which we act does not contemplate simply another State prison. In referring to a reformatory, we assume that the design of the Legislature was that there should be a selection, from the mass of convicted criminals, of such persons as are most likely to yield to reformatory influences. There is a large class of persons who are fit subjects of such an institution. The present law provides that criminals sentenced to the existing houses of refuge at New York and Rochester shall be under the age of sixteen. There are many young criminals, owing to this arbitrary rule, who are sent to the State prison to associate with mature and hardened convicts. Again, it is said that courts in some instances wink at a violation of the law, and send criminals over sixteen and under twenty-one to the house of refuge, where they cannot properly be cared for, and where their presence produces an injurious effect upon the younger inmates. This state of things should no longer continue, but provision should be made for an intermediate class too advanced in years for a house of refuge, and yet not so mature as to be hopelessly beyond the reach of ordinary reformatory influences. After much reflection, we recommend that no persons be sentenced to the proposed reformatory whose age is less than sixteen or more than thirty years, or who shall be known to have been previously convicted of any felonious offense.

Assuming that the reformatory is designed for male criminals between the ages of sixteen and thirty, we think that the following general principles should be recognized as applicable:

1. The main design of the institution should be reformatory, as distinguished from penal. By this proposition, we by no means exclude punishment, which may be used as one of the leading instrumentalities in reformation. The criminal should be made to feel that the commission of crime is invariably attended with penalties, privation and suffering. In the outset he should be subjected to solitary confinement, from which he may learn this salutary lesson. He should then be made acquainted with the rules and regulations of the institution; be shown their propriety and necessity, and be informed that the authorities will insist on their full and exact

observance. He must be made to understand that the removal of burdensome restrictions upon himself depends on his own volition, and that his destiny is, as it were, in his own hands. He will learn that a record will be kept, from day to day, of his good conduct, and that it will be made to tell in his favor. If his conduct be correct, privileges will be conceded to him; if it be bad or reprehensible, they will be withdrawn for a time, or perhaps forfeited. A portion of his earnings may be set aside for his use on the expiration of his sentence, to be increased or diminished in accordance with his merit. It may thus be reasonably expected that prison discipline may largely consist in the bestowal and withdrawal of privileges. In this way the inmate of the reformatory will be placed in a position resembling, more or less completely, that in which one is placed in ordinary life. In the approval which he receives daily for a life of merit, he will have a continual tonic to brace him against the effects of temptation and a lapse into vice.

We propose to carry this principle so far in the felonies for which minor punishments are inflicted, as to make the sentences substantially "reformation sentences." It has been a favorite theory of that distinguished criminal judge and philanthropist, Mr. Recorder Hill, of England, that criminals should be sentenced, not for a definite term of years, as at present, but until they are reformed, which may, of course, turn out to be for life. While we do not propose to recommend this rule in full, yet we think that it has much to commend it in principle, and that it may safely be tried in a modified form. A sentence to the reformatory for so short a term as one or two years, with the commutation laws now in force, is not sufficiently long for the efficient action of reformatory agencies. We therefore propose that when the sentence of a criminal is regularly less than five years, the sentence to the reformatory shall be until reformation, not exceeding five years. There will thus be no inmate of the institution on whom the agencies of reformation cannot, if deemed expedient, be made to act for that period, while the time may be much shorter if the circumstances admit of it. This provision is confessedly in the nature of an experiment, and should it work well, it can easily be extended to other sentences. Should it be thought that too much power is given to the board of managers and the warden, to determine whether reformation has taken place, the answer is that their decision is not to be arbitrary, but based on some report of facts showing regular and steady improvement. Moreover, if our entire plan is carried out, it is believed that the board of managers and warden will be men of such solidity, judgment and excellence of character that they can safely be trusted with exalted responsibilities.

2. The State should on its part give every reasonable facility to the criminals in the reformatory to improve. It should definitely abandon the idea that the main consideration in a penal institution is to make it self-supporting or a pecuniary success. Labor should of course be insisted upon, and the industries of the institution should be as remunerative as may be consistent with the improvement of the inmates. The fact should never be lost sight of that these men are soon to go out from the walls of the penitentiary and mingle with their fellows, and the great question is, "are they to continue to prey upon society and to corrupt their associates?" At present, what great criminal ever dies without leaving offspring or a retinue as vile and worthless as himself? Unless a reformatory reduces this class of persons, it has no right to be sustained. If it does accomplish this object, then its existence is more than justified, though it shows no balance of profits. If the main intent, then, be reformatory, the industries must be selected and practised with that end in view. For example, should it appear, as it probably will, that agricultural labor is a powerful agent in producing reform, it should be resorted to instead of mechanical industry. In the same spirit, the ignorant should receive the rudiments of education. Interesting, familiar and instructive lectures should be delivered from time to time, and all legitimate means adopted to excite and arouse attention and to lead the thoughts away from the unworthy subjects to which they have previously been attracted. Let the authorities co-operate with the prisoner, and his feeling of antagonism is allayed. He may come to consider the warden as a friend, stern and unyielding in correcting misconduct, and quick to perceive and warm to approve every act of merit.

3. The discipline formed on these principles should be systematic and persistently adhered to. There must be an independent board of managers, and a warden under them, who shall have supreme control of the prison and its industries. We are thus led to condemn the contract system of labor. This may be briefly defined to be a scheme whereby the State leases or lets the labor of the convict for a fixed sum per day to a contractor, at the same time furnishing greater or fewer facilities in the way of shops and mechanical power, while the management of the prison industries is under the care of persons selected by the contractor. The leading and unanswerable objection to this plan is that it tends to subvert the discipline. It introduces and maintains a power often antagonistic to the views of the warden, and directly or indirectly thwarting and overthrowing his authority. It tends to diminish his sense of responsibility, and to lessen his interest in executive management. Even in the best

conducted prison it may introduce elements of insubordination and mutiny, like that which is recently reported to have nearly broken out in the State penitentiary in Massachusetts, simply because contractors, having arbitrarily given a daily allowance of tobacco to their workmen, as arbitrarily withdrew it. While we believe contract labor to be attended with other objections, we urge only that the authority of the contractor does not, and practically cannot, co-exist with a considerate, steadfast and equitable discipline. The interest of the contractor is one thing; that of the State and prisoner is often quite another. It is unjust to a warden, and often destructive to his influence and self-respect, to cause him to have a daily struggle between his own convictions of duty and the claims, importunities, and, perhaps, threats of contractors.

There is another element of a disturbing character, which has an injurious effect upon the stability and efficiency of prison discipline. We refer to political influences, the effect of which is almost universally deplored by thoughtful men. The Inspectors are frequently changed by the mutations in political affairs; they are naturally beset by the men to whom they owe their elevation, for place and patronage. Wardens and keepers are thus selected for political reasons, instead of personal fitness, and come and go with the political seasons. These evils are by no means local, but are generally felt in prison management throughout the country.

Is not the State of New York ready to take this whole question out of the domain of politics, and to govern her penal institutions as she manages her lunatic asylums, institutions for the blind and other dependent classes, by a board of managers selected for their fitness by the Governor and Senate? Largely considered, all these persons, convicts included, belong to the non-productive or dependent classes in society, and require philosophy in treatment and permanence and steadiness of discipline. At least, may not this reformatory be organized on the same general plan which has already been applied to the Western House of Refuge at Rochester?

These considerations have led us to suggest an organization of the reformatory closely resembling that framed by the recent constitutional convention for prisons in general. This was carefully considered by many who had given particular attention to prison discipline, and was warmly approved.

We recommend in substance a board of managers consisting of five persons, to be appointed by the Governor with the consent of the Senate, to hold office for ten years, and to be so classified that one member goes out of office every two years. It is believed that such a board will be to a large extent removed from political influences.

Its members are to have no compensation for their services, but are to receive their traveling and other official expenses. They are to have the general charge and superintendence of the institution, and appoint the warden, physician, chaplain and clerk. The latter officer will act as secretary of the board of managers. The warden will appoint the other officers, will be responsible for their conduct, and be removable only for cause. The Legislature should provide a salary sufficiently liberal to secure the services of a thoroughly competent warden. The success of this scheme must largely depend upon the efficiency of this officer, and the best talent at command must be secured.

II. DETAILS OF MANAGEMENT AND DISCIPLINE.

We think that the members of the board of managers should be appointed at once, and should constitute the building committee. The institution will be so novel and experimental in its character that no mistake should be made in its design. Classification will be necessary, and the buildings must be so planned as to admit of it. The managers will no doubt give attention to the improved plans of prison architecture now adopted in Europe, and will be earnest and zealous in efforts to make the scheme successful. Every consideration leads to the conclusion that the managers should be charged with the arrangement of the grounds and the design and construction of buildings, with power to appoint a superintendent and other necessary assistants. While it cannot be expected that they will give gratuitously much detailed attention to the subject, they may fairly be held responsible for the skill and efficiency of their superintendent, and for such general supervision of the whole subject as the case may require. We also propose, that the plan of buildings which they may adopt shall be submitted for approval to the Governor, Comptroller and State Engineer.

While the board of managers are to be intrusted with the general management of the institution, it seems to us that there are a few points which should receive the sanction of the Legislature. The institution requires a farm of not less than two hundred and fifty acres. A plot of ten or more acres, embracing the buildings, will no doubt need to be surrounded with a wall of such a character as to forbid any reasonable prospect of escape. The want of such an inclosure is a serious obstacle in the way of efficient discipline in one or more of our State prisons. The prisoner must start in the career of reformation with the belief that there is no hope for him save in submission and obedience to prison regulations. Still our scheme contemplates that those who give evidence of reformation shall, at a certain stage

in their penitentiary life, be permitted to labor outside of the prison walls in the open fields. Should advantage be taken of this privilege and an escape occur, the fugitive should, if recaptured, be compelled to serve out the time for which he was sentenced, whether the term of his original sentence had expired or not, and without reference to any lapse of time. This rule should be extended to all escapes whatever, but particularly to those where a privilege has been abused. Another suggestion is, that the number of prisoners should not be so large as to make it difficult or impracticable for the warden to form the acquaintance of each man, to become familiar with the peculiarities of his mind and modes of thought, and to devise the best way of influencing him. Experienced wardens believe this to be an important element in prison management, and an almost essential prerequisite to reformation. In this view, the number of prisoners should not exceed 500, and more than one prisoner should never occupy a single cell. We believe that it would strengthen the position of the managers and warden should the law imperatively require that no more than 500 criminals should ever be received.

A single additional remark concerns the disposition of discharged prisoners. We have considered the so-called "ticket of leave" system in England, and are not prepared to recommend its adoption. It is well understood that under that system the prisoner is at large, and yet not legally discharged. He is under the surveillance of the police, and, on being guilty of misconduct, he may be arrested and compelled to serve out his original sentence. This system must have a powerful influence in deterring a discharged convict from committing new crimes in a country where there is a regular police, where its territory is comparatively small, and where escape from observation is consequently difficult. But in our own country, where its territorial extent is so great, where there is no organized police beyond the large cities, where vast States are only separated by mathematical lines, and the means of travel are so ample and unrestricted, the "ticket of leave" system is believed to be impracticable.

We, however, recommend that the board of managers have the power to appoint an "inspector of discharged convicts," with a salary to be fixed by law, whose duty it shall be to watch over the interests of this class of persons, to find them employment, and to whom they may freely resort for assistance and advice. He should also report, from time to time, to the Legislature, such plans as experience may suggest for the regulation and aid of this class of persons.

We now bring together, for convenience of reference, our various suggestions in the form of propositions.

1. There shall be established for convicted criminals of an age not exceeding thirty, a correctional institution, to be called "The State Reformatory," and to be placed upon a farm of at least two hundred and fifty acres.

2. It shall be under the charge and superintendence of a board of managers of prisons, to be composed of five persons appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years. The clerk of the reformatory shall be the clerk of the board. The members of the board shall receive no compensation other than reasonable traveling and other official expenses. The board shall appoint the warden, clerk, physician, and chaplain of the reformatory, and an inspector of discharged prisoners, and shall have power to remove them for cause only after opportunity to be heard upon written charges. All other officers shall be appointed by the warden, and removable at his pleasure. The Governor may remove the managers of prisons for misconduct, or neglect of duty, after opportunity to be heard upon written charges.

3. The persons to be sentenced to the reformatory are male convicts, not exceeding thirty years of age, and not known to have been previously sentenced to a State prison in this or any other State, or country, or to this reformatory. Where, under the law of the State, the sentence for crime is five years or more, the sentence to the reformatory shall follow the law, and the prisoner shall have the benefit of the commutation law, as applied to State prisons. Where the sentence is by law for less than five years, the sentence to this reformatory shall be until reformation, not exceeding five years. The board of managers shall be charged with the duty of determining when such reformation has taken place.

4. The government and discipline of the reformatory shall be under the general control of the board of managers.

5. The contract system of labor is to be discarded and the prisoners are to be employed by the State.

6. The buildings are to have a capacity for not more than five hundred prisoners, and not more than one prisoner is to be placed in a cell. They are to be so constructed as to admit of the classification of prisoners.

7. Should a prisoner escape, he should be held to serve out the

residue of the time of his sentence, whether the time of his original sentence has expired or not.

8. The sum of \$200,000 should be appropriated to purchase the farm and erect the necessary buildings. The board of managers shall constitute the building committee, and their plan shall meet the approval of the Governor, Comptroller, and State Engineer, or a majority of them. The board shall have the power to appoint an architect, superintendent, and other agents, with such compensation as shall be provided by law.

9. The discipline to be observed shall be reformatory. The prisoner shall be advanced from a condition of close restraint to comparative freedom, according to his merit. Privileges are to be conceded and withheld, in accordance with his conduct. While he is to be employed in industrial occupations, those industries are to be selected which are most likely to lead to his own improvement. Time and opportunity for suitable instruction are to be granted, and he is to be stimulated to intellectual exertion. In short, it is to be the aim of the warden, with the co-operation of the board of managers, to contribute to the general improvement and mental and moral training of the convict, in every practicable manner, at the same time possessing a reserved power of punishment in case the opportunities offered to the prisoner are wantonly slighted or abused.

We purposely refrain from further minuteness of detail. All this, we believe, may be safely left to the board of managers which are provided for, and the warden who may be selected by them. We would leave the subject of modes of punishment to them, without specific legal prohibition. The treatment of prisoners must be, in the nature of the case, subject to no absolutely fixed rules, but must vary with the circumstances of the case. A warden fit to manage such an institution would only make use of severe punishment in the last resort. If inflicted, it should be in his presence, and reported to the board of managers, with reasons for its exercise. What we desire is a board of trustworthy men, to whom we would give all necessary power, and then hold them responsible for its abuse. We trust more to men, in such details, than to measures.

An institution such as that we have sketched will meet with no success unless under the control of men imbued with reformatory ideas; and upon them we need lay no restrictions other than deliberation, and openness, and publicity of action. We look with confidence to the selection, by the Governor and Senate, of men fit to be trusted with the use of all the machinery of executive action.

It is our belief that the practical working of this scheme will

open a new era in prison discipline, and that its results, if faithfully carried out, will lead, in time, to a re-organization of our State prisons, and will furnish suggestions to other States, whereby the increase of the dangerous classes in society will be checked, and the great problem respecting the disposition of our criminals will be substantially solved.

III. THE SITE.

For the purpose of making an intelligent decision upon the location of the proposed reformatory, the Commissioners visited, at the invitation of leading citizens, several villages and cities in the judicial district to which our inquiry was by law restricted, namely: Binghamton, Owego, Elmira, Watkins, Unadilla, Norwich, Oxford, Cooperstown and Richfield Springs. A careful personal examination was made of the advantages offered by these places respectively, and the committees in each made official reply to a carefully prepared series of questions designed to bring into compact form the comparative cost of land, the facilities of approach, the prices of food, fuel and building materials, and, in general, to embody information important to impartial and satisfactory action. The tabulation of the answers to these questions demonstrated that in nearly every essential particular equal advantages were offered. After much consideration and after listening to open discussion, in which the chosen representatives of several of the localities named presented the claims of their places of residence, the Commissioners fixed upon the city of Elmira, as, on the whole, the most eligible location for the reformatory.

By the terms of the law, this decision is subject to the approval of the Legislature. There is submitted herewith a conditional contract entered into with the owners of the land selected in Elmira, comprising not less than 250 acres, at an average price of \$125 per acre; and, also, a stipulation from the Elmira Water Works Company guaranteeing a supply of water.

The Commissioners respectfully recommend, in accordance with this report, that the penal institution for which it provides be located at the city of Elmira, upon the land described in the contract submitted.

It should be stated that one of the Commissioners, the Hon. Robert Earl, of Herkimer, who upon the first of January entered upon the duties of justice of the Court of Appeals of this State, did not participate in the action of the Commissioners with reference to the location of the reformatory. The plan of organization and management had his full sanction.

All of which is respectfully submitted.

JOSEPH WARREN,
T. W. DWIGHT,
CHARLES H. WINFIELD,
G. B. HUBBELL,

New York City, Jan. 25, 1870.

Commissioners.

NOTE.—It is a singular fact, and indicates the earnestness with which philanthropic and reflecting minds are directed to the solution of the great problem of crime and its cure, that, while the foregoing paper was going through the press, the Corresponding Secretary received a remarkable communication from the Hon. William H. Merrill, editor of the *Western New Yorker*, at Warsaw, and late a member of the Convention called to revise the Constitution of the State. The letter is as follows:

OFFICE OF THE WESTERN NEW YORKER,
WARSAW, N. Y., March 4, 1870.

MY DEAR SIR: Two clergymen of this vicinity, both gentlemen of great talent, culture and oratorical power, and of broad philanthropic views, have conceived the idea of organizing and building an educational and reformatory institution upon this general plan:

1. With the purpose of reclaiming persons convicted of a first offence, the punishment for which is imprisonment for not more than five years.
2. Vesting its entire management in the hands of a board of trustees—eight to be named in the charter and made self-continuing, and five to be appointed by the Governor of the State.
3. Giving the managers authority to purchase grounds and erect buildings capable of accommodating 400 inmates, at this place, from funds to be raised by voluntary contributions from the people.
4. Providing by law for vesting discretion in the courts to send convicted persons here, of the class indicated, with the sentence suspended over them, to be executed should they prove incorrigible.

The theory of the gentlemen is to find a *half-way house*, so to speak, between *society and the State prison*, where there shall be neither walls, gates nor bars—"not even the small or hint of the prison"—basing discipline upon the latent manhood in every human heart, so generally crushed by prison experience. Their idea includes a farm and workshop, educational and religious appliances, and in general such influences as will reform and reclaim men who, transgressing once, are lost, too often forever, by the terrible plunge out of the bosom of society into the prison, with its degradations and blighting associations. They realize that, under the influence of such labors as yours, the prison system is vastly bettered; but they have faith in being able to establish a more excellent way. Several of our prominent judges, lawyers and laymen have doubted, heard and believed, though the scheme seemed visionary at first. Messrs. Fiske and Cravens are prepared to take the field and labor for the funds, which I have little doubt they could raise. They think of applying for a charter this winter, and will visit you and lay before you their plan, which I have very coldly and imperfectly shadowed. I write you, at their request, to obtain your idea of the general principle and the practicability of such a plan. They have seen President Dwight's report on the proposed reformatory prison at Elmira, and think it will not conflict with theirs at all.

If you can write me, even very briefly, within a few days, I shall esteem it a great favor.

With high respect,

Your friend,

Rev. Dr. WINES, Albany.

WM. H. MERRILL.

VI. REFORMATORY WORK IN THE UNITED STATES FOR THE YEAR 1868.

BY THE CORRESPONDING SECRETARY.

In a paper similar to the present, published in our last report, giving a view of reformatory work in this country for 1867, while admitting and commending the excellence of our refuges and reform schools for juvenile delinquents, we took occasion to say that though the quality of the work is good, its breadth is far more restricted than the exigencies of the case demand. This remark is as true now as it was a year ago, except that Minnesota has established a juvenile reformatory for boys, and Connecticut and Ohio a similar institution for girls, and that Indiana has a girls' reformatory in process of construction. A short statement of the number of institutions of this general class in the leading countries of Europe, will present our own deficiency, in this respect, in a very conspicuous light. The number of juvenile reformatories in Great Britain, exclusive of ragged schools, is 64; in Germany, 40½; and in France, scarcely less, proportionally, though we are unable to state the exact number. The little kingdom of Bavaria, with a population less than that of the State of New York, has 78 reformatories; Wurtemberg, 32; Brandenburg, 37; Pomerania and Silesia, each 31; the republic of Switzerland, 44. It is true that European institutions of this class are generally smaller than ours (though some of them run up to 800 inmates); yet this fact diminishes only in part the disparity between Europe and America as regards the extent to which they respectively carry this work.

CALIFORNIA.

The State Reform School of California, of which we gave some account in our last report, has been since by law merged in the Industrial School of the City and County of San Francisco. The tenth annual report of this institution for 1868, is before us. The institution, which receives children and youths of both sexes, appears to be in a prosperous condition and doing a good work, although the absence of any reports from the superintendent, principal teacher, and matron leaves us without many items of information which it would be interesting to know. We take a few sentences from the report of the president of the board of managers:

The facts and figures of the secretary's report leave no room to doubt that parental neglect is the root of the tree that produces such a prolific crop of degradation,

vice and crime among the members of our young community. * * * Our labors and responsibilities would be lightened greatly, if parents and guardians would exercise the same restraints in their homes which we exercise in this institution. Here many of the unfortunate children first experience the effects of the law of kindness, and learn to submit to reasonable, wholesome restraint.

CONNECTICUT.

1. *State Reform School for Boys.*

"Onward!" is still the watchword in this excellent institution. There is good work done here, and to good purpose. The success attained intellectually, morally and industrially is highly gratifying. Nevertheless, there is a serious drawback. The sentences here are not all "during minority." Some of them are for specific terms—three, two, and even one year. The trustees find this a formidable hindrance to reformation, and insist that the only limit, within minority, should be "till reformed;" and in this they are undoubtedly right. The strength put forth to lift a weight is to no purpose, unless it lift it; so the effort exerted to reform a wayward boy is wasted, except it reform him.

The industrial result in this reformatory would seem to be without a parallel. The trustees say: "It will be observed, that we ask no appropriation for the ordinary expenses of the institution, an event that has not occurred before since its foundation." The inference from this statement is, that they expect the earnings henceforth to meet the expenses; a result which does not appear to be perfectly clear, in the light of other statements contained in the report. For instance, Dr. Hatch, as superintendent, states the result of the boys' labor at "about \$12,000;" while, at the same time, as treasurer, he states the ordinary expenses, as nearly as we can judge, at *about* \$40,000. After all, the main thing is the moral result, and that, with exceptions arising from the drawback above stated, appears to be, for the most part, satisfactory.

2. *Girls' Industrial Reform School.*

This institution has but just been opened. It holds out good promise, but no fruit has yet been gathered.

ILLINOIS.

The superintendent of the Chicago Reform School has been changed since our last notice of the institution, Mr. George W. Perkins having resigned his position as head of the school, and been succeeded by Mr. Robert Turner, who had previously held the position of deputy superintendent.

The family system is practised in this institution. In reference to it, Mr. Turner says:

Owing to the scarcity of room we are compelled to average the number in our families to about thirty-five boys. The original intention of having thirty in a family is decidedly the best, and a less number than even that would be better still. Place one man in charge of twenty-five bad boys, and let him be on hand every moment to restrain any improper conversation, to turn their thoughts in the right direction, to settle any little difficulties that may occur among so many boys, and to exercise that care and interest that every man ought to feel when placed in such an important and responsible position, not only necessary to maintain good order, but to fit and prepare the children, that when they go out from the school they may be able to fight manfully against the many temptations that beset their path; in short, let one man perform his duty to a family of twenty-five, and he has all and probably more than he can do. Therefore, in my opinion, there ought to be accommodations provided for several more families, thereby rendering the children still more comfortable and contented, and making this institution more of a home than it ever was before.

In regard to the educational work of the school, Mr. Turner says:

The great progress and advancement of the boys manifest their faithfulness in this department. The complete change of study hours and of text books have given a new and powerful impetus, such as this school has never before experienced. The appropriation made by the board to procure suitable books for the library will make a valuable addition to our means of instruction.

Work, education, religion, music, horticulture, a natural system of discipline, recreation, cleanliness and the like, are claimed as the agencies relied on for the reformation of the inmates.

INDIANA.

The House of Refuge, at Plainfield, is still an infant institution, but it holds out excellent promise. The board of control, composed of three commissioners, in their second annual report thus set forth the principles on which they have organized and propose to conduct their reformatory:

The commissioners, when they entered upon the duties of their office, thought it necessary to have especially in view both the correction and reformation of the juvenile offenders who should be committed to their care. We examined the different systems now in use for that purpose, and came to the conclusion that to effect the object of correction, restraint and discipline are necessary; for reformation, it is desirable to combine as far as possible—

1. *Industry.*—Most juvenile offenders have grown up with indolent as well as vicious habits. The first step toward reformation is to teach them industry, application and perseverance. In addition to their influence in reforming the character, such habits enable them, when discharged, to support themselves and make useful members of the community.

2. *Education.*—A very large proportion of juvenile offenders have grown up in ignorance, or with but little education. A thorough discipline of the mind does much to reform, by enlarging its powers, giving it new objects of pursuit, and enlightening the darkness which has prevailed.

3. *Religion.*—The simple truths of the Gospel, as taught in the Holy Scriptures, are the great and essential element for changing the heart and purifying the life and habits of those who have been living in sin and ignorance of their duties to God and their fellow men. In the application of these principles, that system which brings the subjects as nearly as possible under the influences which prevail in a well-regulated family has been found the most effectual, at the same time combining enough persons in one family to require as few officers as possible. This system was first fully matured and carried out by Wiehern, at the "Banke House," near Hamburg, and has also been successfully applied in other institutions in Europe. The same general idea has been carried out at the Ohio State Reform School, near Lancaster, and at other institutions in the United States.

We have adopted this method, and have divided our inmates into families of about fifty each, having a "house father" over each, assisted by his wife, when a married man, and an assistant called an "elder brother"—the whole institution being provided over and governed by a superintendent and a matron, to whom the boys all have access at all suitable times, and the latter of whom especially fills the place of mother, to whom all their wants and grievances can be freely communicated. One-half the boys in each family are in school half the day, while the remainder are at work—the house father and elder brother being respectively half the day in the school and the remainder at work with the boys, not simply overseeing, but actually engaged in the labor with them. Full employment has been found for all, thus far, in bringing the farm into order and proper cultivation (all the fences on it having been replaced and other improvements made), in planting the orchard, cultivating the garden, and in necessary grading about the buildings.

When we first commenced receiving the boys, the houses were only just ready for habitation, and every thing possible had been left to be completed by them. A part of the force is employed in the domestic work of the establishment, all of which is done by them under direction of a suitable person in each department, and a few have been employed in the shoe and tailor shops. We desire to introduce, as rapidly as possible, other mechanical employments, so that such boys as desire it may learn a useful trade, which they can pursue for a livelihood after they are discharged from the institution, thus largely removing them from former scenes of temptation.

As our system involved the withdrawal of all appearance of a prison, and all restraints except the watchful care of the officers—it being the object to elevate the boys by building up their own self-respect and confiding in their promises as far as possible—the responsibility of throwing together so large a number of such boys, without discipline or habits of order, and without a nucleus, even, of reliable boys, was felt to be great; but through the careful management and prudent kindness of our officers, but three successful escapes have occurred; order and system have been introduced, and the foundation so laid that much difficulty in the future is not apprehended. We could scarcely have put to a more severe test the system adopted, and are convinced that it is the best and most successful one we could have fallen upon.

We aim to supply the boys with an abundance of good, healthful, substantial food, of sufficient variety; with two suits of suitable clothing—one for daily wear and the other for a better suit; with good straw beds and ample bed clothing; with an abundance of water, requiring from them cleanly habits; and with all that is necessary for a comfortable, common life. Remembering that they are boys, ample time is allowed for play, under the oversight of a teacher. Their work is mostly in a congregate form (except those upon "trustworthy jobs"), and is performed with cheerfulness and alacrity. They all eat together, and are required, in all their habits, to conform to the usages of a well-regulated Christian family. Especial attention is paid to their religious instruction. On the Sabbath, divine worship and Sabbath

school are regularly held, besides religious and useful reading by the superintendent or one of the officers. A small library of suitable books has been purchased for their use, and will be gradually increased as occasion may require. Each boy gets five hours of tuition in school every day, unless during some unusually busy time, such as harvest, etc., when it is suspended for a short time; and thus far the boys have learned rapidly. Several of them, who could not read or write when they entered, can now read well and write a creditable hand; and we believe that all are enjoying advantages in that respect equal to the majority of the children in the State.

The commissioners appear to have been peculiarly fortunate in their selection of a superintendent and matron in the persons of Mr. and Mrs. Frank B. Ainsworth, formerly of the Ohio Farm school. The report of Mr. Ainsworth is long, able and interesting. He puts his whole heart into it, as he evidently does into his work. We should be glad to transfer it entire to these pages, but the limits to which we must restrict this review, forbid further citation. Mr. Ainsworth has had difficulties of a formidable character to contend with in the organization of his institution. The law unwisely permits youths of the age of twenty years to be sentenced to it; and the very first installment of inmates consisted of ten convicts transferred from the northern State penitentiary of Indiana, without one good thought, feeling or intention, with moral natures cankered to the core, and with plans of mischief, and especially of escape, already concocted and ripe for execution. Yet such were his zeal and tact, such his fertility in resources, and such, above all, the heartiness of his sympathy, and the depth as well as the sincerity of his purpose to change these bad boys into good men, that he has triumphed over every difficulty; and three of the very worst of these youths, within a period less than one brief year, have been advanced to the highest positions of trust and honor, to which inmates of the institution can be promoted. A transformation this, not less wonderful than any recorded in those eastern fables which charmed and entranced our childhood, yet gloriously real, sublimely true!

KENTUCKY.

The Louisville House of Refuge is on the "full tide of successful experiment." It makes a good showing in all respects for 1868; and yet there is little of special interest to extract from the report, except what finds a place in the statistical tables. In the daily journal of the superintendent—P. Caldwell—under date of January 8, we have this sad record: "T. F., received to-day on his own petition, being homeless and friendless." But then, *per contra*, a little further on, January 20, we find this cheering entry: "J. S., who voluntarily cast his lot among us, was this day furnished with a good

and respectable home with C. B., of Horse Cove." Here is a ray of bright, warm sunshine for the little volunteer inmate of the 8th! Then, still farther along, under date of September 15, there is another sorrowful tale in these words: "Three little brothers, having been abandoned by their mother and father, were this day received through the court." A short story, but what a world of wickedness and woe does it suggest! And how many thousands of just such does the unwritten history of these "houses of mercy" contain! "When my father and mother forsake me, then the Lord will take me up."

LOUISIANA.

We are without tidings of the House of Refuge at New Orleans.

MAINE.

Mr. Woodbury, superintendent of the State Reform School of this State, always writes interesting reports, and always creates a regret that we cannot quote from him more copiously. There is nothing he omits from his chronicle, from the library to the laundry, from the Sunday school to the piggery, from the discipline to the ox carts. And he tells every thing in a style so simple, natural, sprightly, tripping, and free from all self-consciousness, that one reads page after page with an absolute forgetfulness of time, and comes to the end of the document before he dreams of having fairly begun it. We offer a paragraph or two from the "General Remarks," with which Mr. W. closes his report:

In reviewing the past year, we are enabled to report progress in the physical and moral condition of the inmates of the institution. The glowing, healthy countenances of the boys, the cordial, hearty intercourse, the bright and animated faces, the comfortable and tidy dress, the order and decorum everywhere observed, all indicate that the school is in some degree performing the mission for which it was designed. It takes the erring and unfortunate youth from the temptations and pollutions of debased society, from rags and filth, and places him in good society, takes from him his rags, and clothes him with comfortable, tidy garments, gives him a clean, wholesome bed, feeds him with good, nutritious food, provides good schools and requires his punctual attendance, makes provision for manual labor, so that he may have some regular employment, and learn what will be useful to him through life. It makes provision also for his higher nature, for his moral training; provides books, teachers, Sabbath schools, and sanctuary privileges, that he may be prepared for usefulness in this life and happiness in the life to come.

This leads us to inquire what it costs to feed, clothe, educate, teach some useful trade, and furnish religious instruction to each boy? The cash expenditure from April 1, 1867, to March 31, 1868, was \$23,741.90. To this add the value of farm products consumed, \$4,849.91, and we have a total of \$28,591.81, which divided by 241, the whole number of boys in the school for the year, gives us \$118.22 to each boy, or divided by 1804, the average number, it gives \$158.40. This is the whole expense, unless you reckon the interest upon the investment. But when we consider that the boys pay a portion of this with their own labor, we shall have a more

just appreciation of the cost. The whole amount paid by the State for the year specified was \$13,943.60, which divided as above, gives to each boy \$57.87 in the one case and \$77.25 in the other. It will be seen that the boys pay with their own labor more than one-half of the expenses of their subsistence, clothing and education, besides the improvements and repairs upon the buildings and farm. The question addresses itself to each individual in the State: Is this money wisely expended? Do the results justify the expenditure? What are the results? More than three-fourths of all the boys who have been connected with the school since it went into operation have become respectable citizens, and are not only a credit to the institution, but an honor to the State. The discipline is of a character to win the boys by love and kindness. Their physical wants receive careful attention. Good nutritious food is bountifully supplied until the appetite is satisfied, but no waste is allowed. Comfortable and desirable clothing is provided, and they are required to care for it, and have it neatly upon their persons. They have comfortable beds, and an abundance of bedding in commodious rooms, and many of the boys show much taste in decorating their apartments. They have games of ball, and various other sports, such as coasting, skating and fishing. We make ourselves their servants during the holidays. The hours of study, labor and recreation are divided with regard to their physical, intellectual and moral advancement. Kind words and pleasant looks always greet them, unless duty requires a different treatment.

MARYLAND.

The Baltimore House of Refuge is ably and successfully conducted; but the report of its operations is given with a hand so modest and so frugal of details, that it offers little for citation. In the concluding paragraph of their report, the board of managers remark:

When the board first accepted, without fee or official reward, its responsible duties, it was with no misgivings as to the ultimate success of this enterprise of humanity and public security. And now, after twenty years' service of some of its original managers, notwithstanding many temporary discouragements, most of their sanguine anticipations have been realized. The promise was encouraging, the cultivation has been grateful to all the better feelings of our nature, and the fruit is now being gathered with reverent thankfulness. We still have exalted faith in our work, and an unwavering trust in the continued smiles of that benign being whose "goodness and loving kindness" have hitherto made plain our path and graciously followed us in the performance of our duty.

MASSACHUSETTS.

1. State Reform School.

The report before us is the 22d of the reformatory for boys at Westborough. The school has been kept full to repletion by the courts, and is evidently doing a good work, though there is not much in the reports of the several officers for citation. For the first time, we believe, in the history of this institution, it has a resident chaplain, Rev. J. H. Bradford. He appears to be of the right spirit, and a thorough worker. We offer a few short passages from his report. After having sketched his ideal of a juvenile reformatory, he adds:

These are our ideas. How have they been carried into practice the past year? By making devotional exercises as pleasant and profitable as possible, both by proper selections of scripture, and by questions and explanations. Our Sabbath instructions have enforced the teachings of the week. Choosing the historical characters of the Bible, we have endeavored to make their virtues appear so attractive as to be imitated; their vices so odious as to be shunned. Choosing elements of character as a subject, we have endeavored to hold up the lovely, beautiful and good as worthy of imitation; the vicious, profane and low as detestable, and to be avoided. Choosing the work of creation as a subject, we have endeavored to surround the boy in his whole life with evidence of a father's kind hand, and teach him to see God in every thing. In the Sabbath school we have taken the life of Paul as a study, bringing in any points of interest in regard to places that he visited and the times in which he lived. We desire to make his journeys as familiar as if they were in America, and from well known towns and cities. We think the boys who have been here the past year have gained in knowledge. We have made use of the black-board in illustrating; of presents of books and papers to induce perfect recitations. In this work we have been assisted by the superintendent and officers of the institution as far as their duties would permit; also by a goodly company of ladies and gentlemen from Westborough, to whom we return sincere thanks.

We have endeavored to make use of the interest of relatives and friends as an incentive to a better life, keeping the communication with family by letter, visits and presence as open as possible, yet carefully restraining whatever is injurious in its tendency.

We believe some advance has been made the past year in some directions above specified, but the work yet to be done seems almost appalling. It requires the best efforts of the best talents thoroughly harmonious, to make this Reform School what it should be. We believe some of the boys who have left us the past year have been thoroughly benefited. Some, of whom we had high hopes, have yielded to temptation and fallen. What the school designs to do is, to lift the boy over the time of life in which he is thoughtless, cultivate his judgment and thoroughly arouse his moral sensibility, thus enabling him to follow right and resist wrong. He must be taught to govern himself rather than to be governed, for his officers cannot follow him as he goes out into the world.

The system in this institution is of a mixed character—partly congregate, and partly family—the boys being placed and retained in the congregate department till they earn a transfer to one of the families, and being also returned to the congregate, when they prove themselves unworthy members of a family; which happily is seldom the case.

2. State Industrial School for Girls.

The progress made is thus sketched by the trustees:

Another year's experience has been added to the history of the Industrial School for Girls, and while we recognize no great or marked change in the institution, still, progress has been made by the inmates, in a better appreciation of the advantages offered for religious and moral culture; a greater interest in the domestic and industrial duties; the expression of a firmer confidence in the love and kindness of those who have already done so much to render their future brighter, happier and better; and warmer feelings of love and attachment for the institution and those connected with its administration, which will prove a shield of defense in the hour of temptation and trial. Most of the girls look upon the school as their home, where their

past misfortunes have been forgotten, their errors pardoned, and where they have been taught, protected and loved; and the holy memories which cluster round the institution will never be forgotten.

The superintendent and chaplain — Rev. Marcus Ames — adds his testimony to that of the trustees, in the following words :

The general history of the institution the past year, I feel, has been one of quiet, steady progress in its great work. Marked improvement in general work has been made by most of the girls; good progress also has been exhibited in the school-room, particularly in writing, reading, and spelling; an improvement in conduct and spirit, an increase in the knowledge of right and wrong, with many successful efforts in performing the one and resisting the other.

We do not forget that self-effort in the work of reformation is indispensable, that aid and sympathy also from friends and teachers is essential, but neither of these alone, or combined, will secure that Christlike character inwrought in the soul, which shall result in a true reform of heart and life which shall be *abiding* — a diviner sympathy, a diviner power is needed, and *prayer* to him who giveth wisdom without upbraidng, power to the weak, humility and purity to the contrite seeker, will bring blessings to the soul immortal, of undying worth and beauty.

Prayer, then, we inculcate as a necessity, for each and for all. In its efficacy do we believe, and we rejoice in all encouragements and stimulants, from whatever source, to prompt us to its exercise. And upon every girl while here, and as they leave us, do we seek to impress it as a duty and a *priceless privilege* — while the sympathy and aid of earthly friends should be sought and cherished — that to one ever-present, infinitely wise, good and powerful, may and *should* they look, daily and continually, for guidance and counsel, for sympathy and help, for pardon, holiness, and eternal life.

3. Nautical Reform School.

This institution is accommodated in two school-ships — one in Boston harbor, under the care of Captain Matthews, superintendent, and the other in the harbor of New Bedford, under the care of the assistant superintendent, Captain Eldridge. The trustees present this general view of "the situation."

The trustees, in making their ninth annual report, express their satisfaction with the results of the year, and their unshaken confidence in the working of the institution. The number of boys, who have been inmates of the ships during the year, is 505, of whom 281 remained on the first of this month. The whole number received since the founding of the school is 1,714. And it is believed that a large proportion of these have been reformed. It should be remembered that when a discharged school ship boy is re-arrested for crime, the fact is matter of remark; while ten such boys may grow up to be honest men without being subjects of observation.

Our teachers have been successful, during the year, in securing the interest of their pupils, and consequently in advancing them in their studies. The services of Miss Eldridge, in teaching the younger boys in the "Massachusetts," have been of great value. Both our schools are now favored with the influence of woman's teaching. The number of boys sent to sea since the last report is 98, of whom 58 were shipped from the "Massachusetts," chiefly on whaling cruises. We have in a former report pointed out the advantage to the boys who are shipped on these long voyages; and the great success in obtaining such voyages has fully vindicated your wisdom in placing one of the ships at New Bedford.

While in Boston, on his tour of "readings," in this country, Mr. Dickens paid a visit to the "George M. Barnard," and made this speech — "only this and nothing more:" "*Boys, just do all the good you can, and don't make any fuss about it.*" This address, as apt as it is curt, "has become (say the trustees) a household word" on board the ship, and is evidently a power for good among its denizens.

Of the two following paragraphs, relating to the summer cruises of the boys and their advantages, the first is from the report of the superintendent, the second from that of the assistant superintendent:

During the sailing season, the ships have visited most of the harbors and bays of Massachusetts, on both sides of Cape Cod, and given the boys an excellent chance for learning practical seamanship. Four weeks were spent in cruising with the two ships in company; and the pride the boys took in excelling the other ship in getting under way, making, taking in, and furling sail, was truly amusing.

Our fine opportunities for cruising have been well employed during the summer. The advantage of this system of cruising has been very apparent in its effect upon the boys. It relieves the monotony of a single location; affords facilities for acquiring nautical experience and geographical knowledge; brings the boys in contact with the best people of many communities; gives a wider range to observation and thought, and produces a more genial and contented frame of mind.

4. House of Reformation.

We have no report of this institution, and no information for the year under review except the items contained in the statistical tables, which were furnished by the superintendent.

MICHIGAN.

We gave last year a somewhat extended account of the Reform School of Michigan, in extracts from the report of the superintendent, the Rev. Charles Johnson. A new feature has been ingrafted upon the system hitherto in force, which is thus referred to in his report now before us:

The family house, which was opened February 11 of this year, under the charge of Mr. H. B. Kenyon and lady, has received under its roof fifty boys, who had been deemed worthy of the confidence which it gives. Most of these boys, after remaining a few months, have gone to their homes. It must be that this feature of the institution is calculated to be of great benefit to the boys, and you will find yourselves obliged to enlarge its accommodation for the increasing number of boys who will need its privileges. Every advantage is possessed there that can be reached in a farm-house. The boys during the summer have worked on the farm and in the garden, and at all the outside work they could do, under the direction of their overseer. Their school hours have been the same as the other boys; Sunday school and chapel services with the other boys.

The following statement, made by the board of control, has been to us an occasion of no little surprise, revealing, as it does, a lack of that comprehensive grasp of the question which we should expect [Senate No. 21.]

in a legislative body representing the intelligence and humanity of a State so enlightened and liberal as Michigan :

It will be remembered that, at the session of the Legislature in 1866, a law was passed precluding from the institution all lads under ten years of age, whereas previously the limit was by law fixed at seven years. In the report of last year, the Board of Control asked the repeal of that law, giving their reasons therefor, predicating their objections thereto mainly on the fact, that the precluding from the institution all under ten years of age, was in fact excluding therefrom a large class of boys, who, without natural protectors, were thrown upon the world to reach manhood, if they reach it at all, devoid of its most essential characteristics, and for want of that protecting hand, always and everywhere regarded as the shield of childhood and youth. The asked for repeal found no favor, at least with a ruling majority of the house of representatives, and the bill calling for the same failed of receiving the attention of the senate. But wherefore? Because, as contended, of the inhumanity of the act of incarcerating lads of so tender an age as seven years.

In view of all this, we may ask what was the object in founding the institution? Was it designed to be penal or reformatory? Was it the purpose to take the youthful criminal (if such it is proper to designate him) and punish him, or was it not rather to throw around him the shielding arms of the State, and afford protection where natural protectors had failed,—to train, educate and qualify, if possible, for efficient manhood in paths of virtue? And if this latter was the purpose, is it wise to leave the youth of seven three additional years in which to make progress in and evoke a love of crime? "Just as the twig is bent the tree's inclined," and if perchance deformity has befallen, the sooner the remedy is applied, the more easily and surely is correction attained.

MINNESOTA.

A Reform School has been established in this State, but beyond this fact we have no information.

MISSOURI.

The last report of the St. Louis House of Refuge, by its superintendent, Mr. F. S. W. Gleason, under date of April 1, 1869, is a comprehensive and instructive document. The managers well and truly say of it :

It contains a very full and detailed account of all the transactions connected with the institution, and especially of the system adopted with regard to the treatment of the boys and girls—the means resorted to to gain their confidence and affection, and command their respect and obedience—to awaken and stimulate their ambition and self-respect—the system of punishments and rewards—of schooling, recreation and labor, and in what manner they may earn for themselves a discharge from the institution by their own merits.

As Mr. Gleason's system of discipline is somewhat peculiar (whether it is too complex for general adoption is left to the judgment of others), we give it in his own words, though requiring more space than we can well spare for the purpose.

The inmates are classed under eight grades, viz. : 4, 3, 2, 1, and 1st, 2d, 3d and 4th degrees of honor. Every inmate, at first, is placed in grade 4—the lowest—

and receives *ten merits* every day, without regard to his or her department. Demerits are given daily by every officer in charge of inmates, in conformity with table of "misdemeanors and penalties." Any inmate rises *one grade*, as often as 500 merits over and above demerits are saved and placed to his or her credit on the grade book; 3,500 merits over and above demerits received entitle an inmate to an honorable discharge, which may be accomplished in 350 days, provided his or her department is such as to render demerits unnecessary. An inmate whose department averages fair, usually earns a discharge in eighteen to twenty-four months. The account of every inmate is balanced monthly, and all balances against inmates in grade 4 are canceled; but balances against inmates in any grade above 4 are carried forward until the 4th grade of honor is reached, when the inmate is entitled to a discharge. Any inmate in any grade above 4, who has a balance against him or her of 500 demerits, falls one grade.

Every officer who has entered any demerits in his or her demerit book during the day reports the same on a piece of paper prepared for the purpose, properly dated and signed with the appropriate name and title of the said officer, and deposits such report in a locked tin box. On the following morning the bookkeeper unlocks the box and takes therefrom all reports, which are read by him immediately after morning prayers, in the presence of all inmates not confined in cells, and all officers of the male department whose duties do not require their absence at that time. Every inmate whose name is called rises and remains on his feet until every name on any one report has been called, and until the bookkeeper announces the name of the next officer whose report he is about to read; it therefore follows that every inmate in the room not only knows who reported him, but also how many demerits he received the day previous. After the inmates are sent to their respective places of employment, the bookkeeper aggregates the demerits of each inmate on a slate, alphabetically arranged, and transfers them to the grade book, in which a ledger account is kept with each inmate.

In case the conduct of any inmate was such during the day as (in the judgment of the officer making a report of misdemeanors) to render punishment, in addition to the demerits given, necessary, the facts are clearly stated on a blank form, headed thus :

"HOUSE OF REFUGE,

18

"SPECIAL REPORT OF MISDEMEANORS.

"To the Superintendent :

"SIR :

This report is duly dated and signed with the proper title of the officer, under his or her name, and deposited in another locked tin box, labeled "Special Reports." This box is unlocked every morning by the superintendent, every special report carefully read, and such punishment administered and such sentences recorded and admonitions given as in his judgment, with the facts before him in writing, each individual case demands. The rule is steadily adhered to, *not to attend to other business until every case on every special report has been disposed of, and a careful record made of the action of the superintendent in each case.* If any inmate denies the truthfulness of the special report, or any part of it, the officer who made the report is summoned to appear before the superintendent and requested to make a verbal statement of the case in the presence of the accused, after which such action is taken as the circumstances seem to require. The mental peculiarities of each inmate thus brought before the superintendent are carefully studied, with a sincere desire to do such inmate no injustice, and convince him, if possible, that, while the rules for his guidance *must and will be rigidly enforced*, his highest good is sought after. Every case having been disposed of, the court is adjourned until the following morning. The matron pursues a similar course in the female department.

NEW HAMPSHIRE.

The State Reform School of New Hampshire seems to be making, from year to year, solid advances in whatever constitutes the excellence of such an institution. We give a single passage from the report of the trustees:

The trustees congratulate the State on the continued prosperity and usefulness of this reformatory institution. Slowly but surely, from its establishment, under the fostering care of the Legislature and the control of men actuated only by a desire to promote the real interest of the State, and to reclaim and save wayward and unfortunate youth from the perils and penalties of a vicious life, the Reform School of New Hampshire has achieved a success at once gratifying to its numerous friends, creditable to our humanity, and of untold advantage to the recipients of its teachings and influences. We believe that for no similar sum of money is so large an amount of good accomplished, by any organized force in our midst. The children, surrounded by friends interested in their welfare, and assisted and encouraged by teachers constantly striving to lead them into the pleasant paths of knowledge and virtue, realize that though their feet may have stood on slippery places, with yawning gulfs on every hand, still there are honorable positions in life which they can attain when stimulated by high hopes to put forth corresponding efforts. Many of those who have remained their full term in the school, or been honorably discharged by the trustees for "obedience, diligence and good conduct," now occupy creditable positions in society. We believe there are many others who will follow their good example, and become monuments in praise of the institution that redeemed them from the thralldom of idleness, ignorance and vice — three fruitful sources of degradation and misery.

NEW JERSEY.

The contrast between reformatory work and penitentiary work in New Jersey is a sharp one. Her State Reform School is one of the best, her State Prison one of the worst, in the country.* We will let the officers speak for themselves. We offer first an extract from the report of the trustees — evidently the work of that noble philanthropist, Ex-Gov. Haines, president of the board:

We have been surprised and gratified on observing the facility with which new pupils fall into the established ways of the institution. All is at first strange to them. Instead of a prison, they find a school. Instead of reproach, they are met with words of kindness. By the thorough cleansing of their persons — an operation often much needed — they are taught that cleanliness is the precursor of good conduct. By the substitution of clean, and, when necessary, new clothing for former rags and filth, a principle of self-respect is aroused, and the pupil awakes to the sense of a tie of humanity existing between himself and the masses of mankind. Their errors or their crimes are not now made the subject of remark, but they at once join the other boys at labor, in the school-room or the play-ground, or at the table, and are soon taught by their fellows, and readily adopt, the recognized proprieties of the place. In a little while they themselves become the instructors of other comers, and aid in maintaining the discipline of the school. The superintendent takes an early

* We speak of what prison discipline has been here in the past; reforms are inaugurated and contemplated which may — we trust will — speedily change the face of things for the better.

private opportunity to learn from them the facts of their parentage and history; their habits and former associates, of which a record is made, and they are encouraged to efforts to profit by the inducements which the State now offers them to live for the future a new and better life. That many of them purpose to do it we cannot doubt, nor that they will cherish a lifelong gratitude for their rescue from the snares that beset their early pathway.

We have no means of estimating the moral renovation of our pupils. Their inner lives are hidden from our view. Our effort is to shield them from temptation, to check all visible errors, and to instill moral and religious truth, their duty to their fellow-beings and to their beneficent Father in heaven. So far as their outward lives are concerned, we have good reason to be gratified with the change that is effected. A carpenter working at the buildings, and who thus had a good opportunity of observing the boys in their unrestrained moments, said he had not heard a profane word from any one of them. We have an abiding trust that the industrial, intellectual and religious training they receive here will be impressed upon the future lives of a large proportion of them. Our experience has not had a long existence, but thus far it has confirmed our previous convictions that justice and love, firmness and gentleness, are, under the divine blessing, the great pillars of a truly reformatory institution.

We add a few paragraphs from the report of the superintendent, L. H. Sheldon:

Our last report left us with twenty-six boys. This year we have added thirty-nine, making in all sixty-five. Two have been conditionally discharged, and thus far have not deceived our hopes. Five others have reached their "Grade of Honor," which secures to them the opportunity of putting their new and better life to the test, either in their homes or at some occupation where they will not be tempted to fall into their old habits. It is hoped such situations will soon be secured for them.

When we remember the previous character of those sent to this Reform School, and the criminal conduct which, in most instances, led to their commitment, it must be a matter of heartfelt satisfaction that over sixty such boys, many of them nearly men grown, can be held upon an open farm, performing labor in field and forest, without revolt or manifest insubordination.

Yet, not an instance of extended secret combination or serious opposition to the authority of the officers has been known. Not a complaint of insolent language to any workman on the farm has reached my ear. In their daily duties in each household their conduct toward the ladies has been invariably kind and respectful. Under firm Christian discipline they are cheerful and submissive. While they are by no means faultless, their defects are no other, in kind or degree, than inhere in all neglected or improperly disciplined boys.

Are they improving? It is the design of our system of "grades" to show the true standing and progress of every boy in the institution. Good or bad conduct is indicated by "Credits or Demerits." Each boy reports for himself at night these little marks, which reveal to the superintendent at the end of the month what the standing of the boy is, and he is kept in the same grade, put back or advanced, according to his just deserts. Thus the "grades" show where he is, and how great improvement he has made in the year. As this regards his conduct in the family, in the school-room, on the play-ground and on the farm, it must be a very fair exhibition of the standing of the boy.

NEW YORK.

1. *House of Refuge on Randall's Island.*

This is the mother institution of all juvenile reformatories of its class, both in our own and other countries. A few reformatory schools had been established in Europe prior to 1824, but they received their inmates without intervention of the civil authorities. The New York House of Refuge, which was chartered in 1824, and opened in 1825, was the first ever established in the world to receive and treat for reformation delinquent children and youths through the action of the civil magistrate.

The report of its operations for 1868, shows that its motto, if not *pro forma*, at least in fact, is the same as that of the great State of which it is a distinguished ornament, "*Excelsior*." It counts not itself to have "attained," but is pressing on "unto perfection."

The managers for several years have been suitors at the bar of the Legislature for such a change in their act of incorporation as would authorize them to connect a school-ship with their institution, into which those boys who should "evinced a natural aptitude for a seafaring life, might be transferred, after they should have undergone the reformatory discipline of the house, learned the elements of education, and earned such transfer as a promotion for good conduct and evidence of reformed dispositions." They at length succeeded in obtaining the authority sought, but have not yet used it, because the diminution of their numbers has left them, thus far, ample space for the accommodation of all the inmates. It is their intention, however, in due time, to use the power granted, irrespective of an increase or diminution of numbers.

An important change has been made in the classification of the boys in the refuge; a change from which results of high value are anticipated. Heretofore the boys have been divided into two classes according to character and conduct. A third class has now been added, the effect of which is thus stated by the superintendent, Mr. Jones, in his report for 1869:

The *third* division, inaugurated this year, has proved a powerful auxiliary in maintaining discipline. This division is a receptacle for boys who are incorrigible in the second division, and for those who, having been previously discharged from the second, are returned to the house convicted of crime. If a boy continue for six weeks in grade "four" during the year, or has attempted to escape, being in the second division, or has been returned as above stated, the rule requires that he be transferred to the *third* division, there to remain two years from the date of entrance or transfer. But, that hope may not be destroyed and the offender left without incentive to make another effort, it is provided that, when evidences of reformation are shown by continued good conduct for six months, in keeping the grade one unchanged during this period, he may be transferred to the second division, and have

all the privileges belonging to it. Thus, while the way of the transgressor is made harder as he persists in his evil course, encouragement meets him the moment he exhibits an honest desire to retrace his steps and recover his lost position. The good effects of this measure have exceeded our expectations. As the members of grade "four" accumulate, in any given case, the delinquent becomes more careful in his department, avoiding the fatal sixth "four," the reaching of which would result in his certain transfer to the dreaded division. In most cases the transfer to the third division produces an earnest desire to regain the former position, and a radical change in conduct and character has ensued.

The result of this experiment, though only partially carried out for want of proper accommodations, warrants its continuance for further trial. If another year's experience be as favorable as that of the past, it will be strong proof that reformatory influences upon an older class of offenders are not powerless; and the board will be justified in asking of the Legislature the means to build a separate department for this division, having proper facilities for the care and training of those who would become its inmates, giving them all necessary instruction in some trade for their future support. As an incentive to become thorough masters of their trade, a portion of their earnings should be reserved, as soon as they are able to earn more than the cost of their support, which reserve fund should be paid to them when they are ready to leave the institution, in order that they may provide themselves with suitable clothing and the necessary tools.

Should this division become permanently established and organized, and the proper accommodations be secured, it would be necessary to procure an amendment to the charter of the society, allowing magistrates, in their discretion, to commit young men under eighteen years of age to the refuge, with such provisions as would secure the punishment of the offender in cases of incorrigibility.

2. *Western House of Refuge.*

We have been much interested in the report of the managers and those of the several officers of this institution for 1868. The administration was changed during the year—Mr. Wood having resigned and Mr. Carpenter having been appointed in his place—and with the change of heads, there appears to have been a change of discipline also. The discipline, it would seem, had previously been more like that of a penitentiary than a reformatory—stern and repressive. This has been replaced by a discipline which blends gentleness with firmness, and whose aim is to gain the will of the criminal boy and enlist him in the work of his own improvement—the only successful method of reforming any criminal; for it is vain to attempt to change either a bad man or a bad boy into a good one, so long as his mind is hostile, and he puts himself into a posture of antagonism to your efforts. To show the spirit of the new discipline, the difficulties to be overcome in its application, and the mode in which it is proposed to surmount them, we must quote somewhat largely from Mr. Carpenter's report:

The design of the institution is to reform juvenile delinquents—bad boys. Those committed here may be divided into three general classes. To one class belong those boys who are positively and thoroughly vicious and bad—boys born and brought up

in the lowest, vilest haunts of society, familiar with profane and obscene language and hardened in crime. Many of this class are boys of a sanguine temperament, and possess a degree of natural shrewdness and activity, and a decision of character, which render them the leading spirits here. These are the embryo pugilists, pick-pockets and robbers, who delight to narrate their exploits and stimulate others to like deeds, and who are sent here quite as much for the protection of society as for their own reformation.

There is another class of heedless, lazy, shiftless boys, possessing but little force of character. Homeless, many of them, and friendless, and addicted to petty thieving and little acts of meanness, they are sent here mainly for a home.

There is still another class that have enjoyed the advantages of a respectable home, but the want of proper care on the part of indulgent parents in guarding them against the influence of evil companions, or the loss of a father or mother, has resulted in a course of irregularity and dishonesty terminating in their commitment here, oftentimes at the request of parents or friends. The following letter, recently received by the superintendent, contains a truthful description of this class of boys:

"DEAR SIR: A few questions I have to ask you, in regard to taking boys in your institution. I have a very bad boy indeed, and I have been told to carry him right to you and you would take him. Now I will tell you in regard to him. He is twelve years old, and has always been a very ungovernable boy, and is not safe to be trusted in any place, for he will take any thing he can get hold of and will run away and get ragged and then come home to get rigged up again, then away he goes again. He has taken four dollars at one time. He will smoke around the bars or anywhere when I am not at home, and will abuse his mother shamefully. He will go off and be gone from one week to six months, and we will not know where he is. And the horrid lies he tells is hard. Now we have been ashamed to go into a suit for pride's sake, but the fact is this, nothing will cure him except close confinement, for he is the slipperiest fellow I ever saw, not excepting age. I have been told if I brought him to you that you would take him, and it would be just the place for him; and if so I will fetch him if you only say so, and will do or abide by this any decision to make him a decent boy. He will be if he can be trained right. This is out of our power. He will not go to school or anywhere else when he is sent, but is somewhere else. I cannot express it to you as bad as it is. And now if you can do any thing for us do please to do so. Do please to write me very soon, for he will have to have a place soon, if not one way it will have to be another."

It being the design of this institution to reform such boys, its general plan of government and discipline must be determined by their character and habits. The great majority of them are ignorant, indolent, and guilty of crime. Hence they are required to attend school, and to labor, receiving proper moral and religious instruction during the week and on the Sabbath. We have here three fine school rooms, where they attend school from two and a half to three hours daily, under the instruction of eight teachers, two male and six female. Many of them make as good progress in school as the majority of pupils in our public schools.

That they may acquire habits of industry, all are required to labor daily from seven to eight hours. The length of time is subject to modification, making a distinction in favor of the younger boys. They have been employed for some years, and are still employed, at chair making, brush making and shoemaking, at which the most of them acquire the expertness of men.

As already stated, the design of the daily routine of the school room and shop, with a portion of the time for recreation and suitable moral and religious instruction, is to educate and reform those committed here; to change them from indolence to industry, from vice to virtue. To what extent is this design accomplished? This

question is plainly but pointedly put in the following letter, received not long since from a person desiring the information:

"DEAR SIR: I desire to make some little inquiry concerning your rules and regulations with boys under your care. Do you take careless, heedless, story-telling boys, and lazy with all the rest, and make good boys—what you call right down good boys—of them? Do you let them go to church? Teach them to keep the holy Sabbath? Do you school them, bring them up to labor and to be true and trusty, so they will stay so when returned to their homes? Or will they relapse back into their old habits, and be as bad, or worse, than before they went to live with you? How long do they, as a general thing, have to stay to make them good boys? Will you please to answer this soon, and oblige?"

These are difficult questions, some of them, to answer definitely; but there are some considerations which may aid us in approximating a correct answer. The idea, so common, that a teacher, if properly qualified, can make an excellent scholar of any pupil in a prescribed length of time, no matter how heedless and intractable, and withal dull of intellect, is not more erroneous than the idea that such boys as are described in the letters above, and many far worse, can, by undergoing a certain process of manipulation with rules and requirements in a reform institution, be transformed in due time and with unerring certainty, into "right down good boys, true and trusty, so they will stay so." It is true we have a system of rules and requirements; but observation and experience show that an indolent, vicious boy may submit to certain rules and perform a routine of duties, without his thoughts, purposes or desires, or even habits, being in the least changed. The restraints imposed upon them here and the duties they are required to perform are important means in accomplishing the desired end; but something more is needed. Such boys must be impressed with the idea that they need not necessarily remain what they have become—untruthful, profane, dishonest, bad boys—that it is possible for them to become better, and that those having charge of them are endeavoring to aid them in accomplishing that very object; but that it is equally necessary for them, too, to make every effort to accomplish it. It is needless to add, that to make such impressions and have them work out the desired results, is a work of time and much patient labor.

In this institution two or three serious obstacles have hitherto stood in the way of accomplishing, as fully and completely as could be desired, the end proposed. One of the chief obstacles has been the congregated system adopted and continued—the indiscriminate association of large boys and small, good comparatively, and bad. Not only have the better class been contaminated by the influence of the bad, but there have been many cases of discipline which, under other circumstances, would not have arisen. The action already taken by the board on the subject of a division of the inmates will, if seconded by the Legislature, go far toward obviating these difficulties.

Another obstacle has been the contract system as carried out here, whereby the inmates have been placed partially under the charge of men employed by the contractors, oftentimes without reference to their qualifications for the management of boys. It is to be hoped that the committee, to which this subject was referred, will report some plan that will obviate the difficulties thus arising.

Still another obstacle, which has recently been obviated in part, has been the close confinement of the boys within the inclosure walls, thus rendering the daily routine of duties exceedingly monotonous and irksome. If those committed here are to be protected by the instructions received and the duties performed, they must be made contented, so far as possible, while here. The dull monotonous incident to a life of more or less seclusion from the world must be, to some extent, relieved. An effort

has been made during the past six months to accomplish this object, and with the most gratifying success. Since July last 336 boys, including all except those recently committed, have been taken out riding, in loads of twenty-five or thirty boys, through the principal streets and the suburbs of the city. These rides have been attended with the beneficial effects of a vacation. It may be added that there was not a single attempt at escape. This monotony has also been relieved, and pleasure afforded the boys at the same time, by a vacation of the schools of two weeks, and also by an occasional concert in the chapel, volunteered by some of the best musicians in the city.

It is also in contemplation to aid further in accomplishing this object—the development and maintenance of a spirit of contentment among the inmates—by converting that part of the farm inclosed within the stockade (twenty acres) into an extensive garden, thus affording the boys an opportunity of spending a week or two during the summer in the country, as it were; the boys going out to labor in companies of fifty or seventy-five each, the companies alternating until all have been granted the privilege. The time thus spent would be to them a most enjoyable vacation, and a great relief from the monotony of shop labor. Although the work accomplished in the garden would be a secondary consideration, still, as the land is excellent, there is no reason why it should not prove very profitable.

It is our belief and expectation that the rules and requirements of this institution, modified as above, will aid in restoring a large number, if not a majority, of these wayward youth to an upright, useful course of life.

It is obvious, from these citations, that Mr. Carpenter has a just conception of his work and of the methods of its prosecution. The inference we would draw from his principles and his processes is, that he is “the right man in the right place.” If his opinions and words are translated into acts, noble fruit may be expected therefrom.*

3. *New York Juvenile Asylum.*

The directors have ingrafted a new feature on this noble charity, and to that we will confine our attention in the present notice. Many circumstances led them to regard it as “indispensable to establish a permanent agency, centrally located, to which employer and employed could at all times appeal for redress, and to which children, who might become homeless by death of employers or otherwise, might resort.” Of this agency the directors say:

We have, after a careful survey of the State of Illinois, and the locations of the nearly 3,000 children indentured by us, established this agency in the vicinity of Chicago, where we have hired a commodious building, furnished it neatly but plainly, and have appointed Ebenezer Wright as our agent, to take charge of the same for the purposes we have already indicated.

But it soon became evident that the children desired and required a personal visitation, to give a moral effect to the indenture as well as to adjust differences between them and their employers understandingly, and we soon found that the agent could

* While the foregoing paragraphs were in the press, another change of administration, we learn, has taken place, Mr. Levi Fulton having been chosen superintendent. It is to be hoped that the same humane and reformatory discipline will be continued, as under the late superintendent.

not alone perform the work accumulating upon him; we have, therefore, from time to time, permitted him to employ an assistant; and we hope that by the pecuniary aid of those who are willing and ready to look charitably upon this great and important branch of our work, we shall be enabled to employ permanently such assistants as will enable us each year to visit every child indentured by us.

We give the report of Mr. Wright, the agent, unabridged:

WESTERN AGENCY, N. Y. JUVENILE ASYLUM,
CHICAGO, ILL., December 31, 1868.

E. M. Kingsley, Esq., Chairman Indenturing Committee, N. Y. Juvenile Asylum.

DEAR SIR: The following summary, exhibiting the transactions of the Western Agency for the year 1868, is respectfully presented:

Number of children received from New York.....	143
" indentured.....	111
" re-indentured.....	26
" removed and replaced.....	98
" visited, but not removed.....	29
" favorably reported by employers.....	310
" unfavorably reported.....	129
" reported to have left their places.....	63
" returned to the asylum.....	4
" set free, by canceling indentures.....	2
" who have died.....	4

It will be observed that thirty-two children, an average of five in each of the six companies, remain as yet unindentured. Probably most of them will be indentured eventually, but for various reasons some will not be. A few absconded while on trial; a few of the older ones object to being bound by indentures; are so unpromising, their employers are as yet unwilling to incur the responsibility imposed by indentures.

The whole number of children reported, including those received this year, is 665, of whom 63 (9½ per cent) have absconded from their employers, and 129 (19 per cent) have been reported unfavorably. Of these, 98 have been removed to other homes, and 29 others visited, and the difficulties adjusted without removal. Most of them are now doing well. A majority of those who have absconded are apprentices of several years' standing, from sixteen to twenty years old. The high wages paid for farm labor the past season was apparently the chief disturbing element. A change in the indentures, providing for annual payments by employers to the asylum directors, in trust for their apprentices, sufficient to make a considerably larger aggregate amount at the end of the term of apprenticeship, would be likely to remedy this evil, and no doubt employers would approve such a provision. A form of indenture designed to meet the case has been submitted to the committee.

The number removed and visited, including those sent to New York and those whose indentures have been canceled, is 135. This line of work makes a larger demand than any other upon the resources of the agency, notwithstanding the scrupulous care of the superintendent of the asylum in selecting candidates for apprenticeship, and of agents in selecting homes for them. Differences between employer and apprentices will occur, and circumstances will change so as to necessitate removals, despite the utmost prudence. This necessity led to the establishment, last year, of an agency in Chicago; and the fact that the number of cases of complaint reached and adjusted this year equals the number of complaints made, probably a thing never before accomplished, attests the value of this arrangement. It is manifest that the agency exerts a salutary influence upon both employers and apprentices, and affords them increased assurance of protection and relief in case of need.

Mr. Wright then goes on to cite a report from a lady in Illinois, formerly a teacher in the asylum, containing a statement concerning twenty-eight boys and girls, who had been placed in Tazewell county in 1858. Of these, five had returned to New York, concerning whom no information is given; four had been killed in the war; and the remaining nineteen, all personally known to the lady—Mrs. Pugh—are doing well without exception, most of them being married and settled in life, respected by the community, and prosperous in all respects.

4. Catholic Protectory.

We offer the following interesting extracts from the report of the rector or superintendent, brother Tellow for 1867, the latest we have been able to procure:

We regard the education of these poor, neglected, or destitute children paramount to all other duties. Their future welfare is in a great measure in our hands. Our special endeavor is to educate them, in the true and broadest sense of the word. Hence, while we impart instruction to them in the various branches of learning, as reading, writing, arithmetic, etc., and even cultivate music, in those who evince a disposition favorable thereto, we are far from considering these items as constituting the sum of their education. Our great aim is to mould their hearts to the practice of virtue, and while we make them worthy citizens of our glorious republic, to render them fit candidates for the heavenly mansions above. In one word, while we labor to cultivate their minds, we emphatically devote ourselves to the forming of their hearts. The proficiency of the boys in their class-rooms speaks for the one, and their general good conduct for the other.

In this connection, we are reminded of a reply given to us, a few years ago, by an officer of a public institution, for the reformation of juvenile delinquents, in one of our neighboring cities. On putting the question, "How is the morality of the children?" the answer was, "A very good—they neither fight nor curse." A vague answer, certainly, and leaving much room for further inquiry.

We have reason to be consoled by the respectful, docile, and orderly deportment of our boys, by the affection they manifest toward us, and by the interest they take in the prosperity of the institution.

The object of an asylum, such as ours, is to promote the greatest good possible, to educate children for society at large, and not for the cloister. Hence, we endeavor to grant them such liberties as children in well regulated families enjoy. We employ them in all directions on the farm. We take them frequently to bathe in the sound, and we permit them to recreate themselves in the woods almost weekly, according to the season.

We admit that now and then, a boy may be found who would take advantage of such opportunities to abscond and visit his friends, as he would call it,—but it has happened more than once that the runaways, having gone but a short distance, began to reflect, and came back of their own accord. Others, having gratified their temptation in this respect, have returned, acknowledging their weakness, begging pardon for the past, and soliciting a new trial of the sincerity of their intentions. In pursuing such a course, what is lost for one is gained for hundreds,—and if a child cannot be trusted, while in the institution, little reliance or trust can be placed in him, when, after having left it, he finds himself comparatively free to follow the bent of his own

vicious propensities. Another happy result obtained by this training is, that the boys no longer regard the protectory as a prison. In confirmation of which, I have only to state that in case any one should attempt an exit, hundreds would volunteer, and could be safely trusted to pursue and arrest the delinquent. Indeed, it has occurred several times, that a couple of our boys having been sent on an errand to the city, have there fallen in with one who had absconded, and have brought him back in triumph to the protectory. We regard moral influence and reasonable vigilance the best inclosure to the institution, and the best security against escape. To foster these good dispositions, we have allowed some of the most deserving and trust-worthy boys employed on the farm, the raising of a calf for their own benefit; and to others engaged in other departments, in like manner, some object appertaining to their employment.

Experience convinces us more and more, that neither child nor man can be morally elevated and educated, but in as far as he loves and believes, and that no one will render service in the cause of education, but in as far as he in his turn loves his fellow creature, be he child or man.

The number of hours allotted to school exercise is the same as that of last year, viz., five hours per day for the senior department, and seven for the junior. We have introduced instrumental music for the entertainment and recreation of the children during the hours of recess. A brass band has been successfully organized, and from time to time enlivens the precincts of the protectory. Another acquisition, of which we are justly proud, is that of a resident chaplain, who, by his exemplary piety, and exact regularity in his official duties, exerts the most salutary influence on the inmates of the institution. A half hour is devoted each day to religious instruction, and on Mondays, Wednesdays, and Fridays we have divine service of half an hour, at six o'clock in the morning. On Sunday there is divine service at nine and a half o'clock, preceded by an hour of religious instruction, and in the afternoon we have vespers at three o'clock, preceded by a half hour's instruction.

The following important suggestion is made by Brother Tellow:

The Catholic Protectory is undoubtedly redeeming its pledge to the public, and doing the work allotted to it. But in order that this work may be placed within its reach, and that it may do its amount of good to the fullest extent possible, I take the liberty to suggest the establishing of some permanent system, whereby a steady outlet might be afforded for those of our children who are worthy of a discharge.

Our children comprise two classes, viz., those who are committed for transgression of the law, and those who are received on account of destitution. The latter are often well disposed, and might be indentured as soon as charitable persons could be found to receive them. It is true that several of this class have been disposed of in this way, during the past year. This is good, no doubt, as far as it goes, but what we want, is something more permanent, speedy and reliable. I would suggest, that in order to meet this desideratum, the establishing of a western branch-home, as it might be called, whither these children might be sent, and whence they might be indentured. There is little doubt but that, on due representation, the government would donate whatever land might be requisite for such an undertaking. Nothing could be more desirable than an institution of this description, manifestly tending to populate and build up the immense, but thinly settled tracts of our growing republic. Nor is it to be doubted, but that the State or territory coming in possession of such an institution, would lavish its fostering care upon it. And on the other hand, our friends, and the children themselves, would have no objection to their being sent to some place where they would be under the guardianship, and surrounded by the same influence that they are accustomed to here.

We believe that measures have already been taken, by the purchase of a large farm in Illinois, to carry this proposition into effect.

5. *Reform School Ship.*

Fifty-seven years ago, in 1812, the venerable John Stanford, D.D., then acting as chaplain to the various penal and eleemosynary institutions of New York, in a communication to the common council, submitted the outline of a plan for an asylum for vagrant youths, urging "its promising advantages to prevent pauperism and the commission of crime," and stating that "since his duties had led him into the penitentiary, a ten-fold weight of conviction had pressed upon him of the importance of a separate place for the reception of vagrant children." This, probably, was the first suggestion of that great modern institution, the juvenile reformatory, which constitutes so long a stride toward the solution of the problem of the repression of crime. Mrs. Fry, of England, John Falk, of Weimar, Count Adelbert von der Reche Volmerstein, of Rhenish Prussia, Mr. Wadzek, of Berlin, and Dr. Wichern, of Hamburg, all began their labors in this direction subsequently to the date of Dr. Stanford's proposition. But the point of greatest interest in his communication is the added suggestion of a nautical department in connection with the proposed juvenile asylum. He proposed to have navigation taught theoretically, and a general idea given of the practical duties of a sailor by masts and rigging on the land. He proposed, further, that a small vessel, under the command of a suitable master, should, from time to time, make short sea voyages, whereby there would be given to the boys who showed a predilection for the sea an opportunity to become so acquainted with the ordinary duties of a sailor as to qualify them for service on board any vessel in the merchant, marine or United States Navy. His own words are:

I recommend that the greatest attention be paid to raise boys for sea service, the advantages of which will be found to be of the highest value. In proportion as your trade and commerce increase, you require seamen of your own without being indebted to foreigners, and the institution will lend, in this respect, its friendly aid to establish your independence upon the water. The youth you have rescued, on whom you have bestowed your kindness, will naturally form an attachment to the interests of the country, and nobly contend for its rights and honors.

After the lapse of more than half a century, a reform school ship rides the waves of New York harbor, and the wisdom, no less than the patriotism, of the prison chaplain stands fully vindicated. It is true that, though a citizen of New York was the first to suggest this important measure, we lingered in the good work till other peoples had got the start of us in carrying out the policy by legisla-

tive enactments. England has successfully inaugurated the system, and school-ships now constitute a department of her reformatory agencies in behalf of juvenile delinquents. Massachusetts tried the system as an experiment ten years ago; but the measure has long since passed the experimental stage, and is now established as a complete success. The "Nautical Reform School," as it is there called, is accommodated in two ships, capable of receiving together 360 boys, one of which is stationed at Boston, the other at New Bedford. The whole number received since the organization of the school is nearly 2,000, of whom about half have chosen the sea as a profession. The Nautical Reform School has become highly popular with shipmasters. One ship has taken six boys on each of five successive voyages to India—thirty in all; so that the experiment of school-ships in Massachusetts may be pronounced a success, in respect both of its primary purpose of reforming juvenile delinquents, and its secondary purpose of rearing a more intelligent and better class of seamen.

Though later in the start, we doubt not that the known enterprise and energy of New York will soon bring her nautical reform school abreast of those of other States and countries, perhaps even make it better than the best of them. For the establishment of this important institution our city is indebted to the commissioners of public charities and correction. These gentlemen last winter obtained from the Legislature an appropriation to make a beginning in the work. They first applied to the general government for the grant of some public ship, remembering, probably, that all the ships employed in reformatory work in England are gratuitously supplied by the British Government; but their application was not successful. Disappointed in their hope of friendly co-operation in this direction, they purchased, in July last, the ship *Mercury*, an excellent vessel of 1,200 tons burden, formerly belonging to the *Havre* line of packets. They fitted her up with all practicable dispatch for the accommodation of the nautical school, which was opened with fifteen inmates in September. This number has been swelled by constant accessions since, till now it is fully two hundred.

The writer paid a visit to the *Mercury* late in the autumn, and passed part of a day on board. In the absence of Captain Stetson, he was politely received by the executive officer, Mr. Wm. H. Summers, through whose kindness, and that of the other officers, ample opportunity was afforded of examining the whole economy of the ship, and of witnessing the various exercises of the boys, both manual and intellectual. They were all dressed in sailor costume, and the greater part had a bright, animated expression, and were alert in their

movements, and prompt in their obedience to orders. One would scarcely have believed that so many wild street "Arabs" could have been brought to such discipline in so short a time. The officers in charge of the ship are a captain, an executive officer, a sailing-master, a second and third lieutenant, a paymaster, a professor of mathematics, and a surgeon. Of forward officers there are a boatswain, master-at-arms, yeoman, carpenter, engineer, gunner, steward, first and second cook, and two ship's corporals. Beside the above, there are twenty-three of the boys holding rates as petty officers, viz.: two boatswain's mates, four coxswains, six captains of tops, two captains of forecastle, two captains of afterguard, four quartermasters, one quarter gunner, one surgeon's steward, and one paymaster's steward. These rates are positions of trust and responsibility, and those who hold them are invested with a degree of authority over the boys stationed in their part of the ship. As a matter of course, they are eagerly sought and highly prized as tokens and rewards of superior merit.

Mr. Summers gave a minute detail of the proceedings of a day, from the piping up to the piping to bed. The boys are divided into two watches, the starboard and port. At half-past five a. m., the reveillé is beaten, hammocks are stowed away, and the first part of the starboard watch are called to the wash-room, where they perform their morning ablutions, under the superintendence of the officer of the deck, assisted by the ship's corporal on duty; the remainder of the boys, meanwhile, being engaged in washing down the decks. As soon as the first half of the starboard watch have washed, the second half are sent to the wash-room, being relieved by their comrades in cleaning the decks. The same rule is observed with the port watch in their proper turn, so that the cleansing of the boys and of the ship goes on at the same time, the whole being finished, and decks dried down before breakfast.

In winter at nine o'clock, and in summer at eight o'clock, the colors are hoisted, boats lowered, sails loosed, and yards crossed, when the weather and other circumstances will admit. At the roll of the drum (eight o'clock a. m.) the boys are piped to breakfast, for which meal forty-five minutes are allowed. At eight three-fourths a. m., the decks are cleanly swept fore and aft. The drum now rolls off for bright work, and the guns' crews repair to their respective stations, where each has a particular part that he is required to keep clean and free from rust. The topmen also repair to their several stations and burnish what metal or bright work there may be in that part of the ship. All this is inspected by the officer of the deck before the boys leave their stations. At half-past nine o'clock one

watch is sent to the school-room to pursue their studies till half-past eleven. The other is sent on deck, where their time is employed in receiving lessons in practical seamanship — knotting, splicing, bending hawsers, worming, loosing, furling and making sail, &c., &c. They are also, at this time, instructed in practical navigation, embracing working a day's work; the use of the quadrant, sextant, and octant; finding the latitude at sea and the longitude by chronometer; the use of the log, line and glasses, and the mode of keeping a log. In this part of their duties the boys seem particularly interested. They appear perfectly happy while learning the intricacies of knots and hitches, and while working aloft and clambering about the rigging, which they do in the most fearless manner — the fore, main, and mizzen topmen striving to outdo each other in speed and neatness of the furl of their sails — and this friendly rivalry acts as a powerful incentive to improvement. The boys have stations assigned them in all the evolutions that occur, such as tacking and wearing ship, reefing, getting under weigh, and bringing ship to anchor, so that when the word is passed each rope is manned and sail made or reduced without confusion.

At half-past eleven a. m. the boatswain and his mates pipe the hands from aloft, school is dismissed, the decks are sought, the ship's cook reports the dinner ready for inspection, the officer of the deck examines it, and, if properly cooked, orders it served out. At eleven fifty the mess cloths are spread on the berth deck, the dinner placed thereon, the boys formed in line, and at meridian, on the stroke of eight bells, dinner is piped, and the boys marched down to their respective messes.

After dinner the boys have a season of recreation till one p. m., when the hands are turned to and the decks swept down. The morning watch on deck is then sent to the school-room, and the school boys of the morning become small arm men and workers of the great guns during the afternoon, while during the following forenoon they are sent into the rigging to take their turn at seamanship. In this way every boy in the ship is enabled to participate in all the different duties once in two days. It has been found that by varying the exercises in this manner they do not become irksome, as there is thus a constant change of occupation.

At four p. m. the decks are cleared up, sweepers again piped, and tea served out to the messes. At four thirty, supper being piped, the boys are marched to the berth deck, where, after the evening repast, they are permitted to indulge in recreation until seven. The evening amusements of the boys are under the supervision of the schoolmaster. The berth deck is well lighted, and the lads are

allowed books from the library and paper for writing. Cards are forbidden, but games of chess, checkers, backgammon, dominoes, etc., are allowed. At seven, general muster is held, followed by singing and prayers, all joining in these exercises with hearty good will. At eight thirty the boys deposit themselves in their hammocks, all noise ceases, and all lights and fires are reported out by the master-at-arms. The sleeping quarters are placed in charge of a ship's corporal, who keeps watch on the berth deck and preserves perfect silence.

In addition to the officers and sub-officers, there is a small force of seamen, who are of great assistance in the matter of practical seamanship. Their presence among the boys has an excellent effect, as the latter are quick at imitating the actions of their seniors. The food furnished to the boys, though plain, as it should be, is abundant and good, and sufficiently varied. It is well adapted to the promotion of health, the dietary having been prepared by a medical officer of high standing. The dress of the lads is similar to the uniform worn by the seamen of the U. S. Navy. The articles furnished are of good quality, and well adapted to shield their persons from the severity of the weather. The condition of their clothing is inspected every morning at quarters, and all needful pains taken to instil a feeling of self-respect into their minds, as an incentive to the care of their apparel, and their personal appearance.

The punishments inflicted for breach of discipline are of a mild character, being restricted to confinement not exceeding three days, extra duty, reduction of rations, separate meals, and privation of the customary amusements. No corporal punishment is permitted. All punishments by confinement, exceeding twenty-four hours, must be reported to the commissioners. The officers and petty officers are required, by example as well as precept, to teach the boys habits of subordination, prompt obedience to orders, neatness in their dress, cleanliness and propriety in their messes, and quiet, order and system in the performance of all their duties. It is their duty promptly to rebuke and report to the captain any boy who is guilty of the use of profane or otherwise improper language.

It has already been stated that daily prayers are held in the evening, in which all the school unite. The observance of Sunday as a religious holiday is carefully maintained. No unnecessary work is allowed. The boys are neatly dressed in their Sunday suit; and such books of their faith as may be approved by the chaplains are distributed among them. Free access to the ship is granted to the Protestant and Catholic chaplains of the department at all times, and on Sunday to such clergymen as they may designate, and to such other ministers and lay speakers as may be invited or approved by

the authorities in charge. It is thus seen that the religious preferences of all are respected, and provision made for both Catholic and Protestant instruction. Divine service is held both morning and evening on Sunday.

The arrangements for cooking and heating appeared to be all that could be desired. Steam, generated in a boiler placed in the forward part of the ship, performs both these services for the institution. An apparatus of the most approved order has been placed in the galley, and, through the labor-saving processes thus secured, two men are enabled to do the cooking well for 300 persons. The armament of the ship consists of six guns in broadside, 110 rifled muskets (Enfield), 30 Maynard rifles (breech-loaders), and 70 cutlasses, the supply being ample for all purposes of drill and exercise. In addition to other duties, the boys are stationed occasionally at fire quarters, where they are drilled with a view to subduing this dangerous element, should it at any time make its appearance on board the ship.

Each of the two watches is divided into five classes, according to their degree of proficiency. Combining the two watches, there are in the first (highest) class, twelve boys; in the second, thirty-six; in the third, thirty-four; in the fourth, thirty-eight; and in the fifth, fifty-six. The branches at present pursued are spelling, reading, writing, definitions, object lessons, mental and written arithmetic, geography, map-drawing by triangulation, grammar, history, etymology, algebra, and geometry. It is expected that the average stay in the nautical school will be from two to three years; and the intention is to put every boy, prior to his discharge, in possession of a theoretical knowledge of navigation equal to the task of taking charge of a ship on the high seas. In one respect the class of boys received into the nautical reform school of New York differs from those admitted to similar institutions in England and Massachusetts. The inmates of the latter are such, for the most part, as have been committed for crimes and misdemeanors; those of the former have not been actually tainted with crime—they have but hovered, so to speak, upon its borders. The school-ship is not known in law as a reformatory, and of course there are none committed to her, *pro forma*. The commitments are made in the first instance to the Industrial Reform School on Hart's Island, an institution established by the commissioners about eighteen months ago, and from that the boys are transferred to the school-ship.

The commissioners deserve the thanks of the community for having added this to the many other noble public charities, which are receiving the benefit of their wise and efficient administration. It would be difficult to exaggerate the advantages likely to accrue to

the public from a benevolence which, receiving these neglected, vagrant, and degraded boys, shields them for a season from the rough blasts of temptation, teaches them their duty to God and man, imparts to them the principles of a noble science, trains them to skill in the application of those principles, and, finally, opening to them a path of honorable usefulness, bids them go forth and walk therein, to the honor of God and the benefit of their fellow men. The very qualities of sagacity and daring, of earnestness and enthusiasm, which, under their former evil training, were likely to render them a pest as well as a terror to the community, will no doubt, in numerous instances, constitute a vigorous impulse to push them forward and give them success in their new career of virtue, honor, and usefulness.

Said Dr. Stanford, in his communication to the common council in 1812, urging them to establish a nautical reform school:

The youths whom you shall have rescued will naturally form an attachment to their country, and, when the occasion arises, will nobly contend for its rights and honors.

These words were a veritable prophecy. Hundreds of the boys, who had passed through the Massachusetts Nautical Reform School, enlisted in the army or shipped in the navy, to fight for their country in the late civil contest. Concerning those who fell in that struggle, Mr. Eldridge, in his report for 1865, just after the close of the war, eloquently remarks:

I cannot close my report without some allusion to those who were so recently my pupils, but who now sleep in southern graves or beneath the waves of the ocean. Eight are known to have fallen, by land or sea, in their country's defense. In the sudden shock of battle, or after days of suffering from wounds or disease, they have gone to their long rest in unknown graves, or "in the bosom of the deep sea buried." How great was the sacrifice they made for so good a cause! With them the morning of life was clouded by misfortune or killed by neglect; and just as the beams of hope gave to life a meaning and a joy—in the opening years of manhood, they bade adieu to all the brightness of the future, and, faithful to duty, went down into "the valley and shadow of death." They were obscure and humble, but a nation's grateful remembrance shall be their monument. They were poor, but they have left a rich and imperishable legacy in their heroic example of devotion to country and to duty.

OHIO.

1. Cincinnati House of Refuge.

The board of directors, through their president, E. A. Chamberlain, Esq., speak of the progress making in their institution thus:

We are encouraged in the belief that we have reached a higher point in our attainments than at any previous time. Our children are cheerful and happy, and in no year have we witnessed greater improvement in their manners, habits and mental cultivation than in the one now brought to a close.

This testimony is confirmed by the superintendent, Mr. Munfort, in the following sentences:

In presenting to your board the eighteenth annual report, I feel that our labors during the past year have been crowned with great success; the majority of the children discharged are in good homes and are doing well.

Three of our former inmates have been employed in the institution as officers, and have given perfect satisfaction. Among those that we have met from time to time, and those who have visited us, there are many promising young men and women, rising rapidly in their professions, and bidding fair to stand among our most worthy citizens.

While, on the other hand, I am sorry to report that a few have gone back to their old haunts and companions, and are drifting away into crime; in all of these cases as far as we can learn, with two or three exceptions, the parents have not proved themselves the proper guardians, having allowed the children to run at large, without manifesting a sufficient interest in their employment.

Of the boys discharged, all can find employment if they wish; about twenty-five are now receiving twelve dollars per week, and several others from six to ten dollars per week, at shoemaking.

2. Reform Farm School.

This institution, situated at Lancaster, Ohio, is one of the great reformatories of the country. It is modeled after that of Mettray, in France, and may be pronounced an eminent success. The boys are classed in families, of which there are now seven, and are cared for by officers, called elder brothers. Each family contains fifty boys, and is under the supervision of an elder brother, assistant elder brother, and a female teacher. A few extracts from the report of the board of commissioners will best show the plan, condition and working of this noble institution for the reclamation of fallen children and youths:

During the year, one hundred and forty boys have been admitted to the institution. This is a larger number than we ever received in any previous year of our history; and for the want of room, scores of pressing applications for admittance were reluctantly but necessarily refused. It is a painful fact that, owing to the over-crowded condition of our reformatory, some twenty to thirty boys are now imprisoned in our county jails, deprived of the advantages here offered for their reclamation, and subject to all the demoralizing influences of older and more hardened criminals, with whom they are compelled to associate. During the year, forty-five counties in the State have sent boys to the institution, showing a wide diffusion of its advantages, and a general appreciation of its benefits.

Of those admitted this year, thirty are under twelve years of age, and ninety are from eleven to sixteen. These juvenile offenders are, most of them, charged with grievous crimes and misdemeanors. A boy of eleven is sent for arson; another, of twelve, for burglary and grand larceny; and another, of fourteen, for robbing the United States mail. Many of our boys have been the slaves of the vilest habits and violent passions, of low and debasing propensities. In their moral condition and habits we find overwhelming evidence that the tendency of dissipation, vice and crime is youthward—children of tender age, unrestrained and neglected, are early ensnared and deeply stained by vice and crime, and, unless rescued promptly, their ruin is inevitable.

Among our inmates may be found every shade of character, and every grade of intellect. The unconquered will, the ungoverned passion, the depraved appetite, with confirmed evil habits, suggest the difficulties and the discouragements in regard to their reformation; yet, with devout thanksgiving to God for the evident and favorable results of their moral, physical and intellectual training, we are permitted to express our growing confidence in the adaptation, power and success of the "family" system, in thoroughly educating the head, the heart and the hand of our wayward and neglected boys, so as to prepare them for the duties of life and the awards of eternity.

The great object of the reform school, as well stated in the law establishing the institution, is "the reformation of the inmates therein detained." This is, always and under all circumstances, the prominent idea of all that are engaged in its management. Officers and employés have this one great and absorbing end in view, and regard the requirement of the law that "the discipline shall be that of the family, the school, the workshop and the farm, and not of a prison," as sacred and binding in their obligation. Hence, no mutiny or conspiracy has ever been known in our families; subordination and order have always prevailed. The cheerfulness and contentment of the boys, evinced in their countenances and general appearance, impresses many of our intelligent visitors with astonishment. Settling down quietly as members of one household, relieved from restiveness and dissatisfaction, they cheerfully engage in all the requirements of duty, in the field, in the school room, and at the play ground; and their improvement is steadily onward, until they attain the grade of honor and are worthy of an honorable discharge.

No high fences, walls, bolts or bars are used to restrain the boys, or prevent them from escaping. By kind treatment and judicious management, at least three-fourths of the boys, at all times, can be trusted to go to any part of the farm, or even to town on business, without supervision, and without any danger of their escaping.

During the year our efforts to establish our boys in sound moral principles and religious truth have been assiduous, and, we hope, successfully conducted. The officers of the institution, by precept and example, have endeavored to impress the minds and hearts of the boys with those sacred and substantial principles that underlie a good and useful life. The boys are carefully instructed in the sacred Scriptures, and encouraged to commit the text to memory. Most of them show a commendable interest, and reciprocate our labors by kindly accepting the instructions given. On Sunday morning each family, averaging fifty boys, is a Sunday school. An hour is spent, under the supervision of the elder brother, in studying and reciting a scriptural lesson. At 11 o'clock these family schools assemble in the chapel, and the acting commissioner superintends the exercises, which consist of responsive readings from the Bible, singing and prayer, followed by explanations and a general review of the lesson. We feel that this system of instruction is very important, and that the results are truly encouraging.

Rev. J. F. Reinmud, who for several years performed acceptably the duties of chaplain, preaching every Sabbath afternoon in the chapel, interesting and instructing his attentive hearers, has removed to another field of labor, carrying with him the best wishes of all the officers and inmates of the school. At present our chapel services are conducted by the kindness of three clergymen from Lancaster, one of whom officiates each Sabbath. Their labors of love are faithfully performed and highly appreciated. The boys are always interested in the preaching of the Gospel, and deep impressions for good are produced on their impressible minds.

Since the opening of the Reform Farm School, ten years ago, its doors have been entered by one thousand and forty-six juvenile delinquents, committed by the courts of our State. Of these, seven hundred and forty-one have been discharged. The discharge of a boy wearing his badge of honor is always a subject of interest and

solicitude. Some, when they leave us, are welcomed by kind parents to the advantages and safety of a good home; others go among strangers, and encounter difficulties and temptations. Some are strong, and their principles will endure in the day of trial and the night of adversity. Others are weak, and yield in the hour of temptation. Some vessels, with precious cargoes, go to sea and are never heard from — they meet the wreck-making tempest and sink in an ocean grave; others make successful and prosperous voyages, and for long years spread their canvas to the propitious gale. So it is with our discharged boys.

3. State Reform and Industrial School for Girls.

We are unable to make any further record concerning this institution than the fact of its creation.

PENNSYLVANIA.

1. Philadelphia House of Refuge.

This great reformatory, the second, we believe, founded in the United States, is approaching its semi-centenary. The number of boys and girls who have gone forth from its sheltering arms is counted by thousands, the great majority of whom have become respectable and useful members of society. Most of these, but for its fostering care, would have grown up to be a terror and a pest to the community, destroying instead of creating the values which constitute its wealth and minister to its comforts.

The Philadelphia House of Refuge has two departments, one composed of white, the other of colored, children; the former of which is under the care of Jesse K. McKeever, the latter under that of J. Hood Laverty, both accomplished and able officers. The general character, methods, operations and results of the institution are thus sketched by the board of managers:

Upwards of forty years have elapsed since the House of Refuge was opened. The first inmate was admitted on the 8th day of December, 1828.

Let it never be forgotten that the House of Refuge is not a prison, but a home; not a place of punishment, but a school for disobedient children, who are entering on a downward course, calculated, unless they are arrested in it, to lead them to ruin; a school where their physical, moral and intellectual faculties are developed and invigorated, and where, by the constant care of their guardians, they are elevated, not only in their own opinion, but in that of their fellow citizens; and where they are prepared to act well their part in this life; but above all where they are taught to fear their God, and keep his commandments.

It is truly a source of great gratification that so many young persons are, through the instrumentality of this institution, withdrawn from idle and vicious courses, and rendered industrious and virtuous.

The larger portion of the inmates are committed at the request of their parents or friends. After a sojourn of from twelve to fifteen months in the house, they are generally in a situation to leave it. When their parents are respectable, and capable of taking proper care of them, the board return them to the parental roof; and it will be perceived by the perusal of this report, that a greater number are given up to their parents than are appreciated by the managers. Good places are sought for

those who have no friends, where they are taught some useful trade or employment, calculated to insure them a comfortable and respectable livelihood. During all the period of their apprenticeship, they are watched over by the managers, who require those who have apprentices from the house to inform the superintendent of the conduct, health, improvement, etc. of the children placed under their care, at least once in every year, and when the apprenticeship is ended, to satisfy the board that the terms of the indenture have been complied with.

It is highly important that, as the pupils of this institution must depend upon their own exertions for their success in life, their training should be such as to enable them to accomplish this desirable end. Habits of industry are, therefore, formed. In the shops between seven and eight hours a day are spent in brush making, box making, shoemaking, blacksmithing, and making furniture for umbrellas. These employments are suitable to their years and capacities.

Mental culture is also an essential part of our plan. The inmates pass upward of four hours in the school rooms, where they are instructed in the elementary branches of a good English education.

Proper recreation is requisite for the young. Two hours, at least, are given to exercise and amusement in the play ground.

A well chosen library affords delightful instruction.

The great truths of our holy religion are imparted to our youthful family, without sectarian bias.

2. *Western House of Refuge.*

The present condition of this institution is thus set forth by the managers in their report:

The board of managers feel deeply impressed with the responsibility of the work in which they are engaged, and it is their constant effort, while the interest of the unfortunate inmates makes their confinement a necessity, to render the refuge, as far as possible, a comfortable and happy home.

A much larger number of children have been indentured during the past year than any year since the opening of the institution, and we are happy to say that in no former period have the children who have been discharged done so well; indeed, those who have again relapsed into their evil habits are rare exceptions. The employment of an agent of the board, whose duty it is to visit, counsel and encourage the discharged inmates, has been productive of most salutary influence.

Mr. Avery, the superintendent, adds his testimony in these words:

Even the worst of this class may be saved; a Magdalen was saved, and a thief upon the cross. We claim for the refuge its full measure of success. The records show that more than three-fourths of all the children committed to the institution since its opening have become respectable and useful members of community. Of one hundred and eleven inmates discharged during the past year, and placed under the charge of the indenturing committee, one hundred are good boys and girls, doing well.

RHODE ISLAND.

The "Providence Reform School," as its name imports, is a city and not a State institution. After having stated the general character of the inmates — wayward, stubborn, vicious boys and girls — and the object proposed — to restore them to society with old habits broken up, intelligence cultivated, right principles instilled and made practically operative, and "the cunning of their hands" trained to

honest labor, he thus unfolds the disciplinary processes by which the work is pursued, and exhibits the results achieved:

To effect this the discipline is of a mild and simple character. The children are divided into four grades and four classes, the fourth grade the lowest, the fourth class the highest. All enter the third grade, and on the one hand by a cheerful obedience to the rules, application to study, and other duties, rise, step by step, till the highest class is reached, every advance bringing with it benefits and privileges, till finally, after a positive course of well-doing for about eighteen months, they are ready to be placed out, with friends or otherwise, on trial which, if satisfactory at the end of three months, entitles to a discharge as reformed, with certificate from the trustees to that effect; or, on the other hand, the disobedient, the careless or otherwise bad, fall to rest, and will inevitably fall to the lowest grade, when, if positively evil in their intercourse with the others, they are deprived to a great degree of such intercourse, as also of other privileges till they shall feel that "the way of transgressors is hard," and be induced to turn about and try the upward course.

This simple system has been sufficient, in the main, to preserve in contented and cheerful obedience, during the whole year, the numbers committed to our care. Cases, however, have arisen, but not often, requiring other and severer means, and this will not be wondered at when the previous history of so many of our children is considered, not a few of whom have lived without moral restraint and in the midst of debasing associations, neglected by parents, while practicing nearly every species of vice. It must be obvious to even the casual observer that those, of either sex, who have thus passed their earlier days, and who add to their thorough acquaintance with vice, passions unrestrained and wills never subdued, will not always see the better way, though most clearly and kindly pointed out, or pursue it when seen, till the power of severer discipline is experienced. It is not often easy for those unacquainted with the task to even imagine the labor and anxiety incident to this work, that by counsel and instruction, reproof and correction, yes, even by chastisement, we may secure that contented and cheerful obedience so indispensable to all happiness and improvement, and which, if not obtained, all other efforts, no matter how wisely or efficiently put forth, must prove unavailing.

A single illustration of punishment from an actual occurrence may not be amiss:—A lad who had been with us nearly a year, received in a most neglected and forbidding condition, and who, though nearly fourteen years old, was unable to read even the simplest sentence, was visited by his father, with apparently much mutual satisfaction. At the close of the visit the father asked to have his son discharged, remarking that he thought he had been *punished enough* for the small crime he had committed. His attention was called especially to the punishment he had suffered. First, his dirt had been washed off, his unsightly mass of hair had been cut and combed, his rags and vermin exchanged for clean and wholesome clothing, so changing his whole appearance as to hardly seem the same boy. Then he had been taught to both read and write, was making good progress in arithmetic and other branches of education, was becoming quite a good worker in the shop, etc. When asked, after the above explanation, what he thought of the punishment, the father replied, "I think you had better keep on a punishing of him!"

VERMONT.

The report of the Vermont Reform School upon our table is the fourth, covering the last half of 1868 and the first of 1869, and bearing date August 31st of the last named year. The Rev. Mr. Pease resigned the superintendency on the 11th of May, and was [Senate No. 21.]

succeeded by Wm. G. Fairbank, for many years an officer of the Massachusetts State Reform School, at Westborough. The trustees express their high satisfaction at having secured the services of this gentleman, declaring that they "have learned that the management of a reform school can be improved by the knowledge of an expert as much as any other business." Mr. Fairbank, after a service of three months in his new field of labor, offers a hopeful view of the "situation." He seems to have gone to work both earnestly and intelligently, and we shall await with interest and confidence the record that will be embodied in his next (which will really be his his first) report.

WISCONSIN.

The State Reform School of Wisconsin has changed its system of discipline from the congregated to the family. Of the results of the change, the managers speak in the following glowing terms:

We are confirmed in the opinion expressed in our former report, that the change of system from the congregated to the family was wise. Every day proves it. The whole aspect of the school, inside and outside, in the buildings and on the farm, is changed and improved. We believe no inmate, officer, employé, intelligent visitor or friend of the school would for a moment hesitate to confirm all that we do or can say in approval of this change of system.

On the same subject the superintendent, Mr. Hendrickson, uses language equally strong:

We have made a year's trial of our family system, and feel warranted in saying that it is a great improvement over the old congregated system. To render this a complete success, we only need competent and efficient overseers, men and women who feel the responsibility of their charge, and possess the heart and the will to execute it. Men and women who, occupying a parent's position, enter into their work with a parent's love and fidelity. We have at present four families of boys and girls, the same as last year, and shall be able to organize the fifth family of boys as soon as the new building is completed. I did not dare to hope, a year ago, when I said in my report that "another building, to enable us to make five families of the boys, is much needed," that such a result could be obtained in one year; yet such is the fact. A building even more commodious and beautiful than either of the former is nearly ready to receive its inmates. To this prompt response we are indebted, through your honorable body and the visiting committee, to the legislature and the governor.

When the new building is completed, a more perfect organization of the school will be effected. This building will be occupied by the better class of boys in the institution. We propose to make the comforts and facilities of this family such that it will be a privilege to remain an inmate, and a privation to be removed from it. At present the number in each family is as follows:

Family No. 1 contains, boys.....	49
" 2 " " ".....	49
" 3 " " ".....	27
" 4 " " ".....	24
" of girls " " ".....	14

Mr. Hendrickson thus sketches the children on their entrance:

The above table but imperfectly represents the destitute condition of a majority of our children previous to their connection with the school—orphans, half-orphans, and worse than orphans. They have grown up without parental care and sympathy, often hungry and destitute of comfortable clothes. The subject of ridicule and abuse, they are accustomed to think all mankind their enemies. The power of kindness they have never known; still these children are often possessed of a sharp and ready wit, with keen perceptive faculties, but are in most cases deplorably ignorant and astonishingly depraved. They come to us loving indolence, filth and vice, and hating study, work, cleanliness and virtue. They are often the prey of disease engendered by neglect, filth and exposure. Some of them have been boot-blacks, some news-boys, some street vagrants; others have wandered from place to place, homeless and friendless. They have loved no one, feared no one, obeyed no one. With corrupt associations, surrounded by bad examples, they have lost self-respect, become lawless, and fallen into crime. Such is the material from which we are striving to make honest men and good citizens.

The reformatory agencies employed are stated to be: 1. Order. 2. Labor. 3. Education. 4. Moral and religious instruction. 5. Classification. 6. Discipline.

TABULAR View of Reformatory Statistics for 1908.

STATE.	Title.	Location.	Superintendent.	Estimated value of real estate.	Estimated value of personal property.	No. of acres.	When opened.	Boys.	Girls.	Total.	WHOLE NUMBER OF INMATES SINCE OPENING.
California.	Industrial School.	San Francisco.	Joseph Wood.	10,000	10,000	100	1881	598	143	741	282
Connecticut.	State Reform School.	Chaplin.	Robert Turner.	10,000	10,000	37	1885	134	1	135	114
Illinois.	Chicago Reform School.	Chicago.	Frank B. Allison.	65,000	1,000	23	1893	112	1	113	112
Kentucky.	House of Refuge.	Frankfort.	William B. Gentry.	25,000	25,000	100	1887	285	1	286	1,111
Louisiana.	House of Refuge.	New Orleans.	William Bosworth.	25,000	25,000	30	1847	271	1	272	1,111
Maine.	State Reform School.	Cape Elizabeth.	William E. Woodbury.	50,000	50,000	30	1887	108	1	109	1,105
Maryland.	State Reform School.	Westborough.	Hon. Benjamin Evans.	50,000	50,000	100	1888	106	1	107	1,105
Massachusetts.	United Reform School.	South Boston and Lancaster.	John L. Blodgett and Martin L. Blodgett.	58,518	58,518	202	1880	1,714	1	1,715	5,773
Michigan.	State Industrial School for Girls.	Lansing.	Rev. Marcus Ames.	71,820	16,051	150	1895	695	695	1,390	1,714
Missouri.	State Reform School.	St. Louis.	Rev. Charles Johnson.	75,000	75,000	134	1884	1,054	8	1,062	1,062
Missouri.	House of Refuge.	St. Louis.	F. S. W. Gleason.	1,000	1,000	20	1884	693	108	801	1,080
New Jersey.	State Reform School.	Amersburgh.	L. H. Sheldon.	61,857	16,586	490	1887	69	69	138	65
New Jersey.	Catholic Penitentiary.	West Farms.	State of New Jersey.	275,158	22,134	1,802	1862	1,802	1,802	3,604	1,802
New York.	House of Refuge.	Randall's Island.	Irene E. Jencks.	600,000	25,000	57½	1885	11,070	3,121	14,191	18,260
New York.	Western House of Refuge.	Rochester.	John A. Moore.	113,800	113,800	134	1869	3,477	8	3,485	17,079
Ohio.	House of Refuge.	Cincinnati.	L. F. Moore.	100,000	100,000	100	1887	4,147	2,417	6,564	4,147
Pennsylvania.	House of Refuge (white day).	Philadelphia.	John K. McKever.	30,054	30,054	100	1888	692	692	1,384	1,384
Pennsylvania.	House of Refuge (colored day).	Philadelphia.	John K. McKever.	800,000	800,000	100	1888	598	2,174	2,772	11,000
Rhode Island.	Providence Reform School.	Providence.	R. Road Lavery.	133,880	133,880	10	1884	461	553	1,014	1,014
Vermont.	State Reform School.	Windsor.	James M. Bulout.	40,000	40,000	3½	1860	1,688	469	2,157	2,157
Wisconsin.	State Reform School.	Wausau.	A. D. Handrickson.	60,000	60,000	180	1860	445	69	514	514
Totals, averages and percentages.											66,473

* The report of this institution was not received till after the table had been made out.

STATISTICAL TABLE—(Continued).

STATE.	AVERAGE NUMBER OF INMATES IN 1908.			DIVISION OF TIME.						Number of officers and employes.	Aggregate salaries.	Total expend- tures for 1908.	Cost per capita.
	Boys.	Girls.	Total.	Hours of labor.	Hours of study.	Hours of recreation.	Hours of sleep.						
California.	183	74	257	6	4	4	6	11	51	118	893	58,148	\$8.14
Connecticut.	201	221	422	6	4	4	6	11	13	13	893	58,148	\$8.14
Illinois.	176	176	352	6	4	4	6	11	13	13	893	58,148	\$8.14
Kentucky.	116	0	116	6	4	4	6	11	13	13	893	58,148	\$8.14
Maine.	190	0	190	6	4	4	6	11	13	13	893	58,148	\$8.14
Maryland.	201	50	251	6	4	4	6	11	13	13	893	58,148	\$8.14
Massachusetts.	207	50	257	6	4	4	6	11	13	13	893	58,148	\$8.14
Michigan.	273	34	307	6	4	4	6	11	13	13	893	58,148	\$8.14
Minnesota.	143	0	143	6	4	4	6	11	13	13	893	58,148	\$8.14
New Hampshire.	46	0	46	6	4	4	6	11	13	13	893	58,148	\$8.14
New Jersey.	449	144	593	6	4	4	6	11	13	13	893	58,148	\$8.14
New York.	181	159	340	7	4	4	6	11	13	13	893	58,148	\$8.14
Ohio.	017	189	206	6	4	4	6	11	13	13	893	58,148	\$8.14
Pennsylvania.	27	207	234	6	4	4	6	11	13	13	893	58,148	\$8.14
Rhode Island.	413	59	472	6	4	4	6	11	13	13	893	58,148	\$8.14
Vermont.	18	0	18	6	4	4	6	11	13	13	893	58,148	\$8.14
Wisconsin.	149	14	163	6	4	4	6	11	13	13	893	58,148	\$8.14
Totals, averages and percentages.											\$27,053	\$1,350,418	34

STATISTICAL TABLE—(Continued).

STATE.	Title.	Employments of inmates.	Average X's managed in labor.	Average earnings.	Rankings on capita on whole to.		
California	Industrial School.	Shoe-making and tailoring.	300	6,487	52		
Connecticut	State Reform School.	Chair-making and farming.	100	14,900	34		
Illinois	Chicago Reform School.	Shoe and basket-making, chair-sewing, carpenter work, gardening.	183	9,993	98		
Indiana	House of Refuge.	Agriculture, shoe-making and tailoring.	70	5,028	21		
Iowa	House of Refuge.	Shoe-making, tailoring, knitting.	103	5,028	45		
Kansas	State Reform School.	Manufacture of shoes, chairs and bibles, sewing and farming, and gardening.	159	7,461	41		
Massachusetts	State Reform School.	Shoe-making, tailoring, farming and domestic work.	180	7,541	28		
Michigan	State Industrial School for Girls.	Textile manufacturing and domestic work.	159	10,013	23		
Minnesota	State Reform School.	Sewing, knitting and domestic work.	300	9,100	33		
Mississippi	State Reform School.	Chair-making, shoe-making, tailoring.	40	3,211	13		
Montana	State Reform School.	Chair-making, farming, knitting, sewing and domestic work.	20	2,211	13		
New Jersey	State Reform School.	Farming and domestic work.	225	1,479	97		
New York	Chautau Institution.	Chair-making, carpenter work, tailoring, baking, farming, sawing, and other work.	225	5,697	31		
	House of Refuge.	Shoe-making, wire-working and domestic labor.	300	11,869	38		
	Western House of Refuge.	Shoe, brush and chair-making, and farming.	300	10,869	38		
Ohio	State Reform School.	Shoe-making, farming, blacksmithing, &c.	347	19,222	29		
Pennsylvania	House of Refuge (white department).	Manufacture of harness, shoes and boxes and blacksmithing.	547	19,222	29		
	Western House of Refuge.	Manufacture of harness, shoes and boxes, knitting and sewing.	159	11,222	36		
Rhode Island	State Reform School.	Manufacture of harness, shoes, knitting and sewing.	159	11,222	36		
Wisconsin	State Reform School.	Shoe-making, basket-making, tailoring, farming, &c.	51	3,541	71		
Totals, averages and percentages.					4,884	\$104,725	439

STATISTICAL TABLE—(Continued).

STATE.	Title.	Liberals available.	Average age when received.		Terms of sentence.	Average sentence in institution.
			Y.	M. D.		
California	Industrial School.	6 to 13	13	5	Minority.	Y. M. D.
Connecticut	State Reform School.	10 to 19	19	6	Minority or specific term.	3
Illinois	Chicago Reform School.	12 to 20	13	9	Minority or full sentence.	4
Iowa	House of Refuge.	12 to 20	13	5	Minority.	0
Kansas	House of Refuge.	6 to 18	11	8	Minority.	
Kentucky	State Reform School.	7 to 15	13	5	Minority or specific term.	
Massachusetts	House of Refuge.	8 to 19	13	6	Minority.	2
Michigan	State Industrial School for Girls.	13 to 18	15	4	Minority.	4
Minnesota	Statistical Reform School.	13 to 18	15	4	Minority.	0
Mississippi	State Reform School.	Under 15	13	0	Minority or specific term.	0
Montana	House of Reformation.	7 to 35	13	6	Minority or full sentence.	0
Nebraska	State Reform School.	7 to 15	13	6	Minority or specific term.	0
New Hampshire	State Reform School.	Under 16	14	5	Minority.	4
New Jersey	State Reform School.	Under 16	14	5	Minority.	13
New York	House of Refuge.	Under 16	14	5	Minority or during minority.	1
	Western House of Refuge.	Under 16	13	0	Minority.	2
Ohio	House of Refuge.	8 to 18	13	9	Minority.	4
	State Industrial School for Girls.	9 to 15	13	0	Minority.	6
Pennsylvania	House of Refuge (white department).	9 to 15	13	0	Minority.	1
	Home of Refuge (colored department).	9 to 15	13	0	Minority.	1
Rhode Island	Western House of Refuge.	9 to 20	13	0	Minority.	8
Rhode Island	Providence Reform School.	7 to 19	13	0	Minority or specific term.	1
Wisconsin	State Reform School.	7 to 15	13	8	Minority.	0
Totals, averages and percentages.					12 yrs. 11 m. 6 d.	17,100, 6d.

STATISTICAL TABLE—(Continued).

STATE.	Title.	Disposition of inmates.	Branches taught.	No. of volumes in library.
California.	Industrial School.	Indenture, probation and discharge.	Common school branches.	1,000
Connecticut.	State reform school.	Indenture and discharge.	Common school branches.	500
Illinois.	Western House of Refuge.	Indenture and discharge.	Common school branches and music.	1,500
Indiana.	House of Refuge.	Indenture and discharge.	Common school branches and music.	1,023
Kentucky.	House of Refuge.	Indenture and discharge.	Common school branches and vocal music.	833
Louisiana.	State reform school.	Indenture, ticket-of-leave and probation.	Common school branches, algebra, physiology and music.	1,460
Maryland.	House of Refuge.	Indenture and discharge.	Common school branches.	1,600
Massachusetts.	(State reform school.)	Indenture and discharge.	Common school branches, algebra, physiology and music.	1,460
Michigan.	State Industrial School for Girls.	Indenture, discharge and probation.	Common school branches, algebra, geometry and history.	1,500
Missouri.	State of Redemption.	Indenture, probation and discharge.	Common school branches and vocal music.	1,023
New Jersey.	House of Refuge.	Indenture and discharge.	Common school branches.	834
New Hampshire.	State reform school.	Indenture and discharge.	Common school branches, physiology, history and music.	1,170
New York.	New York House of Refuge.	Indenture and discharge.	Common school branches and music.	2,000
Ohio.	Western House of Refuge.	Indenture in home and sent to friends.	Common school branches and history.	2,000
Pennsylvania.	House of Refuge.	Indenture and discharge.	Common school branches.	1,500
Rhode Island.	House of Refuge (white dep'n).	Indenture and discharge and sent to Alma home.	Common school branches.	2,500
Vermont.	House of Refuge (col'd dep'n).	Indenture and discharge.	Common school branches.	1,000
Wisconsin.	Providence Reform School.	Indenture and discharge.	Common school branches, U. S. history and book-keeping.	1,269
Total.	State Reform School.	Discharge and ticket-of-leave.	Common school branches.	1,800
				20,946

STATISTICAL TABLE—(Continued).

STATE.	Title.	Disciplinary punishment employed.	Reformations.	Deaths since opening.	Deaths in 1898.	Foreign born.	Opinions.	Hilf-opinions.	PERCENTAGE OF
			Deaths since opening. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. </td></td></td></td></td></td>	Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. </td></td></td></td></td>	Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. </td></td></td></td>	Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. </td></td></td>	Deaths in 1898. <td>Deaths in 1898. <td>Deaths in 1898. </td></td>	Deaths in 1898. <td>Deaths in 1898. </td>	Deaths in 1898.
California.	Industrial School.	Corporal punishment, diminution of food or deprivation of amusements.	75.00	1.25	1.54	6.27	95.00	10.15	26.84
Connecticut.	State Reform School.	Corporal punishment, diminution of food or deprivation of amusements.	75.00	1.10	1.40	4.10	10.00	25.70	24.14
Illinois.	Chicago Reform School.	Bread and water, ticket-of-leave, deprivation of recreation.	75.00	.50	1.10	2.73	0.00	54.30	49.10
Indiana.	House of Refuge.	Bread and water, ticket-of-leave, deprivation of recreation.	75.00	.28	0.60	2.40	6.80	47.12	50.69
Kentucky.	House of Refuge.	Corporal punishment, grade system and ticket-of-leave.	75.00	.13	.29	1.30	6.75	45.33	5.23
Louisiana.	House of Refuge.	Corporal punishment, grade system and ticket-of-leave.	75.00	.40	0.90	1.24	19.00	62.00	40.00
Maryland.	State Industrial School for Girls.	Corporal punishment, grade system and ticket-of-leave.	75.00	.30	0.80	1.30	1.00	60.00	44.78
Massachusetts.	House of Reformation.	Corporal punishment, grade system and ticket-of-leave.	75.00	.40	0.80	1.30	1.00	60.00	51.78
Michigan.	State Reform School.	Corporal punishment, grade system and ticket-of-leave.	75.00	.30	0.80	1.30	1.00	60.00	51.78
Missouri.	House of Refuge.	Corporal punishment, grade system and ticket-of-leave.	75.00	.30	0.80	1.30	1.00	60.00	51.78
New Hampshire.	State Reform School.	Corporal punishment, grade system and ticket-of-leave.	75.00	.30	0.80	1.30	1.00	60.00	51.78
New Jersey.	Catholic Penitentiary.	Corporal punishment, grade system and ticket-of-leave.	75.00	.30	0.80	1.30	1.00	60.00	51.78
New York.	New York House of Refuge.	Grade syst. & (if needed) corp. punishment.	60.00	4.41	0.87	3.28	6.00	11.63	31.13
Ohio.	Western House of Refuge.	Grade syst. & (if needed) corp. punishment.	60.00	1.07	1.07	3.77	9.70	26.55	17.88
Pennsylvania.	State Reform School.	Grade syst. & (if needed) corp. punishment.	75.00	1.50	1.50	3.51	11.22	16.00	49.50
Rhode Island.	House of Refuge (white dep'n).	Grade syst. & (if needed) corp. punishment.	75.00	.38	1.08	3.21	11.15	16.00	49.50
Vermont.	State Reform School.	Grade syst. & (if needed) corp. punishment.	75.00	.38	1.08	3.21	11.15	16.00	49.50
Wisconsin.	State Reform School.	Grade syst. & (if needed) corp. punishment.	75.00	.38	1.08	3.21	11.15	16.00	49.50
Total.			71.37	.78	1.58	2.79	2.06	15.13	46.30

STATISTICAL TABLE—(Continued).

STATE.	TITLE.	PERCENTAGE OF												
		Wholes in	Interprizes	Refusers	Parents	Parents	Parents	Parents	Parents	Parents	Parents	Parents		
California.....	State Reform School.....	6.15	13.35	44.10	68.55	5.10	24.50	22.50	58.10	65.70	.....	.....
Connecticut.....	State Reform School.....	35.60	17.10	22.22	47.22	47.22	.....	.....	.....	.....	.....	.....
Illinois.....	State Reform School.....	30.50	47.22	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indiana.....	House of Refuge.....	57.40	40.52	24.34	60.46	.....	.....	.....	.....	.....	.....	.....
Kentucky.....	House of Refuge.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine.....	State Reform School.....	41.37	11.22	.....	.....	.....	.....	.....	.....	.....	.....	.....
Massachusetts.....	State Reform School.....	33.00	8.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Michigan.....	Nautical Reform School, for Girls.....	5.58	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Minnesota.....	House of Reformation.....	30.00	8.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi.....	State Reform School.....	31.75	3.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	State Reform School.....	34.75	30.68	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	Quabik Prison.....	43.61	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	New York House of Refuge.....	3.17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	Western House of Refuge.....	43.10	20.15	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania.....	State Reform School.....	31.30	6.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island.....	House of Refuge (white department).....	45.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas.....	House of Refuge (colored department).....	4.70	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont.....	Providence Reform School.....	20.55	8.23	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	State Reform School.....	37.47	15.40	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals, averages and percentages.....		30.60	33.47	11.34	10.23	40.23	59.23	17.43	13.87	30.11	37.34	47.34	61.31	50.00

STATISTICAL TABLE—(Continued).

STATE.	TITLE.	PERCENTAGE OF												
		Those not at church.	Those who called drink.	Those who used hard liquor.	Those who visited lib.	Those who had been drunk.	Those who had spent in tavern, A. C.	Those who had spent in saloon.	Those who had been in prison.	Parents had been in prison.	Relatives had been in prison.	Had kept parents.	Previously arrested.	Those who had been idle.	Those who had been in S. School.
California.....	State Reform School.....	44.50	10.30	.....	41.70	64.50	23.50	.....	63.52	6.50	.....	.....	.....	.....
Connecticut.....	State Reform School.....	69.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Illinois.....	State of Refuge.....	15.70	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kentucky.....	House of Refuge.....	41.27	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine.....	State Reform School.....	35.30	72.41	.....	.....	15.51	8.43	.....	.....	.....	.....	.....	.....	.....
Massachusetts.....	State Reform School.....	50.00	6.31	7.53	10.00	10.00	3.00	.....	.....	.....	.....	.....	.....	.....
Michigan.....	State Reform School.....	38.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Minnesota.....	State Reform School.....	6.31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi.....	State Reform School.....	30.53	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	State Reform School.....	50.00	6.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey.....	State Reform School.....	31.72	10.34	30.63	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	Catholic Prisonery.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	New York House of Refuge.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania.....	Juvenile Asylum.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rhode Island.....	Western House of Refuge.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas.....	House of Refuge.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vermont.....	State Reform School.....	14.17	40.25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	State Reform School.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals, averages and percentages.....		62.70	14.74	30.75	50.95	33.61	26.93	.....	.....	.....	.....	.....	.....	.....

Religious agencies employed.

The city.

Services by superintendent and clergy from the village clergy.

Services by officers and friends from Louisiana.

Clergy from Baltimore visit on Sabbath.

Services by officers and clergy of the city.

School teacher takes the place of chaplain.

Chaplain who visits school daily and holds religious service on Sabbath.

Officers and friends of Institution give all moral instruction by clergy of Manchester and other friends.

Resident chaplain who has general supervision of spiritual services by officers and occasional assistance from friends outside.

Resident chaplain.....

Lancaster.

Sunday school by officers, preaching by clergy.

Services by officers.

Services by officers.

Services by officers.

Services by officers.

VII. COMMUTATION LAWS IN THE UNITED STATES.

BY THE CORRESPONDING SECRETARY.

In a paper on "Commutation Laws," published in our last report, we named nineteen States as having passed such acts. Four more are now to be added to this list, making the whole number twenty-three. They are: Alabama, Arkansas, California, Connecticut, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont and Wisconsin. We last year gave the text of seventeen of these acts; one of them, however, as of a State unknown, which we have since learned to be Rhode Island. We print this last again in connection with the State to which it belongs. The text of the commutation act of New Jersey, as printed last year, has become worthless, as a new act has been passed since. We have, therefore the acts of eight States now to give, which are accordingly appended:

ALABAMA.

Revised Code of 1867.

SECTION 4324. The governor may, in his discretion, remit a part of the imprisonment of a convict in the penitentiary, on the written recommendation of the board of inspectors, to the effect that such convict has conducted himself in an unexceptionable manner during his imprisonment, and that the remission of the remainder thereof would not, in their opinion, be inconsistent with the public good; but no such remission must be granted on the recommendation of the inspectors alone, unless the convict has been imprisoned one-third of the time for which he was sentenced, or when sentenced for life, or for more than twenty years, has served at least seven years.

SEC. 4325. If it appears from the reports of the board of inspectors, that the conduct of any convict in the penitentiary has been unexceptionable during the term of his imprisonment, the governor may order two months to be deducted from each year, dating from the commencement of his imprisonment; but, if the convict is at any time guilty of bad conduct, he thereby loses the benefit of the previous year or years of unexceptionable conduct.

ARKANSAS.

Acts of 1866-67, No. 27.

SECTION 8. (Enacted) That for the encouragement of the prisoners to conduct themselves with industry and propriety, it shall be the duty of the

governor, whenever it appears from the reports of the contractors, or keepers, that the conduct of a prisoner has been exemplary and unexceptionable for a whole month together, to commute such prisoner's term of confinement for any period of time, not exceeding two days for each and every month he may have so conducted himself.

CALIFORNIA.

Statutes, published 1864, chapter 324; as amended March 30, 1868, chapter 504.

SECTION 1. The Board of State Prison Directors are hereby authorized and required to grant to every convict confined in the State prison of this State, who shall well behave himself, and who shall perform regular labor during good health, either by the State authorities, or in the employ of any contractor using convict labor by authority of the State, a credit of five days for each month of such regular work and good behavior, during the first two years of his imprisonment. For such work and good behavior, an allowance shall be made of six days for each month of the third and fourth years; seven days for each month of the fifth and sixth years; of eight days for each month of the seventh and eighth years; of nine days for each month of the ninth and tenth years; and of ten days for each month after ten years. Such credit to be computed in favor of every such convict as a commutation of sentence, and to be deducted from the entire term of penal servitude to which such convict shall have been sentenced; *Provided*, that this rule of commutation shall be so applied that any refusal to labor, breach of the prison rules, or other misconduct, shall work a forfeiture of the credits of time thus earned, or such part of it as the Board of State Prison Directors may determine. The power to declare such forfeitures shall rest in the Board of State Prison Directors alone, or a majority thereof; and time once forfeited shall not be restored, except by a majority of the Board of Directors in such case, and then only when circumstances shall render such restoration urgently necessary.

SEC. 2. The Board of State Prison Directors shall proceed to make such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall declare and establish a proper scale or rate of debits and credits for meritorious conduct or misconduct, which shall accompany the rules of discipline of the prison, and in a book to be kept for that purpose shall cause to be entered up at the end of each month the result of credits to which each prisoner may be entitled under this act, and on the first day of each month shall announce such result to the prisoners.

SEC. 3. Every contractor employing convict labor shall keep a similar record of the conduct of all prisoners employed by them, and shall submit the same for inspection to the Board of State Prison Directors at the end of every month, who shall take the same into consideration in making up their decision.

SEC. 4. At the end of every three months the Board of State Prison Directors shall report to the governor of this State the names of all prisoners who may have become entitled to the benefits of this act, with the amount of total credits to the date of such report, the term of their sentences, the date of imprisonment, and the date when their service would expire by limitation of sentence.

SEC. 5. *As amended March 7, 1868, chapter 132.* The governor of the State is hereby authorized, in the cases so reported to him by said board,

whenever the total amount of credits so earned and allowed shall amount to thirty days, to deduct such terms of credit for good behavior from the term of imprisonment for which such convict may have been sentenced; and at the expiration of the term for which such convict shall have been sentenced, less the number of days so allowed and credited, may order the release of such convict by an order under his hand addressed to the warden of the prison, in such mode and form as he may deem proper, and with or without restoration to citizenship, as he may deem advisable; *Provided*, that no part of or provision contained in this act shall be so taken or construed as to abridge the term of imprisonment of any convict, except upon the terms and conditions, and in the manner prescribed herein; nor shall the provisions of this act apply to any convict sentenced to imprisonment for life.

SEC. 6. The Board of State Prison Directors are hereby authorized and empowered to grant and enter up in favor of such prisoners whom they may deem worthy for meritorious conduct, industry and good behavior, during the twelve months prior to the passage of this act, the credit allowed and authorized by section one of this act, not exceeding thirty days, to be deducted from the term of their imprisonment.

[Section six was modified by the act of March 30, 1868, the second section of which reads: "This act shall apply to all persons now imprisoned in the State prison, and the commutation herein provided for shall be computed from April fourth, A. D. eighteen hundred and sixty-four." Approved April 4, 1864.]

NEVADA.

Statutes of 1865, chapter 69.

SECTION 22. The Board of Commissioners (of State Prison) are hereby authorized and required to grant to any convict confined in the State prison, who shall well behave himself, and who shall perform regular labor during good health, either within or without the State prison inclosures, a credit of five days for each month of such regular work and good behavior; such credit to be computed in favor of any such convict as a commutation of sentence, and to be deducted from the entire term of penal servitude to which such convict shall have been sentenced; *Provided*, that said rule of commutation shall be so applied that the five days of credit thus earned or allowed shall be forfeited by any refusal to labor, breach of the prison rules or other misconduct, as may be hereafter prescribed by the commissioners, during the month next succeeding that in which such credit may have been allowed.

SEC. 23 provides that the Board of Commissioners shall establish a scale and monthly record of debits and credits, to be reported on occasion to the pardoning power of the State.

NEW JERSEY.

Chapter 577. A supplement to the "Act for the government and regulation of the State Prison."

SEC. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be the duty of the inspectors of the State prison to assign to the clerk, or some other officer thereof, the keeping of a correct, impartial daily record of the con-

duct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the keeper to see that the said record is regularly made and preserved under his care.

SEC. 2. *And be it enacted*, That when the inspectors shall be satisfied that the said record is properly kept, they shall direct the keeper, for every month of faithful performance of assigned labor by any convict in the State prison, to remit to him two days of the term for which he was sentenced; for every month of continuous orderly department two days; and for every month of manifest effort at intellectual improvement and self-control, to be certified by the moral instructor, one day; *Provided*, nevertheless, that, in any month in which a convict shall have merited and received punishment, no such remission of sentence shall be made; and, in case of any flagrant misconduct by any prisoner, it shall be lawful for the inspectors to declare a forfeiture of the time previously remitted to him either in whole or in part, as to them shall seem just.

SEC. 3. *And be it enacted*, That, on the recommendation of the keeper and moral instructor, it shall be lawful for the inspectors to remit an additional day per month to every convict who for twelve months preceding shall have merited the same by his continuous good conduct in the particulars above mentioned, and for each succeeding year of uninterrupted good conduct, progressively to increase the remission one day per month for that year.

SEC. 4. *And be it enacted*, That, if any person who has partaken of the clemency of this act shall be again convicted and sentenced to the State prison, he shall, in addition to his said sentence, be required to serve out the number of days remitted to him or her on the previous term.

SEC. 5. *And be it enacted*, That all sentences of imprisonment in the State prison made by any court of this State, for a term of months or years, shall be construed and understood to be made under and subject to the provisions of this act.

SEC. 6. *And be it enacted*, That the supplement to the act for the government and regulation of the State prison, approved April fourteenth, eighteen hundred and sixty-eight, be and this same is hereby repealed.

SEC. 7. *And be it enacted*, That this act shall go into effect immediately. Approved April 2, 1869.

OREGON.

General Laws (1864) chapter 41, title 2. "The behavior of convicts in the penitentiary."

SECTION 19. (Enacted) That the warden of the penitentiary shall note the conduct, obedience and industry of each and every convict in his charge, and at the end of each week he shall report the same to the superintendent.

SEC. 20. The superintendent shall keep a merit book, in which he shall enter the name of each convict, and the date of his or her entry into the penitentiary. The time for which each convict is sentenced shall be divided into periods of six months each, or a fraction thereof for the last period, as the case may be. The superintendent shall observe and inform himself of the conduct of each convict, and if, in his opinion, such conduct warrants it, he shall enter in the merit book a merit mark for each month of such periods of time, or so many thereof as such convict may be entitled to.

SEC. 21. Whenever a convict shall have received four merit marks in any period of six months, he shall be entitled to a credit of one day upon his time for each of such marks, *not exceeding six*. When such merit marks are earned a second time during any such period, such convict shall be entitled to a like credit of two days for each of such merit marks; when such merit marks are earned the third time during any such period, such convict shall be entitled to a like credit of three days for each of such merit marks; when such merit marks are earned the fourth time during any such period, such convict shall be entitled to a like credit of four days for each of such merit marks; when such merit marks are earned the fifth time during any such period, such convict shall be entitled to a like credit of five days for each of such merit marks; and when such merit marks are earned during any other such period thereafter, such convict shall be entitled to a like credit of five days for each of such merit marks.

SEC. 22. No time shall be allowed or deducted for time that is spent by any convict in hospital.

SEC. 23. Any convict or convicts attempting to escape, or escaping, conspiring to escape, or willfully violating the rules and regulations of the prison, shall forfeit all allowances of time that shall have been made to him or her up to that time.

SEC. 24. The superintendent shall make an estimate of the time allowed to each convict, and if, upon the approach of the expiration of his or her sentence, it be found that he or she has a credit of at least two-thirds of the whole time that the law would grant, if his or her conduct had been perfect, he shall deduct the time that has been allowed to such convict from the time of his or her sentence, and during the twenty days preceding the thirty days before the time of the expiration of the sentence, after the deduction provided for shall have been made, he shall notify the governor of the State of the facts of the said convict's behavior and industry, and the governor may, if in his opinion the facts, as stated by the superintendent, warrant, grant to the said convict a remission of so much of his sentence as he, the said convict, has earned by his obedience, good behavior and industry.

SEC. 25. If, for the term of fifteen years, any person that has been sentenced to be imprisoned for life is reported by the superintendent to the governor to have earned two-thirds of the time allowed by this act, for the first five years of the time that he or she is confined, and three-fourths of the time allowed by this act, for the second five years that he or she is confined, and seven-eighths of the time allowed by this act, for the third five years that he or she is confined, and if the governor, in his opinion, believes the facts so reported warrant, he may grant a full pardon to said convict.

SEC. 26 provides for the payment of five dollars to each convict on release.

SEC. 27 provides for an allowance of fifty cents for each merit mark, from the accumulations of which, however, are to be taken the value of tools and materials destroyed by the convict's fault. October 21, 1864.

PENNSYLVANIA.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all prisoners who have*

been or shall hereafter be convicted of any offence against the laws of the State of Pennsylvania, and confined in any State prison or penitentiary in execution of the judgment or sentence upon such conviction, who so conduct themselves that no charge of misconduct shall be sustained against them, shall, if the governor shall so direct, have a deduction of one month on each of the first two years, of two months on each succeeding year to the fifth year, and of three months on each following year to the tenth year, and of four months on each remaining year of the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden or principal keeper of such prison or penitentiary, with the approval of the board of inspectors of the same.

RHODE ISLAND.

SECTION 1. The warden of the State prison shall keep a record of the conduct of each convict, and for each month that a convict (except convicts under sentence to imprisonment for life) appears by such record to have observed all the rules and requirements of the prison, and not to have been subjected to punishment, shall, with the consent of the governor, upon the recommendation to him of a majority of the board of inspectors, be deducted from the term or terms of the sentence of such convict, the same number of days that there are years in the said term of his sentence: *Provided*, that, where the sentence is for a longer term than five years, only five days shall be deducted for one month's good behavior; and, *provided further*, that for every day a convict shall be shut up or otherwise punished for bad conduct there shall be deducted one day from the time he shall have gained for good conduct.

[Senate No. 21.]

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each prisoner on all of the above-mentioned Sabbaths. We are pleased to state that the prisoners have uniformly listened to our instructions with deep attention, and have treated us with great respect. Some of them weary for the return of Sabbath, and have expressed their gratitude for the instructions received. We have pressed upon them (if conscious of guilt) to make a free and full confession of their crime, as being the first redeeming step on the upward road to virtue—clearing their own minds, softening the hearts of their judges, and saving the county much expense. Many have made confession in court from the advice given, and no one, to our knowledge, has ever regretted it.

As we have a similar field of labor in the west in prospective, we would recommend to succeed us as local committee of correspondence of Niagara county jail, Miss L. Hotchkiss, Deacon R. W. Beck, John Bowdon and Phelon Outwater, all residents in Lockport.

Praying for the continuance of rich heavenly blessings on your noble enterprise, we are,
Yours in faith and hope,

D. C. & J. E. MAXWELL.

3. REPORT OF THE COMMITTEE OF WAYNE COUNTY.

LYONS, N. Y., February 19, 1870.

Rev. E. C. Wines, D. D.:

Having already, in a previous communication during past year, expressed my views on several important points at considerable length, I shall not need to trespass much on your time or space at present. My colleague, Rev. R. Harrington, and myself have held the usual services nearly every Sunday, occasionally visiting them during the week. They have been well supplied with Bibles and good reading matter, and have seemed to appreciate these privileges, in the main, as well as other people. There have been some instances of privation in clothing, etc., which it was not difficult to get relieved by Christian benevolence. But an essential defect exists in the means of warming the jail; and although the sheriff has brought the matter to the notice of the board of supervisors, they have neglected to take any action in the premises; consequently, the prisoners sometimes actually suffer from cold. A very marked increase of interest in our services and exhortations has been manifested for some weeks, which seems owing not so much to any increased effort or fidelity on our part, as to an evident "tidal wave," so to speak, of spiritual influence, which is turning very many souls all about us to ponder their higher and eternal interests.

With cordial esteem and affection in Christ, I have the honor to be, your friend and co-laborer,
L. H. SHERWOOD.

4. REPORT OF THE COMMITTEE OF TIOGA COUNTY.

The county jail, at Tioga, I regret to say, continues in the same insecure, inconvenient and dilapidated condition as at the last year's report. No jail record having been kept, the number of commitments is unknown.

During the year two escapes have occurred; two prisoners have been sent to the Auburn State prison, and two to Rochester penitentiary. An unusually large number of prisoners have been committed to the jail on criminal charges, and about the usual number for drunkenness. The prison building, as described in last report, is, as I am informed, so insecure that no expert rogue could be kept within its walls over night, except he were under guard or in irons. Our county supervisors have recently authorized the employment of prisoners, under sentence, on the public streets, but thus far they have not been employed except in washing and whitewashing the prison apartments. The usual weekly visitation of the prisoners for religious instruction has, in consequence of the absence of the persons having charge of that service, been for several months discontinued. The sexes are still separated only by a wood grating, except when in their cells. The English Bible is kept within the prison, and the remnant of a library of religious books is in the charge of the jailor, for the use of any desiring to use it. All the arrangements for heating, washing and ventilation are the same as last year. Prison diet about the same. The Young Men's Christian Association has charge of the religious instruction of the prisoners, which has, I regret to say, been neglected, but we hope soon to secure the services of reliable persons for that work.

Yours truly,

E. W. WARNER.

FEBRUARY 25, 1870.

5. REPORT OF THE COMMITTEE OF ONEIDA COUNTY.

ROME, N. Y., February 15, 1870.

Rev. Dr. Wines:

DEAR SIR—I have visited the Rome jail during the past year on the Sabbath; have conducted religious services, distributed papers and periodicals, and contributed in whatever way I could to the instruction of the prisoners. A majority of the commitals are for drunkenness, and other crimes resulting from it. A good talk on temperance is about as effective as any thing.

S. G. VISSCHER.

6. REPORT OF THE COMMITTEE OF SARATOGA COUNTY.

BALLSTON, February 14, 1870.

Rev. E. C. Wines, D. D. :

DEAR SIR—Your favor is received. The frequent opportunities of conversation with the prisoners in our jail have continued to be in accordance with the divine truth, "that the heart is deceitful above all things, and desperately wicked."

We are happy to say the prisoners have been visited more frequently than formerly, and furnished with reading matter, which has always been received with thankfulness, with the promise that it will be faithfully perused and studied. We endeavor to do them good, with the *hope* that *the great Day* will reveal some fruit.

Accept our best wishes for your success in your noble enterprise.

Yours with regard,

TITUS M. MITCHELL,

Chairman of Committee.

7. REPORT OF THE COMMITTEE OF OSWEGO COUNTY.

OSWEGO, February 15, 1870.

MY DEAR SIR—Our committee sent no report on the Oswego jail last fall, for the reason that every thing was going on as usual, and there was nothing new to state to the Association.

On January first the jail changed hands. Under the new sheriff we shall also give the matter our attention, and report in due time for 1870.

I am very truly yours,

GEO. C. McWHORTER,

for the Committee.

Rev. E. C. Wines, Sec. N. Y. Prison Ass. Albany.

IX. THE CAPITALISTS OF CRIME.*

BY THE CORRESPONDING SECRETARY.

The contest between those who work and those who plunder is nearly as old as the world itself. Nor is there much ground to hope for its speedy termination. We suggest the inquiry whether society may not have made a mistake in its mode of carrying on this contest. Has it not failed to recognize the fact that habitual criminality is a craft, not carried on by isolated individuals, but by a virtual organization, comprehending various grades and divisions of work, and especially requiring the combined action of capital and labor precisely as other crafts do, and like them, too, being wholly dependent for its continued existence on this union? There are two well defined classes enlisted in criminal operations—the capitalists and the operatives, those who furnish the means and those who work the machinery, and the former are absolutely essential to the latter. There are four classes of criminal capitalists: 1. The owners of houses or dens affording habitation to predators and places for their congregation and enjoyment—domicils, concert and drinking saloons, dance-houses and houses of prostitution. 2. The receivers or buyers of stolen property. 3. The pawnbrokers, who lend money upon such property. 4. The makers of burglarious and other instruments used in criminal operations. It is the practical impunity of these capitalists which supports the breed of thieves, burglars and counterfeiters. As the law now stands, a man possessed of some capital may, with absolute impunity, use it in providing homes for criminals, arranged, if so he pleases, for concealing the thieves and their plunder, and for baffling the pursuit of the police; or such a person may, with equal impunity, engage in the manufacture of burglars' and thieves' instruments, some of which are of the most elaborate construction. It is true that, as regards those who cash the stolen property, either by purchase or by loan—receivers and pawnbrokers—the law does provide for their punishment; but the requirements as to evidence are such as to make detection and conviction, in ordi-

* This paper is condensed from several essays upon the subject, kindly sent to the secretary by Edwin Hill, Esq., of London, one of three surviving brothers of the celebrated Sir Rowland Hill, to whom the world is indebted for the cheap postage system; a family distinguished for the great ability of its members, and no less so for their earnest and intelligent devotion to works of philanthropy, particularly those looking to the repression of crime and the reformation of criminals.

nary cases, all but impossible. In New York, the articles of stolen property daily received by the two classes named probably amount in value to thousands of dollars; yet the conviction of a receiver is so rare that there is scarcely one to ten thousand offences; and the conviction of a pawnbroker for receiving such property in pledge we have never heard of. Compared to the swarms of operative plunderers, the several classes of criminal capitalists constitute but a small body. Being much more sensitive to the terrors of the law, and more confined to given localities, they offer by far the fairest mark for successful criminal legislation. The mere "laborer" of the criminal class, if we may so name the thief and the burglar, has neither reputation to hazard nor property to lose; he can hide himself or run away. Not so, however, the man who has invested his capital in aid of the predatory class; he cannot conceal himself; and if he run away, he must leave his house, his shop, or his stock behind him. These criminal capitalists present a vital and exceedingly vulnerable part of the organization. If it were made absolutely unsafe for owners of property to afford shelter to habitual criminals—the stern rule "No house room to the dishonest" being rigidly enforced—and if it were also made absolutely unsafe either to purchase stolen property or to advance money upon it, the class that now lives by plunder would, *per force*, be driven either to honesty or starvation. Some years ago, in the town of Kidderminster, England, it was noticed that while household property, shop goods, valuables carried about the person, etc., were perfectly secure from depredation, the thread and silk used in bombazine and carpet weaving were constantly stolen. Now, what was the cause of this strange anomaly? Not, surely, that the people were honest for one thing, and dishonest for another! But this was the reason: Kidderminster was not large enough to conceal and support a trader in stolen goods of the ordinary kind, but it contained many small weavers, some of whom had both means and inclination to buy the stolen silk and thread. Circumstances enabled capital and labor—the capital of the small weaver and the labor of the thief—to act jointly against the silk and thread, while they did not admit of such joint action against other kinds of property.

There is a world of instruction in all this. It says to society: Strike at the *criminal capitalists* in your warfare against crime; make the cities too hot to hold them; destroy opportunity in the large towns as well as in the small; and then evil inclination will remain dormant and undeveloped in the former no less than in the latter; but so long as, through ignorance or fear, you fail to adopt this method of attack, you will be obliged to maintain an army of watch

ers to check evil inclination as it ripens into crime; your property will be exposed to plunder and your persons to injury; and thousands upon thousands of children who might be saved, by a law as inexorable as that which makes the magnetic needle obey the loadstone will be doomed to grow up under influences which will compel them to become the criminal army of the future.

We offer this short summary: To spoliation of property as we see it carried on, the united action of capital and labor is essential. Habitual criminality is sustained by an alliance and virtual organization between these two elements, each alike indispensable to the prosecution of the business. The capitalists—owners of dwellings, receivers of stolen goods (whether by buying them or lending money upon them), the keepers of flash houses for the entertainment of criminals, and the makers of thieves' and counterfeiters' instruments—are few; while the operative plunderers are many. The law strikes at the many operatives, one by one; it should strike at the few capitalists, as a class. It should direct its blows against the connection between capital and labor, ordinarily a beneficent one, but in this case evil, and only evil; nor should it forbear its assaults till it has wholly broken and dissolved that connection. We may rest assured that when this baleful organization shall be pierced in a vital part, it will perish; that when the corner-stone of the leprous fabric shall be removed, the building will inevitably tumble into ruins.

X. HOW ARE CRIMINALS MADE? CAN THEIR NUMBER BE DIMINISHED?

BY THE CORRESPONDING SECRETARY.

The following imaginary history of a young criminal, fiction in form, but fact in reality, is condensed from "Barclay's Juvenile Delinquency," as given in the appendix to Frederic Hill's work on crime:

He is born in a garret or cellar, from which both light and air are carefully excluded. In his early days he received but scanty measure of a mother's loving and fostering care. Soon after birth he was carried forth into the streets with only a slender covering of rags, exposed to the damp, chilly blast, that his shrill cry of anguish might the better bring the pittance from the passer-by, a cry not unfrequently made the more agonizing by the application of human agency. At night, when the absence of warmth and other conditions of comfort compels the cry of suffering, quietness is secured by administering the same foul draught which is preying on the vital forces, both bodily and mental, of the wretched parents. Thus are combined, in the most unhappy union, in the case of this child of misfortune, the most powerful ingredients that can poison the cup of happiness and nourish the seeds of moral and physical debility.

As soon as the tiny limbs of the urchin can carry his stunted body, he is thrown out of his filthy den into the street to beset the passengers on the busy thoroughfare with whining appeals for charity. If he returns to his cellar or his garret without the expected prey, it is ten to one but a sound beating, interspersed with curses and curses, is his only welcome. He never hears the name of God, except in imprecation. A Bible he never saw in the house, and if it were put into his hands he could not spell out its simplest texts. The Sabbath he knows only as a day when the shops are shut, and all business suspended except that of the whisky shop. The church bells ring out their solemn peal; but in his sphere the day is noted only as one of greater idleness and sensuality than other days. He was never taught to pray; but his instruction in curses has been most abundant. He was never taught the commandments of his God; but has been thoroughly indoctrinated in their contraries, both by example and precept. What can be expected from such a childhood, from such a culture in the spring-day of life? Do men gather grapes of thorns? As we saw we reap. "The boy is father of the man." To expect that a child, trained in the manner described, will become an honest and useful member of society, is to expect little less than a miracle. In nine cases out of ten he grows up a delinquent, an Arab, a moral pest to all around; yet surely more sinned against than sinning.

But let us proceed with our dismal biography. The boy, sent forth to beg, discovers no great difference between that and stealing. The penny wrung from the hand of the passer-by—not as charity, but as the price of freedom from annoyance—seems to him no less unwillingly parted with than that which is fished from his pocket. Anywhere between the ages of eight and twelve he makes his first appearance in judicial life at the bar of a police court, or before a simple justice of the peace. The majesty of the law he neither understands nor cares for. The buttons and batons of the policemen excite much more both of his admiration and awe than

the magistrate on the bench. He is not yet learned in judicial phraseology or procedure. To the question "Guilty, or not guilty?" he liaps out, "I don't know;" or the ready lie, his earliest precept, "I didn't do it;" or, with the natural disposition to shift blame on others, "It was him that did it," pointing to some ragamuffin who, on this occasion, occupies the place of witness, the next time to take that of the prisoner. The charge is found proved, and the boy is consigned to prison for a brief period—too brief to accomplish the least practical good, but quite long enough to break the spell of the prison-house, and strip it of its terrors; long enough to indoctrinate him in all the vices and devices of the professional criminal; long enough to fire his young heart with the bad ambition of becoming a leader and a hero in assaults upon the rights and property of his fellow man.

The short term of his novitiate has now run its course. He goes back to society with the brand of prison infamy on his brow. He returns to his wonted haunts with a keener appetite for vice. Soon he is again detected in crime, again arraigned before the magistrate, again convicted and sent to prison. This process is repeated the due number of times, and the youth has become what is known, in prison phrase, as a "revolver," a frequent inmate within the prison walls. The customary number of minor convictions being completed, the subject of this mournful biography takes a degree in stealing, and graduates in crime with his diploma in his hand. He is transferred from the bar of the police magistrate to the higher criminal court, where he is favored by that great palladium of Anglo-Saxon liberty—trial by jury. Never yet in the whole course of his life has he had justice in its fairest form—protective and remedial—done him; but now in its retributive and penal form it is administered with the most punctilious formality. The charge is often of a theft quite paltry in its pecuniary value—a pair of old shoes, a loaf of bread taken under the sting of hunger, or a few pence abstracted from the fob of the passenger, or the till of the whisky-shop from which he has been in the long practice of conveying the poisoned ingredients of his parents' daily debauch. The proceedings are conducted with as much parade as if the charge were homicide, and the criminal one grown gray in crime. It is to break a fly on the wheel. The thunderer hurls his bolt at an insect. The parents of the child would be the more fitting occupants of the dock. The ferule of the school-master would be more influential of good than the mace of justice, and the primer and catechism fitter authorities than the ponderous volumes on "Principles and Practice," whose metaphysical distinctions of crime are gravely quoted against the boy who could not decipher their title pages. The trial results in conviction; and now a long imprisonment follows, which, had it been imposed at the first, might, with the divine blessing, have been attended with saving results. The probability is that, under our present system, it is now too late, the habits being already formed and indurated.

The weary months roll on their course, the day of freedom draws nigh, the prison gate is thrown open, and the flood-tide of temptation ensues. But no refuge is provided for the liberated prisoner, no adequate agency established to secure him honest employment. Not seldom do his old companions in guilt court the day of his release. Not seldom do they literally watch the prison gate to hail their comrade on his discharge. Not seldom do they welcome him in dissipation and riot, where all good resolutions are ridiculed, where all serious impressions are made the subject of jest and mockery. Ah! it is just at this point that our systems of imprisonment break down. The wonder is, not that so many return to criminal courses, but that any are able to escape the entanglements that beset them on their liberation. It may be that the discharged convict has, during his incarceration, learned to work or to love work; but out of prison no opportunity is afforded him to apply his industry in an honest way. If he asks charity, he is told to work; if he asks work, he is told there is none for such as he. He begins to think that society

has formed a conspiracy against him, that the community and he have a quarrel. He finds himself shunned as a moral leper. Compelled to live an idle life, he begins to shun the day and to court the night. A spirit of recklessness, discontent, revenge, takes possession of his heart. And now he and such as he are ready on any fit occasion to make an outbreak on the peace of society, so that they may obtain booty in the confusion. They can sink no lower, and entertain the hope that they may secure some undefined advantage in a change.

The criminal youth, whose sad history has been sketched above, now commits a graver offence. Before, it was a misdemeanor committed individually, and marked by cunning rather than audacity; now, it is done in concert with others of equal age and criminality; often, too, with some of the other sex—the best helpers of man in a virtuous course, the heaviest and surest drag in a downward course. The offence is no longer the simple act of theft, but the bolder one of house breaking, robbery, homicide. A trial follows in the highest criminal judicature, a conviction is had, and the youth of sixteen or eighteen, who, under better auspices, might have been honored for his virtues and his usefulness, finds himself within the walls of a State prison and the occupant of a felon's cell.

We now come to the second question—What is the remedy for this state of things? How can the number of such histories be diminished? The first step toward the attainment of this end would be, as we conceive, the enactment and honest enforcement of a law making compulsory the education of all the children of the State. Parents should be required to cause their children, within a certain range of years, to attend some school, either public or private; or, if they desire a more select education for their offspring, they should be required to show that they are receiving, during the legal age, the necessary instruction at home. It is far better to force education upon the people than to force them into prisons to expiate crimes of which ignorance has been the occasion.

The second step would be the establishment of public nurseries for children from two to six or eight years old, of pauper and criminal parents. We already have an example of this class of institutions, and the good they may be made to accomplish, in the nurseries on Randall's Island. Their great importance and value appear from the fact that the first impressions made upon the mind, whether good or evil, are the most lasting. These early impressions and habits usually exercise a controlling influence on the whole subsequent life. Accordingly, it is from the class of children who receive their impressions and form their habits in the streets, from the age of four to ten years, that our reformatories, jails and State prisons are recruited. Is it possible, then, to exaggerate the importance to society of institutions such as those here proposed? Should not systematic measures be directed by legislators as well as philanthropists to this department of education? Here the serpent may be crushed in the egg, the hydra strangled at the birth, the harvest of evil nipped in its first sprouting.

The industrial school, whether called by that name or some other, is the third agency to be employed in this preventive work. The children of parents who neglect their offspring, either because they are vicious or indifferent—children who roam the streets, prowl about docks and wharves, and are almost sure in the end to take up crime as a trade—should be gathered into institutions of this sort, where they would receive that mental, moral and industrial training, which their own homes would never afford them, and from which they might at length be sent out to good situations in the country or elsewhere, where they would grow into virtuous and useful citizens, adding to, instead of preying upon, the productive industry of the State. A few schools of this class—those of the Children's Aid Society and some other benevolent organizations—have been established with the best results. But the number is not at all commensurate with the needs of society; they should be greatly multiplied.

The discipline in these industrial schools should be strictly of the family character. All the arrangements should be such as to cultivate habits of industry, and prepare their inmates for the stations they are afterward to fill. The kitchen, the wash-tub, the sewing and knitting room, the workshop, the farm, and, above all, the school-room, together with such recreations as are suitable to their years, should occupy the time of those who find their home there; and this home should be, though tidy and attractive, of the plainest character, partaking as nearly as may be of the nature of the domestic department of families in moderate circumstances. Criminal and vicious habits should be the only bar to reception, and children tainted with such practices should in no case be permitted to come in contact with the destitute, but as yet unfallen, street children, for whom alone the industrial school is designed. Should any such by mistake be ever admitted, they should be, when discovered, at once transferred to institutions whose distinctive character is reformatory rather than preventive.

The fourth and last agency, in this work of diminishing the volume of criminality, to be noticed at present, is the juvenile reformatory. These already exist in most of our States, and New York is better supplied with them than any others, except Massachusetts, and possibly Pennsylvania. But in all the States the system needs a large extension, and in all there are modifications—for the statement of which space is at present wanting—by which its organization might be improved and its efficiency increased.

Let the several classes of institutions enumerated above be sufficiently multiplied and placed under judicious management (a union of public and private effort would best secure the requisite wisdom

and efficiency), and there can be no doubt that thousands of young victims of parental indifference, neglect and vice would be kept from idle and vicious habits, and from the ruin they bring in their train; the most prolific fountain of crime would be cut off, and the numbers confined in our prisons would be materially diminished, if not brought down almost to zero.

XI. THE SEEDS OF CRIME.

By THE CORRESPONDING SECRETARY.

The Rev. Mr. Kingemill, chaplain of Pentonville prison, England, put the question, "What was the first cause of all your troubles?" to several hundreds of convicts who were about to be transported to Australia, with the assurance that their answers should not be read until they had left the country. From the answers he received he made a selection of one hundred because of their greater brevity and definiteness, which he published in his admirable work entitled "Chapters on Prisons and Prisoners." From the fact that these confessions were made in writing, after a long course of kind and faithful religious teaching, they are entitled to more than ordinary credit and attention. Let it be remembered that it is not the nearer occasions of falling, nor the proximate causes of transgression, that are here indicated; but the beginnings of evil, the latent poison first received into the moral system. It is instructive to learn from the lips of convicts themselves, under circumstances which forbid the idea of deception, to what early influences they trace their evil courses. Parents may draw from such revelations lessons to guide them in the discipline and training of their children, and many a warning voice is uttered by them in the ear of youthful passion and inexperience.

The greater part of these hundred criminals trace their final plunge into crime to several different causes: fifty-six (together with other causes) to bad company; thirty-nine to stubbornness and disobedience to parents; thirty-eight to parental indulgence and the want of due restraint by parents and masters; thirty-two to forsaking Sunday school, neglect of church, and Sabbath-breaking; twenty-four to lewdness; twenty to drink; fourteen to theater-going; twelve to the indulgence of a roving disposition; eleven to gambling; the same number to petty pilfering; ten to a feeble will and a self-indulgent spirit; five to idleness; five to the harshness of parents; four to tyranny; three to lying and deception; two each to novel-reading, orphanage, atheism, jealousy, poverty, dishonesty of employers, absence of the fear of God, and being turned out of doors by their fathers; and one each to recklessness, ignorance, a bad wife, peddling, and ill-treatment by a step-mother.

But we will let some of these convicts tell their own story. The monitions conveyed by their fall will be most impressive, when given

in their own words. The terrible responsibility for crime resting on dishonest shopkeepers, and the perils to which youths are exposed in entering on a business career, are seen in the following narrative by one of the convicts:

I can safely say this, that I never lived at a situation that did not try to get as much for an article as they possibly could; and they would never lose the opportunity of taking advantage of another man's ignorance; and they never went to church, though they kept large shops and warehouses most of them. So that by me having such bad masters I did not think I should be doing wrong by following those examples; and the first temptation that presented, I yielded to, and now am dearly suffering for it. A poor woman went into a draper's shop, and asked the price of some shawls. Being shown some marked 7s. 6d., she said she would like one of the same pattern as the 7s. 6d. one, but higher in price, as she wanted it for the winter. The 7s. 6d. shawl was taken and put into a parcel of shawls priced 14s. 6d. "Ah!" says the poor woman, "I will take this one, sir. What is the price of it?" Shopman: "14s. 6d." So she paid 14s. 6d. for the shawl that she was once told she might have for 7s. 6d. It was no mistake of the shopman; for he knew her heart was set on that pattern, and so took her in, and was praised by the masters for his cleverness, and *got a reward*. I might mention several others; but this will show you, sir, the nature of my temptations, and how young men drapers are led into sin.

This shop was neither more nor less than a manufactory of criminals. Is it a solitary case, or are such cases confined to the other side of the water? Would that we were permitted to believe it. But no; such stores and such practices abound in New York, and in all our large cities. The great day alone will reveal the extent to which they contribute to corrupt our youth, and to swell the volume of crime, which every day seems to be growing deeper and broader.

No less than thirty-eight of the transported convicts whose answers are given by Mr. Kingsmill assign parental indulgence as the first cause of their lapse into crime. Two extracts are given in illustration:

I was left without a father when at the age of five years. I had a tender mother; never lived one so fond of a child as my mother was of me. I was allowed any thing she could get for me. I was allowed pocket-money to do as I liked with. I went to school when I thought proper, and stayed away when I liked. I often went to play-houses. When quite young I was put apprentice to a master who had a great many men. And I often went to beer-houses with them on Saturday nights; and there I learnt to drink, play cards, and go home any time to my master's house. I was let in, and nothing said to me. I am sorry to say it was keeping late hours at night, going to play-houses and other amusements, and drink, and so on, till one sort of vice followed another; and when I gave way to it, it came on stronger and stronger, and now I have found it out.

The other testimony is in these words:

I do not mention it for any reproach; but my parents were too kind to me, letting me have my own way in every thing, which led me to honor my father and mother less. I truly think that giving up going to Sunday school was the commencement of all my trouble, and not having a love for home, though there could not be a

kinder. I think the greatest happiness I ever enjoyed was when, by sickness or other cause, I was kept at home in the evening, and reading aloud to my father and mother; but I was easily led away by the first temptation.

We have ourselves conversed with hundreds of imprisoned criminals. From their admissions it was evident that the number was very small who had been in their childhood under any effectual parental control. They had been allowed to select their own associates, without supervision or restraint. Many were permitted to go to school or not at their pleasure, and to range the streets at night until such hour as they chose to return. We are convinced that parental indulgence is one of the most prolific sources of crime; that back of intemperance, back of Sabbath-breach, theatre-going, evil associations, and almost all the other proximate causes of a criminal life, is the lack of that wise, firm, steady parental restraint which Solomon so strongly enjoins, and which is essential to the moral development of the child.

A few further extracts are offered from the answers of these transported criminals. They will be found to possess a mournful interest, and may serve at once as guides to parental training, and as so many admonitory voices addressed to the young, bidding them beware of the very beginnings of evil:

1. Bad company, drink and idleness.
2. Disobedience to parents, and from that to Sabbath breaking and gambling.
3. Staying out late at night and bad company; not taking good advice and disobedience to parents; gaming and such like practices.
4. Disobedience toward both my heavenly and earthly father.
5. A passionate desire for gambling, intemperance, and a desire for gay society.
6. Bad company, card-playing, the ale-house, drunkenness and night work brought on a house-breaking job.
7. Profligate companionship, depraved excitements, contempt of the Sabbath, disobedience, extravagance, obduracy of heart, despising all warning and caution from pious friends and ministers, beginning with small sums, intending to replace them—these are the principal causes; but there are others which I cannot mention.
8. Disobedience to my parents and profaning the Lord's day; then commencing with little things, such as a few plums from a garden, etc.
9. The first cause of my trouble I can trace back to a disregard of the Sabbath day; by following the counsel of bad youths who enticed me every Sunday to come with them to the very spot where the prison is now built, instead of attending my chapel, as my mother thought I did.
10. I trace the source of all my misery, first, to disobeying a pious parent, and next, to the profanation of the Lord's day; and from thence to the perpetration of worse crimes (if such there be), which soon hurried me on to the consumption of my fate.
11. Frequenting wicked places of amusement, and not taking kind friends' advice.
12. Breaking the Sabbath day and keeping company with thieves, and telling my father and mother I did not care for them, and not being corrected by them for it.
13. Disobedience to parents, sir, I am ashamed to confess; this led to Sabbath breaking and bad company; the consequences, sir—*theft, hatred, lying and every other vice followed, and now I am undergoing a punishment I richly deserve.*

14. I became acquainted with some young fellows who had less regard for Sunday than I had been accustomed to; by degrees I went once instead of twice to chapel; then I got fond of theatres, going perhaps once or twice a week; then came public houses, a distaste for religion, novel-reading, Sunday newspapers, and an ardent desire to see what is termed "London life," that is, scenes of profligacy and vice.

15. Disobedience to parents, and then masters; Sabbath breaking and the love of vain company; theatres, concerts, balls, dances, night-walking, card-playing and pleasures of all kinds.

16. Being so fond of the play and the singing-rooms, and the bad company I got acquainted with there.

17. Casting off the fear of God, putting Him and His commandments out of my thoughts, stifling the convictions of conscience, self-dependence, forsaking home, throwing myself in the way of committing sin, by being employed in an unjust system of transacting business for the sake of lucre—these formed the sources of my fall.

18. I was fond of going to the theatre; that was the cause of my troubles.

19. Running away from my master and Sabbath breaking, associating with bad company, and giving myself to lewdness.

20. I disobeyed my Sunday-school teacher's advice, and then I broke the Sabbath day; that was the first cause of all my troubles.

21. Breaking the Sabbath, which is a breach to the rest.

22. There can be, I think, but one answer, however large a number may be asked this question—the absence of the fear and love of God.

23. What I think the greatest cause of all my trouble was, frequenting theatres with gay companions, and from that—which I humbly beg you will excuse me mentioning, for I am quite ashamed to look back to it, but it has been the chief cause of bringing me to my present condition—to houses of ill fame; liquors and dancing and swearing I always did detest, and I humbly trust that them and all my other vices I always shall; mine has truly been a miserable beginning of life, for I am only nineteen years of age; may God grant that it may have a happy ending! O Lord, pardon what I have been, amend what I am, and let thy goodness direct what I shall be!

All this is quite in accordance with our personal knowledge of prisoners. Of the hundreds with whom we have conversed, nearly all, by their own confession, had formed the habit of profane swearing very early in life. *Not one had been in the habit of steadily reading the Bible.* Not one in ten had attended church regularly since childhood, and nine-tenths had been Sabbath breakers. Less than half claimed to have attended Sunday school in their childhood; and of those who professed to have done so, few could remember the names of their teachers or the books they studied. Scarcely one claimed to be a total abstainer from intoxicating liquors, while the great majority acknowledged themselves intemperate. Nearly sixty per cent owned that they were addicted to licentious practices, nearly an equal proportion that they were tavern haunters, and twenty per cent that they were more or less in the habit of gambling.

What a lurid light do facts like these cast upon the beginnings of crime! In trumpet tones they warn the young of their danger and the old of their duty.

XII. SHALL CONVICTS SHARE IN THEIR EARNINGS?

BY THE CORRESPONDING SECRETARY.

To this interrogatory our reply is an emphatic yes. We paid a visit to the Massachusetts State prison in the autumn, and were gratified to find that warden Haynes is strongly of the same opinion, as the following passage from his forthcoming annual report attests;

Again I am led to inquire if some plan cannot be adopted whereby these men may become interested in the profits of the institution? I am satisfied that if a percentage of the gains could be divided among the inmates, as a reward for industry and good behavior, upon the same principle as time is deducted from their sentences under our commutation law, we should be taking an important step in the right direction. The feeling which, to a certain extent, now exists among them, that the State is making a profit out of their labor, would be dispelled, and each individual would be interested in our prosperity. It would have a tendency to inculcate industry, patience, and perseverance—virtues which would exert an important influence on them when discharged.

In a conversation with Chaplain Carleton, he stated that in visiting the families of prisoners he often encountered harrowing scenes. He thought that, if everybody could see the poverty and destitution which it was his lot not unfrequently to witness, they would be disposed to ask, why should not at least a portion of the earnings of the convicts inure to the benefit of their suffering families? Does it not strike every reflecting mind that this is a most reasonable suggestion? Does it not accord with "the fitness of things" that a man, even though he be a convict, earning several dollars a day, should somehow bring those dollars, or a portion of them, into such relation to his family as to keep them from the woes of want and beggary? Take this case, remarked the chaplain, and it is far from being an imaginary one. Here is a man, say thirty years of age, a mechanic, a good workman; but having one serious fault—which is, that once in three or four months he will get intoxicated, and remain so two or three days. At one of these periodical times of drunkenness he is induced by evil companions, into whose bad company he has fallen by his evil indulgence, to engage in a scheme of robbery, and is caught, tried, convicted, and sent to State prison for three years. He comes here chagrined, vexed, angry with himself, cursing the day he yielded to temptation, and denouncing, in no measured or delicate terms, those through whose instrumentality he fell. Here he is bathed, shaved, housed, clothed, fed, doctored,

nursed, hears preaching, goes to ordinary school and Sunday school, has Bibles, tracts, and religious papers, and access to a library of over eighteen hundred volumes, from which he may take a book three times a week. Now look at his wife and two children. She is a frail and sickly woman; can do but little hard work, and soon finds herself destitute of wood, coal, flour, and other necessities of life. She sees her children growing up in ignorance and vice, because their garments are worn to rags, and she is ashamed to send them, and they are ashamed to go, to either day school or Sunday school. In this case, who suffers? The guiltless woman and innocent children, or the guilty husband and father? Surely he has darkened their lives and brought sorrow and deprivation upon them. His work is worth three dollars a day; he could get that outside for what he does in the prison. He works (say) three hundred days a year—that is nine hundred days in the three years. At three dollars a day he earns twenty-seven hundred dollars. Nine hundred of this, a dollar a day, goes to the prison, the rest to the contractor who hires his labor.

Now in the name of all that is fair and honorable, in all equity and justice, should not some of that twenty-seven hundred dollars go toward the support of that poor wife and children? Can any one look at the matter from *any* standpoint, and answer this question in the negative? On one occasion a prisoner said to the chaplain: "My father was killed in the war, and I hear that my mother is very sick; will you go and see her?" The place was found—a wretched room in a dilapidated house. There was no mother there, however (she had died a few days before), but eight fatherless and motherless children, the eldest not quite twelve years of age, and the youngest only twenty months, with no one to look after them but a poor woman from the neighboring room, who had a family of her own to attend to. These forsaken little creatures were arranged in a row, according to age; and, as they stood thus, their heads rising in regular gradation, they formed a complete human staircase, and a sprightlier or prettier set of children it would be hard to find. Now is it too much to say that the earnings of an older brother, though incarcerated in prison (or, at least, a portion of them), should be devoted to keeping such a group of orphans from starvation or the poor-house?

Many of the men, the chaplain said, are chafing and worrying all through confinement on account of the troubles and privations of their connections through poverty. In speaking about a pardon, something like this is often said: "It is not for myself, sir, I care. I can stand the life here, as I know I deserve punishment. But I

have an aged father, an invalid mother, a sickly, heart-broken wife or motherless children; and it is what *they* suffer that makes me so anxious to get out that I may help *them*." Is it not just, as well as humane, that the afflicted families of criminals should derive some support from their earnings?

In nearly if not quite all European prisons, the convicts are allowed a certain portion of their earnings as an encouragement to industry and good conduct. This is the case in Great Britain, Ireland, France, Italy, Netherlands, Germany, etc., etc. In the admirable "House of Correction and Industry" at Moscow, Russia, under Count Sollohub, the prisoners receive at first one-third, and at a later period of their imprisonment two-thirds, of the products of their labor. The consequence is, that there is often a necessity of restraining their eagerness to work, never of urging them to this duty. Every man is taught a complete trade, and the number of relapses is brought down nearly to zero. In France convicts receive from one-third to one-half of their earnings. In 1866 the amount of the product of labor assigned to prisoners was two and a half million francs. The earnings thus allotted to the prisoners are divided into two moieties—one of which, under the name of *disposable peculium*, serves for the purpose of supplementary provisions, the relief of poor relatives, etc., etc.; the other, under the name of *reserved peculium*, is intended to be paid on liberation.

Of all the motives that act on man there is none stronger than that of personal interest. The prisoner, borne down and crushed, cannot be raised by any stimulant more powerful than property. We have taken one most important step in prison reform by allowing our convicted and imprisoned criminals to abridge their terms of sentence by industry and obedience. Let us now take another, no less important, and which will certainly prove no less beneficial, by allowing them to share in the product of their toil.

XIII. PRISON STATISTICS: A NATIONAL PRISON BUREAU.

BY THE CORRESPONDING SECRETARY.

The science of statistics is still in its infancy in the United States; and what is true in general is especially true as regards the statistics of our penal institutions. This department of scientific investigation is too little appreciated, and, as a consequence, too much neglected among us. The laws of social phenomena can be ascertained only by the accumulation and careful analysis and generalization of facts. Returns of such facts, gathered from a wide field of observation and skillfully digested, are indispensable to enable us to judge of the real effect of any system we may have put in operation. What we want to know is the facts; but a knowledge of the facts relating to so complex a subject as that of crime and criminal administration implies a mass of figures, collected from all quarters, and arranged and tabulated with reference to some definite object. The local and the special are to little purpose here; it is the general only that has value—that is, returns so numerous, so manifold and drawn from so wide a field and amid such diversified circumstances as to give significance to the results. It is such returns alone that will yield inferences of practical value. We want to get at an average; and, in order to do this, we must have scope enough and variety enough, both in the range and character of the returns, to be able to eliminate whatever is local and accidental. Only on this condition can our conclusion as to what constitutes the essence of the matter be sound and safe. Only on this condition shall we be able to feel that our inferences rest, not upon mere incidents of the phenomena, which may be partial, casual and immaterial, but on the phenomena themselves apart from variations which are but temporary or adventitious.

We wish to know, for example, whether the stern severity of the old system of prison discipline, or the benign pressure of the new, is the more effective in repressing crime. How are we to determine this question? Obviously our conclusion will have little force unless our facts shall have been collected from a wide territory and under the greatest diversity of conditions and incidents, so that every phase and relation of the phenomena shall have been included in our returns, and all that is special and exceptional shall have been corrected, and a result reached, not neutralized or vitiated by circum-

stances which have not been noted, and for which due allowance has not been made in the analysis. But the materials for a generalization having the breadth and reliability here supposed are criminal statistics. A reformatory prison in one place and under one set of circumstances may signally succeed, and, in another place and under other circumstances, as signally fail; yet the success of the one and the failure of the other may have comparatively little value as an argument. Both the triumph and the defeat may have been the result, at least to a considerable extent, of accidental causes—as, for example, the competency or incompetency of the head—and they will, therefore, afford no certain ground for any general conclusion. But, if the experiment of the new and milder discipline has been tried in a score of different places, and under conditions widely variant, and yet has everywhere succeeded in securing a larger proportion of reformations than the old and rigid system, such an induction will afford a solid basis for our inferences, and we shall feel that we stand upon a rock in affirming that kindness is more effective than severity in leading criminals back to virtue.

In proportion, therefore, as our facts are gathered from narrow districts and confined to brief periods of time, our generalizations will be unsafe as a basis of argument; for we cannot be sure that the mere accidents of the experiment may not have determined the character of the result. A practice founded on conclusions arrived at in this way, though scientific in form, would be empirical in fact; dogmatism would have been mistaken for induction. Nor can we correct the falsity of such reasoning otherwise than by returns which, if not universal, are at least general; that is, broadly comprehensive both of space and time. As we know crime to be occasionally local and epidemic, so, under a certain conjunction of circumstances, may reformations be; for what else than this are those mighty revivals of religion which have marked the history of the church in all ages? Results may be secured in one place and by one agency which we may in vain seek to parallel in another place and by a different agency. If, therefore, we would test the general or average results of a reformatory prison discipline, we must collect our facts from all quarters, even from distant States and nations. Returns from one or two localities will be without value; nay, they may even prove deceptive and misleading. If we would know what a curative agency can accomplish on the whole, we must know what it is effecting in the manufacturing towns and rural villages; what in the seaports, and in the mountains and valleys of the interior; and what in the coal-beds, lime-kilns and gold mines. We must learn its results, not in selected spots and under special circum-

stances, but on broad regions and amid conditions endlessly varied. The essential, inherent power of our philanthropic machinery then comes out and makes itself manifest when it is seen in conflict with the special obstacles which it has to encounter in each of the different populations of a country—agricultural, commercial, manufacturing, mining, etc., etc. The result of its struggle with all opposing difficulties and forces is the result which alone is of any worth to us. And this can be known only as the facts are gathered from all these fields, and are collated, digested and reduced to tabulated forms on some uniform system, or at least in a way that will admit of practical comparison.

We want such statistics—full, uniform, and collected and published with regularity from all the prisons and reformatories of our country. Their systematic collection and publication would be a great step in advance. What do the American people know about American prisons? Something they know of the prisons of Charlestown, Sing Sing, Auburn and Philadelphia; but what knowledge have they of the condition and progress of prison discipline in Oregon, Nebraska, Minnesota, New Jersey, and other members of the American Union? How many know the principle on which convict labor is conducted in Kentucky and Mississippi; or, indeed, anywhere else? Yet prison discipline is a mighty social and pecuniary interest, touching profoundly the nation's moral well being, and involving its material interests to the extent of millions upon millions every year. Is not prison discipline, then, a subject on which the people everywhere ought to feel an interest, and in reference to which they need information, full, systematic, and trustworthy? It is not in regard to a prison here, a reformatory there, or a truant home somewhere else, that they require to be informed, but they should have such information touching all the penal and correctional institutions of all the States, and then they would be able to judge whether the work of reforming criminals is a success or whether our penitentiary system is a mistake and a failure.

The question is, how shall a need so important and so much to be desired be brought about? In the several states of Europe—with strong central governments, having control of education, prison discipline, and other great social interests—there is usually a minister of justice, who supervises the whole prison system of the country, and collects, collates, arranges, and publishes the statistics exacted of the various institutions. But this is quite impracticable with us. A vast variety of interests which come under the control of the central government in European countries are relegated to the several States in the American Union. This is the case with our penal institutions.

Their government and administration belong to the States, and the general government has nothing to do with them. There is no coercive force anywhere that can give unity to their organization and working. Moral forces alone can accomplish or approximate this result.

There are two methods by which the end may be approached, though it is not probable that it can ever be fully attained. The first is a National Prison Discipline Society. Such an organization, with active committees in every State, might and no doubt would wield a vast moral power, impressing upon the prison systems of the several States a character of homogeneousness and unity, and especially securing a uniformity in prison statistics, not otherwise attainable.

The second method is that of a Prison Bureau, established and worked by the national government. The model for such an organization we have in the bureau of education, recently established by the general government. Is not a bureau of criminal justice equally desirable, and, within the scope of its operation, likely to prove equally beneficial? Among the functions of such a bureau would be to devise and promulgate the best formulas for prison registers, the best method of recording judicial proceedings, with the view of supplying statistical information on legal subjects, the best modes of tabulating criminal and judicial statistics, and the best means of securing the collection and preparation of comprehensive, scientific and accurate prison returns. A prison bureau, like that here suggested, would, it is true, cost its annual thousands; but it would, indirectly, beyond a peradventure, save to the nation its annual millions. Let it be remembered that crime is the foe against which we war, a mischief great and multiform; and it is to lead the battle and to suggest the best modes of assault that this bureau is needed. The conflict must be bold, skillful, sleepless, and with weapons of love rather than of vengeance. So assailed, the evil will yield slowly, no doubt, but surely to the attack. The principle of all true and effective prison discipline, certainly of all that is meant to be curative as well as deterrent, is enunciated in one terse dictum of inspiration: "OVERCOME EVIL WITH GOOD."

XIV. THE TRUE THEORY OF PUBLIC PUNISHMENT.

By THE CORRESPONDING SECRETARY.

We assume that every just system of prison discipline must work with nature instead of against it. If we would improve men, whether *in* prison or *out* of it, we must not ignore, much less crush, those great principles which the Creator has impressed upon our mental and moral constitution. The principle of sociability, for instance, is one of the strongest instincts of the soul, one of the mightiest forces of human progress. Can we safely thrust it aside in our effort to reclaim and reform the fallen? Should we not rather cherish, while at the same time we direct and regulate, those inborn cravings for amelioration which almost all men feel in some degree, and which are often the strongest in those who are otherwise the most debased? Under the guidance of enlightened reason and right principle, the prisoner should be led on to order, obedience and exertion, since experience shows that, under mere control and coercion, he not infrequently either explodes in violence or is dragged down till hope is gone and manhood extinguished. Do any of our prisons fulfill this end? The separate system is the most perfect form of coercion that has ever been devised. Men are utterly helpless in its grasp. Of necessity, they make excellent prisoners; and both those who manage and those who view them in this position, if they do not look beneath the surface, are enamored with the apparent success of the system. But surely the most perfect form of bondage is a poor preparation for liberty; nor is a man likely to be best fitted for the struggles and difficulties of actual life by a long sequestration from its arrangements and duties. What can be the real worth of that virtue which rests only on a basis of physical disability to do wrong? The silent system is really but little different, resting, like the other theory, upon the principle of isolation with labor; only, in the one case, the isolation is effected by an absolute bodily separation, and the labor is performed in the cell; in the other, the labor is done in common workshops, and the isolation is of a moral kind, being effected by the enforcement of an absolute silence. While there is a sort of material society, there is mental solitude. The principle of sociability has no more play, at least as far as the theory goes, under the one system than under the other.

Much has been said of the demoralization resulting from the association of prisoners together. No doubt, if, as on the usual principles of management, only their worst feelings are called out, their association will be corrupting. But if their better impulses are brought into play—and Capt. Machonochie, in Norfolk Island, Count Sollohuh, in the house of correction and industry in Moscow, Montesinos, at Valencia, Obermaier, at Munich, and Sir Walter Crofton, in the intermediate prisons of Ireland, have shown that it is quite easy to do this by proper combinations, without sacrificing any portion of reasonable punishment—then prisoners will be found just like other men. They are born social beings; they are so fashioned by the hand and purpose of their Creator, and, as Count Sollohuh has forcibly said, speaking on this very point, men have no right to undertake to repeal and annul the laws of God. It is in society, not in seclusion from it, in the society of their equals, not in an exclusive contact with their superiors, that their most valuable qualities will be called out.

In dealing with prisoners, we fall into a variety of mistakes, to which, nevertheless, professed disciplinarians are zealously wedded. We draw no proper distinction between moral and conventional offences. We multiply the number of these latter, and at the same time exaggerate their importance. We wear out the spirits and blunt the sentiment of obedience and submission in our men by incessant demands on them for mere frivolities. We sear their consciences by familiarizing them in this way with petty offences. We allow the higher principles of human nature to lie dormant in our prisoners; we make no appeal but to instant and unconditional submission; we give no charge to men of their own destiny. Is this a school of virtue? The real road to improvement lies through self-help, self-discipline, a manly struggle against adversity, a conquest over opposing obstacles. But we give our prisoners no opportunity of fighting this battle, no chance of acquiring energy and independence of character.

The evident defects of our present system of discipline are beginning to arouse attention, and men are looking about for some better way to manage the increasing host of criminals who are thrown upon the care of the State. The inquiry deserves thought whether it will not be best to abolish the peremptory character of sentences; in other words, replace time sentences by reformation sentences. We might adopt a system which should place the fate of the prisoner measurably in his own hands. Punishment might put him at the start in a position of severe adversity, from which he could emerge only by long-sustained effort and self-denial. Under such a

system, wisely and vigorously administered, we should have every thing to hope, and not very much to fear. We believe that, while life and sanity are spared, the cases are comparatively rare in which recovery is impossible, when properly sought. There is indefinite elasticity in the human mind, if its faculties are put into healthful action, and neither diseased by maltreatment nor locked up in the torpor of a living grave. *Undue severity* or perpetual isolation may intimidate those who are outside, but either must, even in its best form, injure the sufferer himself. And that morality seems to us more than doubtful which would sacrifice the known for the unknown, the actual patient for the supposed looker-on. If we seek well and wisely the *reform* of our criminals, we must inflict on them all the suffering really needful for example; more than this is but wanton cruelty.

XV. THE DUTY OF SOCIETY TO DISCHARGED PRISONERS — AN IMPERIAL COMMISSION IN FRANCE ON THIS QUESTION.

BY THE CORRESPONDING SECRETARY.

Few questions are more important, few have a closer relation to the repression of crime and the diminution, if not the extinction, of the criminal class, than that placed at the head of this paper as a theme for consideration and discussion. The world is awakening, and the students of penitentiary science are everywhere bending their thoughts, to this great fact. No more signal, no more certain proof of this can be given than the creation, by the Emperor of the French, of a commission of twenty-one citizens, charged with the grave duty of studying this question, and reporting a measure for the adoption of the government. The movement appears to have originated in a report to the Emperor, at once able and comprehensive, made by the then minister of the interior, M. de Forcade, under date of October 6, 1869, suggesting the creation of such a commission by his majesty. The proposition was favorably regarded and promptly acted upon by the promulgation of an imperial decree constituting the commission. In February of the present year, a letter was received by Dr. Lieber, one of the vice-presidents of this association, from M. Demetz, Director of Metzray, a member of the commission, asking for information in regard to the disposition made of liberated prisoners, adult and juvenile, in this country. This letter was handed by Dr. Lieber to the Corresponding Secretary, with the request that he would make the desired response. That he might be able to do so, with some degree of fulness, as well as accuracy, he prepared a short circular letter of inquiry, and addressed it to fifty or more gentlemen, conversant with the subject, in different parts of the country. Twenty-five replies were received from persons to whom the circular was sent, to all of whom cordial thanks are hereby given for the courtesy. From these and other sources a response has been made and forwarded to M. Demetz for such use as he may think proper to make of it.

The five papers referred to are appended — three of them in the form of translations, viz.: the report of M. de Forcade, the imperial decree and the letter of M. Demetz.

I. REPORT OF M. DE FORCADE.

SIRE:—For many years questions relating to prison discipline have occupied the attention of statesmen, and have been the object of careful examination on the part of the administration. At different times attempts have been made to introduce, after the example of other states, changes of system which substituted the cellular *régime*, more or less softened, for imprisonment in association. These efforts have been made only to a limited extent, owing to grave administrative or financial difficulties.

But, besides the radical reforms which modified profoundly the organization of the penitentiaries, the administration has sought, unceasingly, to introduce such improvements as the existing system would permit. A number of prisons have been rebuilt; the rest have been improved on a well considered plan; a more rigid system has been introduced into the accounts; special care has been bestowed on the sanitary condition of the prisoners; in short, methods maturely studied and consistently applied have permitted the realization of important reforms in the different branches of the service. Under the influence of these measures, the death-rate has diminished; industrial labor has become general, and has yielded higher profits; while, on the other hand, by strengthening the discipline and at the same time suppressing all useless rigor, a marked improvement has been secured in the habits and tendencies of the convicts.

Moreover, the administration, which would have accomplished but a small part of its task if it had occupied itself solely with material cares, labored to develop in the prisons moral education and elementary instruction. With a view to remedy the gravest disadvantages of association, it has established in the central prisons wards for preventing contamination and promoting reformation, in which are placed convicts in whom may be entertained the hope of awakening the sentiment of honor and virtue. Thus are they removed from the contact of convicts hardened by an incorrigible depravity, while, at the same time, both are subjected to a discipline identical in a material point of view, to the end that the principle of the equality of punishment may be rigidly maintained.

But despite these ameliorations, there remains a difficult problem which the administration cannot neglect, although unable to resolve it by its own forces alone; I refer to the patronage or aid of individuals on their discharge from a penitentiary; a patronage preceded or accompanied by measures adapted to facilitate the perilous transition from imprisonment to freedom.

It is, above all, in regard to juvenile prisoners that the administration has this duty to fulfill. Neglected almost always, abandoned frequently, corrupted sometimes by their own family, given up without restraint from infancy to irregular inclinations, they nearly all find, for the first time, in the house of correction, which opens its doors to receive them, moral and religious education. The greater part receive it readily and with profit; and when they re-enter into society, after a punishment on which the paternal foresight of the law has impressed the character of a salutary correction, and not that of a corrupting incarceration, very many do re-enter therein transformed, regenerated, and able to conquer an honorable position.

But often, at the very moment when the law opens for them an avenue to honest labor, public opinion shuts them out from it. At the moment when the past seems atoned for, it presses upon them with all its weight. The place of their birth repels them; the place whither they go to settle suspects them; they see the workshops closed against them; and they seem fated to relapse into disorder and vice, if some succoring hand is not stretched out to introduce them into the community, by giving to the discharged prisoner himself an attestation which lifts him up again, and to his employer guarantees which he has the right to demand.

It is, however, necessary that this intervention be prudent, discreet, and suited to the exigencies of the case. It must watch over the liberated youth without compromising him. It must guard against showing to all, by its very solicitude, a painful situation, which should be known only to a few. This is a task which requires the most delicate tact of private charity.

It would be impossible, sire, to treat this subject, without recalling to the attention of your majesty and the gratitude of the country, the Patronage Society of the Seine for Juvenile Discharged Prisoners, founded by the venerable M. Berenger de la Drôme. This institution, which now counts thirty-five years of existence, had advanced the benevolent intentions of the legislature. Thanks to persevering efforts, it has brought down, for its beneficiaries, to between five and seven per cent, the number of relapses which, at the beginning of its labors, rose to not less than fifty per cent. The society of Paris appears destined to become a centre, to which shall be attached similar institutions created in the departments.

Many private reformatories (*colonies*), in like manner, extend aid to their inmates on their discharge (*sont occupées du patronage*). In the forefront must be cited that of Mettray. At Mettray, as at Paris, aid is not given in exceptional cases merely; it is organized into a system. It accompanies the liberated youth on his entrance

into free life; it follows him in his career; it assists him in his material needs, as in his moral trials; when the necessity arises, it receives him again under its shelter. The archives of Mettray contain numerous letters, which do honor alike to the zeal of the Aid Society and the touching gratitude of the old inmates, who have become the children of this new family.

Nor can I pass in silence the patronage house, founded at Paris, for young women, by the Marchioness of Lagrange, with the aid of Madame Lechevalier, Inspectress-General of Prisons. This establishment, and some others, to which it has served as a model, have rendered, and are rendering every day, very important services.

The law of the 5th of August, 1850, had aimed to make general these isolated labors. It ordains (*article 19*), that the children committed to the reformatories and penitentiaries be, for three years at least, under the patronage of the public assistance. At the same time, it neither defined the patronage nor gave the administration authority to substitute itself in place of the power of the parent. The legislature simply declared that the patronage should be determined by a rule of public administration.

The administration has made many essays in this direction. It has taken various measures, both to second the efforts of private charity and to facilitate the placing of young prisoners in the country. Its endeavors have been attended with good results; nevertheless, the work remains unfinished; it can be made really efficient only by means of a complete organization, which is yet lacking.

The organization required could not, in truth, follow immediately the enactment of the law of 1850. The administration was obliged to wait until the private reformatories had been established, and until experience had given sufficient indications in regard to the different systems, of which trial should be made, for the patronage of juvenile prisoners on their liberation. It seems possible now, and there is urgent need of carrying out the intent of the law.

If the patronage of juvenile prisoners presents complicated problems, that of ordinary convicts, long engaged in evil, raises many still more difficult. Thus the question, as far as this point is concerned, is much less advanced; it has not been the object of any legal disposition. We must go back to a circular communicated to the councils-general in 1842, and to the project of law presented to the Chamber of Peers in 1844, to find the trace of an attempt made by the public authorities. For adult convicts, as for released youthful criminals, it is private charity which is charged with opening the way.

A venerable priest, the Abbé Conral, founded in 1842, near Montpellier, under the title of the "Solitude of Nazareth," an establish-

ment designed for women discharged from the prisons of the south. Following his example, the Sisters of Mary-Joseph have established, in succession, seven refuges near the central prisons for women; one of which is situated in the ancient commune of Vaugirard, not far from Paris.

The liberated Protestants of both sexes find assistance and protection from two patronage societies, founded specially for this end.

Although the patronage of men presents more difficulties than that of women, a young priest has just succeeded in establishing a refuge for them. The Abbé Villion has founded at Couzon (Rhône) the asylum of St. Leonard, where discharged prisoners find work and bread, and — what is no less precious — that kindness, that compassion, which is so difficult for them to meet with elsewhere. The asylum receives them only temporarily, and seeks to secure employment for them, when they afford sufficient guarantees, on farms or in workshops.

The establishment has already existed four years; it has received more than three hundred discharged convicts. It is thus seen that private charity has been active in the work of patronage; but its action needs to be extended and systematized.

Abroad, measures of another kind have been adopted, whose results it would be highly interesting to exhibit. It is thus that in England there has been put in practice the system of provisional liberations (*tickets of leave*), which has had for corollary the suppression of legal supervision. Applied in Ireland, with greater reserve, and completed by the creation of intermediate prisons, it appears to have there produced happy effects. These experiments might be advantageously tried in France.

Doubtless, it cannot be pretended that all criminals may be restored to virtue; but those who have retained some good sentiments, — those who, placed in reformation wards, shall have shown themselves susceptible of repentance — will find a precious succor, either in the action of patronage or in measures similar to those which have been adopted in England, if, at least, it shall be thought that the same arrangements may be introduced into our penitentiary system.

The moment appears to me to have arrived, sire, for undertaking these different experiments which belong to social interests of high importance. It will be necessary, above all, to show what is needed, to verify partial results already obtained, and to institute an inquiry into the facts; then will come the study of the means to be employed with a view to render more general and more efficient the aid given to liberated prisoners. To realize this double endeavor, the administration will have to make an appeal to the united judg-

ment of the most competent administrators, magistrates and publicists, and to the practical experience of the directors of public or private reformatories.

A special commission should be instituted to this end; it should be instructed to determine and to study all the questions belonging to the organization of patronage; and it should be authorized to receive all the oral declarations from which it might hope to draw useful instructions. It would have to examine, especially, the following questions:

Liberated Juveniles.

What should be the basis of the public administration prescribed by article 21 of the law of the 5th August, 1850?

Ought the patronage of liberated juvenile prisoners to be organized exclusively by the administration?

Ought the administration, on the contrary, to limit itself to supervising and seconding the action of the directors of private reformatories and patronage societies?

In this last case, what should be the nature and extent of the intervention?

What measures might be taken to facilitate the patronage of young prisoners on their discharge from the reformatories by the directors of those establishments?

Could these measures be applied to both public and private reformatories?

What obligations should be imposed, with a view to patronage, on the directors of private establishments?

What measures should be taken to encourage the formation and favor the development of patronage societies?

Might not the supervisory commission instituted at each juvenile reformatory, at least in certain cases, usefully discharge the office of a patronage society?

What means might be employed to form such a connection between the societies already existing, and those that may hereafter be formed, as that said societies shall render to each other a mutual co-operation?

Would it be desirable to form asylums and refuges in connection with the reformatories?

What should be their organization?

What legal rights should be conferred on the administration (without infringing the rights of families), whether as regards the young prisoners who might wish to withdraw themselves from the action of patronage, or even, in certain cases, as regards families themselves?

Besides the question of patronage, has the experience gained since the enactment of the law of the 7th August, 1850, shown that there is occasion to modify any of the requirements of that law, or to introduce therein any new prescriptions?

Liberated Adults.

What measures should be taken to facilitate the re-entrance of discharged convicts into society?

Is any difference to be made, in this respect, between the different classes of discharged prisoners; those condemned to the galleys, to separate imprisonment, and to correctional discipline?

If the supervisory commissions of the departmental prisons should be employed in this work, how ought they to be organized?

Would it be necessary to found asylums specially designed for the reception of discharged prisoners, or to encourage the foundation of establishments of this kind?

What should be the basis of the organization of these asylums? Would it not be desirable, in certain cases, to assign them as a place of residence to convicts, placed under the supervision of the police?

By what means should the expenses of patronage be provided?

Is the supervision of the police, as organized by the decree of the 8th of December, 1851, favorable or otherwise to the action of patronage? Would some change have to be introduced into our legislation in this regard?

Would the effect of patronage be strengthened by the adoption of measures analogous to the system of preparatory liberations?

As the investigation of these several questions may lead to a modification, on certain points, of our penal legislation, and, as the action of the administration is, besides, closely allied to the judiciary authorities in all that concerns juvenile prisoners and adult convicts, I have thought it my duty, in conjunction with the keeper of the seals, to propose the institution of a special commission, and the designation of the persons who shall be called to participate in it. If your majesty, sire, deigned to approve the several propositions which I have the honor, with the concurrence of my colleague, to submit to you, I would pray you to clothe with your sanction the project of the subjoined decree.

I am, with profound respect, sire, the very humble and very obedient servant and faithful subject of your majesty,

The Minister of the Interior,
DE FORCADE.

PARIS, Oct. 6, 1869.

2. IMPERIAL DECREE CREATING A COMMISSION FOR THE EXAMINATION OF SUNDRY QUESTIONS RELATING TO THE AID OF LIBERATED ADULT AND JUVENILE PRISONERS.

NAPOLÉON, by the grace of God and the national will, EMPEROR OF THE FRENCH,

To all present and to come, HEALTH.

On the report of our Minister of State in the department of the interior,

WE HAVE DECREED AND DO DECREE as follows:

ARTICLE FIRST.

A commission is instituted with a view to examine sundry questions relating to liberated juvenile and adult prisoners.

This commission, to be held under the presidency of our Minister of the interior, is composed of the following persons:

M. de Royer, vice-president of the Senate, first president of the audit-office, *vice-president*;

M. Riché, section president in the Council of State;

M. Ayllies, deputy in the Corps législatif, honorary counsellor of the Court of appeal;

M. Mathieu, deputy in the Corps législatif;

The Marquis of Talhouet, deputy in the Corps législatif;

M. de Boresdon, Councillor of State, general secretary of the Ministry of the interior;

M. Greffier, Councillor of State, general secretary of the Ministry of justice and religion;

M. Perrot de Chézelles, honorary counsellor of the Court of appeal, president of the Aid Society of the Seine for liberated prisoners;

M. Babinet, director of criminal affairs and pardons in the Ministry of justice and religion;

M. Charles Lucas, member of the Institute, honorary inspector-general of prisons;

M. Loyson, honorary chamber president of the imperial court of Lyon;

M. Demetz, honorary counsellor of the imperial Court of Paris, director of the colony of Mettray;

M. Bonneville de Marsangy, counsellor of the imperial Court of Paris;

M. Dubarle, counsellor of the imperial Court of Paris;

M. Jaillant, honorary inspector-general of prisons, chief of the division of prisons in the Ministry of the interior;

M. Léon Vidal, inspector-general of prisons;

Madame Lechavalier, inspectress-general of female prisons and reformatories;

M. Mettetal, division chief in the prefecture of police;

M. Savoye, chief of the cabinet of the Ministry of the interior;

M. Bournat, member of the Aid Society of the Seine for liberated juveniles;

M. de Lamarque, chief of bureau in the Ministry of the interior, will discharge the functions of secretary of the commission.

ART. 2.

Our Minister of the interior is charged with the execution of the present decree.

Done at the palace of Saint-Cloud, the 6th October, 1869.

NAPOLÉON.

By the Emperor:

*Minister of State in the department
of the interior,*

DE FORCADE.*

3. LETTER OF M. DEMETZ TO DR. LIEBER.

PARIS, 29th January, 1870.

SIR AND HIGHLY HONORED COLLEAGUE:

The French government has just named a Commission, charged with organizing an agency of relief and assistance in behalf of liberated criminals, both juvenile and adult. To take these unfortunates, on their discharge from the penitentiary establishments in which they have undergone their punishment, to watch over them, to provide them with work, to restore to them their self-respect, to ameliorate their material and moral condition, to the end that society may be henceforth secure from their assaults, by inducing them at least to live an honest life—such is the end which the administration proposes to itself.

The Minister of the Interior in his report, of which I take the liberty to send you a copy, proposes a series of questions which, if studied with the attention they deserve, seem to me of a nature to furnish all the elements necessary to a realization of this generous idea.

Having been invited to act as a member of the Commission, I desire to be able to support my opinion by facts, and to fortify myself with the authority of experiments, in this department, which may

* The foregoing is an exact translation of the original, with capitals, italics and arrangement of paragraphs retained.

have been tried elsewhere. If, therefore, there exist in your country any similar institution, I would venture to request that you will have the goodness to make me acquainted with it, even in its minutest details. I should therein find, without doubt, valuable aid in resolving the difficulties which are encountered at every step, when we pass from theory to practice. Permit me to make you acquainted with the state of the question among us at the present time.

Two systems are before us—*isolated homes and asylums.*

The first offers grave obstacles on account of the apprehensions inspired in the breast of private citizens by this class of persons; and here I speak from an experience personal to myself. At the time when I exercised, in Paris, the functions of a magistrate, I regarded it as an obligation of conscience to endeavor to aid prisoners who had been acquitted. I sought places for them, but it was with extreme difficulty that I succeeded in such efforts. And yet the question then related only to persons who had been victims of the mistakes of justice. How will it be when we propose to secure situations for liberated convicts? Would it not be better, considering the difficulties to be encountered, to turn our thoughts to the creation, at different points, of a certain number of asylums, in which individuals might be received? Yet that system also appears difficult of application. Is it not to be feared that, in an agglomeration of such elements, some natures, of an invincible perversity, would take advantage of the solace which it is thus sought to bring to their misery, to enter into new conspiracies against society? Besides, what means could be employed to maintain order among persons over whom no legal authority is any longer possessed? And, meanwhile, a rigid discipline is indispensable; without it, disorder would not be long in introducing itself into the midst of such a population.

In presence of the hesitation which these reflections naturally occasion in my mind, you will comprehend how high a value I should place on the knowledge of what has been realized in your country in this regard, and what gratification it would afford me to receive all the publications relating to these matters, which you might be able to procure for me.

The Minister, in his report, proposes also certain questions as to the assistance to be given to juvenile prisoners on their liberation. I would be glad to be informed, therefore, how the system adopted in your country in regard to this class of persons works? However, we are able to avail ourselves of the happy experiment which has been made at Mettray; but the results we have obtained leave the whole question, as relating to adults, unsolved. In effect, the juvenile prisoners who have been tried and sentenced among us, in vir-

tue of the sixty-sixth article of the Penal Code, have been subjected to no injurious influences; they have been reared in asylums where it has been the aim and endeavor of the conductors to inspire them with sentiments of religion, and to implant in their heart the principles of honor.

Unhappily, the place where convicts are confined is far from offering, among us, the same conditions of moral culture. We therefore propose to call the attention of the government to the penitentiary system, whose realization would seem to us to offer the greatest number of guarantees. In this relation there is only, as I conceive, the system of separation, as I have described it in the publication accompanying this communication, which dates back a sufficiently long period. Time, however, has but strengthened my convictions; indeed, I cannot agree that it is possible to make people better by placing them in contact with those who are worse than themselves, for, it must be admitted, with all, evil is the attractive, good the repellant force.

Would it be carrying too far the desire to possess the greatest degree of light attainable on all these grave questions, if I should ask you to inform me wherein consists the penitentiary system that prevails in your country, and whether it appears to you to offer all the guarantees desirable to act effectually on the moral nature of those to whom it is applied?

I confess that I feel a little embarrassment when I see how far I have ventured to lay your kindness under contribution, and particularly when I remember that I am addressing a person of another nationality; but, in the fair domain of philanthropy, we form but one people, without custom houses, without frontiers; and free trade, which, in a commercial point of view, gives rise to difference of opinion, must gain universal concurrence, when it is a question of promoting the cause of humanity, and securing the dearest interests of morality, of religion, of law, of society in its entire being.

Confiding in your generous co-operation, I pray you, sir, to accept the expression of my lively gratitude, as well as my sentiments of high consideration.

The Director of Mettray,

DEMETZ,

*Honorary Counselor of the Imperial Court of Paris,
Corresponding Member of the Institut:*

92 Rue de la Victoire.

P. S.—I learn, at the moment of mailing this letter, that the Commission will meet very soon. Will you, therefore, have the extreme goodness not to delay sending your reply?

4. CIRCULAR LETTER.

ALBANY, N. Y., *February 28, 1870.*

DEAR SIR:—The following letter has been received from the illustrious founder of Mettray. You will see, from the postscript, that the earliest practicable answer is desired; and therefore I respectfully ask that any reply you may give to the present communication be forwarded without delay. I wish to return a response, not only quickly, but, at the same time, worthy of America to make and of France to receive.

Will you, then, be pleased to reply to the following questions:

1. What is, or has been, done in your State, municipality or institution, with a view to helping and saving the liberated, whether adults or juveniles?
2. What more, if any thing, is proposed to be done in this regard?
3. What facts can you state, showing the importance or utility of this work, and the evil of neglecting it?
4. What are your own views as to the best method of dealing with this question?

Please address, at Albany,

Very truly yours,

E. C. WINES,

Cor. Sec'y Prison Ass'n of New York.

5. RESPONSE OF THE SECRETARY TO M. DEMETZ.

OFFICE OF THE NEW YORK PRISON ASSOCIATION,
38 BIBLE HOUSE, NEW YORK, *April 28, 1870.*

DEAR SIR: My honored friend and colleague, Dr. Francis Lieber, placed your letter of the 29th January, in my hands, with a request that, as secretary of the Prison Association, I would make reply to it. I feel that I ought to begin my answer with an apology for its long delay. Two causes have contributed to this delay. In the first place, wishing to make my reply to your communication as full and accurate as possible, I addressed a circular letter to gentlemen in different parts of the country, inquiring what is done or proposed in their several States to aid and save liberated prisoners, whether adults or juveniles. Though some of the answers to this circular were promptly made, most of them came in slowly, so that it is but a few days ago that I received the last. Then, in the second place, the pressure upon me from the preparation of the annual report of the Association and other official duties has been such, that, until now, I have not been able to redeem the time necessary for this labor. I fear that this long postponement will render my reply, even when

it reaches you, useless for the purposes of the Commission; but, at least, it will be a token of my good will, and of the deep interest which I feel in the work which the Emperor has required at your hands.

The State has not performed all its duty to the criminal when it has punished him, nor even when it has reformed him. Its obligation does not cease when it opens his prison door, and bids him walk forth in freedom. Having lifted him up, it has the still further duty to aid in holding him up. Some systematic provision to this end is the essential complement of all effective reformatory punishment. In vain shall we have improved the convict in mind and heart, in vain shall we have given him a capacity and fondness for labor, if, on his discharge, he finds none to trust him, none to meet him kindly, none to offer him the opportunity of earning honest bread. Though willing to work, he can get no work to do. Though yearning to show himself worthy of association with the good and the pure, he is repelled as if contact with him were pestilential. His good purposes are defeated; his hope of redemption vanishes. What can such an one do, if he live at all, but live a criminal? What though his reformation be genuine, can it be permanent? Impossible! He will surely be clutched again by his old associates in sin, and drawn back into the abyss of crime, from which he had vainly striven to emerge. So it has been too often and too generally, and so it is still. It is, then, the clear duty of the State, as it is no less clearly her true policy, after liberating her convicts, to establish some agency, whereby they may be strengthened in their good resolutions, provided with work, and, in all suitable ways, encouraged and aided in their efforts to reform and lead an honest life.

Entertaining these views, it was with profound gratification that, prior to the receipt of your letter by Dr. Lieber, I had read the admirable report of M. de Forcade, Minister of the Interior, to his imperial majesty, which a friend had sent me, proposing the appointment of a commission, whose duty it should be to "study the means proper to be employed with a view to render more general and more efficient the aid given to liberated prisoners." There is scarcely another question, within the whole range of social science, more vital than the one thus proposed for study and resolution; and it is a fit subject of congratulation, not to France alone, but to the world, that a commission has been created, composed of men so competent to grapple with the question submitted to their investigation.

Your communication to Dr. Lieber, which he has done me the honor to pass into my hands for a response, asks for information regarding any experiments instituted in this country in behalf of liber-

ated prisoners, even to their minutest details, together with the results which they have yielded. I am sorry to be obliged to begin with a confession that not a tithe—hardly, indeed, the hundredth part—has been done in this regard, which it was at once the plain duty and the high interest of society to do. Still, something has been done, and that little I will proceed to report with as much brevity as may be consistent with at least somewhat of the detail you desire. I will begin with my own State of New York, which claims to be the "Empire State" of the Union, though not always foremost, I am sorry to say, in works of philanthropy and public utility.

First, as regards those discharged from the juvenile reformatories. The sentences here are during minority, which means till reformed. There are four large reformatories in the State—three of them in the city of New York—besides a reform school-ship. They all have what are called "Indenturing Committees." The whole business of discharging inmates from the institutions is placed in the hands of these committees, who either return them to their parents, if their own homes are deemed suitable, or if not, find homes for them elsewhere. The common way is to indenture the boys to farmers, mechanics or tradesmen; while the girls are generally placed at domestic service in respectable families. Much pains is taken to find suitable homes for the liberated, where the good work of reformation, supposed to have been well advanced in the refuge, may be carried forward to completion. The customary contract with persons to whom the children are indentured is, I believe, suitable support as to food and clothing, a certain number of months' schooling each year, and a hundred dollars (500 francs), with a good outfit of clothes, on reaching majority, to start in life with. The institutions keep watch and ward over their *élèves* after their departure from their precincts, never losing their grasp and guardianship of them, so long as they remain under age. The chaplain of the mother-reformatory of this country—the New York House of Refuge—visits each year, at their new homes, as many of the inmates thus placed as his time will permit; and particularly, when the parents of children, judged to be reformed, desire to have such children restored to themselves, he goes to their homes if they are in or near the city, to learn from personal inspection whether it would be safe and proper to return them there; and he reports to the indenturing committee, for their guidance, the result of his inquiries. More commonly than otherwise, the homes of the parents turn out to be unsuitable places for the reception and residence of the children, and other homes have to be sought for them. You will find some interesting and touching records on this point in a recent work of the chaplain, Rev. Dr. Peirce, entitled

"A half Century with Juvenile Delinquents," pages 293-297, which I will do myself the pleasure of sending you through the courtesy of the Consul-General of France, resident at this port.

Two of the reformatories of New York—the Juvenile Asylum and Catholic Protectorsy—have each an agency in the great West, whither large numbers of their inmates are sent, and by which they are distributed through the mighty valley of the Mississippi. These agencies maintain a constant and active supervision over the wards of their respective institutions, visiting them at their homes, adjusting difficulties between them and their employers, seeking new homes for those who have been improperly placed, and, in general, shielding them, as far as possible, from hurtful influences, and guarding their interests against the encroachments of injustice. A recent report of the agency of the Juvenile Asylum states that of twenty-eight boys and girls sent to Tazewell county, Illinois, in 1858, five had returned to New York, four had been killed in the late war for the Union, and the remaining nineteen, who had remained at the West, were all doing well; and the most of them were married and settled in life. The Protectorsy, I think, has a large farm connected with its agency. I have recently had occasion to examine the latest reports of all the reformatory institutions of the United States, and can state that from three-fourths to four-fifths of those who have passed through them are believed to have been reformed, and to be leading reputable, virtuous and useful lives.

And now as regards adult criminals, who have been released from their imprisonment. There are but two organized agencies in the State of New York that give any attention to discharged convicts—the "Prison Association of New York," and the "Women's Prison Association and Home." The latter was originally organized as a department of the former during the first year of its existence; but after a time it appears to have been judged that the work could be better carried on through distinct organizations, and a separation took place. Since the separation, as before, the ladies who constitute the Women's Association have cultivated their hard field with diligence, and a fair measure of success. They have had under treatment at their Home, altogether, some three thousand women, the average daily number being about thirty. These have been mainly, though not wholly, persons discharged from prisons; more, however, from prisons of a lower than of a higher grade—misdemeanants rather than felons. One-sixth of those received have either left without permission, or been discharged as incorrigible. Of the remainder, the major part have been placed at service, and most of these favorably reported of by their employers. The entire annual cost of each has

not exceeded one hundred dollars, and one-fourth of this sum has, on an average, been met by her earnings.

The object mainly contemplated in founding the Prison Association was to assist discharged convicts, and encourage them in their efforts to reform and live honestly. But other ends were intended as well, particularly the improvement of prison discipline and attention to persons under arrest who were held for trial or examination. The main strength of the Association has been given to the last two objects, not from any undervaluation of the first, but simply from the want of means to prosecute it with due vigor. Still, in the aggregate, much has been accomplished. During the twenty-five years of its existence, the Association, besides relief to still greater numbers in the form of clothing, board, tools, traveling expenses, etc., has procured permanent situations at work for more than 4,000 liberated prisoners; and we are able to state that, according to the best information attainable, not more than a tenth of these have relapsed into crime, while the remaining nine-tenths have, as we believe, become upright, industrious, useful members of society. But we are far from having accomplished all that we might have done if the means at our command had been commensurate either with our own desires or the greatness of the work in hand. The number annually discharged from our State (i. e. convict) prisons exceeds one thousand, while the number released from houses of correction, here called penitentiaries, can hardly be less. With adequate machinery, faithfully and skillfully worked, it is our belief that no inconsiderable proportion of these unfortunate and criminal men might be saved. The time immediately following a prisoner's discharge is the critical moment with him. The great point is to bridge the gulf that lies between him and honest bread. That passed, if he really desire to reform, he is safe. What we want is either an industrial home, into which such persons can be received and put to work, while awaiting more permanent employment, or an agent of discharged convicts, who will give his whole time and strength to the business of seeking to bring them and honest work together. We have some hope of obtaining a special appropriation of two thousand dollars from the Legislature to this end; or, failing in this, we shall endeavor to secure the necessary funds from private contributions.

Two measures, having a relation more or less close to the subject of your present investigation, have just passed the Legislature of our State. The first creates a new prison, under the name of a State Reformatory, to which are to be sentenced young criminals, convicted of a first offense, between the ages of sixteen and twenty-five. The principle of indefinite sentences—what

Capt. Machonochie and your friend, Mr. Commissioner Hill, call reformation sentences—are to have a partial application here. Where the sentence, under the law of the State, exceeds five years, the sentence to the reformatory will follow the law, and the prisoner will simply enjoy the benefit of the existing commutation law, gaining by good conduct the same abbreviation of sentence as the inmates of State prisons do now. But, in cases where the sentence is by law for five years or less, the sentence to the State reformatory will be until reformation, not exceeding five years. The discipline, as the name imports, is intended to be reformatory. The details are relegated to the board of managers, but it is understood that the main features of the Irish system will be embodied in the organization. The prisoner will be advanced from a condition of close restraint to comparative freedom, according to his merit. Privileges will be granted or withheld, as his conduct shall warrant or forbid such indulgence. Opportunity and facilities for improvement—mental, moral and industrial—are to be afforded to the prisoner, and he is to be stimulated to the utmost to avail himself of these advantages. The government of the reformatory is taken out of the arena of partisan politics, and the administration is made permanent by the enactment that the principal officers—governor, physician, chaplain and clerk—shall be removable only by impeachment for misconduct or incompetency. I will not, however, go into further detail, but send herewith the report of the commissioners appointed by the Governor to draft the plan of organization. I will only add that the board of managers are to appoint an inspector of discharged convicts, whose duty it will be to care for liberated prisoners, to watch over their interests, to find them employment, and to impart counsel or assistance of a more substantial character, as the emergency may require.

The other measure, to which allusion has been made, is, I think, a purely American conception. It is a novelty in the most absolute sense, and a singularly bold one. It follows no precedent, but, if successful, is destined to create one, of an equal potency and beneficence. It is so new, so unique, that I scarcely know how to describe it intelligibly. It offers a remarkable and unprecedented combination of the legal and the voluntary principle. It exists at present in the form, not of mandate, but permission; not of a statute, but a charter. The act of incorporation authorizes the establishment of an "Educational and Industrial Reformatory," to be placed under the care of a board of thirteen managers, eight of whom are named in the act (the Hon. Horatio Seymour, late candidate for the Presidency of the United States, being first on the list), and to be self-perpetuating;

the other five are to be appointed by the governor of the State, and are to hold office for ten years, one member retiring and another succeeding every two years. But the vital point is, the functions of this board, the object of the organization. Power is vested in the corporation to purchase the necessary grounds, not less than 200 acres, and to erect the necessary buildings, to accommodate not less 200 inmates. But mark: this is to be done, not from funds appropriated by the State, but from "moneys to be raised by voluntary gifts from the people." They are also to appoint all needful officers, and fix their salaries; but such officers, when appointed, are to be removable only for cause, and after a full hearing. The object of the reformatory is declared in the act to be, "the reclaiming of persons who have been convicted of first offences, the punishment for which would be imprisonment in a State prison for a term not exceeding five years." The act further sets forth that "the managers of said reformatory shall receive under their care and instruction such persons, convicted of first offences, as shall be intrusted to them, in the discretion of the courts of this State, under such rules and regulations as shall be prescribed by law." Obviously this contemplates further legislation, when the grounds shall have been purchased, and the buildings erected and prepared for the reception of inmates. But it is well understood what direction it is intended that such legislation shall take. The intention is, when persons shall have been for the first time convicted of a State prison offence, in whose case mitigating circumstances may exist, and concerning whom good hopes are entertained that, if mercy is shown them and opportunity afforded to retrieve this one false step, they "will cease to do evil and learn to do well,"—the intention, in such cases, is to authorize the courts to suspend the execution of the sentence, and to commit them to this "educational and industrial reformatory," not as criminals to be punished, but as patients to be treated for a moral malady, till such time, within five years, as they shall give evidence that a cure has been effected, and that it is therefore safe to let them go at large. It may be asked, "what has all this to do with released prisoners? So far from being discharged convicts, these persons have not been incarcerated at all; they have only been sent to a *Home* for moral treatment, as persons suffering from a sickness." We have an English proverb that speaks of "taking time by the forelock." This is just what this volunteer reformatory aims to do. The salvation which it holds out to the fallen, antedates imprisonment instead of following it.

This bold experiment—inaugurated by two generous and daring spirits, the Rev. Messrs. Fiske and Cravens—not without hope, and

certainly not without hazard, will be watched with as keen an interest in other countries as in America; and its success will be, everywhere, hailed as a triumph at once of genius and philanthropy; and will constitute a fresh demonstration of the oft repeated truth, that "peace hath its victories no less than war."

Massachusetts leads all the States of the American Union in the care she takes of her liberated prisoners, and in the efforts she puts forth to save them from falling back into crime. In response to my circular, I have received from Mr. F. B. Sanborn an interesting and somewhat extended communication. The name and reputation of Mr. Sanborn cannot be unknown to you; he is one of the most enlightened and active of American philanthropists. I cite the full text of his letter, which bears date, Springfield, March 13, 1870. He says: "In the State of Massachusetts there has long existed a society in aid of discharged prisoners, which, with an appropriation from the State, supports an agent to look after such convicts as are discharged from our State prison of the highest grade, at Charlestown. He also does something for the men discharged from the minor prisons of the counties; but this is only incidental. His chief work is among the State prisoners, and for them he does much good in procuring employment, etc. There are two societies of ladies, one in Springfield and the other in Boston, which provide for a few of the discharged female prisoners.

"The above relates to adults chiefly. Of late a new officer has been appointed by the State to look after the children who go out from our reformatories and schools for poor and truant children. He is called the 'visiting agent,' and his duties are numerous and important. I send you, herewith, the last official report from this agency, in which the law is printed, and some of the details of its administration are given. When the law is completely carried out, it will do more to check juvenile delinquency than any system known to me in this country. May I ask you to direct the attention of M. Demetz specially to it?

"Additional measures are proposed this winter, borrowed chiefly from the Irish Convict System, which is regarded with great favor in Massachusetts. In regard to the young, an amendment and extension of the visiting agency law is proposed.

"The facts shown by our experience in Massachusetts are similar to those revealed in other communities. Without such aid of discharged convicts, the chance of completing their reformation is very slight, and though young delinquents are often reformed without this direct supervision, yet the effect of it, even in their case, is remarkably good. Our reformatories have done far less than they

might, had they sooner adopted a strict system of visiting the children placed in families or discharged to take care of themselves.

"The considerations presented by M. Demetz in favor of individual homes rather than asylums are the suggestions of wisdom and long experience. The best system, so far as it is practicable, seems to me to be that of separating discharged prisoners, both adults and juveniles, and diffusing them among the general population; using asylums and other aggregations of such persons only when unavoidable. In our country this diffusion is perhaps more practicable than in France, and it is everywhere more so under a system of supervision.

"The publications of the Massachusetts Board of State Charities, which I believe are in the hands of M. Demetz, treat this subject more fully than any other volumes published in this State. I will see that he receives the forthcoming sixth report of the Board, of which the accompanying pages are a portion."

The Rev. Marcus Ames, superintendent of the Massachusetts State Industrial School for Girls, a most useful institution, founded on the model of Mettray, writes in a similar strain. I take a single extract from his letter: "Our institution has always had complete supervision over all its inmates till eighteen years of age. Henceforth it will, in addition, have a general guardianship till twenty-one, up to which age they will be allowed to return here, as to a home, whenever it shall be found necessary. We deem it highly important that such supervision, guardianship and help be given, especially to girls; since, from our knowledge, lack of it leads to vicious associations, loss of employment, intemperance and licentiousness."

The State Agency for aiding Discharged Convicts has existed more than twenty years. It has proved the salvation of large numbers of the class for whom it was created. It is the practice of the agent to call often at the State prison to obtain information concerning the prisoners who are about to be discharged. He sees them personally, and confers with them concerning their wishes and intentions. In this way he gains a knowledge of their history, character, capabilities and wants, which aid him essentially in finding the right employment for them, and adopting the best means to secure them against relapsing. I have before me the last four reports of the agent, which I will send you. You will learn from them that the number aided during this period was 562. Of these, 107 were provided with places; 89 were supplied with tools with which to start a little business of their own; and 167 were furnished with means to return to their friends, or to seek employment in other and more distant parts of the country. It is the policy of the agent to

keep trace of the men aided as far as possible. In the majority of cases the results are gratifying. Letters are often received, full of gratitude, and ascribing their good resolutions, hopes, efforts and success to the help given them by the agency. Employers, also, are generally satisfied with service rendered by these liberated prisoners. In proof of this, the agent mentions several firms in Boston, who have from a dozen to twenty discharged convicts, each, constantly at work for them, and cases occur in which these convicts are placed over large gangs of men as foremen, a trust to which they are found perfectly competent, and which they discharge in a satisfactory manner. Some of his men the agent reports as utterly incapable, except when under the constant and watchful care of judicious friends, of resisting the temptation to do wrong. Threats, entreaties, counsel, appeal, kindness, rewards, are all lost upon them. Happily, such cases are comparatively few. He finds that the great majority, under proper treatment, can be made men among men, an honor to themselves and a blessing to the community.

The two ladies' societies, referred to in Mr. Sanborn's letter, are worthy and useful organizations. That at Springfield, however, is for friendless women and children in general; not specially for prisoners, of whom it receives only now and then one. It is different with the society at Boston, which is designed for the relief and reformation of discharged female prisoners only. Their establishment, called a Temporary Asylum for Discharged Female Prisoners, is at Dedham, one of the suburbs of the city. The society has had under treatment, during its six years of existence, 287 women, all of them outcasts from society, because they had been imprisoned criminals. But at the asylum they find a refuge and a home. They are neatly clothed, comfortably fed, and treated with a motherly love and kindness. They receive instruction in the common branches of learning, and careful training in the principles and duties of the Christian life. They are taught to work, that they may have the power, as well as the will, to earn an honest living. And what is the result? Some find the restraints of the place too irksome, and leave it in disgust. To others it proves a true Bethesda, in whose healing waters the sickness of the soul finds a perfect cure. Ninety-three families have had servants from the asylum. More applications are received than can be met, so that employers have greater difficulty in securing women, than the women have in getting places. The ladies express the belief, that, but for their timely interposition, scarcely one of these 287 fallen sisters would have been arrested in her downward course; but all would have gone on sinning themselves and dragging others with them—a blot, a burden, and a curse

to society. What a noble charity is that, which has rescued and saved the major part of them! Surely, these Christian women are treading in the very foot-prints of the Son of God, who came to seek the wanderer and to save the lost—the sinning, the lowly, the poor in spirit, the broken in heart; the very meamest of whom He named his brother, his sister, his friend! I cannot go into further detail, but will send you a complete set of the society's reports, from which you will be able to make yourself fully acquainted with the method and result of its labors.

The most active and noteworthy of the means employed by the State of Massachusetts, to provide for and shield her liberated juveniles, is what is technically known as the Visiting Agency, and is referred to under that name in the letter of Mr. Sanborn. Nor is it only the most important; it promises to be the most efficient and fruitful as well. But the attempt to give a comprehensive or even an intelligible view of the nature and scope of the work of this agency, in its manifold ramifications, would swell this communication beyond all due bounds. I must, therefore, content myself with merely referring you to the report of the Visiting Agent, which is embodied in the sixth annual report of the Massachusetts board of State charities, which Mr. Sanborn has promised to send you, and which will no doubt have reached you prior to the reception of the present letter. You will find the document on pages 160-188 of the report.

New Hampshire, in imitation of Massachusetts, instituted, in 1867, a State agency to aid discharged convicts. It was continued for two years, but I am informed that the present Governor of the State has discontinued it; for what reason I know not. During its continuance, it appears to have been highly successful in promoting the object of its creation. The agent, in his last report, states that, of the prisoners discharged during the year covered by the report, nearly all had found employment at once; that quite a number had obtained work in the town where the prison is situated; that they are earning good wages; that their employers are satisfied with their service and their conduct; and that, of the forty-three discharged during the year, only one had been returned to prison; and of the remaining forty-two, but one had been charged with or even suspected of crime. The official staff of this prison is composed of kind-hearted, sympathetic gentlemen, who do much toward securing work for the well-disposed among the convicts. The contractors also take an interest in this matter, aiding the prisoners on their discharge not only by their influence, but often with liberal donations of money. Mr. Mayo, the governor of the prison, has proposed the formation of a Discharged Convict Relief Association, an excellent measure; but

as yet no active steps have been taken toward the realization of that idea.

In reply to my circular, the superintendent of the State Reform School of Maine, Mr. Woodbury, says, that, in his institution, when boys have no suitable home of their own, they endeavor to find one for them; that henceforth they propose to safely invest for this class of boys a portion of their earnings, so that, when they reach their majority, they may have a little capital to start with; and that he is of the opinion that the most effective way to save the liberated from a relapse is to impress upon our penal institutions a more distinctly reformatory character, by grading the prison and classifying the prisoners, by establishing schools, creating libraries, instituting lectures, enlarging the religious agencies, giving a greater breadth and higher development to industrial training, and, in general, to cite his own words, by "studying the life and character of Him who came to seek and save lost men." Then he would have "only those discharged who showed a fitness to return to society;" that is, he would have the sentences run till reformation is assured. Mr. Rice, governor of the Maine State prison, writes, that "this State has yet made no provision whatever for aiding discharged convicts." It is remarkable, that he then goes on to sketch a prison system substantially the same as that outlined by Mr. Woodbury, and closes with this declaration: "In my opinion, such a course of discipline and instruction would so well prepare convicts to meet and withstand the temptations of the outside world as to obviate, in a great measure at least, the necessity of any special provision for assisting them on their liberation."

In the State of Rhode Island no legal provision has been made for the care of discharged prisoners, nor is there any voluntary organization which charges itself with this duty. But there is a very efficient Sunday school in the State prison, consisting of some twenty classes, which are taught by a devoted band of volunteer workers, male and female. These excellent ladies and gentlemen do much to aid, encourage and reclaim the members of their several classes, not only while they continue under their instruction, but after their liberation. It has often happened that they take the released prisoner to their own homes, and care for him there till they have found employment for him. But these unorganized and isolated efforts, though useful and praiseworthy, are not found sufficient to meet the necessities of the case. Hence the prison authorities are pressing upon the legislature the creation of a State agency, similar to that of Massachusetts, the design being, here as there, to have the agent meet the prisoner on his discharge, provide for him occupation, and

look after him when placed, with a view to prevent his return to old associations, and so save him from a relapse. The belief is expressed by General Viall, governor of the prison, that action in this direction will be taken at an early day. At the same time he declares his conviction, grounded on his own experience, that public sentiment must change before any great good can result from the efforts of those who are engaged in the *reformation of criminals*. He says that he has often taken discharged convicts to business men, who needed services which they were well able to perform, but the fact of their having been in prison sealed their doom. He adds — and we cannot wonder at it — “this rebuff strikes deep into that man’s heart, who had gone out into the world resolved to be a good member of society. A few such repulses will be enough to drive him back to his old haunts, and eventually to crime and to prison.” The general goes on to state it as his view that society owes a solemn duty to these men, and is bound to protect them, after having borne the penalty of their crimes, “as much (such is the sarcasm, not undeserved, which he employs) as those who have committed greater crimes, but escaped justice and the stigma of imprisonment.”

The Rev. Mr. Butler, chaplain of the State prison, responds for Vermont. He says that in that State nothing has been done and nothing is proposed to be done, either by the State or by any philanthropic association, beyond the suit of clothes and the two dollars given by the State to every convict as he leaves, and occasionally a little private assistance, afforded in special cases. With this meagre outfit of clothing, and this miserable dole of money, the released prisoner goes back to society to shift for himself among people who, at first, will, for the most part, have as little to do with him as possible. Could a more effectual method be devised to obstruct his reformation, and to give effect to the principle, “once a criminal, always a criminal?” Mr. Butler marvels at the prevalent apathy on this subject, but says that it is as profound as it is inexplicable. He expresses much interest in this movement of the French government, and “rejoices that the mind of good men in this and other countries is turned to this topic, and that the dawn of better days for discharged men and for society is approaching.”

Connecticut has a well-managed State prison, but what is done in aid of discharged prisoners I am unable to say, as no response was made to my circular. Dr. Hatch, superintendent of the reform school, writes: “We return, at our expense, all boys to their homes; or, if they have no homes, we find places for them to work, and support them till able to support themselves.”

As regards provision for convicts discharged from the State prison of New Jersey, Mr. Samuel Allinson, one of the noblest of American philanthropists, writes a sad story. While a few excite the sympathy of friends and receive some aid, to the mass no word of counsel or cheer is spoken, no act of kindness done, by any benevolent association; and neither State, county or municipality takes any thought of them, till they come again within the clutches of the law. It is a relief to know that, with respect to the boys sent out from the reform school, the case is different. When they attain the grade of “honor,” which, by continuous good conduct, they may do in a year, they are considered eligible for a situation in society. The superintendent is careful to place them where they will be surrounded with good influences, and where they remain, till of age, wards of the institution. A year ago an effort was made to secure the passage of an act for the appointment of an agent for discharged convicts, whose duty it should be to make himself acquainted with those whose terms of confinement were near expiring, ascertain their capabilities and wishes, and assist them in procuring proper employment and homes. The measure failed then, but its friends — like the unfortunate widow in pursuit of justice — mean to press their suit till it is obtained. Mr. Allinson speaks of the evils resulting from this policy of neglect, as seen in the continued lives of crime which many of the liberated lead. Distrusted and shunned by society, they naturally fall back to the companionship of the vicious. My correspondent concludes his communication in these words: “It is very interesting to me that a man, whose life and labors for the *reformation of juveniles* are historical, should come before the public, by imperial authority, under a new phase of benevolence. Yet the same principle of Christian charity still actuates — a desire to seek the wandering, and to save the lost.”

In Pennsylvania, the “Society for alleviating the Miseries of Public Prisons,” whose benevolent and useful labors date their commencement from the year 1787, has done and is doing much in aid of discharged convicts. Its special methods, however, together with a detail of results, I am unable to give you, as no reply was received to my circular, containing a translation of your letter, from any of our Pennsylvania friends. I have looked through their latest report — that for 1869 — for exact information, but find only general statements. I cite a few sentences: “Larger provision should be made for discharged convicts. They need pecuniary aid; they need advice; and they need protection and patronage. Our society has given much attention to this subject. But its plans and efforts have been restricted to its own sphere of action, and the results of its labors have been gratifying, though necessarily limited.” I cite also a

single instance of the fruit of the society's labors in this department of its work — the case of a man who received his entire education in the prison. On his liberation, aided by the society, he left Philadelphia, proceeded some distance into the country, rented a house and shop, and went to work as a mechanic. To-day he has, in the language of the report, “a flourishing business, a good run of customers, a two-story house, a spring house, wash-house and garden, feed and pasture for a cow, and two acres of ground, and is doing well — working, of course, steadily and earnestly, from morning till night.” In one of his letters occurs this prayer: “May God bless you all for the kind treatment and instruction which I received,” which, say the board, has surely been answered, since there is “an abundant blessing in the consciousness that the labors of love have been so fruitful.”

In Maryland, a Prisoner's Aid Association was established in April, 1869. They employ an agent, the Rev. Mr. Doll, who gives his whole time to the work; not, indeed, wholly to seeking employment and caring for discharged prisoners, but to that and other appropriate labors for their benefit. At the beginning of every month he goes to the State penitentiary and city jail, where he receives the names of all the prisoners who are to leave that month. With each he holds a personal interview, *inquiring* into their circumstances and purposes. They are given to understand, and, if possible, brought to feel, that they have friends who care for them, sympathize with them, and are ready, if they desire it, to hold out to them a helping hand. Procuring homes and employment is found the most difficult part of the work, owing to the distrust and prejudice generally felt toward this class of persons. Sending them out of the city to distant points, either to their own homes, or such others as may be found for them, proves to be the best service that can be rendered them, because the most efficacious in saving them. No details are given, but the first annual report is promised soon, when I will take pleasure in sending you a copy.

Ohio has no organized agency for the care and encouragement of released prisoners. The convict imprisoned in the State prison gets, on his discharge, a suit of clothes and five dollars in money; that is all. The late worthy chaplain, Rev. Mr. Byers, gives some affecting instances of relapse from no other cause than the lack of the aid and sympathy needed on liberation. He says that he has known young men (who left the prison with good resolutions) to return within a few weeks, solely and indubitably because of the inadequate provision made for them by the State. He relates also the case of a reformed convict, who had been pardoned on account of his excellent conduct and the confidence it had inspired, to whom

private aid had been given and good employment secured. This man, though laboring faithfully and behaving with the utmost propriety, was turned away from a respectable boarding house, and driven by derision and ridicule from the shop in which he worked, simply because he had been a convict, “a jail-bird,” as the word is.

The report is the same from Missouri — nothing done, nothing proposed to be done. But I need not burden you with the details. A former warden of the State prison says: “During a residence in Missouri of more than the third of a century, I do not remember to have met a single man or woman whose Christian charity has been exercised to any extent in this particular field.” A sorrowful testimony, this.

Up to the present time, nothing has been done in Indiana for the relief and assistance of liberated prisoners. Mr. Charles F. Coffin, a zealous and enlightened friend of prison reform in that State, writes that prisoners have been discharged from the State prison, in nine cases out of ten, to prey upon the community. The house of refuge, which has been in operation only two years, has discharged twenty-five boys, for all of whom good places have been found in private families; and this method of disposal is to be continued in the future. Earnest efforts are made in this State for a general improvement in the prison system, including an organized plan of aiding discharged convicts. Numerous relapses, arising from the want of such assistance, it is said, call loudly for some improvement in this regard. With a good penitentiary system, in which the prisoners should be classified and enabled gradually to improve their condition, Mr. Coffin is of the opinion that good places might be found in private families for all. In this way, he thinks, they would be *quietly* absorbed into the community, and enabled to take their places therein as upright citizens.

California, a State far toward the sunset, being laved by the waters of the Pacific, has a Prison Commission, modeled after our own Association, which is full of zeal and energy, and also, like Doreas of old, “full of good works and alms-deeds done by them.” They have done much for the rescue of discharged convicts, yet far less than was needed, far less than they would have done, if they had been blessed with an exchequer more amply provided. Governor Haight, one of our chief magistrates who is most interested in prison reform, and who has done himself high honor by his intelligent earnestness in this cause, has recommended, in his late annual message to the Legislature, that the board of prison managers be charged with the business of finding occupation, which necessarily implies

that they be provided with the requisite means to employ a competent agent to aid them in the work.

The governor of the State penitentiary of Iowa, Mr. Heisey, has individually assisted numbers of worthy prisoners, on their release, in obtaining work. Recently a Prisoners' Aid Society has been formed, with the same object in view, and it is not doubted that the good work will now be prosecuted more efficiently because more systematically. Application will be made to the Legislature for pecuniary aid, which, it is believed, will be granted. Mr. Heisey avers that there is great need of such an agency, since "the discharged convict is not unfrequently led to the commission of crime in consequence of his inability to procure employment, through the prejudices which, on account of his incarceration in the penitentiary, and which he himself feels has forever disgraced him."

South Carolina is the only State, engaged in the late war against the Union, from which I have received information upon this point. But what is true of this is substantially true of all the rest. Indeed, this is more than intimated in the letter of Gen. Stolbrand, governor of the State penitentiary, from which I cite a few sentences. "It is," he says, "with great regret that I must make the confession for my State that it has done nothing to help liberated convicts in their endeavors to sustain an honest life. Since my appointment, in January, 1869, to superintend this institution, I have, in some twenty or more instances, been instrumental in obtaining employment for discharged criminals; but, beyond that, I am not able to point to any steps, municipal or otherwise, in that direction. There has been no effort that I am aware of in this State, and I think not in any other Southern State; and, although only by adoption a Southerner, I feel humiliated to make the statement."

Such, in substance, is the sum of what is done in the United States for liberated prisoners. In the aggregate, it is considerable; but, viewed in relation to the demands of either duty or policy, it is little.

Considerable difference of opinion exists among the students of penitentiary science as to the best mode of providing for prisoners on their discharge. This has appeared to some extent in the citations already made from the responses to my circular. But it is much more apparent in other letters from which, thus far, no extracts have been made. Two of my correspondents, particularly (both of whom are highly intelligent gentlemen), have argued the question at some length; one in favor of asylums, the other in defense of separate homes—diffusion, at the earliest practical moment, through the mass of the community. The Rev. L. H. Sherwood, who has for many years acted (without compensation) as chaplain to one of our

county jails, is the advocate of asylums; Mr. P. T. Miller, late governor of the State penitentiary of Missouri, is the defender of separate homes.

Mr. Sherwood thus develops his plan: "Permit me to state to you what, in the existing state of our penal institutions and laws, seems capable of offsetting, to some extent, the serious evils of our present defective system. There is no incentive to reform more potent than hope; no bulwark of crime more impregnable than despair. The difficulty of procuring honest employment is often urged, and truly, no doubt, as the great obstacle to reformation. It seems to me plain, that, during the interval likely to elapse before radical reforms can be introduced into our prison systems, the only check to the indefinite perpetuation of crime, in those already fallen, must be sought by meeting the criminal, at the expiration of his sentence, with facilities for obtaining remunerative employment. Such facilities can be best offered in an asylum, which, if kindly, wisely and economically administered, might, I doubt not, be made more than self-supporting. Such an institution should: (1) Make provision for sufficient diversity of trades and employments, to meet an average diversity of aptitudes and abilities. (2) It should be available only during submission to all its regulations—industrial, moral and disciplinary. (3) The inmates should be allowed to remain for any time desired, on condition of good behavior and industry. (4) The institution, after paying expenses, should divide all profits among the inmates. (5) Schooling should be afforded to all youths, and to such adults as need and desire it. (6) Every branch of a trade or business should be taught; and not (as in our State prisons) some mere subdivision thereof."

Mr. Miller thus expresses his views: "I am decidedly in favor of separate homes; asylums would be too much like a continuation of prison life. Convict life owes half its terrors to the idea of official restraint, and the exchange of a prison for an asylum would be, in the convicts' esteem, but a small gain. Still subject to official supervision, he would see in a paid officer only a person whose business it is to watch and restrain him. It is difficult to convince convicts that those who are paid to take the oversight of them can have any interest in them other than that of their stipend. Asylums for disabled liberated prisoners would be right and humane, but I am persuaded that, for such as can earn their living by labor, the best thing is to procure employment for them immediately on their release. They should at once be thrown upon their own resources, and be made to feel that their success and respectability depend entirely on the disposition they show to live by faithful industry. As a means of preparing the convict for liberation, I have ever urged

the importance of giving him an interest in his earnings. The sense of absolute, hopeless dependence is destructive to a man's self-respect and energy in any condition. Its tendency is to debase him, and to destroy all the manly attributes to his nature; and he gradually loses the inclination as well as the power to move forward and assist himself."

For myself, I agree with both these gentlemen, and disagree with both—agree with them on some points, disagree on others. When Edward Livingston prepared his Code for Louisiana, in 1821, with keen intuition and almost prophetic forecast, he provided, in his prison system, for a school of reform, a house of detention, a penitentiary, and a house of refuge and industry. This last was to be an asylum for released prisoners, where temporary work could be given them till such time as permanent employment should be obtained. After the lapse of half a century institutions of this kind are beginning to be established in this and other countries. Two industrial homes, one for male the other for female discharged prisoners, have been in operation for a number of years in connection with the Wakefield prison in England. Both are prosperous pecuniarily, being a little more than self-sustaining; and they are doing much good. The Female Refuge at Golden Bridge, near Dublin, has had a satisfactory and, indeed, as Mr. Commissioner Hill of England says, a triumphant history of twelve years, during which hundreds of liberated convicts have been saved from relapsing into crime. The Carlisle Memorial Refuge for Convict Women, at Winchester, corroborates the testimony of Golden Bridge. The Home for Discharged Female Prisoners, founded and managed by the New York Women's Prison Association, and the temporary asylum for the same class of persons at Dedham, Massachusetts, under the care of a society of Boston ladies, speak the same language. These facts would seem to prove, beyond dispute, the practicability and utility of such asylums, especially for women. But they should be made strictly transitional. Their whole intent and aim should be to bridge the gulf that lies between the prison and employment in general society, to provide a defense for the criminal, and, to the convict who desires to reform, momentous period, which follows immediately on liberation. Mr. Sherwood, with whose ideas, in the main, I am in full sympathy, appears to have overlooked, in part at least, the transitional character of the discharged prisoners' asylum, and to contemplate a residence of the inmates therein too protracted. Mr. Miller, on the other hand, appears to think too lightly of the difficulties in the way of instant employment for the convict on his discharge. Yet I sympathize with him, too, in the strong desire he feels for

such a consummation, and the strong conviction he entertains that this immediate absorption into virtuous society would be best—provided always that it were practicable. It is every way desirable that the abnormal residence and treatment of the convict in an asylum should be as short as may be compatible with his own good and the welfare of the community. Let him become a citizen, not distinguishable from his fellow citizens, at the earliest possible moment.

This brings us to the heart and marrow of the whole question. And what direction shall our investigations take from this point? You have yourself suggested the appropriate direction in your letter to Dr. Lieber. After having referred to the young prisoners who have passed through the discipline of Mettray, you add that "they have been subjected to no injurious influences; they have been reared in asylums where it has been the aim and endeavor of the conductors to inspire them with sentiments of religion, and to implant in their hearts the principles of honor. Unhappily, the place where convicts are confined is far from offering, among us, the same conditions of moral culture. We therefore propose to call the attention of the government to the penitentiary system, whose realization would seem to offer the greatest number of guarantees." That is right. Not otherwise than by such an inquiry can the seat of the disease be reached, and its cause removed. This is the problem to be solved: An army of convicts is every year discharged from prison. Society distrusts them, refuses them work, compels a return to crime, and augments, by its injustice, the evil which it aims to cure by its punishments. How can its distrust be conquered, work secured to the convict, his salvation assured, and crime diminished? There are just two elements in the solution of this problem; and both essential—the reformation of the convict, and a guaranty therefor. The reformation is to be effected by the processes—industrial, educational and moral—to which he is subjected during his incarceration. I do not now speak of the character of those processes—the machinery of the system. But the needed guaranty—how is that to be had? How is the moral cure of the prisoner to be tested? For a test there *must be*; it is indispensable. Permit me to cite here a passage from myself, contained in a paper prepared for the twenty-fifth annual report of the Prison Association, and found on pages 196 and 197 of that report: "The discharged convict, though reformed and resolved to live honestly, fails to get work; and he fails so generally, that failure is the rule, and success the exception. Why is this? It is not that society is hard-hearted; that it has no sympathy with misfortune;

that it is vindictive and cruel; that it tramples upon a man merely because he is down. Far from it. But society distrusts the liberated prisoner; it has no confidence in him; and—what is more to the purpose—it has no guaranty for its confidence. It is this want of a guaranty, that builds a wall of granite between the released convict and honest bread. Conquer the distrust of society, replace it with confidence, furnish the required guaranty that the man is trustworthy, and every difficulty will vanish. Every shop, every factory, every farm, every avenue of honest toil will be open to his entrance. But the problem is, how to abate the prejudice which society feels toward the liberated convict; how to overcome its dread of him; how to allay its fears; how to win for him its confidence, and conciliate its regard? There is but one way to accomplish this result. The convict must furnish proof, during his incarceration, that it is safe to confide in him; safe to put him at the work-bench; safe to place in his hands "the shovel and hoe;" safe to admit him to the fireside and the *home circle*. In other words, he must be tried, his cure must be tested, before he is discharged. But this can *never* be done where the system is one of material isolation to the end; neither can it any more be done where the system is one of moral isolation to the end. There must be a field, an opportunity, for the trial. But such a theatre and such a chance the separate system can *never* furnish; nor any more can the congregate system, on its present basis. Both systems must be in part retained, in part discarded, in part changed; and so changed that the passage from imprisonment to liberty shall not be, as now, *per saltum*, by a single bound; but the change must be such that the former shall gradually, almost imperceptibly, melt into the latter; such that the latter part of the imprisonment shall be little more than moral, in which, as far as may be, the arrangements shall be those of ordinary life, with its trusts, its temptations, its responsibilities, its victories over self and sin, its toning up and strengthening of the character by the friction to which the man is, in these various ways, subjected."

This, in substance, is the Irish penitentiary system, to which, as devised and put in practice by that great prison reformer, Sir Walter Crofton, I confess myself to be a thorough convert. And the ground of my conversion is, first, that that system reforms the prisoner, and, secondly, that it verifies his reformation. The proof of these two facts is found in two other facts, viz., that employers are glad to hire them, and that they are satisfied both with their work and their fidelity. All this must be accepted as truth, or human testimony rejected as unworthy of credit; for it is attested, after thorough investigation on the spot, by such witnesses as Lord Brougham, Mat-

thew Davenport Hill, Miss Mary Carpenter, and Baron Von Holtzendorff, persons whose fame is bounded only by the limits of civilization. The Irish system, it seems to me, offers a common ground, on which the friends of separation and association can meet in a fellowship of charity and beneficence; since it combines the advantages of both, without the evils of either. It still further, in my opinion, meets more fully than any other, the desideratum so well expressed in your letter, that of holding out the best promise "to act effectually on the moral nature of those to whom it is applied."

Your own social discipline has wrought wonders with youthful prisoners at Mettray; why should it not bear fruit equally precious with those a little older? Can it be that a fixed age separates diseased humanity into two classes, so diverse from one another, that a certain treatment is needed for the one, while a treatment which is its very antipodes, is required for the other? Two years ago, in Indiana, ten youths approaching twenty, were sent from the State prison, where the system is one, not indeed of physical but of moral isolation, as the first instalment of inmates for a house of refuge, then just established. In the prison, they were growing morally worse every day; in the refuge they have been reformed, I believe to a man. What reason can be assigned why they should not have improved equally in the prison, under the same treatment? The social principles of humanity are the great spring of improvement in free society; depend upon it, they will, under due regulation, when fairly and heartily applied, prove no less so within the precincts of a prison.

Hoping for the noblest results from the labors of your Commission, I have the honor to be, my dear sir,

Your obedient and faithful servant,

E. C. WINES,

Cor. Sec. N. Y. Prison Association.

M. DEMETZ, Member of the Imperial Commission, Director of Mettray, etc., etc.

XVI. PICTURES FROM PRISON LIFE.

BY THE CORRESPONDING SECRETARY.

A book by the distinguished warden of the Massachusetts State prison has lately issued from the press under the above title. The work has three general divisions: the first historical, the second detailing numerous incidents illustrative of prison life and the character of prisoners, and the third embodying the views of the author on the general subject of prison discipline. On these topics Mr. Haynes has produced a book equally entertaining and instructive, and having an interest for the general reader as well as for those whose connection with the administration of prisons would naturally draw their attention to discussions of this nature.

The historical portion of the work, though simply a "sketch," is full of interest and instruction. We do not propose even the briefest *résumé* of this part, but must content ourselves with a few isolated statements.

The first State prison of Massachusetts was established in 1785 on Castle island, in Boston harbor; but the location being found insecure, the prison was transferred to its present site in Charlestown, where it was reopened in 1805. At this point the history of the institution, as given by Mr. Haynes, begins. The act for the erection of the penitentiary declares its object to be "the reformation as well as punishment of offenders," a record honorable to the intelligence and humanity of the old Bay State, and showing that then, as since, she occupied an advanced position, and was faithful to the great principles which underlie her civil, social and religious institutions. During the sixty-four years of its existence, since 1805, the prison has had fourteen wardens, which gives an average administration to each of four and a half years. Four of these administrations had each a duration of but one year or less, two of two years, and only two have reached a period of twelve, one of which is that of the present incumbent, who was appointed in 1857 and is still in office. It is to be hoped that nothing but death, or some providential disability, will be permitted to displace so competent an officer, and one to whom the State is indebted for so many and such important reforms in her prison administration. Among the more essential of the reforms introduced by Mr. Haynes may be signalized the abolishment of all forms of disciplinary punishment but the dark cell, the substi-

tution of a plain citizen's suit for the old parti-colored prison dress, the institution of prison holidays, when the convicts who merit such a favor are allowed to mingle together in the prison yard, to engage in various athletic games, and to enjoy the pleasure of unrestricted conversation; the institution of instructive and entertaining lectures for the benefit of the prisoners, which are given during the winter evenings; and, in general, the introduction of a more humane, rational, and reformatory discipline into the prison. The fundamental lack here is a well-organized and efficient prison school, a lack which, with an abundant and overflowing treasury—itsself the product of prison labor—ought not to be permitted longer to exist.

The second division of Mr. Haynes' book, which is devoted to "Sketches and Incidents," illustrative of prison life and manners, has an interest surpassing that of a romance, since, while many of the incidents narrated are no less dramatic and thrilling than the inventions of the novelist, they have the superadded element of literal truth. We can make room but for one of these sketches; and we select it less for its intense pathos and sadness than because it is a representative case, and conveys a solemn and impressive lesson to young men who are just entering upon a business career. Let such listen to the warning voice that comes to them from this thrilling narrative.

On one occasion (says the author) a lady called at the office to see me. Her object was to ascertain if we had in the prison a young man by the name of B. I told her that we had. She asked if she could be permitted to see him. I inquired if he was a relative or connection of hers. She burst into tears, and replied that she hoped not, but feared it was her son. I sent for him. Never shall I forget the intense anxiety with which she listened for his approach, or the shriek of anguish which burst from her lips as she fell into his arms as he entered the room. He was indeed her son, her only son, and she a widow. He was her only hope in this world, the prop upon which she leaned. She had toiled for him night and day, succeeded in giving him a good education, and in obtaining a situation for him in a store in a flourishing town in the interior of the State. For some time every thing went smoothly. He secured the confidence of his employers by his strict attention to business and apparent honesty. But, alas! in an evil hour for him, he became acquainted with some young men who had more money than he had, and were fond of spending it; and, actuated by that false pride which has been the ruin of so many young men, he endeavored, without their means, to keep up with them in their extravagances. The result was, that he became involved in debt, with no prospect of extricating himself. Exposure and loss of character and situation stared him in the face, and, to save himself from the dreaded disgrace, he appropriated to his own use funds belonging to his employers, with the intention, no doubt, of replacing the amount taken—a fearful experiment, a fatal mistake. As well might one attempt to check a conflagration by pouring on oil, as to recover position once lost by such means. It was the old story repeated. He succeeded in making his accounts appear correct; the money was not missed, and he was safe for the time. Had he stopped there, all might have been well; but the success of his first attempt was his ruin. He continued to abstract funds in this way for several months, but was at last sus-

pected, detected, and sentenced to the State prison for three years. All this took place without his mother knowing it. After he was sentenced, he wrote her that he had been engaged to go out west on business, which would detain him two or three years, and she must not be surprised if she did not hear from him till his return. He had been convicted under an assumed name, and, although his mother was living in Boston, he was in hopes that he might serve out his sentence without being discovered. But rumors had reached her that he was in prison, and she had come to satisfy herself in regard to them. Shall I attempt to describe the anguish of that poor, heart-broken mother, or the agony of the son? I have not the power. Words such as are at my command are inadequate, and I drop the curtain upon the sad scene.

The third division of the book, "Suggestions on Prison Discipline," has a special interest for prison officers, for whose guidance it contains many judicious counsels. But it has an interest for the general reader also, and contains practical hints which he may well lay to heart, as the following passage, taken from an address delivered by the author before the Boston Society for Aiding Discharged Prisoners, will attest:

The discharged convict must undergo trials and temptations such as no other class of the community can ever be subjected to, and such as no one not familiar with the subject can realize or understand. If he is saved it must be through the exertions of friends, or of this society through its agents. It resolves itself into this simple question: Are the one hundred and fifty young men annually discharged from our State prison worth saving? Shall they be permitted to sink again into crime without one effort being made to save them? Shall they be turned loose, with wits sharpened by experience and feelings of revenge ranking in their bosoms, to prey upon the community, and perhaps successfully, too, for years, before they can be arrested in their career—involving severe losses by individuals, and taxing the public in each case, to arrest and bring them to justice, more than the whole sum annually appropriated by the State for their relief? The first week succeeding a convict's discharge is the most critical period in his life, every thing depending upon the reception and treatment he may receive from those in whose society he falls. It matters not that he may have formed good resolutions, and quits the prison with a determination to carry them into effect; if coldly received or repulsed they vanish like mist before the rays of the sun; he sinks again into crime, stilling his conscience with the reflection that he is not to be blamed, that he made an effort in good faith to reform, was willing to labor, but could find no employment; and upon the community, in his opinion, rests the responsibility. And so it does in a great measure. Look to it, then, my friends, that he has no occasion for such excuses; receive him kindly, encourage him to persevere. Remember that one kind word, a crust of bread, a night's lodging, or any other favor, however small, judiciously contributed and applied, may save a man from years of imprisonment and degradation, the public from great losses, and, possibly, a soul from misery in the world to come.

XVII. CRIMINAL LUNACY.

BY THE CORRESPONDING SECRETARY.

Justice, humanity and policy alike demand that our laws in regard to insanity, in its relation to crime, should undergo revision, with a view to placing them in harmony with the conclusions of science, drawn from recent investigations into the structure and functions of the mind.

Modern science recognizes the incorruptible integrity of the mind: that is to say, it recognizes the fact that the mind itself, in its own proper nature and essence, is never insane. What we call insanity is, in all cases, a consequence of the disarrangement, the disease, or the congenital maladjustment of the organs, through which its manifestations are revealed to consciousness. If a person takes a certain amount of opium, it is well-known that a great mental as well as physical change is produced by it—a change modified and colored by his pathological condition. When his organs are in one state, he sees the most gorgeous visions, and enjoys the most delightful sensations. In other states of the bodily organs the illusions are reversed. Horrid shapes flit before his eyes; the direst discords stun his ears; and, in his terror, he strikes his imaginary foe with superhuman strength and rage. In the delirium of drunkenness, similar hallucinations are observed, though commonly with less intensity. That narcotics and stimulants, taken in undue measure, will produce these effects, is known to universal experience; and, precisely because it is so known, the criminal acts of the man in this condition are punishable. He knew that, with the opium or liquor, he was swallowing burglaries, arsons, thefts, rapes, homicides.

The law, while recognizing that his criminal volitions and acts are not under his control, and that the illusions which prompt them are complete, nevertheless holds him amenable to punishment, because, though knowing that the drug or the brandy might produce such effects, he yet voluntarily partook of it. The criminality in this case lies, not so much in the homicide committed by him as in his self-produced insanity.

These illusions, and the criminal acts proceeding from them, are the result of an abnormal pathological condition of one or more of the bodily organs. It is not generally understood that if a similar pathological condition is gradually produced, as it often is, by the slow and progressive approaches of disease, nearly the same mental

results will follow. In point of fact, every form of bodily disease produces its appropriate effect upon the mind. Some diseases cause irascibility; others, deep mental depression; others, infirmity of will; others fill the mind with uncontrollable jealousy and suspicion; some give rise to a strong propensity to suicide; others to homicide; some stimulate the faculty of acquisitiveness; others dispose the patient to a lavish and reckless expenditure. In all these cases the propensities are irresistible, so long as the pathological condition remains which gives birth to them; and when this abnormal condition is congenital or organic, it is incurable. Now it is obviously unjust to visit criminal acts, produced by unavoidable disease, with the same measure of punishment which is meted out to crimes committed by persons in health with the full consent of their will, or to criminal acts done under the self-induced insanity of intoxication. Yet, such persons are as truly dangerous to society as those who are morally depraved, and society requires as much protection against them. The law should make a deeper inquisition into the motives by which men are impelled to the commission of criminal acts, and if caused by disease, let the law withhold punishment, but employ restraint, combined with measures sufficient to insure the security of society.

We saw a woman some years ago in one of the county jails of New York, awaiting trial on an indictment for murder, by poisoning two of her daughters with arsenic, and attempting to murder her husband in the same way. She was the daughter of a clergyman, had been carefully educated in Christian doctrines and practices, and had married a good man, and become the mother of good and dutiful children. Her father, about eleven months before her birth, had given unmistakable evidences of mental aberration. He had ceased to provide for and take an interest in his family, and became flighty and incoherent in various ways. This woman, and a sister born after her, were always noticed to be entirely different from the children born before the change in the father's mind. They were moody, irascible, suspicious, uncertain in temper, prone to bear malice, made furiously angry by the merest trifles, and restored to good humor by equal trifles. After her maternity commenced, and especially after her children grew large enough to show a will of their own, she became ungovernably excited at the least symptom of opposition to her will, and punished them severely for the most trivial fault. If their father purchased toys, or even clothing for them, she would often take the articles away and, if possible, destroy them. When her daughters left home on a journey, she would often express the fiendish wish that they might have their skulls smashed on the railroad, or that some other

terrible fate might befall them. Her cruelty became at length so persistent that one of the daughters was compelled to leave home and take up her residence with a relative. She failed in the attempt to murder her husband by giving him an overdose, which sickened him so that he immediately threw it off his stomach, and so escaped. With the daughters she proceeded more warily. She gave the first a small dose, and when the characteristic effects showed themselves, she sent for the doctor, and evinced much apparent alarm and anxiety. The doctor ordered mucilaginous and cooling drinks. In administering these the mother slipped minute doses of arsenic into every drug, and thus in the end accomplished her purpose. The same course was pursued in poisoning the second daughter.

When asked the motive which impelled her to this wholesale slaughter of her family, she replied that she did not feel any compunction for it; that she was crazy, and did not know what she was about; she admitted that no woman had ever had a better husband or a better home than she, and that she had loved her daughters as tenderly as any mother could love her offspring; she was conscious, she said, that she had done the deed, but quite unconscious of the motives that had prompted her.

The defense set up in this case was insanity; and the question of the continued life or ignominious death of a woman, a wife and mother, was made to depend on a decision that was little better than the drawing of a lottery. One jury, with the facts as above stated placed before them, would at once adjudge her guilty; another, with as little hesitation, would pronounce her not guilty. The one, uninstructed in the subtle, infectious and obscure developments of insanity, and guided only by the apparent coolness, deliberation and forethought displayed in the murder, would decide upon the question of her guilt; and her previous irascibility and ill temper, so far from being to them proof of insanity, would but confirm them in the conviction that her heart was intrinsically bad, that her moral nature was willfully depraved, and that death would be but the just penalty of her transgression. The other jury, enlightened in the hidden power and wayward freaks of mental disease, would observe the entire absence of motive for the murder. They would consider that her exhibitions of temper were not provoked by any external occurrence. They would take into account the difference of character between the children born before the father's insanity and after it. They would weigh the circumstance that these evidences of uncontrollable temper manifested themselves from the cradle, and before reason and will had become forces to control the conduct. They would remember not a few cases upon record,

where men had been condemned to death, who were afterward proved, with indubitable clearness, to have been insane. These considerations, with others superadded, would, in their estimation, constitute a sufficient basis for that "reasonable doubt" which the law, in its benevolence, says shall inure to the benefit of the accused, and their verdict would be an acquittal of the crime of willful and deliberate murder.

On this subject the law, as expounded by the courts, is singularly unsatisfactory, because singularly variant and contradictory. Lord Erskine, on the authority of Lord Coke, laid down the law thus: "To protect a man from criminal responsibility, there must be a total privation of memory and understanding." And Justice Tracy and Sir Vicary Gibbs essentially agree with him. Lord Mansfield, in a charge to a jury, said: "There is a third species of insanity, in which the patient fancies the existence of injury, and seeks an opportunity of gratifying his revenge by some hostile act. If such a person is capable, in other respects, of distinguishing right from wrong, there is no excuse for any act of atrocity which he may commit under this description of derangement."

Dr. Brigham, of the State Lunatic asylum, at Utica, New York, examined every patient under his care with reference to the application of this test of Lord Mansfield, without finding a single man or woman, out of nearly a thousand, who, if he or she committed homicide, could be saved from execution under such a ruling. It is a test which wholly overlooks the material fact that the vagaries of insanity do not arise from inability to distinguish between right and wrong, but from erroneous and fanciful applications of right principles to particular cases. The recorded charges of the judges of the State of New York, under similar circumstances, differ from each other, *to lo coelo*, in their statement of the law as applicable to insanity and its tests. The majority, however, adopt the exceedingly objectionable doctrine of Lord Mansfield; while another, but smaller class, have discarded its errors and mitigated its sternness. Among this class Judge Edmonds occupies a conspicuous position. His charge to the jury in the case of Klein, tried in 1846, is one of the most humane that has ever emanated from the bench, while it is also most fully imbued with a knowledge of the various phases of insanity. Yet, in that charge, he acknowledges his inability to lay down precise and accurate rules by which the jury might clearly distinguish between responsibility and non-responsibility. He gives the following maxims as the best approximation to the truth: "If the accused have not intelligence and capacity enough to have a criminal intent and purpose; if his moral and intellectual powers

are so deficient that he has not sufficient will, conscience or controlling mental power; or, if through the overruling power of mental disease, his intellectual power is for the time obliterated, he is not a responsible, moral agent, and is not punishable for criminal acts." Not long after this charge, Judge Harris delivered one in the celebrated case of Mrs. Robinson, popularly known as the "veiled murderess," which was quite opposite in its character, agreeing substantially with the doctrine of Lord Mansfield.

It appears from a pamphlet issued by the Howard Association of London, which has lately come to hand, that the case is worse in England than it is here, both in theory and practice. The author of that paper says:

The law proceeds on the principle that criminal insanity is not to be exempted from penal infliction and disgrace, except only in cases of *raving* madness or *fully matured* lunacy. It recognizes neither the gradual development nor the *subtle intelligence*, which often characterizes cases of insanity which are as dangerous and as uncontrollable as any of the more raving kind. The present law asserts that a knowledge of "the difference between right and wrong" constitutes just legal responsibility. Medical men, as with one voice, reply: "Nearly all the inmates of our lunatic asylums know well the difference between right and wrong, while utterly incapable of self-control. Indeed, the very government of these institutions is generally based on the principle that their inmates have this sense of right and wrong, notwithstanding the infliction of indubitable and dangerous mental disease." But the law virtually ignores this fact, and many jurists deem pleas of insanity absurd, except accompanied by raving or absolutely idiotic symptoms. Hence, in many cases the unfortunate victims of a most pitiable disease are judicially punished by *penal servitude*, and, occasionally, even by the *galloes*.

The charge of absurdity appertains rather to the law itself. For what can be more unjust than to brand and punish as convicts those unfortunate persons who, by the inscrutable visitation of Providence, are the victims of disease comparable to inherited blindness, or to the accidental deprivation of a limb? The *Spectator* recently remarked of the infliction of capital punishment under similar circumstances: "We might as well hang a man for committing murder in his sleep."

The *fact* of the penal treatment of numerous victims of mental disease is indubitable. Dr. Gover, medical officer of Millbank prison (with an average of nearly 1,000 convicts), in his report for 1868, states:

The number of convicts certified as insane was 34. The number of other mental cases was 218. This number (218) includes the weak-minded but *excludes* the *epileptic prisoners*. The same officer reports: Of the 21 attempts at suicides made during the year, 1 was successful, 5 serious but unsuccessful, and 15 feigned. The number of serious attempts was undoubtedly large, and would have been still greater but for the exercise of constant care and watchfulness. The same report adds: *I do not concur in the opinion which is entertained by some, that insidid convicts have in most cases disqualified themselves for hard labor by indulgence in vicious and irregular habits previous to their imprisonment.* On the contrary, it appears to me that the *great majority* of these prisoners are either men of *originally* feeble constitutions, or the subject of diseases and infirmities which have been contracted through circumstances over

which they have had *no control*. I may perhaps be allowed to state my conviction that the percentage of convicts who are rendered unfit to earn a livelihood by some *inherited* physical infirmity or *defect of intellect* is larger than is usually supposed.

In the same year (1868), Mr. Morrish, governor of Millbank, reported: "The imbeciles and epileptics continue to form a large element of the number of prisoners."

The Right Hon. E. Gordon, late Lord Advocate of Scotland, said, in October, 1868: "I have long been impressed with the fact, that great weakness of intellect exists among those placed at the bar of our courts."

Dr. Thompson, surgeon to the general prison for Scotland, at Perth, says: "One prisoner out of every nine is more or less insane, and one out of every 140 becomes irresponsibly so."

Mr. Measor, late deputy governor of Chatham convict prison, declares: "I have known as many as five per cent of the inmates of an Irish convict prison *confined* at one time under medical observation, with a view to ascertain their mental condition, and they were quite exclusive of a large proportion who might be said to have possessed inferior degrees of irresponsibility."

According to the "Judicial Statistics" for 1867-8, there were, in England and Wales, 1,244 criminal lunatics under detention, a large proportion of whom were insane when convicted. The same statistics, from 1857 to 1867, show, that, out of 664 persons tried for murder in that period, 108 (more than 16 per cent) were legally found insane. Hence, it is not at all improbable, indeed it is well nigh certain, that, of the 135 persons hanged during the same period, some were insane, though not legally proved such.

We are unable to give, with the same exactness, statistics of the criminal insane in the United States. We only know, in general, from the annual reports of the several State prisons, that the number is considerable in most of them. In New York, there is a State lunatic asylum for the criminal insane, which receives its inmates from the three State prisons; the average number being, as near as we can state from memory, about 80. In nearly all the county jails, there are, also, every year, more or less lunatics, wholly irresponsible.

The paper of the Howard Association, from which we have already largely cited, calls attention to another evil, no less grave in this country than in England, in the following words:

A second evil of the present legal treatment of criminal lunacy is the consequent unsatisfactory nature of the evidence at trials, in many cases of real or alleged insanity, especially where there is danger of the infliction of the irrevocable capital penalty. On these occasions, it repeatedly happens, that eminent medical men are placed in a painful, and, occasionally, even in a ridiculous position, through their cross-examinations by counsel who, although very talented in their own profession,

may be utterly ignorant of scientific facts and principles. The latter gentlemen, furthermore, are expressly paid to endeavor to elicit replies favorable to the private interests of their clients. Impartial truth thus becomes not the real object of the examination, as it ought to be. Again, similar private interests sometimes lead to the unseemly employment of medical witnesses as *party-advocates* rather than as purely scientific witnesses, called by an impartial authority, and only for impartial ends.

The wisest, noblest and best in the land are as liable to attacks of insanity, and, under such assaults, to do a homicidal act, as the meanest, vilest and most ignorant of men. Is it not a fearful thought, that we and our children may be thus exposed to the chances of a felon's death, for want of any clear and well-defined rules, by which the responsibility of the persons on trial can be determined?

Few persons are aware of the extreme subtlety of that wonderful organ which we call the mind. Few know how easily one faculty or set of faculties may become disarranged and unsound, while the others remain in a perfectly normal state. There is a man now living in one of the counties of New York, who is a quiet, reasonable being under ordinary circumstances. His mode of doing business and his general intercourse with society would not be remarked as different from that of his neighbors; yet he becomes frantic with insanity whenever a pig squeals. A second person we know of who, sane enough at other times, is crazed by looking through blue glass. Another, whose case is described by Dr. Nichols, of the government asylum at Washington, is insane on the subject of women's shoes, though perfectly rational on all others. Rabells, who was tried for murder at Litchfield, Connecticut, and acquitted on the ground of insanity, was chiefly excited to madness by some one treading on his toes, and even by looking at or commenting on his feet. But enough of such cases; the books are full of them. Unfortunately these books seldom fall in the way of judges, jurors or law-makers; and hence they are but imperfectly instructed in phenomena of the last importance as regards both the enactment and administration of laws.

Thus far we have spoken mainly of the relation of insanity to murder; but this mental malady operates no less widely and no less potently in other departments of crime. In our visitation of prisons we have met with persons committed for arson who, though sane on all other subjects, were utterly insane upon this; they have the well known mental disease, technically named "pyromania." Others exhibit their mental alienation in the special form of backbiting and slander. Monomania sometimes shows itself in an uncontrollable tendency to disturb religious meetings. Many a police officer has his own private cases to relate of respectable persons of both sexes, who are placed under his surveillance on account of their irresistible

propensity to pilfer, but who are saved from the disgrace of a criminal prosecution by their friends paying for the stolen property. May not some of the poorer classes be subject to the same insane and uncontrollable impulse, who have no friends to pay for their thefts?

We have met with many criminals who seemed quite unable to see the difference between vice and virtue. We recall one at this moment, who belonged to this class, and whom we saw a short time before his execution for murder. He seemed as one looking through a mask. We could form no idea from the expression of his face whether he was speaking truth or falsehood. He assured us that he made up his mind to follow the business of a burglar after full deliberation. He said that he could see no difference between this and any other profession. The lawyer—such was the view he expressed—did all he could to succeed, and had no hesitation in depressing his rivals to advance himself. So it was with the physician, and the merchant, and the steamboat captain; and nobody found fault with them. He did not see why he might not do the same. He would kill no one, if he could rob without it; but he saw no harm in murder, if it was necessary to success in his chosen pursuit. This man uttered these atrocious sentiments with perfect coolness and apparent sincerity, and in the near prospect of expiating his crime upon the gallows.

Facts like those show that our criminal laws need revision in order to bring them into conformity with the demands of reason, justice and humanity.

As the practical issue of the foregoing facts and arguments, it seems to us that a commission should be formed of the ablest mental pathologists and criminal jurists, who should be charged with the duty of collecting and comparing all the recorded facts bearing on the subject; of developing the principles thereto appertaining; of devising some rule or rules which would enable courts and juries to decide on criminal cases involving the question of insanity with some approach to uniformity; and of suggesting such provisions as would be likely to protect society against danger from persons known to be the subjects of insane impulses. The rules devised and provisions suggested, approving themselves to wise men, should then be enacted into law.

We only add that this conclusion is quite in harmony with the paper of the Howard Association, so often referred to, which is, in fact, of the nature of a memorial, praying for the creation of a royal commission, to be charged with the duty of full investigation and practical counsel as regards the requisite legislation. The paper closes with the following paragraphs:

Such a commission may be expected to involve, eventually, the following important results:

1. A recognition by the law of the abundantly-proved fact, that uncontrollable dangerous insanity often exists collaterally with a knowledge of "the difference between right and wrong." This would modify the criminal responsibility of the insane. They would be held responsible to the extent of secure detention in asylums (even for life, where necessary), but not to the extent of a disgraceful death on the gallows, or a degrading transfer to a convict gang.

2. The proof of insanity in criminal cases would be no longer committed to advocates (legal or medical) of private interests, but would devolve upon an impartial jury or commission of scientific experts appointed by the government. The investigation would then be conducted with a dignity alike befitting the majesty of the law and the scientific experience of the medical profession.

3. Theory being thus reconciled with fact, and law with science, the national conscience in regard to true justice would be satisfied, and legal administration would secure increased influence and support. Private interference would be superseded by systematic and impartial investigation. The punishment of the same criminal would be more certain, and the restraint of the insane rendered at once more humane and sure.

[Senate No. 21.]

XVIII. PUBLIC CHARITIES AND COUNTY JAILS IN OHIO.

BY THE CORRESPONDING SECRETARY.

EXTENT OF PUBLIC CHARITY.

Public charity forms one of the vital interests of society. It is stated, says Mr. Sanborn, on good authority, that the city of London expends yearly from thirty to forty million dollars in charity, among a population of three millions. If we take even the lowest estimate, it would be an expenditure of ten dollars for each inhabitant. This is far, very far, in excess of the cost of pauperism in any of our States. The same writer estimates that Massachusetts, in 1868, expended, for the support and relief of the poor, and the support of prisoners and juvenile delinquents (which last he counts as a public charity), \$1,600,000, for aid to disabled soldiers and the families of those killed in the war, \$900,000, and in private charities, \$1,500,000, making an aggregate, in round numbers, of \$4,000,000, devoted to charitable purposes in a single year in that State. But the amount paid to soldiers and their families may be regarded as a special charity. Deducting that from the total sum, there would remain, as the tax for pauperism upon each inhabitant (the population being about 1,400,000), a fraction over two dollars. The expenditure in the State of New York, for the same purpose, is no doubt equally great, and in Pennsylvania nearly as great. But, allowing a reduction of one-half in the ratio of Massachusetts and New York for the other States, we shall find (so Mr. Sanborn estimates) that the aggregate annual expenditure, for charitable purposes, of the whole country is at least \$60,000,000, of which sum not less than forty million dollars are disbursed by public officers; that is, about one dollar to each inhabitant. Has not the whole community a vital interest in the honest and judicious disbursement of this vast amount?

NEED OF SYSTEM IN PUBLIC CHARITY.

Mr. Thomas Beggs, in a paper recently read before the British Social Science Association, states it as his opinion that forty-five million dollars are annually expended in London, as the cost of pauperism, and that one-half of that sum is wasted for want of a good system under careful supervision. This may be an exaggera-

tion; probably it is so; but Mr. Sanborn thinks that it is no exaggeration to say that there, and here, at least a tenth part of the whole amount laid out in this direction is wasted, and worse than wasted, for lack of wise and efficient management. This we think an under-estimate by nearly or quite one-half, so that a thorough and effective system of public charities in the United States would save to our people something like eight million dollars a year.

Surely these statements are enough to show the immense importance of this question. No doubt, as Mr. Sanborn has observed, "with labor in constant demand, land cheap, and every career open to every person, we have the three greatest securities against pauperism. But these alone are insufficient. We need, besides, the constant activity of judicious and far-reaching charity, public and private; and we cannot have this without vigilant supervision." Well, therefore, it is that our people seem everywhere to be waking up to the vital necessity for such oversight. Already have boards of State charities been established in Massachusetts, Rhode Island, New York, Ohio, Illinois, North Carolina and Pennsylvania. The principle on which such boards are based is a fruitful one, and it will work in our States like leaven till the whole are leavened.

REPORT OF THE OHIO BOARD.

The second annual report of the Board of State Charities of Ohio is now before us. It is a document of much interest. The board is greatly hampered in its work by the short-sighted policy of the State in refusing the means necessary to an active prosecution of it. The members of the board themselves serve without compensation, which is well; but the Legislature makes no provision for the employment of a paid secretary, which is very far from well, or wise, or liberal. The State penitentiary authorities at Columbus have generously allowed their excellent chaplain, the Rev. A. G. Byers, to act as secretary of the board, and to give to the work the limited service which his other official duties permit him to render. He has served them well and effectively, considering the little time he can devote to their work; but what is wanted—what, indeed, is indispensable to the accomplishment of the proper ends of such an organization—is the full time and strength of a competent and energetic secretary.

The document before us consists of two parts—first, the report of the board; and, secondly, the report of the secretary. We do not propose to take up these papers separately, but shall draw upon both as occasion may require.

CONDITION OF OHIO JAILS.

The first subject treated in the report is the county jails.

Here we have the old story, which, as regards this class of institutions, comes to us with melancholy uniformity from every State in our Union: ill-arranged buildings; over-crowding; want of ventilation, and other sanitary appliances; defective separation of the sexes; enforced idleness; inexperienced and incompetent officers; the almost total absence of discipline; little attention, or none at all, to the moral wants of the prisoners; promiscuous association of all ages and classes of inmates, with all the contaminating and festering influences thence resulting; and, above all, a *system of imprisonment radically and incurably vicious*. The board and the secretary unite in pronouncing them "schools of vice," "base seminaries of crime," "manufactories of thieves and burglars," institutions "that corrupt the innocent, and establish criminals in all that is evil, rooting out the last remains of virtuous inclination;" "prisons where the whole being, physical, mental, and moral, is soon fitted to receive all uncleanness with greediness;" "a system in which lingers more barbarism than in all of our other State institutions together."

These general statements are abundantly confirmed by the details. Of the jail of one county, the secretary says:

It is utterly, indescribably mean. No adequate idea of this deep, dark, damp, deadly den can be had, short of actual observation. It is a cellar, the excavation having been made into cold, wet clay, the moisture of which is absorbed by the large, dense, but less impervious rock, constituting the floor and walls of the prison.

Of another he uses this language:

In the centre of the common hall, seated around a large table, there were some twelve or fifteen persons; these represented almost every grade of crime and criminal character. The boy of fourteen, charged with "stealing a saddle," sat opposite to a burly and hard-visaged English highwayman. Here were professional thieves of every class, from the convicted burglar to the lowest possible sneak-thief and pickpocket. They were in open, free, and (to the younger ones), evidently delightful conversation.

And that these "younger ones," except a moral miracle supervene to prevent it, will become professional criminals, we may be just as sure as we are, when we see the sun set at night, that it will rise again in the morning. We must give the secretary's description of a brand-new jail, to show the present state of the science of prison architecture in Ohio. He remarks:

Putnam county jail is entirely new, built of stone. * * * Had some inspiration of evil genius seized upon one to plan a building against light, air, and general comfort, it is doubtful if any thing better [worse?] than Putnam county jail could have been conceived. At all events, these are marked features of this new jail.

It is a pleasure to add that the board have presented the plan of a model jail in their report, which, without being perfect, contains many excellent points.

LACK OF PUBLIC INTEREST.

Such, with rare exceptions, are the jails of Ohio; and such, with exceptions equally rare, are the jails of the United States. Is this, then, the result of American civilization and American Christianity? Is this the last word of science? We answer, No; emphatically, No. Why, then, are such enormous and shameful social plague-spots permitted to exist? Why are they tolerated? Why does not an outraged, indignant community rise up, as by a common impulse, and sweep them out of existence? The answer is not far to seek. It is simply because the community knows nothing of the matter. Not one person in a hundred, probably not one in a thousand, ever visits a jail, or troubles himself about what is going on therein. Our Saviour's sorrowful declaration is as true now as it was the hour it fell from His compassionate lips: "I was in *prison*, and ye visited me not."

Let a single fact be stated in confirmation. The Prison Association of New York has sought to enlist local co-operation in its work. It organized committees of correspondence in the county seats of not less than forty-five counties, composed of Christian gentlemen, many of them ministers of the gospel, who had been, in most cases, previously seen, and had agreed to serve. The duty required of these committees is to visit the jails in their respective localities, to hold religious services therein, to distribute religious tracts and papers to the prisoners, to establish small libraries for their use, and, generally, to look after the moral and spiritual interests of the inmates, and to seek to win them back to honesty and virtue, by supplying them with motives to a better life. What has been the result of this scheme, so benevolent in its design, and so simple in its machinery? In a dozen counties, or thereabout, the work is done, and well done; everywhere else the plan has proved a failure. The committees have been utterly derelict, in most cases not yielding the poor courtesy of replying to our letters. The want of interest, then, on the part of the community, and the want of knowledge consequent thereupon, are the cause of the corrupting and disgraceful condition of our common jails—the cause that propagates and intensifies the terrible social sore of which we complain.

THE INSANE POOR IN OHIO.

Surely, we have here one reason—and a cogent one it is—for the existence and work of Boards of State Charities, viz., to seek out and bring to the light the crying abuses that exist in prisons and other classes of institutions that are sustained, in whole or in part, by public charity. Yes, other institutions; for abuses are by no means confined to those of a penal type. This very report contains abundant evidence that the county poor-houses of Ohio—called there “infirmaries”—are in even a worse condition than the county prisons; and *that* more particularly as regards the insane poor. Indeed, some of the revelations here are too shocking for transcription, and we cannot soil our paper, or offend the sensibilities of our readers, by a recital of them. We, however, make room for two or three extracts, which certainly reveal a state of things sufficiently deplorable. Of the infirmary of Jefferson county, the secretary remarks:

There appeared to be no system whatever, and a prevalent discomfort characterized the entire institution. We found seven insane inmates confined in small cells, the floors of which were wet and cold. *All the insane were entirely naked*, and their only protection from the damp, chilly air pervading the apartment was to crouch down closely in a corner of the dismal cell, bringing the parts of the body together as compactly as possible, and then draw over them the blankets, or pieces of blankets, which were furnished them, and which constituted their only protection, by day or night, from the cold, damp, cheerless cells in which they were placed.

Of the poor-house of Trumbull county, Mr. Byers says:

The buildings are dilapidated; there is no apparent separation of inmates, but a rather heterogeneous intermingling of all classes; confusion prevails, and there is the utmost disregard of even the ordinary and more essential domestic, social and sanitary regulations. There was an absolute absence of system in the management, and such evidently prevalent disorder characterizing the place as to preclude the idea of comfort. While this is true, as relating to the general condition of this infirmary, there are incidental horrors which it is most painful to record. Among the insane we found one who had been an inmate for many years, and who had traced, in those years of his wild and peculiar frenzy, the marks of his insanity over almost every part of the building in which he was confined. He was locked in a close room, the door of which was stoutly battened. No direct ray of light could enter it from any direction, nor a breath of pure air, while there was a constant current of foul air entering the room from the privy-vault beneath. Nor were there any indications that water, for purifying either the apartment or the person, had been used there at any recent date. This man, with matted hair, countenance befouled, with body and limbs besmeared, was lying on the filthy shreds of what had been his apparel and his bed, and was said to be asleep, but which proved to be rather the stolid stupor where there was no sign of life, save the glare kindling in the eye from the smoldering fire of his maddened brain. His room, from floor to ceiling, over every foot of its cheerless walls was painted (such was his fancy) thick, and in fantastic figures, with his own excrement. To say that the stench was sickening, is to convey but a feeble idea of the wretchedness of that apartment. We were told that that man had been confined there for more than a year. How this

could be; how a man—how any creature to whom light and air and water are essential elements of life—could live thus, is beyond human comprehension; God only knows.

Are the populations of these two counties civilized communities, or have they not yet emerged from the wild and debasing cruelties of savage life?

THE PAUPER-CHILDREN.

The condition of the pauper-children, of whom there were 670 under twelve years of age, in 57 infirmaries, is wretched in the extreme. They appear to be shockingly neglected, and present an appearance of filth and misery positively revolting. Their education is almost totally neglected. Schools are provided in a few of the infirmaries, but they are mostly taught by paupers, to save expense. Some of the older children are sent to the public schools—apparently, however, to little profit, as they are jeered and derided by their schoolmates as “paupers.” The question, “How shall we eradicate the pauper taint from our poor-house children, so as to give them an equal chance with others in the battle of life?” is one of the gravest and most difficult with which social science has to grapple in our day. Much earnest thought is given to this subject; and we are permitted to hope that a satisfactory solution will be reached.

But we must hasten to a conclusion. Upon the whole, it is evident that the Ohio Board of State Charities has a great work to do; and it is no less evident that, if the necessary means are not denied, they have the intelligence, zeal and energy to do it, usefully to the State and honorably to themselves.

XIX. PRISONS AND PRISONERS: A CONFERENCE IN BOSTON.

BY THE CORRESPONDING SECRETARY.

An informal conference, called by the ladies in charge of the Temporary Asylum for Discharged Female Prisoners at Dedham, was held November 27, 1869, in the chapel of St. Paul's Church, Boston, to consider the question, how our prisons can be made more reformatory; and particularly what can be done to secure a more rational and successful treatment of female prisoners? Some fifty or more persons—the majority ladies—were present at the meeting, among whom were to be seen Senator Wilson, Governor Claflin, George B. Emerson, Judge Bacon, Mr. F. B. Sanborn, the venerable Drs. Kirk and Chickering, and other citizens of distinction.

The conference was called to order by Mr. Emerson, who nominated Governor Claflin as chairman, who, on taking the chair, returned thanks for the honor done him, and called upon Dr. Kirk to offer prayer. At the conclusion of the prayer, Miss H. B. Chickering was appointed secretary.

Governor Claflin said:

The meeting is intended to be an informal one, the object being for the friends of prison reform to consult together as to the best means of reformation. There is a great work to be done. The system of sentences needs to be corrected. At present, the length of every sentence is determined by a single judge, in whose dictum there is no appeal. This is a very serious matter to the convicted criminal—a long or a short sentence depending much upon the condition in which the judge's mind happens to be at the time. I brought this matter to the notice of the Legislature at its last session, and urged the importance of some modification of the law in reference to it. It seems to me that it would be an important reform if the judge trying the case should, on conviction, send the criminal to the State prison, and advise several judges, on mutual consultation, determine the term of his imprisonment. Again, the whole system of imprisonment in the houses of correction seems to be wrong. We have fourteen houses of correction, all under different administrations. No secular and little religious instruction is given in any of them. The State prison also needs great improvements. Some of the cells are unventilated, poorly lighted and ill-ventilated. Until this year no secular instruction has been given, except at the little imparted in the prison Sunday school. Last winter the Legislature appropriated \$1,000 to employ an instructor in the State prison. To effect the needed prison reform in behalf of women will require all the energy, persistent effort and practical wisdom that can be brought to bear upon the problem. Yet there is much to encourage us. The prisons are in better condition and the prisoners better cared for than formerly. Though the State prison, owing to some special circumstances, is more crowded than ever before—the present number of inmates being within a fraction

of six hundred—the number in the jails and houses of correction is considerably less. The visiting agency established for the reformatories by the last Legislature promises excellent results. Every child sent out by them will be visited in his or her new home; and their circumstances, treatment, opportunities, conduct and prospects fully ascertained and reported to the proper authorities.

In behalf of the ladies who had invited the conference, Miss Chickering read a paper, in which she said that this meeting of the friends of prisons had been called by those engaged in the reform of this degraded and much neglected class, as they found their work seriously hindered by the present prison system of the State. The question pressed itself upon us, What can be done in this matter? Our prison system is not reformatory; how can it be made so? In reply, Miss Chickering insisted:

1. That all who have the care of prisoners should be selected on the ground of fitness alone. 2. That the prisoners be classified so that the young and comparatively innocent should not be exposed to the corrupting influence of old offenders. 3. That more care be taken not to let loose on society the more hardened and dangerous criminals. She feared that Massachusetts looked at prisoners too much from a pecuniary stand point to act with true wisdom in this matter; but if the State would try the experiment, it would soon find that the true economy is to reform, and not simply to punish. The ladies desire to call attention to the necessity of a separate prison for women; of a separate reformatory or workhouse for confirmed inebriates; and of the State taking charge of young girls who have no legal guardians. The career of most of these poor girls was soon arrested by death, but not before they had sown seeds of destruction broadcast in the community. Reformation was the prime object, and to this end instruction, secular and religious, was essential. The improvement of prison discipline for females was their special work, but she would, also, in conclusion, call attention to the imprisonment of boys, the readjustment of sentences, and the subject of pardons.

Mrs. Leonard, of Springfield, spoke of the incorrigible drunkards among women. She said:

Persons of this character form a large proportion of the women in prison. The present penal treatment of this class appears to be unduly severe. The management of the labor of female prisoners is wasteful and extravagant. In most of the houses of correction not more than five cents a day is paid for the labor of the women, and yet there are women in them who earn nine and ten dollars a week. One woman did this who, because of her slavery to drink, had been in prison forty times. It is generally believed that criminal women can never be reformed. I believe this a great mistake. The laws should be amended, and one or more workhouses should be established for drunken women, of which women should be managers. After a few commitments their sentences should be materially lengthened, so that there might be some chance to effectually break the habit of intemperance.

Mr. Pierce, secretary of the Board of State Charities, spoke earnestly on the subject of instruction in prisons. He said:

Massachusetts boasts of her superiority to all the rest of the world, but it is a vain boast; even Wisconsin, in the far-off West, goes ahead of her in this respect. Boys over eighteen and girls over sixteen must be sent to jail, houses of correction, [Senate No. 21.] 47

or State prison, where no instruction whatever is given by the State, though benevolent persons may do something by their labors in prison Sunday schools. One-third of the criminals in Massachusetts are unable to read, and when incarcerated have a right to have this deficiency made up.

Mr. F. B. Sanborn, late secretary of the Board of State Charities, called attention to the present condition of the statutes in regard to prisons, as far as the special matters brought to the notice of this meeting are concerned:

1. There is no separate prison for women. The principle of such separation is, however, fully recognized, and the only practical difficulty in applying it arises from restricting sentences to the houses of correction by county lines. There is no legal impediment, since the two highest courts are allowed to sentence criminals to prisons outside of the counties in which they are tried. All that is wanted is an act designating some prison for this purpose. 2. The restraint and protection of girls are in part provided for in the Lancaster Industrial School. But none are received there who are over sixteen years. Beyond that age they might be suitably provided for in the proposed separate prison for women. 3. Provision for permanent drunkards is already made in the workhouse at Bridgewater. Some judges, however, find a difficulty in sentencing drunkards under this law, and it would be desirable to pass an act defining permanent or habitual drunkards. 4. The general management of our prisons is regulated by a mass of statutes, most of which are excellent, if only they were wisely and faithfully carried out. Among the best may be cited the conditional pardon act, and the acts forbidding the imprisonment of children under ten years, except on fine, and allowing the establishment of county houses of reformation. New legislation is needed to set in motion the wheels that now stand still. All the statutes relating to penal matters were daily violated. This was true as regarded separation in cells and separation of heinous offenders from the mass of inmates, even in cases where there was no necessity for it. He had seen a murderer in one of the houses of correction, of the worst type, associating freely with the other prisoners, when there was ample opportunity for his isolation. Indeed, the penal code was almost completely set aside in some prisons. He agreed with others that there was imperative need of a prison for women. There were a large number of women in prison. About three thousand five hundred were committed annually, and the daily average was some seven hundred and fifty. They were confined in about twenty prisons. They should be under the charge of women. Massachusetts had never taken that step, as other States had, but gave her female prisoners into the charge of men. The county prisons were, in general, managed by very worthy men, but the number was small (he hardly knew of two or three) who had the least faith in the reformation of woman. What resulted from this skepticism? Simply that no interest was taken in, and no effort made for, their reformation. Nothing was done, absolutely nothing; and in many cases worse than nothing; for the prison keepers produced the impression on the prisoners themselves that their amendment was hopeless. A female prison might be had without any outlay by the State, for the prison at Fitchburg, which was every way suitable, might be taken for that purpose.

The Rev. Mr. Edwards said that, of 2,860 imprisoned females, 440, or nearly one-third, were minors between the ages of sixteen and twenty-one. More than half had been committed more than once, and a considerable proportion six times and over. Now, who were these young girls? Many of them were orphans, many were

than orphans, and many the daughters of respectable parents in foreign lands.

The secretary of the Prison Association of New York, present by special invitation, said:

As I understand it, the particular subject of conference is the means of making prison treatment more reformatory. Three questions are involved here: 1. Are criminals capable of reformation? 2. If so, what are the essential bases of a reformatory prison discipline? 3. What are the agencies to be employed in the work?

For myself, I have no doubt that a large majority of criminals may be regenerated and restored to a right mind and a right habit of life. In 1865 I visited all the State prisons in eighteen States, and everywhere found the best prison officers of the same mind. In 1866 a committee of the Prison Association examined many competent officials, from whom they received a like response. But what do facts say? What is the testimony of experience? The most remarkable experiment in prison discipline ever made, so far as I know, was that of Colonel Montesinos, in Valencia, Spain. He had charge of that prison, averaging one thousand inmates, from 1835 to 1880. Prior to his incumbency the system was one of stern coercion, for which he substituted a system of moral forces, of organized persuasion. The percentage of recommitments under the former was from one-third to one-half. For the first two years of the administration of Colonel Montesinos the recommitments remained as before; for the next ten years the recommitments averaged only one per cent; while during the last three years not a single prisoner came back; in other words, the number of the discharged and the number of the reformed were identical. This also is largely the experience under the Irish prison system; and the same thing is true of a remarkable prison in Moscow, Russia, presided over by Count Sollichub, one of the most humane and enlightened prison-keepers in the world.

As regards the bases of a reformatory prison system, I think there are three fundamental principles which must underlie and interpenetrate every such system. 1. It must work with nature rather than against it. This is the secret of the success of the systems just named, and especially of that greatest of all prison reformers, Capt. Alexander Maconochie, in his experiment on Norfolk Island, which he found "a turbulent and brutal hell," and which in four years he left "a peaceful and well-ordered community." 2. It must secure a harmony of wills between the officers and the prisoners. The prisoner must choose for himself what his keeper chooses for him, and this choice must continue until virtue becomes a habit. But this can never be except where the keeper really chooses the good of the convict. This consent of wills is most conspicuous in the Irish prisons. It was still more signal in the prison of Munich, in Bavaria, under Obermaier. 3. A really reformatory prison discipline must supply a system of adequate and reliable tests, to guarantee the genuineness of the reformation claimed for the liberated prisoner. Not otherwise can the distrust felt by the community be overcome, and its confidence won; and, until this is accomplished, there can be no ready or general re-absorption of reformed criminals into virtuous society. Yet such re-absorption is an essential condition of the permanence of even genuine reformation. In this respect, also, the Irish system, through its intermediate prisons, had proved a signal success. When this system was initiated, Mr. Organ, the superintendent of liberated convicts, found the greatest difficulty in obtaining now and then a situation for a discharged prisoner; now, on the contrary, he finds an equal difficulty in promptly supplying all the orders he receives for such men.

The third inquiry relates to the agencies to be employed in the reformation of criminals. Among these may be named a higher and better qualified grade of officers, religion, secular instruction, industrial labor, a carefully devised system

of rewards, and a suitable care for discharged convicts, to keep them from being again clutched by old comrades, and drawn back into the vortex of crime.

Judge Bacon said :

Prison discipline and management is a practical question. The separation of males and females is a matter of grave importance; no prison system can work well without it. Having, in my judicial capacity, witnessed the operation of our laws, I believe that it is important that some system of probation should be instituted. My own practice is, in hopeful cases, to suspend sentence, especially when there is any one who will look out for the offender. I have been informed by Father Cook (as he is called) that eighty-seven per cent of those bailed by him never again came before the court. This applies mainly to the younger class of offenders and drunkards. Very often it proves completely successful in the latter case. I think the same principle should be applied to the convict on his discharge.

Senator Wilson said :

There has probably been talking enough; the time has come for action. I therefore move that a committee be appointed to bring the views of the meeting before the Legislature.

The resolution was adopted, and the chairman appointed Senator Wilson, Mr. Sanborn, Judge Bacon, Miss Chickering and others on the committee.

XX. PRISON REFORM IN MASSACHUSETTS.

BY THE CORRESPONDING SECRETARY.

The result of the conference noticed in the preceding article was the preparation and presentation to the legislature of the following memorial—a paper drawn up with marked ability, a keen insight into the several questions treated therein, a thorough comprehension of the reforms needed in prison systems and prison management, not in Massachusetts only, but the whole country.

To the Honorable Senate and House of Representatives in General Court assembled :

The memorial of the managers of "the Temporary Asylum for Discharged Female Prisoners" at Dedham, and of the managers of "the Springfield Home for Friendless Women and Children," and of others concurring with them.

The undersigned respectfully represent that the penal institutions of this Commonwealth are imperfect in many particulars, and that the public good requires many important reforms in their organization, supervision and management. The reformation of criminals is a most certain and effective method of preventing crime; but without a careful classification of prisoners, all influences and efforts for reformation will be thwarted by the association of the comparatively innocent with the most vile and abandoned, and the prison will become a seminary of vice and crime. The classification of prisoners in our penal institutions is manifestly very imperfect, and a change in this is imperatively demanded by the humanity and Christianity of the age, and may be effected in such a manner as not only to secure the proper object of punishment, the suppression of crime, but also ultimately to diminish the actual expense of supporting and maintaining our prisoners.

The undersigned, therefore, believe that entirely separate prisons should be provided for female convicts, under the charge of judicious and philanthropic women, subject to the advice of a board of men and women of known judgment and ability. There are about eight hundred female prisoners in our jails, houses of correction, the house of industry, and the State workhouse. Many more are in temporary confinement, awaiting the result of complaints against them. These prisoners are scattered throughout all these penal institutions, and in many cases are few in number in particular prisons. In their present condition, they cannot be so classified as to receive that proper and reasonable care and supervision adapted to their peculiar wants and condition, which is necessary in order to redeem them from the life of vice and crime which has brought them to their present degradation. A total separation of men from women is hardly practicable in prisons where both sexes are inmates, and the exclusive supervision of women by women is almost impossible; and, in many cases, these unfortunate prisoners are under the charge of persons wholly unfit for such duties. In fact, nearly all the officers of our prisons believe that it is practically impossible to reclaim a woman from a life of crime, and, of course, they treat their prisoners in such a manner as to indicate to them, in the plainest possible way, the utter hopelessness of their case.

The undersigned believe that, with proper and effective female management, many of these female convicts may be restored to a life of virtue and happiness, and thus

a prolific source of crime and misery to both sexes may be, at least in part, suppressed; but they are sure this cannot be effected under the present organization of our penal institutions.

They therefore earnestly pray for the establishment of separate prisons for women, under female supervision, with boards of control consisting of men and women of known qualification for such duty; and that such provision may be made by law as will secure a careful classification of female prisoners according to degrees of vice, with full opportunity offered to each class, by good behavior, to cut short materially the length of their sentence; and also that the boards of control may be empowered to hold, for the use of each prisoner, a percentage of the wages of her labor, to be expended for the personal comfort of the prisoner, or reserved for her future support, or for the use of those dependent upon her; so that voluntary industry, frugality and selfreliance may be encouraged and promoted by a direct appeal to the self-interest of the prisoner.

The undersigned also pray that an asylum or reformatory for young women may be established, under similar management, to which girls and young women, too old or too vicious to be sent to the State Industrial School at Lancaster, may be sentenced, to be held therein and discharged therefrom at some age fixed by law, under the same general provisions as are now made applicable to the State Industrial School.

They also pray that provision may be made by law to secure, as far as possible, uniformity of sentences, and to prevent the frequent recurrence of short terms of imprisonment suffered by the same person.

They also pray that all sentences may be made, by law, to terminate in the probationary discharge of the convict, so that, by reasonable regulation, restriction and care, the discharged prisoner may, in all cases, be aided in the attempt to reform and lead a virtuous and honest life.

The undersigned also represent that great evil results from the confinement of young boys and girls in our prisons in the company of old and hardened offenders, and they therefore pray that it may be provided by law, that minors, under the age of sixteen years, shall not suffer imprisonment for crime, in jails and houses of correction, but that such imprisonment shall only be suffered by them in reformatories for the young.

The undersigned beg leave also to represent, that the present method of punishing drunkenness, by fines and short terms of imprisonment, is often productive of great evil to the families of the victims of this vice, while it does not tend to suppress intemperance nor to reform the inebriate. The confinement of persons guilty only of this offence in the cells of a prison, fitted to hold burglars, highway robbers, thieves and murderers, is unnecessary, and its result is almost always to deprive the prisoner of all self-respect, and of all hope of future amendment. The undersigned therefore pray that confirmed inebriates may be confined only in asylums or reformatories, there to be kept, under mild but efficient treatment, until there is a reasonable hope that permanent reformation has been secured, and that males and females may be provided for in separate asylums.

The undersigned beg leave also to represent, that there should be further and better provision made for the secular, moral and religious (but not denominational) instruction of all classes of convicts in our prisons. These prisoners are generally uneducated, and owe their present degradation, in part, at least, to this fact. In order to produce any permanent reformation, it is essential to awaken the mind and conscience of the prisoner, and, by moral and religious motives, to re-enforce the weak efforts of the will. Instruction is thus an important and essential means of reformation, and without it the discipline of the prison must fail of producing its legitimate results.

The undersigned therefore pray that full and ample provision may be made in all our penal institutions for imparting proper secular, moral and religious instruction to all the convicts confined therein.

The memorial is signed by the managers of the Temporary Asylum for Discharged Female Prisoners at Dedham, and of the Home for Friendless Women at Springfield; and also by such distinguished citizens as Gov. Claflin, Senator Wilson, Judge Bacon, George B. Emerson, F. B. Sanborn, Henry W. Longfellow, John G. Whittier, Edward N. Kirk, George W. Blagden, Henry B. Rogers, Charles W. Eliot, Samuel Bowles, George S. Hillard, John A. Lowell, and many others.

XXI. MONTESINOS AND HIS PRISON AT VALENCIA.

BY THE CORRESPONDING SECRETARY.

Probably the most successful experiment in prison discipline the world has ever seen was that conducted in Valencia, Spain, by Don Manuel Montesinos, a colonel in the Spanish army. It covered a period of fifteen years, from 1835 to 1850. In view of recent developments in our own prisons, and the evident desire of the public for a reform, a brief account of this experiment, in its principles, methods, and results, cannot fail to be interesting, and may prove both instructive and useful. The public prison at Valencia, when Colonel Montesinos was appointed its governor, in 1835, was an old convent—a large building, but ill-arranged, ill-ventilated and very filthy—containing an average of 1,000 prisoners, which was sometimes swelled to the number of 1,500. At that time the percentage of recommitments was from 33 to 50, which was about the average in other European prisons, both British and continental, though in exceptional cases it rose to 60 and even 70; these latter being the figures in the prisons of Perth and Liverpool. The administration of Colonel Montesinos lasted, as above stated, fifteen years. For the first two years it produced little effect on the number of recommitments; during the next ten years the average of recommitments was less than one per cent; and during the last three years, 1848, '49 and '50, there were absolutely none.

To what was this extraordinary decrease in the percentage of recommitments during the administration of Colonel Montesinos owing? Simply to the substitution of moral for physical force. It was just the difference between coercion and persuasion. But the persuasion did not consist in a weak indulgence of the prisoners, in a laxity of discipline, in any want of firmness and vigor in the administration, or in mere moral exhortations to reform. It was an organized, systematized persuasion; a persuasion pervading and vivifying all the arrangements and machinery of the prison. In one of the reports of the governor we find the following sentences, in which are embodied a whole manual of reformatory prison discipline:

Never forgetting that the object of punishment is to reform those subjected to it, as well as to give a salutary warning to others, I have sought, by every means and at every cost, to extirpate in my prisoners the lamentable germ of idleness, and to inspire them instead with a love of labor, seeking to impress this beneficial senti-

ment ever more and more on their hearts. But, as unproductive work in the prison could by no means affect this, I made it a rule whenever any one showed a disposition to labor, but had no occupation which could contribute after his discharge to maintain him honestly, to endeavor to procure him such; and for this purpose I sought to bring within the prison as many workshops as possible, allowing him to choose among them the one which was likely to be most advantageous to him; and now there are above forty of these all in full operation, and all originally organized and still maintained by the knowledge and capacity of the prisoners themselves. Neither for their introduction, nor for the fabricating or repair of the prison, have I ever asked the government for a single farthing (*un solo maravedí*), nor called in the assistance of any mechanics from without. It is true that the progress of many of these workshops has been very slow and troublesome; for, not having had funds at my disposal for the first purchase even of the necessary tools and machines for them, I have been compelled to proceed only step by step in them. But, on the one hand, I could not help the want of money, and, on the other, I have always thought a frequent and intimate correspondence between the prisoners and persons of a different description outside objectionable; and I have thus had no choice.

The establishment of one workshop, and the difficulties experienced in managing it, showed me both how to introduce more and to enlarge those already in operation; and I thus further gradually acquired the intimate conviction that, without the stimulus of some personal advantage accruing to themselves for their labor, it is difficult to obtain work even from the already skilled, and almost impossible to get the unskilled to learn. Repeated experiments convinced me of the practical lesson involved in this maxim of social economy; and that what neither severity of punishments nor constancy of inflicting them could exact, the slightest personal interest will readily obtain. In different ways, therefore, during my command, I have applied this powerful stimulant; and the excellent results it has always yielded, and the powerful germs of reform which are constantly developed under its influence, have at length fully convinced me that the most inefficacious of all methods in a prison—the most pernicious and fatal to every chance of reform—are *punishments carried to the length of harshness*. The maxim should be constant and of universal application in such places—not to degrade further those who come to them already degraded by their crimes. *Self-respect is one of the most powerful sentiments of the human mind*; and for this reason, that it is the most personal (*el mas egoísta*); and he who will not condescend in some degree, according to circumstances, to flatter it, will never attain his object by any series of chastisements—the effect of ill treatment being to irritate rather than to correct, and thus turn from reform instead of attracting to it. Moreover, the love of labor cannot be communicated by any violent means (*coerciones*), but rather by persuasion and encouragement; and, although it is quite possible to obtain a specific amount of work from prisoners by the aid of the lash (as is sometimes recommended by high functionaries in this department), yet the consequence is, necessarily, *aversion for an employment which involves so many penalties, and of which such a bitter recollection must always be preserved*. And the moral object of penal establishments is thus also, in fact, defeated, which should be not so much to punish as to cure—to receive men idle and ill-intentioned, and return them to society, if possible, honest and industrious citizens.

It was not till after making many experiments of severity, that I came firmly to this conclusion; but, ultimately, I made it the base of all my operations on the minds of my prisoners; and the extraordinarily small number of recommitments to my prison, and the excellent health and perfect state of submission in which those confined in it have always been kept, seem to me to leave no doubt of its soundness.

So much for the governor's statements, than which nothing could be better thought or said. His declarations are confirmed by the testimony of other and disinterested witnesses. The author of "Notes of an Attaché in Spain, in 1850," thus states his impression of the prison:

The penitentiary gave us more satisfaction than any other institution we visited. Here we beheld nearly 1,000 prisoners under the most admirable system of discipline, and severally engaged in every branch of human industry. I could scarcely realize that I was in a prison, so like an immense and enterprising factory was the general aspect of the interior, and so happy and contented seemed the busied operatives in their various employments.

Mr. Hoskins, an English traveler, in his work entitled "Spain as it is," gives also a full account of the establishment. We can cite but a few of his sentences:

It is greatly to the credit of the city of Valencia that it can boast of one of the best conducted prisons in Europe. This being one of the great social problems of the day, I made particular inquiries about it. There are a thousand prisoners, and in the whole establishment I did not see above three or four guardians to keep them in order. They say there are only a dozen old soldiers, and not a bar or bolt that might not be easily broken—apparently not more fastenings than in any private house. The sergeants and inferior officers are all convicts, who, of course, are acquainted with the temper and disposition of their companions, and best able to manage them; and the prospect of advancement to higher grades is an inducement to all to behave well. When a convict enters he is asked what trade he will work at or learn, and above forty are open to him, so that he has the means of devoting his time to any he knows, or, if ignorant of all, to one he feels an inclination for, or which he knows will be useful to him when he is liberated. * * * There seemed to be the most perfect discipline; they were obedient to a word. They are not allowed to talk to each other during their work; but this rule does not seem to be very strictly enforced, and they may speak to their instructor, who is often one of themselves, and ask each other for tools, or any thing requisite for their work; and every night after prayers they are allowed to converse with each other for an hour. There were weavers and spinners of every description, manufacturing all qualities, from the coarsest linen cloths to the richest silks, damasks and velvets. There were blacksmiths, shoemakers, basket makers, ropemakers, joiners, cabinet makers, and they had also a printing machine hard at work. They were all most respectful in their demeanor, and certainly I never saw such a good-looking set of prisoners, useful occupation and other considerate treatment having apparently improved their countenances. There is a shop where they can purchase, if they wish, tobacco and other little comforts, out of one-fourth of the profits of their labor; another fourth they are entitled to when they leave; the remaining half goes to the establishment, and often this is sufficient for all expenses, without any assistance from the government. This is quite surprising, as the expense is very considerable, and the governor has invariably made the teaching and moral improvement of the convicts his chief consideration, without regard to the profits to be derived from them. Instruction is open to all in a large school, which the boys under twenty are obliged to attend for one hour daily, and any prisoner above that age, who wishes, may join the classes. This system may be thought too indulgent; but what is the result? During the last three years not one prisoner has been returned to it; in the ten

previous years the average of those returned was not more than one per cent. *The success attending the reformation of the prisoners in this establishment is really a miracle.*

All this seems truly wonderful, and yet it is less so than it appears. It is simply the fruit of a natural system of penitentiary training. Colonel Montesinos did not foolishly attempt to repeal the laws of Heaven. He seized those great principles which the Creator has impressed upon the human soul, and moulded them to his purpose. He aimed to develop manhood, not to crush it; to gain the will, not to coerce the body; to secure the co-operation of the prisoner by kindness, not to awaken his hostility by harshness and severity. He thus employed the law of love, and he found love the most powerful of all laws. He acted upon his men by urging them to self-discipline, self-help and self-reformation. He excited them to industry by allowing them a portion of their earnings, part of which might be expended for their present gratification, the remainder being reserved to the day of liberation. He enabled them to raise their position step by step, by their own industry and good conduct. When they had won his confidence he intrusted them with commissions which carried them beyond the walls of their prison, relying solely on his moral influence over them to prevent their desertion. And, finally, he discharged them before the expiration of their sentences, when he had satisfied himself that they desired to do well, and that they had acquired habits of patient labor, such a degree of skill in some handicraft as would insure employment, the inestimable faculty of self-denial, the power of saying "No" to the tempter, and, in one word, such a general control over the infirmities of their minds and hearts as should enable them to maintain the liberty which they had earned.

The moral to be drawn from this history is clear, and it is no less important than it is plain. Colonel Montesinos reformed his men solely because he unfeignedly desired and sought their reformation. Their return to society as honest, industrious, useful citizens was the great object of his pursuit, and every difficulty was overcome under its guidance. He triumphed over bad prison buildings, deficient funds, and to say the least, an irregular apparatus. It is hardly too much to say, that he annihilated the criminal propensity in those who had been subjected to his treatment. We have but to propose to ourselves the same object, and pursue it as steadfastly as he did, with our better means and machinery, and with whatever better lights of experience and reflection we may possess, and we shall be at least as successful. It would be humiliating to acknowledge the inferiority of American to Spanish genius.

XXII. OBERMAIER AND HIS PRISON AT MUNICH.

BY THE CORRESPONDING SECRETARY.*

The experiment in prison discipline, inaugurated and conducted some years ago by Councillor von Obermaier, in Munich, Bavaria, was one which bore good fruit while it lasted, and would, no doubt, have borne more and better had not the machinations of its enemies at length succeeded in breaking it up. The late celebrated George Combe, of Scotland, visited Obermaier's prison in 1854, and thus describes it in a letter written from Munich at the time:

I have found here an unexpected illustration of the power of the moral sentiments and intellect to govern and reform criminals, without using the lash or any severe punishment, and also irrespective of all theory or system. Herr Regierungsrath Obermaier is the governor of the criminal prison of this city, and has under his charge about 600 of the worst male convicts, collected from all the districts of Bavaria. Their sentences extend from eight to twelve years' imprisonment, and some of them for life. Their crimes have generally been attempts to murder, murder with extenuating circumstances, or highway robbery. A more unpromising set of convicts could hardly be imagined, and yet there are no separate cells, no severe discipline, no paid superintendents, except a turnkey for each ward, whose station is outside the door, and who does not see into the apartment.

The prisoners are collected in workshops to the number of ten, twenty or thirty, according to the size of the room; for the prison is merely an old cloister, and they labor each in a trade, under the superintendance of one of themselves. They sleep in similar groups, and have each a separate bed, a straw mattress, two very clean white sheets, a pillow, and a white blanket. In the winter there is a large stove in each sleeping room, and also in each workshop. They eat in common, take exercise in the yard in common, and, in short, are under no perceptible restraint, except the prison bars and walls, and look much more like men working quietly in different kinds of production, in a great manufactory, than a collection of desperate criminals undergoing penal sentences. They card wool and flax, spin both, dye the wool, weave both, and dress both the linen and woollen cloth, so as to complete them for use. There are tailors, carpenters, shoemakers, and blacksmiths' workshops; and in none of them is any intelligence, except that of the convicts themselves, employed either to teach or superintend. The bars on the windows are so slight, and so many tools are intrusted to the convicts, that escape could be easily accomplished, for outside there is only one soldier, and he cannot see a fourth of the windows; yet the culprits do not break the prison.

Every prisoner, said Obermaier, is brought before me on his entrance, and I converse with him. I ask him if his father or mother be alive; if he has a wife and children, brothers or sisters; and how they must feel degraded by his crime and sentence. I appeal to him through them; I tell him that I am his friend, not his

enemy. That I regard him as sent to me to be reformed, and not merely to be punished. I explain to him the rules of the house, and tell him that they are all calculated for the improvement of the prisoners; that if he will be my friend, I shall be his; and that suffering and misery will overtake him here only in consequence of his own fault. The roughest natures can rarely resist such an appeal. The big tears often roll down cheeks that were never wet with weeping before, and I soon make them feel that my words are but speeches, but the expression of actual things. I give the new comers into the charge of the superintendent of the department for which he is most fitted, and recommend him to his care as his friend and adviser; and I appeal to the other men in his behalf.

Should the new convict, as frequently happens, not believing in the reality of the law of kindness, begin to behave ill to his fellow-convicts, they soon check him and set him right. The public spirit among them is in favor of obedience and steady conduct, and they say to him, "That conduct will not do here; Herr Von Obermaier is our friend, and we shall not allow you to act contrary to the rules of the house."

But, said I, at night are not all abominations practised, or how do you restrain them? You see, said he, that there is a space between each bed; an overseer, one of themselves, whom I can thoroughly trust, is on watch all night, with a bright light burning in every room, and every offence is observed and reported to me. I use persuasion with the offender—punish him by withholding part of his food, or depriving him of some other enjoyment—and he generally gives up his misconduct. When the general spirit of the men is directed toward virtue, an individual finds it extremely difficult to persevere in vice in the face of their condemnation.

It would not be fair to withhold the fact that some distinguished men, and among them the illustrious Mittermaier, were of the opinion that Obermaier was the subject, to some extent, of an illusion regarding the success of his system. But, *per contra*, it must be remembered that Professor Mittermaier might not have been wholly free from an opposing bias, considering his intense attachment to the separate system of imprisonment. We are inclined to accept the judgment of Mr. Combe as a witness, at once intelligent and unprejudiced; and the *facts* he states, according to the common dictum concerning this class of proofs, are "stubborn things."

* The Secretary acknowledges his indebtedness to Mr. F. B. Sanborn for the facts in this paper. They are drawn from a special report on Prisons and Prison Discipline, presented by him to the Legislature of Massachusetts in 1865.

XXIII. MACONOCHE AND HIS PENAL COLONY ON NORFOLK ISLAND.

BY MR. COMMISSIONER M. D. HILL, OF BRISTOL, ENGLAND.

[The following account, somewhat abbreviated, of Captain Maconochie's great experiment in prison discipline, is taken from "Our Exemplars," by Mr. Hill. COR. SEC'y.]

Norfolk Island, so named by Captain Cook, who visited it in 1774, lies nine hundred miles east of New Zealand, and far distant from any of the other numerous islands of the South Pacific Ocean. It is about fifteen miles in circumference, with so precipitous a coast as to be accessible from the sea only in calm weather, but in climate and every other element of natural beauty it is almost unrivaled. Here Captain Maconochie arrived on the 6th of March, 1840. He found the state of things even worse than he had expected. One thousand four hundred men, the very refuse of New Holland and Van Diemen's Land, who had incurred this further punishment while under sentence there, were huddled together at night in barracks where the arrangements were such as to violate all sense of decency; while by day they were rigorously coerced, their better feelings outraged, their self-respect destroyed. They were required to salute every private soldier, and even empty sentry boxes. If they met a superior officer they had to uncover their heads in the burning sun, and stand aside—in the ditch it might be—until he had passed, often without taking any notice of them. For the most trifling conventional faults—the omission of a mark of respect, the possession of a newspaper, or of some article of clothing not furnished by government—they were heavily ironed and flogged, until in some instances the lash brought away pieces of flesh; and then consigned to stone cells, their lacerated bodies being left to nature to heal. But moral offences of the blackest hue were little regarded, the offenders being even pointed out as objects of curiosity by the officers, who related their deeds as amusing anecdotes to new comers. Though they worked in chains, it was considered dangerous for even armed officers to approach within three yards of them; and when the governor spoke to them they were required to throw aside their tools, while he was additionally protected by a guard of two armed orderlies. They were fed more like hogs than men. As it was considered unsafe to trust the men with knives, they tore their

food with their hands and teeth, and they drank out of water buckets. Theft was common among them, and in the case of assigned servants was often connived at by the masters who benefited by it—themselves government officials! The physical health of the convicts was deplorable. Hundreds were swept into an early grave by the combined effect of improper food, bad lodging and the most depressing moral influences, while the constitutions of those who survived were more or less injured. A chaplain had latterly been appointed, but no place of worship existed upon the island; there were no schools and no books. The effect upon the prisoners was such that a convict said: "Let a man be what he will, when he comes here he is soon as bad as the rest; a man's heart is taken from him, and there is given to him the heart of a beast." The men's countenances revealed the treatment they had received. Among the most formidable spectacles Captain Maconochie ever beheld was the sea of faces upturned toward him, when he first addressed these convicts. Marvelous was the effect he wrought upon his hearers! The countenance of him to whom they listened reflected the noblest attributes of mind and heart with which man was ever endowed by his Creator. None could gaze upon it and doubt the sincerity of the words that fell from his lips. Yet those words were full of lovingkindness toward them—hopelessly as they had deemed themselves cut off for ever from the sympathy of good men—and recognized even them, the outcasts of the outcast, as of the same human brotherhood with himself. An eye-witness has described the scene. The men had assembled in hardened indifference. He began; their attention was arrested; he went on; their features began to work; they struggled hard, but nature prevailed. The floodgates were opened by the first touch of human sympathy, and tears streamed down faces whose eyes for years had not been moistened.

From this moment signs of improvement were discernible. The fearlessness which Captain Maconochie displayed produced an immediate and most beneficial impression. Some small cannon guarded the commandant's house. Within a few days of Captain Maconochie's arrival, the convicts themselves were employed to dismount them; and, removed to a distance, their only use during his sojourn on the island was to fire an occasional complimentary salvo.

As civil commandant he was allowed one orderly, but his attendance was dispensed with except upon the queen's birthday, when a visit of ceremony was to be paid to the military commandant.

From the first Captain Maconochie went unreservedly among the convicts unarmed, either alone or accompanied only by his wife,

whose zeal and self-devotion in the cause with which he is identified are equal to his own; and soon all the free inhabitants, officers, women and children, alike traversed the island singly and without fear. Yet the number of soldiers in garrison during his residence did not exceed one hundred and sixty; and but five of his inferior officials were free men. From two hundred to three hundred soldiers, and twenty to thirty free officials have, since his departure, been found necessary. The police and overseers he selected from among the prisoners themselves. The convicts were relieved from their chains, and surveillance over them was diminished; yet offences of violence rapidly decreased, and robbery became rare, although the rigor with which every theft was investigated and punished, and so brought to light, gave color to the report that they increased, instead of greatly decreased, as the fact was, under Captain Maconochie's administration. Malingering—feigning illness—almost entirely disappeared, and more work was willingly performed than it had previously been possible to extract by the severest compulsion.

The means by which Captain Maconochie obtained these results were various, but all had for their object to cultivate the self-respect of the prisoners, and their sense of moral and social obligation. To this end he allotted gardens to individuals or to groups, adding the privilege of rearing pigs and poultry. By thus giving them property he taught them to respect the property of others. He improved the prisoners' dwellings, so far as his very limited opportunities permitted diminishing the numbers to be accommodated in the barracks by hutting some of the best conducted out in the bush; he furnished them with knives, forks, pannikins, etc., and allowed his first-class men to wear a dress superior to the ordinary convict uniform. Schools, of course, he established, or rather encouraged when suggested by the men—a plan he preferred to originating improvements himself; but the apparatus at his command was of the humblest description. There were but few school-books on the island, and none suited to beginners. Some types given to his children, as playthings, served to print the alphabet, and a few easy sentences. The men, with the marks his system enabled them to earn, paid their teachers—the better educated of their own body. These were aided, however, by members of Captain Maconochie's family; who also shared the readings aloud, which, with excellent effect, he had introduced among the convicts. He built two churches, distributed books, and gave prizes to the convicts for assiduity; and by his constant presence and counsel directed their thoughts to noble aims. With their marks, also, they were permit-

ted to subscribe to a friendly society, originated by themselves to give aid in case of sickness or accident. Impressed with the purifying effect of music, Captain Maconochie brought with him, from Sydney, a variety of instruments, and a fine band was formed among the convicts. So eager were they to improve, that they would rise at four in the morning to get through their work and obtain leisure to practice.

The mark system, however, was the basis of his reforms, although he was not permitted to establish it in its integrity. The home government long delayed any answer to his application that the marks earned by his prisoners should purchase their freedom, and when at length the decision arrived it was unfavorable. Thus, the only value with which he could invest his marks was the power of procuring such privileges as the nature of imprisonment rendered possible. Among these was the option of purchasing food, in addition to the bread and water to which Captain Maconochie had reduced the fixed rations.

That portion of his system which consisted in associating the men in small groups, under mutual responsibility, exercised a potent influence for good upon their conduct. At first they could not admit the justice of the scheme; their objection, however, it is worthy of remark, was not always that they should suffer through the ill-conduct of their fellows, but that their fellows should suffer through theirs. Soon, however, they appreciated the wisdom of a plan, copied from Nature's own law, by which none of us can do good or evil without benefiting or injuring our fellow-creatures.

The Queen's birthday occurred in less than three months after Captain Maconochie reached Norfolk island. Convinced of the wisdom of cultivating loyalty and the love of home in the class to which his men belonged, and aware that the observance of national festivals tends forcibly to nourish those feelings, he resolved to make this anniversary a happy holiday throughout the island. Fresh food was supplied to the convicts, and after an address which went to their very hearts, the captain proposing "The health of Victoria our Queen, and old England for ever!" with his own hand gave each man a half-tumbler of lemonade, containing a small portion of rum, which was drunk amid shouts of "Long live the Queen!" National sports were engaged in for prizes, the band played national airs, and in the evening was performed a drama, "The Exile's Return." During the day, the convicts, 1,800 in number, unwatched, traversed the island in all directions. Two boats lay along the new wharf, and powder for the rockets and for firing the cannon was at hand, without a single soldier to guard it. Notwithstanding these temptations to revolt,

which three months before would have been irresistible, not a single breach of discipline occurred; and at the first sound of the bell at night, the prisoners retired quietly to their sleeping-places!

Men out of number afterward told Captain Maconochie that it was this festival, and his confidence in them which it evinced, that chiefly contributed to win them from evil. Omitting the punch and the dramatic performances, which excited animadversion from those in authority at a distance, he always celebrated the day in the same manner; and also gave half-holidays on St. George's, St. Patrick's, and St. Andrew's days, and on the anniversaries of Trafalgar and Waterloo. On the latter, to his Waterloo men, of whom there were several, he gave a dinner of fresh meat.

So deeply was Captain Maconochie impressed with the injustice and inexpediency of withholding from the colonial prisoners the benefit of the mark system, under which the prisoners from England were placed, that soon after his arrival he determined to extend it to the former body also. Three months later, he received an order from Sir George Gipps to withdraw the privilege from the colonial offenders. From that time his power of urging them to well-doing for the most part was restricted to the moral influence he possessed over them. It was a bitter disappointment alike to him and the men, but they seemed to feel it even more for him than for themselves. They bore it without a murmur, and resolved they would yet "do the Captain credit." They succeeded, for on Sir George Gipps visiting the island three years subsequently, he asked Captain Maconochie what he had done to make the men look so well, declaring "he had seldom seen a better-looking set; they were quite equal to new prisoners from England."*

The prisoners from England meanwhile were proving the excellence of the new plan; and in his official report of this visit, Sir George Gipps says: "Notwithstanding that my arrival was altogether unexpected, I found good order everywhere to prevail, and the demeanor of the prisoners to be respectful and quiet."

Before Captain Maconochie's time, the corpses of convicts who died upon the island were treated with less care than even common decency demanded; trundled along in a cart, they were buried more like dogs than human beings. As M. Demetz had done at Mettray, so Captain Maconochie proved at Norfolk island the good effect which respect toward their dead companions produces upon even the

* What fearful testimony to the deteriorating effect of colonial penal treatment this remark of Sir George Gipps involves, as well as to the regenerating influence of Captain Maconochie's system.

most degraded survivors. He caused the funerals to be conducted with solemnity. They took place after work-hours, and all the men who wished it were permitted to attend. With their marks the convicts from England purchased a pall; this they lent to the colonial prisoners, who, by the discontinuation of their marks, were unable to make such a purchase—a circumstance which shows that Captain Maconochie had succeeded in preserving a friendly feeling between the two classes, notwithstanding their unjust inequality of position.

The coffin-bearers were always volunteers, and only upon one occasion did none come forward. This happened at the funeral of a man whose malicious character had procured him universal dislike. At length, however, one of the best-conducted of the prisoners offered to carry the coffin. Captain Maconochie asked him why he came forward; his answer illustrated one principle in the mark system. "Sir, we passed through much trouble together." Here is another anecdote of a like kind. When Captain Maconochie left Norfolk Island, two ships were sent, at an interval of three weeks, for him and those of the prisoners who were ready to depart. He was to sail in the first, and as the men believed it would be an advantage to accompany him, they greatly coveted the privilege. He settled the matter by directing that they should leave in the order in which they had come. One man, however, belonging to a party entitled to go with the captain, was very ill, and known to be dying in the hospital. Dropping some expressions of regret that he should linger behind his companions, they voluntarily waived their claim, and all remained for the second ship. Before it sailed he died. Their sacrifice was made only to gratify a whim, yet no word of repining passed their lips. It proved not to have been thrown away, for they reached Van Diemen's Land before Captain Maconochie left, and the anecdote procured them situations at once.

Captain Maconochie's system, from the first, lacked the hearty co-operation of both Sir George Gipps and the Home government, while his reforms created a strong feeling against them in those with whose selfish interests they interfered. Rumors of failure, often wholly without foundation, assumed, when carried to a distance, the authority of facts; and errors which had really occurred, as Captain Maconochie frankly admits, — and that some were made in administering a new system under circumstances so disadvantageous is not wonderful, — when reported by hostile witnesses, acquired an aspect so grave as to alarm the powers at home. The difficulties of investigation at so great a distance were not grappled with. It seemed an easier course to recall Captain Maconochie; and thus a most important, and, as calm examination has proved, successful

experiment was brought to a hasty and premature conclusion. In February, 1844, Captain Maconochie left Norfolk Island. The prisoners were filled with grief at his departure. *A few days afterward, four of them, picking up an old black silk neckerchief that had belonged to him, divided it among them, using it to cover their prayer-books.*

It was no bed of roses he had occupied there. Difficulties of every kind had surrounded him. The officials, accustomed to exercise the harsh discipline of former times, could not reconcile themselves to his plans. The severe prohibitions were totally unsuited to the requirements of the convocationary stage, which he was, nevertheless, greatly blamed for not carrying into effect; but more harassing still was the refusal of government to confer upon his marks the power of purchasing freedom, in which lay the very mainspring of his system. Yet, crippled as he was, he obtained results which irrefragably demonstrate the soundness of his theory and the skillfulness of his practice.

It has been asserted that his treatment was so indulgent as to make his men desirous to get back to Norfolk Island. Yet the re-convictions of men discharged by him were under three per cent; while of those discharged in Van Diemen's Land, they amounted to nine per cent; and, in England, exceed thirty per cent.

It has been likewise said, that offences during his rule became rare, because its laxity left them unrecognized.

On the contrary, every moral offence was vigorously punished, and, by the vigilance of his police, and by his own influence, Captain Maconochie succeeded in obtaining evidence against culprits to an extent unknown before or since his term of office.

In one respect, however, his task was easy. He was working with Nature, instead of against her. He convinced his men that he had their welfare at heart, and thus secured that essential element of success — their co-operation.

"As pastor of the island, and for two years a magistrate," wrote the Rev. T. B. Naylor, who became chaplain at Norfolk Island during Captain Maconochie's governorship, and remained after his departure, "I can prove that at no period was there so little crime, or any thing like the tone of improved feeling which characterized the period of his residence there; and I am willing to stake all my credit upon the assertion, that if he has a fair field and fair play, his cause will be triumphantly established. I never met with a prisoner who does not confirm my conviction of the improving tendencies of the efforts he made." The author of "Settlers and Convicts" (published in "Knight's Weekly Volumes") says: "Captain Maconochie did more

for the reformation of these unhappy wretches, and amelioration of their physical circumstances, than the most sanguine practical mind could, beforehand, have ventured even to hope. It is greatly to be regretted that his views were not carried out to their fullest extent, in the most cordial spirit. My knowledge of the convict's character warrants my saying, expressly, that they offer the only approximation that has ever yet been made to a correct penal theory."

Want of space alone prevents our citing further testimony to his success at Norfolk Island. He found it a hell; he left it a well-ordered community. Not long, alas! did it remain so. A harsh, military rule, sustained by physical force, replaced his enlightened administration. Constant floggings, imprisonment with chains, gagging by means of wood thrust into the mouth, and other cruel punishments, went far to reduce the men to their former state of ferocious barbarism. Their gardens and even their kettles were taken from them: the latter deprivation was the proximate cause of a fearful riot, in July, 1846, when three officers lost their lives. Numerous executions followed its suppression — twelve men being hanged in one morning! At length, the horrors of Norfolk Island became too great for endurance, and the penal settlement was broken up.

VIII. THE MARK SYSTEM AS APPLIED TO COUNTY PRISONS IN ENGLAND.

BY THE EARL OF CARNARVON.

[Sir Walter Crofton has forwarded to the corresponding secretary the report of the visiting justices on the jail of Hampshire county, England, for 1869, drawn up by the Earl of Carnarvon, from which we offer a few passages, as showing that the system of progressive classification, each advance being earned by a certain number of merit marks, is applicable to county as well as convict or State prisons, and has, in fact, been successfully applied to the jail just named. The extracts exhibit cheering results, and cannot fail to be read with interest and gratification by all the friends of prison reform.]

The visiting justices next addressed themselves to the establishment of a classification of the prisoners, the hard labor being graduated to the different classes, and the remissions and indulgences being made dependent in the promotion of the prisoner from a lower to a higher class.* They, therefore, divided the prisoners into five classes, regulating their advance from one to another by marks to be gained by industry and general good conduct. As the upward progress through each of these classes in succession may be hastened by these qualities, so it may be retarded by the opposite conditions, and it has been found, that, *apart from other privileges*, there is a strong inducement to industry in the liability to degradation † from a higher to a lower class for idleness or misconduct, and in the gradual substitution of industrial and lighter work for the monotonous labor of the treadmill, the crank, or oakum picking. Under this head the new system has been carried out with absolute success; it is understood both by prisoners and prison officers, and it has secured an amount of work done larger in quantity and better in quality than heretofore, and it has been followed by a marked diminution in the

* Class I is composed of prisoners during the 1st month of imprisonment; class II, during the 2d and 3d months; class III, during the 4th, 5th and 6th; class IV, during the 7th, 8th, 9th, 10th, 11th and 12th; and class V, during the remainder of the sentence.

† This has been found to be a useful addition to the ordinary prison punishments. It entails on the prisoner the necessity of working his way a second time through the inferior and more penal classes, it cancels all claim to mark money already gained, and is considered to be of so severe a nature, that the visiting justices retain the infliction of it in their own hands, and exercise it sparingly.

number of punishments awarded for prison offences. But, to give proper effect to this part of the system, the visiting justices lay stress upon making the classification of the prisoners local as well as administrative, and upon a clear understanding by the prisoners of the rules under which they live. With this view, they have recently revised the regulations and directions, which will be hung up in every cell, and of which copies are annexed to this report. They ought, however, to observe that the mainspring of the system is to be found in the marks assigned to prisoners for industry concurrently with good conduct. The actual mode and principle of distribution were at first matter of doubt, but, on consideration, the visiting justices preferred to adopt the simplest form, by which one mark only can be earned in the day. To the original scheme then laid down they have, with one exception, to be afterward mentioned, adhered. They have further established a complete system of mark books for the use of the warders, with a general mark register, and they have provided for the payment of mark money gained by prisoners on their discharge, in such a manner as they hope to secure a judicious and wholesale distribution of it, and often furnish indirect information as to the subsequent life and conduct of the discharged prisoner.

* * * * *

Under the system, as originally established, no marks were allowed to prisoners previous to their promotion from class 1. After careful consideration, the visiting justices have so far departed from that principle, that they now extend the privilege of gaining marks to male prisoners in class 1, *who are sentenced to more than one month's imprisonment*, but, in the event of a reconviction, the payment earned by industrious conduct and calculated on the marks gained are proportionately reduced. Thus, on a second conviction, a prisoner can only earn one-half of the money to which he would, if committed for a first time, have been entitled, and, on a third conviction, he is required to gain double the ordinary number of marks as a condition to his promotion from one class to another, and he receives no payment for them. The result of this change has been very satisfactory as regards both the prisoners and the discipline of the prison. It is shown, as regards the prisoners, by a marked decrease in the punishments for trifling offences immediately consequent on the change of system. In the months of October and November, immediately before this extension of marks to class 1, the punishments in that class were 58 and 57, respectively. Immediately upon the change, those punishments were, in December, 22, in January, 26, in February, 11, and in March, 12. On the other hand, as

regards the discipline of the prison, the substitution of a deprivation of marks, for the bread and water punishments so common previously, tends to preserve prisoners in a condition of health such as enables them better to undergo the full amount of penal labor, while it possesses all the advantages of a self-acting process in making the penalty a direct consequence of personal misconduct. So far, therefore, from compromising or impairing discipline, the extension of the mark system to class 1 tends to uphold it. The visiting justices are satisfied that the use of marks as an integral part of prison management for industrious and good conduct, if judiciously regulated, understood by the officers, and made clear by them to the prisoners, is not only the mainspring of such a system as this, but may be made in a great measure to take the place of severer punishments.

Of moral amendment it is of course harder to speak. Upon the vagrants, indeed, and prisoners committed for short periods, it is hopeless to attempt to make an impression; but, of the longer sentenced criminals, who can be brought under the fuller influence of discipline and instruction, the visiting justices trust that a certain proportion leave the prison in a better moral condition than when they entered it. Whatever may be the merits of other systems of prison discipline, it may at least be said of this, that it tends to awaken and maintain a feeling of submission to authority on the part of prisoners, that it encourages habits of order, that it strikes at that which is one of the chief difficulties with which all penal discipline has to deal—the aversion to labor and the slowness and inefficiency displayed in its performance—and that it supplies motives to good conduct and industry by the gradual relaxation of work, the increase of slight privileges, the payment for marks, and, lastly, by the promotion from one class to another—it being remembered that all these are strictly contingent upon the good conduct of the prisoner himself, and liable to be forfeited at any period of his imprisonment. Nor is it, in the opinion of the visiting justices, less valuable in its effects upon the prison officers. It has educated them to a more intelligent discharge of their duties, and a more careful study of them, both in their principles and details. Though nothing is left to their discretion in carrying out the system, a great deal depends upon their judgment, temper, and readiness of action. While under some other prison systems there is a concentration of authority, supervision and direction of every thing under one or two officers, who also monopolise the entire responsibility of the management, it is an essential principle here that every warder should clearly understand its principles and the mode of carrying them out with regard to the prisoners, not less than the necessity for an har-

monious co-operation between all in authority. There is also this further advantage in the present form of prison administration, that it furnishes the officers, through the mark system, with a distinct measure by which the work and the conduct of the prisoners can be accurately tested, and that in this it not only tends to increase their intelligence and the interest which they feel in their duties, but that it provides a principle by which their own fairness in dealing with the prisoners may be easily ascertained. In the event of any difficulty or derangement in the administrative machinery of the prison, such as must occasionally occur, it has now become comparatively easy to trace the cause of it directly back to the particular person or thing at fault in a degree which was formerly impossible.

These are results general indeed in their character, but affecting, in no inconsiderable degree, the success of any prison system, and easily verified by all who are capable and willing to examine for themselves. To obtain a practical test of the merits of a penal system in any particular jail by a reference to the increase or diminution in the number of recommitments is a different and, in some respects, a less easy question. In attempting to arrive at any conclusion worth having, it is necessary not only to exclude the cases of all recommitments from any other than this prison, but to distinguish between those offenders who are sentenced to short periods of imprisonment and those upon whom the fuller influence of the prison has been brought to bear; for, although the recommitments may sometimes appear numerous, it does not follow that the number of persons so recommitted is large. Thus, although out of 2,037 persons committed to this prison during the last year (1869) 522 are cases of recommitment, it is to be observed, first, that no less than 171 have been repeatedly in prison during this same year, and next, that, out of that total number of 2,037 committals, 894 cases are to be assigned to vagrancy, drunkenness, drunken assaults, insubordinate conduct in workhouses, and such like. Whether and how any system of penal treatment can effectually discourage or reform this class of offenders is a question on which it is needless here to speculate, but it is clear that, so long as the criminal law provides for their punishment by short periods of imprisonment, which rarely exceed seven, fourteen or twenty-one days, and are often unaccompanied by hard labor, it is perfectly hopeless to look for any substantial result. So, again, in comparing the four years before with the four years after 1864, although the number of recommitments may appear on an average to vary but little, it will be found that, in proportion as the length of sentence increases, the number of recommitments, during the second period, from 1865 to 1869, diminishes.

XXIV. THE PRESENT STATE OF THE PRISON QUESTION IN BRITISH INDIA.

I. JAILS IN INDIA.

BY LIEUTENANT-COLONEL G. HUTCHINSON, C. S. T., INSPECTOR-GENERAL OF POLICE IN THE PUNJAB, AND CORRESPONDING MEMBER OF THE PRISON ASSOCIATION OF NEW YORK.

In 1835, the late Lord Macaulay, in a minute submitted to the government of India, on the subject of jails, observed :

Whatever I hear about Indian prisoners satisfies me that their discipline is very defective. We need not go far for proofs. The jail in our own immediate neighborhood is in a condition which reflects great dishonor on our government. Hundreds of the worst and most desperate criminals are assembled there. They are all collected in one great body; they are therefore quite able, when their passions are inflamed, to overpower any resistance which those who are placed over them can oppose to their fury. It is only a few months since they murdered the superintending magistrate. At present no visitor can enter the gates without danger, and this evil exists on the very spot at which the greatest quantity of European intelligence and power is concentrated, at the seat of government, under the very eyes of the supreme authorities. It might, unless I am greatly mistaken, be removed by very simple means, and at a very light expense. When such is the state of the jail at the Presidency, we can hardly suppose that a good system is followed elsewhere; and all that I can learn on the subject leads me to believe that the prisons of India generally require great improvement.

I do not imagine that in this country we can possibly establish a *system of prison discipline* so good as that which exists in some parts of the United States. We have not an unlimited command of European agency, and it is difficult to find good agents for such a purpose among our native subjects. Still I am satisfied that much may be done. In this town, at least, and at a few other places, we might be able to establish a system not much inferior in efficiency to that which exists at New York and Philadelphia.

Lord Macaulay suggested that a committee should be formed to inquire into the matter, and accordingly some of the most distinguished men at the Presidency—including the Chief Justice and two justices of her Majesty's Supreme Court of Calcutta, various members of the Indian law commission and of the civil service—were appointed by the Governor General to draw up a report on the subject.

The following extracts, from the report, are given by Mr. A. P. Howell, Under-Secretary to the government of India, in his valuable published memorandum on jails and jail discipline in India, and show fully the general views of the committee :

On the whole, in reviewing the treatment of prisoners in Indian jails, although on some points which we have not failed to throw into a strong light, the humanity of it is doubtful. Yet generally the care that is taken of the physical condition of these unfortunate men in the great essentials of cleanliness, attention to the sick,

and the provision of food and clothing, appears to us to be highly honorable to the government of British India.

In this point of view, when fair allowance shall be made for the climate of the country and the habits of the people, we doubt whether India will not bear a comparison even with England, where we imagine for some years past money and attention have been less grudged to secure the health and the bodily comforts of prisoners than has ever been the case in any other country of Europe, or in the United States of America. Doubtless within the last ten years many European countries have possessed a few jails to which more individual attention is turned than to any one jail now in India; but we would only be understood to compare in respect to the attention paid to the physical condition of the prisoners—the general system of jails in India with the general system of other countries.

As it appears to us, that which has elsewhere been deemed the first step of prison reform has not now to be taken in India; what, after many years, was the first good effect of the labors of Howard and Neild in England, has already been achieved here. There is no systematic carelessness as to the circumstances of the prisoner—no niggardly disregard of his natural wants; he is not left to starve of cold or hunger, or to live on the charity of individuals; he is not left in filth or stench, to sink under disease, without an attempt to cure him; he is not compelled to bribe his jailer in order to obtain the necessities which the law allows him.

What was in England the second stage of prison reform seems to be nearly the present state of prison discipline in India. The physical condition of the prisoner has been looked to, but nothing more; and the consequences here, as in England, have been that a prison, without being the less demoralizing, is not a very unpleasant place of residence. This is a state which, as one of transition, may be borne for awhile, but which would, if it continued for three or four generations, infallibly do great injury to society. The political necessity for turning attention to a moral reform in prison discipline is only made the stronger by there being little necessity for much physical reform.

Even in other respects, the Indian prisons have points in which there is no reason to shun a comparison with more civilized countries. The mixture of debtors with criminals, which in some places exists in England, and which appears universal or nearly universal in North America, is unknown in any jail in India. The proportion of distinct civil jails to all other jails is very honorable to the government. The mixture of the two sexes in Indian prisons is unknown; and, in general, the separation of tried and untried prisoners is at least as complete in India as in other countries. We allude to these things, not to give more credit to the Indian Government in this matter than it deserves, but to show that, although we have found much fault and recommend many reforms, it is not from a vain contempt of all that has been done before. In showing how much has already been done, we feel that we do but strengthen the argument for completing all that there is to do.

Mr. Howell points out in his memorandum that—

The next great step in the way of prison reform was the appointment of an inspector-general of jails in each province. It was in the northwestern provinces, under the administration of Mr. Thomason, that the first effectual effort was made in the direction urged by the committee of 1836, and that the first inspector-general of prisons was appointed.

The example of the northwestern provinces was shortly followed in the Punjab, in Bengal, in Madras and in Bombay; in the minor administrations a similar office has also been created, at different dates; so that there is now not a single province (except Coorg, which contains one jail only) in British India in which the local government has not the benefit of the advice and experience of an officer whose whole time and attention is devoted to the subject of jail management.

The third important measure of prison reform in India was also initiated in the northwestern provinces. Up to the year 1860, in these provinces, and indeed generally throughout the country, the management of the district jails had devolved upon the magistrate. But it was found that in the progress of administration these officials had been so overwhelmed with the multifarious business of all departments that they were unable to find time to regulate the management, economy and discipline of the local prison with the care and the exactness which the pecuniary interests of the government and the purposes of the civil administration demand. Other agency was therefore required, and this was most suitably found in the civil assistant surgeons. Hitherto the civil surgeon had only the medical charge of the local jail; henceforth he was to have the entire charge, and an allowance for the additional duty, with a small office establishment, was sanctioned for him. This arrangement was confirmed experimentally by the government of India in 1862, and was finally sanctioned in 1864, when the local government was able to show that in every one of the twenty-five jails to which civil surgeons had been appointed there had been improved discipline and improved economy, the gross annual cost having decreased by 11 rupees 6 annas per prisoner, with a net profit of over 42,000 rupees from jail manufactures. The same course has now been introduced all over the Bengal Presidency, and also in Madras and Bombay, and a regular scale of allowances has been recently sanctioned for the charge of a district jail according to the average number of prisoners confined therein.

The last and recent great measure for the improvement of jails in India was the appointment of the committee in 1864 under the orders of the present Viceroy (now Lord Lawrence). The recommendations of this committee, which were based generally upon those of the committee of 1836, were circulated for the guidance of all local governments and administrations, with a distinct promise on the part of the supreme government that sanction would be accorded to the necessary provision of funds for giving early effect to any carefully matured proposals for increasing jail accommodation wherever it was manifestly insufficient.

Two important points should, however, be here noticed, in which this committee of 1864 differed from that of 1836, and enunciated views in advance of what had theretofore been the practice: first, that no central jail (intended for all prisoners sentenced to a term exceeding one year) should be built for more than one thousand prisoners; and, secondly, that the minimum space allotted to each prisoner should be nine feet by six, or fifty-four superficial feet, and nine feet by twelve, or six hundred and forty-eight cubic feet.

Prison administration in India seems then to have been marked by four prominent features:

1. The late Lord Macaulay's minute, written in 1835, and the report of the committee resulting therefrom in 1836.

2. The appointment in 1844, on the recommendation of the late Mr. Thomason (then Lieutenant-Governor of the northwestern provinces), of an Inspector-General of jails in those provinces.

3. The appointment also recommended by Mr. Thomason, of civil surgeons to the entire charge of the jails.

4. The appointment by the Viceroy (now Lord Lawrence) of a committee in 1864 to thoroughly take up the subject, and the distinct promise of the government of India that sanction to the necessary provision of funds for giving early effect to any carefully

matured proposals for increasing jail accommodation wherever it was manifestly insufficient.

In proceeding with this subject it will be convenient to consider it under the following headings, and in so doing I shall always give first as much of the published official reports as any space will admit:

1. Jail accommodation.
2. Superintendence.
3. Discipline.
4. Education.
5. Health.
6. Reformatories.

I. JAIL ACCOMMODATION.

One great improvement recommended by the committee of 1836 was the maintenance of properly constructed central jails, in which adequate accommodation could be provided and discipline be efficiently administered.

On this subject Mr. Howell observes:

The recommendations already referred to of the last prison committee with regard to central jails being provided for every prisoner sentenced to a term exceeding one year, and as regards the necessary amount of cubic and superficial accommodation per man, have very largely added to the difficulties of providing jail buildings.

As regards central jails, the recommendation was not a new one, but originated with the previous committee of 1836. Prior to 1864, however, it was in the northwestern provinces that the first steps toward their introduction was taken by Sir G. Clerk, then Lieutenant-Governor, and subsequently in 1846 Mr. Woodcock, the first Inspector-General, was appointed by Mr. Thomason to the direct charge of the Agra central jail. The experiment at Agra was entirely successful, and in 1848 the jails at Barille and Allahabad were made central jails. In 1861 Mr. Edmonstone submitted a strong application to complete a system of central prisons for the northwestern provinces, and applications to the same effect were at the same time received from the chief commissioners of Oude and the central provinces. In the Punjab, as I have above stated, proposals were submitted very soon after annexation for the establishment of central prisons, and at Salive the first central prison was completed in 1832, when it was reported that the two other central jails at Morilau and Rawal Redee were nearly finished.

In Madras the necessity of central jails had been already recognized, and so far back as 1837 it had been proposed to build five central jails, of which two at Cornibatore and Rajahmundry had been commenced.

In Bombay nothing appears to have been done in the matter of central prisons prior to 1864. In Bengal the Lieutenant-Governor reported in 1864 that the principal defects pointed out by the prison committee of 1836 still exist, although in a diminished degree, and that beyond two abortive attempts at establishing penitentiaries at Hazereebagh and Deegah, no practical steps had since been taken in the matter of central jails.

On the receipt of the report of the committee of 1864, returns were called for by the government of India in the public works department, from all local governments and administrations, to show the amount of existing jail accommodation, and the number of prisoners of all classes for whom it was considered desirable to provide in each district. The replies to this reference did not enter sufficiently into the nature of the existing accommodation; but the general result deducible was, that the average number of prisoners of all classes at that time throughout all India was about 74,000, while at the rate of 648 cubic feet per man, barracks, good, bad or indifferent, only existed for 52,000; showing, that in addition to what would

be required for replacing inferior buildings by others, on approved plans, for meeting any increase in the number of criminals, and in the way of subsidiary, and auxiliary accommodation, a large expenditure on new buildings would be necessary.

Without calling for further details as to existing accommodation, the government of India expressed its readiness to consider, on its own merits, any proposal for jails that might be submitted.

It will be seen that in Madras five large central jails had been in progress, and of these that at Corimbore has been completed, and that at Rajahmundry will probably be so during the current year.

The other three are progressing well. A district jail at Madura has been finished, and one at Calicut is well advanced. Besides this the Madras government has recently submitted an application for 520,000 rupees (equal to 52,000 pounds sterling), to complete their district jails intended to accommodate prisoners sentenced to periods varying from thirty days to one year. For prisoners sentenced to less than one month's imprisonment, and for prisoners under trial, a scheme for subsidiary jails, involving an additional expenditure of twelve lakhs (equal to 120,000 pounds), is now under consideration.

A good deal of delay has been occasioned in Bombay by the excessive expenditure which that government originally stated to be necessary, amounting to no less a sum than 1,100 rupees (equal to 110 pounds) per prisoner. A large central jail at Yerrowda, in the Deccan, has now been commenced, on an estimate amounting to 578 rupees (equal to fifty-seven pounds) per prisoner, and a temporary jail has been constructed at the same place to relieve the existing jails, pending the completion of the permanent building.

In Bengal too, there has been considerable delay in the preparation of a standard design for jails; but during the current year one has been sanctioned by the government of India, and rapid progress will now, it is hoped, be made in carrying out the work at Deegah, Hazareebaugh, Midnapore, and Wudden, where large central prisons are urgently required. For the first three of these grants have been provided during the current year.

A penitentiary for one hundred male and eight female prisoners has been constructed at Hazareebaugh.

As stated above, the northwestern provinces and the Panjab have for some years taken the lead in prison construction, and the requirements of the former may now be said to be approaching completion, while in the latter, some district jails only are required.

In the central provinces, the central jail at Bulpore was practically complete at the end of last year; and those at Nagpore, Hoshungabad and Jubblepore, well advanced.

In the Hyderabad assigned districts, a central jail for 508 prisoners has been completed at Akola, and another at Ormravuttee is well advanced, and will probably be finished this year.

In British Barmah a district jail has been completed at Bassein, and others at Thayeto and Tonngoo are nearly finished.

Thus it will be seen that great progress has been made in jail construction in all provinces except Bombay and Bengal, since the report of the jail committee of 1864; and in the case of these two provinces designs have at length been settled, so that they should now soon be on a par with the rest.

Jails lately sanctioned may be described as follows: The barracks for male criminals, which form the principal part of each jail, generally radiate from one central watch tower, which commands the whole of the jail inclosure, and are inclosed between an inner and outer wall or palisading, in the form of a regular polygon, the number of sides of which corresponds to the number of barracks. The barracks are further divided one from another by walls connecting the angles of the inner and

outer polygons, so that each is in a separate inclosure of its own, in which are placed a privy and cook-house.

To this polygon there is only one approach from the outside, and the barracks can only be approached from the inner circle or polygon in which the watch tower is situated.

For the larger jails two sets of polygons, arranged in this way and placed near one another, are generally provided. In some parts of the country, where it is considered necessary, with reference to the monsoons, for all buildings occupied by prisoners to face in one direction, the radiating system has been abandoned; but these places are few in number.

Solitary cells for certain proportions of the prisoners are sometimes placed in the sections of the polygons, while in other cases they are in distinct inclosures.

Workshops for the adult male criminals are constructed either against the walls separating the barracks from each other, or in separate inclosures, generally connected with the men's polygon by means of a passage between walls or rows of palisading.

The male hospital consists of one or more buildings in a distinct inclosure, in which are placed the native doctor's house, dead house, and the necessary out-offices. A separate ward for contagious diseases is sometimes provided.

Female criminals are still, as a rule, lodged within the same general inclosure as male criminals; but the portion of this reserved for their use is divided off from the rest by a wall of some twelve feet high, and within this are placed female workshops, cook-houses, privies, etc., and sometimes a female hospital, so that they are completely shut off from the rest of the prison. A similar remark applies to juveniles. The latter are generally provided with separate cells, while the former, as a rule, are in wards containing a moderate number. There are also generally, in the larger jails, separate wards for European prisoners, and for male and female debtors; and in the district jails, others for prisoners under trial. These may be in divisions of the principal polygons, or in separate inclosures. The provision of quarantine wards has also been lately approved.

The whole of these groups of buildings are inclosed within one outer wall, generally rectangular, provided with one entrance gateway, over which are the quarters of the jailer, and adjoining which are the guardrooms and necessary storerooms and offices. In the greater part of India these buildings are all single storied, the floors being raised two or three feet above the level of the ground. The barracks for men and women each consist of two or three wards, eighteen or twenty feet broad, and capable of holding from twenty to thirty persons, with about forty superficial feet of floor area, and 648 cubic feet of space for each. Thirty-six superficial feet and 648 cubic feet have been fixed as the minimum dimensions; less space than that just mentioned is rarely given, and sometimes the provision is in excess of this. Verandahs are only given to those barracks in certain places where the climate is thought to require it. Doors are generally provided between every pair of beds, and a small window above each door; and ample ridge ventilation is given by an opening along the entire length of ridge, or by smaller ones at intervals. A night privy, accessible to an attendant from the outside, is generally provided in each ward.

Cells are built with a floor area of 100 superficial feet and cubic contents 1,200 feet, and are frequently supplied with fresh air by means of a thermantidote, centrally situated. In most cases each cell is provided with a separate airing yard. The proportion of cells for male adults has been fixed at 15 to 17 per cent of the entire number of such prisoners.

The hospitals are built in much the same style as the barracks, but are raised further from the ground, and have verandahs on all sides, and are generally capable of accommodating 10 or 12 per cent of the male adult criminals. Workshops are merely open sheds.

On the subject of accommodation then, it appears that, judging only from the official report of Mr. Howell, sufficient accommodation does not at present exist. In 1864, as before stated, the returns showed 74,000 prisoners, and accommodation, such as in that year was considered necessary on the scale of 648 cubic feet per man, existed only for 52,000 prisoners, and in the report for the Punjab, the Inspector-General of Jails stated:

The standard allowance of space in barracks for each prisoner heretofore has been 400 cubic feet, no notice being taken of the lateral or superficial space enjoyed by him; so long as he got 400 cubic feet, he might be lying within six inches of his neighbor.

Since the year 1864 very great efforts have been made to provide buildings, such as are considered suitable for prisoners in India, with reference to health and discipline and safety from attempts at escape; and, as the places on which those central jails are constructed and approved and enforced by the government of India, there is no doubt they will be completed as quickly as the finances of the empire can bear their cost. The general plan on which these jails are constructed has been clearly shown by Mr. Howell, from whose description it is evident that great care has been manifested to insure ample accommodation for giving to each man sufficient space to sleep in; for hospitals and other buildings necessary for the prisoners' health and cleanliness; for employing them in work shops and in various kinds of intra-mural labor; and for solitary cells for punishment. But the plan does not appear to contemplate the present or future necessity of giving, for more than 15 to 17 per cent of the prisoners, separate sleeping cells. Mr. Howell's report shows, that

Most of the local governments in India advocate the introduction of the separate system. The government of Madras is persuaded that no complete system of reformation is possible until each prisoner is provided with a separate sleeping cell.

But the objection on the score of expense is admitted.

The government of Bombay considers the separate system (that is, isolation in a separate cell at night, with labor in association with other prisoners during the day) to be undoubtedly the best, but to be delayed only on the score of expense.

The government of the northwestern provinces seems satisfied with the existing system under which, in those provinces, each prisoner has a separate, well-elevated sleeping berth, measuring 6½ feet by 2 feet by 2 feet, and is associated with other prisoners in labor by day.

The Punjab government strongly urges the immediate introduction of the separate system, and deprecates the objection on the score of expense.

The Chief Commissioners of Oude and the central provinces, the President of the Hyderabad district, and the Commissioners of Mysore, appear to concur with the government of the northwestern provinces, that separate sleeping berths are all that is required.

Dr. Monat, the Inspector-General of jails in Bengal, says:

I am strongly of opinion, therefore, that the new presidency jail should bear the

separate system throughout, with association only during the day when at work, or in hospital when sick.

During my recent visit to Europe, I employed much of my time in visiting prisons and in re-studying the subject of prison discipline in all its relations, and I have arrived at the conclusion that, until the system of collective imprisonment, now in use in India, is entirely abandoned, Indian prisons will remain, what every person practically and intimately acquainted with them knows them to be, training schools of vice and crime.

The Inspector-General of Jails in the Punjab, Dr. Dallas, shows, in his very interesting memorandum, to which I invite attention, how association at night is a moral evil, and how the prisoners then congregate together to tell stories, crack jokes and enjoy themselves.

On the other hand it is said that the system of separation at night in sleeping cells would be enormously expensive, probably very unhealthy, and that it is not considered

That grounds have been shown for adopting even experimentally the cellular system for jails in India.

As regards the expense, Mr. Howell observes:

In the instance of the proposed jail at Calcutta, the estimated expense per prisoner was £120; and even if this estimate was a sufficient one, the average number of prisoners confined in India being probably little, if at all, short of 100,000, the requisite outlay would not fall short of £12,000,000 sterling. But since, for the sanitary reasons above given, it is probable that cells of a very superior size and construction to those proposed would be necessary, and that they would have to be provided with means of artificial ventilation, the cost which the construction of such cells would involve would be far greater than the sum that has been named.

This estimate of the probable cost of giving sleeping cells to all the prisoners in the various jails of India being based on what the cost per prisoner might be in Calcutta, does not give reliable data for assuming that the cost of the scheme is quite beyond the resources of the empire, or for rejecting one of the most important reformatory measures. It may fairly be doubted whether, as the expense in other parts of India of materials and labor are not so great as in Calcutta, the large sum of £12,000,000 sterling would be required. But, supposing it would be, why, still, should not a beginning be made on such a scale as the revenue could afford, and the plans of these large and very costly jails now constructing be so modified as to admit of the system of separate sleeping cells being gradually introduced?

It is also said that separate sleeping cells would most probably be very unhealthy, and are therefore objectionable.

Mr. Howell's report on this observes:

No questions have been more completely discussed during the last few years than those which bear upon the subject of the best means of affording accommodation in India, under the most favorable sanitary conditions, to large numbers of men who must necessarily be accumulated in one place. In regard to the principles on [Senate No. 21.]

which soldiers ought to be accommodated in Indian barracks and hospitals, the royal sanitary commission in this country, and the numerous other high authorities that were consulted, came to conclusions which were practically unanimous. The difficulty of properly ventilating very small rooms is found to be insuperable. Such rooms, notwithstanding the many advantages which they would in some respects present, were therefore altogether rejected as unsuitable, on sanitary grounds, for occupation by British soldiers; and rooms holding from twenty to five-and-twenty men, with an ample allowance of space to each man, have, under the same high authority, been adopted. The same principles have been followed whenever it has been necessary to provide accommodation for native troops in barracks or hospitals. The conclusions thus arrived at are equally and indeed still more applicable in the case of prisoners in Indian jails. If it be difficult to supply proper ventilation to small rooms for soldiers, when the only limit to the number of openings is one that depends on the construction of the buildings, the difficulty is far greater in the case of jails; and the difficulty is one which, as a matter of fact, has not been solved. The question of the proper plan of constructing cells for prisoners sentenced to solitary confinement, has long been under discussion in the numerous central jails of Northern India, but no satisfactory plans have, we believe, yet been adopted. In the rude central jails, in spite of repeated experiments and alterations, the cells have been found uninhabitable in the hot weather. At Agra and Meerut, the occupation of the cells have only been possible with the aid of an expensive and elaborate machinery for artificial ventilation. Similar facts have been reported from the Punjab. We believe that it is not too much to say that it has been found hardly practicable throughout a great part of India to carry out, with due regard to the health of the prisoners, sentences of solitary confinement, even in those jails where the cells are unusually good in construction. It has indeed been asserted that while this is true of Northern India, and of other parts of the country which are subject in the summer months to hot winds, and where the dryness of the air and the intensity of the heat are extreme, it is not true in the damp climate of Lower Bengal. Possibly this assertion may be correct; but the facts that have hitherto been adduced in its support seem to us to be altogether insufficient. Dr. Monat has appealed to the healthiness of the Calcutta jail, where a considerable number of cells is in use. Even if the superior healthiness of these cells had been proved, which, in our opinion, it has not been, we should doubt whether any general conclusions could properly be based on so limited an experience. Certainly the returns of mortality for the Calcutta jail, present no special cause for satisfaction. The average annual ratio of deaths, during the last five years, has been four per cent, a rate which, however favorable it may be when compared with that of other Bengal jails, is by no means so in comparison with that which prevails in the better class of prisons in Northern India.

The foregoing does not prove that it is impossible to construct healthy, and yet separate, sleeping cells for prisoners in India.

Assuming the solitary cells, alluded to, to have been of the best possible design, yet they are not shown to have been placed and tried in jails which had sufficient space for them; and it may be, on the contrary, assumed as certain that in the vast majority of cases they were unavoidably placed in old jails, quite unsuited for giving them a fair trial. Again, these solitary cells were used for the confinement of prisoners, day and night, whereas those sought to be introduced into the jail system would be occupied only at night,

and not at all during the day — a difference very materially affecting the chances of the cells being healthy or unhealthy.

Lastly, separate sleeping cells have not, apparently, been tried on a scale sufficiently extensive to prove, or disprove, the supposition that it is not possible to construct them so that they shall be safe from attempts at escape, and yet healthy.

When with these considerations is combined the fact, that the governments of Bengal, Madras, Bombay and Punjab strongly recommend the introduction of separate sleeping cells, it is fair to suppose that these governments did not consider the proposal a practical impossibility on the ground of health, and that the system has yet to be tried in India.

2. SUPERINTENDENCE.

In every province in British India except Coorg, there is an inspector-general, who is responsible for the proper management of the jails under his charge, and is the adviser of the local government in all matters of prison discipline.

As a general rule each central jail has a medical officer in charge of it, and the appointments to them are prizes to the best medical officers in charge of the district jails. As a rule, European jailors are employed in central jails. The superintendents of central and district jails are generally in immediate subordination to the inspector-general of the province, and the whole form a separate department of each administration.

The jailors of district jails are generally natives, and in all jails the subordinate establishment is, as a rule, entirely native.

The inspector-general of jails of the northwestern provinces thus writes regarding native jail officials, and his remarks apply justly to all India:

There is still much room for improvement in this class, as a body. At the same time it is satisfactory to find that the higher rate of pay lately sanctioned by government for darogahs, and other jail officials, is having a decided effect in attracting a better class of men to the prison department.

3. DISCIPLINE.

The jail codes prescribe three classes of labor: hard, medium, and light—the transfer of a prisoner from one class to another being considered an indulgence to be earned, and not a right. This, if thoroughly carried out, would probably render the discipline in Indian jails decidedly penal, but Mr. Howell points out:

That in all presidencies, and especially in Bengal, the remunerative theory of prison labor prevails to an extent which makes it very doubtful whether the primary object of the sentence, punishment, is steadily and systematically kept before the prisoner.

The report of the inspector-general of jails for the Punjab certainly supports this view. He observes in 1867:

The division of sentences of rigorous imprisonment into fixed periods of hard, medium and light labor, was ordered in the edition of the jail journal published during the last year; but I found that this order, without serious detriment to the income of the manufactories, could not be enforced, and that officers in charge of jails, knowing that the profits from the labor of prisoners was considered one of the tests of good management, had hesitated to carry it out strictly. There is no question that the measure will reduce the income of the jails; and indeed it will be extremely difficult in some of the larger ones to find the requisite amount of each description of labor; steps have however been taken to secure the order receiving proper attention.

Rewards and Punishments.

In Bengal any convict, after working through certain periods of labor, may earn the following indulgences:

Employment as work-overseer, as convict-warder, as convict-guard.

The grant of intermediate imprisonment. In this latter class he may, under certain conditions, sleep outside the jail, attending daily at the jail for work and orders. This indulgence six prisoners earned in 1865, nine in 1866, and eighteen in 1867. The number is certainly very small out of a jail population of over 10,000, who would be under sufficiently long sentences to come under this system; but it shows a beginning, and that is, of itself, most satisfactory.

The official report by Mr. Howell states that "remission of sentence is not systematically allowed in Bengal, but may be granted under the orders of government for any special act of good service."

The punishments are fetters, solitary confinement, flogging. In 1867, twenty per cent of the daily average of prisoners were punished.

In Madras, rewards such as in Bengal; superadded to which, prisoners can earn some remission of sentence, and a small sum of money. Punishments are flogging, extra labor, and double irons.

In Bombay, much as above, but prisoners who have committed certain crimes are disqualified for holding prison offices. The systems of marks, or of "intermediate," or of remission of sentence, do not exist in Bombay.

Punishments are confinement (solitary), confinement in stocks, and flogging.

In the case of convicts transported to the presidency, tickets of leave are allowed.

In the northwestern provinces, a system of marks is stated to answer well in the central jails, but has not been extended to the

jails of the districts. Convicts are given prison offices, and "are reputed to be the most trustworthy officials." Remission of sentence can be earned. Intermediate imprisonment is expected to be soon introduced.

Punishments as in Madras. About two per cent of the prison population were flogged. In the Punjab prison offices are held by convicts, and in the central jail the system of marks has been enforced, and also intermediate imprisonment.

The punishments are: "Increased labor; refusal of permission to see relatives; solitary confinement; heavy irons, and, in extreme cases, flogging."

The foregoing gives a fair idea of the extent to which, throughout the Presidencies, rewards and punishments are given. The punishments in Bengal, averaging 20 per cent of the prison population, appears, indeed, excessive. A similar return for the other provinces is not given in the official report; but though a great amount of punishment certainly indicates, as a rule, an unsuccessful system of jail discipline, yet it is very satisfactory to observe that earnest and continued efforts are being made to hold out to each prisoner, within reasonable limits, fair chances of ameliorating his condition by his own efforts. Still, it is evident that though this grand principle is recognized, the arrangements for allowing it to be fully developed are very imperfect.

At present the governor of provinces can remit the whole or a part of a sentence, and, on the recommendation of the jail department, would do so, where the principle of partial remission is approved of; but this is not a satisfactory way of working, either for the governor or the jail department, nor, it may be added, for the judicial department, which has committed the prisoner to jail for a fixed period of imprisonment.

Before this principle of remission can be properly worked in India the following arrangements appear to be absolutely necessary:

1st. That there shall be a certain fixed portion of the period of imprisonment, which shall not be lessened either by the governor or by the jail authorities: so that, when a magistrate commits a prisoner to jail, he knows exactly the amount of actual imprisonment which his sentence, without fail, inflicts on the offender.

2d. That there shall be a portion of the period of imprisonment within which the prisoner may, by his own efforts, obtain remission.

3d. That the conditions of this remission shall be fixed, and that the jail authorities, and they only, shall decide whether a prisoner has or has not fulfilled those conditions.

Naturally, until the above arrangements are enforced, the judicial department looks with doubt, if not with disfavor, on any remission of a sentence passed by it for very sufficient reasons, and regarding the justice of which remission it cannot possibly form any correct opinion. No doubt it was the feeling that the judicial department might justly object to its sentences being interfered with by jail officials that produced, as regards the Punjab, the order that the chief court judges should give their opinion on all recommendations for remission of sentences. But this that once destroyed the whole system: for, if a prisoner is told that on the fulfillment of certain conditions he will gain a certain remission, and when the time comes to give it to him, he is told the chief court objects to his being released, and therefore he must be detained, a manifest breach of faith is committed on the part of the jail authorities, though unavoidably, and the whole system is destroyed.

Now, this difficulty actually occurred in the Punjab, and was only overcome by the government—contrary to the opinion of the chief court—carrying out the recommendations of the jail authorities.

A committee, lately appointed by the Punjab government, to report on this and other jail questions, recommended:

That no reference should be made to the judicial department, in connection with remission of sentences, which should be reported for the sanction of government through commissioners.

The local government approved of the recommendation, and it is probable that it will be carried out; but, while making this step in advance, it is of the utmost importance to remember that the judicial department should know exactly, not only the actual length of imprisonment which a judicial sentence without fail will inflict, but the terms and conditions of that imprisonment.

For instance, when a judicial officer sentences a man to rigorous imprisonment, say for five years, he should know for certain the exact amount of the sentence which will be passed without fail under the conditions of rigorous imprisonment, and the exact amount within which the prisoner may by his own exertions mitigate his condition; and lastly, what rigorous imprisonment really is considered to mean by the jail authorities. At present the judicial department is not without just reasons for fearing lest, under the desire to make jails pay their own expenses or to reform the prisoners, the sentences passed do not inflict the amount of punishment which the judicial department intended.

These fears would be entirely removed and all necessity for consulting the judicial department regarding remission of sentences be

removed, if an act were introduced prescribing the conditions above proposed.

It is evident that the terms of remission must depend on the prisoners' conduct in jail, and of this the judicial department cannot have any reliable knowledge.

Intermediate imprisonment does not appear in any part of India to be effected by the use of separate buildings, which certainly could not be provided at present on account of the expense, but endeavors are being made to prepare prisoners for liberty by allowing them to sleep outside the jail and to attend during the day for orders and work.

Separation of Habituals from Casuals.

This very important arrangement, so far as can be ascertained from official reports, is not as yet effected.

The jail codes prescribe the following classification of prisoners:

- 1st. Offences against the person: (a) with premeditated malice; (b) without premeditation.
- 2d. Offences against property: (a) aggravated robbery and theft; (b) simple theft.

Mr. Howell observes: "It was admitted, however, that in the existing district jails the system could not be completely carried out, and separation according to sex, age, religion and nature of punishment was indicated of prior necessity."

The advantage, either as a matter of discipline or of reform, of placing thieves with thieves, burglars with burglars, is certainly not apparent. It is generally supposed that to place a young thief, a casual offender, with an old thief, an habitual offender, is the sure way to confirm the young thief in his bad, though but newly-acquired habits.

This classification though in some jails maintained at night, that is to say, though each of the four classes has a separate sleeping ward, yet, owing to the nature of the jail labor and the impossibility of giving other kinds of labor in jails, constructed as at present, the four classes cannot be kept separate during the day.

The Inspector-General of Jails of the Punjab, speaking of the simple classification by sex, age and religion, observes:

In the Lahore Central jail, when I took charge of it, in 1858, I found each ward allotted to a particular class of criminals; but it was impossible rigidly to maintain this classification, because in the day time the prisoners were associated in labor, and at night the pressure for accommodation not unfrequently compelled a departure from the classification ordered.

Each of the four classes into which the classification prescribed by

the jail codes divides the prisoners is distinguished in jail by a badge of blue, white, red and yellow.

The Inspector-General of Jails of the central provinces says:

According to our system of classification, the former class of prisoners is looked upon as the more degraded, and cannot, under the good conduct rules, look forward to the prize greatest valued, viz., remission of a small portion of his sentence, while the thief can.

Or, in other words, the man who, once in his life, has joined in a violent burglary is placed in a class where he cannot ameliorate his condition so much as the professed thief who has been plundering the public all his life, but without violence.

There can be little doubt, that, though the existing rules regarding classification evidently cannot be completely carried out, yet their tendency being to place the habitual and casual offender in association by night, if not by day, they must be most prejudicial; and if to this consideration is added the fact, that each class is made to wear constantly a badge showing the degree of infamy which it holds in the opinion of the jail authorities, the system must be very depressing to the prisoners themselves. A committee lately held in the Punjab recommended the separation of habituels from casuals, and the abolition of the class badges of blue, red, white and yellow.

Mr. Howell states:

Female Prisoners.

In all provinces the separation of mates from females, juveniles from adults, and from untried prisoners, is the rule.

In Madras — in the central jails and in the Madras penitentiary — paid matrons have been appointed to the charge of females, but not as yet in the smaller jails. The introduction of a complete system of female warders is now under consideration. In Bengal, in all the larger jails, there are female warders selected from the convict class.

The Russa jail is exclusively a female prison, and to it all long-termed female prisoners have been transferred for the last ten years. The whole of the internal duties of this prison are performed by female convict warders, and the wife of the jailer acts as the matron of the establishment. The only resident officials ever permitted to enter are the jailer, the native doctor, and the scavengers, under careful supervision for the removal of the night-soil; the women never leaving the inclosure on any pretence whatever. With the exception of such industrial pursuits as native women are accustomed to in their own homes, no attempt has yet been made to instruct these prisoners. Female teachers are not procurable, and it has not been deemed desirable to employ men for the purpose. In all the proposed central jails, provision has been made for a separate female compartment.

In the northwestern provinces one or more of the best-behaved female prisoners are selected as warders, and generally give fair satisfaction in the discharge of their duties. The female prisoners are employed in spinning, weaving, and such work. In some jails they are expert in the use of the fly-shuttle loom, and in knitting stockings. In the Punjab there is a female penitentiary at Lahore for prisoners with long terms.

Generally, it appears that everywhere female prisoners are entirely kept by themselves, but that, beyond manual employment, little has been taught them, and education can hardly be said to be given at all.

4. EDUCATION.

Mr. Howell observes:

In India, where the efforts of the State have reached but an insignificant number of those who are of a proper age to receive school instruction, it has been held that to entertain any paid agency on instruction would act as a direct premium on crime, and would be inconsistent with the principle of making a jail a place to which those who have never been in it should have every possible inducement not to go. Still, education has not been entirely neglected, and all the Indian jail codes are unanimous in enforcing some provision for the purpose.

Efforts are being made to teach prisoners to read and write in a large number of the jails in India, though apparently little more than that is attempted. In the northwestern provinces "13.55 per cent of the prison population were taught to read, during incarceration, and .86 per cent to write. In the Punjab, at the close of 1887, 43 per cent of the prisoners were under instruction."

5. HEALTH.

The very great improvement which has been achieved since the year 1863, is shown by the following table taken from Mr. Howell's report.

Percentage of deaths on daily average population of the jails.

	1883.	1884.	1885.	1886.	1887.
Bengal.....	9.5	6.1	5.9	10.5	5.8
Northwest.....	7.2	6.3	3.1	2.5	2.4
Punjab.....	6.7	8.6	3.5	1.7	3.5
Orissa.....	13.1	8.3	11.6	7.3	2.7
Central Provinces.....	10.1	7.6	12.1	7.4	4.
Madras.....	10.7	12.3	11.2	11.5	4.1
Bombay.....	7.7	4.2	10.	5.4	3.4

Mr. Howell points out very justly, that, before the death rate of the prison population can in any one year be declared excessive, that of the population outside the jail for the same year should be known, and a comparison made with it.

Nevertheless, admitting this, it is quite clear that the immense improvement in the health of the prisoners is due to better arrangements being made in the prisons, and that great and yet not insuperable causes did exist which have now been greatly removed. Of the character of these causes, Mr. Howell says:

The committee of 1864 found those causes to be overcrowding with the attendant evils of bad ventilation, bad conservancy, and bad drainage, insufficient food, cloth-

ing, cleanliness and medical inspection, sleeping on the ground and exaction of labor from unfit causes.

It is evident that so long as such causes, so conducive to excessive mortality, exist, the arrangements of a jail may be fairly condemned without reference to what the mortality at that time may be among the population outside.

Mr. Howell states:

6. REFORMATORIES.

India is not yet sufficiently civilized, even where it has come most under European influence, to breed up the large vagrant population, the offspring and heirs of poverty and crime, that, under some such name as "street Arabs," infest most of the large cities of Europe. The lowest classes in this country are probably very superior in the scale of humanity to the similar classes in England.

In India every woman, as a rule, is married, and hence prostitution is confined strictly to a professional class, and domestic ties are stronger; the necessities of life, too, are fewer and cheaper; honest employment is more easily found, and instances of cruelty, neglect or desertion of children by their parents, so common in England, are very rare indeed here.

Hence a reformatory in this country has, in the first instance, very much less material to work upon. This fact is now generally admitted; but, as an instance of its truth, I find that in Ireland, out of a population of less than six millions, there were 1,060 juveniles under sixteen years of age committed to prison in 1866; whereas, in the whole of British India, with a population of more than one hundred and fifty millions, the commitment of juveniles was about 2,000 for the same year. But beside the absence of sufficient material for a reformatory, the most important instrument of reformation is also wanting, that of religious influence.

The government cannot proselytize, and it is obviously a very dangerous obligation to undertake, *in loco parentis*, a child's education, and yet to be debarred from imparting to it the only sound basis of all education.

The first application for the systematic establishment upon a legal basis of reformatories in India was submitted in 1862 by the government of Bombay. Lord Elgin disallowed the measure mainly on the technical ground that its provisions were inconsistent with those of the Penal Code. In the following year the local government submitted an amended bill, which was also disallowed by Sir W. Denison, on the general ground that reformatory institutions in India stand altogether on a different basis from that in England. Sir W. Denison admitted the necessity of such institutions, and stated that he had formed this view from his experience in Madras.

The local government reopened the question in 1865, when it was shown, that, taking the average of the preceding four years, during which the whipping act was not in force, the number of juveniles annually convicted for serious offences was 85, and for trifling offences, 790. Upon this the present viceroi ruled that no case had been made out for the establishment of such reformatories in the Presidency of Bombay.

Somewhat similar applications have from time to time been submitted, with a similar result, from Oude, the Punjab, Mysore, the northwestern provinces, and the central provinces. In each case the government of India has replied in the sense of the orders issued to the government of Bombay, that reformatory institutions, on the English model, are not adapted to this country, all that is necessary being the strict separation of juveniles, regularly convicted, from adults; but it has always been ruled that during their term of incarceration every practicable attempt should be made for the instruction and reformation of juvenile offenders. The

question was re-argued by Miss Carpenter at the close of 1866, and a circular explaining the views of the government of India was issued in July 1867. In January last the government of Madras protested against these views, and submitted a formal application for the establishment of reformatories in connection with model farms at first, on an experimental scale for that Presidency. The main objections to these proposals, in addition to the insuperable difficulty noticed above of establishing any really reformatory scheme in the absence of religious teaching, were the distance to which the proposed system would remove juveniles from their homes, the separation it would involve of children from parents, and the small number of juveniles in the entire Presidency for whom the system, when established, would be applicable (an average of eighty-two for the whole Presidency, annually. Lord Napier, however, stated his opinion, that if proper reformatories were established the number of commitals would be considerably increased). On these grounds the application was negatived.

It should not, however, be supposed that, because the government of India has withheld its sanction to the establishment of reformatory institutions on the English model, no practical steps have been taken toward the reformation and instruction of juveniles regularly sentenced to imprisonment.

Mr. Howell shows that throughout all the provinces the rules are that juveniles shall be entirely separated from adults, and receive instruction in reading and writing, and in manufactures; but that apparently very many jails exist in which this separation cannot be completely carried out. The foregoing objections against the attempt to introduce reformatories into India, may be briefly stated.

1. That India is not yet sufficiently civilized to produce "that large, vagrant population, the offspring and heirs of poverty and crime; that under some such name as 'street Arabs,' infest most of the large cities of Europe;" that the lowest classes in India are "probably very superior in the scale of humanity" to similar classes in England, and that therefore "a reformatory in this country (India) has, in the first instance, much less material to work upon." That in proof of the above, it may be stated that in Ireland, out of a population of 6,000,000, 1,060 juvenile offenders under sixteen years of age, were committed to prison in the year 1866, and in India, out of more than 150,000,000, only 2,000 juveniles were committed to prison in the same year.

It is probable that a high state of civilization, combined with a rapid increase of the population and manufactures, leads to the aggregation of large masses of people in towns and cities; and that in countries like India, which are less civilized, and whose populations are not nearly so great compared with areas as those of Europe, and given mainly to agricultural pursuits, such large numbers do not settle in towns, and there is not so much wealth or so much poverty in those towns as is found in European cities. And therefore it is possible that the towns in such countries do not possess, in proportion to population, so many juvenile offenders as would be found in

the cities of Great Britain. But if this be true, a fact never yet proved, still the criminals of India do not come only from the towns. The whole population of India, and not only that of the towns, produces the criminals which fill the jails; and that portion of the population not residing in cities possesses strongly marked criminal features, indicated by regularly organized criminal operations, and by the existence of numerous tribes well known as criminal tribes, spoken of as such by the people always, and in all official reports, and whose pursuits are professedly criminal.

The Punjab alone possesses more than half a dozen large and well known tribes, whose members for generations have been and are addicted to criminal pursuits; and, in addition to these, there are innumerable smaller criminal clans. In the northwestern provinces the same criminal features are to be seen, and the following extract from the "Friend of India," published in India and dated the 5th of last October, aptly shows the view taken by an impartial spectator of the state of Asiatic society as regards crime; how extensively organized crime exists and criminal tribes carry on their criminal pursuits. The editor says:

He who would form an idea of the gulf in Asiatic society which is concealed by caste and the many peculiarities of Hindooism, must study the police reports of the various governments, and the scientific generalizations of the facts made by such authorities as Dr. Cheevers in his "Medical Jurisprudence." Sleeman and Meadows Taylor have told us about the Thugs, but they have been extirpated in purely British territory at least. The trial of the Mahajar priest in Bombay, brought about by mere accident, resulted in the revelation of the most horrid practices, which seem to flourish as much as ever. The railways are taking bread out of the mouths of the many half-carrying, half-prodigious tribes of India, and are driving them to a robber life altogether. Poisoning has taken the place of the practices of the Thug. The trades of eunuch-making, kidnapping for marriage and prostitution, selling into domestic slavery, procuring abortion and making away with full-grown female infants, are still practised so as to defy the small detective ability of the police. The very machinery of civilization of which we boast, is pressed into the service of crime. Railways have given rise to new species of theft and murder. Mail-carts are robbed, not for their contents alone, but that the crime may be laid at the door of an enemy. When the pursuit of crimes and vices is inherited by descent, when the gods take murder and robbery under their special protection, when the moral sense seems to be obliterated or transformed into something else, and the mass of honest folks will do nothing to expose the dishonest, or to defend themselves against the violent, the detection of crime naturally becomes the exception, not the rule.

The last police report, that referring to the northwestern provinces in 1868, is full of glimpses into the abyss of Asiatic crime, and of complaints that the police fail to grapple with it. The police report of this government for 1867 made some very disgraceful revelations regarding the kidnapping of children for vile purposes. In November last, Colonel Tyrwhitt, a deputy inspector-general of police, was deputed to investigate the crime. In the first six weeks he brought to trial ten cases, involving twelve kidnapped girls, in no fewer than eight districts. Seventeen out

of twenty-seven persons were tried for these crimes and ten were convicted. The majority of these were sentenced to such short terms of imprisonment as one and two years. Colonel Tyrwhitt very justly complains that "the sentences are very light for so heinous an offence as this crime is considered to be by the governments of India and the northwestern provinces." The worst facts are concealed, because "it would not be advisable to make them public."

If not *contra bonos mores*, why not? Public opinion needs to be roused on this question, and the action of the two governments to be quiescent until it is equal to their words. Colonel Tyrwhitt officially reports that in every town in which inquiry on this subject has been made, there is not a prostitute who has not one or more children unlawfully in her possession, and that in the present state of the law the crime cannot be checked. A law is wanted, and it would be easily worked in connection with the Contagious Diseases' Act, to secure the registration of all arrivals under 14 years of age, and of all births in infamous houses, and to declare the meaning of section 273 of the Penal Code to be what, in the personal opinion of Sir W. Morgan and Mr. Justice Macpherson it is, that the very presence of a minor in such houses constitutes an offence. If the law were clear on this point we should soon have no more of those "startling revelations," of which Mr. Mayne, the Inspector-General, writes. The colonies of eunuchs in the Northwest, Oude and Behar, have also to be more severely dealt with. And Major Carnell, who reminds his superiors of his reports on this subject in 1864, tells us of a class of *chakurs*, or domestic slaves, in Ajmere. The wealthy bankers buy children of both sexes in feudatory states, and no bride leaves her father's house without several of this class as her attendants. Like the negroes of the Slave States, the offspring of these *chakurs* are the property of the head of the house to which they belong. Under our rule they are free to leave, but none do so unless when a woman elopes.

An amendment of the law is wanted, also, to secure the reformation of the predatory tribes. The adaptation to India of some such measure as the Habitual Criminals' Act, passed in the last session of Parliament, would meet the difficulty. In the old non-regulation days a magistrate had power to settle the predatory tribes in certain spots, and to hold the head man responsible for the presence in each village of every man on his register. The absence of any robber without leave involved punishment, and thus hundreds became thriving agriculturists, while their children grew up honest men. Now all this is illegal, and only the Native States enjoy such a means of reformation. The report of Captain Deaneley, Deputy Inspector-General, enumerates fifteen tribes whose hereditary occupation it is to rob, poison and murder, in the northwestern provinces. Ten of these commit habitually every kind of dacoitee, robbery and theft, which opportunity may throw in their way, and to them belong nearly all the organized gangs of dacoites. There is honor among these thieves, or at least careful division of labor. The Oudhias and Oudhias never join in crimes of violence nor rob at night. The Oudhias of Futtehpore are manufacturers of spurious jewelry, which they sell as real, and coiners and uterers of counterfeit coin. They also, like Sunnorias, steal with the assistance of boys. The Beloochees are masters of the art of disguise, and generally appear as faqueers and doctors. The Goojurs and Rungurs are cattle-lifters. The ranks of the professional poisoners are principally recruited from among the Passes, Naees, Jurria Lodhas, Aheers and Acheerians.

The Jogeers are alchemists, and reap a rich harvest from the greed and credulity of their victims. They trace their supposed power to a tradition which they attribute to one of their order living in the reign of Sultan Altunsh, the slave emperor, who in 1210 succeeded Koo-toob-ood-Deen. The legend of this Deena Nath worthy a place in the history of alchemy. The only reward he asked from the emperor for changing his vessels of copper into gold, by means of powder

accompanied with *muntras*, was that his name should be stamped on the coinage with that of Altunsh. The Jogeos assert that these "Decmanathoe" gold mohurs are to be found even in the present day. The secret of the *muntras* and of the powder of transmutation has been handed down through successive generations, but it is revealed only to the initiated. Captain Dennehy has no hope of reclaiming any of the adults of these tribes, although this was done under the non-regulation law, but their children might be educated out of the vices of their fathers, and "this is an object for the attainment of which, in the interest of humanity and civilization, no expense and no trouble should be spared." Those of Mozaffernagur sent their children to school so long as each got a *seer* of flour, but the child should be separated from the parent. When minister of Gwalior, Sir Pinkur Rao, offered one of the most celebrated *raj chors* a comfortable life if he would give up his practices, he consented on condition that if, within six months, he wished to return to his old haunts he should have a fair start. This Rob Roy of Gwalior soon declared his disgust at the monotony of an honest life, and disappeared.

It is very probable that this sketch of crime in the northwestern provinces represents a state of things which exists all over India, and of which we know not as yet the full extent, though the greatest efforts are made in all provinces to secure the reporting and recording of all offences. The English in India, it must be admitted, live, so to speak, on the surface, and are unavoidably so cut off by habits and education from the natives, that as yet there is really no social intercourse between European and native gentlemen, in the way we understand social intercourse to mean.

The inner life, the social circle even of those native gentlemen who are most intimate with Europeans is — by the very habits and customs of the natives — quite unapproachable to the European gentleman, and must, to a great extent, continue so, until Asiatic society is much changed.

If such a gulf exists between the upper classes of European and natives, is it not more than probable that Europeans should know but little of the real moral state of the lower classes — of the amount of crime which actually does exist among them — juveniles and adults? In India it is well known that, as a general rule, crime is hardly ever brought to light voluntarily by those who are able to give the information; and even when offences are reported, through fear of punishment for not reporting them, the police rarely receive much assistance from the people.

The tendency of the majority is certainly to conceal crime. So long as a known marauder does not rob or murder in the village he lives in, no one of that village will report him to the authorities. The temptation of a very great reward might induce some one to do so, but, as a rule, he would be safe. Now, this tendency to conceal crime arises, in the first place, from the absence of any feeling against the offender or his practices, so long as he does not injure them, but

it arises, also, from the dread of being sorely worried and, perhaps, half ruined by the vexatious delays and practices of the law courts, and by the great fear lest, by some legal quibble, the offender should be acquitted and return to the village and murder those who gave the information.

There can be no doubt that there is in India a very large amount of crime, though it be not more in proportion to the population than in other countries; and that, unsuccessful as may be the efforts to discover or prevent it, yet, according to Mr. Howell's statement, 312,038 offenders passed through the jails of India in 1867, giving a daily average jail population of 79,656.

If we consider, then, what we do know of the state of Asiatic society in India as regards crime; that it is only within the last twenty years that the fearful system of Thuggee was exterminated, by a department specially organized to cope with it, that system of strangling for the sake of plunder and of propitiating the Deity, which was carried on all over India by organized gangs; that, in various parts of India, numerous large tribes live by criminal practices, and in the northwestern provinces alone "fifteen tribes, whose hereditary occupation it is to rob, poison and murder;" that "infanticide, kidnapping of children for vile purposes, the trades of *enuch* making, kidnapping for marriage and prostitution, selling into domestic slavery, procuring abortion, and making away with full grown female infants, are still practised;" and, lastly, that one part of the nation is entirely devoted to an idolatrous and sensuous form of worship, and the other to Mahomedanism, it is very difficult to believe that there is "the absence of sufficient material for a reformatory," or that the three hundred thousand prisoners yearly passing through our jails, have no juvenile connections being trained up to follow their footsteps. Is it not far more credible, that the material is there in abundance, though as yet unsought for and unrecognized?

The governor of Madras, Lord Napier, has stated, "that, if proper reformatories were established, the number of committals could be considerably increased." No doubt this is true, for the chief reason why now so few juveniles are found in our jails, is because the magistrates, acting from wise and humane motives, will, if possible, discharge a juvenile offender with a warning or a whipping, instead of committing him to a jail where, in all probability, he would become a greater criminal than when he entered.

But, it is urged, even if there be ample material requiring reformatory treatment, yet, as religious teaching cannot be given, we have,

at once, in India, an "insuperable difficulty" in establishing any really reformatory scheme.

Certainly we cannot, in India, compel prisoners to receive instruction in the Christian religion, but we can do much to inculcate those good principles which are to be found, to some extent, in all religions, and to eradicate bad habits, while we compel the adoption of those which are good.

Moreover, we can act on the selfish interests which are primarily brought into action in all reformatory treatment; and which, in the very successful reformatory at Mettray, in France, are thus noticed by Mr. Hill, the late well known recorder of Birmingham.

He says:

How many motives are brought into operation at Mettray to promote habits of good conduct? First, the selfish interests are appealed to, as those which operate upon all, from the lowest in moral condition to the highest; good conduct is, of course, rewarded, and its opposite punished. There is nothing new in a resort to these principles—it is made everywhere; nevertheless, much may be learned in studying their skillful application at Mettray.

Or, as Sir Walter Crofton observes:

Can we not individualize and seek after that which is good in every person, old or young, and foster it, and under the blessing of God bring it to maturity? Can we not wrestle and struggle and strive to eradicate that which is evil? Can we not examine the faults and weaknesses of character, and, to the best of our power, make their opposites the road to advancement? Do we not know that the bane of the criminal class is self-indulgence, idleness, and a want of self-restraint? By, therefore, placing a premium upon *self-negation*, industry and *self-restraint*, and making these qualities the grounds, the felt grounds, of the criminal's advancement, you afford to him a good and reformatory training. It may be so in a greater or a less degree to individuals, but it must be so in a degree to all. By the same process his bad and more natural qualities may be made to retard his progress to the goal all desire to attain—namely, liberty.

The following extract from an address delivered by me in London in 1867, before the Social Science Association, illustrates, to some extent, the foregoing remarks:

It has been urged that the native mind is incapable of being benefited by a reformatory course of discipline unless the Christian religion is directly taught; and though few will deny the immense value of Christian teaching, yet, where it can not be given, surely it is our duty, nevertheless, to try and do all we can. Now, as we have a very remarkable instance in the Punjab of what can be done toward reforming native offenders, without direct instruction in the Christian religion, I will briefly describe the steps taken with two noted thieving tribes, called the Sansees and Pukhwars.

The Sansees are described by Mr. James Mac Nabb, Deputy Commissioner in the Punjab, as having no religion and no genealogical tree; as being jungle men living by the chase or thieving, and as having only lately ceased from eating raw flesh. The Pukhwars are Mahomedans, but, like the Sansees, thieves. Now, at the suggestion of Mr. Edward Prinsep, Commissioner in the Punjab, and under the order of Sir Robert Montgomery, K. C. B., G. S. I., these outcasts, men, women and chil-

dren, were collected from the villages, near which they lived in scattered hovels, and placed in low mud-walled inclosures containing houses for their accommodation. Land was given them by government. The people of the country gladly and nobly helped; some gave grain, some ploughs, some dug wells for them. The land was good, and these tribes were told to cultivate it, and given the means of so doing and food to support them. Of course, at first, there was much murmuring. How could they abandon their vagabond, begging, sporting career, and take to the uninteresting occupation of digging? However, in time and by little and little, though they suffered much by their own imprudence and wasteful and filthy habits, they did bring this land under cultivation, and the experiment on the whole has succeeded.

The government asked me to report on it, and, in company with Mr. Prinsep, I did so in 1865. We visited each of these artificial villages, and ascertained that, under the constant care of various civil officers, among whom the names of Mr. James Mac Nabb, Majors Urmston and Mercer, justly merit most honorable mention, these criminals by profession were to a very great extent earning an honest livelihood. Of course they were still addicted to begging and other pursuits natural to the gipsy class, but they had made an immense advance in civilization. They had learned the rights of property, and acquired an interest and right in the land they cultivated. Clean clothes were to be seen on their leading men, and generally that scarcity of clothes and passionate love for jewelry, so common among such people all over the world, was not quite so conspicuous. Their children were attending schools in these villages, girls and boys, and had made great progress in reading and writing. Simple manufactures, such as those of ropes, mats, baskets, etc., were going on, and generally the community showed signs and capabilities of increasing prosperity.

No doubt, at present, the arrangements for these artificial villages are, owing to a want of funds, very incomplete; but this very serious evil will, I trust, be overcome, and this really grand experiment not allowed to languish for want of that timely aid all such works require in their early years. As matters now stand, the fact has been incontrovertibly established that criminal tribes, whose members from generation to generation have subsisted chiefly by thieving, can be raised up into the position of useful members of the community, and be made in a very great degree to abandon their former criminal pursuits and degraded habits by merely using the means at our disposal, and without any direct teaching of the Christian religion.

It is necessary to add, and it is very much to be regretted, that since the publication of the above, this excellent system of artificial villages is dying out, as the magistrates can no longer legally compel a member of a criminal tribe to reside in them, and, without this amount of coercion in the first instance, these hereditary vagabonds cannot be taught habits of industry and honest pursuits.

Lastly it is urged, that the "distance to which the proposed system would remove juveniles from their homes, the separation it would involve of children from parents," is a main objection.

Now, as in the majority of cases the parents of juvenile offenders are criminals themselves, or are unable and unwilling to look after them, it is evident that it is a decided advantage to the juveniles to be removed as far as is possible from the pernicious influence of the parents, or of the connections and associates the young criminals have without doubt formed for themselves.

This notice of reformatories concludes the foregoing brief sketch of jails in India.

The subject has been considered under the headings: Accommodation, Superintendence, Discipline, Education, Health, Reformatories.

It has been shown that great efforts have been and are being made to provide adequate accommodation for each prisoner, according to the present Indian system of association, by day and by night; to insure for the prisoners efficient superintendence, instruction in reading and writing, and in manufactures; to give him healthy barracks, good food and clothing, humane treatment, and some system of rewards by which he can, by his own exertions, ameliorate his condition in jail, and gain a partial remission of sentence; that female prisoners are completely separated from males; that juveniles are always separated from adults, as far as the construction of the jails allow, and subjected to special treatment supposed to be suitable to them; moreover, that a very great deal has really been effected toward the attainment of these important objects, yet that still very much remains to be done to improve what exists, and also in a way not hitherto attempted.

The following improvements seem to be chiefly required:

1st. Separate sleeping cells for a fair proportion of the worst "habituals," if not for all, are absolutely necessary, if jail discipline is ever to be really penal, yet reformatory; the present system of placing prisoners together at night in twenties or thirties, tends to destroy discipline and to demoralize the prisoners. Unnatural offences, it is well known, are there perpetrated, and Dr. Dallas' interesting memorandum shows how in other ways it is most objectionable.

2d. That as regards superintendence, the jail department should be so organized and paid that supervising officers will find in it adequate compensation for their labors, and be willing to enter it young in life, and to devote to it the whole term of their service in India.

It takes years to gain experience and become efficient in other departments, and certainly the jail department forms no exception to the rule.

3d. That long-termed and short-termed prisoners should be treated in separate jails, and not in association, as is now commonly the case. If this is done—as "habituals" should always receive larger sentences than "casuals"—the separation of "habituals" and "casuals" would, as a rule, be insured. That the system whereby a prisoner ameliorates his condition in jail should, as in England, be legally

defined, so that the magistrate who commits the prisoner to jail may know exactly the extent and kind of punishment which the sentence passed by him will infallibly entail, quite independently of that portion of the sentence within which the prisoner may earn remission of part of the sentence; also, that the jail authorities should alone decide whether a prisoner has or has not a title to any remission or amelioration of punishment. That the discipline—with reference to habituals—to long-termed prisoners should, in the early stages of the punishment, be severe, penal and deterrent, and, in the latter portion, reformatory. That for casuals, short-termed prisoners—the time being short—the discipline must be sharp, penal and deterrent; and that, generally, discipline must be decidedly penal, though reformatory, and that this principle be not infringed by any efforts to make the jail pay its own expenses, by putting the prisoners to that kind of work which brings the highest price in the market.

4th. Lastly, that reformatories for juveniles be commenced.

If these measures are carried out, and jails so constructed that large, armed guards are no longer required outside the jails to prevent escapes and outbreaks, it may fairly be anticipated that, while the construction of the buildings will prevent escapes, the reformatory nature of the discipline will check all combinations for outbreaks, and thus a very large sum annually be saved by the reduction of the existing armed guards.

Now, when considering the above suggestions, which may seem to imply the existence of serious defects in jails and jail discipline in India, it must not be supposed that they are intended to imply that the jail system of India is to be utterly condemned, but rather that it is to be improved, nor that more might, or ought to, have been done. The resources of the country—taxed as they have been most severely, since the year 1824, with no less than nine expensive wars (exclusive of the mutiny), and of which wars the Affghan and Punjab are calculated to have cost the State over twenty million pounds sterling—probably could not afford more, year by year, than has been granted for expenditure on jails. Moreover, it must be recollected that the present treatment of prisoners in India, with all its defects, is certainly most humane, and insures very great attention being given to the physical condition of the prisoners; while, during the last few years, it has endeavored in a great degree to improve him morally, and to inflict the necessary amount of punishment. The suggestions contain nothing new, nothing not thoroughly known and understood and often recommended by all the eminent superintendents of jails in India; but, as the evils they point out still remain, it was impossible not to bring them prominently to notice, and to

urge the grafting, so to speak, on to the present jail system of India those improvements which, in other countries, have been proved to be most necessary, and which, for the sake of India, all interested in this important subject should not fail constantly and persistently to urge until they are introduced.

II. PRISON MANAGEMENT IN BRITISH INDIA.

By A. M. DALLAS, M. D., INSPECTOR-GENERAL OF JAILS IN THE PUNJAB, AND CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

I have been asked by my friend, Col. Hutchinson, the Inspector-General of Police in the Punjab, to draw up a paper, for the Prison Association of New York, on Prison Discipline in India. I could have wished that Col. Hutchinson himself had undertaken the task, for it would perhaps have been better that one not concerned so directly as I am in the management of Indian prisons should have done it. He would have been less likely to have been led away by personal feeling and opinions, and less cramped by regard for a system in the administration of which I have been for several years actively engaged; and few men are more fitted for this task than Col. Hutchinson. His official position, the attention he has paid to, and the deep interest he takes in, the matter, his practical acquaintance with the working of Indian prisons and the habits of the criminal classes of that country, all tend to indicate him as one peculiarly fitted to speak with authority on such an occasion as this. As, however, he suggests that I should undertake the duty, and as we have worked together for some years past with the same object, I do not hesitate to comply with his request.

It can hardly be expected that the attention paid by the government of India to the treatment of its convicts should be generally known in America or other foreign countries. For, it is only of late that any thing like an acquaintance with, or interest in, the internal management of that vast empire has become general among the educated classes of Great Britain, and even now but few of this class really appreciate the progress which has been made in this department of social economy in India. Either ignorant of all that has been done, or judging by an incorrect standard, many persons are disposed to think that there has been neglect, and that the subject has not received the attention which its importance demands for it. I shall endeavor in this paper to show what has been done, and I shall also point out what I think are the measures now most called for. I do not pretend to any knowledge of the prisons in all parts of India. My career, as regards prison management, has been confined to the most northern province, the Punjab; but, in a

greater or less degree, what is said of the Punjab may be taken as a fair description of prison management in India generally.

To understand properly what the British rulers of India have done for the humane and judicious treatment of the convict, it will be well to recollect what treatment he received at the hands of the native rulers who preceded us. We need not go far back. Under Runjeet Singh, who ruled the Punjab but a few years before it became part of our territories, prison management was at a low ebb; in truth, there was none. The whole system of punishments for offences against the law was just such as might be looked for under such a ruler—an eye for an eye, and a tooth for a tooth. The state did not want prisoners, and would not be hampered with them. But some it was absolutely necessary to have, and so these were confined “in dungeons, or at the bottom of dry wells, for political offences. Debtors, etc., used to be chained to gateways, to pick up their food from charitable passers-by. Probably there were not a hundred men in confinement at any one time during Runjeet Singh’s reign.” (The population of the Punjab was over twelve millions). “The common punishment was to cut off the noses of thieves, to hamstring burglars, and to take off the hand—sometimes both hands—of Dacoits. Under the Durbar, there were sometimes fifty or sixty thieves, debtors and murderers at one time crowded into a single unventilated room in the old kotwellee (police station) in the city. Some of these, by the help of bribes or by the influence of their partisans, might get enlisted in the army, or even obtain rank in it. Such was often the case in Runjeet Singh’s time. A dry well used to be shown at Umritsur where prisoners were confined; and every sirdar (chief) and jageerdar (landholder) chained up at will his own defaulter, or took his own measures to extort or extract his dues from him.” This state of things comes down nearer to the present time in the Punjab; but much the same, if not worse, existed in Hindoostan before our rule. The native states would not spend money on their prisoners; and as to attempting any thing like reformation, this was never dreamt of, and he who proposed it would in all probability have had his own sanity questioned. If a man committed murder, and was rich, he was fined; if he was poor, his head was cut off, or he was impaled, and for minor offences he was maimed or branded. What has been said above as existing before we held the reins of government in certain parts of India now under our rule, would not be an exaggerated description of what exists in countries, in the same part of the world, still independent. I was informed that the diet in the so-called prisons of one country con-

sisted of cakes made of two parts salt and one part flour; water was allowed twice a week, and then but in scant quantities.

So much for the state of prisons in India antecedent to British rule. I need hardly say that, on our becoming responsible for the government of any of the countries or states, at once matters assumed a different form. The various administrations, without waiting for the action of the supreme government, set themselves to work to establish a humane and wholesome system of prison management. This was markedly the case in the Punjab, where the late Sir Henry Lawrence, Sir John (now Lord) Lawrence and Sir Robert Montgomery paid prompt and minute attention to the subject. But the supreme government of India did not leave the matter in the hands of the local governments, merely approving what they originated. More than thirty years ago the government of India took up the question of prison reform for serious consideration. The late Lord Macaulay went out to India as a member of the Indian Law Commission. In 1835, shortly after he had arrived in India, he brought the subject forward in a minute. He wrote:

It is scarcely necessary to say, that the best criminal code can be of very little use to a community unless there be a good machinery for the infliction of punishment. Death is rarely inflicted in this country at present, and it must certainly be the wish of the government and of the law commission that it should be inflicted more rarely still. The practice of flogging has been abolished, and we should be, I am sure, most unwilling to revive it. The punishment of transportation is so expensive, to say nothing of the objections, that it can be employed only in a small number of cases. Imprisonment is the punishment to which we must chiefly trust. It will probably be resorted to in ninety-nine cases out of every hundred. It is therefore of the greatest importance to establish such regulations as shall make imprisonment a terror to wrong-doers, and shall at the same time prevent it from being attended by any circumstances shocking to humanity. Unless this be done, the code, whatever credit it may be to its authors in the opinion of European jurists, will be utterly useless to the people for whose benefit it is intended.

I do not imagine that in this country we can possibly establish a system of prison discipline so good as that which exists in some parts of the United States. We have not had unlimited command of European agency, and it is difficult to find good agents for such a purpose among our native subjects. Still, I am satisfied that much may be done. In this town, at least, and at a few other places, we might be able to establish a system not much inferior in efficiency to that which exists at New York and Philadelphia. What I would suggest is, that a committee should be appointed for the purpose of collecting information as to the state of the Indian prisons, and of preparing an improved plan of prison discipline. In particular I would recommend, that the committee should be instructed to report on the state of the jail at Allepore, and to suggest such reforms as may make that plan the model for other prisons.

Sir Charles Metcalfe, afterward Lord Metcalfe, was then acting Governor-General. He at once adopted Mr. Macaulay's suggestion, and appointed a committee, composed of the Chief Justice and two other justices of the Supreme Court of Calcutta, two members of the

Governor-General's Council, four members of the Indian Law Commission, and five members of the Bengal Civil Service. All these gentlemen were men of acknowledged ability and experience. Mr. Macaulay was a member of the committee. The committee performed its duties with marked assiduity. A lengthy and careful inquiry was made throughout India generally, and a report of an elaborate and most able character was submitted to the government. The following extract from the report will afford a fair view of the state of Indian prisons generally at the time it was written:

As it appears to us, that which has elsewhere been deemed the first step of prison reform has not now to be taken in India. What after many years was the first good effect of the labors of Howard and Neild in England, has already been achieved here. There is no systematic carelessness as to the circumstances of the prisoner, no rigidly disregard of his natural wants; he is not left to die of cold or hunger, or to live on the charity of individuals; he is not left in filth and stench, to sink under disease, without an attempt to cure him; he is not compelled to bribe his jailor in order to obtain the necessities which the law allows him. What was in England the second stage of prison reform, seems to be nearly the present state of prison discipline in India. The physical condition of the prisoner has been looked to, but nothing more, and the consequences here, as in England, have been, that a prison, without being the less demoralizing, is not a very unpleasant place of residence. This is a state which, as one of transition, may be borne for a while, but which would, if it continued for three or four generations, infallibly do great injury to society. The political necessity for turning attention to a moral reform in prison discipline is only made the stronger by there being little necessity for much physical reform.

Even in other respects the Indian prisoners have points in which there is no reason to shun a comparison with more civilized countries. The mixture of debtors with criminals, which in some places still exists in England, and which appears universal, or nearly universal, in North America, is unknown in any jail in India. The proportion of distinct civil jails to all other jails in India, is very honorable to the government. The mixture of the two sexes in Indian prisons is unknown, and in general the separation of tried and untried prisoners is at least as complete in India as in other countries. We allude to these things not to give more credit to the Indian government in this matter than it deserves, but to show that, although we have found much fault, and recommend many reforms, it is not from a vain contempt of all that has been done before. In showing how much has already been done, we feel that we do but strengthen the argument for completing all that there is to do.

This was in 1838, and let us here bring to mind what has been the history of British India from 1838 to within but a very few years of the present day. The Cabul campaign, and its disastrous consequences, the campaign on the Sutlej, the campaigns in the Punjab and Burmah occupied the attention and severely taxed the revenues of the government, till, in 1857, the terrible mutiny of the Bengal army called for the exertion of the whole and undivided strength of all the resources of the supreme power for its suppression. It would be no matter for surprise, then, if it were found that, during this

period, when vast wars were being carried on, any one or all of the various departments of social progress had stood still. Such, however, as regards the department with which I am dealing in this paper, has not been the case. We see from the report quoted that, as far back as 1838, the condition of the prisons in British India was such as clearly to indicate that they had received considerable attention at the hands of the various authorities of the state, although there were defects of an important character in them, and in the system of prison management then in force, which the committee did not fail to bring to notice. The committee also pointed out the various measures which it considered desirable, due regard being had to the peculiarities of the inmates of Indian prisons, as compared with those of Europe. And let no one think that the convict in India is the same as the convict in Europe or America. The Indian convict is very little, if indeed he be at all, below the free men of his own station in life, in morality. In hardly any case does the conviction of a man for even a serious crime carry with it any social degradation. He is unfortunate, or clumsy, in being caught, and is pitied; but he is not despised because he is a thief or cattle lifter. In truth, among the tribes inhabiting the districts where cattle lifting is most common, a man is not a man till he has lifted cattle. He cannot receive the "Pugree" which is equivalent to the Toga Virilis of the ancients, and admits him to all the rights of manhood, until he has stolen cattle. If he paid his addresses to any maiden of his tribe without having stolen at least one cow or buffalo, she would scorn and ridicule him, no matter what his wealth or personal attractions might be; and the first present made by the girl to her lover, when engaged, is to help him in his pursuit of cattle stealing—a pair of "Khosas" (to put over the hoof of the cow to conceal its tracks), made of her own hair.

The report of the committee in due time brought forth fruit. The government of the northwestern provinces—Mr. Thomason being at that time lieutenant-governor—made the first step forward, and an inspector-general of prisons for this province was appointed, as an experiment, for two years. The office was established with a view to effecting an improvement in the health and discipline of the prisoners, a reduction in the periods of imprisonment, and, at the same time, a material diminution of expense. This experiment having proved successful, the appointment was made permanent. Not long after, similar appointments were made in the Punjab, Bengal, Bombay and Madras, and eventually in every province under British rule. Various measures for the improvement of the prison system were carried out by the local governments, with the approval and

sanction of the supreme government, at different times, till again, in 1864, the supreme government took up the question of prison management in India generally. Lord Lawrence, at the time viceroy, appointed a committee, of which the late Mr. A. A. Roberts was president. This gentleman was possessed of considerable practical experience in the management of prisoners and the criminal classes of the country, and had taken great interest in the subject of prison discipline. The other members were all men of high official standing and of experience; most of them had been personally concerned in the working of jails. The committee, after careful inquiry and consideration, submitted its report. The recommendations of this committee were in character analogous to those of the committee which sat thirty years before; but of course more advanced views were set forth by the committee of 1864. The chief recommendations in advance of the first committee were, that no central jail for prisoners sentenced to more than one year should be built for more than one thousand prisoners, and that the space allowed each prisoner in a barrack should be very much increased. These recommendations were sent to the local governments, and all legitimate aid promised in carrying them out. To show that this was no empty promise, it may be mentioned that on jail buildings alone, from 1864 to April, 1868, the government had sanctioned an expenditure of £879,799; and that up to that date, £246,787 had actually been expended.

Having thus hurriedly sketched the origin and progress of the prison system now in force in India, I pass on to describe the present state of things, and I must repeat that my knowledge is only personal and intimate of the jails in the Punjab, although there may be much in my remarks which is applicable to all other provinces. The jails are divided into central jails, where long-termed prisoners are confined, and district jails, in which are detained prisoners up to three years. The central jails are under the charge of specially selected superintendents. The district jails are, in many cases, under the magisterial as well as the medical charge of the civil surgeons of the district, in the Punjab. These officers are, as regards the magisterial charge of the jails, subordinate to the magistrate of the district, but in other provinces they are in direct subordination to the Inspector General of prisons. Some district jails are managed solely by the magistrate of the district or one of his assistants.

A description of the arrangement and working of a central jail will best show what is the system in force. A central jail, as can be easily understood, holds those prisoners who have committed the most serious crimes. The sentences extend to very long periods; in

fact, now that transportation has been restricted, a prisoner of almost any term short of life may be found in one of these jails. An attempt has been made to divide the prisoners into classes, according to their crimes; and a classification, based on the following division, has (on the recommendation of the committee of 1864) been ordered:

I. Offences against the person: (a) With premeditated malice; (b) Without premeditation.

II. Offences against property: (a) Aggravated robbery or theft; (b) Simple theft.

Males are also to be kept separate from females, and juveniles from adults. The sexes always have been, and still are, kept quite separate. At Lahore, in the Punjab, there is a separate prison for female prisoners of long terms, under the charge of a respectable matron, who has a fair staff of female warders; but the classification of adult male prisoners, above noted, cannot in all jails be maintained with rigid accuracy. The plan on which the jail has been built, and want of sufficient accommodation in several prisons, militate against the maintenance of this classification. All, however, that can be, is done to give effect to the orders of government on the point. Juveniles are kept separate from adult prisoners, but there is no special reformatory for juvenile prisoners that I know of in India. Debtors and untried prisoners are also kept apart from others.

The proper enforcement of labor must hold an important position in the treatment of convicts, for, however irksome the mere incarceration of a man may be—and to numbers of the inmates of the Indian prisons it is peculiarly so—the law contemplates the punishment being aggravated by regular and duly apportioned labor. A scale of labor was laid down by the committee of 1864, and every prisoner sentenced to rigorous imprisonment has to come under this; the class of labor to be allotted to him being subject to the determination of the medical officer as regards his physical fitness for it. The classification of labor is as follows:

1. Hard; 2. Medium; 3. Light.

The description of labor forming each class is:

First Class.

Oil pressing; lime grinding; flour grinding; paper pounding; pounding bricks; paper polishing; printing (press-work); book-binding (press-work); digging earth and carrying it; drawing water; cleaving wood for fire; sawing wood; cleaning privies and carrying night-soil; bowing wool; making bricks or tiles by

machinery; blacksmith's work; sifting flour at five maunds per man daily; breaking stones.

Second Class.

Masonry; stone cutting; paper making; blanket weaving; gunny weaving; cotton cloth weaving; basket making; durree, rug and carpet weaving; cleaning yards and wards; washing paper pulp; brick and tile making; cooking and parching grain; supplying masons with materials; storing and weighing grain; carrying or pumping water; carpentry; compositors' work.

Third Class.

Tailoring; dyeing; cloth printing; folding and stitching; reading proofs and lithographic writing; barber's work; spinning twine or thread; leather work; sizing and drying paper; weeding and removing decayed vegetation.

It will be seen that no mention is made of the crank, or any other description of aimless labor. Nor do I think that any description of aimless labor is to be found in Indian prisons. Certainly this mode of employing prisoners is not general. It will also be noted that many of the occupations are such as enable the prisoners to supply the wants of their own prisons; and this they do, I might say, almost entirely. The proportion of each class of labor to be allotted to a prisoner is fixed with regard to the length of his sentence, in the following table:

DURATION OF SENTENCE.	FIRST CLASS.	SECOND CLASS.	THIRD CLASS.
Not exceeding 12 months.....	The whole term.	One-third term.	Two-thirds term.
Exceeding 12 months, but not 18 months	Two-thirds term.	Two-thirds term.	Two-thirds term.
" " " " 2 years..	Five-eighths " "	Three-eighths " "	Three-eighths " "
" " " " 3 years..	One-half " "	One-half " "	One-half " "
" " " " 4 " "	" " " " " "	" " " " " "	" " " " " "
" " " " 5 " "	" " " " " "	" " " " " "	" " " " " "
" " " " 6 " "	" " " " " "	" " " " " "	" " " " " "
Six years and upward.....	Five-twelfths " "	Five-twelfths " "	One-sixth " "
	Three-sevenths " "	Three-sevenths " "	Four-sevenths " "

The transfer of a prisoner from one class to another, containing lighter labor, is to be regarded as an indulgence dependent on conduct, and not as a right. The labor of all working prisoners is to be regulated as much as possible by task work, the task of each day being at least that performed by a free laborer of the same craft in the district. These are the rules laid down for the guidance of officers in charge of prisons on the subject of labor; but there is considerable anxiety on the part of many to show a good return for the labor of the prisoners under them, and as the rules would interfere materially with such a result, it is more than proba-

ble that they have not in all jails been rigidly enforced. Dr. Moon, the experienced inspector-general of jails in Bengal, attributes considerable importance to the remunerative employment of the convicts in the jails under him, and perhaps nowhere has the labor of prisoners been made more directly remunerative to the state than in Bengal.

In the Punjab, the local government has called the attention of its jail officers to the necessity of their viewing labor as primarily of importance as in a punitive point. It has been often questioned whether the teaching of trades has any reformatory effect on prisoners, and whether it would not be more advantageous, because more punitive, to employ them on the crank and similar descriptions of aimless but severe labor; for it is said, that on their release from jail, prisoners don't work at the trades they have learned while undergoing their sentence. There is no doubt that labor which interests a man in its performance is less irksome than when it is reduced to a mere expenditure of brute force. So far, it is clear that crank labor would be more punitive than any of the trades followed by the prisoners. But it would seem to me that such an occupation, if continued for the whole of a long sentence, must be to a considerable extent brutalizing, and all reformatory element is absent from it. I think it may be considered a fair object of penal labor to teach a prisoner an occupation by which he may, if so disposed after his release, earn an honest livelihood.

By no means do I advocate the slightest disregard of its penal element; but if it can also be made available to the ultimate reformation of the criminal, it should be. The majority of prisoners do not follow, after release, the trades they learn in jails. This I know; and one reason can be seen why this should be so. The trades they learn in jail are not such as would be useful to many of them when free at their homes; but some cases do occur in which the trade acquired in jail has been made use of afterward as the means of acquiring a livelihood. Not long ago a man was released from a jail in the Punjab in which he had learned to make and glaze rough earthenware vessels. The jail had a monopoly of this manufacture in the section at which it was situated, but the prisoner on his release set up in business for himself, and outbid the jail for a large contract for these vessels. Another prisoner learned lithography in jail, and, on his release, set up a lithographic press. Another set up a paper manufactory, having learned to make paper while undergoing his sentence; and just before I left India I heard of a man who had set up in Cabul a carpet manufactory, and was doing very well indeed. He had learned to make carpets during his

term. These cases show that good does come sometimes from teaching trades.

I myself have always been of opinion that prisoners in India might be very much more extensively employed on public works than they now are. There are large works of great public importance to be carried out, and in some parts of the country there is scarcity of labor. Prison labor would here be most valuable, and I believe it might be utilized so as to be highly advantageous to the state, and in no way detrimental, either in health or discipline, to the convict. I do not think it at all objectionable to have the crank, or some machine of a similar description, at which the prisoner should, for a time, at the commencement of his sentence, be made to perform labor of a severe, wearisome and uninteresting description, and which might be used as a means of punishing for misconduct; but a prisoner's whole sentence should not be passed at this labor. I have not by me the means of giving the amount earned by all the Indian prisoners, as proceeds of the labor of the convicts, but it is not inconsiderable, I may say, writing from memory.

The education of prisoners is attended to in almost every province of India. This education extends in most cases to nothing more than instruction in reading, writing and the few first rules of arithmetic. Religious instruction is not allowed. Instruction is given mainly by educated prisoners, superintended by a few paid teachers. In the Punjab, the officers of the educational department of government inspect the jail schools, and make such suggestions as to their management as they may deem fitting. Several prisoners leave jail every year who have learned to read and write while undergoing their sentences. It cannot reasonably be expected that the state should incur any heavy expenditures for the education of its convicts when it is recollected that there are vast numbers of free though poor men whose children must remain totally uneducated unless the aid of government can be afforded them; and these certainly have a prior claim to convicts. Still, as said above, the subject is not neglected.

I come now to rewards and punishments for conduct while in prison. The punishments consist of increased labor, solitary confinement, heavy irons, and corporal punishment; and there is another mode of punishment in the hands of the officer in charge of a jail. However rugged and barbarous some of the prisoners may be, there is no severer punishment for them than being refused permission to see their friends. I have seen a haughty savage Afreeke, who had defied all jail rules and punishments, cry like a child when told that a friend or relative had come to see him, and

that permission for the interview, on account of his misconduct, had been refused. This permission the head of the prison can grant or withhold at his own discretion. Rewards are given for industry at work, progress in education, and general good conduct in prison. These rewards consist in appointments to subordinate offices in the prison, viz., work master, work overseer, and prisoner guards, the grant of intermediate imprisonment, release on ticket of leave, and partial remission of sentences. These rewards are earned under certain rules.

In the northwestern provinces, the central provinces, and the Punjab, in central jails, there are marks given for good conduct, and by these marks a prisoner earns his appointment to the different offices. From these offices he passes on to the other rewards. The hope of obtaining these rewards, no doubt, exercises a very powerful influence on the conduct of the prisoners. I know this from personal observation, and I believe that, were their hope removed, we should require a very much stronger armed force than we now have to restrain the large bodies of convicts we bring together in our central jails—at least we should in the northern provinces of the country. The appointment of prisoners to subordinate offices, which necessitates their taking part in the administration of the prison, not only acts as a reward to the prisoner and induces self-respect in him, but gives a powerful assistance to the officer in charge. These prisoner-officials are of a class in no way inferior—in most instances decidedly superior—to the paid subordinate agency of the institution, and are far more reliable. The position of the lower grades of the paid contingent guard (these are equivalent to warders, and are concerned in the internal management of the prison) is not such as to render dismissal a very severe punishment, while the loss of his appointment by a prisoner-official necessitates his return to the position of a common convict. He has, therefore, a greater inducement than the paid guard to perform his duties properly. They have knowledge of all that goes on among the prisoners, and are enabled to prevent escapes, which, but for their interference, must take place. They also give information of considerable importance to the head of the prison. All officers acquainted, practically, with the working of these prison officials have testified to the great utility of the system. Intermediate imprisonment and ticket-of-leave, also, appears to be acting successfully; but some further time is required to form a correct judgment in this matter.

Another mode of reward in prisons should be noticed. Prisoners are allowed, for industry and good conduct, a portion of their earnings, to be paid to them on their discharge from prison; or they

may send this, before release, to their families. This reward, also, I think judicious; for, in the one case, it provides the prisoner with means of support for a time after release, and enables him to look about for honest means of livelihood, if he be so disposed; in the other, it prevents his family—who, perhaps, may be entirely dependent on him for support—from coming to utter want, and so being forced into crime. This is not an imaginary evil. It is not unfrequently has happened that the wife of a man in prison has, from sheer want, been forced to go off with some other men; and such a state of things is more than likely to produce bloodshed on the prisoner's release.

The health of the prisoners has not been neglected. Not only are there, in every province, rules strictly dealing with the matter, but the most minute attention is paid to it, and a careful watch maintained over it by the various local governments and the supreme government. In each province there is a code of rules relating to the various points connected with the management of prisoners, and in these codes are full instructions for the guidance of officers in charge of prisons, concerning the clothing, dieting, housing, medical supervision, conservancy, and all matters in any way affecting the sanitary condition of the various jails; in fact, it would not be too much to say that, of late, in no country has there been more attention paid to the maintaining of convicts in a healthy condition than in India. If epidemic disease be excluded, I do not think that much sickness will be found in the jails; and, within the last few years these epidemics have not made such frequent inroads as was formerly the case. A collection of the health statistics of the different prisons for the last five or six years would show that the results which have attended the exertions of the different governments are satisfactory.

Having now given an outline of the system of prison management in India, it may fairly be asked, What is the result of this system? Is it deterrent? To answer this inquiry with certainty is almost impossible. We have not the statistics which would enable us to give a clear answer, and it is extremely difficult to identify previously convicted prisoners. The committee of 1836 drew attention to the increasing number of prisoners. Again, in 1864, the committee which then sat did the same. The inspector-general of jails in Bengal does not consider the system deterrent; while the government of the Punjab considered it more deterrent than that in force in the jails in England, judging from the number of re-convictions. Be the answer what it may, there are measures which my own experience convinces me would tend to increase the deterring effect, whatever

that might amount to, and I shall proceed to point these out, and offer a few remarks upon each.

The great majority of Indian prisoners are confined at night in barracks, and sleep in association. Now, putting aside the moral evil of this plan, it is one which does much to mitigate the severity of the punishment of imprisonment. A prisoner looks forward to the chat and gossip at night to repay him for the toil and labor of the day, and any one who has had practically to deal with the working of a prison, will tell you that it is a time of enjoyment to the prisoner. I have, when going round a jail at night when all were locked up, found the men collected into circles, listening to the stories and jokes of the wit of the barrack, and laughing at and thoroughly enjoying them. As soon as any one is heard approaching, the place is of course perfectly still, and complete silence prevails; but as soon as they think they are again safe, they recommence their fun and gossip; and I have been told by prisoners that it is this to which they look forward all through the day. On the other hand, there is nothing more repugnant to them than being locked up in a separate cell at night. This, too, I have heard from prisoners. I think, then, it is clear that if we could introduce separate imprisonment it would be a great gain. This, it is evident, would be a matter of great expense, and could not at once be carried out in every jail; but the principle might be recognized, and gradually it might be introduced. It has been said that separate confinement would be detrimental to the health of the prisoners. My own opinion is directly opposed to this; but because of the expense which must attend the measure, and the great advisability of avoiding failure after incurring a heavy outlay, I think it might be experimentally tried in some one jail for a time sufficiently long to enable the government to form a correct judgment; and I may add that I think something of the kind has been sanctioned as an experiment, although I have no certain information on the subject. Dr. Monat, the inspector of jails in Bengal, is most strongly in favor of this system of a separate sleeping cell for each prisoner, and the Punjab government also urges its adoption. I myself am sure that it is one of the most needed improvements, and I firmly believe it would prove a wise and successful measure. It would, though, as I have already said, involve a very heavy outlay, and the other calls on the revenue of India are many and urgent.

Reformatories for juvenile prisoners, according to what is understood by the term in England, are not in force in India. As regards reformation of Indian convicts, there is one great difficulty in the way. It is not permitted to interfere with the religion of a prisoner in any way. Now, it seems to me, that no reformation can be whole-

some or real which is not based on religious teaching. To attempt to establish an abstract morality would, I believe, even if the attempt succeeded, prove useless as a basis for reformation. It might, possibly, be of use among a civilized and highly educated people, but not among such as fill our Indian jails. Still, I think that it would be a fair experiment to establish a proper juvenile reformatory, to which young criminals might be sent for long terms—short terms of imprisonment would be of little avail—and where they would be subjected to a proper discipline, be educated, and be taught trades. It would be necessary to deal with this class of prisoners for some time after their release—to aid them in obtaining employment, and to watch them, so as to prevent their falling back into crime. And here would arise at once a marked distinction between the state of things in Europe and India. In Europe, private individuals very largely contribute to the aid of the juveniles discharged from these reformatories, either by finding employment for them or by direct pecuniary assistance, or in both ways. In India, the whole of this duty would devolve on the state, at any rate for the present; and in the parts of the country distant from the chief cities—Calcutta, Madras and Bombay—a zealous and judicious officer in charge of a juvenile reformatory, if directly countenanced by the government, might, however, I am of opinion, do much to meet and overcome this difficulty. At present, the treatment of juvenile prisoners is not so satisfactory a footing as could be desired.

One of the chief difficulties an officer in charge of a prison has to deal with is, the subordinate agency at his disposal for the internal management of the institution. The scarcity of Europeans fitted for this employment was noticed by the prison committee which sat in 1836. This scarcity has not much diminished. We are consequently thrown back very considerably, if not entirely, on natives to fill the subordinate posts in our prisons. Nor do I think it would be advantageous to do away entirely with native subordinates. I would rather seek to secure the services of a better class of natives than we now have, and make their situations of such value to them that they would be disposed to do all in their power to avoid the loss of them. This, of course, could only be done by increased expenditure of money, and must be gradual.

I have mentioned the classification of prisoners according to their crimes, ordered to be carried out in prisons. I myself am not sure that this is the best we could adopt. It has been suggested that we should classify prisoners as casuals and habituals. If a casual is to be distinguished from an habitual simply by the length of his sentence, this classification would hardly answer. If, however, it be meant that

the antecedents of each man and his general character are to be considered, and that upon these his classification is to be based, then I think there is some value in the suggestion. It has also been recommended that the classification should be decided by the prisoner's conduct, and what is learned of his character subsequent to his coming into prison. The objection to this is, that the matter then rests simply on the judgment of the head of the prison; but otherwise there are, I think, advantages in this mode. It is a difficult subject, and one which, I think, India must work out for itself, as indeed it must the whole problem of prison administration, assisted, no doubt, by the experience gained in other countries, but still seriously considering and allowing for the numerous social peculiarities of its own people.

The above are the steps which appear to me the ones we most need to take forward at present, and, in mentioning them, it must not be supposed I would infer that their importance is unrecognized by the various governments in India. Attention has been given to them, and in due course we may hope to see them all carried into effect, for there is constant progress being made in prison administration in British India, and hardly a year passes by without some measure, calculated to improve the prison system, being introduced.

XXV. MEMORANDUM ON PRISON DISCIPLINE IN CANADA.

By TERENCE J. O'NEILL, INSPECTOR OF PRISONS IN CANADA.

HALIFAX, N. S., January 28, 1870.

REVEREND AND DEAR SIR— I arrived here last evening any thing but well, or I would have written you sooner; that is, I would have penned something on the voyage hither, the weather being delightfully fine, but I felt too poorly for any effort.

Now for a few lines on that subject which we both have earnestly at heart, the proper treatment of the convict. I believe we Canadians are getting on a track which is as likely to lead to happy results as any institution on this continent has yet entered upon.

The number of really incorrigibles in our penal institutions is, in my opinion, very small, if the proper mode of influencing them be put in action. Encouragement and rewards are not less incentive to the criminal than to the pure, and perhaps not much less to the old than to the young, if you could once get the prisoner to comprehend your motives for dealing with him.

Our experience in the penitentiary at Kingston in the *reward* experiment has been signally successful. After long debating the subject with the last warden, and years of procrastination, we succeeded in having half of one of the wings lighted up brightly, so that the prisoners could read at night. That portion of the prison embraced about one hundred and thirty cells. We have since extended that advantage so far that about two hundred and seventy-five cells are lighted up. The prisoners thus read from about five to nine in winter, and from dusk to half-past nine in summer. And what has been the result? Out of the number I mention, not a dozen have forfeited the boon thus conferred on them. In addition, we indulge them with a walk in our large prison square for an hour on Sabbath afternoon. We have done away with the silent system in our chapels. The convicts give the responses, and we have further introduced singing and music. You should have seen the service previously, though ever decorous, and see it now, to appreciate the difference this change has made in the feeling, interior and exterior, among our unhappy ones. The class thus indulged, you will be aware, is that long under probation, who have won their badges; the three stripes on the arm you may recollect to have seen.

Regarding the penal prison we contemplate commencing this coming summer, I hope we shall succeed in constructing one *not inferior* to that at Philadelphia. I disapprove of the system of separation as a permanent

arrangement, and agree to it simply as the initial stage, not to exceed six months, three without employment and other three in some industrial work or other. After the six months have been thus spent, the convict will hail his admission to labor in association as a boon and blessing. Most sincerely do I trust that your noble efforts to get rid of the vicious contract system will succeed, because on its downfall I predict our own will follow. I need not here refer to its obnoxious features; they are sufficiently impressed on us both to render that unnecessary. But, pending the construction of our penal prison, I hope to have introduced a series of probationary labors carried on out of doors, which will prove a substitute for the separate ordeal until that comes into operation. They will not be cruel while they will be felt to be punitive, nor subject to abuse because carried on under the eyes of the authorities.

I find our recent changes in dietary matters have produced most soothing effects. We now bake our own bread, which assures it to be of excellent quality. We buy our own cattle on foot, and slaughter them, and thereby secure a superior quality of meat. Greater attention is paid to the cooking, a more abundant use of vegetables is allowed, and consequently, without extravagance, there is a liberal dietary and universal contentment; and, as a consequence, more zeal at work, fewer complaints of ill-temper, and no tendency toward insubordination.

The remission of five days in each month, introduced since May, 1868, if gained by good conduct and industry, has had a wonderful effect in securing attention to duty and lessening the number and quality of punishments. This I hope to see, ere long, followed by a permission to give money gratuities to the industrious and deserving. Having great faith in the stimulating effects of rewards, I trust we shall soon be permitted to elevate still further the ambition of our poor fellows to go on improving, by removing from the advanced ones that painfully stigmatic uniform they wear, by giving them a better fare, and by separating them from the unimproved or the lesser improved, with the privilege of conversation at meals.

At present, instead of allowing them to sit hum-drum at the dinner-table after the meal is ended, as was the custom hitherto, they are walked out into the yard and through it, before proceeding to work, for fifteen or twenty minutes, and, what is deemed a great favor by those whose home feelings are not crushed out, the privilege of writing to their friends, in the main hall (when the bulk of the inmates are locked up), in their own natural language; so appreciable and so welcome to the poor distressed ones addressed. You cannot fancy what delight that indulgence has produced, and with what thankfulness it is acknowledged.

In penning, in the utmost haste, these few rambling remarks, I give you a bare idea of what I consider the very happy condition our prison is now in, compared with that of two or three or four years ago. Neither can I enter into all the details of the schemes I hope to see realized

within a few years, should I be spared so long. But I feel we are fairly under weigh, and it will take more than a strong head wind and some steam to keep us back. But for your earnest request to have a word from me on the subject, I would not dare undertake it, situated as I am; and but that I think I can rely upon your good nature, I should hesitate long ere obtruding on you such a scrawl. But, with two gentlemen chatting most animatedly at my elbow since I wrote the first line, and sensible I shall not have an hour for some weeks at my disposal, I have endeavored to comply with your request, at the hazard of disappointing your expectation somewhat seriously.

I remain, dear Dr. Wines, yours sincerely,

TERENCE J. O'NEILL.

Rev. Dr. E. C. WINES.

XXVI. FOREIGN CORRESPONDENCE.

[From the numerous letters received from foreign corresponding members a few extracts are appended.]

1. FROM WILLIAM TALLACK, ESQ., SECRETARY OF THE HOWARD ASSOCIATION, LONDON.

HOWARD ASSOCIATION, 5 BISHOPGATE WITHOUT, }
LONDON, E. C., November 9, 1869. }

REV. DR. E. C. WINES:

DEAR SIR—I have again to thank you for your annual volume containing your Prison Association reports, and other publications, which have, as always before, been very interesting to peruse. In turn I hope you have safely received the various papers issued by our association, which we have from time to time forwarded to you.

We are steadily pursuing our path of quiet, persevering advocacy of rational preventive and reformatory criminal treatment. During the past year our association has made increased use of the press for the wide publication of facts and statistics in the form of leading articles, letters and paragraphs. About 175 newspapers (including the chief metropolitan and provincial papers) and various religious, medical and legal journals, have opened their columns to the information thus supplied. In addition to this we have widely circulated our papers among magistrates, legislators and prison governors, both at home and abroad. We have received many applications for information and assistance from members of both houses of the Legislature, newspaper editors and prison officials; and it has been very interesting to observe how far the papers of our little association have reached, inasmuch as, during the past year, we have received requests for books, pamphlets and assistance from influential persons in the most distant parts of the world, including New Zealand, Victoria (Australia), New South Wales, the West Indies, Indiana, Wisconsin, Pennsylvania, New York and New England.

As in former years, we have this year again brought forward the questions of reformatory prison labor and of capital punishment abolition before the meetings of the Social Science Association, and have had some lively discussions thereupon. Our parliamentary friends and others have also again introduced the capital punishment and habitual criminals questions into the Legislature, where they have had renewed attention.

Remunerative prison labor is slowly but steadily making way in this country. But its progress is greatly restricted by the prison act of 1865,

which, although effecting a good work in so far as it promoted the separation of criminals, except in convict prisons (where there is still far too little separation), imposed most objectionable hindrances to really useful prison labor. From many quarters we are met by the complaint: "Oh, the prison act compels us to employ prisoners at grinding the wind, crank, shot-drill, etc., and will not allow us to treat them in a sensible manner by making them compensate the public for the injuries and robberies they have inflicted upon it."

I am not a republican; my sympathies are not democratic, and I admire the British Constitution. But I must say that the blind, obsequious and humiliating respect paid by John Bull to the opinions of the nobility (merely as peers) is often very absurd. That prison act of 1865, for example, was based upon and embodied the recommendations of a House of Lords committee of 1863, which, in the teeth of evidence, and in opposition to the emphatic testimony of Her Majesty's inspectors of prisons, decided against the extension of reformatory remunerative labor, and instead thereof gave the weight of their sanction to the profitless but costly non-reforming and non-detering tread-wheel, crank, etc. John Bull (in the person of the late government) turned his back upon the advice of the practical, well-informed prison inspectors, and, bowing down to "my lords," humbly enacted their advice, such as it was. Hence our slow progress.

Notwithstanding all these things, progress is being made. The governors of many of our prisons, especially those of Wakefield, Bedford, Salford (Manchester), Liverpool (Bow), Swansea, Petworth, Chepstow, Newcastle-on-Tyne, Belfast, Birmingham, York Castle, Hertford, Lewes, Hull, Durham, Holloway, Devonport, etc., are making great exertions to go as far as the retrograde act of 1865 will permit them.

Wakefield jail is very noteworthy. The average number of inmates is 1,269, of whom four-fifths are for short terms, not exceeding three months. This prison is at present what many other of our prisons ought to be, viz., a regular manufactory, with steam power. It is the only prison in the kingdom with steam power. In the four years (1865-8) the prison purchased £159,176 (\$795,880) worth of material, and sold its products (chiefly mats) for £189,652 cash, paid by the public over the office counter, and not mere artificial value, as per official estimate (as in the case of much of the labor reported from English convict prisons). The prison has made a profit in four years of £31,132 net. The average annual earnings, per worker, have been £7 14s. 4d., or, including non-workers, £6 3s. 3d. The governor (warden), Captain Armytage, remarked to me: "If we did not make mats, we could make steam engines." It is to be wished there were more variety in prison labor. At present it is too exclusively mats, mats, mats.

We were much pleased with the excellent account of his visit to the British prisons, published last year by Rev. David Dyer, of your Albany

Penitentiary. It was an admirable document. He mentioned the high cost and small production of our prisons. It is still just as bad, £37 annual cost per prisoner and only £2 10s. annual amount of each prisoner's earnings, including the best jails. This is, however, an increase of ten shillings over last year. But it is very little. Meanwhile the recommitments are very high—thirty-eight per cent.

I recently paid a very interesting visit to one of the best of our prisons, though a small one, of some seventy inmates, Devonport, under the care of an excellent and thoroughly practical governor, Mr. Edwards. He is a decided advocate of the self-supporting prison system, and, so far as he can carry it out, finds it very deterrent as well as economical. He mentioned, as an illustration, that lately a vagrant, whom he had confined for the term of his sentence, a fortnight, in a solitary cell, when about to leave, was informed by him: "Now, during this fortnight you have earned just double the cost of your food. The rest you have earned toward my salary—the expenses of your own punishment." The man at once perceived that he had been making a fool of himself, and replied: "Is that so? Then you shall never see me here again." And he has kept his word. Nor is this a mere solitary instance.

Just at present the Middlesex magistrates are proposing to erect a new prison for the county (in addition to the half dozen large establishments already obtained). This will cost some £150,000, besides, probably, £20,000 annual expenses. Naturally the rate-payers are beginning to grumble. But the worthy magistrates appear very slow to perceive the folly of so long neglecting the self-supporting, compensating and self-punitive system of making lazy rogues maintain themselves, instead of leaning upon the honest rate-payer whom they have already robbed (and will again if not taught a trade). Truly, with all deference to "the powers that be," we are often reminded of the motto: "*With how little wisdom the world is governed!*"

However, it is cheering to find that the leading organs of the press are increasingly taking a practical view of this subject, and I think the Howard Association may fairly claim a measure of credit for this progress, as we are constantly plying the press. The London "Pall Mall Gazette," the "Daily Telegraph," the "Standard" and other leading journals have recently condemned most emphatically the costly, un reforming and irrational prison system hitherto adhered to in this country. Some of our popular writers are also speaking out well on the subject. Thus, Miss Florence Nightingale (the heroine of the Crimean war), in a recent paper, wrote: "It always appears the greatest non-sequiter to give, for instance, to a forger, five years' penal servitude—that is, provision and lodging in prison. What has that to do with his crime? But if you sentence him to repay, say twice the amount he had stolen, his sustenance to be repaid meanwhile to the State, out of his earnings, and let him go whenever he had done so, that would be something like a

reformatory. But hitherto (adds Miss Nightingale) the object of our law seems to have been to teach that it is dearer to work than to steal."

As to capital punishment abolition we are still working on, and there seems a probability that at an early date a bill will be introduced into Parliament to carry out the unanimous recommendations of the late Royal Commission, viz.: to classify murders into those of the first and second degree, retaining the capital penalty only for the first, and deciding on the degree of deliberation, not on legal technicalities as now, but on the plain facts of the case, as evident to the jury.

A better legislation as to the vexed question of criminal lunacy in homicidal cases is also a matter of pressing necessity. Altogether our law of capital punishment affords a main argument for abolition, simply because *it cannot be carried out*. Last year (1867-68) there were, according to the judicial statistics, in England and Wales 255 verdicts of willful murder, at coroner's inquests, 94 committals for trial for murder, 27 convictions for the same, followed by 17 commutations, and only 10 executions. Hence some nineteen-twentieths of our murderers either escape altogether or are safely shut up in prison, in lieu of execution. Why should not punishment be rendered more certain, and, therefore, more deterrent, by ridding it of the terrible uncertainty which now characterizes it? This can only be done by abolishing the capital penalty. As Mr. Bright says: "The real security for human life is to be found in a reverence for it. If the law regarded it as inviolable, then the people would begin also to regard it." This has been found the practical result when tried.

Your projected convention on prison questions and criminal treatment will be a most interesting occasion. I hope to have the pleasure of attending its sittings, if held, as it seems likely to be, in London. We shall probably learn more of your arrangements for it from your next report.

Your last report confirmed me in my previous view, that the United States prisons are the best and the worst in Christendom. The best as regards many of the larger and State prisons; the worst as respects some of the county jails, and even some larger prisons in the Western States. Almost incredible enormities were reported this year of one of your western State prisons. A valued correspondent in Indiana subsequently informed us that the reports were but "too true." We are glad to hear that the said enormities have been stopped, but sorry to learn that the miscreant officials do not appear to have been punished, or at least not as all as they deserved. This points to a feature in which our monarchical institutions are superior to yours. We would not give those fellows (and such as rule some of your county jails) a day's respite. Nor should we let them off scot free.

Your officers, when good, should be permanently retained and fully backed up by the executive and by the community. No mere presiden-

tial quadrennium should limit their term of office, but lifelong encouragement should be given them. Happily your eastern prisons especially have many such excellent men as officers.

As my letter has led me on to considerable length, I must now conclude, with an expression of much interest in your energetic, philanthropic labors, of the further progress and success of which I shall, in common with many others, always be glad to be kept informed.

I remain, dear sir, yours very truly,

WILLIAM TALLACK,
Secretary Howard Association.

2. FROM MISS FLORENCE NIGHTINGALE.

LONDON, August 16, 1869.

SIR—I need scarcely tell you, I believe, how warmly I feel interested in the perfect success of your project for an international congress on prison discipline, of which you have done me the honor to inform me. I entirely concur in the necessity for such a congress. But I am a woman overwhelmed with business, which never leaves me ten minutes leisure, and with illness which gives me no reprieve. Time and strength are very short with me, and I am afraid, therefore, that any active co-operation of mine is simply impossible.

But I have already published the principle which seems to me to be at the root of treatment of all crimes against property, namely, to cease to board and lodge thieves at the cost of the people they have robbed, and to teach them by practical experience that it is cheaper in actual money value to work than to steal. As far as I have opportunity to judge, the most valuable reformatory education is missed at present, viz., teaching a man that it is dearer to steal than to work,—(the only lesson which most thieves are capable of receiving). If a thief's or a forger's sentence were that he had to work his way out of prison by repaying the amount, or more than the amount, he had stolen, and repaying the state besides for his sustenance out of his earnings, instead of being provided for and lodged in prison, he might then, perhaps, learn this lesson, instead of the one now actually taught him; that it is dearer to work than to steal.

Fardon me these few lines, which do not at all express the deep interest I feel in your most important proposition. But it is one which requires so much real thought and labor to carry out that it is impertinent for me, who have, alas! not an atom of either to spare, to write to men like you any thing but the shortest expression of that opinion which you have asked from me.

Pray believe me, sir, ever your faithful servant,
FLORENCE NIGHTINGALE.

E. C. Wines, D. D., LL. D., etc.

3. FROM THE SAME.

LONDON, August 21, 1869.

SIR—I beg to thank you very much for the 24th Annual Report of the Prison Association of New York, mentioned in your kind note of 26th July, but which reached me only this morning.

I have already glanced through it enough to see that it contains matters of the deepest import and interest. I would that my pressing occupations and continued illnesses gave me any time for these. But I always feel that such matters, if not taken up thoroughly, are not well taken up.

And it always savors to me rather of impertinence for one who has already too much upon her hands, to enter upon a subject, to which it is impossible to give that amount of thought and labor which alone could effect any good result—and which alone would entitle any remark to be made to you who give all that I lack.

Again thanking you for the most important volume, which I shall certainly study,

Pray believe me, sir, ever your faithful servant,
FLORENCE NIGHTINGALE.

The Rev. E. C. Wines, D. D., LL. D., etc.

4. FROM MR. COMMISSIONER HILL, M. D., CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

KNOPFORD LODGE, GREAT MALVERN, }
August 25, 1869.

MY DEAR SIR—I yesterday received your handsome and most gratifying present, and have already gone through your volume, which, if you had not kindly given up so much space to contributions from my daughters and myself, I should have ventured to characterize in a manner from which I am now debarred.

There is no reason, however, why I should not congratulate you on the rapid progress the United States are making in the adoption and dissemination of right principles in the treatment of criminals, which, with national ardor, you are promptly reducing to extensive practice. I hope and trust that my younger brethren among prison reformers will avail themselves of your report to accomplish two important objects—the first, to make what you have done thoroughly known on our side of the water; and, secondly, to profit by your labors.

Our prisoners' aid societies are excellent foundations, but our superstructures require much enlargement. The duties you perform of investigating the cases of persons accused, and also of those whom you have reason to believe have been unduly convicted or punished with greater severity than their offences deserve, are of vital importance. As yet we have nothing to compare with these benevolent services whereby we often fail in the first requirements of justice, i. e., to protect the innocent and to limit the sufferings of the guilty within due measure.

My daughters, Florence and Joanna, are absent from me, but they will have their full share of the enjoyment we owe to you.

5. FROM MISS FLORENCE HILL, BRISTOL, ENGLAND, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

11 OLD MALL, CLIFTON, BRISTOL, }
January 26, 1870. }

MY DEAR SIR—I fear I have seemed extremely negligent in not acknowledging the receipt of fifty copies of the reprint from your last year's report, of which you made me so handsome a present. They have afforded me the opportunity of making Mettray better known as regards details than it yet was, and the reprint of my sister's paper on boarding out has also extended the interest felt here in that subject. We move. I have constantly had it in mind to express my thanks for these, as well as for the copy of your valuable report, which has also reached me since I last wrote to you, but my time for letter writing is so scanty that I am constantly compelled to postpone what nothing but necessity would permit me to delay.

I sent you local newspapers reporting the Social Science proceedings at Bristol, which would show that the meeting was well attended. The papers, also, were considered to be generally good, and the whole was regarded as a success. We had hoped it might attract representatives of your Association, but no names were recognized as such appeared; and, indeed, had any gentleman attended with your knowledge, we felt sure you would have favored us by an introduction.

You will be pleased, I am sure, to know that Miss Carpenter's relatives in this city receive, regularly, good reports of her health and progress. She intends returning from India in the spring, and this, I believe, will be her final visit.

We heard, lately, from M. Demetz, who is as absorbed as ever in his great work, though his health, I grieve to say, is very unsatisfactory.

Have you heard of the severe loss the administration of the Irish convict system has sustained in the death of Mr. Organ? He was always very fragile in constitution, and doubtless his zeal for the cause led him to overtask his strength. It will be very difficult to replace him.

I think the leading social question in England just now is primary education, which is being discussed by two associations—the Union and the League. The latter makes compulsion the principal plank in its platform (do I use your figure of speech correctly?), and my eighteen years' experience in a large ragged school here having convinced me that compulsion is indispensable to secure the education of a large class of our population, I have joined this association. Am I right in believing that, although, theoretically, education is universal in your Northern States, it is not so practically? If this be so, I should be very glad to know if the feeling of those best able to judge is in favor of adopting more

stringent compulsory measures than have yet been employed, and what form experience indicates those measures should take?

I fear, however, you are already so much occupied that I must not ask you for information distinct from the special subject which engages your attention.

With my father's best regards, believe me

Very truly yours,

FLORENCE HILL.

6. FROM MISS JOANNA MARGARET HILL, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

BIRMINGHAM, August 19.

DEAR SIR—I feel deeply gratified by the very high compliment paid to me by the Prison Association of New York in electing me a corresponding member of their body, and shall endeavor to do my best to deserve their choice.

The question in which my sister, Miss Florence, and myself are interested, that of boarding out pauper children in cottage houses, has made very great advance this year in England. It is expected that it will receive serious consideration, instead of merely casual mention, at the meeting of our Social Science Association this autumn, while the poor law board desires that the system may have a full and fair trial in England.

Believe me to remain, truly yours,

JOANNA M. HILL.

7. FROM EDWIN HILL, ESQ., LONDON, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

INLAND REVENUE, LONDON, W. C., }
August 17, 1869. }

DEAR SIR— * * * During thirty years I have, from time to time, endeavored to bring before the public the idea that our preventive legislation has not been so aimed as to strike criminality in its most vulnerable part. It has failed to recognize the undoubted fact that habitual criminality is a craft, having the same relations between capital and labor as have other crafts, and, like them, being wholly dependent for its existence upon the united action of capital and labor, and that the comparatively small body of criminal capitalists, viz., first, the owners of houses (or dens) affording shelter to the predatory class, and places for their congregation and enjoyment—the "flash houses;" second, the buyers of stolen property; third, the pawn-brokers who lend money upon such property; and fourth, and lastly, the burglarious and other criminal instrument makers. It has failed to recognize the fact, that this comparatively small body, much more sensitive to the terrors of the law than the mere operative criminals, and more confined to given localities than they, offers greatly the fairest mark for successful criminal legislation; and further, that such legislation may be devised without presenting any pecu-

iar difficulty—at least no difficulty but that we have men quite competent to grapple with successfully. If thus it were made absolutely unsafe to owners of houses to afford shelter to habitual criminals — “no honesty no house,” becoming the stern rule; and again, if it were made absolutely unsafe either to purchase or to advance money upon stolen property, how could the predatory class subsist, as such, any longer? Surely they must fall into speedy extinction, just as the hordes of cut-throats collected in the sanctuaries of the middle ages fell into extinction the moment their nests—the sanctuaries—were broken up. And one of the best effects of this unhousing of habitual criminals would be to stop, for the most part, the breeding and rearing of children, now the rising generation of criminality. I have calculated that, under our present legislation, from five to seven infants *per day* are born in the British isles in the midst of criminality, with scarcely a chance of escape from the wretched fate of being reared in criminal courses. What a gain it would be to render this no longer possible.

Having come to the belief that it is perfectly practicable thus to drive habitual criminality out of existence, and to stop the breed as respects the future, and that thus, by a better direction of our repressive efforts, our prisons would in time become *comparatively* tenantless, I have not paid much attention to prison discipline, reformatory measures, etc., more especially as those subjects are already in abler hands than mine. In fact, I cannot but think, regretfully, that the amount of attention which is here given to the treatment of ripened and ripening criminals has the unfortunate effect of filling the minds of active and able men so fully and exclusively as to make them somewhat impatient of suggestions that aim at destroying the seed-beds of criminality. I may say, however, that many of the most eminent men connected with the subject concur entirely in my views. I may name Sir Walter Crofton, M. D. Hill, Frederic Hill and many other active members of the Social Science Association. The habitual criminals bill was drawn so as to incorporate my views to a considerable extent, but was damaged, as most good measures are, in passing through “a committee of the whole house.” Still the act is not wholly deprived of the virtue I tried to infuse into the bill. I think that, if carried out with rigor, it really does afford the means of *rooting out the dens*, and thereby depriving the criminal class of harborage and shelter. We shall see.

With best wishes for the success of your useful exertions,

I am, sir, yours faithfully,

EDWIN HILL.

S. FROM THE SAME.

STAMPING DEPARTMENT, INLAND REVENUE,
SOMERSET HOUSE, W. C., August 23, 1869. }

DEAR SIR—When I wrote to you, a few days ago, I was not able to call to mind whether I had or had not received the report you kindly

forwarded for me, I having received many papers upon public matters while I was ill, which I could not then attempt to study. Curiously, however, when I reached home, after posting my letter and a paper to your address, I found your report at my house, it having then just arrived from Birmingham. I therefore write now to thank you, and to say that I have been very much interested in the early portion, which is all I have read as yet. I only wish we had here an equally efficient association, supported by law as yours is. I was particularly pleased with the way in which you have baffled with the absurd objection made to employing prisoners in productive work, a fancied objection that even our Middlesex magistrates took up, years ago, and mischievously carried into effect. I do not know whether they now persist in it, but I fear they do.

There is an additional argument of great force, as I think, which I have never yet seen put forward. The necessities of life, *i. e.*, food, clothing, shelter, fuel, etc., all of which are produced by well-directed labor, constitute the *true wages fund*; money being a mere instrument used to facilitate the laborer obtaining his real wages in the forms suited to his wants. One, therefore, who consumes without producing, whether in prison or out, reduces, by the amount of such consumption, the only fund out of which the workers can really be paid their wages. But one who does his share in producing the goods of life restores to the wages fund at least as much as he takes out of it. In other words, a man who does a fair day's productive work creates that which, *effectively*, pays some other worker for his day's work; while he who consumes, but produces nothing, *effectively* deprives some other of his day's wages. For, if all were consumers and none were producers, the whole wages fund would disappear.

You truly state, subsequently, that in many cases reformatory influences are so successful that it is not uncommon for convicts to become afterward steady, industrious and useful members of society. To this it may be added, for this country, and I doubt not for the United States also, that instances are not unknown in which convicts have labored hard and successfully to re-imburse those they had robbed or defrauded, to the full extent of the injury inflicted.

I fully concur in your view of the all-importance of *useful labor* as an element of the reformatory process. My brother Frederic, one of your corresponding members, had, in one of his reports as a prison inspector, years ago, a sentence of which the substance was, that a system of reformation, either in prison or out of prison, which does not employ useful occupation as its principal means, or at least as *one* of its principal means, must needs be a “delusion and a snare.”

I am, dear sir, yours faithfully,

EDWIN HILL.

P. S. I wish to express my respect and admiration of Sir Walter Crofton, who, as no doubt you know, has been as closely engaged and as

eminently successful as, probably, any man living, in the reformation of criminals; but who has not suffered his mind to be so engrossed, as it well might have been, by what he has done and is doing, as to exclude suggestions from others, even though these aim at and hope for the suppression, in a great measure, of the subject-matter of the reformatory process, *i. e.*, the habitual criminal population. In Sir Walter Crofton I have found a kind and effective supporter. E. H.

9. FROM JOHN COKE FOWLER, STIPENDIARY MAGISTRATE, ETC., ETC.

THE GNOLL, HEATH, GLAMORGANSHIRE, }
August 8, 1869. }

MY DEAR SIR—I thank you for your note, and I write to say that in my humble opinion an International Congress on Prison Discipline would be likely to move and influence public opinion very advantageously, and to draw into a focus a vast body of local experiences and experiments. I am one of those who have been sending people to prison for many years, and (so far as I see) with very little benefit to the State or to themselves. Our prisons are admirable in many respects; but I cannot perceive that they deter the criminal, and I have no belief that they reform him; and I think we ought to try a better combination of the two principles.

I am, dear sir,
Yours very truly,
JNO. COKE FOWLER,
Stipendiary Magistrate, and a Visiting Justice
of the Prisons of Swansea and Cardiff.

10. FROM SIR JOHN BOWRING, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

CLAREMONT, EXETER, ENGLAND. }
March 18, 1870. }

DEAR DR. WINES—Your kind letter of the 4th inst. could not but be most welcome, first, from the additional evidence it brings of the hearty and unabated interest felt and created in your hemisphere on the all-important topic of prison reform; and, secondly, from the cordial and valued expressions of friendliness toward myself. Though I have been a far traveler over the southern and eastern world, it has been a sore disappointment to me not to have visited your western regions; and now, verging on four score years, I dare not indulge the hope—it would be too dreamy—of crossing the Atlantic. But I see how many great works of philanthropy are being done or encouraged among you, and trust the days may dawn when the sole rivalry among our peoples will be as to which can remove the greatest amount of evil—which create the greatest amount of good.

I will think over your suggestion, and will endeavor to send you a paper on the proper purposes of prison discipline.

With much respect, believe me,

Yes, most sincerely,

E. G. WINES, D. D., New York.

JOHN BOWRING.

11. FROM W. L. SARGANT, ESQ.

BIRMINGHAM, August 23, 1869.

MY DEAR SIR—I am obliged by your kind note, and by a copy of your last report. I am delighted to see that a reform in your prison system is likely to take the matter out of the domain of party politics. There is among us a tendency in the same direction. Parliament is slowly surrendering much of its business to other bodies appointed for special duties, such as the Charity Commission, the Inclosure Commission, and now a Commission for Endowed Schools.

You will be sorry to hear that we have had an increase of crime of late years. It is probably attributable to a continued depression of trade. Many men will work; but if work is wanting, will rather steal than go without their pleasures. Mr. Sheriff Watson satisfied himself that bad trade does bring increase of grave crime, though very good fortune brings drinking and wantonness.

I am glad to see my little contribution to your volume in such good company. My old friends, Mr. Commissioner Hill and his daughters, appear there too. Believe me, yours very truly,

W. L. SARGANT.

12. FROM MISS FRANCES POWER COBBE.

26 HEREFORD SQUARE, LONDON, S. W.

DEAR SIR: * * * A matter of a tenth part of the public importance of the repression and cure of crime, if treated in a similarly random manner in any part of the civilized world, would be ridiculed as the grossest quackery. It is surely high time that successful and unsuccessful experiments in different countries should be compared and registered, and (if possible) the causes of success and failure duly noted, so that a basis may be laid for some science of moral hygienics and therapeutics. No better means for preparing such a groundwork seems possible than your proposed conference.

Respectfully yours,
FRANCES POWER COBBE.

13. FROM DR. A. M. DALLAS, INSPECTOR-GENERAL OF PRISONS IN THE PUNJAB, INDIA, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

MAY BUSH HOUSE, FELIXSTOWE, SUFFOLK, ENGLAND, }
January 23, 1870. }

DEAR SIR—Col. Hutchinson has forwarded to me for perusal your letter of the 27th ulto. to his address, from which I learn that I have been [Senate No. 21.]

electd a corresponding member of the Prison Association of New York. I have now to beg that you will convey to the Association for me, my very sincere thanks for the honor conferred on me by the Association. Interested as I am in the subject of prison administration, it is, I assure you, with much gratification that I have received the intelligence conveyed in your letter, and I hope I may, on returning to my duties in India, be enabled occasionally to contribute to the proceedings of the Association.

I beg you will accept my warm thanks in conjunction with those of Col. Hutchinson, for your letter.

I am, dear sir, yours sincerely,
A. M. DALLAS.

Dr. E. C. Wines, D. D. LL. D., etc.

I shall be very glad to get the copy of the Association's last report you intend sending me.

14. FROM FUDDE ROEPSTOY EXTRA ASSISTANT SUPERINTENDENT OF PENAL SETTLEMENT, POST BLAIR, INDIA, CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

SIR—Excuse a foreigner, if he addresses you direct without any introduction. Being one of the civil officers of the Post Blair enormous prison, if it so may be called, and having often occasion to feel the want of the experience, which only years of experience and reading can give, I am desirous to study a little of the state of prisons in the great United States. Will you kindly favor me with a copy of the annual reports of the Prison Association of New York, for as many years as you are able, or if they are to be had at booksellers, kindly let me know where they can be got.

Also would I feel highly obliged if you would introduce me to any man in your country who is *à jour* with prisons, prison reports, and the like subjects.

Once more I beg you to forgive that I thus unintroducted write directly to you, but having my lot cast with the great Babel of the East, you can well understand it is a responsible position among such people, and I am desirous to reap of the fruits of others' experience, if afforded the occasion. Any information you might desire of the Post Blair penal settlement, or any Indian jails which I am able to give, I shall take great pleasure in giving you.

Yours sincerely,
FUDDE ROEPSTOY,

Extra Ass't Superintendent, Post Blair, via Calcutta.

February 10, 1870.

XXVIII. PRISON DISCIPLINE IN LONDON.

By J. ANGUS CROLL, J. P., LATE HIGH SHERIFF OF LONDON, ETC., ETC., CORRESPONDING MEMBER OF THE PRISON ASSOCIATION.

[The following letter is addressed to HENRY POWNALL, Esq., Chairman of the Middlesex Magistrates, by a member of the Board. It was communicated to the Corresponding Secretary of the Prison Association under the following circumstances: A meeting of the Board of Middlesex Magistrates has been appointed to hold a general discussion on the question of prison discipline, at an early day. Mr. Croll writes to the secretary, asking that he will send him the reports of the Association, adding, that "he desires to be in possession of all possible information so that the discussion may lead to some practical result." The paper, as will be seen, was prepared for the meridian of London, but not only, like the almanacs, will it answer for "all the region round about," but even for distant lands. It contains many wise suggestions and much food for thought.]

MY DEAR MR. POWNALL—When Serjeant Payne's amendment was under consideration at a recent magistrates' meeting, the discussion was necessarily confined to the question immediately before us—the erection of a new prison. Some of us, however, who were in the majority on that occasion, felt that the much wider question of prison discipline in general was involved, and under that conviction I voted for the amendment.

I had intended to call the attention of my brother magistrates to this subject, by placing a notice to that effect on the *agenda paper*, but on further consideration I prefer to do so, in the first instance, in the present form. If I need any apology or excuse for doing so, I find it in the fact that on a subject of such deep and general interest an expression of individual opinion can scarcely be deemed an intrusion; and this is a subject to which I have devoted much time and thought. Whether the conclusions at which I have arrived will command the assent of yourself and my brother magistrates, I can not tell. But if I aid in exciting discussion and eliciting expressions of opinion, I shall have attained my end.

It may help to promote an agreement of opinion as to what our system of prison discipline ought to be, if we can first of all agree as to the ends at which we should aim. They seem to be the following:

I. *The vindication of justice by the punishment of crime.*

Upon this point there will be little difference of opinion. Our very existence as a magistracy implies it. In the words of the good old Book, we are to be "a terror to evil-doers," and "not to bear the sword in vain."

II. *The protection of society by repressing the depredations of the criminal.*

On this point, too, there will be general agreement. The public look to us for protection in property and person. Rates and taxes are levied and paid, that fraud and violence may be repressed, and that honest men may enjoy their rights in security and peace.

III. *The reformation of the criminal himself.*

We ought to aim at this, because the criminal is in many cases himself the victim of circumstances. He has been born and nurtured in crime. He is the heir of an entail of vice and misery, coming down through many generations. When we remember the training the child has received, can we wonder that the man is what we find him? I do not say this to palliate his guilt or avert his punishment. He has broken the laws of his country, and must suffer the penalty. But society is not altogether without blame in the matter. He has been sinned against by others. It is but just that society should seek to redress the wrong and restore the criminal.

And yet, further, the reformation of the offender, where it can be effected, is the surest and the cheapest way of protecting society against his depredations. If we make our prison discipline truly reformatory, if we succeed in transforming the criminal into a peaceful, orderly, law-abiding citizen, we not only thin the ranks of the dangerous classes, but we recruit our own. We have thus secured a double benefit. He who has hitherto been a reckless destroyer or wasteful consumer, becomes a producer. We not only rid ourselves of an element of danger, disorder and expense, but we gain an additional element of strength and safety.

An adequate and satisfactory system of prison discipline must, then, include the reformation of the criminal, the punishment of crime and the protection of society.

But there is a general and growing conviction that prison discipline, as at present administered, is not successful in attaining any one of these ends.

Justice is not vindicated in the punishment of crime. To the hardened and habitual criminal imprisonment has no terrors. He looks upon the jail as his home. He prefers it to the casual ward. He finds it more comfortable than the work-house. It is less irksome than a life of honest industry. All who are engaged in the

administration of justice know that petty crimes are committed with the express purpose of gaining imprisonment.* To the young and inexperienced, to those who have been betrayed into the commission of crime, to those whose circumstances and education have been above that of the criminal classes, imprisonment is a terrible penalty. But these are the least guilty of the inmates of our jails. Recent legislation, authorizing the classification of misdemeanants, has done something to rectify this injustice. But even yet it remains to some extent true that we make our punishment heaviest to those who deserve it least, while to the hardened, habitual criminal it almost ceases to be a punishment at all.

Nor is society adequately protected from injury. There may be exaggeration in the constant complaints we hear of the increased daring and prevalence of crime; but it is only too evident that the dangerous classes are scarcely more than kept in check. If some crimes are diminishing, others are increasing. And it may be doubted whether person and property are more safe now than they were twenty years ago. Nor must we forget the enormous cost at which society purchases the amount of protection which it enjoys. The rapid increase of police and prison charges, during the last few years, are creating wide-spread dissatisfaction. Many valuable proposals are negatived from the increased cost they would involve. When we reckon up the charges upon the public for the arrest, trial and detention of the prisoner, it may be doubted whether his depredations, if he had been at large, would have involved a heavier cost than the expense of his conviction and punishment.

And the criminal is not reclaimed. That there are cases in which prison discipline has a reformatory tendency may be admitted. The governors and chaplains of our jails can point to instances in which their zealous endeavors have not been in vain. But are not these rare and exceptional cases? For one prisoner reformed, many are corrupted. It is to be feared that in the great majority of cases imprisonment gives an impetus in the downward course of the convict. He becomes more demoralized and degraded while within the walls of the prison. He leaves his cell ripe for deeds of crime and violence. The visiting magistrates can hardly fail to notice how the very expression of the prisoner's face undergoes a change for the worse while under sentence. And, too often, only a short period elapses before he is again arrested, or "wanted," for some new outrage. The almost unanimous testimony of our police magistrates

* This is not so—certainly to any appreciable extent—in the United States. COR. SEC.

and judges is, that there is no class so hopelessly reprobate as that which has been hardened to crime through a career of imprisonment.

These facts are patent and notorious. They raise the question whether there is not something radically wrong in the present system of prison discipline. The fault does not lie with the officers who work the system. My experience as a magistrate goes to show that, as a whole, the staff of men who superintend our prisons and houses of correction are efficient, and devoted to their work. The fault, as I conceive, lies deeper, and is to be found in the fact that the system itself is altogether unnatural. The prisoner is put into a position utterly unlike his life out of doors. It is out of gear with the rest of his existence. It has no point of contact with his habits of life up to the time of his incarceration. It affords no training or discipline for the life he has to lead after his liberation. Here, as I believe, lies very much of the mischief. And by altering our system in this respect we should, as I think, find its cure.

It is easy to detect the evil. Is it possible to suggest a remedy? I venture to hope that the plan which I proceed briefly to sketch out may be found to contain at least the elements of an improved system.

I propose, in the first place, to extend and develop the principle of employing prisoners in their own trades. We already do this to some extent, as for instance in the case of bakers, tailors, shoemakers and others. The principle is not a new one. So far as it has been tried, the experiment is found to work well. I only plead for a better and more extensive organization of what is already successful as far as it has been attempted.

In regard to artisans and handicraftsmen, there would be no difficulty. They might easily be employed to work under the conditions to be stated hereafter.

Persons of good education are often under sentence for offences which involve no disqualification to act as time-keepers, task-masters, and superintendents. Invest them with responsibility, give them an adequate motive to be faithful, remove them from temptation, and they might be employed, of course under the eye of the prison officials, in superintending the work of their fellow prisoners.

But unskilled laborers form the bulk of prisoners throughout Great Britain. They have nothing but weight of body and strength of muscle. Without trade or handicraft, they always have been and always will be mere "hewers of wood and drawers of water." For this class of prisoners the proper and natural application of their labor would seem to be the cultivation of land. Let a farm be secured, large or small as the case may require. Let it be tilled by

spade husbandry, and fertilized by prison sewage. Crops of grain and vegetables might be raised and cattle fed sufficient, in the majority of cases, to supply not only the prisons but the asylums and other county establishments. There might even be a surplus for sale after all these requirements had been provided for. The employment of unskilled laborers upon the land in the way proposed would have many advantages. It would give them the sort of occupation for which they are fitted, in which they can be profitably employed, and to which on the expiration of their sentence they must return.

Exceptional cases would, of course, arise, not coming under any of these classes; but they would be rare, and might be dealt with by exceptional rules.

In the next place, I propose that (subject, of course, to the usual surveillance and control of the surgeon) the prisoners under sentence should receive rations fixed on the lowest possible dietary scale. They must not actually starve; but, so far as the food provided for them at the public expense goes, I would only keep them just above the starvation point. All beyond that must be paid for by the prisoners themselves out of the wages earned by them.* As has just been said, each prisoner is to follow his own trade. Work is to be given out, and paid for on a certain fixed scale. The prescribed task being finished, the amount of wages due should be divided into two or perhaps three portions.

One portion would go to the man himself, to be expended at his own option in the purchase of rations beyond the amount supplied to him by the prison authorities. We simply provide out of the rates that he shall not starve while under sentence. All beyond bread and water, or some such meagre diet, he must earn by his own labor.

A second portion of his earnings should be appropriated as a contribution toward the expenses incurred by the public in maintaining the prisoner. Why should the rate payers be taxed to support a criminal, if he can be made to support himself? It is neither just nor expedient to levy taxes for the maintenance of convicts beyond the amount absolutely necessary. Instead of being kept at the public expense, he should be made to keep himself. The cost of the prison establishment should, as far as possible, be levied upon the convict, not upon the rate payer. It is the produce of his labor, not that of the honest man out of doors, upon which the expenses of the imprisonment should be levied.

* This was Captain Maconochie's plan. Con. Sec.

In certain cases a third portion of the earnings of the convict may be appropriated to the support of his family during the period of incarceration; or a fund may be formed in which a portion of the prisoner's earnings accumulate until the expiration of his sentence, so that he may, on regaining his liberty, find himself in possession of a sum of money enabling him to start in life afresh.

I do not press any precise mode of allotting the wages earned, nor do I, at present, enter into details as to the proportions between the one fund and the other; all I contend for is that a true system of prison discipline should include the following points:

I. That, in the classification of prisoners, they should be grouped according to their trades and professions, each man following his own proper calling, and receiving better or worse accommodation in proportion to his earnings.

II. That if a prisoner will not work neither shall he eat, except the poorest fare and in the scantiest quantities.

III. That all beyond this shall be dependent on the man's own exertions.

IV. That a contribution be levied upon the proceeds of the convict's industry in payment for the rations provided by the prison authorities.

V. That an adequate motive to work be provided, and that the motive be of the same kind as that which actuates those who are at liberty.

The scheme proposed, as it seems to me, would attain more adequately and satisfactorily than any other the various objects of prison discipline. Allow me to add a few of the beneficial results which I hope might follow from its adoption.

To the indolent and dissolute imprisonment would become a real punishment. The vagrant or the thief, who prefers a life of crime to one of steady industry, would be compelled to work by a motive so strong as to overcome his aversion to continuous industry. If he chose to remain in indolence he would suffer a penalty so severe as to make the prison a place to be dreaded.

The habits formed by the prisoner, and the motives under which he acted, would fit him for resuming his place in society. While in prison he would be trained and disciplined to use the liberty to which he returns at the expiration of his sentence. We should, in fact, force the man to become in prison what we wish to make him when he comes out of it. He would have to work for his living, and to starve if he did not work, in the one place just as in the other. All beyond bread and water he would owe to his own exertions, and even for his bread and water he must pay. I do not pro-

tend to say, or dare to believe, that we should succeed in every case. The depravity with which we have to deal is often too desperate and hardened to yield to any treatment which we can adopt. But the scheme I propose seems to me to hold out a fairer hope of success than any other.

We should, at any rate, avoid the worst evils of our existing system. At present we, to a great extent, disable a prisoner for resuming his place in the ranks of industry. We detach him altogether from his old habits and pursuits. If we set him to work it is, in the vast majority of cases, a task for which he is unfitted by the habits of his former life, and which in turn unfits him to go back to his old trade. Take for instance the case of a printer. During the term of his imprisonment he may be set to work picking oakum. At the end of his term he is unfit to go back to the printing office. The muscles required have lost their power through disuse. The same cause has robbed him of his old dexterity of finger, and quickness of eye. If he is again to take his place in the printing office, he needs practically to serve a new apprenticeship before he can regain his old facility. By the plan which I propose, this evil at least would be avoided. Having suffered his punishment he would leave the prison as able as ever to follow his own trade.

The moral and mental change in the prisoner is, under our present system, even more disastrous. While under sentence he has little or no scope for the practical application of those common, every-day motives which rule the life of a working man. His mind, like his muscles, becomes enfeebled and paralyzed by want of occupation. The chaplains may seek to impress him by religious considerations. This is good so far as it goes; but the motives and incentives to action which are brought to bear upon him are not those of common life. Out of doors a man is driven to work by the necessity of gaining food. If he will not work he cannot eat. If he works industriously and skillfully he earns good wages. If he is idle or slovenly he earns a scanty subsistence. I want to apply these motives to the prisoner, and to make him practice them while under sentence, so as to prepare him for the life to which he will return on leaving the walls of the prison. This our present system signally fails to accomplish; this the system which I propose would help to carry out.

Or, take the case of the laborer committed for some act of violence. He is probably a man of strong animal passions, full of uncontrolled impulses and appetites. During his imprisonment he has had none of that vigorous exertion, that exhausting labor, which had previously helped to work off his exuberant vitality. His hands lose their hardness, his muscles their strength, and his mind is enfeebled by

the silence and seclusion of his cell. His animal passions are pent up and suppressed. They find no vent in the dull routine of prison life. They gradually accumulate, till at last, on his liberation, the craving for physical indulgence, for mere animal excitement, fairly boils over, and the man again plunges headlong into those excesses which soon bring him once more into the clutches of the law. Give the man hard work to do—work of the kind to which he has been accustomed—and we should at least escape this evil.

I have already referred to the heavy cost of our police and prison systems. Complaints of the rapid increase of rates and taxes are becoming universal. It will be remembered that, in our recent discussion on the erection of a new prison, this objection was strongly and repeatedly urged. I am not one of those who would sacrifice efficiency to economy. But I confess that I feel a strong aversion to the costliness of our present system. The plan which I propose would, I think, bring with it a very great saving of expense. Why should the mass of skilled and unskilled labor within the walls of our prisons be almost entirely unproductive? Might it not be employed so as to produce some return? I cannot but think that something might be effected—I feel sure that something ought to be attempted—in this direction. It could scarcely fail to diminish the cost of our present system very considerably. If it proved successful in diminishing the number of the inmates of our prisons, by leading to the reform of criminals, and helping them to return to their respective callings, it would promote economy in a yet wofrier form.

I am quite aware that the principles here advocated can only be carried out in their fullness by the sanction of the legislature. But, should they commend themselves to yourself and my brother magistrates, I venture to hope that you will not hesitate to bring them under the notice of her majesty's government. And even under the present law the experiment might be tried by applying them partially and approximately.

My letter has already passed very far beyond the limits which I prescribed to myself. Much which I might have said must be omitted, for I fear to trespass longer upon your time or to weary your patience. The great importance of the subject, and the deep interest you take in it, must furnish my excuse for troubling you at this length.

I am, my dear Mr. Pownall, yours truly,

A. ANGUS CROLL.

SOUTHWOOD, HIGHGATE, Jan. 12, 1870.

XXIX. THE PRISONS OF FRANCE.

BY THE CORRESPONDING SECRETARY.

The following account of French prisons is compiled from several journals recently received from France. We offered last year a very able paper on the same subject, expressly prepared for these Transactions by one of our corresponding members, Mr. A. Corne, counselor in the Imperial Court of Douai, France. But this presents a view of the penal institutions of that country from a somewhat different standpoint, or at least with fresh details.

France provides for a daily average of about 50,000 prisoners in her penal establishments of all grades. These are distributed in 27 central [convict] prisons (19 male and 8 female), 300 detention prisons and houses of correction in the several departments, and 63 juvenile prisons or reformatories (34 for boys and 23 for girls)—in all, 389. The number of cells in each prison varies from 1,400 to 36.

Vengeance, in the form of physical pain, long formed the sole theory of prison discipline in France, as in other countries. It was a policy at once of torture and of terror. In the year 1830, De Tocqueville and De Beaumont carried from the United States the idea of isolation as a necessary condition of punishment and reformation, and considerable progress was made in building prisons adapted to the new system. But the enormous expense of the change cooled the ardor of this impulse; and the present system is a sort of compromise between the two, dictated in the first instance by economy. It is, in effect, the Auburn system, though with a less rigid individual separation by night, and a less rigorous enforcement of silence by day, while engaged in associated labor, than are, or at least heretofore have been, deemed essential in the United States. In the 27 central prisons, which receive prisoners sentenced for more than a year, there is more of isolation than in the 300 departmental prisons and houses of correction and detention, which receive only those condemned to an imprisonment not exceeding a year. In many of these the means of complete separation are wanting, but the defect is, in part, supplied by classification. But what was originally a compromise has become a principle; the dictate of poverty has passed into a policy. The new prisons are constructed on what is called the mixed system—a combination of classification and separation, according to the character of the crimes and the state of the prisoners; and enforced silence seems to be generally losing ground.

The return to association is mainly due to the facilities it gives for industrial labor. This is now the controlling idea of penitentiary discipline in France. Industrial, as distinguished from penal, labor is there regarded as the only effectual instrument of reformation, or, at least, as an absolutely essential one, in combination with others.

This species of labor had its origin in France, in 1801, but has undergone various vicissitudes since. It was made a necessary part of every sentence exceeding a year in duration. But complaints soon began to be made, which grew louder and stronger year by year, that the products of prison labor unduly and unjustly interfered with the labor market of the free workmen. In 1848, the opposition had gained such strength that the government was moved to issue a decree abolishing industrial labor in all the prisons, and even in the reformatories. Such a decree, however, could not stand the intelligence and humanity of the middle of the 19th century. It was partially rescinded within the first year, but the bulk of the prisoners remained unemployed till 1852. In that year, industrial labor was reorganized in the prisons, but upon what we regard as a vicious principle—the contract system. There are two modes of contracting the labor of prisoners in France. The first is called *par voie de régie*, a phrase which does not admit of an intelligible verbal rendering into English. We can give its sense only by a description. Under this system, the contractor is bound to particular trades agreed upon, and must accept the work of as many or as few of the prisoners as the directors choose to have employed. He finds materials, tools, instruction and all other requisites of production, but does not supply funds for the maintenance or ordinary discipline of the establishment. He does not pay a *per diem* for the work of the prisoners; he pays for it by the piece: so many shoes for example—not so many hours—at such a price. The other mode is called *par voie d'entreprise*—undertaking, contract. Under this system the contractor farms the prison and all its labor. He takes upon himself the duty of providing for the whole expense of its maintenance and discipline. He does not, as on the other plan, pay the exact worth of the labor as determined by its result in manufactured articles, but a round sum, according to the average number of inmates, thus obtaining the legal (he cannot get from men the moral) right to make all the money he can out of them. He has here two sources of profit—the labor and the supplies. Thus, he becomes a true speculator, taking the risks of loss and the chances of gain, by diminished or increased production, and by a lower or higher market, and that, both on what he sells to the prison, and what he gets from the prison to sell elsewhere. This is a monstrous system. We have denounced it in our

own country, and we will denounce it everywhere. It has all the characteristics of slavery, and must lead to oppression wherever it exists. And yet there are only four of the central prisons where the former system of contracting is in use, while there are twenty-three in which this latter prevails. Why such a disparity? Because the probable gain is greater under this than under the other, and therefore the contractor is willing to pay a higher price for the labor; and so another *therefore* comes in, making the government more willing to give the contractor a chance to *squeeze* the prisoner than it is to hire his labor at its exact value; though, confessedly, the sterner is more obstructive to the discipline than the milder method.

The average production of the prisoner, as compared with that of the free laborer, is in the proportion of three to four; about the same as it is with us, though we have, in this country, some prisons in which the convicts do quite as much as the same number of workmen in the outside world; as those of Massachusetts, Maine, Wisconsin, and perhaps a few others.

In the central prisons, no less than sixty-two distinct trades are taught or followed. The principal trades pursued, and the aggregate number of days employed on each, in these twenty-seven prisons, in 1864, together with the average daily profit of the labor, after paying for materials and expenses, but before any division of the profits between the State, the contractor and the prisoner, are given in the following table:

TRADE.	Total number of day's work in the year.	Total net profit for the year.	Daily net profit.
<i>Men.</i>			
Buttons,	150,000	\$26,000	17
Brushes,	130,000	24,273	18
Slippers,	200,000	18,686	11
Shoes,	588,000	109,760	18
Cabinet work,	148,000	27,840	30
Smith's work,	230,000	65,866	23
Household work,	660,000	96,800	15
Weaving,	380,000	72,800	19
Agriculture,	220,000	32,266	15
Tailoring,	172,000	30,840	18
<i>Women.</i>			
Shoes,	230,000	46,000	19
Sewing,	586,000	93,760	16
Household work,	118,000	15,360	13

The total net profits for the year were \$668,900, divided as follows: Public treasury, \$25,250; contractors, \$335,000; prisoners, \$306,400. The average profit of each day of labor was about sixteen

cents, the women, as will be noticed, earning about as much, proportionally, as the men.

In the departmental prisons, twenty-nine distinct industries are pursued, the principal being the making of shoes, slippers, socks, sewing, and domestic work. In the reformatories, the chief employment is agriculture, with household work, tailoring and rope making.

In the central prisons, the prisoners receive a portion of the *profits* of their labor, varying from one-tenth to six-tenths, according to their standing and conduct; but the average amount is twenty-five centimes, or about five cents, daily. This is divided into two portions. Eleven centimes constitute a reserve, which is retained for the prisoner till his discharge; but this is subject to partial or even total forfeiture for misconduct. The remaining fourteen centimes (*pécule disponible*) are at the disposal of the prisoner, to be spent, if he so incline, from day to day, in any way not prohibited. The actual disposition of this portion by the prisoners, in 1864, was as follows: Bread, 59,491 francs; other food, 471,121 francs; clothing, 58,823 francs; remittances to families, 43,354 francs; voluntary restitutions, 497 francs. This is out of 633,286 francs disposable. Approximately it may be stated that the men, out of fourteen disposable centimes, spend one centime on bread, eight on other food, one on clothing, and one on their families and on restitutions; leaving three which they would be at liberty to spend, but prefer adding to their reserve. The women spend only eight centimes, and add the remaining six to the reserve.

An important feature of the system of industrial labor is the constant extension of agricultural occupation. Two large penal farms have been established in Corsica, where vine culture and arboriculture are peculiarly suited to the character and exposure of the soil; sheep and swine are also easily reared. The experiment has proved a pecuniary success, but it is the moral results which have been most striking. The proportion of recommitments to the penal farms and to the other central prisons is as one to four and a quarter; a diminution of over four hundred per cent in favor of agricultural labor.

The reformatory prisons for juveniles are an interesting department of the penal and correctional justice of France. According to the French view, derived from the civil law, the state is truly in *loco parentis* to a neglected youth below the age of sixteen, and is bound by the strongest moral obligation to do for it what the natural parent has failed to do. There are now nine imperial reformatory schools, containing about 1,700 boys and 80 girls; and fifty-three private establishments, containing about 6,500 boys and 1,600 girls. Besides these, there is a large number of conventual establishments, which have

the same general objects, but are less under the control of the state. In all but the conventual schools, agriculture has been steadily and rapidly gaining ground, as being at once the most healthy and the most reformatory occupation.

A very remarkable practice has of late been introduced into some French prisons, and it is in contemplation to introduce it into others. A new trial is granted to prisoners, after their admission to prison, before a court composed of the directors, the chaplain, the inspector and the head jailor. If it is found that their offence is a first one, and of a character that does not involve grave moral degradation, they are placed in a separate quarter of the prison, and if their conduct is substantially good, they are not only to be assisted to return to their former manner of living, but receive a legal "rehabilitation" or testimonial of purification from their crimes. This regulation has been regarded as of much importance, but as yet it does not appear to have had extensive trial, or to have yielded results of great value.

The average annual *per capita* cost of prisoners in France appears to be about sixty dollars, which we presume to be for subsistence and clothing, and apart from the expense of administration. That might bring it up to nearly or quite one-half what it is with us.

XXX. RECENT LEGISLATION IN NEW YORK ON THE SUBJECT OF ADULT REFORMATORIES.

BY THE CORRESPONDING SECRETARY.

A remarkable advance has been made in our State within the past year, in the direction indicated by the above heading. We have already given, in a former paper, the report of the commissioners appointed to select a site and prepare a plan of organization for a new penitentiary, to be called the "State Reformatory." We now append the act which creates the institution, makes provision for the purchase of the site selected, provides for the erection of buildings, etc., etc.

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

SECTION 1. The Governor shall appoint five persons, who shall act as a board of building commissioners, for the erection of the prison or industrial reformatory, established at Elmira, in Chemung county, and during the time that they shall act as such commissioners they shall receive no pay, except their traveling and other official expenses. The said prison shall be known by the name of "The State Reformatory."

§ 2. The said building commissioners are hereby authorized to procure, by purchase, the site for said industrial reformatory; the deeds thereof shall be duly executed to the people of this State and delivered to the Comptroller, and thereupon the Treasurer is hereby directed to pay, on the warrant of the Comptroller, to the said building commissioners such sums of money as may be required to pay for the site in accordance with the contracts submitted by the commissioners appointed under chapter four hundred and eight of the laws of eighteen hundred and sixty-nine, to locate the reformatory. And the Treasurer is hereby directed to pay to said commissioners, on the warrant of the Comptroller, such sum or sums of the money as they may want for the erection of said reformatory, at such times as the same may be required for carrying into effect the provisions of this act.

§ 3. The said building commissioners shall be charged with the general superintendence of the grounds, and the design and construction of the buildings, with power to appoint an architect, a superintendent and other necessary agents and assistants; provided the plan of buildings which they may adopt shall be submitted to and receive the approval of the Governor, Comptroller and State Engineer. The building shall have a capacity of not less than three hundred prisoners, and shall be so constituted as to admit of a classification of prisoners.

§ 4. The building commissioners above mentioned, before they enter upon the duties of their office, shall each give his bond, to the people of the State, in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Comptroller, conditioned for the faithful performance of the duties required of them by this act.

§ 5. It shall be the duty of said building commissioners to make a report of all the moneys received and expended by them by virtue of this act, and of the progress which shall have been made in the erection and inclosure of said buildings, to the Comptroller of the State, on or before the first day of December next, and as often thereafter as he shall or may from time to time require.

§ 6. Whenever the said reformatory shall be finished the said building commissioners shall make, under their hands and seals, a certificate thereof, which they shall transmit to the Governor of this State. The Governor shall, after receiving such certificate, appoint, by and with the advice and consent of the senate, five persons who shall act as a board of managers of said reformatory, and who shall perform the duties required of them by this act, with no compensation other than reasonable traveling and other official expenses; they shall hold their office for ten years, and be so classified that one of their number shall go out of office every second year. Whenever vacancies shall occur in the said board of managers, such vacancies, for the unexpired term thereof, shall be filled by the appointment of the Governor.

§ 7. The said building commissioners, authorized to be appointed by the first section of this act, shall retain general superintendence and control of said reformatory and every thing connected therewith, until said board of managers, mentioned in the last preceding section, shall be appointed by the Governor and confirmed by the senate, when they shall turn over to the said board of managers the said reformatory and all of the appurtenances and things thereunto belonging; and the term of office of the said building commissioners shall then be at an end and cease.

§ 8. The said board of managers shall have general charge and superintendence of the said reformatory, and shall appoint a warden, physician, chaplain, inspector of discharged prisoners, and clerk, who shall receive a salary to be hereafter established by law, and shall have power to remove them for cause, only after opportunity to be heard upon written charges; the clerk shall act as secretary of the board of managers. All other officers shall be appointed by the warden, and removable at his pleasure. The Governor may remove any of the managers for misconduct or neglect of duty, after opportunity to be heard on written charges.

§ 9. The said board of managers shall receive and take into said reformatory all male criminals between the ages of sixteen and thirty, who shall not be known to have been before convicted of any crime punishable by imprisonment in a State prison in this or any other State or country, who shall be legally sentenced to said reformatory, on con-

violation of any criminal offence by any court having jurisdiction thereof; and any such court may, in its discretion, sentence to said reformatory any such male person, convicted of a crime punishable by imprisonment in a State prison, who shall come within the requirements of this section. The discipline to be observed shall be reformatory, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Agricultural labor or mechanical industry may be resorted to by said managers as an instrument of reformation. The contract system of labor shall not exist in any form whatever in said reformatory, but the prisoners shall be employed by the State.

§ 10. All provisions of existing law requiring the courts of this State to sentence male criminals, between the ages of sixteen and thirty, convicted of any criminal offence, to the State prisons, shall, from and after the appointment and confirmation of the board of managers provided for by section six of this act, apply to said reformatory so far as to enable courts to sentence the class of persons mentioned in the ninth section of this act to said reformatory.

§ 11. The sum of seventy-five thousand dollars is hereby appropriated for the purpose of carrying into effect the provisions of this act.

§ 12. This act shall take effect immediately.

Further legislation will, as a matter of course, be necessary before the institution is fairly launched on its great mission of beneficence. It will, we doubt not, prove a "reformatory" in a double sense—reforming not only the young criminals committed to it as inmates, but prison discipline itself, both in our own and other States. It is to be hoped, however, that, when all the details come to be settled, and to assume the form of a statute, the maximum age will be fixed at twenty-five for admission instead of thirty, and that the number to be received will be limited so as not to exceed 500.

The project of a volunteer adult reformatory has already been referred to in a note appended to the report of the Commissioners on the State Reformatory, and in the letter of the corresponding secretary to M. Demetz. The following is the act of incorporation, authorizing the creation of such an institution:

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

SECTION 1. Horatio Seymour, Augustus Frank, Linus W. Thayer, William Bristol, William H. Merrill, David McWethy, Elias H. Russell and Isaac Butts, together with five other persons to be appointed by the Governor of the State, are hereby constituted a body corporate, under the name of "The Board of Managers of the Educational and Industrial Reformatory of Warsaw."

§ 2. The first eight persons named in the foregoing section shall hold their office during pleasure, or until removed by a vote of two-thirds of the board of managers, and shall have power to appoint their own successors in the manner designated in section three of this act; and the five managers appointed by the Governor shall hold office for ten years, but the first five so appointed shall be so classified that the term of one shall expire at the end of each two years during the first ten years.

§ 3. The board of managers shall consist of not less than thirteen persons, seven of whom shall constitute a quorum to do business; but the board may at pleasure elect honorary members, with advisory powers, but no authority to vote. Vacancies occurring in the board by death, resignation or removal, among the first eight persons named in section one, shall be filled by the board itself; vacancies occurring among the five appointed by the Governor shall, in like manner, be filled by his appointment.

§ 4. The object of said reformatory shall be the reclaiming of persons who have been convicted of first offences, the punishment for which would be imprisonment in a State prison for a term not exceeding five years.

§ 5. The said corporation shall have power to purchase the necessary grounds, which shall not be less than two hundred acres, and erect the necessary buildings for the accommodation of not less than two hundred persons, from moneys to be raised by voluntary gifts from the people; to make all rules and regulations they may deem necessary for the management of said reformatory; to elect or appoint all necessary officers, and determine the salaries of the same; and these officers shall not be removed except for cause set forth in written charges, and after a full hearing.

§ 6. Said corporation shall have power to make by-laws for their own government, to make and use a corporate seal and alter the same at pleasure, and to sue and be sued in their corporate name. Said corporation shall also have power to receive bequests of real or personal property to be devoted to the interests of said institution, subject to the provisions of law relative to bequests by last will and testament.

§ 7. The managers of said reformatory shall receive under their care and instruction such persons, convicted of first offences, as shall be intrusted to them, in the discretion of the courts of this State, under such rules and regulations as shall be prescribed by law.

§ 8. The board of managers shall make, annually, to the legislature a full report of their proceedings and of the condition and working of the institution.

§ 9. The said managers shall receive for their services no compensation except for expenses incurred in the discharge of necessary official duties.

§ 10. This act shall take effect immediately.

XXXI. PRISON LABOR AND THE LEGISLATURE.

BY THE CORRESPONDING SECRETARY.

For some years past there has been an annual struggle, on the part of a portion of the working men of the State, to strike down industrial and especially skilled labor in the State prisons, through the action of the Legislature. In the session of 1868, a bill passed the assembly, having this object in view, but was defeated in the senate. We think that no action was had by either branch of the Legislature in 1869. In 1870, the assembly, early in the session, again passed a bill relating to this subject, but of a far more sweeping character than the former. The bill is entitled "An act for the better protection of the mechanics of this State, by regulating the use of convict labor in the several prisons of the State, and for other purposes." It is in the words following, to wit:

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

SECTION 1. From and after the passage of this act the labor of the convicts in the several prisons, penitentiaries, and of the inmates of the houses of refuge in the State, shall not be let or hired out upon contract.

§ 2. Hereafter such convict labor as may be at the disposal of the inspectors of the several State prisons, penitentiaries, and the labor of the inmates of the houses of refuge in the State, at the disposal of the managers of the houses of refuge, shall be employed in such branches of industry and such articles thereby produced as are, or may be, imported exclusively from other countries, or such as may least conflict with the mechanics and workmen of the State; and any goods or wares manufactured by the convicts in the several prisons, penitentiaries, and inmates of the houses of refuge in the State, shall not be sold in the market, or elsewhere, at a less rate than their market value at the time of said sale: Provided, that nothing in this act shall be construed to interfere with existing contracts.

§ 3. The earnings of the several prisons, penitentiaries and houses of refuge shall be paid into the treasury of the State, including the earnings of present fiscal year, which shall constitute a separate and distinct fund, to be known as "the prison and house of refuge fund;" and the Legislature shall annually appropriate such sums as may be needed to carry on the work or business at the several prisons, penitentiaries and houses of refuge in the State.

§ 4. Any prison inspector or inspectors, prison wardens or managers of any prison, penitentiary or house of refuge in the State, who shall evade or attempt to evade any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on sufficient proof thereof, shall be suspended from office by the Governor of the State; and if any board of managers of any house of refuge in the State, incorporated by an act of the Legislature, shall evade or attempt to evade any of the provisions of this act, they shall be deemed guilty of a violation of the same, and, on conviction thereof in any district court, the charter of incorporation under which they may have authority shall be suspended from all operation, and the said court shall at once designate and appoint a commission, which shall consist of five members, who shall superintend and manage the affairs of such house of refuge until the Legislature shall provide in what manner it shall be permanently managed: Provided, that any member of the board of managers under the said corporation shall not be appointed a member of the said commission.

§ 5. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 6. This act shall take effect immediately.

In the Senate the above bill was, as a matter of course, referred to the standing committee on State prisons, which gave long and repeated hearings to both the friends and opponents of the measure. Much credit is due to the committee for the patience and evident candor with which they listened to arguments on the subject, till every body, having any thing to say, was satisfied with the opportunity afforded him. The result of the several hearings and the subsequent deliberations of the committee is embodied in the following report presented by them to the Senate:

The committee on State prisons, to whom was referred Assembly bill, No. 78, entitled "An act for the better protection of the mechanics of this State, by regulating the use of convict labor in the several prisons of the State, and for other purposes," ask leave to submit the following report:

The management of our penal and correctional institutions, in their industrial, financial, educational and reformatory relations and agencies, constitutes a vital interest of the State. We have four State prisons (three male and one female); six penitentiaries and four great reformatory institutions, which, though but two of them have the legal designation, are all, in effect, houses of refuge, and are all embraced within the scope of this bill. The average number of inmates in these three classes of institutions, in 1868, was: In the State prisons, 2,881; in the penitentiaries, 1,891; in the houses of refuge, 2,865; total, 7,637. The whole number of officers and employés—wardens, superintendents, chaplains, physicians, teachers, overseers, etc., is as follows: State prisons, 262; penitentiaries, 172; houses of refuge, 194; total, 628. The ordi-

nary expenditures of these institutions for 1868 were: State prisons, \$844,374; penitentiaries, \$302,689; houses of refuge, \$366,846; total, \$1,513,909. Excess of expenditures over income: State prisons, \$242,735; penitentiaries, \$138,333; houses of refuge, \$265,673; total deficiency, \$649,741.

In view of the foregoing statements, it is obvious to remark, indeed the observation lies on the surface of the subject, that legislation in reference to interests so vast and varied, to be safe must be cautious. It will not do to rush upon changes without carefully weighing the consequences likely to flow from them. Even an apparently slight alteration in the law, where the machinery is so complicated and delicate, might cause injury and disaster which no human sagacity could foresee; much more, then, might such a result ensue upon a complete change in the labor system of these institutions, and especially a change which threatens the destruction of all labor therein. The questions raised by the bill referred to the committee are grave and important; and we have therefore felt it to be our duty to examine, with all the care and candor we could bring to the study, the nature, bearings and probable results of the measures which it embodies.

The bill proposes to give legal effect to the following propositions:

1. It abolishes the contract system of labor in all the State prisons, penitentiaries and reformatories of the State.
2. It requires that all the articles manufactured in these institutions, or any of them, shall be such as either are, or may be, imported exclusively from other countries, though there is an alternative added, which seems to allow the manufacture of articles produced in the United States, but restricts it to such products as will least conflict with the mechanics and workmen of the State.
3. It provides that no goods manufactured or produced in the institutions designated shall be sold below the market price.
4. It changes the character of the penitentiaries and reformatories, making them State institutions equally with the State prisons, by requiring them to pay over all their earnings into the public treasury, and by making it the duty of the Legislature to annually appropriate whatever moneys may be needed for their support.
5. It makes all violations of the provisions of the bill misdemeanors, punishable in the case of individual officers by degradation from office, and in that of boards of managers by forfeiture of charter.
6. It annuls all acts or parts of acts inconsistent with the above propositions.

It cannot be denied that this is, to say the least, both comprehensive and radical legislation. It sweeps away, as if they were but cobwebs, traditional policy, sources of revenue, agencies of reformation, and legislative enactments, on which anxious thought and studious toil have been expended by the men of other days, not less wise or patriotic, it may be,

than those who now fill these halls. The questions involved in the consideration of this bill are: Is such legislation called for? What benefits does it promise? For what evils does it propose a remedy? Above all, what consequences are wrapped up in it? Are they likely to be for the public weal or the public damage? These are grave inquiries. We propose to consider them with some care, but to be as brief in our treatment of them as their importance will permit.

As far as the contract system is concerned, which this bill proposes to abolish, we do not hesitate to condemn it. As practised in the State prisons (we are less familiar with its operation and effect in the penitentiaries and reform schools), we believe it to be a vicious system, injurious to discipline, an obstruction to reformatory measures, and prejudicial to the pecuniary interest of the prisons and the State (as well as unjust to industry outside of the prisons). Yet we are bound to say, in all frankness, that we do not regard it, so far as the interests of the State are concerned, as the only great evil connected with the management of our prisons.

The domination of party politics in their government is an evil. The brevity of official tenure is an evil. The inexperience and incompetency thence resulting are evils; but, while acknowledging, as we do, that the contract system, as carried on in our prisons, is a pernicious system, yet, in all seriousness, we do not believe that such vast and complicated industries as those of Sing Sing, Auburn and Clinton, would be safe in the hands of wardens, however pure, *who are changed every twelve or twenty-four months*; and the administrations of our two largest prisons have scarcely exceeded, if indeed they have quite reached, the last named terms. In each of them there have been no less than *six different wardens* within a period of *eight years*. We care not how upright or how able the men at the head of Sing Sing might be, with such terms of service, they could scarce learn the A B C of industries so numerous and so manifold as those carried on there. Indeed, these perpetual changes in the head and the staff of our State prisons are *fatal* to success in all their great interests, industrial, financial and moral. The best system of prison discipline that human or even superhuman wisdom might devise could never work out its normal results under such a scheme of government and administration.

The second proposition of the bill, in its first alternative, ordains that no articles shall be produced in any of the institutions named in it, except such as are wholly imported from foreign countries; the effect of which is to forbid all industrial products in our penal and reformatory establishments. What might be left for their inmates to expend labor upon we are unable to say; but the second branch of the second proposition completely nullifies the first, by permitting the manufacture of such goods as will least interfere with the employments of the mechanics and workmen of the State. *Who is to judge whether, in the*

conduct of the industries of the prisons, this provision has been violated or not? The bill names no tribunal to be charged with adjudicating that question, which will be found in practice incapable of satisfactory adjustment.

The third proposition of the bill enacts that no goods manufactured in the State prison, penitentiaries and houses of refuge shall be sold below their market value.

General Pilsbury, of the Albany Penitentiary, stated to the committee that the contractors in that prison *always kept their goods up square to the market price*, and that he never had bought, and *could not afford to buy*, of them the shoes needed for his prisoners, but resorted to the *cheaper markets of Massachusetts for his supply*.

The fourth proposition of the bill deserves the greatest consideration, both on account of the breadth of its scope and because of the radical nature of the legislation which it proposes. It changes the whole character of the penitentiaries and reformatories, making them State institutions, and bringing them into financial relations to the State wholly unknown heretofore. We feel sure that the framers of this bill did not fully understand, or at least that they did not maturely weigh, all the bearings and results of the measure thus proposed to be enacted into law. With the single exception of the house of refuge at Rochester, all the establishments belonging to the classes named are local institutions, created by special acts, which ordain the basis of their organization and all the machinery of their government and administration, through county or other boards. The mode and measure of their expenditures are placed in the hands of these boards, or of agents appointed by and responsible to them alone. The State has surrendered all control over the financial management of these institutions, and this bill does not propose to resume it. It makes no provision to that end; it does not even provide for supervision or inspection. All that it does is to require the institutions designated to pay into the treasury of the State all moneys received by them as earnings, and then permits them to draw out therefrom, *ad libitum*, to meet whatever expenses may have been incurred in their support; that is to say, the State voluntarily surrenders all power to limit their expenses, and then generously, rather, should it be said, madly, makes itself responsible for these expenses, though they may rise like the tides of the ocean. No check, no guard, no restriction whatever is provided. Who does not see that a wide door is here opened to all sorts of fraud and peculation, and that a temptation, well-nigh irresistible, is held out to enter and occupy?

Let us a little scrutinize this matter and see what is likely to be the pecuniary result to the State. The present aggregate annual expenditures of these institutions are \$669,525; their present aggregate annual earnings, \$262,519; their present aggregate annual deficiency, \$407,006. Under this bill, if it should become a law, the earnings will shrink and the

expenditures swell, to what extent we cannot say, but certainly the change will be considerable in both directions. There is little doubt that the draft upon the State treasury for the first year would be a half million of dollars; and there is just as little that, even should the number of inmates remain stationary, it will increase from year to year. Another thing: if the penitentiaries and reformatories should become and remain State institutions, it would be every way desirable, and, in fact, as it seems to the committee, essential, that the State should be the owner of the grounds and buildings wherein they are accommodated. The committee is not in possession of exact information as to their value; but, upon a rough estimate, we judge that it would not fall much, if at all, below three million dollars.

Upon the whole, in view of the foregoing facts and considerations, it must be obvious to every reflecting person that, if the change of character and relation proposed by this bill to be given to the institutions named is to be made, it cannot be wisely or safely done by a single line, declaring that moneys earned by them shall be paid to the State, and moneys expended by them shall be supplied by the State; but it must be effected through a bill earnestly pondered and carefully worded, both as to its principle and its details.

As regards the fifth and sixth propositions of the bill, the committee do not consider it worth while to offer any remarks, since, if its provisions are proper in themselves, it is proper that those who violate them should be punished thereof; and in respect to the repeal of existing laws and parts of laws inconsistent with its enactments and the substitution of other legislation in their place, we have already sufficiently declared our opinion.

The committee admit that the complaints of mechanics against the State entering into competition with them, by hiring out at cheap rates the labor of its convicts, are well founded. But this bill would not afford the complete remedies which they seek; and it is evident, from what has been shown, that the interests of the originators of the bill, as well as the general interests of the State and of municipalities, make it necessary that more time be taken in the preparation of the proposed law.

It might be added to what we have already stated, as the probable cost to the State of the legislation proposed by this bill, that if any work at all is to be done by the inmates of our prisons and reformatories, several millions of cash capital (how many the committee have no means of estimating with precision) will have to be supplied out of the public treasury for the purchase of machinery, tools, raw material, and the transaction of the vast and ramified business to be inaugurated in fourteen immense industrial establishments, with an aggregate working population of 7,637 persons.

In conclusion, with all proper respect to the large class of mechanics and working men who asked for, and to the assembly which passed this

bill, your committee find themselves unable to agree, either upon the bill itself or upon amendments, and have therefore resolved to report the bill, as it came from the assembly, for the consideration of the senate, with the recommendation that if, in the opinion of the senate, there is not sufficient time to so amend the bill as to overcome the objections that have been raised against it, the following concurrent resolution be adopted:

Resolved (if the assembly concur), That a commission, to consist of three citizens, be appointed by the Governor (with power to visit the state prisons, penitentiaries and reformatories of the State, and send for persons and papers), whose duty it shall be to examine and consider the whole question of prison labor in its relation to free labor, and report to the legislature within ten days from the beginning of its next session, what legislation, if any, relating thereto is, in their judgment, necessary and expedient: *Provided*, that no compensation shall be made to the members of this commission, other than reasonable expenses incurred while engaged in the performance of the duty hereby laid upon them.

All of which is respectfully submitted.

WM. CAULDWELL.
WM. B. WOODIN.
C. F. NORTON.

The above concurrent resolution was adopted by both houses and has now the force of law. This is probably the best disposition that could have been made of the question, under the circumstances.

XXXII. THE CONSTITUTIONAL AMENDMENT RELATING TO THE PRISON SYSTEM OF NEW YORK.

BY THE CORRESPONDING SECRETARY.

A brief history of this great movement toward prison reform is given in the report of the executive committee, pages 48-51. In his message at the opening of the legislative session of 1870, his Excellency Governor Hoffman recommended an amendment of the Constitution relative to prisons. He did, indeed, point out, in his communication to the legislature, the character of the change he desired. There was no need that he should do so, since his opinions on this question were well known to the public. He took an active part in framing the article in regard to prisons which was incorporated into the amended Constitution by the convention of 1867, and did much toward securing that result. When, therefore, he recommended a change in the Constitution, no one could be left in doubt as to what sort of change he wanted. Accordingly, a concurrent resolution of the two houses, embodying the article which had been adopted by the convention, and which had failed to become a part of the Constitution only because the people were not permitted to vote on it separately, was introduced into the senate early in March, and passed that body by a unanimous vote. When it went to the lower house it was referred to the judiciary committee, which, from the pressure of business growing out of the revision and remodeling of the judicial system of the State, or from some other cause, failed to report it back to the assembly. Consequently, no vote could be had upon the measure in that body, it having died a natural death in the hands of the committee. This was, however, we believe, but a temporary suspension of animation. We do not allow ourselves to doubt that the proposition, revived at the next session, will meet a different fate by receiving a cordial indorsement at the hands of the legislature. In such case there will be no delay in its final submission to the people, as it must, at any rate, be submitted for action a second time to a legislature having a new senate. As a new senate will not be elected till the fall of 1871, such final action of the legislature could not, in any case, be had before the session of 1872.

We append the article as it passed the senate, together with a list of senators who voted in the affirmative. There were no negatives, as before stated.

CONCURRENT RESOLUTION *proposing an amendment to the Constitution relative to State Prisons.*

Resolved (if the assembly concur), That the following amendment to the constitution be proposed for adoption to the people of the state, to wit:

I. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor with the advice and consent of the senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years; and vacancies in the office of manager, thus or otherwise occurring, shall be filled in like manner.

II. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to county jails and other penal and reformatory institutions in the State as the legislature may prescribe.

III. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the legislature or the board may prescribe, and shall receive a salary to be determined by law.

IV. The members of the board shall receive no compensation other than reasonable traveling and other expenses, incurred while engaged in the performance of official duty.

V. The board shall appoint the warden (or chief officer), physician, chaplain, and clerk (or financial officer) of each State prison, and shall have power to remove them for cause, after an opportunity to be heard, on written charges. All other officers of each prison shall be appointed by the warden thereof, and be removable at his pleasure.

VI. The governor may remove either of the managers for misconduct, incompetency or neglect of duty, after opportunity to be heard on written charges.

VII. This amendment shall go into effect the first Monday of January after its adoption by the people; from and after which date, section four of article five of the constitution shall be null and void.

Adopted by the following vote:

Affirmative: Messrs. Blood, Bowen, Brand, Canldwell, Chapman, Elwood, Frost, Genet, Hardenburgh, Harpending, Hubbard, Kennedy, Lewis, Lord, Minier, Murphy, C. F. Norton, Parker, Pierce, Sanford, Scott, Thayer, Tweed, Winslow, Woodin—25.

Negative—none.

XXXIII. THE DEATH PENALTY.

BY THE CORRESPONDING SECRETARY.

The following essay was originally, as will be seen, addressed to the editors of the *Presbyterian*, a religious newspaper published in Philadelphia:

MESSRS. EDITORS—Some weeks ago there appeared in the *Presbyterian*, under the above heading, an editorial article, of which the following was the opening paragraph:

"A correspondent wishes to discuss the question of capital punishment in our columns, as the advocate of the abolition of the death penalty. We respectfully decline. We would as soon think of admitting an advocate for the abolition of the second commandment. We believe that God has given in his word an 'ancient, universal and unchanging law of homicide,' as Dr. Taylor Lewis well describes it, and that it is not left for man to determine whether it is obligatory. It is not a question of expediency; it is simply a question of divine law. It is not a question of Jewish custom; it was a divine command, given long before the Jews had a place in the world. It was given to Noah (Gen. ix. 6) before Abraham was called out of Ur of the Chaldees, or had begun his pilgrimage to the land of promise. All the circumstances under which it was given prove that it was meant to be universal—given not for a nation, or one select people, but for the whole race in all time. And all the republications of this law, in the codes of particular nations, are but local applications of this primitive and universal law, given by God to the second progenitor of the race, as he went out with his family to repeople the earth."

If my purpose in this communication were to "advocate the abolition of the death penalty," I certainly could not send it to you, with any expectation that you would give it the hospitality of your columns. But I do not propose any such advocacy; and if I were a member of the legislature of my own State or of yours, on a proposition for the abolishment of the death penalty, my vote would be recorded in the negative. Still, I hold views as to the principles inhering in this question, and I hold an interpretation of the "law of homicide" enunciated in the passage to which you refer, differing, I presume, materially from yours; and, for the statement of these views, I respectfully ask the necessary space in your paper, promising to make the statement as short as possible, without too much weakening the argument. What I propose is a philosophical and critical discussion, not any advocacy of a change of the law, which ordains death as the penalty of assassination.

It is the will of God that government should exist among men, to the end that life, liberty, property, and the pursuit of happiness may be secure. But while God wills government, he has not ordained any

uniform frame of government for all mankind. The origin of government is two-fold—divine and human. It is divine, because God wills it; human, because men contrive it. Or, to vary the phraseology, but retain the idea,—the essence of civil power is from God, its accidents from men; the root is divine, the branches human. To apply this doctrine: God wills that property shall be secure, and to this end he wills that they who violate the right of property shall be punished; but he has not designated and made universally obligatory any particular mode of punishment—restitution, imprisonment, stripes or death. The punishment itself is his ordination; the mode of punishment he leaves to the determination of men, in the use of those powers of understanding, judgment and conscience, with which he has, to this end among others, endowed them. In like manner, God wills that human life shall be secure, and to this end he further wills that they who invade and destroy it shall be punished. But here, again, as I shall endeavor to show further on, the mode and measure of punishment are left to the judgment of men. The aim of the Supreme lawgiver is that life shall be safe from the hand of the assassin; when that end is met, his will is fulfilled. If nothing will secure the life of a citizen but the death of the murderer (and there are doubtless conditions of society when such is the case), then God wills the death penalty; there can be no doubt of that. But if a lighter punishment will as effectually—and, *a fortiori*, if it will more effectually—secure the end in view, then, on grounds of reason alone, we may believe that God wills that punishment, whatever it may be. If imprisonment for a single year or a single day will really make human life secure, such a penalty cannot but satisfy the divine mind. The whole intent of the Creator in ordaining penalties—this or any other, is exhausted, when the end proposed is attained. Of this there can—rationally, be no more doubt than that the sun is a luminous, the earth an opaque body. God does not take pleasure in suffering, viewed in itself. He takes pleasure in righteous ends, and in suffering only as it secures those ends. How often do we hear Calvinistic divines reason (and rightly, too), from the fact of Christ's death to its necessity, on the ground that God never inflicts suffering wantonly. And are we called upon to believe that he requires of his creatures what he recoils from himself? One thought here in passing: It is the *certainty* much more than the *severity* of punishment that arrests transgression. If the man who kills his fellow man were as sure to suffer five years imprisonment, as he is to be burned on thrusting his hand into the fire, who would venture on assassination? I am persuaded that the number would be very few.

If these premises are just, the conclusion is inevitable. What is that conclusion? Not, certainly, that the death penalty is contrary to the will of God; nor even that it is unnecessary, and may be dispensed with. It is that the death penalty is purely a question of expediency;

that is, it is simply a question whether death or some other punishment is the more efficacious in restraining murder. It is taken out of the category of things immutable, and transferred to that of things to be examined and judged by the light of history and human experience. Whether hanging or imprisonment is the more effective, is a question of fact, to be determined solely by an induction of particulars broad enough to sustain the conclusion claimed. Assumption is nothing in this argument—observed results, every thing. If the advocates of the death penalty can show, by *indubitable proofs*, that the fewest murders are the result of that punishment, I am with them; if its opponents can show, *beyond dispute*, that such a result follows upon the adoption of their method of dealing with this crime, then I am unhesitatingly and joyfully on their side. For myself, as already intimated, I do not believe that society is yet in a condition to dispense with the death penalty. I hope the day will come—and I long for its coming—when it may be abolished, not only without detriment, but with advantage to social security.

Aye, but what of the scriptural argument? What if there is, as alleged, "a law of homicide, ancient, universal and unchanging," ordained by the Creator "for the whole race in all time?" I answer that if, on a review of that law, I am not convinced by fair argument, and without forced and unnatural constructions, that the common interpretation of it is erroneous, I will stand by the law against all assailants; for I yield to no man in the depth of my conviction that the word of God, as contained in the scriptures of the Old and New Testaments, is divinely inspired, and the only infallible rule of faith and practice.

Time was when the law of capital punishment was regarded as divinely given and forever unrepeatable, because embodied in the Mosaic legislation. But that position has been long since abandoned. It is now conceded, on all sides, that the civil code of Moses was Jewish law only, just as the twelve tables were Roman law alone. Both are valuable sources of light in the study of legislative science—one more valuable than the other—but neither is binding, or ever has been binding, on other peoples and governments. But the law announced to Noah after the flood is still regarded by most biblical interpreters as—in the words of Taylor Lewis, which you cite—"an ancient, universal and unchanging law of homicide." Your reference for the law to Gen. ix. 6 only gives the one-half of it, and cuts away the other half, which is absolutely essential to a correct interpretation. The whole passage reads thus: (5) "And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. (6) Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God created he man." I have, as you see, caused to be printed in

italics the words which furnish the key to the true interpretation. This is simply and purely the law of *goelism*, or blood avengement, whereby the nearest of kin to a murdered man was bound, by the law of honor, to pursue the murderer to the ends of the earth, and, whenever and wherever he should be overtaken, to plunge a dagger into his heart. In an early and semi-barbarous stage of society, before the institution of courts, this is probably the only protection that human life can claim. The passage cited is, no doubt, a restatement, or if you will, a republication, of a more ancient consuetudinary law that existed in the antediluvian era. This would be a reasonable presumption, even if there were no record on which to base it. But there is such a record, which converts the presumption into well nigh a certainty. It is contained in the fragmentary statement (Gen. 6: 13): "The earth is filled with violence." What more natural than that—as there were then no established tribunals to deal with the crime of murder—the old consuetudinary law should be revived? It had been familiar to Noah and his sons for hundreds of years—the only law, probably, known to them as a shield against murderous violence; and, bad as it is, all must admit that it is much better than none. But whoever may have been a friend of this law, it is most evident that Moses was *not*, since the whole intent and scope of his statute creating cities of refuge was, not indeed to annul the law of *goelism* (*that would then have been a far more difficult undertaking than is now the effort to stop the reading of the Bible in common schools*), but to render it nugatory. He did not, then, I say, attempt a repeal. He was too wise for that, being divinely led, for the institution (and it had attained to the dignity of an institution) rested on the sentiment of honor, one of the strongest and most ineradicable principles of the human soul. The obligation of this law of *goelism* was often most keenly felt by the man on whom it laid its iron grasp, compelling him, not unfrequently, to become the enemy of his dearest friend, and to hunt for his life, if need was, through every region of the globe; and instances have been known where, after taking the life of his friend, he used the same dagger for the destruction of his own. Now what was the procedure of Moses? He did not annul the law, for that would have raised a fearful storm, if not a revolution; but in the most gentle and quiet manner, and with a wisdom which was, which *must* have been, of divine suggestion, he took the very heart out of it, by enacting that, on the slaying of his kinsman, the *goel* was still free to pursue the slayer, and if he caught and killed him before he reached a certain place, called a "city of refuge," no inquisition should be made into the act, because done in obedience to the well known command of honor; but if the killer of his relative entered the gates of the city of refuge, which were to stand open night and day, then the requirement of honor was satisfied, and not only did the obligation of further pursuit cease, but the law interposed a shield to forbid it.

The city of refuge afforded no ultimate protection to a real murderer; it simply assured to him a legal investigation and a judicial sentence, whether of condemnation or acquittal. *There was no acquittal under the law of blood-avengement*; the inexorable sentence was death, when the slayer was overtaken and overpowered, and that whether the killing had been accidental or malicious; and this same law of honor required the perpetuation of the feud from sire to son, and exacted the payment of blood for blood, through successive generations. Instances have been known where the blood-avenger and his victim have both been descendants of the original parties to the quarrel at the fourth remove. The whole effect of the institution of cities of refuge was, first, to moderate the exorbitant demands of honor; and, secondly, to substitute an organized court of judicature for the blind and undying rage of *goelism*. Thus we see that the same Divine Being who authorized, or, if you insist, enacted *goelism*, when that was the only agency whereby human life could be shielded from the dagger or the club of the assassin, abolished it and substituted a better, when society had advanced to a stage of civilization, in which resort could be safely had to milder and juster methods of administration. It is true that he retained the death penalty, for (besides the fact that imprisonment was unknown to the Mosaic law, though at a later period it crept into Jewish practice) society was not prepared for, and could not have borne, its abolishment then. I do not think it even yet ready for such a change. But, from the fact that God abolished *goelism*, once his own institution by sanction, if not by ordination, and replaced it with organized tribunals and regular trials, when the world had become prepared for such processes—from this fact may we not justly argue that yet more humane modes of punishment will meet his sovereign approval, whenever they will as well or better protect the rights and interests of society, than the sterner and harsher ones, now and heretofore employed?

It may be asked whether a line of argument, such as that pursued above, does not impeach the divine holiness? whether it does not derogate from the goodness and wisdom of God to establish institutions in one age which he intends to destroy, and which ought to be destroyed, in a later? I answer, without hesitation, in my judgment, not in the least. Nothing can be plainer from Scripture than that, in the frame of government which God gave to the Israelites at the hands of Moses, he sanctioned, by solemn enactment, institutions which he did not look upon as the best in themselves, but only as the best for the times, and which should, in the roll of ages, by divine intentment, be replaced by better. He himself declares, by the mouth of a prophet, that he gave to the Hebrew people, through Moses, "statutes which were not good." There can be no doubt what this means. The principle of the statement is the very same as that contained in the declaration of a human lawgiver, who, when asked whether he had given the best laws to the

Athenians, replied: "The best they can bear." But it is to be carefully noted, and never forgotten, that the "statutes not good," the institutions destined, in his purpose, to ultimate overthrow, were never those which he originated of his own sovereign choice, but *always* those which, from ages of familiarity, were already entrenched in the affection, the habits, the interests and the prejudices of men. Such were polygamy, extra-judicial divorce, and slavery, in the Mosaic code. As regards the first two, our Saviour himself explains the ground of toleration; it was because of the "hardness of their hearts;" *i. e.*, substituting for this phraseology its modern equivalents, it was—since it is of enactments in a body of civil laws that he speaks—on considerations of political expediency. As to slavery, it never had a stronger adversary or a more "hearty hater" than Moses; but he did not uproot it by one mighty wrench, for that would have been to do violence to what was then the common sentiment and the common practice of the race, and would have involved an upheaval of all the bases of society. But he put in motion a train of influences which were intended to destroy it, and did destroy it; and that, not as among us, "with confused noise of the battle of the warrior and garments rolled in blood," but gently, peacefully, without tumult or commotion; above all, without the shedding of fraternal blood. Of the same class of institutions, beyond a doubt, at least I have no doubt of it, is this law of goelism, recognized or established, as you like, in the oracle given to Noah in the second infancy of the race. It belonged to the category of "statutes not good"—good it was for those times, but "not good" for all time. The times, then being, were not ripe for a better law. No doubt God could, by his power, have made them ripe in an instant. No doubt it was within his election to overrule the wills of men by an act of omnipotence. But such is not his method, and "he giveth no account of his matters." He moves and sways the human will by motives adapted to that end; and he employs that will, and all the other powers of man, in the slow, pains-taking, toilsome labor of self-civilization and self-improvement. There is an old proverb—quaint though true—that "the mills of God grind slowly, but they grind exceeding fine." So his benign and gracious purposes are of tardy evolution. "A thousand years are with the Lord as one day." Men work in their little hour; God works in the ages. In the comprehensive sweep of his knowledge and wisdom, he sets agencies in motion which require long centuries to evolve their designed and normal issues; and not till those centuries are numbered does he bring forth his "perfect work." What wonder, then, that in his inscrutable but ever wise and righteous providence, he should sanction, successively, different modes of punishment to shield and assure the sanctity of human life—goelism, death inflicted under legal forms, and imprisonment for a longer or briefer period, as society advances from one degree of civilization to another, and milder penalties can thus be made to take the place and do the work of the shorter, sharper, sterner methods of an earlier age?

XXXIV. TALE OF A CELL.

BY A CONVICT IN SING SING PRISON.

We print the following, not because it is the production of a convict, nor even because it is a production of extraordinary merit and poetic beauty, but because *it has a moral*. The writer evidently "speaks that he knows, and testifies that he has seen," and *felt*, too. The poem is an out-gush, an overflow of the heart. Let those whom it concerns ponder the lesson it conveys, and *HEED IT*.

AH ME! how many years have flown,
My wearied mem'ry scarce can tell,
Since, piece by piece, and stone by stone,
They wrought me in this dismal cell.
Through storm and calm, and sun and rain,
Six thousand years since I had birth,
On yonder hill-side I have lain,
Soft in thy bosom, Mother Earth.

But rude men sought my resting-place,
And with a sudden, fearful shock,
They tore me from thy strong embrace,
The wreck of a once mighty rock.
They formed me in this living grave,
A thing abhorred, a loathsome den:
Here am I now, man's wretched slave,
To guard and grind his fellow-men.

I recollect the time as well
As if it were but yesterday,
When I was but a new-made cell;
My naked walls were cold and gray,
For then I had not been o'erreached
By sad and never-ceasing care;
Long years of misery have bleached
My sombre sides like whitened hair.

'Twas summer-time, and hill and dell
And plain with loveliness were strewed,
When my first inmate came to dwell,
Companion of my solitude.
The earth was redolent with life,
Of all that's beautiful and fair,
With birds and flowers and foliage rife,
That sang, or bloomed and budded there.

The setting sun's departing ray
 Just pierced the darkness lone and drear,
 When strange men came from far-away,
 And brought the trembling captive here.
 He was a stripling yet, and one
 Who ne'er had tasted grief till then :
 Poor child! he had but just begun
 To live his three-score years and ten.

Upon the threshold of the door
 He shrank as from the touch of death ;
 His heart beat faster than before,
 And hot and hurried was his breath.
 I saw him shudder and grow pale,
 When clanged the door—poor captive bird!
 He sighed, and then a low, sad wail
 Of speechless agony was heard.

He leaned upon his prison-bars,
 And gazed until the sun went down,
 And one by one the twinkling stars
 Glowed bright in Night's imperial crown.
 But the broad sky was shut from view ;
 A glance upon the rippling wave,
 And one small strip of heaven's blue
 Was all his narrow window gave.

Yet there one little star appeared,
 On which he gazed until it wore,
 The semblance of a face endeared
 By ties that he should know no more—
 The ties of mother and of son ;
 No stronger bonds on earth are known :
 Perhaps it was that same dear one,
 That beckoned her lost child to heaven.

And recollection, sad but sweet,
 Stole o'er his senses like a thief ;
 And he, unconscious of the cheat,
 Forgot his shame, forgot his grief.
 His thoughts were far away from here,
 'Mid scenes where once he used to roam ;
 With friends and kindred, fond and dear,
 Within his childhood's happy home.

There were his sisters, young and fair,
 And there his brothers, stout and tall,

And there his aged sire, and there
 His mother, dearest of them all.
 Again he lived his childish hours,
 So gay, so good, and yet so brief,
 So strewn with pleasure's blooming flowers,
 He scarcely saw the thorn of grief.

Where'er he moved, whate'er he saw,
 His mother's form was ever there ;
 With her, in reverential awe,
 He knelt at morn and evening prayer :
 With her, each holy Sabbath-day,
 He listened to God's sacred word ;
 'Twas she who taught his lips to pray,
 And his young heart's devotion stirred.

And when he stretched his wearied form
 Upon the couch he used to share,
 That little bed, so soft and warm,
 Was made by that fond mother's care.
 He saw her, wasted, wan, and pale,
 But with that faith that never dies,
 Admitted, through Death's shadowy vale,
 To life eternal in the skies.

Before the last of life had fled,
 As he stood weeping by her side,
 "I'm going home, my child," she said,
 And bade him meet her there, and died.
 He saw her borne to her last bed,
 By fellow-travelers to the grave,
 The silent "city of the dead,"
 Where mourning yew and cypress wave.

And ere he well could comprehend
 A mother's love, a mother's worth,
 He saw her coffin'd form descend—
 "Dust unto dust, and earth to earth!"
 He saw his home deserted, bare,
 Bereft of all that made it dear ;
 His kindred gone, no thing was there
 Of all he used to love, revere.

And then he wandered forth, apart
 From all that blessed him when a child—
 Unintored in the world's black art,
 Temptation his young heart beguiled.

The crime, arrest, confinement, shame,
 The trial, sentence, felon's cell,
 Passed through his mind like with'ring flame;
 'T was conscience—first crime's fiercest hell!

Dim grew the little star's bright beam,
 A dark cloud o'er the heavens crept:
 The captive started—'t was no dream;
 And then he turned aside and wept.
 'T was his first crime, and guilt and fear
 Had pressed him deeply, darkly down;
 No penitential grief could cheer,
 No tears his crying conscience drown.

Though night advanced, and darkness stole
 With midnight blackness o'er the skies,
 No hope had soothed his troubled soul,
 No sleep had closed his weeping eyes.
 A sudden thought his bosom thrilled,
 A hope by mem'ry long delayed,
 His grief subdued, his passion stilled,
 And on the ground he knelt and prayed.

And ere he could that prayer repeat,
 "Or echo answer from the hill,"
 A "still, small voice," divinely sweet,
 Said, "Peace, thou troubled soul, be still."
 He slept—the tranquil sleep of those
 Who feel no guilt and fear no hell—
 The weary sinner's sweet repose,
 When danger's past, and all is well.

He woke when morning's purple beams
 Along the hill-tops richly glowed;
 And as he rose from his sweet dreams,
 And gazed around his grim abode,
 O'er his fair face there came a shade,
 And in his eyes a strange light burned;
 He looked bewildered, lost, afraid,
 Till, one by one, his thoughts returned,

Bringing his terrors back again,
 In all their darkest hues arrayed;
 But faith and hope sustained him then;
 Again he wept, again he prayed;
 And there, unseen by mortal eye,
 On that bright morn, serene and still,

With heart and hands uplifted high,
 He vowed to do his Maker's will.

And when they took him forth that day,
 Among his brotherhood in sin,
 To toil with them, he went his way,
 Cheerful without and calm within.
 And night, returning, brought no change;
 He knew the justice of his lot,
 And to its mandates, harsh and strange,
 He meekly bowed and murmured not.

Thus day by day, each morn and night,
 Sad but resigned, he went and came,
 Still mourning o'er his wretched plight,
 His buried hopes and early shame.
 Thus months like ages passed away;
 A change came o'er the convict lad;
 Sometimes his heart was almost gay,
 And sometimes very, very sad.

And often, by the night-lamp's flame,
 I saw his youthful features wear
 A vengeful look, that ill became
 The face of one so young and fair.
 I knew not what it was that made
 His heart grow colder day by day;
 I knew not why his hope decayed,
 Nor why at length he ceased to pray.

But sometimes, in his absent moods,
 With flashing eye and actions strange,
 He muttered long, like one who broods
 O'er bitter wrongs and sweet revenge.
 At length he came not back again—
 One winter's evening bleak and chill,
 I watched and listened, but in vain—
 The doors were closed, and all was still.

And morning went and came again,
 And went and came for five long weeks,
 Ere he returned, sick and in pain,
 With sunken eyes and hollow cheeks;
 His haggard face and matted hair
 With dungeon dirt and damp defiled;
 The hate, the anguish and despair,
 Seen in his glances fierce and wild.

The muttered curses, deep and long,
 That bubbled up at every breath,
 All told a tale of ruthless wrong,
 Of smothered ire, revenge and death.
 Again he knelt, but not in prayer,
 And called on God, but not for grace;
 But with blasphemous oaths to swear
 Undying vengeance on his race.

Calmly he laid him down, as lies
 The weary tiger in his den;
 Calmly in sleep he closed his eyes,
 O'er his fell purpose brooding then;
 But even while he slumbered there,
 His injured spirit scorned repose.
 And other scenes, in forms of air,
 Around the restless sleeper rose.

That night the mystery that draped
 The convict's fearful fate was broke,
 And in his fevered sleep escaped
 From lips that all-unconscious spoke.
 I saw the secret of his heart
 By slow and sure degrees unfold,
 As night by night, and part by part,
 His sad and cruel tale was told.

The slave of men,* who bought and sold
 Their brother felons for a price,
 Whose creed is gain, whose god is gold,
 Whose virtue is another's vice;
 Who live by crime, and rave and storm
 At those who hate their hellish lust,
 Curse God, religion and reform,
 And all that makes men good and just.

Who seemed to think him born to be
 The slave of a contractor's will,
 To doff the cap and bend the knee
 To keepers meaner, viler still.
 In vain he sought, by gentle tones,
 Respectful speech and humble air,
 To please the pompous, senseless drones
 Employed to drive him to despair.

* The contractors.

In vain he toiled with all his might
 His grinding masters to appease;
 In vain he wrought from morn till night,
 Heart-sick, and wasted by disease.
 He could not sate their thirst for gain,
 And when exhausted nature's store
 Of health and strength began to wane,
 They never ceased to cry for more:

But dragged him forth, I know not where,
 To scenes from which the thoughts recoil,
 Till death should free, or strong despair
 Should lend him energy to toil;
 Or torture's keenest, fiercest pains
 Should grind his very soul away
 To swell a grasping miser's gains,
 Or swell a tyrant jailor's sway.

He spoke of dungeons, where no light
 Can ever pierce the noisome gloom,
 Whose icy chill and long, long night
 Outvie the horrors of the tomb;
 Where time appears so loth to leave,
 Each moment seems an age of care;
 And noon and night, and morn and eve,
 Are all alike to dwellers there.

Where the lone wretch in terror quaked,
 While madness darkened o'er his brain;
 And nought the deathlike stillness waked,
 Save the dull clank of his own chain,
 As blindly, fearfully he groped
 In solitude complete, profound;
 Or, half unconscious, sat and moped
 Upon the cold and slimy ground.

He spoke, with agonizing cries,
 Of tortures pen can ne'er depict,
 That none but demons could devise,
 And none but hell's foul fiends inflict;
 Now writhing as in mortal pangs,
 Now gasping hurriedly for breath,
 Now trembling like the wretch that hangs
 Suspended o'er the brink of death.

Defiant now, and now dismayed,
 Now struggling with an unseen foe,

He smiled, and frowned, and cursed, and prayed,
 In accents piteous and low.
 So, day by day, and week by week,
 His bed the grave-cold granite stones,
 While hunger gnawed his pallid cheek,
 And almost bared his aching bones.

Debarred the sweet, reviving air,
 The shining sun and azure sky,
 The pale, pale victim in despair,
 Outlived the death he longed to die.
 Thus often, when the night unrolled
 Its sable screen o'er land and sea,
 The all-unconscious dreamer told
 His cruel wrongs to God and me.

And while he murmured in his sleep
 His tale of sorrow and distress,
 I knew he suffered pains too deep
 For pen or pencil to express.
 I knew it by the sunken eye,
 Distorted face and blood-stained lip;
 The sweat, the tear, the groan, the cry,
 Convulsive grasp, and death-like grip:

I knew it by the heart's hard beat;
 I knew it by the bursting brain;
 I knew it by the fever-heat,
 That burned and blazed in every vein;
 I knew it by the fearful lines,
 That mortal woe and anguish wear,
 I knew it by ten thousand signs
 Of great and measureless despair.

How changed since first they brought him here,
 A timid, trembling, weeping boy;
 No foes to hate, and none to fear,
 No friends to grieve, and none to joy.
 Respectful, willing, meek, benign,
 He toiled, as for a royal crown —
 Rejoiced by an approving sign,
 Disheartened by an angry frown.

As pliant as the potter's clay,
 They might have moulded him at will
 For honored happiness, had they
 The wish, the justice or the skill;

But those who should have taught his mind
 By precept and example loud
 Were stone-blind leaders of the blind;
 Base, overbearing, lawless, proud.

Exactng, cruel, harsh, and grim,
 In Christ no hope, in heaven no share,
 They went not in, and hindered him
 Who gladly would have entered there.
 With no kind Christian friend to steer
 His drifting bark to ports above;
 No eye to pity, tongue to cheer,
 Or loving kindred heart to love;

Condemned to herd with those who sought
 His purer nature to defile,
 Whose every word, and deed, and thought,
 Was vile, the vilest of the vile.
 To them, the vicious and depraved,
 In his extremity he turned;
 With them he sought the cheer he craved,
 The sympathy for which he yearned.

They welcomed him to darker shame,
 A baser life, a deeper fall;
 And the once childlike youth became
 The vilest, sternest of them all.
 Rebellious, scornful, fierce, profane,
 Vindictive, stubborn, void of fear;
 Well might I marvel and exclaim,
 How changed since first they brought him here!

Time went as time has always went —
 In pleasure swift, in sorrow slow;
 And soon, unfettered and unpent,
 He would be free to come and go.
 Enraptured thought! ah, could it be?
 He scarcely dared believe it so.
 But time rolled on, and he was free:
 But was he truly happy? No!

No, life had nothing left for him;
 No joy to lend, no boon to give;
 He could not sink, he could not swim,
 But struggling, dying, doomed to live!
 Yes, live, though life's bright sun had set,
 He cared not how, he thought not why;

He knew that he must live, and yet
Forgot, alas! that he must die.

I saw him when, in after-times,
With nothing left of sin to learn,
He came again for darker crimes,
A bearded ruffian, hard and stern.
He mocked at those who brought him back,
And laughed to scorn their idle threats
What torture from his frame could rack
The sum of his unmeasured debts?

He laughed to think how many times
He'd sinned unpunished and uncaught;
What nameless and unnumbered crimes
That "red right hand" of his had wrought;
He laughed when he remembered how
His wrongs were soothed in human woes;
And he but one lone captive now,
To his ten thousand thousand foes.

He cursed the faithless hopes that first
His too confiding heart beguiled;
He cursed his innocence, he cursed
The dreams that mocked him when a child;
He cursed his lonely prison-den,
And death, hell, and the grave defied;
He cursed himself and fellow-men;
He cursed his Maker, God, and died.

The world will never know the wrong
That drives its erring children back
To deeper crime, and those who throng
Destruction's broad and beaten track.
'T will never know the trusts betrayed,
The worth its wolfish tools devour;
'T will never know the prices paid
To sate the cruel pride of power!

XXXV. PROPOSED NATIONAL AND INTERNATIONAL CONFERENCES ON PENITENTIARY AND REFORMATORY DISCIPLINE.

BY THE COMMITTEE ON THE ANNUAL REPORT.

It is nearly a year since the movements referred to in the heading of the present paper were first suggested. Since that time they have been before the public in a variety of forms; have awakened extensive interest; and have been widely regarded as likely to hasten the progress of prison reform throughout the world. Persons interested in questions of this nature, in our own and other countries, will naturally look to the Annual Report of the Prison Association for information concerning the state and prospect of movements likely to have so important a bearing on their solution. We deem it our duty, and it is certainly our pleasure, to gratify this reasonable expectation.

We cannot begin our statement better than by citing the text of a short article in the "General Intelligence" department of the second number of the *Journal of Social Science*, under the caption "International Congress on Criminal Law Reform and Penitentiary and Reformatory Discipline." Says the editor:

"At the stated monthly meeting of the Executive Committee of the Prison Association of New York, held in May last, the Rev. Dr. Wines, Corresponding Secretary of the Association, submitted a paper on this subject. Said paper, after reciting in a preamble that prison discipline constitutes at once a vital interest of society and one of the gravest problems of social science, that this question has awakened a wide interest and been earnestly studied within the present century, that experiments of great value have been recently made in different countries, and that it seems highly desirable that opportunity for conference and a general comparison of views should be had, states the opinion that the time has come when an International Congress on Criminal Law Reform and Penitentiary and Reformatory Discipline may be successfully inaugurated and held with the best results. The proposition being new and grave, action upon it was postponed for further consideration.

"With a view to eliciting opinions that might aid the Executive Committee in its decision, the Secretary, on his personal responsibility, addressed a circular letter to a number of gentlemen, asking their views as to the policy of the proposed conference. More than forty replies

were received, mainly from governors of States, wardens of prisons, and superintendents of reformatories, all, with one or two exceptions, strongly favoring the proposition. Mr. Commissioner Hill, of England, said: 'I heartily approve of the proposed Congress.' Sir Walter Crofton, author of the Irish Prison System, said: 'I think that an International Conference, in accordance with your programme, will be of very great value.' Mr. Bonneville de Marsangy, of France: 'I applaud, with all my heart, your idea of an International Congress.' Among American gentlemen favoring the project may be named Ex-Governor Seymour, Hon. Charles Sumner, Gen. Amos Pilsbury, Gideon Haynes, Z. R. Brockway, F. B. Sanborn, Dr. S. G. Howe, and Samuel Eliot, President of the American Social Science Association. Gov. Seymour said: 'I think well of the plan of an International Congress on Prison Discipline. I will do what I can to promote the project.' Senator Sumner said: 'An interchange of opinion and experience on the treatment of prisoners would be of great value.' Dr. Howe: 'By all means, let us come together.'

"At the stated meeting of the Executive Committee of the New York Prison Association, in June, the question of the Congress was again laid over, with an informal understanding that the Secretary would continue his correspondence on the subject. Accordingly, a second circular was sent out, of the same general tenor with the first, and containing extracts from answers thereto. In reply, one hundred and thirty-two letters were received—thirty-six from foreign countries, and ninety-six from our own. Of those from abroad, seventeen were from England, three from France, two from Ireland, one from Scotland, two from Belgium, two from the Netherlands, two from Canada, two from Denmark, one from Italy, and one from Bremen. All of them favor the Congress; most of them strongly. The ninety-six letters from gentlemen in the United States are thus classified—twenty-six from governors of States; two from ex-governors, twenty-four from wardens of prisons, three from other prison officers, twelve from superintendents of reformatories, two from chaplains of reformatories, sixteen from gentlemen connected with penal and correctional institutions as inspectors or managers, six from gentlemen connected with boards of State charities, and eight from other persons interested in prison discipline. All the governors of States who replied to this circular expressed approval, and promised co-operation; and the other gentlemen, without exception, regarded such a conference as likely to result in much good.

"At the stated meeting of the Executive Committee of the Prison Association, in September, a committee, consisting of Theo. W. Dwight, Francis Lieber and E. C. Wines, was appointed to meet a similar committee of the Philadelphia Prison Society, composed of J. J. Barclay, Jos. R. Chandler and A. J. Ourt, to consider and take action in reference to a National Conference on Prison Discipline, to which joint-committee

was also referred the question of an *International* Conference on the same subject, for such recommendation as they might think proper to make thereon to the National Congress. The above joint-committee held a meeting in New York on the 22d of November, and passed resolutions affirming the expediency of a National Congress for conference on criminal punishment and correctional discipline; designating the classes of persons of which the Congress should be composed; appointing the time and place for holding the meeting; and recommending the appointment of a joint-committee of arrangements, to consist of five members from each society. This action was reported to the New York Prison Association at its monthly meeting, on the evening of the 25th November, which thereupon passed a resolution to the effect that, on further consideration, it judged it inexpedient to take the initiative in calling the proposed conference at the present time.

"The New York Prison Association, having thus declined taking the lead in this movement, the following call was issued—signed by leading officers of prisons and reformatories, and by friends of prison reform throughout the country: "The undersigned, deeming prison discipline a vital interest of society, as well as one of the gravest of social problems, and on both these grounds worthy of the closest study and freest discussion, cordially unite in calling a National Congress for conference on criminal punishment and reformatory treatment, to be held in the autumn of 1870, in the city of Cincinnati, the Board of Directors of the Cincinnati House of Refuge having signified that such a conference would be welcomed in that city. [Here follows the nomination of thirteen gentlemen to act as a Committee of Arrangements.] We recommend that the Committee of Arrangements and the Conference give consideration to the question of an International Congress on Penitentiary and Reformatory Discipline."

"The above call is signed by John David Wolfe, President N. Y. Prison Association; Theo. W. Dwight, Chairman Ex. Com. N. Y. Prison Assoc.; E. C. Wines, Cor.-Sec. N. Y. Prison Assoc.; Gideon Haynes, Warden Mass. State Prison; Amos Pilsbury, Supt. Albany Penitentiary; Z. R. Brockway, Supt. Detroit House of Correction; Henry Cordier, Warden Wisconsin State Prison; R. Burr, Warden Ohio State Prison; B. Wardwell, Warden Virginia State Penitentiary; Oliver S. Strong, Prest. Board Managers N. Y. House of Refuge; the entire Board of Directors of the Cincinnati House of Refuge; and some sixty other gentlemen.

"The matter has now taken such a shape that the International Congress will undoubtedly be called, and will probably be held some time in 1871 or 1872. We believe that, by collecting and diffusing information, by discussing and settling principles, by quickening the public interest, and by educating public opinion on questions connected with penitentiary and reformatory discipline, the Congress will form an era in the progress of this great interest of society."

Such is the account of these movements given by Mr. Villard, secretary of the Social Science Association, and editor of the Journal in which its Transactions are published. It is correct, as far as it goes. But the proposed conferences have a history subsequent to the date of the paper which we have cited. The call for a National Prison Congress, as given by Mr. Villard, had ninety-one signatures, classified as follows: Wardens and superintendents of prisons, 25; superintendents of reformatories, 17; members of prison and reformatory boards, 22; members of boards of state charities, 8; chaplains of prisons and reformatories, 4; general philanthropists, 15. The committee of arrangements, as constituted by the signers of the call, with two additions, since made by the committee itself, are: Theo. W. Dwight, Oliver S. Strong, B. K. Pierce, and E. C. Wines, of New York; F. B. Sanborn, Gideon Haynes, and Marcus Ames, of Massachusetts; T. H. Nevin and A. J. Ourt, of Pennsylvania; D. C. Gilman, of Connecticut; Z. R. Brockway, of Michigan; A. E. Chamberlain and A. G. Byers, of Ohio; Charles F. Coffin, of Indiana; and F. H. Wines, of Illinois. The committee held a meeting in New York, on the 9th of February, 1870, ten members being present—two of them from the most distant points in each direction, Massachusetts and Illinois. An organization was effected by the appointment of F. B. Sanborn, as permanent chairman, and B. K. Pierce, D.D., for secretary. Mr. Z. R. Brockway was chosen temporary chairman, to preside till the arrival of Mr. Sanborn. At this meeting, Cincinnati was definitively fixed upon as the place, and the 20th of September, 1870, as the time, for holding the congress. A general list of topics for discussion was agreed upon, and it was voted that the following classes of persons be invited to attend and participate in the proceedings, viz.: 1. Governors of States, or persons deputed to represent them; 2. Members of boards of state charities; 3. Members of prison boards; 4. Members of reformatory boards; 5. Wardens of state prisons and houses of correction; 6. Superintendents of juvenile reformatories; 7. Chaplains of prisons and reformatories; 8. Physicians of same; 9. The same classes of persons in Canada as in the United States; 10. Members of the legations, resident at Washington, from the Republics of North and South America and the Empire of Brazil; 11. Representatives from prison discipline societies; 12. Such other persons as the committee of arrangements may think proper to invite. A sub-committee of five, consisting of Messrs. Sanborn, Pierce, Brockway, Chamberlain and Wines, was appointed to act in the recess of the general committee, and clothed with all the powers of the same. A resolution was unanimously passed, to the effect that "the committee approve the suggestion of an International Congress on criminal law reform and penitentiary and reformatory discipline, and recommend that the National Congress take such action as it may deem suitable on this subject."

The sub-committee met at Springfield, Mass., on the 25th of March, and made further progress in the preliminary arrangements for the congress. Among other things, it was agreed that papers on the following subjects should be asked from the gentlemen whose names are appended to each:

Comparative View of Prison Discipline in Europe and America: Baron Franz Von Holtzendorff, LL.D., Professor of Law in the Royal University of Berlin, Prussia.

The "Inner Mission"—Reformatory Work in Germany: John Henry Wichern, D. D., Founder of the Raabe Haus, Amsterdam.

The Reformatory System of France and its Relation to the Government: M. Auguste Frédéric Demetz, Director of Mettray, France.

The Proper Purposes of Prison Discipline: Sir John Bowring, England.

The Substitution of Reformation Sentences for Time Sentences: Recorder M. D. Hill, England.

Habitual Criminals: Colonel G. G. W. Henderson, Commissioner of Metropolitan Police, London, England.

The Irish System of Prison Discipline—what Elements are essential to it, and what may be eliminated, without materially impairing its Efficiency: Sir Walter Crofton, England.

Criminal Capitalists—Landlords, Receivers, Thieves' instrument Makers, etc.: Do they not offer the most vital and vulnerable Point at which to strike at Crime? Edwin Hill, Esq., England.

The Question of holding Parents and Guardians responsible, in full or in part, for the Support of their Children or Wards, while inmates of Reformatories: Miss Mary Carpenter, England.

Restitution as an Element in the Punishment of Crime: Miss Florence Nightingale, England.

Compulsory Education as an Agency in the Diminution of Crime: Miss Florence Hill, England.

General View of Prison Discipline in Canada: Terence J. O'Neil, Inspector of Prisons in Canada.

Prison Discipline in Denmark: Fr. Bruun, Inspector of Prisons in Denmark.

The Questions proper to be considered at an International Prison Congress: Signor M. Beltrani Scalia, Inspector-General of Prisons in Italy.

Criminal Registers (*Casiers Judiciaires*) as a means of knowing the antecedents of all who have been previously convicted of Crime: M. Bonneville de Marsangy (the Inventor), France.

Personal Liberty being a right as respectable as the right of Property, ought not Society to indemnify the Citizen who has been unjustly imprisoned as it indemnifies the Citizen from whom it has taken his Field or his House for some public use? M. A. Corné, France.

The Utility of repeated short Sentences for either deterrent or reformatory purposes: [Senate No. 21.]

matory Ends: J. Angus Croll, Esq., late High Sheriff of London, &c., &c., England.

Post Blair Penal Settlement, India: Futdde Roepstoy, Extra Assistant Superintendent of same.

General View of the present State of Prisons in the United States: Rev. E. C. Wines, Cor. Secretary N. Y. Prison Association.

Indefinite Sentences—how far desirable and practicable, and how to be guarded against Abuse: Theo. W. Dwight, LL. D., Professor in Columbia College Law School, New York.

The Irish Prison System—how far applicable to American Prisons, and what changes, if any, would be required therein in order to its adoption in this Country: F. B. Sanborn, Massachusetts.

The Relation of Insanity to Crime and its Punishment: Dr. S. G. Howe, Massachusetts.

The Responsibility of Society for the Causes of Crime: J. B. Bittinger, D. D., Pennsylvania.

The System of Executive Pardons as practised in the United States—its Influence, whether for good or evil, on Prisoners during their Incarceration: Rev. J. L. Milligan, Chaplain Western Penitentiary, Pennsylvania.

Terms of Sentence—is greater Equality for the same or similar Offences desirable, and if so, how may it be secured? Hon. Robert Pitman, Massachusetts.

The best Formulas for registering the Statistics of Prisons and Reformatories, and the Importance of Uniformity therein: A. J. Ourt, M. D., Corresponding Secretary of the Pennsylvania Board of State Charities, late Clerk of the Eastern Penitentiary, Philadelphia.

The "Coming Prison"—an Inquiry into the Principles and Processes of a true Prison Discipline; Hon. Henry Cordier, Superintendent of the Pittsburgh House of Correction, Pa., late Warden of the Wisconsin State Prison.

The Duty of Society to Released Prisoners—what is it, and how to be discharged? G. B. Hubbell, late Warden of Sing Sing Prison, New York.

The Ideal of a true Prison System for a State: Z. R. Brockway, Superintendent Detroit House of Correction, Michigan.

To what extent and in what ways may Law be applied to restrain or prevent Crime? including a consideration of the Grounds on which the Imprisonment of Persons of sound Mind is to be justified: Hon. James V. Campbell, Chief Justice of the Supreme Court of Michigan.

The collated Results of Observations made during a series of Years on the Condition—physical, mental and moral—of Prisoners on their admission to Prison, together with an estimate of the Influence of Transportation by Sheriffs, etc., on their Reformation: H. H. Bingham, Warden Michigan State Prison.

To what extent should Religious and Educational Agencies be employed in Prisons, and what Results may be expected therefrom? Rev. C. C. Foote, Chaplain Detroit House of Correction.

District Prisons (under State Control) for Persons convicted of minor Offences—the size, organization and discipline suited to them: Rev. A. G. Byers, Secretary Ohio Board of State Charities, late Chaplain State Penitentiary.

The Ideal of the County Jail—its proper Scope and Function: Hon. Joseph R. Chandler, Member of the Philadelphia Prison Society.

The Ideal of the State Reformatory, or House of Discipline for Young Criminals—its Necessity and proper Constitution: (Person not selected.)

A Half-Century with Prisoners, and its Lessons: Gen. Amos Pillsbury, Superintendent of the Albany Penitentiary, New York.

The proposed volunteer Adult Reformatory at Warsaw, New York—its origin, history, plan of organization, and the results expected therefrom: Hon. Wm. H. Merrill, Member of the Board of Managers.

City Prisons for Women—their proper organization and management—Result of observations made in Europe on this class of prisons: Mrs. Sarah Peter, Ohio.

Would a Weekly Newspaper, specially prepared for Prisoners and adapted to their Wants, be expedient and desirable? Rev. F. H. Wines, Secretary Illinois Board of State Charities.

Prison Architecture: Gridley J. F. Bryant, Architect, Massachusetts.

Ought Prisoners to be allowed to share in their Earnings during incarceration as a Reward for good Conduct? (Person not selected.)

Compensatory Justice and Reform, as against Vindictive Punishment and Failure, in the Treatment of the Criminal Classes: Major J. W. Gordon, Indiana.

The Professional Training of Officers of Prisons and Reformatories: Rev. James Woodworth, Secretary of the California Prison Commission.

Habitual Criminals—what are the agencies adapted to restrain their continued depredations? Edward L. Pierce, Secretary Massachusetts Board of State Charities.

Sanitary Science, in its application to Prisons, as regards dietaries, ventilation, hospital accommodation, baths, location, etc., etc.: Arthur S. Wolf, Physician to Clinton State Prison, New York.

The Object of imprisoning and the Right to imprison, philosophically examined: Hon. John Stanton Gould, New York.

General View of Juvenile Reformatories in the United States: B. K. Pierce, D. D., Chaplain New York House of Refuge.

Preventive Agencies—of what character should they be, and to what extent employed? Prof. D. C. Gilman, Connecticut.

The Family Industrial Reform School for Girls, at Lancaster, Mass.; its History, Difficulties and Success; Rev. Marcus Ames, Superintendent and Chaplain.

The Family Reform Farm School for Boys, at Lancaster, Ohio—its Principles, Methods and Results: G. E. Howe, Superintendent.

The Family Visitation of the Wards of the State, as recently organized and now practised in Massachusetts—its Nature, Extent and Results: Gardner Tufts, State Agent for this work.

The Deportation of Children to the West: Rev. C. L. Brace, Secretary of the Children's Aid Society, New York.

The Condition of the Children, sent out by Charitable and Reformatory Societies, in their Homes at the West: Geo. W. Perkins, Warden Illinois State Penitentiary.

Dr Wichern's Paradox, "The strongest Wall is no Wall"—an Inquiry into the comparative strength of a Wall of Granite and a Wall of Influence: Frank B. Ainsworth, Superintendent Indiana House of Refuge.

Conditional Sentences in Reformatories: E. M. Snow, M. D., Secretary of the R. I. Board of State Charities.

An International Congress on Criminal Law Reform and Penitentiary and Reformatory Discipline—shall it be held? if so, when and where? Rev. E. C. Wines, New York.

It was further determined to invite two of the resident ministers of Cincinnati to preach before the Congress—one on the duty of society to the prisoner: "I was in prison, and ye came unto me" (Matt. 25:36); the other on the duty of society to neglected and criminal children: "Take this child away, and nurse it for me" (Ex. 2:9).

Finally, it was agreed that the sub-committee should meet again the latter part of May to complete the programme of proceedings, and that, in the mean time, each member should draw up a series of propositions in reference to penitentiary and reformatory discipline, embodying his individual views thereupon, so that there might be framed, in joint meeting, from these several papers, a Declaration of Principles, to be submitted to the consideration of the Congress.

We have judged it proper to offer, in an appendix, extracts from the more important of the letters received relating to the International Congress, together with a digest of the questions suggested by the writers for consideration during its sessions.

THEODORE W. DWIGHT,	} Committee on Annual Report.
WM. F. ALLEN,	
JOHN STANTON GOULD,	
E. C. WINES,	

APPENDIX.

I. EXTRACTS FROM LETTERS RELATING TO A PROPOSED INTERNATIONAL PENITENTIARY AND REFORMATORY CONGRESS.

1. Letters from Governors and Ex-Governors of States.

EX-GOVERNOR SEYMOUR, of New York: I think well of an International Convention on the subject of prison discipline, and will do what I can to promote the project.

EX-GOVERNOR HAINES, of New Jersey: I am very favorably impressed with the project, and believe the result would be highly beneficial. A full and free discussion of the subject of prison discipline would lead to harmony among those who now hold discordant views, and a modification of their systems, and to the introduction, perhaps, of measures better than any now in practice. The greater good, I think, would be in educating the public mind. There is now great want of information on this subject among the masses of our citizens. Many have zeal without knowledge, generous impulses without proper aim, a desire to promote the public weal without an acquaintance with the means of doing so. Such need light. Perception in the physical, discussion in the moral world, gives light. The deliberations of the penal agents of the world would unquestionably be of very great value, and lead to material reform in the treatment of delinquents.

GOVERNOR GEARY, of Pennsylvania: I will keep the subject under advisement, and present it, with my recommendation, for the action of the legislature, at its next session.

GOVERNOR CLAYTON, of Arkansas: I approve the proposed convention, and will endeavor to send a representative to it if it shall be called.

GOVERNOR HARTIG, of California: Since my official connection with our State prison, my interest has been strongly engaged in prison reform. It is our purpose, if the necessary legislation can be secured, to introduce the Irish system here, with such modifications as may be needed to adapt it to our circumstances. While the need of improvement is urgent, it is encouraging to notice the manifest progress in the right direction. An interchange of views and experience by gentlemen from different portions of Europe and America would aid the establishment of better prison systems, and in this view more than compensate for any expenditure of money and time.

GOVERNOR HAYES, of Ohio: The subject of prison discipline is receiving much attention in this State. There is a disposition to act effectively in this matter. I do not doubt that Ohio will desire to be represented in any assembly which seems likely to accomplish the objects sought.

GOVERNOR BAKER, of Indiana: The object proposed to be accomplished meets my most cordial approval, and the manner of obtaining that object seems to be wisely chosen. To the extent of my ability, I will cordially co-operate in the measure proposed.

GOVERNOR STEVENSON, of West Virginia: It affords me pleasure to concur in your opinion on this important subject. Should the congress be finally determined upon, I will be glad to assist in securing the services of proper delegates to attend.

Governor CHAPLIN, of Massachusetts: My sympathies are warmly enlisted in the cause of prison reform, and the object proposed has my hearty approval.

Governor MARSHALL, of Minnesota: I heartily sympathize with the cause of prison reform, and shall be glad to co-operate with your noble efforts to promote it. I will endeavor to have this State represented in the proposed congress.

Governor BUTLER, of Nebraska: I cordially favor the proposed International Congress. Should such a congress be held, I think I am safe in saying that Nebraska will be represented:

Governor BALDWIN, of Michigan: The whole subject of the punishment and reformation of our criminals is of vast importance, not only to the criminal himself, but to the whole community. The proposed International Congress meets my hearty approval.

Governor FRANK, of Texas: I sincerely hope that such a congress may be held, and I should anticipate good results from it. I shall take pleasure in bringing the subject to the attention of the legislature, and recommending that measures be taken to have the State represented in such a congress.

Governor STEARNS, of New Hampshire: The project seems to me to be a good one. I will lay your communication before the legislature, and trust that they will think proper to have New Hampshire represented in the proposed congress.

Governor STEVENSON, of Kentucky: The object proposed to be accomplished is one of vast importance. I have sensibly felt, during my executive term, the absolute necessity of thorough reform in the mode and manner of our prison discipline, and consequently have made it the subject of special recommendation in my last two messages to the legislature of this commonwealth. I cordially indorse the plan of your proposed convention, and will bring the subject to the notice of our legislature. Such a meeting must be productive of invaluable results.

Governor CHAMBERLAIN, of Maine: The proposition to hold an international prison congress meets my full approval. I will submit the matter to the next legislature, either directly or by my successor in office.

Governor SMITH, of Alabama, by his private secretary: The question presented will be duly considered, and should the Governor decide to take any definite steps in regard to it, you will be duly advised of the fact.

Governor PAGE, of Vermont: It seems to me quite possible that benefit might be derived from such a congress. I will bring the matter to the attention of the legislature.

Governor FAIRCHILD, of Wisconsin: I heartily approve of the project, and will endeavor to have the State represented therein.

Governor BOWLE, of Maryland: I should hope for much good from a National or International Prison Congress, and I doubt not that Maryland would desire to be represented.

Governor McCLURG, of Missouri: The subjects of "criminal law reform," and "penitentiary and correctional discipline," are most important; and it seems to me that your proposed plan for their consideration—calling an "International Congress"—is a wise one.

I will present the subject to our legislature at its next session.

Governor FADELORF, of Rhode Island: I entirely approve of the plan for holding an International Congress, as proposed, and will heartily co-operate with the other States in effecting so desirable an object.

Governor RANDOLPH, of New Jersey: I shall be glad to co-operate, as far as I have power, in having New Jersey represented at a meeting of the proposed International Congress, where the subjects named in your circular would be likely to

receive a full and deliberate investigation. A congress composed of humane, experienced and intelligent persons, could scarcely fail of accomplishing great good, and in a direction where it seems to me that opportunities are most ample. I shall gladly co-operate as far as authority may be given me.

Governor WELLS, of Virginia: The administration of criminal law, and the proper treatment of the convict, are subjects of the utmost gravity. The International Convention, I should think, well calculated to improve both.

Governor WALKER, of Virginia*: It seems to me that much good might result from such a conference as you speak of. I should be happy to aid the movement, though I cannot now state that I could be present at the convention.

3. Letters from Abroad.

Sir WALTER CROFTON, author of the Irish Prison System: I have but a moment to save the post, and can only state that I think that an International Conference, in accordance with your programme, would be of very great value.

Mr. Commissioner M. D. HULL, late Recorder of Birmingham, England: I heartily approve of the proposed congress, as did a small party of friends meeting at my house last night. Their opinion will have some weight, as they are all interested in the treatment of criminals, and understand the subject. Great advantages may reasonably be expected from such a conference. Subjects inviting discussion offer themselves in such abundance, that I should say a comparatively small selection would be indispensable.

M. BONNEVILLE DE MARSANGY, Counselor of the Imperial Court of Paris, etc., etc., France: I applaud, with all my heart, your idea of an International Congress, and in that view I approve, without reserve, the excellent terms of your circular.

Miss MARY CARPENTER, author of "Our Convicts," England: I am truly rejoiced to hear of the proposed congress. For some time I have felt that the period has arrived when those who had studied, both practically and theoretically, the important principles involved in the treatment of criminals, both old and young, by the state and by society, should form a sort of world-league to carry them out; and I have mentioned the matter to some of those who have earnestly embraced the views we deem so important. The circular I have just received fully answers all requirements, and I am most happy that you have already met with so much sympathy.

Miss FLORENCE NIGHTINGALE, England: I need scarcely tell you, I believe, how warmly I feel interested in the perfect success of your project for an International Congress on prison discipline. I entirely concur in the necessity for such a congress.

Sir JOHN BOWRING, England: The suggestion of an International Congress appears to me admirable—worthy of all acceptance and co-operation. The field is vast, and the discussions should be exhaustive.

If an official character could be given to the inquiries, and we had the representatives of governments among us, so much the better. In truth, the more one thinks of the possible and probable good which may result from the conference, the greater is the desire to make it successful. I can only offer my best services, and re-assure you of the pleasure I have received from your communication.

WM. TALLACK, Esq., Secretary of the Howard Association, London: Many of us believe that such a congress would be very useful in its practical influence on the governments of various nations and states. I unite with Mr. BROCKWAY'S opinion (contained in your paper) that "an American Congress, say in 1870, would be a valuable means of preparation for an International Congress." The United

* Inaugurated since the date of Governor WELLS' letter.

States have gone ahead of most if not all the nations in their prison discipline—save and except as regards some of their country jails and a few others. A series of recommendations agreed to by an American Congress would carry great weight in Europe, and prepare for a more useful International Congress than one of the latter description not preceded by a general United States Congress: Further, many who might attend the one in America could not spare time to cross the Atlantic.

I may further suggest that it will be of primary importance to arrange the subjects beforehand, and strictly to limit them, so as to prevent the confusion arising from mixed or promiscuous discussions, and the mere airing of private crochets.

Letters, similar in tone and sentiment, have also been received from the following persons in England: EDWIN HILL and FREDERICK HILL, Esqs.; G. W. HASTINGS, Esq., General Secretary of the British Social Science Association; CHARLES BOUREK and JOHN LEVINGTON, Inspectors-General of Prisons, Ireland; Captain E. F. DUCASSE, Chairman of the Board of Directors of Convicted Prisons, St. Petersburg; General of Prisons, and Inspector-General of Military Prisons; COL. GEN. W. HENRIERSON, Commissioner Metropolitan (London) Police; Miss FRANCES POWER COBBE; JOHN COKE FOWLER, Esq., Stipendiary Magistrate, and a visiting Justice of the prisons of Swansea and Cardiff; Lt. Colonel J. D. SLEAKESPEAR; Captain H. CARTWRIGHT; Rev. WALTER CLAY, author of the Memoir of Rev. JOHN CLAY, for forty years Chaplain of Prison Jail; ALFRED ASPLAND, W. L. SARGANT, and Esq.; Dr. A. M. DALLAS, Inspector-General of Prisons in the Punjab, India; and Lt. Colonel G. HUTCHINSON, Inspector-General of Police, Punjab, India.

E. A. MEREDITH, Esq., late President of the Prison Board of Canada: I cordially approve of the proposed International Congress, and have no doubt that it will abundantly realize the benefits expected from it.

E. C. PARUN, Under Secretary of State, Canada: I am directed to inform you that His Excellency, the Governor General, highly approves the objects of your communication, relative to an International Congress on Criminal Law Reform and Penitentiary and Reformatory Discipline, and that Canada will send a representative to the proposed Congress.

Count W. SOLLOUB, Director of the House of Correction, Moscow, Russia: I am happy to learn of the proposition for an International Prison Congress. Such a body should, I think, decide only in reference to simple questions, and lay down axioms for governments. I judge that they should be somewhat as follows:

1. Prisons ought always to be rigorously restricted to one sex.
2. Prisons for females may contain those sentenced to different kinds of imprisonment.
3. Prisons for males should each contain only those sentenced to the same kind of imprisonment.
4. There should be four classes of prisons: (a) preventive; (b) reformatory (*maisons d'amendement*); (c) correctional (*maisons de correction*); (d) prisons containing those sentenced to hard labor (*maisons de force*).
5. Each class requires its own system and its own architecture.
6. Prisons should not be built for more than five hundred inmates.
7. A good administration would not admit model prisons; all prisons ought to have the same general characteristics, that justice may be just.
8. The most important question is cheapness of construction.
9. Common dormitories are not to be tolerated in any class of prisons.
10. The strict cellular system is desirable only for short imprisonments and disciplinary punishments.
11. Labor may be regarded as a punishment, as an occupation, as a reward.
12. The proportion of earnings allowed to the prisoner may be regarded as a means of regeneration, inasmuch as it makes interest a motive to exertion.
13. Transportation can be tolerated only in the form of colonization.
14. Colonization should be effected only with the money earned individually by the prisoners.

There are general laws applicable to all countries. There are local laws which cannot be discussed by a congress. If such congress leads governments to accept the general laws derived from experience, it will, by so doing, have rendered an

immense service to humanity. For science, even now, has its convictions; but prison discipline has, in many countries, retained objectionable usages, which will disappear only before the united judgment of competent specialists.

It will be difficult to find a good president to control the discussions, considering the large number of subjects likely to be introduced and the wide differences of opinion that may be developed. It would be desirable, I think, to invite architects, who would propose a satisfactory system of ventilation at the lowest possible cost.

It would also be desirable, as it seems to me, to declare inhuman and useless the principle of perpetual silence, and to define the best mode of administration, of instruction, of labor, of discipline, of classification. Two weeks of good work, well guided, would be necessary to lay down the definitive bases of reconciliation between theory and practice.

M. A. CORNE, author of valuable essays on Prisons and Prison Management, France: I am sure that the idea of this congress will find warm partisans in Europe. For my part, I see, with entire satisfaction, the initiative taken by America in this matter. I think that the great benefit will result from the international reunion which you propose. The spirit of system, special and exclusive ideas, will not be able to stand the clear light of discussion. The general phenomena of criminality, better understood, will permit us to seek, scientifically, the remedies for this grave social malady.

THE MINISTER OF JUSTICE OF BELGIUM: I can but approve the project to organize an International Congress on the matters indicated in your circular. When a decision shall have been taken on the subject, I will make an appeal to gentlemen in this country, whose knowledge and experience may be advantageously consulted in the congress.

BORN KERVIN DE LETTRESHORN, member of the Chamber of Representatives, and of the Royal Academy of Belgium: Your circular letter having been placed in my hands by our government, with a request that I would answer it, I am glad to express my full approval, and the high interest which I take in prison discipline. The deliberations of men skilled in penitentiary studies will be of unquestionable utility.

MR. LURMANN, Chairman of the Judiciary Committee of the Senate of Bremen: I am directed by the Senate to say, that it takes the warmest interest in your proposition.

MR. VAN LITLAAR, Minister of Justice for the Netherlands: Your circular has been communicated by me to the Netherlands Society for the Moral Amelioration of Prisoners, and to the weekly Review of Legislation and Jurisprudence in the low Countries. I hope that these steps will contribute to the reunion of the proposed congress.

SIGNOR M. BELTRANI SCALIA, Inspector-General of Prisons in Italy: Let me offer you my most sincere felicitations on the proposal you have made, and the end you would attain. Long since, the idea occurred to me of an International Congress; in the latter part of 1863, I sent letters to distinguished public functionaries of other countries, to feel the ground; but I was obliged to retrace my steps. They replied that generally congresses have left hardly any traces; they cited the example of the congress of Brussels, and that of Frankfort-on-the-Maine; and unfortunately it must be confessed that they were not altogether wrong.

Since 1837, when the idea of an International Penitentiary Congress was announced by M. Dupetitiaux, at various times the most eminent men have found themselves together—in Italy (1840 and 1843), at Brussels (1847), at Paris (1856), at Frankfort (1846 and 1857), and on this last occasion there were delegates from all the civilized countries of Europe and America.

Many arguments of the greatest interest were brought out, more or less to the point, and always with an admirable profundity; many views of the greatest

importance were expressed; but unhappily things went on in the same course; they preached to the desert.

Why this? The reason seems to me perfectly simple. They had instituted academies; they had chosen a field too vast to work. Each member had brought to the congress his ideas fixed, his speeches prepared. Calm and patient discussion was out of the question; serious and consecutive study had no place. As soon as the speeches had been delivered and the voting was done, each returned quietly to his own home; no one remembered that it was necessary to continue his efforts; that it was necessary for him to execute, and cease to be executed, to the utmost of his ability, the resolutions agreed upon. They had simply instituted academies.

It is necessary, then, to guard against pursuing this route, and nothing is easier. The congress should have one aim, well settled and well defined—the study of the various penitentiary systems actually adopted by the most civilized nations—the study of the different systems of penal legislation, as far as they bear upon prison discipline.

These studies, which are closely connected and belong to the same order of ideas, considered in all their bearings, will lead to investigations the most interesting, to explanations the most useful. We shall see in what principles we agree, and in what we disagree. We shall seek, if it is necessary (and it will be necessary without doubt), to propose other questions for resolution; to make a beginning; to pursue the same inquiries without by-ends, above all, without dogmatism; for the love of truth should guide our steps and enlighten our path.

And let us not hope to succeed at once. If we can come to an agreement on some points, if we can fix, can frame (so to speak) the bases of our investigations, let us be content with these results; let us pause; let us await the beneficial influence of time; let us separate without saying farewell. I share in the idea of the immense advantage likely to result from an International Penitentiary Congress; and I shall be most happy to participate therein.

A committee should, in my opinion, have an understanding in advance and make a detailed programme of the questions to which the discussions should be confined. The committee should address communications to the different governments, so that official delegates may take part in the labors of the Congress.

The first number of my Penitentiary Review will, if nothing hinders, appear in the month of January next. My first article will treat of the International Penitentiary Congress, and of the questions which ought, in my view, to be made the order of the day therein.

Mr. FR. BRUNN, Inspector-General of Prisons in Denmark: It is, my decided conviction that the disagreement still existing in Europe in regard to the best prison system, can be brought to an end only through free discussion by men from different countries, and a mutual comparison of their views on the subject. For this reason I strongly favor the proposed congress, especially because the resolutions that may be taken by it will unquestionably have great weight with the governments of countries in which reforms are in contemplation; and, also, because they will give an impulse to improvements which a single individual, from lack of authority, would not be able to effect. The discussions on these questions at the International Congresses of Brussels and Frankfurt were, I think, comparatively fruitless, from the fact that up to that time little experience in prison discipline had been gained in Europe. At the present time the prospect is better, as experiments have been everywhere inaugurated.

Though I trust that I should be able to suggest several vital questions regarding reform, as well in criminal law as in the laws of punishment, still I consider it a matter of importance that a programme be prepared and distributed in circulars, with the request that it be returned with remarks on the several points embodied therein; such programme to be afterward, in due time, laid before the Congress in the form of questions for discussion. I am of the opinion that the questions to

be considered ought not to be numerous, but they should be as definite as possible in order to prevent diffusive and consequently fruitless discussions.

REV. A. A. STUART, Corresponding Secretary of the Netherlands Society for the Moral Amelioration of Prisoners: The Committee of the Netherlands Society for Moral Amelioration of Prisoners has authorized me to declare that it has great sympathy for the project, and hopes to take part in it. Awaiting the decision, we hope, in due time, to indicate our questions for consideration and discussion.

Baron FRANZ VON HOLTZENDORFF, Professor of Law in the Royal University of Berlin, Prussia, and Editor of a Monthly Journal of Prison Discipline: The plan to convene a general international meeting for the purpose of discussing the prison question is excellent. There is a large amount of accumulated experience, gained in different countries, which ought to be exchanged by the most prominent advocates of the prison cause.

To secure a successful issue, two points would be essential:

First. To select a proper place where the convention should meet.

Second. To make sufficient preparations for the matters to form the subject of discussion.

Experience has shown, that any place of public meeting that might be chosen enjoys a considerable preponderance when people are indiscriminately admitted as members.

Take Brussels and Belgium, the adherents of Pennsylvanian cellularism would have a majority by the natural preponderance of the Belgian view. Take London, and the Belgians would complain of having been voted down by the representatives of a country devoid of any experience as to long terms of isolation. In Paris the French would afford no information at all, the imperial government having made no decided step toward prison reform.

The best plan, perhaps, would be to select Switzerland—Zurich or Geneva, or some such place, the different views there being sufficiently represented. If any resolutions were to be adopted as to the best prison system, they would enjoy the best authority when discussed on the neutral ground of Switzerland. Then, certain questions must be drawn up and circulated by a leading committee, in order to make them known, as the contemplated subjects of discussion, and to have them considered before the meeting. Each question should have a reporter, to whom information might be sent from any country represented in the conference. Therefore, the term between the invitations to be addressed to prominent gentlemen in America or abroad, and the term of the meeting, ought to be long enough to allow of sufficient preparation.

If such a conference, duly prepared and conducted, should succeed in arriving at certain conclusions as to the preference to be given to some methods of prison discipline, you would be entitled to the gratitude of the old world, and set another example of the bold spirit of initiative proceeding from the new world, to regulate one of the most difficult problems of social life.

M. KELLER, Director of the Penitentiary at Copenhagen, Denmark: I believe that such a congress would be useful, as questions would be brought forward and considered, of great interest to the men who favor a more humane and reformatory treatment of criminals.

3. Letters from Gentlemen in the United States.

HON. CHARLES SUMNER, U. S. Senator: I took much interest in the earlier congresses on prison discipline, and am glad to know that you are moving again in the same direction. An interchange of opinion and experience on the treatment of prisoners would be of great value.

MR. Z. R. BROCKWAY, Superintendent of the Detroit House of Correction, Michigan: We had a prison conference in New York some years ago, which resulted in little practical good. Since then there has been much progress, and

possibly now a valuable meeting might be held. Would not an American convention (say in 1870) be a good means of preparation for the International Congress (say in 1871)? Nothing would afford me such pleasure as to be able to grasp hands with the fellow-laborers of the world in this field. Yet such a feeling is not to influence judgment as to the expediency of holding the congress. The only question is, will it help forward the work? I think it will, if we are properly prepared for it.

Gen. AMOS FISHBURY, Superintendent of the Albany Penitentiary, and the oldest prison officer in America, having seen nearly a half century's service in that capacity: I heartily approve the project of an International Congress on prison discipline, and am convinced that, if properly conducted, it must be productive of great good. The only suggestion I have to make is, that while a sprinkling of *theorists* may be very useful in animating the discussions of the proposed congress, care should be taken to secure the presence, and active co-operation, of as many intelligent gentlemen as possible, who have had practical experience in the discipline of prisoners and the management of prisons. Governments and peoples, all over the world, need to be awakened to a more lively interest in matters so vitally important to the welfare of society. The subject is intimately connected with the protection of life and property, social order and social happiness, philanthropy and civilization, everywhere; and yet how few, even of professed statesmen, have given it the least degree of earnest consideration. [From a second letter.] The scope of the proposed congress being enlarged, so as to embrace law reform as well as prison discipline, I think it most important that pains should be taken to secure the attendance, as delegates, not only of experienced prison officers from all civilized countries, but of persons well versed in the practical administration of criminal jurisprudence by the performance of official duties, either as prosecuting attorneys or as judges of criminal courts. This suggestion is made in reiteration of a similar thought in my reply to your first circular, but it seems to me so vital that I do not hesitate to repeat it. Observation of national and international conventions upon other subjects teaches that the usefulness of such meetings is often impaired, and sometimes entirely defeated, by their falling under the control of visionary theorists, who, having had no practical experience, can achieve no practical results. I may speak earnestly upon this point, for, as you know, I speak disinterestedly, since my advanced age and infirm health preclude me from indulging any hope of being able to cross the ocean to attend this congress myself, much as I approve of its purpose. As to the city in which it should be held, I suppose London would be preferred by most of the delegates from North America; and a very good reason for selecting that place is, that the proceedings would be more promptly and fully reported in the great newspapers published there, which have a world-wide circulation. For this reason I think London preferable to either of the other cities mentioned. But why not propose New York, whose press rivals in enterprise and circulation that of any city in Europe; and perhaps our European contemporaries may be quite as willing to visit us as we can be to visit them.

So important a meeting should not be brought together hastily; the delegates should have ample time, after their appointment, to carefully prepare what they may have to do or say; and I therefore think that the congress should not be convened earlier than 1871. Mr. Brookway's suggestion, that a preliminary national convention should be held, strikes me very favorably.

Hon. GIDEON HAYNES, Warden Massachusetts State Prison: An International Congress on Prison Discipline is just what is required at the present time. We have, in the reports of the various institutions and associations of Europe and America that have investigated this subject, information, statistics, facts and suggestions never before collected, which, if they were brought together and discussed by competent men, would certainly result in an improved order of prison discipline throughout the world.

SAMUEL ELIOT, LL.D., President of the American Social Science Association: The proposal of an International Congress on Prison Discipline is one that cannot fail to interest every association and every individual to whom it is communicated. For myself, I fully sympathize with the views expressed in your circular, concerning the beneficial results reasonably to be anticipated from such a convention.

S. G. HOWE, M. D., President Massachusetts Board State Charities: Peculiar and pressing considerations call for personal conference and joint action of the friends of prison reform at this time. By all means let us come together.

Professor GOLDWIN SMITH: The suggestion of an International Congress on Prison Discipline strikes me as one which, if carried into effect, would be productive of great benefits.

F. B. SANBORN, Esq., late Secretary of the Massachusetts Board of State Charities: The sooner the proposed congress is held the better, for the movement in prison reform in our country is going on rapidly, and needs to be guided and enlightened by such deliberations as would be had at such a gathering.

REV. JAMES WOODWORTH, Secretary of the California Prison Commission: I favor the holding of the proposed International Congress for various reasons. One is, that it would result in the popularization of the knowledge already gained by experience. Now a few earnest, intelligent men, in a given locality, will apply themselves to the subject, and work out results which, if generally known, would be of incalculable value; and yet, outside of a limited section, hardly any one will be the wiser for it all. Men will still plod along in the old grooves, in ignorance of the fact that any advance has been made. Such a convention as the one proposed, and the reports of its discussions and proceedings which would, no doubt, be widely published, would wake the people up, and set them to thinking, and to acting, too. Again, by the combination of ideas new ones would be produced, just as new compounds result from the combination of various substances in nature; and the stimulants thus given to men's minds would set them to thinking with a vigor unknown thus before. And the thinking then would not be isolated, as it too often has been; but every one would be continually reading, investigating, and so learning what others were thinking and doing on the same subject. This convention would undoubtedly be followed by others—international, national and state; and in a few years we should all be surprised and ashamed to think how long we have groped in comparative darkness in regard to matters of such vital importance to the general interests of society.

It would occupy too much space to cite all the letters received, or even to give extracts from them. The other gentlemen in our country who have responded favorably (there has been but one unfavorable and one non-committal) are the following: Nathan Allen, member Mass. Board State Charities; Isaac Bell, for himself and other members of the Board of Public Charities and Correction, New York; Julius L. Clarke, late Secretary Mass. Board State Charities; Samuel A. Lincoln, Member of the Board of Directors of the N. J. State Reform School; Rev. A. son, Secretary Ohio Board State Charities; John Stanton Gould, Chairman Prison Committee in late Constitutional Convention, New York; Jos. Perkins, Member Ohio Board State Charities; G. B. Hubbard, late Warden of Sing Sing Prison; Warden Maine State Prison; Charles Robbins, Superintendent Boston House of Refuge; Richard Mathews, Superintendent Mass. Nautical Reform School; M. L. Eldridge, Assistant Superintendent Mass. Nautical Reform School; Rev. Dr. Pierce, Chaplain New York House of Refuge; Rev. M. Ames, Superintendent and Chaplain Mass. Girls' Industrial Reform School; Charles F. Coffin, President Indiana Board Directors Indiana House of Refuge; F. B. Ainsworth, Superintendent Indiana House of Refuge; A. E. Chamberlain, President Board Directors Cincinnati and associates; A. J. Ourt, Corresponding Secretary Penn. Board State Charities, late Clerk Eastern Penitentiary; Rev. William Clark,

late Chairman Prison Committee in the Legislature of New Hampshire; Martin Heisey, Warden Iowa State Prison; A. D. Hendrickson, Superintendent Wisconsin State Reform School; John S. Halloway, late Warden Eastern Penitentiary, Penn. (now deceased); Burnham Wardwell, late Warden Virginia Penitentiary; J. L. Philbrick, Warden Kansas State Prison; Nelson Wall, Warden Rhode Island State Prison, John W. Horn, Warden Maryland State Prison; Rev. D. A. Wilson, Warden Missouri State Prison; G. A. Pollard, Warden Vermont State Prison; H. I. Todd, Warden Kentucky State Prison; William Smith, Warden Alabama State Prison; Hon. William Holden, Warden California State Prison; M. P. Berry, Warden Oregon State Prison; H. H. Bingham, Warden Michigan State Prison; Z. A. Phillips, Warden Mississippi State Prison; Rev. J. W. Sullivan, Chaplain Indiana State Prison; G. E. Howe, Superintendent Ohio State Reform Farm School; Israel E. Jones, Superintendent New York House of Refuge; Dr. E. W. Hatch, Superintendent Connecticut State Reform School; L. H. Sheldon, Superintendent N. J. State Reform School; P. Caldwell, Superintendent Louisville House of Refuge; T. H. Nevin, President Board of Inspectors Western Penitentiary, Penn.; J. P. Wickersham, Superintendent Public Instruction, Penn.; Henry Villard, Secretary American Science Association; Dr. Edwin M. Snow, Secretary R. I. Board State Charities; Col. M. Martin, Warden Florida State Prison; F. S. W. Gleason, Superintendent St. Louis House of Refuge, Missouri; and Gen. J. C. Stolbrand, Warden South Carolina State Prison.

II. QUESTIONS SUGGESTED FOR DISCUSSION AT THE INTERNATIONAL PENITENTIARY CONGRESS.

The following questions are both interesting and instructive, as showing (jointly with the letters given above) the direction in which the thoughts of the students of penal science, and the workers in the cause of prison reform, are turned at the present time.

By Gov. CHAMBERLAIN, of Maine.

1. The proper employment of prisoners.
2. Cumulative punishments.
3. Treatment of habitual criminals.
4. Special treatment for female prisoners.
5. Separate prisons for life-sentenced prisoners.
6. Abolition of capital punishment.

By Mr. Commissioner M. D. HILL, England.

7. Expediency of putting an end to "Time Sentences."
8. The relation of prison labor to free labor.
9. The practical value of deterrents, with a view of estimating the expediency of crippling or embarrassing reformatory action, when it interferes with deterrent discipline.

By Sir WALTER CROFTON, C. B., England.

10. Sentences.
11. Tickets of license.
12. Supervision and registration of habitual criminals.
13. The mark system.
14. Classification.
15. Prisoners' aid societies.
16. Prison labor.

By Miss FLORENCE NIGHTINGALE, England.

17. Restitution as an element in criminal punishment.

By Sir JOHN BOWLING, England.

18. The construction of prisons.
19. Prison statistics.

20. Cost and produce of prisoners.
21. Results of prison discipline, pecuniary and moral.
22. The power of wise administration.
23. Prison punishments.
24. Rewards to prisoners.
25. Classification in prisons.

By FREDERIC HILL, Esq., England.

26. Should the period of imprisonment be fixed according to the exactitude of the particular offence of which a person may be convicted, or according to the offender's habits, and the time necessary for changing those habits, and, if needful, for teaching him a trade or other means of getting an honest living?
27. Considering the extent to which unwillingness to work is a cause of crime, is it wise to stigmatize hard labor as degrading, by making it, as is now often the case, a distinguishing part of the sentence?
28. Ought not every prisoner who needs hard labor as part of the discipline necessary for his cure, to be subjected to such labor, although his sentence be silent on that point?
29. When the circumstances of the offence show that it is casual, should not the punishment be a fine or the requirement of securities? and should not imprisonment be reserved for those who are judged to be in need of reformatory discipline?
30. Should unproductive work, such as the tread-mill and crank labor, in which the power is turned to no useful purpose, and which is therefore degrading, form any part of prison discipline?
31. Is it not possible, under good regulations, to provide that punishments for misconduct in prison shall be such as naturally arise from the offences—as, for example, loss of some of the day's food in case of idleness; or, separation, for a time, when the culprit has exercised a bad influence over other prisoners—so as to avoid the use of artificial punishments?
32. Under good arrangements, ought not all able-bodied prisoners (except those committed for very short periods) to earn the full cost of their imprisonment, including a share of the salaries of officers and all other expenses?
33. Is it expedient when due preventives can be taken against abuse, and when the labor of the prisoners can, by such an arrangement, be made more lucrative, to engage contractors for whom the prisoners shall work?
34. Is piece-work desirable in prisons?
35. Is it expedient to allow prisoners a share of their earnings? and, if so, under what regulations?
36. Is it politic in these regulations to encourage every prisoner to do what he can toward making reparation for the wrong he has committed, and toward the support of his family while he is in prison; and is it not wise to endeavor, in every way, to raise the prisoner's objects beyond selfish indulgence, and to generate in him that feeling of self-respect to which Mr. Livingston, the American prison reformer, justly attached so much importance?
37. Should prisoners be kept individually separate, however long the period of their confinement? If not, to what extent should such separation be carried?
38. Is it desirable to bring into general use such plans as those adopted in Ireland for gradually preparing prisoners for their liberty before making that liberty complete?
39. Is not the chief requisite for the good and successful management of a prison a zealous and well qualified governor? and is it not desirable that those who are intrusted with its supervision should content themselves with laying down general principles of discipline, and then carefully observing whether these principles are acted upon, and what are the results of the governor's management? And in order to render his responsibility complete, should not the governor be intrusted

* Except those who are too poor to pay the fine or to give the securities.

with the selection of all his subordinate officers, and with the determination of all minor matters?

40. Is not an efficient poor law which, immediately on application, shall give food and shelter to every one who may be willing to work, and to subject himself to the rules of a well ordered work-house, essential to the prevention of crime as a necessary supplement to any system of prison discipline?

41. Are there any practical difficulties in carrying into effect sentences of imprisonment for life?

42. Is capital punishment either necessary or politic in countries where there is a stable and efficient government, and where imprisonment for life can be carried into effect?

By WM. TALLACK, England.

43. Remunerative labor viewed as a reformatory and deterrent discipline.
44. The expediency or non-expediency of capital punishment.
45. The limits of separate confinements.
46. The question of associating private persons or the agents of philanthropic bodies with government officers, in carrying out the reform of prisoners.
47. The disposal of prisoners after release.
48. The extent to which criminal treatment should take cognizance of criminal's antecedents, as neglected education, drunken parents, physical weakness, defective mental capacity, &c., &c.
49. The extent to which governments should represent the causes of crime, especially facilities for drunkenness, dancing and musical saloons, willful neglect of education on the part of parents, &c.

By G. W. HASTINGS, Esq., England.

50. Sentences of convicted criminals.
51. Supervision over discharged prisoners.
52. Registration of criminals.
53. Labor of prisoners.

By CHARLES F. BOURKE, Ireland.

54. The best classification of prisoners.
55. The treatment of old offenders and habitual criminals.
56. The concentration of prisoners, or otherwise.
57. Whether the system of local or government management is preferable.
58. The proper amount of hard labor to be performed in a day by a "hard labor prisoner."
59. The nature and degree of punishment most calculated to deter the prisoner from returning to crime.
60. The best system of granting the ticket of leave and of supervision while on leave.
61. The proper amount of encouragement to good behavior through marks, and a participation in the profits of labor.
62. The treatment suited to juveniles, both in jail and at reformatories.
63. The best code of statutory prison rules.
64. Capital punishment.

By JOHN LENTAGONE, Esq., Ireland.

65. The relation between insanity and crime.
66. The condition of the body as predisposing to certain classes of crime.
67. Whether all sentences to imprisonment, short as well as long, should not be followed by discharge on license.

By Captain E. F. DU CANE, England.

68. The employment of prisoners, industrially or otherwise, during their imprisonment.
69. The registration and supervision of discharged prisoners.
70. The possibility of making sentences uniform.

71. The question of stopping crime at its source by removing children from corrupt influences.

By E. A. MEREDITH, Canada.

72. Is it right that industrial labor should be used as a mode of punishment for prisoners?
73. Should penal or unproductive labor, as the crank or shot-drill, be used as a mode of punishment?

By M. BONNEVILLE DE MARSANX, France.

74. Reorganization, amelioration and simplification of penal laws, with a view to a repression, prompt, strong, humane and reformatory.
75. The best means of preventing crimes and misdemeanors.
76. The propagation of popular instruction, also of moral and religious education, as a means of diminishing crime.
77. The supreme importance of the repression and reformation of young delinquents.
78. The establishment of criminal registers (*caeters judiciaires*), which, as the only effectual means of proving relapses, ought to constitute one of the bases of the reorganization of criminal procedure.
79. The amendment and reformation of criminals according to the Irish system.
80. The best system for the rehabilitation of convicts.

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81. Does criminality offer, as regards each prisoner, special and individual characteristics? (In that case it would be necessary to subject each to a different discipline.) Does it offer, on the contrary, as regards nearly all, a common character? (In that case it is necessary to ascertain this common character.)
82. Personal liberty being a right as respectable as the right of property, ought not society to indemnify the citizen who has been unjustly imprisoned, as it indemnifies the citizen from whom it has taken his field or his house for some public use?

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83. The true scope of the term "reformation," as applied to criminals—what practical results may reasonably be sought?
84. The comparative value and true relation of repression and cultivation as agencies in reforming prisoners.
85. The proper organization of prisons.
86. The duty of society to discharged convicts.
87. The conditions and characteristics of an efficient prison administration.

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88. What causes principally lead to the commission of crime?
89. Would not greater uniformity in the length of sentences be desirable?
90. Would it not be advantageous to establish prison societies in every State, and auxiliaries in every large county, and to have a meeting of the parent society at stated periods?
91. Would it not be desirable to have uniformity in prison registers, and an abstract of the same published at regular periods?

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92. Does not a rigorous discipline—such as depriving convicts of the right to converse with one another—have a tendency to break down their manhood, make them sullen, morose and misanthropic, and thereby lessen the chances of reformation?

By Z. A. PHILLIPS, Esq., Mississippi.

93. Progressive classification.

By L. H. SHELDON, New Jersey.

94. The moral influence of confinement by bolts, bars and walls upon the young in our reformatories.