

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES











# REPORT

ON THE

## INTERNATIONAL PENITENTIARY CONGRESS

OF

### LONDON,

HELD JULY 3-13, 1872.

By E. C. WINES, D. D., LL. D.,

UNITED STATES COMMISSIONER.

• TO WHICH IS APPENDED

THE SECOND ANNUAL REPORT OF THE NATIONAL PRISON ASSOCIATION  
OF THE UNITED STATES, CONTAINING THE TRANSACTIONS  
OF THE NATIONAL PRISON REFORM CONGRESS,  
HELD AT BALTIMORE, MARYLAND,  
JANUARY 21-24, 1873.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1873.





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1872

To the Senate and House of Representatives :

I transmit herewith a report from the Secretary of State and accompanying papers.

U. S. GRANT.

WASHINGTON, February 13, 1873.

DEPARTMENT OF STATE,  
Washington, February 13, 1873.

Referring to the joint resolution of Congress, of the 20th March, 1871, authorizing the appointment, by the President, of a commissioner to attend an International Congress on Penitentiary and Reformatory Discipline, proposed to be held in Europe, I have the honor to transmit herewith the report of Mr. E. C. Wines, appointed under the said resolution, of the congress which was held at London, together with an appendix containing a summary of the proceedings of the late National Prison Congress of Baltimore.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

WASHINGTON, February 12, 1873.

SIR: I have the honor to submit to you my report as Commissioner of the United States to the International Penitentiary Congress of London, together with an appendix, containing summary of proceedings of the late National Prison Congress of Baltimore.

With great respect, I have the honor to be, your most obedient servant,

E. C. WINES,  
Commissioner, &c.

His Excellency U. S. GRANT,  
President of the United States.

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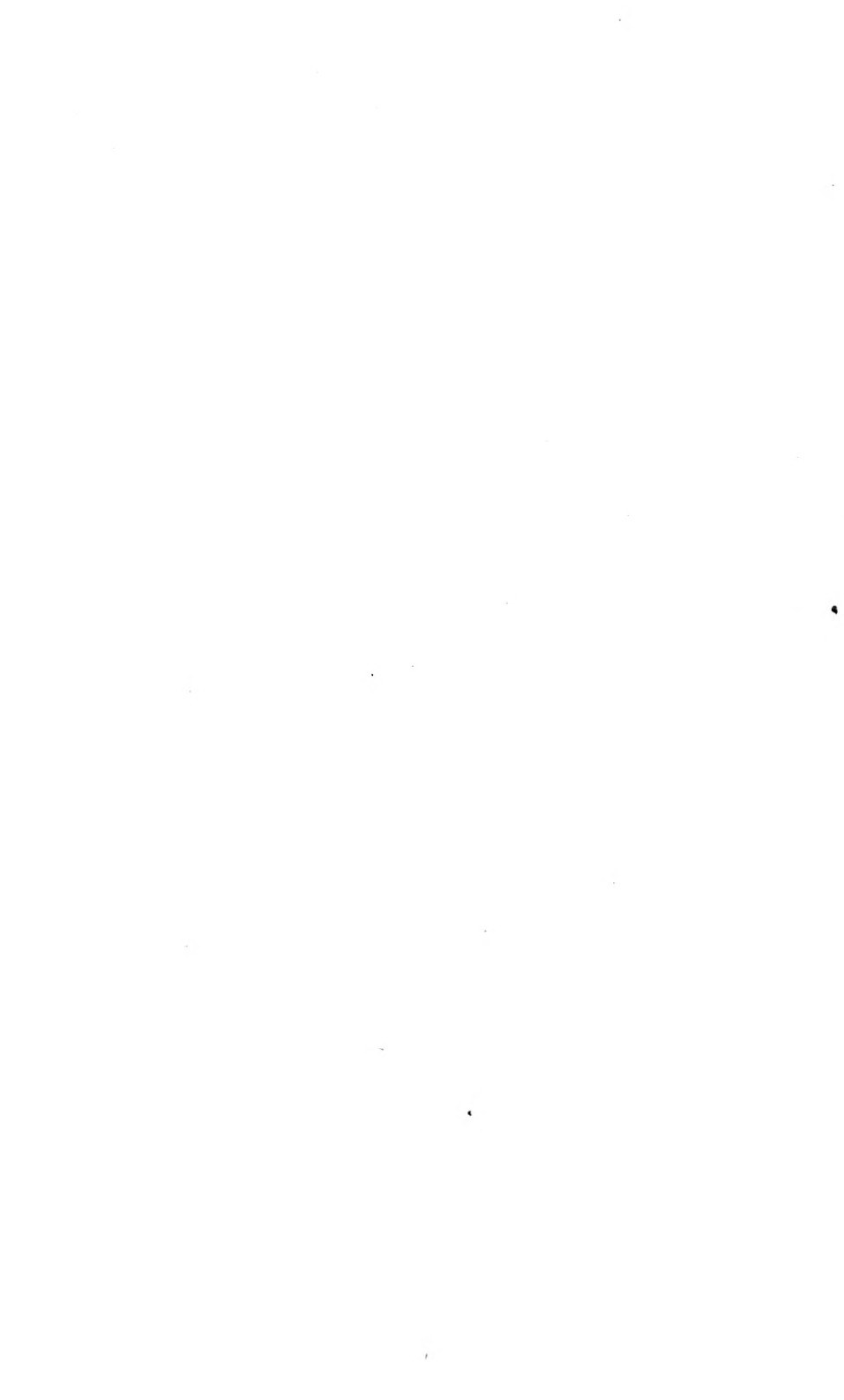
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# REPORT.

## GENERAL INTRODUCTION.

The Congress of London has passed into history. It is a fixed fact, irrevocable and unchangeable. It only remains to tell its story and gather its fruits. The first is simple, and may be quickly done; the last will be manifold, and the harvest, it may be hoped, will be gathering for years, if not for generations, to come.

In a paper read by M. Charles Lucas before the French Academy prior to the meeting of the congress, it was well remarked by that eminent and venerable man :

International congresses have been too often repeated in our day to be looked upon as facts purely accidental. There is a reason for their existence. They are the necessary consequence of the two laws of the sociability and perfectibility of man, which, at the present advanced stage of our civilization, demand the international exchange of ideas to promote the moral progress of humanity, as they do that of material products to advance the public wealth. Such congresses serve to show the condition of different nations as regards their intellectual development, in the same manner as industrial exhibitions show the comparative results of their economic development. Hitherto there have been convened congresses of governments and congresses of citizens. The first have already done good service, and it is desirable to increase their importance and their frequency in international and diplomatic relations. The second play the part of generous satellites of civilization, which, that they may give light and direction to its progress, rush to the front, sometimes rather precipitately and not in the most perfect order, but always affording a useful stimulus to human development. What stamps upon the Congress of London a character of complete originality is that it is entitled, and, in effect, is to be, a *semi-official* conference, combining the initiative of governments and of individuals. The circumstance most remarkable about it is that this semi-official character has been given to the congress by a government heretofore least disposed to interfere, in the slightest degree, with the free initiative of individuals and associations, and by a people least inclined to tolerate such interference.

This analysis of the elements composing the Congress of London is perfectly just. The congress was opened on the evening of the 3d of July, in the great hall of the Middle Temple, with an address by the right honorable the Earl of Carnarvon, a nobleman profoundly versed in penitentiary science and thoroughly active in the work of penitentiary reform. The address was able, terse, and practical—one of those model productions which give, with a Doric simplicity, “the essences of things.” Every sentence went straight to the mark; every paragraph was marked by good sense; and the whole discourse, drawn from “the well of English undefiled,” held the vast assemblage spell-bound to the end.

At the conclusion of the address Lord Harrowby offered a resolution of welcome to the foreign delegates, which was seconded by Sir Charles Adderly; and both gentlemen gave expression, in well-conceived thoughts and happy phrase, to the sentiment of hospitality with which England received the members of the congress coming from other countries.

Baron Von Holtzendorff, on behalf of the continental delegates, and the Hon. Joseph R. Chandler, on behalf of the delegates from America, replied to the welcome in terms no less graceful and eloquent than those in which it had been conveyed.

The undersigned would here respectfully submit to the President his appreciation of the character, work, and probable results of the Congress of London.

1. Twenty distinct nationalities were represented in the congress by delegates bearing commissions from their respective governments; in some cases one representative only being so commissioned, in others several. In addition to the national representatives from the United States and the German Empire, fifteen States of the former and five of the latter were also officially represented; some of them, as in the case of nationalities, by a single delegate, others by a plurality. The same was true of several of the larger of the colonial possessions of England; as, for example, India and Australia. So that altogether the number of official members with commissions from governments, could not have been less than sixty, and might have reached, and probably did, to seventy. This is a great fact, quite unprecedented in the annals of penitentiary reform.

2. Besides official members, numerous delegates were present with commissions from national committees, prison societies, managing boards of penitentiary and reformatory establishments, societies of jurists, criminal-law departments of universities, and last, though not least, the Institute of France, the most illustrious body of *savans* in the world. Between official and non-official members, that is, delegates commissioned by governments and delegates commissioned by such organizations as those named in the preceding sentence, the congress must have numbered not much, if any, less than four hundred members.

3. If the congress was conspicuous by the number of its members and of the governments and organizations represented, it was no less conspicuous by their ability and thorough mastery of the questions which engaged its study. It was a reunion of specialists—men and women largely devoted to prison-work, whether in the investigation of the principles of penitentiary science or in their practical application—and embodying, representatively, the knowledge, experience, and wisdom of the world on the subjects to which its labors were dedicated.

4. It is much that the thinkers and workers in this great cause have met in council; that they have looked into each other's faces; that they have grasped hands; and that they have felt their hearts beating, as it were, one against the other. Sympathies have thus been awakened and friendships formed, from which precious fruits will be gathered. All will go back to their respective fields, to work with greater earnestness and higher hope from the strength and courage received from such communion. Valuable correspondence and the interchange of mutually instructive documents cannot fail to be among the useful results of the acquaintances formed at this great international gathering. Another benefit will be a far more extensive international visitation of prisons; and from this will come, on the one side, a large influx into the different countries of new and in many cases fruitful ideas, and, on the other, a great diminution, if not a complete obliteration, of international prejudices.

5. An amount of information on the penitentiary and reformatory systems of different countries and their results, never, I think, heretofore collected, and certainly never before presented in one view, is among the most precious results of this congress. The greater part of the governments represented handed in carefully-prepared official reports in response to a series of questions submitted to them by the undersigned, and the information thus offered, wide and valuable as it is,

was most usefully supplemented by facts communicated and statements made by delegates on the floor of the congress. It would be difficult to exaggerate the value of such a mass of information, coming, as it does, from the most authentic sources, and, by consequence, clothed with an authority with which it could not have been otherwise invested.

6. The vast fund of precious information thus accumulated will be diffused, through the agency of the congress, to the utmost limits of civilization. It is to be presumed that the official delegates will all make reports to the governments by which they were commissioned, all of which reports will, no doubt, be published among the archives of the governments to which they are made, and will thus not only be circulated among the people of all civilized countries, but will come under the special notice of the makers and executors of the laws of those countries.

But this is not all. The numerous non-official delegates will, beyond a doubt, in a thousand different forms and through as many several channels, make report of the doings of the congress to their respective constituencies; and the press of all nations—so keen in its scent of news, so prompt to catch and crystallize all forms of thought, so potent for good as well as for evil, and, to its praise be it said, so ready, in the main, to lend its powerful aid to every worthy cause—will echo and re-echo these many voices to the very ends of the earth. What imagination can grasp the amount of good which will, in this infinite variety of ways, be accomplished through the congress, or forecast the progress thence likely to result in a department of social science second in importance to no other in the whole field of social investigation?

7. The congress has given, or is destined to give, an immense impulse to the cause of prison-reform. On this point it is enough to refer to what has been written above, and to state that the evidences of a newly-awakened interest in penitentiary questions, and of a strengthened purpose to seek their just solution, are visible on every side.

8. It is not to be disguised that the summoning of such an assemblage as that of the late Congress of London was a hazardous experiment. It was, from the start, encompassed with dangers as well as difficulties: and a peril far from inconsiderable, and awakening no little anxiety, and even some alarm in my mind, developed itself in the progress of its labors. Representatives from more than twenty different nationalities, coming together literally from the ends of the earth, for the study of problems at once so important and so perplexed as those comprehended in the field of penitentiary science, could not fail to develop a good deal of difference of opinion, which might become so sharp as to end in a violent disruption of the body. This is the peril referred to above as having actually presented itself—rather, however, to those who were more in the inner circle than to the ordinary observer. But by moderation and prudence the danger was averted, and the congress was, in the end, able to announce a series of propositions of the highest importance, embodying its conception of the cardinal principles of prison discipline. They are substantially those adopted by the Congress of Cincinnati, in 1870. This was a great result; and the whole world may, it seems to me, be congratulated on such a conclusion to the labors of the Congress of London. The propositions announced will enter as seed into the public opinion of the world, and can hardly fail, in due time, to make themselves felt in improved systems of criminal law and prison discipline. Indeed, Professor Marquardsen, of Bavaria, a distinguished member of the German Parliament, publicly declared his conviction that the new penal code for the German Empire, now under consideration

by the Parliament, would be materially improved through the labors of the congress.

9. The congress will have made a contribution of great value to the literature of penology. Its volume of transactions will embody: 1, the official reports of governments on the penitentiary systems and administrations of their respective countries; 2, the discussions had on the numerous and important questions which came before the body for its consideration, taken down at the time by competent reporters; 3, the papers submitted to the congress by distinguished specialists in different countries, most of them of remarkable ability, breadth, and power.

10. Another admirable result of the congress is the creation of a permanent international committee, charged with important functions in the interest of international prison reform, and more particularly with the duty of seeking to secure greater uniformity and trustworthiness in international prison statistics. The committee is constituted as follows: Dr. Wines, United States, chairman; Signor Beltrami-Scalia, Italy, secretary; Mr. G. W. Hastings, England; M. Loyson, France; Dr. Guillaume, Switzerland; Mr. Stevens, Belgium; Mr. M. S. Pols, Netherlands; Dr. Frey, Austria; Count Sollowub, Russia; and Baron Von Holtzendorff, Germany. This committee will hold its first annual meeting in Brussels, Belgium, in the month of September, 1873. Doubtless one of the most important questions that will then come before the committee will be that of calling another international penitentiary congress, and if that question be decided affirmatively, the duty will arise of fixing the time and place for holding it, and of determining the bases on which it shall be organized and conducted. It may be hoped that this committee will form a kind of central bureau, to which intelligence relating to prison reform, and the progress made therein, will be communicated, year by year, from all parts of the world, and from which, in a condensed and digested form, it will be again distributed to every region of the globe. Thus every part of the world will be kept informed of what is doing in every other part in reference to this vital interest of society. In this way a continual circulation of ideas on penitentiary questions will be maintained; the nature and result of experiments undertaken in any given country will be speedily made known in every other; and an honorable rivalry will be kept up between nations, in which each, while rejoicing in every instance and at every proof of progress elsewhere, will yet strive to outstrip its fellows in the race of improvement.

11. Three great national commissions have already grown, not, indeed, out of the congress, but out of the movement for the congress, having been created before the body itself assembled, but not before the proposition for it had been submitted to the governments by which the commissions have been inaugurated. The first is a royal commission for Italy, named by the King last autumn, on a report submitted to him by the prime minister, Mr. Lauza, after an interview had with him by the undersigned, and expressly based on what passed at that interview. The second is a legislative commission for France, created by the National Assembly, in pursuance of a report submitted to that body by the Viscount d'Haussonville and an act passed on his motion early last winter. The distinguished member avowed, in terms, that his report and motion grew out of the proposition for the Congress of London, and that the labors of the commission were, in part, intended as a preparation for that assemblage. The third is an imperial commission for Russia, named by decree of the Czar last spring. The first two of these commissions, namely, for Italy and France, have, for object, penitentiary

reforms in those countries. The third has been created with a view, not of improving an existing prison system, but of devising one entirely new, for a vast and powerful empire. They are all composed of eminent citizens, chosen on account of special fitness for the work to which they have been called. The French commission is formed, in one respect, on the model of the congress; that is to say, it combines the official and non-official elements, which, as M. Lucas has shown, gave a character of special originality to that body. The act created a commission of fifteen members of the Assembly, with authority to associate in their labors such other persons, from outside the legislative body, as they might deem proper to invite. The commission is actually constituted of fifteen members of the Assembly and fifteen private citizens summoned to their aid.

12. The Congress of London has made easy the holding of future congresses of the same kind, since all agree that it has been a success, and all unite in the desire that others, with similar aims and objects, should follow, and, indeed, that a character of periodicity should be given to them. But, more than this, it has taught us how to prepare for and conduct them in such a way as to derive the highest advantage from their labors.

The appreciation of the congress and its labors, contained in the foregoing paragraphs, is shared by many eminent men in Europe, as correspondence, had with them by the undersigned since its sessions were closed, abundantly attests. I venture, in proof of this, to offer a single extract from one of the letters received within the period referred to. It is from Mr. M. S. Pols, one of the official delegates from Holland, who took rank, by common consent, among the most intelligent, industrious, and useful members of the congress. Mr. Pols says:

I received a copy of the London Times containing your letter, and on nearly all points fully concur with you in opinion. I never expected any direct result from the congress, nor do I believe such to be the case with any congress not specially convoked for the solution of a distinctly stated question. The great aim of such congresses is to stir public opinion and to give it a mighty impulse in some direction. This aim, I believe, has been fully attained by the London congress, and as I believe that public opinion rules the world, not only in free countries, like yours and mine, but even in states seemingly directed by an uncontrolled executive power, the indirect results of the congress will soon appear, and our (or, as I do not hesitate to say, your) work will be proven not to have been fruitless. The thoroughly practical and scientific character of the proceedings, the earnest, and on many points exhaustive discussions, and the unanimous accord finally reached concerning so many great and important principles of penitentiary discipline, insure its success, which will prove the greater, as it will be won by in-stillation and not by strong measures, too soon in general counteracted by reaction. Nor do I think it one of the least remarkable results of the congress that men, so widely diverging as to the means of working out common principles, have met one another without any quarreling or personal strife, but, without an exception that I am aware of, have shown the greatest esteem for their strongest antagonists, the largest toleration for adverse opinions. The absence of petty jealousies and personal vanities insures, as I believe, an impartial and broad consideration of the rival systems.

The report which the undersigned has the honor now to submit to the President will consist of five parts, as follows:

Part First will present a complete *résumé*, arranged in subjects, of the information furnished in the official reports submitted to the congress from the different countries, thus giving, at a glance, a comparative view of the present state of prison discipline and the progress of prison reform in the leading nations of the world.

Part Second will review and condense the proceedings of the congress, giving the gist of the debates and the main currents of opinion and argument developed in them.

Part Third will contain some notice of the papers offered to the congress, with an analysis of a portion of them.

Part Fourth will embody the results of the personal observations and inquiries of the undersigned in relation to the prisons and reformatories of Europe.

Part Fifth will deduce, from all that has gone before, its appropriate lessons, and state them in the form of suggestions and recommendations.

# PART FIRST.

---

## STATE OF PRISONS.

---

### CHAPTER I.

#### PRISON SYSTEMS.

§ 1. Austria has three classes of prisons, those for male and female prisoners being distinct establishments, viz: 1, prisons for persons sentenced to more than one year of imprisonment; 2, prisons for persons sentenced to less than one year; 3, prisons of the district-courts for minor offenses. Of the first class, there are eighteen, with a mean population of 10,490; of the second class there are sixty-two, with an average population of 7,103; of the third, neither the number of prisons nor the population is given.

The proportion of male prisoners to female in prisons of the first class is as five to one, and in prisons of the second class as six to one.

Until quite recently the associated system of imprisonment alone existed in Austria. Since 1867 all new prison constructions have been arranged in such manner that associated imprisonment may be combined with cellular; so that, excepting short imprisonments, which, it is held in Austria, ought to be wholly cellular, every prisoner should, as a rule, spend at least the first eight months of his imprisonment in a cell, and the remainder in association, under conditions of proper classification, and a consequent gradually improved treatment and a gradual preparation for liberty. Several prisons of the first class have been built or are in process of construction upon this plan, in which, nevertheless, it is intended that one-third of the inmates shall undergo their entire punishment in cells, and that the other two-thirds, after eight months of cellular confinement, shall pass into the state of association and enjoy the benefits of a progressive classification. One prison only of the second class has thus far been arranged on this plan.

The considerations which have prompted this change are that collective imprisonment, carried through the whole sentence, has been found by experience incompatible with individual treatment, and consequently obstructive as regards the moral improvement of the prisoner, particularly in the old and ill-constructed country prisons, so that many are made worse instead of better by their imprisonment. On the other hand, the system of absolute isolation has been attended with this disadvantage, that it makes the prisoner weak-willed, especially if the confinement is long continued. It incapacitates him to meet successfully the temptations that beset him on his return to liberty. Difference of culture is also found to give a wide difference of result in the application of the cellular system, and many prove, on trial, wholly unfitted for isolation. On these grounds it has been judged wisest to choose a middle course, and combine the two systems.

In prisons where the associated system is followed there exists a classification of prisoners in the dormitories. Youthful criminals, especially, are kept as much as possible from old and hardened offenders;

and educated prisoners are not, if it can be avoided, placed with the ignorant, the rude, and the base. The opinion is expressed in the report that the same classification should be (whence the inference is plain that it is not) extended to the time and place when and where the prisoners take their exercise. It is further declared that the basis of classification should be age, education, state of mind, former life, degree of guilt, and the crime committed; a principle which, in the opinion of the undersigned, cannot, in regard to most of the particulars named, be applied with any great degree of certainty, and which, because of its arbitrary character, would be of little value if it could.

There are two kinds of sentence in Austria, viz: to simple or strict *imprisonment* for serious offenses, and to simple or strict *detention* for those of a lighter character. The punishment of imprisonment draws after it the obligation to wear the prison garb, to submit to the prison fare, and to perform the allotted work. Political prisoners are absolved from compulsory labor and from the prison dress, which last exemption is also accorded to prisoners sentenced to simple imprisonment.

The punishment of strict detention involves a treatment conformed, in respect of food and labor, to the prison regulations, but the prisoner is excused from wearing the prison dress and the work given him is of a lighter character.

Simple detention is for persons under arrest, and means merely the safe-keeping of the prisoner, who has the right to choose his own occupation and, if he be so disposed, to provide his own food.

A singular adjustment of the relative duration of cellular and associated imprisonments has place in Austria. A recent enactment provides that, after the lapse of three months passed consecutively in isolation, every period of two days so passed shall count as three in the term of his sentence. Another provision of the same act limits cellular imprisonment to three years and forbids the application of that system to prisoners sentenced for life.

The funds for the support of the prisoners come from the state. Here and there, however, there exist small endowments in land or money, the revenues of which are applied to that purpose. In Vienna there is an old arrangement, by which all theaters and public exhibitions must contribute an annual fixed sum, of which half is paid for the relief of the poor and the other half to the prison-funds of the province of Lower Austria. The prisoners are by law obliged to pay the actual cost of their keep out of their own property. That part which goes to the state is set off against the amount received for prison labor. In the year 1869, the sum paid to the state as the product of prison labor amounted to only the fifteenth part of the sum spent on prisons by the government.

The directors and officers of the prisons of the state receive, when incapacitated, the same pensions as its other servants. These pensions are: After more than ten years of service, one-third; twenty years, one-half; thirty years, two thirds; forty years, the whole of their last salary.

If an officer before serving ten years becomes incapacitated he receives, once for all, a sum of money equal to his last year's salary. If he has become incapacitated by the service, as, for example, if he become insane or blind, he receives a pension of one-quarter or more, according to circumstances, of his last year's salary.

2. The statement in the report submitted on the part of Belgium, in relation to the classification and number of prisons in that kingdom, is not perfectly clear. From its terms there would appear to be but two general classes of penal establishments, or three, including those for



juveniles, viz: 1, central prisons, corresponding to what among us are known as state-prisons; 2, houses of arrest (called provostal when designed for the safe-keeping of military prisoners), which are found near all tribunals of primary jurisdiction and all courts of justice, for the custody of persons awaiting examination or trial, and also for the punishment of prisoners convicted of minor offenses; 3, houses of refuge for juveniles, of both sexes, acquitted as having acted without knowledge, but placed under the care of the government, for a certain period, to be educated and trained to industry and virtue.

The cellular system carries by far the larger number of voices in Belgium, and has the high honor of counting, in that number, its ablest and most earnest living defender, M. Stevens, inspector-general of prisons for the kingdom. Of the twenty-six prisons in Belgium, eighteen are conducted on the cellular system, and of the six congregate-prisons four are undergoing alterations to adapt them to the system of separate imprisonment. The report submitted to the congress by the Belgian authorities states that the legislature has given its preference to the cellular system, because it renders repression more efficacious and because the reformation of the convict is thereby better insured. The results claimed for the system in that country will be more fully set forth in Part Second of this report.

The number of prisoners confined in the Belgian prisons is not given; but the two sexes are stated to be represented in the proportion of 88 per cent. of men and 12 per cent. of women.

There are three kinds of sentence pronounced by the tribunals of Belgium, viz, to imprisonment, to reclusion, and to hard labor. Sentences to simple imprisonment are from eight days to five years; sentences to reclusion from five to ten years; to hard labor from ten to twenty years or for life. The report states that the difference in the treatment of prisoners sentenced to hard labor consists in this, that the first are confined in houses of correction, the second in houses of reclusion, and the third in convict-prisons. This statement is by no means clear, and the obscurity is increased by the fact that, in the enumeration of prisons, as given in a previous part of the report, no mention is made of either houses of correction or houses of reclusion.

In the congregate penal prisons the prisoners are divided into three classes. The lowest class comprises those whose antecedents are the most unfavorable and whose conduct is bad. This class bears the name of punishment-division. The middle class comprises prisoners whose antecedents, without being decidedly unfavorable and their conduct absolutely bad, have, nevertheless, need to be subjected to a probation, longer or shorter, before being definitively classed. This class has the name of probation-division. The third is composed of prisoners who, by their antecedents or their good conduct in the penitentiary, have claim to a special distinction. This class bears the name of recompense-division.

These three classes, although subjected to the same *régime* and the same exercises, are nevertheless the objects of special distinctions. In order to be able to recognize the prisoners who belong to each, a distinctive mark in the clothing is adopted for each division. The prisoners of the punishment-division are subjected to the most painful labors, are deprived of the *cantine*, and suffer various privations, especially that of visits from and correspondence with the outside, except in urgent cases, which are left to the judgment of the director. The passage from one division into another is determined by the administrative commission, on the proposal of the director. To this end the records of

conduct and of punishment are consulted. The examination for classification takes place during the first third of each year, unless oftener made necessary by exceptional circumstances resulting from overcrowding in one or other of the sections.

The numbers of the prisoners assigned to each division are inscribed on a roster suspended on the wall.

The first classification is made by the director according to the known antecedents of the convict on his entrance, the circumstances revealed on the occasion of his conviction, and the notes which are forwarded by the courts. The results of this system of classifying are not stated, but there is an implication that they are not particularly remarkable in an opinion expressed to the effect that, "to obtain solid results in a disciplinary and moral point of view, it would be necessary to appropriate special wards to the different classes."

The funds needed for the support of the prisoners are derived from the same source as the funds required for the support of the other departments of the public service. The cost of each day's support is counted in gross, without taking account of the product of the prison labor, which is turned over to the treasury. The value of this labor is not stated.

The pension granted to prison-officers who have become incapacitated, before the proper time for retirement, for a further discharge of their duties, is regulated on the footing of the average salary of their last five years of service. The pension allowed them on retiring is the same as that allowed to all the other functionaries of the government.

§3. In Denmark there are two general classes of sentences, viz, to imprisonment and to hard labor. There are three kinds of imprisonment: 1, imprisonment from two days to two years, during which the prisoner, though restrained of liberty, is permitted to procure whatever comforts he can by his own efforts; 2, imprisonment on common prison-fare from two days to six months, during which the prisoner is subjected to the discipline of the prison and restricted to the prescribed prison fare; 3, imprisonment on bread and water from two to thirty days. These punishments are undergone in the same buildings where persons not yet sentenced are detained. Every jurisdiction has its jail, the whole number in the kingdom being ninety-three. They vary greatly in size, that in Copenhagen having accommodations for more than two hundred inmates, while the smaller ones can receive only from four to six. The ordinary number of persons, in the whole country, who are either awaiting trial or sentenced to imprisonment in jail, is about five hundred. These jails are constructed and maintained at the expense of the jurisdiction in which they are situated. By far the greater part are of recent construction; and as none can be built or materially altered without an approval of the plan by the ministry, the same principles of construction are realized with respect to all. The law requires that imprisonment in the jails be cellular, unless positively forbidden by the medical officer. Consequently all the cells in the more recent constructions are for single persons, and contain about 800 cubic feet of space.

Sentences to hard labor are of two kinds, viz, to "labor for ameliorating" and "labor for punishing." Sentences of the first class, from eight months to six years, are undergone in houses of correction. The imprisonment is cellular, but, with deductions from the terms of sentence, expressly on the ground of the isolation of the prisoner increasing in proportion to the length of the sentence. Thus a nominal sentence of eight months is reduced to six, and one of six years to three and a half, this latter being the longest period permitted by the laws of

Denmark for punishment in separate cells. The persons sentenced to this denomination of labor are either, first, those who have committed a slight offense or, at least, a crime not so great as to receive a sentence of more than six years; or, secondly, those who have not been previously convicted; or, thirdly, young criminals, not exceeding twenty-five years. They are, consequently, without exception, persons whose moral regeneration may be hoped for.

Sentences to hard labor of the second class, ranging from two years to life, are undergone in prisons on the Auburn plan, the prisoners being together in the daytime, but separated at night. The prisoners so sentenced are divided into two classes. The first receive sentences of two to six years, being persons of a more advanced age, or who have been punished before. Their crimes are not great, but their moral vigor is broken. They form the fixed stock of the prisons, inveterate thieves, an assemblage of persons wretched and enervate, as well in a moral as in a bodily point of view; ruined by idleness, drink, and debauchery. The second class receive sentences from six years to life. They have the name of "great criminals," but, though the crime committed may be grave, it does not follow that it has necessarily sprung out of a thoroughly corrupted nature; on the contrary, it often stands solitary and has been committed in a momentary passion or under great mental depression.

For criminals sentenced to "hard labor for ameliorating," there is one prison (male) on the cellular system. For those sentenced to "hard labor for punishing," there are three, (two male and one female,) all on the associated plan. However, as there is but one prison for women, it contains prisoners sentenced to "ameliorating" as well as to "punishing labor;" but the former are treated on the cellular, as the latter on the congregate, principle. The four prisons have accommodations for an aggregate of seventeen hundred inmates. The average number is about twelve hundred, and the proportion of women a fraction over 12 per cent.\*

While I am writing this report, a letter reaches me from Mr. Bruin, in which he says that his first work, after his return from London, was to draw up, on the request of the ministry, a proposal touching the manner of carrying into effect the punishment in the congregate prisons, based on the resolutions formed by the congress.

§ 4. The prisons of France are comprehended in six classes, to wit: 1, penal colonies; 2, central prisons; 3, departmental prisons; 4, establishments for the correctional education of juvenile delinquents; 5, chambers, or depots of safe-keeping; 6, prisons for the army and navy.

Formerly, persons sentenced to hard labor received their punishment in galleys. There remains but one establishment of this kind at present, the bagnio at Toulon. The galley-prisons have, since 1854, been replaced by transportation to penal colonies. Of these there are three, viz, in Algeria, in Guiana, and in New Caledonia—an island of Oceania—the latter being the most important and the most hopeful. The colony of New Caledonia was created in 1864. This island offers, by the salubrity of its climate and the fertility of its soil, conditions propitious to transportation. The transportation of women is authorized by the law, in view of marriages to be contracted with the convicts after their provi-

\* The official report from Denmark being very brief, I have supplemented the information given in it by recourse to a paper on "Prison-Discipline in Denmark," prepared for the Cincinnati congress by Mr. Bruin, supreme director of prisons in Denmark.—E. C. W.

sional or definitive liberation. The administration selected, from among the female prisoners of every class, those who expressed a desire to profit by these arrangements. These women are placed, to undergo their punishment until their provisional or definitive liberation, in a special establishment at Maroni, under the supervision of the religious ladies of Cherry. The majority of females, however, sentenced to hard labor still undergo their punishment in the central prisons of the continent.

The central prisons of France correspond to the state prisons in the United States. Their legal designation is "prisons of hard labor and correction." They receive three classes of prisoners, viz, women of all ages and men of the age of sixty and upward, persons sentenced to reclusion, and persons sentenced as correctionals to an imprisonment of more than a year.

The departmental prisons are so called, not only because they are devoted to the exclusive service of the departments in which they are placed, but still more from considerations of property and maintenance; they have also the name of houses of arrest, of justice, and of correction. These prisons receive the arrested; the accused; the correctionals sentenced to one year and less; persons sentenced to severer punishments who are awaiting their transfer; police prisoners; persons imprisoned for debts in matters criminal, correctional, of simple police, and of *fisc*; juvenile prisoners, whether arrested, accused, or committed in the way of paternal correction, and civil and military prisoners *en route*. In general, the three houses are but three distinct wards in the same establishment, although, to answer the intention of the law, the house of correction, as being a place of punishment, should be distinct from the other two.

The establishments devoted to the correctional education of juvenile delinquents receive minors of both sexes of sixteen years and under. These will be considered more at length under another head.

The name of chambers for safe-keeping is given to places in which are received prisoners who are being conveyed from point to point in localities where there is no house of arrest, of justice, or of correction. These chambers and depots have the same destination as such houses, and are but places for the temporary confinement of prisoners *en route*.

The military prisons need not be described in this report.

The cellular system is not applied in any central prison. The discipline of these prisons is that of detention in common with the obligation of silence. Some of them, however, have cellular wards, in which may be confined certain classes of prisoners.

Out of four hundred departmental prisons, fifty are constructed on the cellular system; but even in these, or at least a large proportion of them, it is the edifice only which is cellular, the system being in reality that of association by day, while separation is restricted to the night; so that no attempt is made in the report from France to establish a comparison of the results yielded by the two systems. The report declares that the results obtained by the existing system are far from being satisfactory. More than 50 per cent. of the male prisoners and about one-third of the women discharged from the central prisons fall back into crime. The report strenuously advocates the abandonment of the *régime* in common, so far as the arrested, the accused, and persons sentenced to short imprisonments are concerned.

The part contributed by the labor of the prisoners toward the cost of maintenance is placed at 50 per cent. in the central prisons and at 17 per cent. in the departmental prisons, the deficiency being made up from

the public exchequer. Some of the central prisons, however, do much better than this. In one of the female central prisons it has been possible entirely to withdraw the subsidy granted by the state, the earnings of the prisoners being sufficient for the support of the establishment. In another central prison the earnings more than defray the cost, and in several that result is approached more or less nearly. It is hoped from these examples that the administration will at length attain the end which it has always sought in this regard—that of exempting the treasury from the personal expenses of the prisoners who are confined in its great prisons for punishment.

The difference between sentences to simple imprisonment, to reclusion, and to hard labor, which are the three kinds of sentence known in France, is thus explained: Simple imprisonment is a correctional punishment, its duration being for six days at least and five years at most. It is undergone in a departmental prison if its duration falls within a year; if beyond that, in a central prison. Reclusion is a punishment afflictive and infamous. The sentence to it, which is from five to ten years, is always served in a central prison. It implies the loss of civic rights. Hard labor is an afflictive and infamous punishment. A sentence to it for life involves civic degradation and civil death. The sentence which imposes the punishment of hard labor is printed and posted in the central city of the department, in the city where the sentence was pronounced, in the commune where the crime was committed, and in that of the domicile of the convict. Criminals sentenced to hard labor for a limited term are, at the expiration of their sentence and during their whole life, legally under the supervision of the police.

Classification of prisoners has been practised to some extent both in the departmental and central prisons; but, apparently, it has not been such as to lead to solid results. An experiment, however, of great interest, was inaugurated a few years ago in this direction. Wards, to which has been given the name of wards of preservation and amendment, have been established in many central prisons, and appropriated to persons sentenced for a first offense, committed under the influence of a sudden impulse or of some violent momentary passion. This experiment promises the best results. The prisoners placed in these wards have shown themselves sensible to the distinction of which they have been made the object and have exerted themselves to justify it by their good conduct. The cases are extremely rare in which it has been found necessary to put them back into the common ward.

The different agents of the penitentiary administration are subject, as regards their retirement and the pension that may be granted them, to the rules embodied in the law of the 9th of June, 1853, relating to civil pensions. The principle laid down by this law is that every public functionary, paid directly from the funds of the state, has a legal claim to a retiring pension, when he fulfills the required conditions of age and of continuance in the service, that is to say, when he has attained the age of sixty and has accomplished a service of twenty years. It is important to remark that account is made of military services when there are super-added to them twelve years, at least, of civil services. Moreover, a pension can be granted at fifty years of age, and after twenty years of service, to those who have become incapacitated from a longer discharge of official duty by grave infirmities resulting from the exercise of their functions. In short, this same law relieves from every condition of age and continued service, 1, those who may have been disabled from continuing their service, whether as the result of an act of devotion in some public interest, or in exposing their own life to save the life of one

of their fellow-citizens, or as the result of a struggle or combat encountered in the discharge of their duties; 2, those to whom a grave accident, resulting, notoriously, from the exercise of their functions, shall have made it impossible to continue them.

§ 5. The German Empire was represented by a delegate named by the central government, but no report was submitted on behalf of the whole empire. Five states, however—Baden, Bavaria, Prussia, Saxony, and Württemberg—submitted reports each for itself.

(1) There are four classes of prisons in Baden: Houses of correction; central prisons, of which, however, there is but one; district-prisons; and fortresses.

Prisoners sentenced to hard labor are placed in houses of correction; prisoners sentenced to more than six weeks of imprisonment are placed in the central prison, and those sentenced to less than six weeks in district-prisons. The district-prisons are also used for the safe keeping of persons awaiting trial. There is one prison of this kind for each of the fifty-three district-courts of the grand duchy. The report does not state what class of criminals are sentenced to fortresses, but simply that the number of such is small. It further states that the punishment of those thus confined, as well as of the inmates of district prisons, is simply privation of liberty, the prisoners being free as to the choice of food and occupation.

The punishment of prisoners confined in houses of correction and in the central prison is undergone in cells, as is also the imprisonment of persons under arrest. Certain restrictions, however, have place as regards the infliction of imprisonment on the cellular plan. It cannot be extended, contrary to the prisoner's wish, beyond three years; nor can it, if he be between the ages of twelve and eighteen years and if he object, be applied beyond a maximum of six months. Those who object to this kind of imprisonment beyond the terms named above, and those who are pronounced by the medical officers unfit for it, are treated on the plan of association; nevertheless, they are associated only during the hours of labor; and they are, as far as possible, classified for distribution in the work shops according to their personal qualities, and in a manner best suited to promote their moral amendment.

The results of the cellular system have been favorable, and so have those of the congregate system when it has been organized and carried out on right principles.

The number of prisoners confined, January 1, 1871, and which probably represents about the average, was: Houses of correction, 303; central prison of Bruchsal, 411; district-prisons, under sentence, 198—awaiting trial, 227; total, 1,169. Of these, 85 per cent. were men and 15 per cent. women.

The support of the prisons is derived from three sources, viz: 1, payments by prisoners who have property; these amount to very little; 2, the labor of the prisoners; 3, subsidies by the state.

The gains from prison-labor differ materially, according to the duration of the punishment, the kind of prison, and the number in each. The product of the trades carried on in the cellular prison of Bruchsal has sometimes sufficed to pay the whole expense of the establishment, with the exception of the salaries of officers; and for twenty years it has, on the average, paid considerably more than two-thirds of the current expenses of the prison.

To superior officers, on retirement from service, there is granted an annual pension equal to four-fifths of their salary; to the inferior, equal to one half.

(2) The classification of the prisons of Bavaria is as follows: 1, houses of correction; 2, prisons for adult criminals sentenced for a term exceeding three months and for juvenile delinquents for a term exceeding one month; 3, district-prisons of courts of justice for adult criminals sentenced for less than three months and for juveniles sentenced for less than one month.; 4, police prisons for persons arrested and held for trial.

There are distinct prisons for men and women of the class called houses of correction; in other prisons the two sexes are placed in different parts of the establishment.

For persons convicted of crimes against property—theft, fraud, robbery, obtaining money or goods under false pretenses, extortion, receiving stolen property, &c., and sentenced to a term exceeding three months—special prisons are provided, to which no other prisoners are sent.

Bavaria has four cellular prisons. One of these only is for sentenced prisoners; the other three for persons awaiting trial. All the other prisons of the kingdom are on the congregate plan.

Cellular imprisonment has existed for only a few years in Bavaria, and consequently (the report states) accurate data touching its effect cannot be given. But the system of isolation, it is added, gains adherents daily, because of the evil effects of the collective system as there practised.

The classification of prisoners is not carried to any great extent; yet the governors must keep prisoners of average good conduct apart from those who give little hope of improvement and whose example would exert a hurtful influence on others.

The funds for the support of the prisons are derived from the products of prison-labor, from fines, and from the public chest. The first of these sources yields 16 to 18 per cent. of the cost; the second, 28 to 32 per cent.; and the state pays the balance.

The pension, on retirement, is regulated by the length of service. If retirement becomes necessary within the first ten years, it is seven-tenths of the salary; if within the second ten, eight-tenths; if within the third ten, nine-tenths; and after forty years of service, or after the officer has reached the age of seventy, the pension is the entire salary.

(3) The prisons of Prussia are: 1, prisons exclusively for hard labor, 29; 2, prisons for imprisonment and simple detention, 15; 3, prisons of a mixed character, 11; 4, houses of correction for the punishment of slight offenses, 16; total, 71. They will hold 26,500 prisoners. Forty-seven prisons are provided, to a less or greater extent, with cells for separate imprisonment day and night, the whole number being 3,247.

There is but one prison organized exclusively on the cellular system. There are, altogether, only 2,000 separate cells for isolation at night, a number (the report says) wholly insufficient, but it is increasing daily by new additions.

There is no sensible difference between the two systems as regards reformatory results. The number of relapses has not been diminished by cellular treatment. Yet some remarkable reformations, even of hardened criminals, have been accomplished by cellular imprisonment, concerning which a doubt is expressed whether they could or would have been effected by imprisonment in common. The effect of cellular separation upon prisoners during their incarceration is said to be decidedly favorable, and, in the comparison, superior to that of associated imprisonment.

The punishments awarded by virtue of the penal code are: 1, hard

labor, the severest—inflicted for life or for a time; minimum one year, maximum fifteen—draws after it compulsory labor, without restriction of kind or place, and various civil disabilities; 2, simple imprisonment—maximum five years; no compulsion to work outside of the prison or at occupations not in accord with the capacity of the prisoner and with his previous social position; 3, imprisonment in a fortress—inflicted for life or a time; maximum, in the latter case, fifteen years—is a simple privation of liberty, with supervision over the prisoner's occupation and mode of life; 4, detention for trifling offenses—maximum six weeks—consists in a simple privation of liberty, but may be intensified by compulsory labor, when inflicted for vagrancy, begging, or professional prostitution. The minimum imprisonment under the last three kinds of sentence is one day.

The classification of prisoners in Prussia goes little further than the separation of the younger from the older criminals.

Prison officers rendered incapable of further service receive a pension, whose amount is regulated by the laws regarding the retiring allowances of all other state officers. To gain a right to a pension, ten years must be served: the pension increases with each additional year of service. It can, however, never exceed three-fourths of the salary.

(4) The prisons of Saxony are divided into the following classes: prisons for severe punishment, 2; prisons for less severe punishment, 3; prison in fortress, 1; reformatory prisons, 5; prisons belonging to courts of justice, (number not stated); prisons belonging to police courts, (number not stated.) The average number of criminals for 1871 was: In the first class of prisons, 1,153; in the second class, 1,901; in a fortress, 1; in reformatories, (otherwise called houses of correction,) 684; in the fifth and sixth classes, 1,800; total, 4,639.

For more than twenty years there has been in Saxony a conviction that sentences of imprisonment should be undergone only for the expiation of crime, the protection of society, and to deter the prisoner from the commission of subsequent offenses. The Saxon government has, therefore, two principal objects in its penal system: the satisfaction of justice and the reformation of the prisoner.

Since 1850 the penitentiary of Zaückau has been specially distinguished by a successful application of the principle of reformation by means of individual treatment. The Saxon government was in consequence induced to extend the same system to all its prisons. The government more readily placed confidence in the new method, because it works by no complicated apparatus, complies with existing circumstances, is based upon the principle of individual treatment, and so combines different modes of imprisonment as to gain the best results. Thus, the common modes of imprisonment and treatment are excluded; and, just as a physician prescribes suitable medicine and diet for his patients, so the administration provides fit education, work, and food for its prisoners. The penitentiary of Zaückau gave proofs that this idea was not only theoretically right, but also practicable. The government, therefore, in 1854, resolved that all the Saxon prisons should adopt the new regulations for internal management and the treatment of prisoners. Accordingly, there is in Saxony no penitentiary where either solitary or collective imprisonment is exclusively employed; both modes are used, according to the prisoners' individual wants. Saxony has eleven prisons where, especially during the last ten years, the reforms mentioned above have been carried out.

(5) The prisons of the grand duchy of Würtemberg are: Prisons of reclusion, 4; country prisons, 3; fortress, 1; prison for minors, 1; dis-



trict prisons, (number not stated.) Of the first class, two are exclusively for men, one exclusively for women, and one for prisoners of both sexes. Criminals sentenced to reclusion and hard labor are placed in these establishments. In the second class, sentences for minor offenses are undergone, the maximum of the imprisonment being for four weeks. The district prisons are mainly for persons under arrest, but minor offenders are also punished in them for a term not exceeding four weeks.

The congregated system of imprisonment, with common dormitories, still prevails in Würtemberg, although cells for isolated detention are found in all the prisons, some of which are used for separation at night and others for purposes of discipline. But it has been resolved to make trial of the cellular system, and to that end a special prison has been erected at Heilbrom, which is expected soon to be opened for the reception of prisoners.

The expense of maintaining the prisons, so far as it is not defrayed by the industrial labor and payments of the prisoners, is borne by the state, which, on the average, contributes about 35 per cent. of the total expense of prisons; the remaining 65 per cent. is derived from the income of the prisons themselves, but the prisoners' payments form only a small part of the amount. What comes from the prisoners is mostly the result of their labor.

§ 6. The official report on the prisons of Italy commences with an explanation of the circumstances of the country. The various provinces of the Italian peninsula, divided for centuries into so many different states, at length united under the house of Savoy, brought with them to the union, each its own laws, institutions, and traditions. It is, therefore, not to be wondered at that there should be found in Italy a wide diversity in penal legislation, and, consequently, great variety in the punishments adopted and in the mode of carrying them out. Thus, the law of the Tuscan provinces had abolished capital punishment since 1859; the Neapolitan and Sicilian legislation still inflicted this sentence in *twenty-two* cases; in other provinces of the kingdom capital punishment was decreed in *twenty-seven* cases. Again, the Tuscan provinces had adopted the system of continual isolation; others preferred and were adopting the Auburn system. In some provinces, fetters were in use both for males and females sentenced to a long imprisonment; in others, they were entirely abolished. In some provinces, only those convicts sentenced to the heavier punishments were admitted into the bagnios; in others, these establishments served as prisons also to those sentenced only for a few years; in others, again, they were entirely proscribed. This diversity in the penal codes and the variety in the methods of incarceration could not be at once done away with, but the government is directing its efforts to the reformation and complete unification of its penal legislation.

For detention before trial there are the central or chief prisons of the provinces, the district prisons, and the communal jails, (number not stated.) For penal detention there are: Bagnios, for criminals sentenced to hard labor for life or a limited time, 21; bridewells, for prisoners sentenced to reclusion or public works, 11; prisons for those sentenced to relegation or banishment, 3; houses of correction, for persons sentenced to simple imprisonment, 6; special establishments, (classed under the general name of houses of punishment,) 10; special prisons for women, 5; houses of correction for juvenile convicts, (minors,) 4; establishments for forced detention (reformatories) of idlers, vagabonds, and youths admitted by request of parents for correction, (which also receive

juvenile offenders before trial,) 31; agricultural colonies, 2; penal establishment for invalids, 1.

The jails and prisons, as varying in their systems of imprisonment, may thus be classified: two on the system of continued isolation; two on the system partly of continued isolation and partly of association; five on the Auburn system complete; two partly on the Auburn system, partly on that of community, and forty-five on the community system.

The question of establishing a hospital for lunatic convicts and a nautical reformatory is now under consideration by the central administration.

The average number of inmates of the jails (places of preliminary detention and minor punishments) for 1871 was 45,082; of the penitentiaries, 10,738; of the bagnios, 15,148; of the prisons for juvenile convicts under age, 573.

The system of continued isolation has been decreed for all detention-prisons. Several jails have been erected on this plan, others are in process of erection, and plans for a still greater number are under study.

In the sense of assigning prisoners to different penal establishments according to their crimes and sentences, a complete system of classification exists. In the detention-prisons, the following classes are, as much as possible, separated from each other: the arrested, (who are at the disposal of the authorities of public safety,) the accused awaiting trial, those sentenced for terms not exceeding a year, those detained in transit or sentenced and awaiting transfer, women, minors, and persons imprisoned for debt. In the bagnios there are recognized four divisions, with separate dormitories for each. They are: those sentenced for military crimes or assaults, those sentenced for theft, those sentenced for highway robbery, and those convicted of atrocious crimes, such as assassination, homicide, &c. Each of these four divisions is subdivided into three categories, distinguished by marks on their dress, according to their terms of sentence.

The funds for the support of the prisons are drawn from the general budget of the state. For the financial results of the prisoners' labor, reference is made to the official statistics, for which examination the undersigned has no time.

The pension to which the directors and officers of the prisons are entitled, after a service of at least twenty-five years, is determined on the same principle as that of every other officer in the civil service of the state. Thus, when retired after twenty-five years of service, they have as many fortieths of their salary, when it does not exceed two thousand Italian livres, and as many sixtieths when it is more than two thousand livres, as their years of service. But without regard to the twenty-five years of service there are cases of pensions granted to all classes of officers, when one becomes incapacitated by a wound caused by some extraordinary act performed in the discharge of his official duties, or by a disease contracted in the public service.

§ 7. A commission of distinguished and able citizens was appointed by the government of the republic of Mexico, which the undersigned had the honor to represent in the Congress of London as well as that of the United States, to draw up a report in answer to the series of questions submitted to that as well as to the other governments, which were invited to take part in the movement. On the subject of the prison system of Mexico, the commission say that in the capital of the republic there are two prisons, one for those who are simply arrested and detained, and the other for adult prisoners who are to be tried or have been already sentenced. Young children sentenced to a term of

imprisonment are placed in an establishment called "*hospicio de los pobres*," (*hospital of the poor*.) For the punishment of criminal children between nine and eighteen years of age, there is a special establishment, where they receive an elementary religious education and learn a trade.

The system of imprisonment is that of association. Its results are stated to have been very sad, the prisoners generally leaving the prisons worse than when they entered. Penitentiaries on the cellular system are in course of erection in several of the states. Only one has, so far, been completed.

As regards the proportion contributed by the labor of the prisoners towards defraying the cost of maintaining the prisons, the commission reports only in relation to the Federal district and Lower California, where it is from 40 to 50 per cent.

§ 8. In the Netherlands four classes of prisons exist: The central prisons, for criminals sentenced to eighteen months and over; detention-prisons, for terms of sentence less than eighteen months; houses of arrest, for sentences of three months and under; and police or cautional prisons, for sentences not exceeding a month. The three classes last named also receive prisoners under arrest and awaiting trial. In some cases all three are united together, forming a single establishment.

Both systems of imprisonment, cellular and associated, have place in the Netherlands. In no case, however, can cellular separation be extended beyond a period of two years. The two systems are stated in the report to be applied not uniformly in the different prisons established on each plan, but in a manner quite irregular and little harmonious; consequently the results obtained are not such as to permit a fair and reliable comparison. Hence, there exists in the country a great difference of opinion on the question of preference. Still, the cellular system, considered in itself, and apart from the manner of applying it and the limits to be imposed on it, scarcely encounters any adversaries; and, for short imprisonments, public opinion is well-nigh unanimous in its favor.

The classification of prisoners does not seem to receive much attention in the Netherlands. In the central prisons, the more hardened and dangerous, and those sentenced on re-conviction, are separated from the other prisoners. The results are reported as favorable.

The funds for the support of the prisons are a charge upon the annual budget of the state. The part contributed by the labor of the prisoners is quite inconsiderable.

The pensions granted to prison-officers when they become incapacitated for further service are the same as those accorded to all other employés of the state. Beyond this statement no information is given.

The general proportion in which the sexes are represented in the Netherlands prisons is about twenty women to a hundred men; but this proportion varies, especially in the different provinces.

§ 9. There are four classes of prisons in Norway: Prisons established in fortresses, 3; houses of correction, 4; a penitentiary, 1; district-prisons, (corresponding to our common jails,) 56.

The system of imprisonment is that of association in the fortresses and houses of correction, and of separation in the penitentiary, and, to a very considerable extent, also, in the district prisons.

The sentences to the penitentiary range from six months to six years; but these sentences are shortened one-third, because of the system of

imprisonment (cellular) applied there. No comparison of results yielded by the two systems is given.

The average number of prisoners in the fortresses is 217; in the houses of correction, 940; in the penitentiary, 224; in the district prisons, not stated. The proportion of women in the district prisons cannot be accurately ascertained from the statistical returns; but in the penal establishments it is nearly one fourth.

No classification of the prisoners is carried out in the prisons based on the system of association, but, in distributing the prisoners in the work rooms and dormitories, care is taken to keep the less corrupted prisoners separate, as far as possible, from the older and more dangerous criminals. In the penitentiary has been introduced a system of progressive classification, based on the zeal and merit of the prisoners, through which some mitigation of their punishment is gradually afforded, by way of allowing the prisoners, to a larger extent than before, to read, write, receive the visits of their relatives, work in the open air, &c.

The pensions allowed to prison-officers on retirement are not regulated by law, but are matter of parliamentary grant in each individual case.

The expenses of the penal institutions are defrayed out of the exchequer, less the proceeds of the prison-labor. These expenses, in 1872, were 203,410 thalers, of which 109,970 thalers were met by the earnings of the prisoners, leaving 93,440 thalers to be supplied by the state. The expenses of the district prisons are paid by the districts in which they are severally situated. Nevertheless the exchequer has to pay for medicines, medical attendance, spiritual assistance, and the necessary clothing of the prisoners; besides which the district receives from the exchequer an allowance of 24 skilling, equal to 11*d.* sterling, a day for every prisoner. The balance to be paid by the district after these various grants cannot, one would think, be very onerous.

§ 10. The report submitted to the congress on the part of Russia was drawn up by Count Sollohub, president of the imperial commission recently appointed to devise a new penitentiary system for the Russian Empire. The count explains, in his introductory remarks, that a detailed description of the system now in operation in Russia is impossible, and, if possible, could not give an exact idea of things, since the penitentiary question in his country is at this moment passing through a transitional phase, a radical reform being proposed and certain experiments having been already commenced. Russia is thus between two systems, one acknowledged to be unsatisfactory and the other but just dawning, with its methods and measures yet undeveloped. From a scientific point of view, such a transitional phase might be interesting, but it could not give precise statements either as to what exists now or what is to exist hereafter. These considerations caused hesitation in respect to the preparation of any report to be handed in to the congress, but it was finally concluded to prepare and submit a report, under the reserve that it is to be regarded, not as the exposition of a system, but rather as a short sketch of the traditions of the country.

The existing laws of Russia relating to the arrested and the sentenced are divided into two parts, the first referring to the imprisoned, the second to the transported. The following is the present classification of prisons: I. Prisons properly so called, (*ostrogs*), established in all the towns of the empire. Originally they were merely places of safe-keeping, the actual punishment being either bodily inflictions or deportation to the farthest limits of the empire, with a treatment of greater or less

severity. More recently they have been used for punishment in cases where the imprisonment does not exceed a year and four months. 2. Prisons for arrest. This must not be confounded with preliminary arrest, where the detention is merely that of safe custody. It is a true punishment, which is inflicted by justices of the peace for slight offenses and cannot exceed three months. 3. Houses of amendment and labor, established by the Empress Catherine, probably under the influence of Howard, to whom Russia owes her first notions of the humane treatment of prisoners. 4. Prisons for industrial sections or companies. These companies, sentenced to labor on public works, formerly under the jurisdiction of the minister of ways and communications, have lately passed into that of the minister of the interior. Sentences to this class of prisons cannot now exceed four years, though formerly they might be extended to twelve.

The system of associated imprisonment in rooms still exists in Russia, with some exceptions; for example, in the *ostrogs* of the first class there are separate cells.

The result of imprisonment in common by day and night, and also of deportation, has been found lamentable. It has created in Russia, a class of vagrants and worthless characters (*prolétaires*) not in harmony either with the fertility of the soil or the communal constitution of the country. The system individually preferred by the writer of the report is the following: 1, that of civil imprisonment for the accused awaiting trial; 2, that of cellular imprisonment for the convicted undergoing short sentences, with a reduction of two-thirds of the punishment as compared with the duration of collective imprisonment; 3, for houses of correction and convict prisons, that of separation by night in small cells open at the top, arranged in large common dormitories, well ventilated, well lighted, and under constant supervision, with labor in common workshops. The report opposes cellular imprisonment for long periods, on the ground that it must either render the prisoner torpid, or produce in him such a constant feeling of restraint as will necessarily paralyze the play and development of his individual will, sole means of his regeneration.

Classification of the prisoners is rigidly required by the Russian legislation, but the bad condition of many of the prison edifices, and especially the lack of space, restricts it to the separation of the sexes and of persons arrested from those who are undergoing their punishment.

The prisons derive their support mainly from the treasury of the state. The earnings of the prisoners have thus far been inconsiderable, especially when considered in comparison with the vast population and the immense productive power of the empire.

The system of pensions is uniform for all public functionaries. What that system is is not stated.

§ 11. The prisons of Switzerland may be divided into four groups: 1, those of five cantons are administered on a kind of patriarchal system, (whatever that may mean,) by sisters of charity; 2, those of three other cantons are administered on a different system, but leaving much to be desired in the way of improvements; 3, nine cantons have prisons of medium excellence, some of which are advancing toward the first rank; 4, four cantons, Argovie, Bâleville, Neuchâtel, and Tessin, have penitentiaries of a higher grade of excellence, into which has been introduced, in different degrees and under various modifications, the progressive Crofton system.

The system of congregate imprisonment predominates; but effort is

made to introduce cellular separation, especially at night. There is a general agreement that the system of association is favorable to industrial labor, and not unfavorable to discipline, but that, when extended to the dormitories as well as to the workshops, it is obstructive to the moral education of the prisoners.

Penitentiary training, it is held in Switzerland, imperatively requires cellular separation, at least in the initial stage; and it is on this sole condition that the prisoners can effectively enter into communion with themselves, a process which would be impeded by the contact and influence of some, at least, of their fellow-prisoners.

After the cellular stage, it is considered expedient to allow those prisoners to work together who furnish ground of hope that a moral reformation has been, or may be, accomplished in them. It is under these conditions that associated labor is found in recently-constructed penitentiaries.

The public opinion of Switzerland shows itself more and more favorable to the progressive Crofton penitentiary system, with conditional and revocable liberation. The exclusively cellular system should be reserved (so it is thought) for houses of preliminary detention, and for them it should be the only system in use.

A methodical classification of prisoners exists only in the more recently constructed prisons, which are conducted, as far as circumstances permit, on the general principles of the Crofton system. There are, however, no intermediate prisons in Switzerland, and, consequently, wherever the Crofton system has been introduced, its application is carried out in one and the same establishment. The financial resources of no single canton would permit the realization of such a system, which could be applied only by a union of funds of several cantons directed to that end. Besides which, public opinion, more or less imbued with the old ideas of intimidation and vengeance, is not yet ripe for such a change.

The treasury of each canton covers the deficit resulting from the difference between the total expenditure and the special receipts of its prisons, which receipts are composed of the proceeds of the prisoners' labor and moneys paid by cantons that place their convicts in the penitentiaries of other cantons of the confederation. In several of the cantons, where the prisons are best organized and industrial labor best managed, the industries yield an income approaching, and in one or two instances covering, the current expenses of the establishments, not including, however, the salaries of officers, the cost of repairs, or the *peculium* paid to the prisoners.

Pensions are granted only in exceptional cases to public functionaries, when they become incapacitated for further service. This rule applies to prison officers, as to all others.

12. There are in Sweden: 1, cellular penitentiary prisons in each province; 2, central prisons on the associated system—some for women, others for men; 3, houses of arrest in certain small towns and districts.

The cellular prisons are used for the accused during the preliminary proceedings, for prisoners sentenced to hard labor for two years and under, for prisoners sentenced only to reclusion, and for those who, not having the means to pay the fines imposed on them, are required to render an equivalent in the form of imprisonment on bread and water. Some prisons on the associated plan are used for persons sentenced to hard labor for life, and others for those sentenced to hard labor for a term exceeding two years.

The results of cellular imprisonment for those awaiting trial and for

sentenced prisoners released at furthest after two years' imprisonment have been favorable. Congregate-prisons, such as they still exist in Sweden, having dormitories in common for forty to one hundred and thirty prisoners each, are regarded, in spite of the strictest supervision, as nurseries of vice and crime. In those associated prisons where a separation takes place at night, and in which the prisoners work in small groups in common workshops by day, the results are found to be favorable. The official report on the prisons of Sweden was drawn up and is signed by Mr. Almqvist, director general of prisons for that kingdom, who says: "Of all known penitentiary systems, it appears to me that the most excellent is the Crofton or progressive system, adopted in Ireland, with its special stages, through which the prisoners are required to pass."

No classification of prisoners exists, beyond that of separating the sexes, and, as far as possible, young prisoners from the older and more hardened ones, in the common dormitories of the associated prisons.

Prisoners not yet sentenced and those sentenced simply to reclusion are not compelled to work. They spend their time as they like, working, reading, &c. They may procure better food and more comforts than the prison supplies, provided they do not thereby interfere with the order and security of the prison. Prisoners sentenced to hard labor must do the work set them, and are restricted rigidly to the prison fare.

On attaining the age of fifty five, prison-officers have the right to retire from the service on a pension of two-thirds of their salary; those who serve till they are sixty-five generally receive from the Parliament a pension equal to their whole salary.

§ 13. The North American Republic is composed of nearly forty States with local self-government, and a dozen dependencies not yet elevated to the rank of States. These fifty jurisdictions are, in matters of crime and punishment, independent of each other, and very little controlled by the National Government. They vary in antiquity from Virginia, New York, and Massachusetts, which have been inhabited by the Indo-European races for more than two centuries, and a half, to the new Territories of Dakota and Montana, which ten years ago were occupied only by roving savage tribes; and, consequently, almost every variety of social condition prevails in this vast area, larger than half of Europe and more populous at this moment than any European nation except Russia.

As a nation, the United States have existed for nearly a century, their separation from the British Empire being coeval with the first improvement of prisons, resulting from the labors of John Howard. Consequently, the prison system of America, like all the modern systems, dates no further back than 1784, when the old Walnut Street prison of Philadelphia was built, and the first organized effort to improve prison discipline in the United States was made by the Pennsylvania Society for alleviating the Miseries of Public Prisons, of which Dr. Franklin was one of the founders, in 1787. The National Government, as now established by the Federal Constitution of 1787, dates from the same period; but it has never much concerned itself as a Government with the prison system of the country, its first step in that direction being the appointment of the undersigned in 1871, as a commissioner to the International Prison Congress of London. Whatever has been done, therefore, has been the work of the separate States of the Union, and almost wholly within the present century. The oldest penitentiary now in use is probably that of Massachusetts, at Charlestown, near Boston, which was begun in 1800 and first received convicts in 1805. Among the county-jails there are probably a few older than this, but the greater number,

both of state and county prisons, have been built since the beginning of the world-wide controversy between the advocates of the cellular or Pennsylvania system and the silent or Auburn system, now generally known as the *separate* and the *congregate* systems of prison management. This controversy, opened in America about half a century ago, took a concrete and practical form with the opening of the Auburn and Sing-Sing penitentiaries in the State of New York, built on the congregate plan, with separation at night in single cells, and the two penitentiaries of Pennsylvania, at Philadelphia and at Pittsburgh, built on the separate plan, with cellular imprisonment day and night for each convict. New Jersey and Rhode Island, in imitation of the eastern and western penitentiaries of Pennsylvania, introduced the cellular system into their state-prisons, respectively; but those States abandoned the system years ago, and more recently it has been given up at the western penitentiary of Pittsburgh. So the result of the controversy in the United States is that cellularism exists only at the Cherry Hill prison, or eastern penitentiary, in Philadelphia; in some of the county-jails of Pennsylvania; in the Suffolk County jail in Boston; and possibly a few other prisons of the same class. The proportion of prisoners confined on the separate plan in the whole United States is about one to thirty, or in the neighborhood of 3 per cent. It is therefore evident that the system of association, as opposed to that of cellularism, is the one which prevails in the United States. Nevertheless, it is believed that the enlightened friends of prison reform in this country very generally prefer the system of complete separation for all prisons of preliminary detention, and, moreover, that they would prefer the restriction of all detention prisons to the purpose of safe-keeping alone, while minor offenses, they hold, might better receive their punishment in district-prisons, forming a middle class of penitentiaries between the detention-prison and the state-prison, in which reformatory principles and processes might be more hopefully applied than they are now or ever can be in the county-jails.

The broad distinction of American prisons is that stated above, viz. into state-prisons and county-jails. States are the Federal unit of the American republic, and of these there are thirty-seven; but the units of each State are the *counties*, numbering, in the whole country, about 2,100. In each of these counties there is, or may be, a county-prison, and in some of them there are two, three, or four. In the thirty-seven States there are now thirty-nine state-prisons and two state work-houses; the latter in Massachusetts and Rhode Island. In two States, Florida and Delaware, there are as yet no state-prisons; in Pennsylvania and Indiana there are two each, and in New York there are three. Reckoning about forty state-prisons in all, the average number of their inmates, for the last year or two, has been about 16,000; but for the last year the number has been increasing. Of this average number, the State of New York has furnished about 2,700 in its three great prisons; Illinois, 1,300 in its one prison; Ohio, a little more than 1,000; Pennsylvania, a little less than 1,000; Massachusetts, (including the workhouse convicts,) nearly 900; California, almost 800; and Missouri nearly 900; so that these seven States supply about one-half the convicts of the higher grades of crime. The same is true of the inmates of the city, county, and district-prisons of all grades, who, in these seven States, average now probably nearly 10,000, out of a total in the whole country of perhaps 22,000. These numbers are nothing more than careful estimates, while the average in the state-prisons is quite exactly computed, the fact being that nobody knows precisely the number of the county-jails in the United States, much less the average of their



inmates; nor is the number of the town and city prisons known, nor the average of their inmates. The district-prisons—intermediate between the state and county prisons—are few in number, and are very well known. These four classes—municipal, (town and city,) county district, and state-prisons—include all places of confinement in the United States, except for juvenile offenders.

In all these prisons, of all classes, when the last census was taken, (June 1, 1870,) the number reported in confinement was 32,208, but this is known to have been too small. The true number, even at that season of the year—the summer—when the fewest persons are in prison, was not less than 35,000, and in the winter of the same year it no doubt rose to more than 40,000, with an average number through the year of at least 38,000. If we suppose the same to be the average number in confinement during 1871, and 16,000 to be the average number of state-prison convicts, (neither being far from the true number,) it is probable that 8,000 of the remaining 22,000, and perhaps even half that number, (which would be 11,000,) are held in jail awaiting trial or sentence, while from 11,000 to 14,000 are under sentence in the minor prisons of counties and districts, for offenses of less criminality than are punished in the state-prisons. As for the sex of these prisoners, if we confine ourselves to general statements, we shall be within bounds in saying that not more than one in six of the 38,000 persons mentioned as the average prison-population of the whole United States are women. The proportion is much less than this in prisons of the highest grades; that is to say, the state-prisons.

§ 14. Prison management has been made a subject of study and discussion in England for more than a century. An interesting and able review of the progress of things in this department of the public service is given by Major Du Cane, chairman of the directors of convict-prisons, in the report which, by direction of the British government, he submitted to the penitentiary congress. It would occupy too much space to give even the most condensed summary of this history, and the undersigned limits himself, therefore, as in the case of other countries, to a brief exposition of the actual penitentiary system of England as applied in the convict or state prisons, and set forth in the paper of Major Du Cane.

The English convict-system is devised with a view to combine the principle of deterrence with that of reformation. While the importance of the latter of these principles is admitted, the former is held to be paramount, because punishment (such is the theory) is designed primarily to prevent crime by the warning thereby held up to those who might, but for such deterrent influence, fall into it.

The sentence to penal servitude in England is divided into three principal stages. The first stage is passed at Pentonville or Millbank, and lasts nine months in all cases. During that period the prisoner passes his whole time, except the periods allotted to prayers and exercise, alone in his cell, working at some employment of an industrial or remunerative character. The second stage is passed in a prison in which he sleeps and has his meals in a separate cell, but works in association under a close supervision. The third period is that during which he is conditionally released from prison, but is kept under the supervision of the police, and made liable for any infraction of the conditions of his release, the consequence of which is that he is to be returned to prison, there to fulfill the whole of the remitted portion of his sentence. A stage intermediate between the second and the conditional release is applied to women, who may be sent to "refuges" for six months before their re-

lease on license. The refuges are establishments managed by private persons who interest themselves in preparing the women for discharge and in procuring suitable situations for them.

Cellular seclusion for long periods has been found in England to have an enfeebling effect upon the prisoner. When the system was first established, the duration of the time of separation was fixed at eighteen months; but such results followed that, after various experiments, the present period of nine months has been fixed upon as the longest to which prisoners can, with advantage, be subjected to this stage of the discipline. A stage of separate imprisonment is held in England to be indispensable to the best effects of convict treatment. It is not only in itself a severe penal discipline, but the mind of the convict is thereby thrown in upon itself; he becomes accessible to lessons of admonition and warning; religious influences act upon him with greater force, and he is put into a condition in which he is likely to feel sorrow for the past and to welcome the words of those who show him how to avoid evil in the time to come.

There are eleven convict-prisons in England, eight of which are exclusively for males, two exclusively for females, and one mixed. The aggregate capacity of these prisons is: males, 8,764; females, 1,239; total, 10,003, exclusive of infirmary and punishment cells. The average except for number of prisoners is 7,833, of whom 1,100 are women.

Two of the convict-prisons, and parts of two others, are on the separate plan, but separate cells are provided for all prisoners at night, invalids of certain classes and some of the women.

In all but two of the convict-prisons—Pentonville and Millbank—the prisoners work in association.

The pensions granted to retiring prison-officers are regulated upon the same general principles as those accorded to other civil officers.

The whole number of borough and county jails in England is one hundred and twenty-two, of which thirty-five belong to the first class and eighty-seven to the second. There is no difference between these two classes of prisons, except that the county-prisons are governed by the county-magistrates, and the borough-prisons by the borough-magistrates. The aggregate capacity of both classes is 27,169. The average period of imprisonment is less than one month. Three-fourths of the prisoners have terms under a month and the remaining one-fourth under six months. Less than one in a thousand have an imprisonment exceeding the last-named period.

As a rule all prisoners are separated at night. In many prisons they work to a certain extent in association, but under such supervision as the governors consider sufficient to prevent communication.

§ 15. The world—that is, the part of it interested in penitentiary questions—may almost be said to know the Irish convict-prison system by heart.\*

This system consists of three, or, including the period of provisional liberation, four, stages.

The first stage is that of cellular imprisonment. Its duration varies from eight to nine months, according to the conduct of the prisoner. During this first stage the imprisonment has a character intensely penal. The work required is rude and uninteresting, and the rations furnished are moderate in quantity and coarse in quality. The aim of this rigor is to cause the prisoner to enter, as it were, into himself, and to produce

\*This has heretofore been commonly known as the Irish prison system, but is now coming to be designated as the Crofton system, in compliment to the eminent man who devised and first put it in practice.—E. C. W.

upon his soul a lasting impression. The prisoner, however, during this initial stage, is made thoroughly acquainted with the whole system and with all the advantages that will accrue to him in his progress toward liberty, if he takes kindly to it and is uniformly well-behaved and attentive to all his duties.

The second stage is passed in a congregate prison, with separation at night and associated labor during the day. The prisoner is here subjected to a much milder treatment, and his condition is improved more or less rapidly according to his conduct. He receives each month a certain number of marks which determine his advance from one class to another, for the essential principle of this second stage is that of a progressive classification, based on good conduct and merit. There are four classes. Each class marks a change in the prisoner's situation and a mitigation of his punishment. On reaching the fourth class he no longer wears the prison-garb; he is employed on special works; he enjoys many privileges; and he may almost be said to approach the state of liberty. It is this second stage which really characterizes the system. It is so arranged and adjusted as to become an effective trial of the prisoner. If he is steadfast in his good resolutions and good conduct, he passes on from class to class; if, on the contrary, he is ill-disposed and disobedient, he is degraded to an inferior class, even to the lowest, if his conduct be such as to merit such severity. The convict who has successfully passed through this series of trials is adjudged to be prepared for a state of comparative freedom, and he is consequently admitted into the intermediate prison.

This constitutes the third stage in the Crofton system. Here the imprisonment is little more than moral. The prisoner wears the dress of a freeman, works on a large farm with his fellows, attends the village church, and is subjected to little more restraint of any kind than an ordinary free laborer. This is, in effect, a probationary stage, and is designed to test the genuineness of his reformation. It is, for him, so to speak, the apprenticeship and prelude of liberty. If he hold out to the end in a good course of conduct, he receives a ticket of license and becomes conditionally free. The duration of his imprisonment may thus be shortened to the extent of a fourth part. But if, on the other hand, his conduct is evil, he is remanded to the associated, or even to the cellular prison, to work his way up again by the same painful and painstaking process as before.

The fourth stage of the Crofton system is that of conditional or preliminary liberation, which need not be particularly described. It will thus be seen that Sir Walter Crofton has devised a complete system of penal treatment; one which has a beginning, a middle, and an end, and which is, at one and the same time, penal and reformatory.

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## CHAPTER II.

### PRISON ADMINISTRATION.

§ 1. All the prisons of Austria are under the jurisdiction of the ministry of justice, which shares its powers of administration with two other classes of authority—local and intermediate. All matters of minor importance, which are naturally the most numerous, are attended to by the local authorities, and those of a graver character by the intermediate authorities. It is only questions of the highest importance that are submitted to the decision of the ministry of justice. The ministry of

justice, as the central authority over all prisons, is by law empowered to appoint an official, from its own office, as the representative of the minister, and to entrust him with the supervision and guidance of all prisons. But, since 1867, an inspector-general of prisons has been appointed.

The ministry of justice appoints the directors of male prisons, the inspectors of female prisons, the chaplains, the book-keepers, and the financial and medical officers. The subordinate officers are named, in certain prisons, by the local, and in others by the intermediate authorities. The tenure of office is, as with all the servants of the state, without limit, that is, during good behavior.

§ 2. In Belgium, as in Austria, the ministry of justice has all prisons under its jurisdiction. The penitentiary of Louvain has a commission charged with the inspection and supervision of that establishment. There are also commissions charged with the general supervision of the other prisons, and constituting administrative boards, invested with the right of investigating and redressing abuses, of proposing and introducing reforms to the advantage of the service, of granting to the employés leave of absence for five days, and of imposing upon them certain disciplinary punishments. The appointment of the directors and assistant directors is by royal decree. The other functionaries and employés of the prisons are named by the minister of justice. There is no limit to the tenure of office; it belongs to the government to judge whether the functionary ought to be retained or dismissed.

§ 3. No information is given in the report from Denmark concerning the prison-administration of that country, except what is contained in the single brief statement that "a director of prisons has the control of all the prisons." It is to be presumed that there are some limitations to his powers; but what they are, the undersigned is unable to state.

§ 4. The prisons of France, except those of Paris, depend upon a central power, which is represented by the minister of the interior, and, under him, by the director of the administration of prisons.

The central power exercises its control by means of general inspections, made by special functionaries—namely, inspectors-general of prisons. Besides this direct and most important control, there is a local control of the prefects for all the prisons and penitentiary establishments; of the mayors and commissions of supervision for the houses of arrest, of justice, and of correction; and, finally, of the council of supervision for the colonies of correctional education of juvenile delinquents.

The director of the administration of prisons is charged with administering, under the authority of the minister of the interior, the prisons and penitentiary establishments of every class in France. Under him, and as a deliberative consultative board, is found the council of inspectors-general of prisons, which is called upon, in the interval of their tours of inspection, to give advice on the more important questions of the service. The instructions and regulations emanating from the central administration are addressed, through the intervention of the prefects, who represent the executive power in the departments, to the directors of the different establishments. At the head of each central prison is found a director. His action extends to all parts of the service. He is specially charged with conducting the correspondence with the minister of the interior, to whom he addresses his reports on the financial, industrial, and disciplinary condition of the establishment, through the agency of the prefects, except in urgent and extraordinary cases. Directors of the houses of arrest, of justice, and of correction are charged with the administration of those establishments in one or more departments. In the prisons situated at the place of their resi-

dence their action makes itself felt directly, like that of the director of a central prison, on all parts of the service, and in the other prisons indirectly through the agency of the principal keepers, who receive their instructions and are required to address to them frequent reports. An important part of their functions has reference to the economical administration of the prisons, to purchases, to the verification of expenses, to the control of the accounts, cash, and material; in short, to the preparation of the various financial documents which they send to the central administration. The principal keepers are the agents charged with the care and supervision of the houses of arrest, of justice, and of correction.

In the central prisons and other similar establishments the functionaries, employés, and agents, to whichever department of the service they may be attached, are named by the minister of the interior.

As regards the houses of arrest, of justice, and of correction, the functionaries and employés proposed for the administration are named by the minister, and the employés of the other services are named by the prefects, as also the agents of supervision other than the chief keepers. Still, these appointments do not become definitive till they have received the ministerial approval.

By the terms of the law of the 5th August, 1850, relative to the education of juvenile delinquents, every private penitentiary colony is governed by a responsible director, approved by the minister of the interior. The employés placed under the orders of the director must be, in like manner, approved by the prefect.

In the department of the Seine, where the prisons are managed, in many of their relations, under authority of special provisions, the directors are named by the minister of the interior, on presentation by the prefect of police; the other employés are named by the prefect. In effect, it is the prefect of police who, in Paris, administers the penitentiary establishments.

The inspectors-general of prisons and penitentiary establishments are named by the minister of the interior.

The duration of the functions of the different employés composing the *personnel* of the penitentiary service is not limited by any determinate time. The agents who have not been gravely derelict in the exercise of their functions continue in place till they have reached the age at least of sixty and have been in service thirty years.

§ 5. The several states of the German Empire represented in the congress report as follows:

(1) All the prisons of the Grand Duchy of Baden are under the control of the minister of justice and foreign affairs, who exercises over them complete administrative power. There is, however, a council of inspection for all the larger penitentiary establishments. This council decides on the complaints of prisoners and the admissibility of administrative proceedings against the inferior prison officers when such proceedings are beyond the cognizance of the director, confirms the contracts entered into by the administration for the supplies of the prison, and gives the necessary order, if desirable in any case, to substitute collective for solitary imprisonment. The superior officers are appointed by the grand duke, the inferior officers by the minister of justice; their appointment is for life.

(2) All the prisons of Bavaria are under the jurisdiction of the ministry of justice. The direction and inspection of prisons where imprisonment of more than three months is undergone belongs exclusively to this ministry, without the action of any intermediate authorities; the

inspection of the other prisons is by local officers. For the cellular prison at Nürnberg, there exists a special council of inspection, consisting of state officials, judges, district-attorneys, and prison-officials, together with private persons belonging to Nürnberg. The directors and administrators are appointed by the King; the chaplains, doctors, teachers, stewards, and technical instructors by the ministry of justice; the keepers and clerks by the director of each prison. The directors and administrators only are appointed for life, but the other officers also look upon the service as one in which their life is to be spent. As a rule, officials quit the prison service either in the beginning, when their inclinations are against this work, or when it becomes apparent that they have not the necessary capacity, or on their being appointed to higher posts.

(3) In Prussia there is no central authority having control of all the different classes of prisons. The local prisons, designed exclusively for preliminary detention and for punishments of short duration, are under the control of the minister of justice, while the great penitentiary establishments belong to the jurisdiction of the minister of the interior, who decides upon the general principles which are to regulate the economic administration of each prison and the treatment of the prisoners under the relations of discipline, religions and scholastic instruction, labor, clothing, and food. He causes inspections to be regularly made of the several penitentiary establishments by the high functionary attached to his ministry, who is specially charged with the oversight of prisons; and he decides, in the last resort, on all matters of complaint presented to him either by prisoners or by employés.

All other matters appertaining to the control and administration of the prisons are attended to by the administrative authorities of the provinces. To these especially belong the permanent control to be exercised over the employment of the moneys assigned to each establishment; over the details of the economic and industrial administration; over the treatment of the prisoners, whether in point of discipline or in other respects; and over the conduct and fidelity of the employés of the prison. In this view, every establishment is inspected by members of the provincial authorities delegated to that duty, at intervals not exceeding the lapse of some months.

The minister of the interior appoints the directors and superior officers of the prisons; the subaltern officers are appointed by the provincial authorities. The superior officers, after a certain period of trial, are appointed for life. The subalterns are liable to dismissal; yet, after some years of blameless conduct, they also are appointed for life.

(1) There exists in Saxony no one central authority for the administration of the penitentiary system.

The administrative authority rests, except in prisons belonging to courts of justice and police, in the hands of the ministry of the interior. The ministry of justice takes cognizance, by commissioners, of the manner in which the sentence is carried out, and also controls the domestic arrangements. The prisons belonging to courts of justice, in which imprisonment not exceeding four months can be undergone, are superintended by the ministry of justice, which has issued remarkable orders relating to the spiritual care and the industrial occupation of the prisoners. Neither the text nor the purport, however, of these orders is given in the report submitted to the congress.

(5) The economic and correctional administration of all the prisons of Würtemberg is controlled by a central authority, which also exercises supervision over district-prisons for preliminary detention and

minor punishments. The central authority is subordinate to the minister of justice. It is composed of members of the departments of justice, of the interior, and of finance; it has likewise attached to it some skilled ecclesiastical members, a doctor, an architect, and a merchant.

The directors and the chief officers of the administration are appointed by the King, on the nomination of the minister of justice, who first consults the commissioners for prisons. These appointments are generally for life. The subordinate officers are appointed by the commissioners for prisons.

§ 6. The whole of the detention and penitentiary administration of the prisons of Italy, whether as regards the buildings, regulations, officers, discipline, or general supervision, is superintended by one central authority, which forms the general prison board and depends on the ministry of the interior. This board is composed of the director-general, four inspectors, and three departments, one of which is intrusted with the supervision of the directive, sanitary, and religious officers and jailors, another attends to the financial administration; and the third regulates whatever refers to the construction of the buildings and the wants of the prisoners. Besides this, there is an office of statistics, a technical officer of engineers, and a copying-office, each of these having special employés and special work.

All these branches of prison administration are concentrated in the general director, who, in his turn, regulates the service, seconded by the consultative vote of a council of administration and discipline, composed of at least two central inspectors, and the director of that department to which is intrusted the special subject under discussion. Nor does it seem possible otherwise to direct an administration so vast, and one requiring, as an indispensable rule, the most perfect unison in thought and regulation, to carry into effect the principle that "every citizen is equal in the eyes of the law."

The directors and officers of the prisons, whether central or local, are named by royal decree; the keepers and foremen by decree of the minister of the interior, on the proposal of the director-general.

The tenure of office for the higher functionaries is for life; nor can they be removed, except for causes which would render them unfit for the service or unworthy of a place among the officers of the state. The keepers are chosen for six years. As to the foremen, their engagements with the penitentiary administration depend, in each case, on special arrangements.

§ 7. There is no central power in Mexico which controls the penitentiary administration of the whole country. The prisons in each municipality are under the care of a commission. The prisons of each state are subject to inspection by the governor of the state. In Mexico itself, (city and district,) the governor and home secretary have a power of inspection.

§ 8. All the prisons in the Netherlands are under the supreme direction of the minister of justice, and the general inspection of the prisons is made by an inspector, who has his deputy in the bureau of the department of justice. For the inspection of the buildings, an engineer-architect is attached to the same department. The courts and tribunals are also required to cause the prisons to be inspected, from time to time, by members assigned to that duty. The reports of all these inspections are addressed to the minister.

The administration of the several prisons is confided to administrative commissions named in each locality where a prison exists. The members of these commissions are named by the King from among the

notables of the locality, who receive no salary. Whatever appertains to the local administration, to the internal service, to the discipline, and to the execution of the general and special regulations is confided to these commissions or is done through their agency. They are in official relation with the minister, either directly or by the deputy of the royal commissioner (governor) of the province, their immediate superior and their honorary president.

The directors of the central prisons are appointed by the King, the other officers by the minister of justice. There is no defined tenure of office. Incumbents hold their offices until they are displaced, dismissed, or voluntarily retire from the service.

§ 9. The department of justice is supreme in the administration of the prisons of Norway. This department is charged with the immediate administration of the prisons which receive prisoners sentenced to hard labor; while, under it, the administration of the inferior or district prisons is confided to the prefects. The position and general functions of prefects are not stated in the report. Every prison of the higher grade has also its local administration, which makes the necessary arrangements with regard to prison discipline, economy, &c.; always, however, in conformity to the rules laid down by the department of justice, or having its approval and sanction. A director-general of prisons is wanting. The special directors and the chaplains of the several prisons are appointed by the King; the medical and financial officers are named by the department of justice; the teachers receive their appointment from the chaplains, and the other functionaries from the directors. The members of the local managing boards of the district, who generally receive no salary, are named by the King, being taken from among the judicial or administrative officers of the district. The subordinate officers of this class of prisons are appointed by the prefects. Tenure of office is not for a fixed time.

§ 10. The prisons of Russia are divided into two classes, military and civil. The military prisons are under the jurisdiction of the ministers of war and of the navy; the civil prisons are attached to the ministry of the interior. The latter are further placed under the Imperial Society for the Guardianship of Prisons. This society was established in 1819, and has for object the introduction of a more humane treatment of prisoners. In 1830 it was by law invested with fresh powers and prerogatives. A committee, formed by a central committee sitting at St. Petersburg under the presidency of the minister of the interior, is established in the capital of each province, with branches in each chief town of the several districts. These committees are composed, *ex officio*, of the officers of the state and of volunteer and benevolent members, who have a small salary and certain honorable prerogatives. These committees select the governors and direct the economic management of the prisons. A considerable sum is granted for this purpose to the committees, who have the right of referring, in a prescribed manner, to the minister of the interior under his double office of minister and president. This system not only lessens the expenses of administration, but has led to considerable gifts and the formation of a special capital. It must, however, be acknowledged that such a system of administration produces a certain amount of carelessness and irresponsibility in the exercise of power, and that the principle of philanthropic committees and their participation in the management of prisoners require important modification in Russia.

Outside of the control of the committees, there was recently established, when municipal laws were created in Russia, a new mode of de-



tention, named arrest, not to be confounded with preliminary arrest. The punishment of arrest, inflicted by justices of the peace for slight violations of the law, cannot exceed three months. The establishment, maintenance, and administration of these new local prisons are under the control of the municipal institutions of each province.

The appointment of directors and of members of committees is confirmed by imperial decree. The other officers are appointed by the minister of the interior. Their tenure of office is not limited.

§ 11. All the prisons of Sweden are placed under the control and administration of a central independent authority, called the general administration of prisons. Under this general administration, the provincial government has the direct inspection of the cellular prisons established in each province. The general administration derives its authority from the government, to which all reports are made through the medium of the minister of justice.

The directors and officers of all the prisons of the state are named by the general administration of prisons. They are appointed for no specified time, and generally they retain their places as long as they show themselves competent to their work.

§ 12. The Swiss Confederation, composed of twenty-two cantons and embracing twenty-five states, does not, by its own power, exercise any control over the administration of penal justice and of prisons, or over the penitentiary *régime*. Military and political penal justice, so far as it is called upon to punish offenses against the constitution and the federal laws, alone comes within its jurisdiction. Each canton is sovereign. It has its own special penal system and its own places of imprisonment. Its prisons are thus placed under the control of the cantonal executive authority or of the council of state.

The supervision of the prisons belongs more especially to one of the departments of the executive power. In certain cantons the prisons are placed, wholly or partially, under the supervision of the department of police, in others under that of the department of justice or of the interior, according to the stand-point from which the importance of this public service is viewed. In the cantons in which recently-constructed penitentiaries are found, the whole or a part of the supervision is confided to the director of justice, or to a special department, which gives its attention not only to prisons, but also to hospitals, insane-asylums, &c. This department associates with itself a commission of supervision composed of three to seven members, selected from among persons experienced in questions of penitentiary reform, of industry, and of commerce. In the cantons where this machinery exists, an official regulation defines the functions of the commission of supervision. The detention-prisons in the districts and places of detention for civil penalties are supervised by the agents of the council of state—prefects, counselors of prefecture, &c.

The officers and employés of the prisons are named by the council of state. In the cantons where penitentiaries of recent construction exist, the officers are proposed by the department of justice or of police, which takes the advice of the commission of supervision. The foremen and overseers are appointed by the commission of supervision, on the nomination of the director of the penitentiary.

In some cantons the officers are subjected to a re-election every three years, in some every four years, and in others the tenure of office is without limitation.

It may be affirmed that, as a general thing, the officers of the Swiss penitentiaries are not exposed to the influence of political changes, and

that those whose position may have been endangered by the victory of a party have been effectually shielded by a public opinion which appreciated their merits and their devotion.

§ 13. The General Government of the United States, as was observed in the preceding chapter, does not concern itself with prisons. It has not a solitary jail or penitentiary under its jurisdiction, but imprisons the few criminals convicted under its laws and by its own courts in the States where the conviction takes place. Prison-administration, therefore, is a thing relegated to the governments of the several States. But even in the individual States there is no central authority governing all the prisons, although the last ten years have developed a tendency to establish such a central bureau in several of the States. Generally, the bureau is charged with the inspection of prisons only, and has no power to regulate their management or appoint their officers. Such bureaus exist, under the name of boards of public charities, in Pennsylvania, Michigan, Illinois, Wisconsin, and Missouri; and similar boards in Massachusetts, Rhode Island, and North Carolina take some part in prison inspection, or management, or both. In New York the State board of charities is expressly excluded from any direction or even inspection of the prisons, and the three great prisons of that State are placed under the control of another board, known as the inspectors of State prisons, while a private society, with public duties, the New York Prison Association, of which the undersigned was for many years the secretary, is allowed, and indeed required, to inspect all the prisons of the State and the counties. Nothing that can properly be called "central authority" over all the prisons of a State is known to exist anywhere in the Union; but wherever there is the nearest approach to this, the results are the most satisfactory. Without it, there is, at best, a great lack of method and of the highest order of prison discipline; and often gross abuses prevail in many of the local prisons. These have been revealed, to some extent, in official reports within the past five years, notably in New York, Pennsylvania, Ohio, Michigan, Illinois, and Wisconsin; and were a searching investigation to be made in other States, even those most noted for the excellence of their prison administration, no doubt such would be revealed in them too. As a rule, each city and county manages its own prisons; and where a city or county has several prisons, these are very likely to be under distinct officers or boards of management, which have little acquaintance with each other and little knowledge of the general system of prisons in the State.

Hence, if we find in any State a prison exceptionally well managed, like the Albany penitentiary, under the management of General Pilsbury, and the Detroit house of correction, under that of Mr. Brockway, it by no means follows that the other prisons will be good; and it may happen that a spirit of envy or jealousy will prevent the managers of one prison from adopting the improved system which has been introduced into another. The chief defects of this disorganized condition of prison management spring, however, from a mutual ignorance of the condition and working of prisons that should co-operate with each other; and one great advantage derived from the meeting of the Cincinnati Prison Reform Congress was a better acquaintance of prison managers with each other, and a wider knowledge gained by them of the prisons of their own and other States.

§ 14. In Great Britain and Ireland the prison system is far from being a unit. In neither country is there any such thing as a central and supreme authority, possessing jurisdiction over all its prisons. For the convict-prisons alone, there is in each a central and controlling

power, which sits at the helm, and which has within its jurisdiction the entire administration of the system. But as regards county and borough prisons, both in the larger and smaller island, the government has little power beyond that of inspection. Each prison has its own board of visiting justices, supreme within its own domain, but with no bond of union between them, and no power capable of giving unity and symmetry to the whole circle and system of prisons and their administration.

## CHAPTER III.

### PRISON DISCIPLINE.

§ 1. The agencies employed in the prisons of Austria as a stimulus to obedience and industry are: 1. The possibility of imperial clemency. Prisoners cannot shorten their terms of sentence according to any fixed rule, that principle not having, as yet, been introduced into the Austrian penitentiary discipline. But, according to an ancient custom, a number of prisoners who have undergone the greater part of their sentences, and who have given solid proofs of improvement, are recommended periodically to the Emperor for pardon. 2. A share in their earnings. The industrial system is not uniform in the prisons of Austria. In some the labor of the prisoners is let to contractors; in others, it is utilized on account of the state. In the former class of prisons the convicts receive one-half of the proceeds of their work after deducting certain expenses, not very clearly explained in the report. In the latter class they receive a share, regulated by a fixed tariff, which amounts to about the same as that received by prisoners who work on contract. What is said above relates to prisons on the associated plan. In the partially cellular prison of Gratz, each prisoner has his daily task. Here the progressive system has been introduced; according to the measure of his industry and the class to which he belongs, each prisoner has placed to his credit daily a sum varying from two to six kreutzers, and, at the end of the month, the value of whatever overwork he may have done during the month.

Besides the above-mentioned rewards, the privilege is accorded to the prisoners of spending one-half of what stands to their credit (not exceeding, however, a florin and twenty kreutzers a week) in the purchase of additional comforts, as milk, coffee, wheaten bread, cold meats, wine, beer, tobacco, &c.; or they may spend it in support of their families or in buying such clothes as they will need on their discharge. These arrangements, the report states, have worked well.

The most frequent violation of prison-rules are disobedience, rudeness to officers or comrades, refusal to work, and negligence in the performance of the assigned tasks.

The disciplinary punishments employed are: Admonition: coarse and unproductive work; temporary withdrawal of privileges; a bread-and-water diet—not given, however, oftener than on three alternate days in the week; irons, (only used in extreme cases;) hard bed, (either sacking or bare boards,) but not more frequently than bread and water; imprisonment in a cell, with employment, and at least two visits a day from an officer, but not exceeding a month, nor to be repeated till a full month shall have passed; removal to another part of the prison; and

confinement in a dark cell, not exceeding three weeks, after which a week must elapse before the prisoner can be returned to it.

An exact record is made of all punishments inflicted, and they are also inserted in a memorandum-book kept by each prisoner.

§ 2. Prisoners cannot shorten their sentences in Belgium by any fixed rule; but this may be done by act of royal clemency in the case of prisoners who are thought to deserve it, on the recommendation of the administrative boards, or boards of prison inspection. They receive a portion of their earnings according to the following tariff: Prisoners sentenced to hard labor receive three-tenths, those sentenced to reclusion four-tenths, and those sentenced correctionally five-tenths. This proportion cannot be increased. Other rewards, accorded to good conduct, to diligence, to zeal and progress in school and labor, and to meritorious actions of whatever kind, are as follows: Admission to places of trust, to domestic service, and to certain exceptional labors; an increase of the privilege of visits and of correspondence; permission to make use of tobacco, in the form of snuff or by smoking it at proper times; the grant of certain diversions and alleviations, such as the gift of books, engravings, tools, useful objects, &c.; propositions of clemency and of reduction of punishment.

The most frequent violations of prison rules are, in the cellular prisons, communications or attempted communications, verbal or written. In the congregate prisons they are infractions of the rule of silence and traffic.

The following are the disciplinary punishments in use: Privation of work, reading, gratuities, the *cantine*, visits, correspondence, and other indulgences granted in pursuance of the regulations; a diet of bread and water; confinement in a special cell, or in a dark cell, with or without the bread-and-water diet; the withdrawal of rewards which might otherwise have been granted.

All disciplinary punishments are recorded in a special register, together with the causes for which they were inflicted. The offenses committed and the punishments administered are also placed in the moral account opened with each prisoner.

§ 3. The report for Denmark states that the discipline is intended to be reformatory. For the cellular prison is established a sort of progressive system. In the associated prisons the inmates occupy separate sleeping-cells. The convicts work in divisions separate from each other. No complete progressive system has as yet been adopted; but such a system is in contemplation. The punishments for breach of discipline are determined by law. Corporal punishments are among them. The most efficacious means of awakening and preserving hope are, in the cellular prisons, the promotion to a higher class; in the associated prisons, wages paid for labor. Conditional release does not take place.

§ 4. The principle of abbreviating the sentences of prisoners, as constituting at once a stimulus and a reward of good conduct, has not yet been introduced into the French penitentiary discipline. This can only be done through the exercise of the pardoning power. Fixed rules are laid down to be followed in applications for clemency, which is generally dispensed in concert with the administrative and judicial authorities, and may therefore be presumed to be done intelligently and on the ground of merit.

In the central prisons the product of the labor is divided into tenths. A portion of these tenths is assigned to the convicts, and takes the name of *peculium*. The quota of tenths granted to the convicts is

determined by the nature of the punishments and the number of convictions incurred. The assignment is adjusted between the three classes thus: Correctionals, five-tenths; reclusionaries, four-tenths; those sentenced to hard labor, three-tenths. The part assigned to prisoners sentenced on relapse is reduced one tenth for each previous conviction, down to the limit of the last tenth, which is, under all circumstances, paid to the convict. The *peculium* is divided by moieties into *peculium* disposable and *peculium* reserved. The first is at the disposition of the convicts during their imprisonment for certain authorized uses, and especially for the purchase of supplementary provisions and supplies, for the relief of their families, and for voluntary restitutions. It also furnishes reserves for fines, punishments, breaking prison, or damages to the prejudice of the state or the contractor. The *peculium* reserved was established in view of securing to liberated prisoners some resources for their first necessities on their discharge from the penitentiary. The number of tenths allowed to convicts may be increased on account of their good conduct and diligence. There may be granted to them, in consideration of these qualities, even six-tenths. Other rewards accorded to convicts are: designation for employment as foreman of a workshop, monitor in the school, overseer of a dormitory, and other positions of trust, such as hospital attendants, store-keepers, secretaries, &c.; also a place on the roll of honor.

The moral offenses most frequently exhibited are theft, assaults, and indecencies. As regards the infractions of disciplinary rules, more than half the cases in the central prisons consist of violations of the law of silence. In most of the penitentiary establishments, next to that just named, the most frequent infractions are refusal to work, the secret use of tobacco, gambling, trafficking, and the unlawful possession of money.

Order and discipline are reported as maintained in all establishments dependent upon the penitentiary administration, without the necessity of a recourse to coercive measures of an excessive severity. Acts of rebellion and violence take place to only a limited extent, thanks to the vigorous enforcement of the rules intended to insure a strict but equitable distribution of disciplinary justice. The punishments, so far as the central prisons are concerned, are: Confinement in a cell, with or without irons; the hall of discipline; dry bread for three days or more; deprivation of the *cantine* or of the ordinary ration: the reduction of the tenths; fines; privation of correspondence and of visits; and sometimes the loss of an honorable position, such as that of foreman, overseer of a dormitory, monitor in the school, &c. The convict who has incurred disciplinary punishments cannot be placed on the roll of honor. Corporal punishments are expressly forbidden.

Every day (Sundays and feast-days excepted) the director of a central prison, assisted by his assessors, holds a tribunal of disciplinary justice, at which are required to appear prisoners reported on the previous evening as having committed some infraction. Each case is fully heard and fairly considered. It belongs to the director to pronounce judgment, and his decisions are immediately inscribed in a register kept for the purpose. Minutes are kept of the proceedings of each session. The punishments adjudged are inscribed by the schoolmaster on the bulletin of the moral statistics of the convict. In the houses of arrest, of justice, and of correction, the punishments are inflicted by the director or the chief keeper, and are inscribed on a special register, which is subject to the inspection of the prefect and the mayor.

§ 5. The German states report: The principle of provisional liberation has been adopted in the penal code of the German Empire.

(1) In Baden actual imprisonment may, by good conduct, be reduced one-fourth, provided, however, that a full year shall have been passed in confinement. The holder of a license may, at any time before the expiration of his sentence, have it revoked for misconduct or an infraction of its terms, in which case the time intervening between his provisional liberation and his re-arrest is wholly disregarded, and the prisoner is required to serve out his entire sentence as if he had not been released at all.

For the performance by the prisoner of the daily task required, which is equal to the average work of a free laborer, the sum of three kreutzers is placed to his credit. For additional work this sum may be increased to six kreutzers. To this reward diligence and the result of efficient work alone contribute, good conduct not being considered. Other rewards are special gratuities, the privilege of spending a part of their *peculium* in procuring increased comforts, better prison fare, such occupation as they like, and school prizes.

The offenses most common are forbidden communications with their fellow-prisoners.

The disciplinary punishments in use are: Reprimands: withdrawal of privileges; solitary confinement, with or without light; privation of bed; diminution of food and drink; and coercive chair, (the prisoner being bound to a solid chair.) A full record is kept of all punishments.

(2) The same rule in regard to the shortening of prison-sentences by good conduct holds in Bavaria as in Baden.

The proportion of their earnings allotted to prisoners varies from two to four kreutzers a day. In this award regard is had to good behavior as well as to industry and capability. Other rewards, given to act as an incentive to good, are: Permission to buy or receive extra articles of consumption; permission to receive more frequent visits and conduct a more extensive correspondence; formal praise or recognition; receiving better and more lucrative work; school prizes, (presents of books;) rewards for work, (presents of money up to four florins.)

The prison regulations oftenest violated are those which arise out of intercourse with other prisoners, namely: Exchange of articles of food and snuff; disobedience and brutality, such as opposition to officials, attacking fellow-prisoners, refusal to work, swearing, noisiness, and quarreling.

The disciplinary punishments are: Reproof; non-payment for labor up to four weeks; reduction of rations for a term of from eight to fourteen days; arrest, with or without work, to a period not exceeding four weeks; imprisonment in a dark cell for a term not exceeding ten days; and wearing of irons, but in such a manner as not to prevent the prisoner from walking. Corporal punishment is strictly forbidden by law.

Every punishment is entered in a book kept for the purpose; an extract from it is added to the documents furnished to each prisoner.

(3) The same regulation in regard to provisional liberation has place in Prussia as in Baden and Bavaria.

Prisoners may receive a part of their earnings, but never more than one-sixth. The exact proportion depends upon their good or bad conduct and the greater or less zeal they have shown at their work. They may dispose of one-half of this share in increasing their prison comforts; the other half is given to them on their release. Beyond the sixth of their earnings no other special rewards are granted to prisoners.

The most common infractions of prison rules in Prussia are: 1. Slight offenses against discipline, as neglecting to keep silence, disorder,

untidiness, and quarreling with fellow-prisoners. These infractions, in 1869, were 57 per cent. of the whole. 2. The violations of regulations are—improper, insolent, and rebellious conduct toward the officers. These were, in 1869, 24 per cent. 3. Those infractions of rules which consist in avoiding and escaping from work. These, in 1869, were 19 per cent.

The disciplinary punishments are: Degradation to the second class of prisoners; privation of the right of disposing of any part of their earnings; privation of the better treatment accorded on holidays; solitary imprisonment in punishment-cells, accompanied by various degrees of rigor; and whipping, only inflicted on men, with a limitation to thirty lashes.

An exact register of all punishments is kept.

(4) Prison discipline in Saxony has a twofold object: the satisfaction of justice and the reformation of the prisoner. Above all things, effort is made to revive and cherish hope in the heart of the criminal, the hope of improving his condition in the prison, the hope of shortening the term of imprisonment, the hope of a complete moral amendment, and the hope of regaining a respectable place in society. The administration thinks that the church, the school, and Sunday's instructions are the best means, in the hands of a sensible officer, for effecting moral reformation. It aims at making the prisoner understand that he can make progress neither in prison nor in civil life without radical and real amendment. The question whether a discipline founded on rewards or punishments is the more successful, is deemed almost superfluous, for it depends much on the individual character of the prisoner. By an order dated March 10, 1864, in consequence of the favorable results of experiments made during the previous ten years, disciplinary punishments were greatly reduced, and now consist in diminution of food, more or less severe imprisonment, and in withdrawing the recompense for work done. Corporal punishment with a rod or thin stick, up to thirty strokes, or punishment on laths, (the former only used against criminals of the lowest class of discipline,) is used under certain restrictions, and can only be applied after mature consideration and deliberation on the part of the officers. It is seldom used, and has, for example, not been applied in the penitentiary of Zwickau for the last ten years. Diligence is rewarded by a higher allowance, and good conduct places the prisoner in a higher class of discipline, or obtains for him a place of trust. A remission of part of the imprisonment is regarded by the prisoners as the highest reward. The administration makes it the termination of the three stages of discipline. The remission of part of the sentence has proved excellent in its results, for down to January 1, 1872, of 415 prisoners dismissed, only 11, or 2.65 per cent., relapsed.

(5) Probationary liberations have been introduced into Würtemberg since the enactment of a penal code for the German Empire. In cases where a question of the full pardon of a prisoner arises, his conduct is especially taken into consideration.

Industrious prisoners receive, for their application and good conduct, a part of their earnings; this part is fixed by the administration at one-fourth; but if their earnings exceed eight kreutzers per day, they can receive only two kreutzers. Prisoners who are distinguished for good conduct are encouraged by being placed in a higher class, by receiving more agreeable and more profitable employment, by being allowed more frequent communication with their friends and more liberty to make purchases out of their earnings, and by being recommended for pardon.

The chief disciplinary punishments are: restricted communication

with their relatives and friends; withdrawal or diminution of the part of their earnings usually granted to them; diminution of food; isolated imprisonment; and imprisonment in a dark cell. In prisons for reclusion, rous are also applied; corporal punishment is excluded. An exact register of punishments is kept.

§ 6. The end aimed at in the administration of penitentiary discipline in Italy is so to direct punishment that, without allowing it to lose its necessary characteristic of deterrence, it shall also possess the other equally essential requisite of reforming the delinquent. Nothing therefore is omitted to obtain this desirable end. While, on the one hand, it is instilled into the mind of the prisoner that he will be enabled, by good conduct, to ameliorate his condition; on the other, the end aimed at is to raise his sense of manly dignity, that he may not become a hypocrite. In the penitentiaries those who distinguish themselves by their good conduct enjoy special advantages, such as being intrusted with domestic work, being recommended to mercy, &c.

In the bagnios there has been established a system of progressive classification, under which prisoners, like the mercury in a thermometer, ascend and descend according to their deserts. Each class has its distinctive badge and special privileges. Those prisoners who have distinguished themselves by good conduct in the penitentiaries, and have worked out at least one-half their term, are removed to the agricultural colonies of Pianosa and Gorgona.

The administration is at present occupied in the study of a plan for sending to the island of Capraja (Tuscan Archipelago) those prisoners who have continued in their good conduct during their sojourn in the islands of Pianosa and Gorgona. The prisoners on reaching Capraja will enjoy a semi-liberty within the island, without, however, being quite free from certain disciplinary restraints. This is the Crofton intermediate prison.

The disciplinary system in the two classes of prisons noticed below, varying according to the nature of the sentences to be worked out in them, differs somewhat. In the penitentiaries the punishments in use are: admonitions, privation of food, solitary cells, fetters at the longest for twenty-four hours, solitary confinement from one to six months; while in the bagnios, besides admonitions, separate cells, and privation of food, there is also arrest, with or without fetters, the hard seat, &c.

The rewards in the penitentiaries are: the appropriation for the benefit of the prisoner of a quota of the profits arising from his labor; a more generous diet; the privilege of a less interrupted family correspondence; the right of disposing of a portion of the funds accruing from his work; admission into the schools; domestic employment; and recommendation to mercy. The rewards in the bagnios are: advancement from a lower to a higher class; elevation to positions of trust and responsibility; exemption from the fetters customarily worn in this class of prisons; and for those alone who have reached the highest class, recommendations to the royal clemency for a full pardon.

It is difficult to decide (so the report declares) which class of disciplinary punishments is most efficacious, the effect depending on many individual circumstances, which cannot be known, much less stated, in advance. Solitary confinement generally reduces to order and quietness even the most obstinate, and this because the individual so punished is withdrawn from the over-excitement produced by the recurrence of the spectacle in which he is both actor and witness. Corporal punishment is forbidden. By the regulations of 1826, flogging was a punishment assigned to a few grave misdemeanors; but this regulation



was modified in 1863, and since then flogging has not been inflicted in a solitary case.

The local director has authority to inflict the minor punishments; for heavier ones it is necessary to have the approval of a special council; the offending prisoner must be heard, and an official report must be drawn up. The more serious cannot be inflicted without notice being previously given to the central direction.

For the protection of the prisoners there exist the following provisions: A visiting commission (especially for the detention jails;) an authorized direct correspondence between the prisoner, the minister of the interior, the director-general, the central inspector, and the magisterial authorities; and a systematic inspection of the prisons by the local authorities and by the central inspectors.

No special discipline, it is held, can be applied to incorrigible convicts; but, as they may be kept in solitary confinement for the space of six months, they become impotent to disturb the discipline of the establishment. The central administration, however, fully recognizing the many benefits which would accrue from such a plan, proposes to set apart a penitentiary, where so stringent a discipline can be exercised as to render superfluous any extraordinary coercive measures, and therein to gather together that class of convicts which, by subtle art oftener than by open rebellion, encourages and prompts discontent among the prisoners, and thus foments a perpetual irritation, so obstructive to the quietness, confidence, and subordination which are the primary elements of a genuine moral rehabilitation.

§ 7. It is provided in the new criminal code of Mexico that offenders sentenced to ordinary imprisonment, or to reclusion, in an establishment of penal repression for two years or more, and who have uniformly behaved well during a period equal to half the time their confinement is to last, have the remaining period of imprisonment remitted conditionally. In this way offenders can not only obtain a diminution of their punishment, but also receive a free pardon, if they have, by their good conduct, shown themselves worthy of it. Any punishment, whether of ordinary imprisonment or of reclusion, in an establishment of penal repression, for two years or more, is to be converted into close confinement, in case the offender should have misbehaved himself during the second or third portion of his time.

All proceeds of the work of the prisoners is given to them if they have been condemned for political offenses or if they are detained for minor offenses against the law; but in the case of those condemned, for misdemeanor or felony, to imprisonment or reclusion, they have 25 per cent. of their earnings, if the punishment lasts more than five years, and 28 per cent., if the time is less. To the above percentages 5 per cent. more is added when a criminal has obtained, by good conduct, his preparatory liberty. Moreover, if he supports himself by his work out of the establishment, another 5 per cent. is added; and this may be increased until the allowance reaches 75 per cent. of the total amount. The advantage of this system is that prisoners are thus encouraged to support themselves by their work, and that they maintain with free persons an intercourse which may be useful, when they recover their liberty, in enabling them to earn their livelihood without returning to a career of crime.

Besides the favors above enumerated, prisoners can, by their good conduct, obtain others. They may enjoy, during the days and hours of rest, any amusement which the rules of the establishment permits. They may apply one-tenth of their reserve-fund to the purchase of any

articles of furniture or comfort which the rules do not prohibit. The kind of work which their sentence condemns them to perform may be commuted into one better suited to their education and habits.

§ 8. No diminution of the sentences awarded by the tribunals can be obtained as matter of legal right by prisoners confined in the jails and penitentiaries of the Netherlands. But, agreeably to a royal decree of 1856, the administrative commissions of the central prisons submit every year a proposition for pardons or remissions, to be granted to prisoners who have distinguished themselves by their good conduct. These propositions, however, include only persons who have been sentenced to more than three years, and who have undergone at least one-half of their punishment, and the remission never exceeds six months. Besides this, all prisoners have the ordinary resource of applying to the King for pardon or remission; and since, in general, a decision is made only after a report from the commission on the conduct of the prisoners, this conduct has, generally, a strong influence upon the decision.

The portion of their earnings allotted to the prisoners are: To civil prisoners sentenced to reclusion and to military prisoners, 40 per cent.; to the inmates of the central prisons, 50 per cent.; and to those confined in other prisons, 70 per cent. These proportions are not increased by reason of the prisoners' good conduct. No other rewards are given to prisoners beyond this participation in their earnings. The distribution of premiums has been abolished for some time, and the industry of the prisoners finds its recompense in the increase of profits, which naturally result from zeal and capacity. Still, the re-establishment of premiums is under consideration at the present moment.

The kinds and frequency of the violations of prison rules differ sensibly in different prisons, and often depend on the more or less intelligent administration of the chiefs and the employés. Insubordination and quarrels may be regarded as the most frequent infractions. Isolation by night (which is not yet generally introduced) has, in this respect, produced good fruits. The disciplinary punishments in use are: Restriction to a diet of bread and water; withdrawal of the privilege of writing and receiving letters; privation of books; the dungeon; fetters; and, in the central prisons, isolation in a cell. All these punishments are recorded in a register.

§ 9. The principle of provisional liberation, and, by consequence, that of the power of shortening the sentence by good conduct, has not been introduced into the criminal jurisprudence of Norway. Only by royal pardon may the duration of a fixed sentence be abridged; but, in deciding on the question of pardon, the behavior of the prisoner during his imprisonment is, as a matter of course, taken into consideration.

Prisoners do not receive any part of the proceeds of their labor. Formerly a certain part was allowed them, but the system was abandoned as not expedient. However, the question of introducing the same system to a greater or less extent, and in an altered manner, has again been raised. In regard to other rewards as a stimulus to self-control and self-exertion, in the houses of correction and the fortresses, an extra allowance of food and other small privileges are accorded to the well behaved and deserving. For those in use in the penitentiary, reference is made to what has been said in the chapter on prison-systems.

The most frequent infractions of prison rules are: In the cell-prisons, communication with fellow-prisoners; in the other prisons, quarrels, illicit labor, attempts to escape, and laziness. Offenses against discipline are punished with bread and water, confinement in a dark cell, or

with privation of the extra allowance of food; in the prisons exclusive of the penitentiary, corporal punishment is also employed. The punishments are always inserted on the records.

§ 10. In Russia the discipline of the prisons seems to be in a lax and inchoate state. The principle of an abbreviation of sentence by means of good conduct and industry has been admitted only in imprisonment with hard labor, and even there awaits a regular organization and a systematic application. Russian law prescribes work for the prisoners, and grants them a part of their earnings, according to the particular class of prison. But this law still remains almost a dead-letter; it has been executed only in rare cases. The organization of industrial labor is regarded as lying at the root of the penitentiary improvements now under consideration by the government. One of the clauses in the project of reform relates to the proportion of earnings granted to the prisoners. No system of rewards has yet been established.

Drunkenness is reported as the most frequent breach of prison rules, and as having been often encouraged by the epidity and want of fidelity of the employés.

The disciplinary punishments employed are the dungeon and sometimes castigation or irons. In the better-regulated prisons a record of the punishments is kept.

§ 11. Good conduct produces no abridgment of the time of imprisonment in Sweden. The King exercises the right of pardon almost exclusively in favor of prisoners sentenced to hard labor for life, and whose conduct for ten years has been unexceptionable.

Prisoners are encouraged by being allowed a share in the gain derived from their labor. In the associated prisons the amount received daily varies from one to seven cents of our money. This refers to the generality of prisoners; but those who act as foremen, as well as those who are distinguished for skill, get an additional sum rising sometimes as high as sixty centimes, equal to twelve cents.

In the cellular prisons in the provinces, in which the director procures both work and materials, the earnings of the prisoners sentenced to hard labor are distributed on the following scale: The prisoner receives two-sixths; the director for inspection and furniture two-sixths; the officers who exercise surveillance, one sixth; and, in order to provide help for the prisoner when liberated, the remaining sixth is put in a savings-box. Any prisoner who commits in prison an offense liable to punishment loses his share of the money placed in the savings-box. Of the two-sixths which the prisoner receives he may spend two-thirds in buying additional food, as bread, beer, cheese, lard, &c; but this expenditure must not exceed two francs per week. Those who work in the open air especially require this extra food. There are no other rewards to stimulate the prisoners' zeal.

In cellular prisons the most usual offenses are attempts to communicate with other prisoners, drawing and writing on the walls, and neglect of cleanliness. In the collective prisons the most frequent violations of regulations are insults in words and actions to officers and prisoners, attempts to procure spirits, cheating, and thefts.

In cellular prisons the punishments consist of withdrawal of bed-clothes, diminution of nourishment, or imprisonment in a dark cell for eight hours at most. This punishment is inflicted, on request, by the provincial government. In the associated prisons, besides the punishments just cited, there are added imprisonment, with or without labor, and for very grave offenses the bastinado on men; this last in rare

cases. Imprisonment in a cell for a period exceeding a month can only be by the central authority. An exact record is kept of all punishments.

§ 12. In all the cantons of Switzerland prisoners may, by their good conduct, obtain an abbreviation of their punishment by applying for pardon to the legislative authority, (great council,) which reserves to itself this right. Such reduction is rarely made conformably to fixed rules. In many of the cantons complaint is made that chance and caprice play too conspicuous a part, and that commissions of pardon do not always take account of grave and important facts. In some cantons clemency is exercised readily enough, while in others this is done only in exceptional cases.

In certain cantons a decree of the legislative authority confides to the council of state, or to the department of justice, or even to the police, the right of remitting the latter portion of their punishment (one-twelfth, for example) to convicts whose conduct has been good. In cantons where penitentiary reform has made some progress, there is a tendency to bring down the use of pardons to the minimum, and to substitute the principle of conditional liberation; in short, to confide this function to the direction of the department of prisons, which, having the supervision of the penitentiary administration, is alone capable of judging whether or not the re-entrance of a prisoner into society offers any danger, and whether a probationary liberation may be safely granted him.

In most of the cantons the prisoners have a share in the benefits of their labor. As a general thing this part has rather the character of a gratuity than that of lawful wages. The proportion varies in different prisons, and in the case of prisoners in different classes of the same prison, from 5 to 25 per cent. It is proposed by some of the wisest directors, Mr. Kühne, for example, of the penitentiary of St. Gall, to increase the proportion beyond 25 per cent. to the worthiest of the prisoners. Whatever may be the scale adopted in the different establishments, the gratuity is granted to all the prisoners who, conformably to the regulations, have rendered themselves worthy of it. It is adjusted at the end of every month or every three months, and is placed to their credit in their memorandum of savings.

The other rewards employed to stimulate the good conduct and zeal of the prisoners vary in kind and amount, according to the cantons and the degree, more or less advanced, of penitentiary reform. In well-administered establishments there are granted to good conduct, to application, to zeal, and progress in labor and school the following rewards: In the second penitentiary class, liberty to choose books from the library and to attend the lessons given in class, the use of tobacco—limited, however, to the hours of promenade in the exercise-yard—and liberty to have served to them a supplementary or extraordinary ration of food. In the third or higher class there are added to the above-mentioned rewards the privilege of promenade and free conversation with their fellow prisoners of the same class, liberty to wear their beard, to work in their free hours for themselves and their families, to adorn their cells and to have plants in them, the use of a patch of land for a garden, and admission to places of trust—such as that of foreman—to superintend their fellow prisoners in learning trades, or to execute certain exceptional labors in the administrative, industrial, and domestic services.

In the cantons where the old convict-prisons still exist, the most frequent offenses against discipline are disobedience and insubordination; next come escapes or attempts to escape; then lies; and finally immorality in acts and words. In the penitentiaries in which the Auburn

system has been introduced it is found that the infractions most frequent are disorder, want of cleanliness, and violation of the law of silence; in the penitentiaries of recent construction, the want of propriety and dignity, lying, idleness, and disobedience.

The disciplinary punishments in use may be divided into three classes: In the prisons whose organization is imperfect, and where the reformation of the prisoners is not the aim of the imprisonment, we find existing the dungeon and corporal punishments; in penitentiaries on the Auburn system, more or less completely organized, corporal punishments are gradually disappearing, and are replaced by a diet of bread and water and by confinement in the dark or ordinary cell; in the modern establishments there is coming into vogue a new series of punishments, of a moral order, among which figure, by the side of the dungeon and the diet of bread and water, admonition, privation of work, of reading, of visits, of correspondence, and, in general, of all or a part of the diversions, alleviations, and other indulgences above mentioned. Corporal chastisements are passing away, and in their place are substituted the strait-jacket and the cold-douche bath.

Those who, through mischief or negligence, destroy or injure the effects, objects, instruments, and raw material placed at their disposal, are obliged to pay the value of the damage done.

In most of the prisons are found registers in which the punishments inflicted are fully recorded. These registers, in the modern penitentiaries especially, give complete information as to the occasion, the kind, and the nature of the punishments inflicted.

§ 13. There are, perhaps, in the United States a thousand prisons large enough to have the word "discipline" applied to their management; and in these every variety of discipline, lack of discipline, and abuse of discipline are found. In many, little is sought beyond the security of the prisoner and the convenience of the prison-keeper; in many others, the discipline is intended mainly to be deterrent, but through laxity or severity becomes a stimulus to crime; in some, it is really deterrent without being reformatory in aim or result; in a great many, the nominal aim is reformation, but the reasonable means thereto are neglected; in a few, the wise combination of deterrent and reformatory means is attempted, and succeeds in one direction, or in both, according to the skill, opportunity, and perseverance of the prison government. But the great majority of prisons in the United States are, in fact, neither deterrent nor reformatory to any great extent; sometimes because no effort is made to comply with the laws—which almost everywhere require in terms this twofold discipline, though they do not often furnish suitable means—and sometimes because the best agencies are not employed, or are not continued persistently. The deterrent agencies are solitude, silence, hard fare, and constant labor; sometimes also severe punishments are employed. The reformatory agencies are instruction—secular and religious—industrial training, the encouragement of shortened sentences for good conduct, &c. By some of these means "it is sought to plant hope in the breast of the prisoner and keep it there;" and to these are added gratuities for work, the visits of philanthropic persons and of the prisoner's own family, and the promise of help in leading an honest life upon his discharge. Conditional pardon, which enters so largely into the Crofton prison system, has little place in ours, the commutation-laws, by which sentences are shortened for good behavior, being almost the only feature of the Crofton system much in use here, and that not very systematically.

Probably punishments are more relied on than rewards in governing

the prisons; but there is not much variety of either in most of them. Flogging is forbidden by law or usage in most of the States, but is practised in some prisons where it is forbidden. The same is true of the iron yoke, the shower-bath, the iron crown, suspension by the thumbs, and other modes of torture. Deprivation of privileges, solitary imprisonment—often in a dark cell—and wearing a ball and chain, are the most common punishments. Of rewards, the chief is a shortening of the sentence for good behavior; this, in truth, is about all there is that exerts much effect. The other rewards are petty privileges, such as better food, the use of tobacco, a light in the cell, &c. There is no exact mark-system, so far as is known to the undersigned, in any American prison, but there may be examples not yet made public.

§ 14. The principle of conditional release, or the power of abbreviating the term of sentence, is fully introduced into the English convict-prisons. The maximum of abbreviation is one-fourth of that part of the sentence passed in the public works or congregate prison, no account being made of the time spent in cellular separation. This remission is gained by industry alone, which is measured by marks, a certain number of which are accorded daily to the prisoner, according to his diligence. The diligence and zeal of the convict are further stimulated by a system of progressive classification, whereby he may pass through four classes during his term of sentence, viz, a probation, first, second, and third class; and certain selected prisoners are also placed, during the last year of their sentence, in a special class. The minimum stay of the convicts in each of the three lower classes is one year, and the remainder of the sentence may be passed in the first class, unless a prisoner is promoted during his last year into the special class. Every promotion is followed by certain privileges, and each class wears its own badge. Though limited, these privileges offer inducements which are keenly felt. They are, in addition to remission of sentence, more frequent communication by visit or letter with their friends, greater freedom for exercise on Sundays, and increased gratuities to be paid them on their release.

The disciplinary punishments in use are forfeiture of remission, degradation to a lower class, the loss of privileges gained by industry, solitary confinement, reduction of diet, corporal punishment, and so on.

The power of punishing a prisoner resides only in the governor and in the director.

The limits of punishment in both cases are laid down by the secretary of state, and no punishment can be awarded without full investigation of the charge conducted in the presence of the prisoners. The governor has powers sufficient to deal with minor offenses, and every punishment he orders is reported to the director with a statement of the prisoner's offense.

The director, whose functions correspond with those of a magistrate, awards punishments for offenses of a grave character. Only the director has power to award corporal punishment, and he only for certain offenses defined by the secretary of state, and after full inquiry on oath conducted in the most formal manner. No unusual punishments may be inflicted. Chains, handcuffs, or means of special restraint may not be made use of except under certain defined circumstances and under strict regulations, and the use of them is always reported and recorded in a formal manner. No officer is allowed to strike or abuse a prisoner. Should he find it necessary, on account of the violence of any prisoner, to make use of his weapons, he is always called upon to show that he confined

himself strictly to the necessities of the occasion, or, failing to do so, he must bear the consequences.

Every prisoner has the unrestricted right of appeal against the acts of those above him; he may lay his complaint in the first instance before the governor, who is bound to investigate it and to place the appeal on record; or he may appeal to the higher authority of the director, who can, if he sees fit, reverse the decision of the governor.

The director not coming in daily contact with the officers and prisoners, but only visiting the prison magisterially at uncertain intervals, it is of course felt that he can give a fresh and impartial consideration to any question or complaint.

Besides this the prisoners have the power of petitioning the secretary of state. They exercise freely their right of appeal and petition; and the effect of these provisions is not only that prisoners feel that they cannot be unfairly dealt with, but the officers are constantly reminded that they are liable to have to answer for any act which they may perform.

The plan by which it is sought to bring before the prisoner, in a form easily intelligible to him, the fact that, as in ordinary life, the advantages held out to him as an encouragement to industry are directly proportioned to his industry; that he cannot be idle for a day without a corresponding loss; that good conduct is necessary as well as industry, because ill-conduct will deprive him of the advantages he would gain by his industry—is, as has already been remarked, by a system of recording the industry by marks.

To every man is assigned the task of earning a number of marks proportioned to the length of his sentence. These marks may be earned either at the lowest rate, in which case he must serve out the whole of his sentence; or at the highest rate, when he gets about one-fourth of it remitted; or at some intermediate rate, by which he earns a proportionate remission.

The record by marks applies not only to the amount of remission which the prisoner can gain from his sentence, but also to every step of progress made during his imprisonment: for instance, he is required to pass at least a year in each class; but during that time he must earn a definite number of marks, or his promotion is delayed; and, further, the gratuity which he earns in each class is calculated according to the number of marks he earns.

Every prisoner is furnished with a card, on which, periodically, his earnings in marks are recorded; and if he feels himself unfairly dealt with, he has free right to complain, and his grievances are investigated.

In this manner, day by day, week by week, and year by year, he can count and record the progress he is making as regards promotion from class to class as well as in relation to the accumulation of money-credits, and the goal of all his endeavors—conditional liberation. He is thus made to see and feel that he has something to hope and work for beyond the mere avoidance of punishment.

§ 15. In Ireland, discipline is maintained chiefly by moral forces, viz. by rewards in the form of promotions from class to class, increased freedom and privileges—as merited by good conduct—gratuities, remission of part of sentence, &c., and by punishments, taking the shape of degradation from a higher to a lower class, reduction of food, and the like. Whipping is legal, but seldom employed.

All punishments are made matter of record.

The most common offenses are insolence, inattention, and unnecessary talk.

## CHAPTER IV.

## MORAL AND RELIGIOUS AGENCIES.

§ 1. In the Austrian prisons of all kinds, chaplains and religious teachers are provided for prisoners of every sect, of which the number is considerable. As, however, the greater number are of the Roman Catholic faith, every prison has a Roman Catholic chaplain, and, when the number of prisoners is sufficient to require so many, two or more. Besides holding divine service and administering the sacraments, the chaplains are under obligation to visit the prisoners individually, to seek to awaken the moral sense within them, to strengthen them by spiritual counsel and exhortation on their leaving the prison, and, in general, to labor, in season and out of season and by all suitable means, to reclaim and save them.

The highest importance is attached to the labors of the chaplains, since religious instruction is found the most effective means to acquaint them with the principles of morality and to lift them up from their moral degradation. Many prisoners have lost heart and have fallen into despondency and even despair, from which they find it impossible to raise themselves by their own unaided exertion. As a consequence, they have become callous and indifferent. Religion alone is capable of reconciling them to themselves, to society, and to God. It alone can restore hope to the criminal, the loss of which has been the chief cause of his continuance in a course of crime. Religious influences are, therefore, an essential agency in the moral improvement of prisoners.

Formerly volunteer visitors were excluded from the prisons. The law of April, 1872, permits the visitation of cell-prisons by members of societies which occupy themselves with the care and improvement of discharged prisoners.

There are no Sunday-schools in the Austrian prisons, in the American sense of that institution; but, on Sundays and all church-festival days, lectures are delivered to the prisoners on various subjects of scientific and popular interest.

The frequency with which letters may be written by the inmates of the Austrian prisons is not stated. They write and receive letters by leave of the director, who must in all cases read and countersign them. The correspondence of prisoners with their friends is found to have an excellent effect upon them, keeping up family ties and counteracting the evil influences of prison-life.

Prisoners, with the consent of the director, may, from time to time, receive the visits of their families and friends, provided these latter are of good repute, and otherwise unobjectionable. Visits take place in the conversation-room, except in the case of sick prisoners, and in the presence of an official. They cannot last beyond a half-hour, must be in a language understood by the official present, and must relate to matters approved by him. Their moral effect is generally favorable, as in the case of correspondence.

§ 2. The Belgian government attaches the highest importance to religious instruction as a means of reformation, and has given to it the most complete organization possible. Chaplains are provided in all prisons and for all religions, and the rules require them to preside at the exercises of worship and over all religious instruction, to visit the prisoners in their cells and give them counsel and consolations; to press upon their conscience the diligent performance of all religious and



moral duties, to direct their reading, to hear their confessions, to give special instructions to those ignorant of the essential truths of religion, in a word, to fulfill toward them all the duties of their ministry.

Prisoners sentenced to correctional imprisonment are permitted to write letters every fortnight, those sentenced to reclusion once a month, and those sentenced to hard labor (*travaux forcés*) once every two months. The privilege is granted oftener in urgent cases. The effect is evidently good. It maintains or renews the ties of home and kindred, and aids the officers in the study of the prisoner's character.

Prisoners are allowed to receive the visits of their relatives—father, mother, husband, wife, children, brothers, sisters, uncles, aunts—and guardians, on the production of a certificate granted by the local authority of the places where they reside, authenticating their identity. No other visits are permitted except upon a written order of the superior administration, of the governor of the province, or of the president or one of the members of the commission specially delegated to this effect. In the penal prisons more particularly, these visits take place in the conversation-rooms, in presence of a keeper. This officer observes the persons of the prisoner and the visitor, without interfering with the privacy of the interview. The moral influence of these visits is generally good. The cases are rare (but such have occurred) in which the effect has been unfavorable.

§ 3. In Denmark a clergyman is appointed to each prison. He alone is intrusted with the religious teaching of the prisoners. Volunteer visitors are not permitted to labor in the prisons for the moral improvement of the inmates.

§ 4. In the smaller departmental prisons of France some parish priest acts as chaplain, but in the larger prisons of this class, as well as in all central prisons, the chaplain is a regular officer of the establishment, and is wholly devoted to its religious service. Liberty of conscience is guaranteed to prisoners of all religions. On his entrance, every prisoner must declare to what faith he adheres, which declaration is verified by an administrative information. If he does not belong to the Roman Catholic religion, he is transferred, whenever it is possible, to a prison designed to receive persons of the same religious faith with himself.

In the large penitentiary establishments, the chaplains consult with the directors in determining upon the various religious offices and services. They visit the infirmaries, the sick, the places of punishment, and the solitary cells. In the sessions of the tribunals at the *pretorium* of disciplinary justice, they are entitled to a place among the assessors of the director. To prisoners who are prevented, by their age or infirmities, from taking part in the labors of the evening, they give moral, religious, or instructive readings. They are called upon to give their advice on propositions for the exercise of executive clemency.

No volunteer visitor is admitted into the prisons to labor for the moral regeneration of the prisoners without a special authorization from the minister of the interior; but there exist, for the departmental prisons, commissions of supervision, (*surveillance*,) composed of men held in the highest esteem, whose mission is to watch over the entire management, and particularly over everything relating to the reformation of the prisoners. Commissions of this sort have not, hitherto, performed any services in the central prisons.

No Sunday-school, properly so called, exists in the French prisons. Yet, with a view to avert the dangers of protracted idleness, the heads of a number of penitentiary establishments have organized an hour of

school on Sunday, and the administration has generalized this innovation.

In the departmental prisons a special regulation of the administration determines the days and hours on which attention must be given to correspondence. In the central prisons, the prisoner has the privilege of writing once a month to his family. He can correspond only with his nearer relatives or his guardian. The director is charged with the duty of examining the correspondence of the prisoners both ways.

Beyond cases of special authorization, convicts can receive only the visits of father, mother, wife, husband, brother, sister, uncle, aunt, and guardian. During the visit, which does not ordinarily exceed twenty to twenty-five minutes, an officer is always present.

The moral effect of the visits received, as of the correspondence carried on, by the prisoners, is, in general, rather good than bad.

§ 5. The German states reported:

(1) The highest value is attached in Baden to religious instruction in prisons. Chaplains are provided for all prisons and for all religions. They hold religious service, give religious lessons, enter into religious conversation with the prisoners, inspect the prison schools, keep an eye on the prisoners' occupations during their relaxation, and correspond with the ministers of their abode; this correspondence gives moral protection to the prisoners after their liberation. It is their duty to give particular attention to sick prisoners, to those depressed in spirit, or showing any tendency to insanity. They visit the sick weekly, and the other prisoners at least every fortnight. It is their duty at these visits to awaken, so far as possible, moral and religious feeling in the prisoners, and to further their reformation.

No volunteer visitors are admitted into the prisons to labor for the moral benefit of the inmates.

There are no Sunday-schools in the prisons of Baden.

Prisoners have liberty to write to their friends once a month; but correspondence with inspectors, the minister of justice, and the superior courts is unrestricted. Their correspondence has generally a beneficial influence on the prisoners, none being allowed which can in any way interfere with the punishment. All letters sent or received are read by the director or the chaplain.

Visits may be received, of right, monthly, and oftener, as in the case of correspondence, by special leave of the director. They take place in the presence of an officer, the visitor and prisoner remaining separated. Their influence is found to be, in the main, beneficial.

(2) In Bavaria, all the larger prisons have chaplains wholly devoted to the duties of their office; in the district and police prisons, the clergyman of the place officiates. The regular chaplain is bound to hold divine service in the forenoon of every Sunday and holiday and on the King's birthday, and in the afternoon of Sunday to give one hour's reading or exhortation, and to hold a religious service on one week-day; to administer the sacrament to sick prisoners when they demand it, and to those in health once every three months; to give religious instruction twice a week for one hour; to visit the prisoners confined in cells at least every fortnight; to correspond with the clergymen of the places to which the prisoners belong; and to act as librarian.

Volunteer religious workers are not admitted.

There are no Sunday-schools in the prisons, but on that day instruction in drawing is given to the prisoners.

There appear to be no stated periods for writing letters; the only condition would seem to be permission by the director. All letters, going

out or coming in, are examined by the director. Their correspondence has a beneficial effect on the prisoners. If the ties of family have been broken, they are thereby re-knit; if otherwise, they are made stronger.

Prisoners may receive visits at any time by leave of the director. The visits are not to last usually beyond fifteen minutes; they must be in the presence of an officer, and must be carried on audibly, and in a language understood by him. The visitor may neither give nor receive anything from the prisoner.

The influence of these visits upon the prisoners, like that of their correspondence, is found to be useful rather than injurious.

(3) Chaplains are found in all the prisons of Prussia, and for all forms of worship. They hold divine service every Sunday and once during the week; administer the sacrament to the prisoners at stated periods; give religious instruction; superintend the primary instruction given by the schoolmasters; are bound to labor seriously for the salvation of the souls of the prisoners; and, with this aim, must visit them regularly in their cells and in the infirmary.

In all instruction given to adult prisoners, the aim is not so much to impart new knowledge, either useful or necessary, as to teach them to reflect, and to liberate them from that sad brutishness which is so often the chief cause of their crimes. The less instruction is an exercise of mere memory, and the less it demands a mere mechanical activity, the more it engages the attention of the entire man, and the more it acts at once on heart and intellect; and to that extent it the more efficaciously fulfils its highest purpose.

It is held in Prussia that the unchanging truths of religion and morality, when taught in a worthy and striking manner, best fulfil the highest aims of instruction and are richest in satisfactory results. Such instruction in prisons is, therefore, regarded as one of the most important means for the moral reformation of the prisoners.

Private persons who are known to have great interest in all that concerns prisons, and who possess a high moral character, may, at their request, have admission into the prison, with a view to labor for the moral and spiritual well-being of the prisoners.

There are many Sunday-schools in the prisons of Prussia, but neither the manner of conducting them nor their results are stated.

Prisoners must have special permission from the director before they can either write or receive letters; but such permission is withheld only in exceptional cases. All letters are read by the administration. The chaplain generally delivers the letters addressed to the prisoners; he takes this occasion for acquiring a knowledge of their relations and their affairs, and seizes any opportunity he may thus have of inducing them to seek eternal life. Such correspondence with their friends and relatives as is permitted has, in general, a beneficial effect on the prisoners.

Visits to prisoners are only exceptionally allowed, and when the visitor's character is above suspicion. They are made in a room appropriated to the purpose and in the presence of an official charged with listening to the conversation. Their general moral effect is good, and both visits and correspondence are regarded as an efficacious remedy for the despair and wretchedness which so readily take possession of prisoners.

(4) In Saxony, the religious wants of prisoners are equally regarded and cared for, whatever their creed may be. Just as in every truly religious household all the members must mutually help to attain what is desired, so in the Saxon prisons (it is claimed) everything is arranged for the purpose of promoting, above all, moral education by common worship of God and individual care of the soul. But the use of extra-

ordinary moral agencies is not allowed. It is alleged that they have been found unpractical, and that prisoners place little confidence in strangers. Consequently casual visitors are not admitted, even though their purpose be the moral improvement of the prisoners.

(5) In all the prisons of Württemberg there are Protestant and Catholic chaplains. Their duties are to hold divine service on Sundays and festival-days, and to give once a week religious instruction to the prisoners of their respective creeds and general pastoral counsel on all suitable occasions. For prisoners of the Jewish faith there is similar provision for religious instruction. The labors of the chaplains are declared to be most valuable and beneficial in their results.

Permission is not given to volunteer laborers to enter the prisons on missions of benevolence to the prisoners.

Prisoners are allowed, under certain restrictions, to receive visits from their friends and to correspond with them. The regulations and results are much the same as in the other German prisons mentioned in this section.

§ 6. Under the head of *moral and religious agencies*, the supreme director of prisons in Italy, in his report submitted to the congress, holds the following language:

No one will deny that religion has an immense influence over man; but to exercise that influence it is necessary that religion should be sincere and implanted in the heart, and it is in no wise to be confounded with superstition or prejudice. There is no doubt, therefore, that, with those prisoners who have that innate religious sentiment, practical acts of piety and the exhortations of the chaplains have weight; but with the remainder, though it be well that the ministers of religion should do all in their power to implant religious feeling, and though the administration neglects nothing which seems conducive to this end, yet it does not consider *moral agencies* of minor importance, and the greatest of these is the good example to be set before the delinquents by the behavior of the directing officers and jailors.

In some provinces voluntary or semi-official visitors were formerly admitted into the prisons, and the government still allows such; but the administration does not deem it expedient to pass an opinion as to their practical usefulness so long as the commission for penitentiary reform is still deliberating on this important question.

§ 7. All the prisons of Mexico do not have chaplains, nor, when they have such, do they also have them for all denominations. Even where chaplains are appointed, they have no well-defined official duties to perform, except so far as their ecclesiastical functions are concerned, and their duty of course is always to advise and comfort the prisoner and direct him toward reformation. Religion is believed to be the most valuable means of reforming the prisoner. On the days and during the hours allowed by the rules, the doors of the prison are open not only to the members of the protective boards, but also to all persons who, according to the judgment of the council of vigilance, (*junta de vigilancia*,) are capable of contributing to the moral improvement of the prisoners. Sunday-schools exist in some prisons, in others not. The favor of writing and receiving letters is generally limited. The results of this correspondence are not very satisfactory.

Formerly prisoners could be visited by all their friends; now only those persons are admitted who have leave of the council of vigilance, when they are believed by the members of that body capable of improving the moral condition of the prisoners by their advice and their example. In that case there is thought to be no necessity to employ any one to listen to the conversations.

§ 8. There are no chaplains, as such, attached exclusively to any of the prisons of the Netherlands; but, in all the central prisons, in all the

houses of detention, and in the greater part of the houses of arrest, the office of chaplain and the religious services are confided to one of the parish ministers of each religion, who is named by the minister of justice. The duties of the chaplain consist in performing religious service on Sundays and feast-days, in making pastoral visits, and in imparting religious instruction. Religious instruction, given with intelligence, is considered of great importance as an agency in the reformation of prisoners. In some prisons there has been introduced the system of proverbs. This consists in hanging on the walls of the corridors and cells pithy moral sentences, and in changing them from time to time. In the opinion of experienced persons, this plan deserves to be recommended for general use.

Persons of both sexes, outside of the administration, are admitted into the prisons to labor among the prisoners, with a view to their moral regeneration. In some cities there are private associations to visit the prisoners, organized by the National Society for the Moral Amelioration of Prisoners.

Sunday-schools have not been established in the prisons of the Netherlands.

The administration of each prison regulates the correspondence of the prisoners as it judges most expedient. There is no general rule upon the subject. All the letters received or written by the prisoners are subjected to the inspection of the directors, and are withheld when their contents are improper. There is, therefore, no ground to apprehend injurious effects, and, in general, the correspondence of the prisoners is attended with a beneficial influence.

The prisoners are permitted to receive the visits of their friends as often, generally, as once a month. A grating separates the prisoner from his visitor, and an employé is always present to supervise the interview, which, as a general thing, may not exceed a quarter of an hour. They cannot converse privately. As in the case of the correspondence, it may be said that the general effect of these visits is good.

§ 9. Every convict-prison in Norway has its chaplain of the Evangelical Lutheran confession, to which faith almost all the people of Norway belong. In the minor district prisons, spiritual assistance is generally afforded by the parish minister of the district where the prison is situated. To the chaplains it belongs to conduct divine service in the prisons and to labor for the reformation of their inmates by the further agencies of personal conversation, admonition, and instruction.

Religious lessons are regarded in Norway as a very effective agent in the reformation of imprisoned criminals.

Sunday-schools exist in most of the convict or hard-labor prisons, but persons outside of the administration are not admitted for moral labor within the prisons.

Correspondence and visits are permitted to the prisoners under due restrictions, and the moral effect in both cases is found to be good.

§ 10. In all the large prisons of Russia there are chapels and chaplains. Prisoners of all the different creeds receive the offices of religion from ministers of their own faith, even Jews and Mussulmans.

The report on the prisons of Russia, as already stated in a previous chapter, was drawn up by Count Sollohub, president of the imperial commission on prison reform for that empire. On the subject of religious instruction in prisons the distinguished count holds this language:

In the present condition of things, the duties of the chaplains rest rather on the performance of religious ceremonies than on the giving of formal instruction. Viewed in its relation to the actual state of things in the country, I find no disadvantages in this

arrangement. Ceremonies speak to the eye and the heart. Religious instruction requires in the priests who undertake it the largest charity and a high civilization. The aggressive principle of the gospel, when disconnected from material interests, is certainly the crown of the servant of God, but this work would require a special clergy trained for the purpose of this particular mission. In addition to the education of those who speak, those who hear must likewise be educated, that they may understand as well as listen. It is impossible to deny the importance of religious worship and instruction, but I think in all things excess is pernicious. A man in more favorable conditions than a prisoner would immediately lose patience if he had to listen only to exhortations to virtue and repentance. The prisoner, having no means of resistance, buries in his heart a hatred which makes repentance impossible, or assumes a hypocritical garb of piety, in the hope of gaining something by it. I think I am not mistaken in affirming that the desire to reform prisoners has often been wanting in an intelligent comprehension of human nature. Virtue is not manufactured by formal methods; such methods can only produce the absence of vice, not the presence of individual morality, which is able to withstand all the assaults of temptation. I have found out by experience that we have many more chances of success when we appeal to men through their interests than through merely their good sentiments, and that, by removing from them the opportunity of doing evil, we naturally lead them to do well, while we fail to turn them from vice by wearying sermons. At the same time I should rigorously insist on attendance at divine service on Sunday, on daily prayers, and on religious instruction in all central prisons. But I think that religious reformation should not be the declared object, but left to develop itself in proportion as hope and confidence re-enter the heart of the criminal, and as he comes to see that his own welfare depends on his reconciliation to society.

It would appear that private persons are, to a certain extent, permitted to visit and seek the moral regeneration of prisoners. On this subject the count says:

There are few persons in Russia who devote themselves to the moral reform of prisoners. Some remarkable exceptions exist; among others, Dr. Hase, who has left behind him a touching celebrity for his efforts in that direction.

There are no Sunday-schools in Russian prisons, such as they exist among us. But in most prisons of any size, discussions on scientific subjects are held on Sunday, in which the prisoners take a lively interest.

As regards the correspondence of prisoners, it is permitted under the necessary limitations; but since the greater part of the prisoners can neither read nor write, the matter becomes of comparatively little consequence.

Visits from relatives are permitted, but with due restrictions. The effect of these visits, in a moral point of view, depends on the morality of the visitors. The reporter adds:

I do not suppose that parents coming to visit their children could injure them. Moreover, I regard that degree of disciplinary punishment which suspends the right of receiving all such visits, without exception, as unjust and unwise, particularly as it often punishes the visitors much more than it does the prisoners.

§ 11. Only Lutheran chaplains are employed in the prisons of Sweden. Few prisoners are found in them of any other religious belief.

The duties of the chaplain are to hold divine service, administer the sacraments, and give religious instruction; to ascertain by conversation the state of the prisoners' minds, and seek their reformation; to take charge of the library and church registers, in which latter he enters observations on each prisoner's manner of life and conduct. If the chaplain is equal to his high mission and zealous in its duties, the faculties of the prisoners are considerably developed; they gain a clear perception of justice; and many of them are led to form a firm resolve to live in future an honest life.

Sunday-schools are found in a few prisons, but they are exceptions to a general rule. Where they exist, they have a beneficial effect.

Prisoners not connected with the administration can have access to the prisoners only by special permission. Men of high character, and, known to be prudent and capable of laboring for their moral reforma-

tion, are readily permitted to visit them. In the prisons for women well-known ladies have obtained leave to visit the prisoners on Sunday to instruct them, and give them practice in singing.

The privilege of correspondence is pretty freely granted to prisoners, particularly with their nearest relatives, and is found to have a good influence on them.

As regards visits, prisoners awaiting trial, and those sentenced correctionally, have a large license; but those sentenced to hard labor cannot see even their nearest of kin without special permission from the director. Visits are always made in the presence of the director or of an officer detailed to that duty. Duly regulated, they have no bad effect.

§ 12. Ministers of the Reformed and of the Catholic religion act as chaplains in the prisons of Switzerland. The rabbi of the nearest locality is invited to visit such co-religionists as are occasionally found in them.

In the establishments which are imperfectly organized, the chaplains, for the most part, confine themselves to the celebration of public worship. In proportion as the prisons approach the category of penitentiaries that aim at the reformation of the prisoners, these officers are seen paying regular visits to them, consoling and counseling them, superintending the religious instruction of the juvenile delinquents, and fulfilling toward them all the duties of their ministry.

Religious instruction, as a means of reforming prisoners, is looked upon in Switzerland as of the highest importance and as exercising the happiest influence, particularly if the person charged with it possesses the special aptitudes suited to the high mission which he is called to fulfill, and throws aside, as far as he may, mere dogmatic questions. Prisoners in whose heart the religious sentiment is not extinguished at the time of their entrance are easily impressed by the exhortations of the chaplains; on the other hand, such as do not possess it offer to the instructions of religion a soil arid and ungrateful. Among prisoners self-deception and hypocrisy are not unfrequently met with; yet it often happens that individuals who reject or are ignorant of the Bible end by finding in its pages the consolation of which they are in pursuit.

Sunday-schools, properly so called, do not exist in the Swiss prisons. At Zürich the chaplain holds a catechetical exercise in the afternoon, and afterward an instructor gives a lesson in sacred music.

Persons of both sexes, not connected with the administration, are admitted into the prisons to labor for the moral improvement of the prisoners. In the cantons which have new penitentiaries, such persons are authorized to visit the prisoners in virtue of decrees of the legislative authorities. This is especially the case with members of aid societies, who have free access to the prisoners whom they seek to succor.

In the female penitentiaries lady patronesses are frequently met with, especially in the cities which were visited in 1839 by Elizabeth Fry, and where, at the instance of that good and charitable woman, ladies' aid societies were organized to console, to place, to watch over, and to sustain criminal women. At Zürich, where a society of this kind exists, the lady patronesses give to the female prisoners in the penitentiaries regular lessons and take charge of their religious instruction.

The privilege of correspondence with friends is accorded, but under different regulations and with greater or less frequency in different cantons.

In the establishments where the progressive Crofton system has been introduced, prisoners of the middle class can write letters every two

months, those of the higher class every month. But an extension of this favor is often granted, especially in cases where the correspondence is of such a character as to draw closer the ties of family, to exert a good influence, and contribute to the moral cure of the prisoner. This powerful means of moral reformation is more or less neglected in establishments where the organization is imperfect. As the letters pass under the inspection of the director, his eye sometimes detects sentiments which have their taint of hypocrisy; but, in spite of that, the correspondence of the prisoners manifests a strong family affection, and awakens tender household memories.

The visits of relations and intimate acquaintances are permitted the same as correspondence, and are most carefully regulated in the prisons where penitentiary education receives the greatest attention. The internal regulations of different penitentiaries grant the indulgence of visits more or less frequently, but the average is about once a month. As in the case of correspondence, an extension of this privilege is often accorded when the visits are found to have a salutary effect.

§ 13. The American report on this branch of the general subject is exceedingly meager, and appears to the undersigned, with all possible respect to the eminent and noble-hearted author, not quite just to the chaplains of our higher prisons, which alone, for the most part, of American prisons, have an officer of that class. There is scarcely a county jail in the country which enjoys the services of even a nominal chaplain, and it is doubtful whether there is one which has such an officer exclusively devoted to the moral and spiritual welfare of its inmates. Most of the state-prisons have chaplains, but few, it is believed, of the prisons holding a middle ground between the state-prison and the county jail have them. The report represents indifferent chaplains as the rule, good and effective ones as the exception. The undersigned would reverse this order. He has had personal knowledge of many of these gentlemen, and, as a class, he cannot help regarding them as earnest, devoted, hard-working, useful prison officers, and, he is sorry to be compelled to add, very ill-paid for the work they do. It has often been matter of wonder to him that men so competent could be had for a compensation so disproportioned to both the amount and the value of the service rendered. He has known instances in which the services of chaplains have been sought by wealthy churches, at largely increased rates of remuneration, and in which they nevertheless resisted the tempting call and remained in their humbler position of prison pastor, from love to the Master and to those in whom, all fallen and criminal as they are, He has deigned to declare that He is Himself visited and ministered to. However large the prison may be, even though it contain an average population of a thousand or more souls, there is seldom, if ever, more than one chaplain; and he is charged, not only with the spiritual care of this immense multitude, but also with the oversight of the prisoners' correspondence and with that of the library, superadded to all which is not infrequently the giving, or at least the superintending, of scholastic instruction.

Most of our state prisons, and some of a lower grade, have Sunday-schools, large and flourishing; not a few have weekly prayer-meetings, which are attended by prisoners varying in number from a score or so to several hundred. Into most of our prisons workers from outside, of known prudence and piety, are freely admitted to labor, in a variety of ways, for the moral and spiritual benefit of the convicts, in most cases (not in all) with excellent effect.

Correspondence and visits of friends are permitted in all prisons, but



under a variety of regulations and restrictions too numerous for statement. The general testimony of wardens and chaplains is that the effect of both is beneficial rather than otherwise.

§ 14. In England, every convict-prison has its staff of ministers of religion, who hold two religious services on Sunday and morning prayers daily, besides performing all the ordinary pastoral duties during the week. For the most part, the chaplains are not permitted to have any other occupations than those appertaining to their office, thus being left free to devote their whole time to the improvement of the prisoners placed under their spiritual care. The advantage of thus inculcating religious truth and seeking to awake religious feeling is held to be incontestible, and notwithstanding the doubts which have been called out by injudicious exaggeration of the results of these influences, the advantages thus afforded are much appreciated by prisoners, and the exertions of the ministers of religion bear perhaps as much fruit as in the world outside.

Volunteer working visitors are not admitted into the convict-prisons. Periodical letters to respectable acquaintances are allowed, the frequency varying according to the class. The same is true as regards the receiving of visits. Both privileges are found to be beneficial in their influence on the convicts.

All county and borough jails in England are provided with chaplains. Their duties are substantially the same as those of the chaplains of convict-prisons. No Sunday-schools exist in these prisons and no volunteer workers are admitted.

Letters may be written and visits received by prisoners on the expiration of the first three months of their imprisonment; but as a very small proportion of the inmates remain three months, and not one in a thousand six months, it would seem to be, in regard to the mass, but a barren privilege.

§ 15. The regulations and usages of the Irish convict-prisons are substantially the same as those of England in all that relates to the general subject-matter treated of in the present chapter.

No official report was made to the congress in so far as the borough and county prisons of Ireland are concerned.

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## CHAPTER V.

### SCHOLASTIC EDUCATION.

§ 1. The average proportion of prisoners unable to read, in Austria, on their commitment, was, during the years 1868, 1869, and 1870, 38 per cent. of men and 50 per cent. of women.

As a rule, all Austrian prisons are provided with schools. All prisoners of a suitable age to learn, (thirty-five years and under,) and who are either wholly illiterate or of defective attainments, are required to attend the prison school.

The subjects taught are the common primary branches, together with composition, the elements of natural history, physics, geography and history, and, in rare cases, drawing and geometry. Besides this, in all the prisons for men, instruction in vocal and instrumental music is given, but only as a reward of merit and to such prisoners as possess musical gifts. The progress made in the schools is satisfactory.

Libraries have existed in the prisons only during the last few years.

The works selected are, besides those of a religious character, popular works on history, geography, natural history, physics, husbandry, technical subjects, and political economy, books of an entertaining and instructive character, as biographies of celebrated men, accounts of travels, descriptions of customs and manners, and moral tales. The use of the libraries is constantly increasing. Those who are able to read receive books for themselves; for those in associated confinement who are unable to read, readers are appointed. Preference is generally given to tales, travels, and biographical sketches. Only prisoners of some education ask for books of a higher standard. The influence of this reading is exceedingly good, not only because the keeping of order and quietness is thereby greatly assisted, but because the mind of the prisoner is in this way withdrawn from his every-day life, directed to new objects, stirred to higher and better thoughts, and thereby unconsciously ennobled.

§ 2. In Belgium, 49 per cent. of the prisoners when committed are unable to read. Every prison with fifty inmates or more has a school or a teaching lecturer. At the penitentiary of Louvain, attendance is obligatory on all prisoners; at Ghent, it is obligatory on all under thirty years of age, and is permitted to those who have passed that limit. In other prisons, attendance is obligatory on all juvenile delinquents and on all adult prisoners who, having a sentence of at least six months, are under forty; it is permitted to all others. The instruction given in the penitentiary schools includes religion—which is taught by the chaplains or under their immediate direction—morals, reading, writing, arithmetic, elementary notions of grammar, history and geography—particularly the history and geography of Belgium—the elements of geometry and linear drawing in their relations with trades, and other branches of a practical utility. Great progress is made by the prisoners in these studies.

Libraries are found in all the prisons of Belgium. They contain three classes of works, which meet three several wants: that of reforming the prisoners, that of instructing them, and that of diverting their minds by the reading of books at once entertaining, moral, and instructive.

The prisoners are very fond of reading, and spend much time in it. The influence of these readings is found to be excellent, and the formation of prison libraries (it is thought) cannot be made with too much care and discrimination.

§ 3. In Denmark one or two school-masters are appointed to each prison. Prisoners under eighteen, who are only isolated at night, receive a special treatment, with two or three hours' instruction a day. In cellular prisons, convicts under forty receive two to three hours' instruction a week. In the associate prisons, instruction is only given on Sundays. Every prison has school-rooms and a library.

§ 4. The average proportion of adult prisoners unable to read in the French prisons on their committal is 56 per cent.; of juvenile prisoners 81 per cent. are found wholly illiterate.

The organization of primary instruction in the prisons of France dates back to 1819. In virtue of a decree of December 26 of that year, primary instruction, embracing reading and the first elements of calculation, was required to be given to prisoners, following, as far as their number permitted, the method of mutual instruction. Since that time the administration has established schools in all the important prisons. In 1866, the minister of the interior ordered that a greater extension be given to primary instruction, and required that almost the entire prison-

population should be made to share in it, with the exception of old men, invalids, and those whose perversity requires their exclusion. The instruction given in the prison schools comprises reading, writing, the first four rules of arithmetic, and the legal system of weights and measures. To this list of branches may be added mental calculation, surveying, linear drawing, and general notions on the geography and history of France. The administration has not been able, thus far, to allow all the prisoners to participate in the benefits of primary instruction. While striving to give a stronger impulse to instruction, it has been obliged to discriminate, in admitting prisoners to the school, by receiving first the youngest, afterward adults, and among the latter those whose conduct is the most satisfactory.

The progress made by the prisoners is generally rather slow, owing to the little aptitude of the greater part of them. Many who entered wholly illiterate leave the prison knowing how to read, to write passably well, and to perform the simpler operations of arithmetic; but a complete elementary education is rare. The administration has not been as well satisfied as it could have wished with the results of the instruction given in the prisons; and it is at this moment engaged in seeking new methods of instruction and a better organization of the schools in the penitentiary establishments.

The prison libraries include works for Catholics, Protestants, and Israelites, which are intended to serve for their moral and religious instruction; also, books of history, accounts of voyages, literary works, treatises on ordinary and technical science, novels, and miscellaneous works. These books are examined with care by the council of general inspection of the prisons. The works of piety admitted by each religion are designated only on the recommendation of the ministers of the different religions. The catalogue contains special indication of the books more particularly adapted to men, to women, and to children. At this moment the superior administration is engaged in re-organizing and enlarging libraries in all the penitentiary establishments.

The prisoners are generally fond of reading. Those who have a knowledge of this art nearly always profit from the practice of it. They have their Sundays for reading, and on week-days they read during the hours of rest and at meals. In some establishments there are readings in common to convicts who are unoccupied and to others during the intervals of labor. Sometimes such readings are given during meal-time in the refectory. The prisoners listen to them with interest, but those who know how prefer to read to themselves. The distribution of books takes place under the superintendence of the instructor or the chaplain, who, in his selection, has regard to the antecedents, the aptitudes, and the conduct of each prisoner; and the officers charged with this duty perform it in such manner as to cultivate a taste for reading by all the means which are consistent with the exigencies of the service. Books specially written for prisoners are not those which they prefer. They read with greater pleasure books of history, voyages, novels, and narratives which have touches of the marvelous, of elevated sentiment, and of renowned actions.

Reading is found to exert a happy moral influence upon the prisoners. Those who contract a taste for it during their imprisonment are generally well behaved. Properly directed, reading effects a salutary revolution in the soul and imagination of the prisoner. Hence, the choice of books becomes a matter of great importance. Works which amuse by the interest of the narrative and the charm of the style, and those which have in them an element of instruction, contribute to enlighten

and to inform the prisoner at the same time that they afford to him diversion and consolation. They serve to awaken in him the love of home, and sometimes predispose him to the duties of religion.

§ 5. The German states report as follows:

(1) In Baden only 4 per cent. of the prisoners are unable to read when received. Schools are organized in all the prisons. Male prisoners under thirty-five are required to attend, women till they are thirty; beyond the ages named, those attend who choose. The subjects of instruction are the same as those in good primary schools. With few exceptions, the prisoners make satisfactory progress. Every prison has a good library. The books in it are religious, instructive, and amusing. The prisoners for the most part are fond of reading. Books written expressly for prisoners are in little request. Educated prisoners prefer descriptions of voyages, biographies, and technical books; those less educated prefer tales. Suitable reading exercises a beneficial influence; it instructs and relaxes the prisoners' minds, and thus aids their reformation; it favors discipline by removing the feeling of *ennui* and the tendency to disorder.

(2) In Bavaria 12 per cent. of the prisoners on commitment are illiterate. Schools are established only in houses of correction and the general prisons. Attendance is obligatory till thirty-six; after that, it is optional; but prisoners under thirty-six who are already sufficiently educated are excused, if they desire it.

School instruction comprises reading, writing, arithmetic, geography, and German; choral singing and drawing are also taught—the two latter subjects being optional. Prisoners who attend school for less than four months make no great progress; those who have a longer term make very considerable advance.

The libraries consist principally of treatises of a religious and moral character, of books which are generally useful, of popularly-written works on natural and general history, and of popular editions of German classics.

Almost all prisoners in cells read a great deal and enjoy it, but those undergoing collective imprisonment prefer conversation. Reading exercises a good influence by doing away, in great measure, with the evil consequences arising from idleness, and promotes the prisoner's improvement by the cultivation of his mind. Simple tales and entertaining books are preferred—religious books least of all.

(3) Of one hundred prisoners sentenced to hard labor in Prussia, seventeen cannot read when they enter the prison. In other prisons a less percentage are illiterate. Schools exist in all Prussian prisons except four small houses of arrest.

All prisoners undergoing cellular imprisonment receive instruction. Among the associated prisoners preference is given to the young and to those whose education has been greatly neglected, and whose intellectual faculties give promise of subsequent progress.

The prescribed subjects of instruction are sacred history, reading, writing, arithmetic, singing, and sometimes drawing. The lessons in reading at the same time give instruction in the history and geography of Prussia. The arithmetic is such as is useful in daily life. The prisoners are diligent in learning, and make satisfactory progress.

The prisons have libraries containing religious, instructive, and entertaining books. In 1869 the total number of books in these libraries was 111,418: 42,210 entertaining and instructive, 23,745 educational books; the remainder were religious works.

Most of the prisoners are willing and diligent readers. They all show

a marked preference for histories and works on natural science written in a popular style. Such reading has evidently a very good influence on them.

(4) The prisoners in Saxony are generally sufficiently instructed in the elementary branches, but not many of them have gone much beyond that degree of education. The penitentiary takes especial care to supply the defect of the elementary education by obligatory weekly instruction. The general and special preparation for their calling is supplied to the prisoners by free instruction on Sundays. Such instruction is not obligatory, but the prisoner has a claim to it arising from good behavior. It is voluntarily given by the officers, and not by the clergymen and teachers alone. The library in the penitentiary of Zwickau contains 5,000 volumes of religious, instructive, and entertaining books, thus providing for all the mental wants of the prisoners who, under the careful assistance of the teachers, are diligent readers.

(5) Prisoners unable to read and write on their admission to the prisons of Würtemberg form a rare exception. Out of 1,317 prisoners present June 30, 1871, nine could neither read nor write; eight could read and not write. All the prisons have schools. The prisoners must attend school till thirty years of age; prisoners above that age are allowed to attend. The prison schools are as efficient as good primary schools. The branches of instruction are reading, writing, arithmetic, moral and sacred history, geography, history of the kingdom, and, in some prisons, drawing. Those sentenced to short imprisonments have their former knowledge recalled and fixed more firmly in their minds; those suffering long imprisonment have it extended, and thus get a higher education. Attentive and diligent prisoners are much pleased to take part in the instruction. In all the prisons there are libraries. The books are religious, instructive, or entertaining.

§ 6. Both scholastic and industrial education is regarded by the penitentiary administration in Italy as a principal agent for the reformation of prisoners. To judge of the breadth and efficiency of the former, it will suffice to compare the degree of instruction possessed by those who enter and those who leave the penitentiaries. The illiterate among those entering are: In the bagnios, 92 per cent.; in the penal establishments, 64 per cent.; and in the establishments for minors, 60 per cent. These percentages are reduced for those leaving the prisons to: In the first class named, 73; in the second, 46; and, in the last, 12 for the houses of custody and 3 for the reformatories.

In each penitentiary there exists a school, to which is admitted the largest possible number of prisoners, the youngest and best conducted having the preference. In the houses of detention and the reformatories, the school takes a wide range, as it admits all the inmates indiscriminately, and in these are specially taught drawing, vocal, and instrumental music, agriculture, some foreign language, &c., and this with admirable results. Every prison, whether for juveniles or adults, has a small library belonging to it, the formation of which specially occupies the attention of the central direction. The greater part of the works composing these libraries are books written specially for prisoners, and others selected from educational works, written in a pleasing style and presenting clear and elementary notions of the national history, mechanics, moral tales, &c. As soon as the prisoners acquire the ability to read, they show a great inclination to it; but almost invariably they seek in books some diversion from their monotonous life, or food for the imagination, rather than a fund of solid knowledge; consequently few of the books read by them are of a didactic character, but the greater

part are novels or romances, of course always of an unimpeachable moral tendency.

§ 7. Schools do not exist in all the prisons of Mexico. Wherever they do, they are usually frequented by all illiterate prisoners.

The education imparted consists of the various branches of primary instruction and of religious and moral teaching. The progress made is satisfactory.

There are no libraries in the Mexican prisons. Generally prisoners do not read much, as they belong for the most part to the lower classes of society, where education is seldom imparted. Many are not able to read.

§ 8. Thirty-five to thirty-eight in the hundred will indicate, with sufficient accuracy, the proportion of prisoners in the Netherlands who are unable to read and write at the time of their entrance.

Schools exist in all penal establishments, except in the police and cantonal prisons. In the cellular prisons the instruction is given in the cells. All prisoners, up to the age of forty years, who do not know how to read and write, are obliged to receive that instruction.

The branches commonly taught are reading, writing, and arithmetic. The system of instruction leaves much to be desired. Reforms have been introduced or are in contemplation. In the two central prisons for juvenile prisoners, the system of instruction is all that can be desired.

There are libraries in all the prisons, which include books on morals and religion, histories, travels, &c. The books are specially classified according to the different religions. Most of the prisoners are fond of reading; they generally prefer books of history, travels, and the like. Their reading has a happy effect upon them.

§ 9. Only about one in the hundred of persons committed to prison in Norway is entirely illiterate.

Schools exist in all the penal prisons, but not in the minor prisons of the districts; yet, even in these, some instruction is given to ignorant young prisoners who remain for any considerable time. Instruction is given in religion, reading, and arithmetic; to some extent, also, in writing and music. Generally, the prisoners make good progress. Libraries are found in all the prisons. Those in the district prisons contain chiefly, though not wholly, religious books; those in the penal prisons embrace, besides religious works, histories, travels, &c. Naturally the prisoners, especially those confined in the cell-prisons, apply themselves eagerly to reading, and evidently profit by it.

§ 10. In Russia very few of the prisoners, when received, are acquainted with reading and writing. Schools are gradually introducing into all the prisons of any size. Attendance is optional. As regards the kinds and degree of instruction imparted, no details can be given, as penitentiary education is still in its infancy. It is proposed, when fully organized, to make it broad and comprehensive. Mr. Savenke, a distinguished specialist, has already made some remarkable experiments and achieved extraordinary results in this department of prison work.

Libraries, though still but poorly supplied, are found in many prisons. The prisoners are fond of reading and of having books read to them, when there is no compulsion in the case.

§ 11. Nearly all the prisoners committed to the Swedish prisons can read and much the greater part write.

Schools exist in the associate prisons; in the cellular prisons, the inmates are instructed in their cells. All the illiterate are allowed to attend upon the lessons, unless they are too old to profit by them.

Instruction is limited to reading, writing, religion, the elements of history and geography, orthography, the four fundamental rules of arithmetic, and natural history. The progress is about equal to that made in the national schools, and is satisfactory.

There are small libraries in the prisons. The prisoners voluntarily spend their leisure time and their holidays in reading, either individually or in classes. In the latter case one of themselves or an officer reads aloud.

They prefer religious and moral books or accounts of voyages. On Sundays they practise sacred music. These exercises have an excellent effect both on the minds and manners of the prisoners.

§ 12. The degree of illiteracy varies in the different cantons of Switzerland. The official report sent to the congress from this country states the general average, on committal, of wholly illiterate prisoners at 17 per cent., and this, notwithstanding education is obligatory in Switzerland and in fourteen cantons is also gratuitous. These facts, taken together, show how prolific a source of crime ignorance is.

Schools are organized in all the improved penitentiaries, and in many other establishments lessons are given by the chaplain. It even happens that these duties are confided to a prisoner, if he is a teacher by profession, or if he possesses the necessary knowledge and aptitude. In penitentiary establishments in which schools are opened, all the prisoners, except those excused by age—above forty-five—and those subjected to the cellular *régime*, attend lessons in classes. The prisoners receive, on an average, from four to five hours' schooling per week. Those who are in the cellular stage are visited by the instructor in their cells, and there commence their course of instruction. Three classes are formed in the best organized penitentiaries. In the lower class the elementary branches only are taught; in the middle class progress is made toward the higher branches of study; and in the highest class are studied mathematics, physics, technology, and linear drawing, so far as these sciences are applied to arts and trades; and even, in some cases, foreign languages are taught.

The progress made differs much in the case of different prisoners. Many are remarkable for their zeal and power of acquisition, while others advance but slowly. The organ of thought, little accustomed to being used, has lost its force. The power of memory is often wanting, and the result in these cases is a stupefaction, which leads to indifference. Still, the average progress made is highly satisfactory, especially in the case of juvenile delinquents.

Libraries are found in all the prisons. In those of the cantons where prison discipline is little advanced, the number of books is limited, and works exclusively religious predominate. In the penitentiaries which are better organized the libraries are composed of moral and religious books, of works of general history and the history of Switzerland, of biographies, travels, ethnography, natural history, works on mechanics, agriculture, belles-lettres, &c. Romances of a moral character are not excluded.

The prisoners read, relatively, a great deal in the penitentiaries where they pass Sunday in their cells, and where they have at their disposal a variety of works. They generally prefer moral tales, narratives of voyages, biographies, Swiss and general history, and works of popular science. Reading is found to have a very beneficial effect upon the prisoners. It enlarges the circle of their general knowledge, and by fuller explanations of what they had learned in the way of routine, it develops also their practical knowledge. It is by keeping their minds

continually occupied by labor, or by moral and intellectual recreations, that that self-respect is oftenest awakened in prisoners which constitutes the best guarantee against secret vice. These elevating and noble agencies calm an ardent imagination, and often put to flight ideas inspired by base passions and by vicious and criminal sentiments.

§ 13. The general condition of prisoners in the United States, in point of education, is low as compared with the whole population of the country. Yet it differs much in different States. In Massachusetts, for a period of eight years past, the statistics show very nearly one-third of all prisoners to be wholly illiterate; yet in the highest prison, at Charlestown, the proportion of illiterate convicts since the beginning of 1864 has been scarcely more than one in ten. In the Philadelphia prison, (eastern penitentiary,) out of 7,092 prisoners received between 1829 and 1872, about one-fifth (1,418) were wholly illiterate, and almost a sixth more (1,124) could only read. In the western penitentiary of Pennsylvania, at Pittsburgh, the proportion of illiterate convicts is less, (42 in 375, or one-ninth,) while those who can read only is still smaller (47 in 375, or one-eighth.) In the county prisons of Pennsylvania, more than a third of the prisoners are illiterate, and the same is true of New York; but, in the large Western States of Ohio, Illinois, Michigan, and Wisconsin, the proportion of the illiterate is smaller, and probably does not exceed one-fourth. Out of 8,744 convicts received by Mr. Brockway in Michigan, 2,100 were wholly illiterate; but in the Michigan state-prison, only 42 out of 356, or less than one-eighth, were wholly illiterate, though only 286, or three-fourths, could both read and write. In the Iowa state-prison, 34 out of 216 could neither read nor write; in the Kansas state-prison, 61 out of 303; while 42 more could read indifferently, but not write. In California, 226 convicts in the state-prison out of 732 (nearly one-third) were illiterate. But when we look at the late slaveholding States, the proportion of illiteracy greatly increases. Of 669 convicts in Maryland, 394, or nearly three-fifths, could neither read nor write; of 389 in North Carolina, 264, or more than two-thirds, can neither read nor write; in the other fourteen Southern States the proportion is probably about the same. Practically, then, two-thirds of the prisoners in these sixteen States are illiterate, while in the rest of the Union something more than one-third are so, probably; so that about half the 38,000 prisoners now in confinement are practically without education, and a large proportion of the remainder possess it to only a very limited extent. The women in prison are not so well educated as the men, and the short-sentenced convicts, as a rule, not as intelligent as those sent to higher prisons.

The provision made for the mental improvement of prisoners is better now in most of the States than it was a few years ago. Public attention has been drawn to the subject, and, in a few prisons, not only libraries and schools, but lectures have been established, with a view to the general education of the convicts and to aid in their reformation. The best instance of this prison instruction in the United States is probably found in the Detroit House of Correction, where a school-system was established in 1869, when the number of convicts was about 360; on the 1st of May, 1872, it was 402, of whom 296 were men and 106 women. During the year 1871 the average number of convicts in the prison was 385, in school 219, or nearly two-thirds of the whole number. Of this average, 141 were men and 78 women, the schools being separate. In his last report, Mr. Brockway says:

This system was introduced among the prisoners to aid their reformation, and is now conducted for this purpose; not so much to relieve the monotony of imprisonment and to impart the ability to read, write, and cipher, for the convenience of these accom-



ishments, as to discipline the mind and fit it to receive and to evolve in the life the thoughts and principles that constitute their possessors good citizens. Attendance upon the school is made obligatory, and the intellectual tasks are required, as are the industrial. The sessions of the general school are two and one half hours each, on two evenings every week, and are for recitations chiefly. The writing-school is also held on two evenings each week for both men and women, and the men's writing-class is followed each evening with a normal or teachers' class, in preparation for the general school. The women associate a singing-exercise with their writing-class on each evening. All prisoners who attend school are supplied with a light in their cell, for study, and all draw books from the library. Every Saturday, at 5 o'clock, all the prisoners in the institution (numbering now 440) assemble in the chapel to listen to a lecture. This is the crowning feature of our educational effort; during 1871 we had forty-six lectures—carefully-prepared, well-delivered lectures—many of which had been delivered to first-class audiences of citizens, and were worthy of a place in any lyceum-course.

The following details, given by the teachers, are too important, as well as too interesting, to be omitted:

The twenty-one classes into which the school has been divided have been taught by twenty-eight teachers, selected with a single exception from the prisoners themselves. The changes in teachers have been much less numerous than was the case in previous years. It has been noticed that men sentenced for considerable periods make the best teachers, not simply from the fact that they take a greater interest in what must occupy them for some time, but because they have more force of character, more decisiveness. Some of the worst men, morally, have made the best teachers. From the monthly record of progress which has been kept, it appears that the work done by each of the prison classes in arithmetic, which has been the subject in reference to which chiefly the school has been graded, has averaged as much as that which is usually done by three classes of corresponding rank in our public schools. In other words, a year and a half school-work in arithmetic has been done during the last forty-five evening sessions.

The song of opening, the brief talk upon some scientific theme, the lessons of the evening, have been listened to with attention and entered upon with avidity. There is evidence on every hand that the school has furnished the themes on which much thought has been bestowed in the work-shop and in the cell. The pleasure in the business of the school-room, the evident delight of the men in the work assigned them, the progress they have made in manners and in studies, have been much greater than I at all anticipated. I think no one before the trial would have said that men long unused to study, or who had never known it, working all day in the shops, with two evenings' instruction per week by their fellow-prisoners a little in advance of themselves, would in main studies make two or three times the progress which the pupils in our public schools make under the most favorable circumstances; and yet such has been our constant experience. Three years ago the women's school had but one teacher. There were none among the prisoners competent to assist in the work of teaching. There are at this date seven regular assistants teaching quite successfully. They have been educated for it in the school; and while they are teaching others they receive also practical instruction, not only in the lessons which they are studying, but in methods of teaching. The school is now very well graded and classified. Nightly records are made of each individual in school, and a system of monthly examinations and reports is in operation, which not only tests the progress of the pupils, but measures the success of the teachers also. Hence the new school-year of 1872 opens very auspiciously.

This testimony is the more reliable, especially in what relates to the comparative progress made by the prison-students and by the pupils in the public schools, inasmuch as Mr. Tarbell, the principal of the male prison-school, is also principal of one of the most important of the public schools of Detroit, and hence speaks with thorough knowledge of both classes of schools and scholars.

Mr. Brockway makes this frank confession and gives this sound advice:

In view of the benefits of the school it seems incredible that I could have spent more than twenty years in the management of prisoners, and never, until 1853, have introduced this measure. Let me urge all who can do it thoroughly to put this feature into their management, as indispensable to satisfactory reformatory results, working and waiting for such changes in the law as shall enable us to carry the education of every prisoner we receive to a point promotive of his pecuniary prosperity, his conscientious self-respect, and his probity of deportment.

General Pilsbury, of the Albany penitentiary, the teacher of Mr. Brockway in general prison management and discipline, is, as regards penitentiary education, nobly following the example of his distinguished pupil. He has fitted up a large and commodious school-room, giving a desk to each convict-scholar, and other accommodations equal to those afforded in the best public schools of our large cities. The work of instruction is vigorously prosecuted and is yielding satisfactory results.

Prison-schools where instruction is given at the cell-door in many of our state-prisons; but it is far from being as thoroughly organized or as effective as at the Detroit House of Correction. Of the 16,000 prisoners in the state-prisons of the Union at the present moment, from 4,000 to 6,000 may be receiving scanty instruction in schools of some sort. Of the estimated 22,000 prisoners in common jails and houses of correction it is safe to say that not more than 3,000 are receiving any scholastic instruction whatever. We have already seen that about 20,000 of the 38,000 prisoners in the whole country are practically illiterate, and certainly less than 8,000 of these are under instruction in the prisons. Such a condition of things calls loudly for reform, and it is, therefore, a cheering circumstance to be able to add that the number of prison-schools is constantly increasing, and that their character improves day by day.

The condition of penal institutions in the United States is much better in respect of libraries than of schools. Most of the state-prisons and houses of correction have libraries, some of them large and excellent. Probably the aggregate number of volumes in these two classes of prisons is 25,000. With the exception of the States in which slavery prevailed till within a recent period, of prisoners confined in the state-prisons from eight to nine-tenths are able to read sufficiently well to be entertained and profited by it. The taste for reading, thanks to the good libraries in our prisons, has become quite general with the prisoners; and there is a singular unanimity among the officers of prisons as to the high advantage they derive from the indulgence of this taste. With one voice they bear testimony to the value of the libraries in communicating useful knowledge to the prisoners, in elevating their minds, in beguiling many an otherwise tedious hour, in making them cheerful and contented, in affording material for profitable reflection, in supplying good topics for conversation with them, in improving the discipline, and in constituting one of the most effective of reformatory agencies.

§ 14. The department of education in the English convict-prisons, including the care of the library and the distribution of books among the prisoners, belongs to the chaplain. Books are supplied to the prisoners, both of a purely religious and of a more general character; and those who are uneducated are taught by a staff of schoolmasters at least the elements of reading and writing; those who have already some knowledge have opportunities and encouragement in improving themselves. As a knowledge of reading and writing affords so much opportunity for mental and moral improvement, and may have so important an effect on a prisoner's well being in after-life, great inducements are offered to prisoners to exert themselves to attain it, by rendering some of the subsequent privileges they may gain conditional on their being able to read and write. For example, no convict can be promoted to the first class unless he can read and write; and, after he has been under instruction a sufficient time, he is obliged, if he wishes to enjoy the privilege of communicating by letter with his friends, to do it himself, and without assistance. Of course, exceptions to this rule are made, in the case of men who, from age or mental incapacity, cannot be expected to

acquire even the elements of knowledge. Half-yearly examinations are held to ascertain the progress made by each prisoner, and the result is, in the main, satisfactory. Of 775 prisoners discharged from the prisons at Chatham, Portland, and Portsmouth, the 158 who could neither read nor write when convicted had learned to do both while in prison; and most of the remainder had made advances in the knowledge which they had previously possessed.

Of 157,223 committed to the county and borough prisons of England in 1870, 34 per cent. could neither read nor write, and 62 per cent. could do one or both imperfectly, leaving only a residue of 4 per cent. who had mastered these important arts. Most or all of these prisons have schools and libraries. But the report submitted by the inspectors to the congress affords no information on these points beyond this naked statement.

§ 15. Of prisoners committed to the Irish convict-prisons, 22 per cent. of males and 63 per cent. of females are wholly illiterate.

Libraries exist in all the convict-prisons, but they do not appear to be very well provided with books, beyond those of a religious character, which are chiefly Bibles, prayer-books, and catechisms of the Episcopal and Roman Catholic churches. Schools are organized in all the prisons, and the work done in them is highly commended by the inspector of public schools.

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## CHAPTER VI.

### PRISON LABOR.

§ 1. Penal labor, as such, does not exist in the prisons of Austria, although difficult and disagreeable work is sometimes awarded by way of disciplinary punishment. A considerable variety of trades is pursued in the Austrian prisons. No less than twenty are named, and the statement ends with an *et cetera*. Besides handicrafts pursued within the prison-walls, trustworthy prisoners who so desire are employed in open-air work, as farmers, gardeners, masons, bricklayers, laborers on streets and railways, stone-breakers, &c. Latterly prisoners sentenced by the higher courts are much employed in out-door work. The effect of this is found beneficial in two ways: 1, the prisoners so occupied, the greater part of whom are serving out their first sentences, are thus saved from the evil effects of association with other prisoners; and, 2, their health is better, and hence their power of production while at work is greater.

The system of hiring the labor of the prisoners to contractors is preferred in Austria, provided, always, that contractors of a suitable character can be found; otherwise, the prison-direction manages the labor on behalf of the state. The contract-system is preferred for two reasons: first, because it prevents loss and damage; and, secondly, because it enables the officers to devote themselves entirely to what is deemed their proper duty, the care of the prisoners. There is, nevertheless, confessed to be a grave disadvantage connected with this system in the fact that an outside element is thus introduced among the prisoners unfavorable to their moral improvement. Still, it is believed that this disadvantage may be reduced to a minimum by a careful selection of contractors, foremen, and workmen. The average proportion of prisoners for the last three years who were ignorant of a trade at the time of committal was, in the higher prisons, men, 8 per cent.; women, 24 per cent.; in regard

to the other prisons, statistics are wanting. Every such prisoner learns a trade in prison, if he is sentenced for a sufficiently long time. Pains are taken to guide the prisoner in judging of his own capability, that so he may learn to value it, and be thereby induced to earn an honest living. Thus he is taught, not only how to work, but how to estimate the worth of an upright life; and he is quickened in his industry by receiving a portion of what he earns during his incarceration.

§ 3. No distinction is made in the prisons of Denmark between penal and industrial labor. The contract-system is in use here. It is regarded as the best, both economically and with regard to reformatory effect. However, it is hedged about with the greatest care, and all intermeddling by contractors with the treatment of the prisoners is completely cut off. Labor is regarded not merely as a source of revenue, but rather as an essential condition of the due execution of the sentence, and as a necessary agent in the moral regeneration of the prisoner. The profit derived from it does not meet the current expenses of the prisons, since these, including the administration, amount to \$70 a year *per capita*, while the profit of the prison labor is only about \$40.

§ 2. Penal labor, as distinguished from industrial, does not exist in the prisons of Belgium. The report enumerates thirty industrial occupations as those in which the prisoners are engaged. The employments introduced into the prisons are chosen, preferably, from among those most likely to afford the prisoners, after liberation, the means of an honest livelihood. It is held in Belgium that labor ought not to be imposed as a punishment, since the first necessity of man is labor, and the first sentiment to be developed in him is the love of labor. The liberated prisoner ought not to carry with him, on his discharge, the idea that work is a punishment in this world, and that he has suffered it long enough during his imprisonment to hasten, at the hour of his deliverance, to free himself from its chains. Labor should be exhibited to him in the prison (as it is in society) as the source of the physical and moral elevation of man. He ought, in all things, so to identify the life of man with the necessity and the attraction of labor that even in captivity it should be still, if not the image of happiness, at least a solace attached to its exercise and an idea of punishment from its privation. In a word, if labor ought to enter as a penal element into penitentiary imprisonment, it is not in the use but the privation of it. Undoubtedly, labor in penitentiary imprisonment ought to be obligatory; but it ought not to be imposed on the prisoner under the empire of constraint, but as an obligation to which his reason, his interest, his necessities, everything, ought to urge him. Penal labor is, therefore, repudiated in Belgium as inconsistent, in its very nature, with the fundamental idea of a true prison discipline.

Two systems of labor are found in the Belgian prisons, namely, that of letting the labor to contractors and that of working it by the state. Each of these systems is thought to have its special advantages and disadvantages. The former, it is claimed, yields the largest revenues and offers facilities for diversifying the labor of the prisoners and affording them occupations suited to their special aptitudes, while the latter offers certain advantages, (though it is not stated what they are,) when it is a question of labor of easy execution or of the creation of products for the use of the administration itself. Care is taken to state in the report sent in by Belgium that the contractors are placed under the immediate supervision of the directors, a statement which is tantamount to an admission that the system is extremely open to abuse, and needs to be guarded and watched with the greatest circumspection.

Only one system of letting the labor prevail—that of awarding it to contractors who offer remunerative prices and adequate guarantees of solvency and morality. All the prison-keepers are required to be artisans, and they are charged, not only with the supervision of the prisoners belonging to their several sections, but also with instructing the prisoners in the trades which they are learning. From 60 to 70 per cent. of the prisoners have no regular business or assured means of support when committed. It is looked upon as a point of the greatest importance to impart to them, during their imprisonment, the art of self-help by teaching them some regular business and training them to the love of work; the more so, as it is believed that ignorance of a business and aversion to labor are among the chief causes which impel men to the commission of crimes against property. Hence special effort is made to give to the prisoner a clear perception and strong realization of the necessity of mastering a business while undergoing his punishment, so that, after his release, he may be able to work for his food, his bed, his clothing—in a word, to assure the satisfaction of his essential wants.

§ 4. In the prisons of France there is no penal labor, as that expression is commonly understood. The penal system is no longer founded, as formerly, on suffering and terror. Corporal punishments have disappeared from it. What is desired at present is to punish the criminal; what is sought as the end of that punishment is his reformation. Therefore, industrial labor alone is found in the prisons, obligatory in the case of those under sentence, permitted in the case of the arrested and the accused. It is thereby sought to prevent the dangers of idleness and to form the taste and the habit of labor. In the smaller prisons there is difficulty in organizing the labor. In the central prisons the labor is thoroughly organized; if any are without occupation, it is the exception, and not the rule. Large industrial workshops in these establishments continually present a scene of busy toil. Different industries, to the number of fifty or sixty, have been introduced into the male central prisons. The principal are shoe-making, the manufacture of hosiery, weaving, button-making, cabinet-work, lock-smithing, the manufacture of hardware, tanning, &c. There are, besides, three establishments in Corsica and one in Belle Isle, in which the prisoners are engaged in agricultural labors. Sewing, which can be applied to very different kinds of work, is almost the only industry pursued in the female central prisons. Piece-work is the general rule. With a view to avoid the competition of prison labor with free labor, the rates of payment for the work done have to be studied and regulated by the administration, which carefully considers before-hand the different interests involved. The rates must be the same as those paid to free industry for the same kinds of labor.

The contract system of labor prevails in most of the prisons of France, and is the one to which the administration gives its preference.

Of the men committed to the central prisons, 5 per cent. had no regular calling or business prior to commitment; of the women, 12 per cent. Evidently this cannot mean that so large a proportion had learned trades and become artisans. The administration exerts itself, as far as possible, to cause to be taught to the prisoners previously without a regular business some calling which will enable them after liberation to gain an honest living.

§ 5. Germany reports: There is no merely penal labor in the prisons of any of the German states.

(1.) In the Grand Duchy of Baden, the labor of the prisoners is not let

to contractors, but is managed by the administration itself. This system is preferred because it enables the authorities to observe the state of each prisoner and to exclude all outside elements prejudicial to discipline and reformation. It is sought to introduce variety of trades, so that too many may not be employed on any one to the injury of private industry. An extensive market and the highest prices are sought.

Forty per cent. of the prisoners are ignorant of a trade on entry. To impart to these a trade and the power of self help, if they have the requisite ability and stay long enough in prison, is the principal work. This result is arrived at by improving the prisoner's morals, by scholastic and industrial instruction, and by the whole prison treatment.

(2) The several industries in the Bavarian prisons are conducted by their respective administrations. When prison-labor is given to contractors, another authority is placed between the administration and the prisoner, which cares only for making the greatest profit out of the prisoner's work. Not only is discipline thereby interfered with; but the character of the punishment is changed and its purpose is placed in jeopardy. From the disciplinary and penitentiary point of view, the giving of prison labor to contractors is condemned in Bavaria, even though the profit derived therefrom may be greater than if the administration carried it on.

The proportion of prisoners who, on entering prison, are ignorant of a trade is 29 per cent. It is made a special object to impart a trade—and so to teach the art of self-help—to all prisoners who have the necessary capabilities and whose terms of sentence are long enough to permit it.

(3) In the prisons of Prussia more than fifty different trades are carried on by the men and ten by the women; a portion of the male prisoners are also occupied in farm-work.

The plan commonly adopted in the prisons of utilizing the labor of the convicts is that of letting it to contractors; what work shall be given to contractors is settled by the administration. It has absolute control in the selection of prisoners for the performance of the work and over its execution. It is deemed important to have such a number and variety of trades that, in allotting prisoners their work, due regard may be had to their trades before admission and also to their capacity. Each particular branch of industrial labor is, by the regulations, given to one contractor; the system of "general contracts" has no existence in Prussia. The contracts are so made as to exclude all direct relation between the prisoner and the contractor. It is conceded that the state loses financially by this system, but is claimed that it simplifies the administration.

About 5 per cent. of the inmates have knowledge of some trade on entry. As it is considered highly important for a prisoner during his imprisonment to learn how to help himself on his liberation, it is made a special object to teach him a trade, if he had not learned one before. In addition to school-instruction and apprenticeship to a trade, he is bound, in order to learn the art of self-help, to keep himself strictly clean, take due care of his clothes, see to the cleanliness of his cell and all utensils, and to the proper order of his bed.

(4) Saxony, one of the most industrial countries, produces in her prisons almost all the different articles of industry and trade. The work is partly given to contractors, who are entirely dependent on the administration of the penitentiary, and is partly managed by the latter itself on its own account. The system of giving the work to contractors, who are in entire dependence on the administration, has the preference, because, as it is thought, the officers cannot be at the same time good

tradesmen and good officers, and because the interests of the two would be opposed and conflicting. The profits of the prisoners' work cover from about one-third to one-half of all the prison expenses.

(5) Besides the necessary work done for the prison itself, there are carried on in the prisons of Württemberg some fifteen to twenty different trades by the men, and eight or ten by the women. Both industrial systems find place—that of letting the labor to contractors and that of directing it by the administration. The opinion is held that preference should be given to the one or the other, according to the nature of the work.

More than half the prisoners, when received, have a knowledge of some trade. As far as possible, the prisoner is put at the same trade in prison at which he worked before, or he is taught some other, selected by himself, of those carried on in the prison. The same is true of those who had not learned a trade before their imprisonment.

§ 6. In the penitentiary system of Italy there is no labor bearing an exclusively penal character. It is sought to give to the industrial education of the prisoners the turn which seems best suited to them, and to impart the trade most easily mastered. Labor has no other aim in the Italian prisons than to overcome the natural propensity to idleness in the criminal, to accustom him to a life of activity and hardship, and to give him the means of obtaining an honorable livelihood.

The industrial arts mostly practised in the penitentiaries are those of the shoemaker, carpenter, blacksmith, and weaver, and in the baguios the prisoners are made agriculturists, laborers in the salt-deposits, and workers in cotton, hemp, &c. Until 1868, the industries of the prisons were managed by the administration. Since that time, as an experiment, the contract-system has been introduced into eleven prisons. The question, Which is the best of these two systems? is so complicated and difficult that the administration is unwilling to pronounce an opinion till it has made further trial of each.

§ 7. Penal labor does not exist in Mexico. The sentiment of the commissioners who prepared the report for the congress is opposed to such labor, first, because it does not contribute to the moral improvement of the prisoners; and, secondly, because, to render it effectual, it would be necessary to use actual violence, which always humiliates and degrades those who suffer it.

The contract-system is not found in the prisons of Mexico.

It is considered very important that during their confinement prisoners should learn some trade that may enable them to earn their livelihood, as the chief reason why they relapse into crime is that, after they have served their time, they do not find any work; and the want of this reduces them to misery and leads them to commit fresh offenses.

§ 8. In the penitentiary establishments of the Netherlands unproductive or merely penal labor is unknown. Industrial labor, the only kind in use, is everywhere directed by the administration. But both systems of labor, the contract-system and the system by which the labor is utilized on account of the state, have place.

Taking the whole country together, it is believed that about one in four will correctly represent the proportion of prisoners without a trade at the time of commitment. It is regarded as a matter of the highest importance to impart to prisoners during their incarceration the power of self-help, and this result is diligently sought by teaching them, to the utmost extent possible, some useful calling.

§ 9. Industrial labor alone is pursued in the prisons of Norway, and it is managed exclusively by the administration. Many prisoners learn

a trade while in prison. Effort is made to train them to habits of industry, and it is constantly set before them that, of all the causes of crime, idleness is one of the most prolific.

§ 10. In Russia, a marked difference between different kinds of labor is beginning to show itself. Industrial work, which scarcely existed in times past, is now making great progress, owing to the advantages it offers to the prisoner, who sees that he can thereby best escape relapse. Penal labor alone cannot, it is held in Russia, have a beneficial influence. This is clearly proved in Siberia, where the number of escapes is counted by thousands. An intense hatred of the authorities and a strong desire of vengeance are the result when penal is not accompanied by industrial labor, which latter is the sole means of reformation. Industrial labor has produced good results in Russia only when let to contractors. It is now a question whether penal labor shall not be let in the same way. It is held that the administration should not interfere with its direct duties by the care of commercial undertakings.

A thoroughly organized bureau of statistics has but just been established by the ministry of justice. It is therefore impossible at present to give the exact proportion of prisoners who are without a trade when committed; but it is certainly more than one-half. To impart the knowledge of a trade to prisoner ignorant of such knowledge is a special point in the reforms now projected. To give him the power of self-help is regarded as of the very highest importance, since penitentiary science, in its whole scope and essence, is but a struggle against the tendency to relapse.

§ 11. There is no penal labor in the prisons of Sweden as contradistinguished from that which is industrial. In the associate prisons for men, most of the prisoners are occupied in cutting granite for buildings, for pavements, &c. In one prison a part of the inmates are engaged in cutting up pine-wood for matches, another part in making fine joiners' work. In still other prisons, linen and woolen cloths and blankets are manufactured, as well as all the garments and bedding for the prisoners and a part of the clothing for the army. The women are engaged in making textile fabrics, in all sorts of sewing and binding, in glove-making, &c. In the cellular prisons various kinds of labor are performed by the men, such as tailoring, shoe-making, joiners' work, &c.; and by the women, weaving, sewing, knitting stockings, &c. Recently the manufacture of match-boxes has been their principal employment. Industrial labor has the effect to give the prisoners habits of order and diligence, and to render the violent more tractable.

All the industrial labor in the associated prisons is let to contractors, except what is done for the prisons themselves. Nevertheless, the opinion is held that, to secure the best results in respect of moral reformation, all the industries should be under the direction and control of the prison administration itself, and not that of contractors.

In Sweden the inhabitants of the towns form only 12 per cent. of the total population. In the country men are chiefly farm-laborers or miners. The consequence is that only a small proportion of prisoners had learned a trade prior to their committal—not more, indeed, than 10 per cent. To put the prisoner in possession of a trade, by which he may earn an honest living after his release, special trade-masters, during recent years, have been employed to give the necessary instructions in the cellular prisons. Further measures in this direction will be adopted at an early day. It is in contemplation to grant the greater part of his earnings to every prisoner who, while in prison, has learned



and worked at a trade capable of supporting him. It is believed that this plan will be effective in the reformation of numbers of criminals.

§ 12. The distinction between penal and industrial labor is made in the Swiss prisons by law only in the cantons where there still exists the system of the old hard-labor prisons, in which a certain class of prisoners are subjected to public labor, viz, in sweeping the streets, making roads, diking rivers, &c. This distinction is not made in the prisons in which the reformation of the prisoner is proposed as the end. From twenty to thirty of the more common and more useful trades are taught in the Swiss prisons.

Industrial labor in the prisons of Switzerland is managed by the administration itself. The attempts which have been made in some prisons to let the labor to contractors for a fixed daily sum have been very speedily abandoned. Orders are received in the penitentiaries. The raw material is furnished by the administration or by those who order the work; the tools belong to the establishment. The keepers, who act at the same time as foremen, superintend the work and calculate the value of the workmanship and of the raw material employed. Account is taken in this calculation of the prices-current. Everywhere they endeavor to deliver merchandise carefully manufactured; and thus, as a general thing, the industrial products of prisons are in good repute. Preference is given in the modern penitentiaries to the management of the administration over that of contractors in the interest of penitentiary training. The administration, being supreme, can introduce a greater variety of industries, and suit to these latter the different aptitudes presented by the prisoners. The consequence of the distribution of the prisoners on a larger number of industries is that each branch is restricted to a relatively small number of workmen, and hence free labor has no occasion to fear an injurious competition. The endeavor is made to create a demand for the products of prison labor rather by the excellence and solidity of the manufacture than by the cheapness of the price. Were it otherwise, the penitentiaries, which ought to be at the same time industrial schools, would be turned aside from their proper end. In Switzerland it is found that penitentiary training is incompatible with the system of letting the labor of the prisoners to contractors. It is the administration alone that can feel an interest in teaching a trade to every prisoner during his stay in prison, so that at the time of his liberation he may be independent and able to gain an honest living.

The number of prisoners not having a regular business at the time of their commitment is relatively considerable. Nevertheless, the tendency is shown to be toward a diminution, if comparison is made between the results of statistics for the last twenty years in the penitentiary of St. Gall. This belongs evidently to the progress of civilization.

Of criminals committed to the Swiss prisons, about 50 per cent. make no claim to have learned a trade; and, of the 50 per cent. who do so claim, there is scarcely a fourth part who can produce a respectable piece of workmanship. These facts clearly show that the want of a trade is not without its influence in the law which controls the causes of crime. Hence it is sought in all the penitentiaries—particularly in those more recently built and organized upon a rational plan—to give a trade to the prisoners, and above all to juvenile delinquents, who have to undergo an imprisonment of one or several years. In all the penitentiaries it has been remarked that numbers of the prisoners acquire in a short time the ability to do that which free workmen would be able to execute only after a long apprenticeship. Apprenticeship to a trade which requires a certain degree of intelligence, and is, at the same time,

to the taste of the prisoner, is one of the principal agencies in reforming him. Without industrial labor of this kind, no satisfactory result can be expected from a penitentiary system, and relapses will be inevitable. A trade learned in the establishment is held to be worth more, as regards the support and succor of the prisoners, than a patronage society. It is well understood in the cantons somewhat advanced in penitentiary science that it is important, in order to prevent relapses, not only to make the prisoner an able workman, but also to teach him during his incarceration to help himself. In this view, there have been introduced in most of the prison regulations arrangements by which zeal and diligence in labor and the habit of saving are stimulated. The scale of the *peculium* rises in many of the establishments with the augmentation of labor. In the better organized penitentiaries the further effort is made to attain this result by a careful apprenticeship to the trade chosen by the prisoner, by making him acquainted with the nature of raw materials, the places from which they are obtained, and their market value; also, with the tools and machines employed, the price-current of the articles manufactured, and the manner of calculating the value of the workmanship. The prisoners are more or less associated with the administration through their industrial labors. If by their good conduct and their aptitudes they come at length to deserve the necessary degree of confidence, they are called to fulfill the functions of foremen. There is thus afforded to every prisoner the opportunity of developing and manifesting his power of initiative. Technical works and journals are placed in the hands of the workmen on different branches of industry. Writings of the character of Franklin's Poor Richard afford material assistance in this system of penitentiary education.

§ 13. All the labor done in American prisons from which revenue is derived is of the kind known as industrial, in contradistinction from penal, which does not exist among us. But there is scarcely any kind of industrial labor which does not find a place in the prisons of the United States. In Alabama and Texas the convicts build railroads, in Mississippi they raise cotton, in Tennessee and New York they work mines; in many of the States they cultivate gardens or do farm-work. But the prison employments are generally mechanical, and especially deal with work in wood, leather, and the metals, though stone-work is also done on a large scale where prisons are building. This was formerly so common an occupation for American convicts that "hammering stone" became a common term for imprisonment. Quarrying stone for sale or for making quicklime is much practised in the great prisons of Joliet (Illinois,) and Sing-Sing (New York,) the largest in the country. At the Auburn prison, agricultural tools are extensively manufactured; in the Ohio state-prison many convicts are employed as saddlers, wheelwrights, and blacksmiths; in the cellular prison at Philadelphia, (the eastern penitentiary,) the employments, being pursued in the cells, are mainly sedentary, such as shoemaking, weaving, and the lighter kinds of wood-work; in Massachusetts ornamental iron-work, brushmaking, shoemaking, and sewing by means of the sewing-machine are common prison employments. In the Maine state-prison, the warden, being a carriage-maker, has introduced that branch of industry; in the prison of Northern New York, at Dannemora, a great iron mine furnishes ore, which is smelted, forged, and wrought into nails by the convicts; in the Michigan state-prison, at one time, tanning leather was largely practised; in the Detroit House of Correction chair-making has been the

chief industry. In fact, there is scarcely any mechanical occupation that has not been carried on in some one or more of our prisons.

In general, the labor of the convicts is hired by contractors at a fixed sum per day, and this varies from a few cents to something above a dollar a day, the highest contract wages being paid at the Massachusetts prison. In a few of the prisons, perhaps a tenth part of the whole number, the whole prison labor is managed by the prison administration, and in nearly all some part of the labor is so managed, especially where the building or enlarging of the prison is going on. It requires great skill and business capacity in the head of a prison to manage its industries, and for this reason such management is extremely liable to failure. On the other hand, the contract system often introduces moral and financial corruption, injures discipline, and demoralizes the convicts.

A few years ago the expenses of nearly all our state-prisons exceeded their earnings; but a change has been going on in this respect, and there is now fully a fourth part of them that earn more than they expend. Every one of the six New England States reports a profit from its state-prison, ranging from \$20,000 a year in Massachusetts to \$1,200 in Connecticut; and the excess of earnings over expenses in the six prisons (containing an average of some 1,100 convicts) was last year above \$39,000. With a smaller number of convicts than this, Ohio shows an excess of earnings amounting to more than \$40,000. Under skillful and honest management, all our state-prison convicts might perhaps earn their own support and \$30 a year besides; but two-thirds of them, and perhaps three-fourths, fall far short of this. In the eastern penitentiary, of Philadelphia, with about 600 convicts, the annual deficit, including officers' salaries, is nearly \$60,000, or \$100 for each convict; in the three great prisons of New York it averages more than \$50 for each convict; in Maryland it is about \$30 for each convict, and so on. In the county and district prisons very few of the convicts support themselves by their labor, but the Boston House of Correction, the Rochester Penitentiary, the Albany Penitentiary and the Detroit House of Correction are self-sustaining, and the two last-named prisons earn each a considerable surplus every year. The net cost of supporting all the prisons above their earnings must be nearly \$3,000,000 a year for the whole country, since there are 38,000 prisoners, and the average annual cost of each one above his earnings cannot well be less than \$80.

§ 14. Penal labor, except so far as oakum-picking may belong to that category, is not used in the convict-prisons of England. It has for many years been an established principle in English convict-prisons to endeavor to instil into the convicts habits of industry, to develop their intelligence by employing them on industrial labor, and to facilitate their entering the ranks of honest industry on their discharge, by giving them facilities for acquiring a knowledge of trades. These objects are fortunately conducive to another very desirable result, viz., that of making the prisons self-supporting in various degrees; some of them doing an amount of labor the value of which more than covers the cost of their maintenance.

The gross cost for maintaining the convict establishments in England during the financial year 1871 was £313,633, and in the same period the earnings of the convicts amounted to £228,244, or £22 19s. 4½*d.* per head on the average number. The net cost of the prisons, after deducting the value of the prisoners' labor, amounts only to £85,389, or £8 10s. per head.

The contract system is not in existence in the English convict-prisons, the industries being managed wholly by the administration.

In the county and borough prisons, great prominence, as a rule, is given to penal labor, such as the tread-mill, crank, shot-drill, oakum-picking, stone-breaking, &c. In a few, industrial labor is well organized, and its products go far towards defraying the ordinary expenses of the establishments; but in general the earnings of prison labor are exceedingly moderate.

§ 15. The labor-system in the Irish convict prisons is substantially the same as that in the English prisons of the same class, except that at the intermediate prison at Lusk, to which there is nothing corresponding in the English convict system, the men are mostly engaged in farm-work.

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## CHAPTER VII.

### SANITARY CONDITION OF PRISONS.

§ 1. The system of drainage in the Austrian prisons leaves little to be desired. The water-supply is reported as always sufficient in quantity, and for the most part good in quality. In the southern provinces, during the hot season, as the water in many prisons is supplied from cisterns, it is not as good as might be wished. In such prisons a modicum of vinegar is supplied to the prisoners, to be mixed with the water. Most of the prisons are well ventilated. The cells are thoroughly cleansed and painted every year. The corridors are cleaned daily and the floors scrubbed with sand and water at least once a month. The cleansing and disinfecting of water-closets take place every day. Personal cleanliness is rigorously exacted. The body linen is changed weekly and the bed linen monthly. The prisoners must take at least four baths a year. The collective prisons are furnished with portable water-closets; the cellular have in each cell a fixed closet, which stands under a ventilator reaching to the roof. The dormitories and cells are lighted by gas or oil, mostly the latter. The heating of the prisons is done partly by iron stoves, partly by hot air, with necessary precautions for keeping a sufficient quantity of moisture in the atmosphere. The bedsteads are generally of wood; in some cases, however, of iron. The bed is of straw, with pillow of the same or of African forest hair; two sheets, and one or two blankets, according to the season. The bed for the sick is the same, but the linen is finer, and it has a cotton coverlet. Nine hours are given to sleep. The remaining fifteen are divided thus: Religious services, one and one-half hours; meals, exercise, and rest, two and one-half hours; labor, ten and one-half to eleven hours; attendance at school, (which is taken out of the hours for labor for those who frequent the lessons,) two hours. Sick prisoners are placed in the infirmary or hospital, and cared for according to the doctor's orders by nurses taken from among the prisoners who show themselves worthy of such confidence; but those prisoners who have only slight ailments are treated in their rooms or cells. Insane prisoners are taken to the public lunatic asylum. The diseases most frequent are those of the respiratory and digestive organs and of the skin and cellular textures. The average number of sick during the years 1870 and 1871 did not vary much from 6 per cent. The death-rate in prisons for sentences exceeding a year was  $3\frac{1}{2}$  per cent., while in prisons to which the sentences were for less than a year, it scarcely exceeded one-half of one per cent.

§ 2. The sanitary state of the Belgian prisons is reported good. The

drains for waste-water and night-soil are cleansed every week by a strong current of water rushing through them, so that no emanations dangerous to health can ever issue therefrom. Water is furnished in amplest supply and of good quality.

The ventilation and heating of the cells are effected in the following manner: The apparatus for heating is placed in the cellar. The fire is made in the center of a double cylinder filled with water, which forms the boilers for its propulsion. From the upper part of each of these boilers two perpendicular pipes ascend into the principal ventilating conduits, and conduct the hot water directly into a special reservoir placed in the draught-chimney, appropriated to each apparatus. This reservoir is fed by six pipes, which traverse horizontally each range of cells, returning afterward, by the same passage, to the principal apparatus. Two pipes, filled with hot water, thus pass into all the cells. They are placed in a horizontal conduit running along the floor, close to the exterior wall. These conduits, covered with a plate of perforated iron, form for each cell a little reservoir of heat. Thus the caloric is utilized just where its action is required, since it is precisely in the cells that it disengages itself, supplying each with an equal quantity. Its center of radiation is in the cell itself. Let us examine now the mode of introducing fresh air. This introduction is twofold. In the first place, there is inserted in the window a ventilator of 30 centimeters (about 12 inches) in height and 44 centimeters (equal to 17½ inches) in breadth, through which the fresh air is introduced directly into the cell, without having come in contact with the heat-pipes. Secondly, at one of the extremities of the iron plate which covers the conduits from the hot-air furnace is left an opening, which allows the heat to circulate in the cells. The opposite side of the plate corresponds to an opening made in the thickness of the exterior wall, by which the pure air from outside penetrates into the reservoir, and so into the cells. A valve is fitted to this last opening, by which the prisoner can regulate the introduction of air, and by the same means can increase or diminish the heat of the cell. Let it be carefully noted that the reservoir of which we have just spoken, as well as the introduction of fresh air, is on a level with the floor. The vitiated air is drawn off by a conduit placed in the thickness of the wall on the opposite side from that on which air and heat enter. This conduit, at its upper extremity, leads into a great pipe, which runs horizontally under the roof, discharging its contents into a vertical chimney, at the bottom of which is situated the reservoir which receives the hot water of the furnace, whose smoke-pipe also traverses the chimney. This system of ventilation works naturally and without mechanism of any kind. An active ventilation incessantly purifies the different parts of the penitentiary establishment, throughout which there is always diffused a fresh and agreeable atmosphere. A cleanliness the most minute is continually maintained. The daily cleaning of the premises, the varnishing of the pavement of the cells by means of a special process, and the waxing of the floors and the pavements of the galleries have made it possible to give up washing with water, which is attended with great inconvenience. The walls of the cells, galleries, &c., are washed of a stone-color at the beginning of every year, and partially whenever it becomes necessary to remove spots or stains. No deposit of dirt or dung is allowed within the inclosure of the establishment, and all necessary measures are taken to have the rain-water speedily carried off from the premises. In summer, fumigations are made every morning. They are less necessary in winter, and are, consequently, less frequent during that season of the year.

To insure personal cleanliness on the part of the prisoners the hair is required to be kept short; whiskers, mustache, &c., are forbidden. The men are shaved twice each week. The prisoners are required to wash their feet once a week. Every two months in winter, and once a month in summer, they are required to take a full bath. The body linen is changed every week.

As regards the arrangement of the water-closets, two good systems are in use—movable vessels and fixed seats, with a pressure of water. The cells are lighted with gas; two stop-cocks are fitted to the lighting apparatus—one in the cell, under the control of the prisoner; the other on the outside, under the control of the keeper.

The use of the hammock has been given up, having been replaced in the cellular prisons by an iron table-bedstead. This bedstead is folded up during the day, contains the bedding, and serves as a table. The bedding consists of a mattress, a bolster, two cases for the mattress, two bolster-cases, two woolen blankets, and two pairs of sheets. The mattress and the bolster are made of sea-weed.

The infirmary occupies a part of the building at some distance from the cells, and the sick are distributed into spacious cells, well aired and comfortably warmed. These cells have a capacity of 40 cubic meters, and are provided with the necessary furniture and with clothing suited to the condition of the sick. The dietary is regulated according to a special tariff. The hygienic service leaves nothing to be desired. A cleanliness the most minute, a ventilation active and continual, frequent fumigations, the change of linen and of bedding—in a word, all desirable attentions are accorded to the sick. Independently of the assiduous attentions of which the sick are made the object, they are regularly visited, at least once an hour, and can, at any time, call upon the nurses by means of a signal, whose movement reaches to each bed. Prisoners seriously sick have watchers, and all the necessary measures are taken that they receive the attentions required by their situation.

The proportion of the sick for all the prisons of the kingdom is 2.74 per cent.; the average death-rate is 1.77 per cent.

§ 3. The food given to the prisoners in the penitentiaries of Denmark is healthy, clean, and sufficient, but plain. Dinner is the principal meal. The prisons are dry and airy, and in no private house is greater cleanliness found. During the last three years, the proportion of sick prisoners has been: Men, 2.11 per cent; women, 2.13. During the same period, the death-rate on the total average number of prisoners was: Men, 1.75; women, 1.79.

§ 4. The central administration of France attaches great importance to the hygiene of the prisons, and it takes special pains to free them from every cause of humidity. Even where the buildings which serve for imprisonment are not its own property, it reserves to itself an absolute right of control, as well as of preliminary approval, of all constructions and repairs appertaining to them. It has the power to insure, and it does insure effectively, that sanitary precautions are never neglected. Water is supplied in abundance, and, for the most part, of excellent quality. The ventilation of the prisons is made the object of a very special attention, and is effected by means of draught-chimneys, which cause the miasms to escape and facilitate the renewal of the air. To insure cleanliness in the prison buildings, the regulations prescribe that the floors of the several stories, especially for apartments in common, except the infirmary, be, as far as possible, covered with cement or stucco, in preference to flagging, tiles, or planks. The walls and ceilings are required to be carefully plastered and painted with oil, or

at least washed with lime. These precautions, whose aim is to facilitate the maintenance of cleanliness, are completed by official measures, whose daily or periodical exaction is placed in charge of the contractor of each establishment where the industries are managed by contract. These measures are specified in the contract. They consist principally in frequent and repeated sweepings, washings, and cleanings, as well as in fumigations and in the annual whitewashing of all the buildings.

The means of securing the personal cleanliness of the prisoners are of two kinds. The one, as the daily toilet, the bath, the washing of the feet, and the removal of the beard and long hair of the men, is applied directly to the individual. The other has for its object the linen and the clothing provided for the prisoners' use. They are both as extensive as possible, and are made the subject of numerous and detailed rules in the conditions of the contract and the regulations of the prisons. The position and structure of the water-closets are made a constant study of the administration, and improvements are gradually introduced wherever it is practicable. The prisons are generally lighted with oil, though in some cases with gas. They are commonly heated by stoves; some by hot-air furnaces; but these latter have not proved a great success. Iron bedsteads having been found preferable to all others, they are the only kind now purchased for the prisons of France. The old wooden bedsteads are fast disappearing, and will soon become a thing of the past. The complete bed of each able-bodied prisoner consists of an iron bedstead, a mattress or paillasse, (the former in all central prisons,) a bolster, two sheets, and one coverlet in summer and two in winter. The beds for the sick are larger and of better quality, and are provided each with a pillow and curtains. They have also both a mattress and a paillasse. As a general rule, twelve to thirteen hours are given to labor, (the number cannot exceed that exacted of free laborers;) two to two and one-half to meals and exercise in the open air; and nine to sleep. In the great prisons sick prisoners are treated in the establishment, whatever may be the nature or gravity of their disease. In the minor departmental establishments, the trivial cases are treated in the prison itself; the more serious ones, in the hospital of the place where they are situated. The sanitary system of the central prisons is organized in a manner the most complete. A physician, often resident in the establishment, is attached to each. The infirmaries are arranged in the best possible manner. A special dietary is accorded to the sick, agreeably to the prescriptions of the physician and the conditions of the contract. A dispensary, provided with all necessary medicines, is organized in each central prison, and an apothecary is charged with preparing the prescriptions. Affections of the digestive and respiratory organs and fevers furnish half—often two-thirds—of the inmates in the prison-hospitals. Imprisonment very generally produces a lack of blood, which favors the development or increases the gravity of certain diseases, such as consumption and scrofula. The average number of prisoners in the hospitals of the central prisons was, in 1868, 4 per cent. of men and 5 of women. The average death-rate in the same class of prisons in the same year was: Men 3.65 per cent.; women, 3.80.

§ 5. The five German states represented in the congress reply as follows:

(1) The prisons of Baden are represented as healthy, being commonly built on a dry soil; but they have no special system of sewerage. Water is furnished in sufficient quantity and of good quality. The ventilation is reported good. The cells and corridors are cleaned daily.

Scrupulous attention is everywhere given to cleanliness, inasmuch that trades inconsistent with it are not practised. The prisoners have always a full supply of water in their cells. On entrance, each prisoner is washed in his whole person and has his hair cut. The daily ablution of hands and face is required, and every one must have twelve foot-baths and four baths of the entire person per year. They have clean linen weekly, and their outer garments and bed-clothes are washed as often as may be found necessary. They are shaved every week, and their hair is cut as often as needful. They must wash all vessels immediately after using them, and the floors of their cells are scrubbed at least once every week. The cells are lighted with gas. The prisons are heated in a variety of ways: by hot air, by steam, or by stoves of iron or earthenware. Each prisoner has a wooden or iron bedstead; a mattress, of straw, sedge, or varec; a bolster, of the latter substance; two sheets; and one or two counterpanes. The sick have, in addition, cushions, &c. The general distribution of time, without minute accuracy, is ten hours for work, nine and one-half for sleep, and the remaining four and one-half for meals, exercise, religious services, and school. The sick are cared for in special cells, or in common hospitals when their complaints are serious enough to require it. The most common diseases are those of the stomach, scrofula, and the maladies consequent thereupon. An average of (say) 5 per cent. of the prisoners are under the doctor's care, and the death-rate ranges from 1 to 2 per cent.

(2) Bavaria does not claim a good system of sewerage for all her prisons, but in those of recent construction great attention has been paid to this matter. The prisoners receive, three times a day, fresh water, generally of a good quality, for drinking and washing. The prison-rooms are, for the most part, well ventilated by windows. Other systems have not been found very successful. Work-rooms, sleeping-rooms, and corridors are swept daily, washed weekly, and painted yearly. Prisoners must wash the face and hands, clean the mouth, and comb the hair every morning; must take a foot-bath each week or fortnight, and a full bath several times in the year; and must be shaved once a week, and have their hair cut when necessary. Different kinds of water-closets are used. In the cellular prison at Nürnberg there are fixed closets made of cast-iron, which, by means of water-pipes, are cleaned three times every day; the bend or neck which connects the closet with the refuse-pipe remains always full of water, and thereby shuts off all sewer-gas. By means of the water all the matter is carried off, and falls into a reservoir at some distance, whence again the liquid part is drained off into a stream. This arrangement works well. In some other prisons, however, the arrangements are far from perfect, especially where during the night movable closets are put into the bed-rooms. Hot air, hot water, and stoves are the several modes of heating the prisons. The bed consists of: a bedstead of wood or iron, a straw mattress with a tick of unbleached coarse linen, a pillow of the same material, two sheets, a blanket of good sheep's wool, and in winter two. The most frequent forms of disease are those belonging to the respiratory and digestive organs. Four per cent. represents the average of the sick and 2 per cent. the average death-rate.

(3) In Prussia the greatest care is taken to secure a good system of sewerage for the prisons. Everywhere an abundance of water is supplied, and in the majority of prisons it is of good quality. All prisons built within the last forty years have been furnished with an effective system of artificial ventilation, which is generally connected with the heating apparatus. The prisons are kept scrupulously clean, and, as far



as possible, free from vermin. As regards the means of securing the personal cleanliness of the prisoners, nothing is left to be desired. Besides daily ablutions, rigorously enforced, the upper part of the body and the feet must be washed every Sunday and the whole person at least once a month. Considerable variety shows itself in the water-closet arrangements. This part of the service does not appear to be in a perfectly satisfactory condition. The lighting of the prisons is by gas, petroleum, or oil; in the common dormitories lights are kept burning all night. The prisons of recent construction are heated by hot-water apparatus. The bedsteads are of wood or iron; the latter in all modern prisons. The bedding consists of a straw pailasse and pillow, sheets, and from one to three woollen counterpanes, according to the season, inclosed in a white or colored case of linen or calico. The infirmaries are supplied with hair-mattresses. The hours of labor are from 5 or 6 a. m. (according to the season) to 8 p. m., but subject to various interruptions for meals, rest, exercise, school, and catechising. The hours of sleep are from 8 p. m. to 5 or 6 a. m. Hospitals are found in all the prisons, and are fitted up with everything needed for the treatment of the sick in the best manner. Light cases are treated in the ordinary rooms. The diseases most common are pulmonary, intestinal, and other forms of consumption; renal, dropsical, cerebral, and spinal affections; and chronic ailments of the abdominal organs. Eight per cent. of the prisoners are usually under medical treatment—half in the hospitals and half in their cells or rooms. The death-rate is from 2 to 2½ per cent. on the average number of prisoners.

(4) In Saxony, from the combined results of science and experience, prisoners have received, since 1851, conformably to a regulation regarding meals, sufficient and nourishing food. This regulation provides for a daily variety suited to the season and the promotion of health. For dinners there are ninety, for breakfasts and suppers, twenty-eight, varieties of dishes. On principle, such food is given to the prisoner as is required for the preservation of his life, health, and strength for work. Requisite medical attention in every respect is given to the prisoners. The ventilation is arranged in a simple but effective manner. Drainage (in a technical sense) does not exist, but a system of sluices removes all the underground water. To cleanliness the most strict attention is paid, and it is rigorously insisted on in workshops, dormitories, water-closets, and clothing; there is also a regular use of baths. The daily average of cases of illness is from 1 to 2 per cent.; the annual average of cases of death is 1 to 3 per cent.

(5) The prisons of Würtemberg are provided with a good system of sewerage. Water, for drinking and other purposes, is found in all the prisons in sufficient quantity and of good quality. Prisoners are required to keep their persons, clothing, beds, workshops, dormitories, and all other places about the prisons scrupulously clean. Frequent bathing of the entire person is exacted. The food provided for the prisoners is of good quality and sufficient in quantity. The construction of the water-closets varies with the construction of the prisons; but even the ordinary ones are supplied with a ventilating apparatus for removing the bad air, and are carefully disinfected. Most of the prisons are lighted with gas. The bedsteads are of iron or wood. The bed consists of a straw mattress and bolster, two sheets, one blanket in summer, and two in winter. In reclusion-prisons the inmates whose health requires it may have their own beds, and in the prisons for preliminary detention there is no restriction in this regard. In prisons of reclusion the hours of work are eleven; of

sleep, nine. The remaining four hours are given to meals, recreation, schooling, &c. All the prisons have infirmaries, which are supplied with everything necessary for the sick; but prisoners who are only slightly indisposed are treated elsewhere. The diseased in mind are removed to a lunatic asylum. The average proportion of sick in the infirmaries for the last ten years has been from  $3\frac{1}{2}$  to  $4\frac{1}{2}$  per cent., and the death-rate from  $1\frac{1}{2}$  to  $2\frac{3}{4}$  per cent. The diseases are mostly the same as those which prevail among the free population.

§ 6. The allowance of food in the Italian prisons varies according to the class of the prison. In the detention-houses the ration is 1 bowl of soup and 750 grams ( $1\frac{1}{2}$  pounds) of bread; in the penitentiaries, the same quantity of bread and two bowls of soup; in the bagnios, the same ration of bread and one bowl of soup, with the addition of a portion of meat once a fortnight. In the detention-prisons the prisoners are allowed to procure their own food if so disposed. In penal establishments worked by contract, and in the bagnios, the prisoners are allowed to use a portion of their *peculium* in increasing their diet, as they choose. In penitentiaries worked by the government the convict who accomplishes within a month a certain amount of work enjoys the next month what is called the "laborer's diet," and if he accomplish an extra quantity he enjoys what is named the "reward diet." The laborer's diet is a daily dish added to the ordinary ration. The reward diet adds to this an allowance of wine (*vin ordinaire*) three times a week. In the old prisons ventilation is provided for as best it may be. In the new constructions the best appliances of science are employed. The water-closets are made movable or fixed, according to the quantity of water necessary to prevent unhealthy effluvia. The average death-rate in 1870, as compared with the average prison-population, was: In the houses of detention, 2.97 per cent. of males and 1.77 per cent. of females; in the penitentiaries it was 5.09 per cent. of men and 3.41 per cent. of women; and in the bagnios, where only men are admitted, 2.78 per cent. The diseases most common in the bagnios are fevers and complaints of the lungs and nervous system; in the penitentiaries, diseases of the lungs and of the organs of sense.

§ 7. No information was furnished on this subject in the report from Mexico, further than the bare statement that it is unnecessary to warm the prisons of that country artificially, on account of the mildness of the climate.

§ 8. In some of the prisons of the Netherlands, the system of sewerage still remains imperfect, but reforms are sought to be everywhere introduced. The quantity of water supplied to the prisoners is without limit, and the quality is generally good, but in some localities it is difficult and expensive to procure it. Most of the prisons are well ventilated; where improvements are still needed, means are employed to accomplish them. Earnest endeavors are everywhere made to insure the cleanliness of the prisons, and for the most part with satisfactory results. The same is true as regards the personal cleanliness of the prisoners. As regards the system of water-closets, preference is generally given to inodorous, portable vessels, with a reservoir outside of the building. The prisons are commonly lighted by gas or petroleum. Lights are kept burning in the dormitories during the night. The system of heating varies in different prisons. In some it is effected by hot water or steam, in others by stoves. The prisoner's bed is made of straw; for the sick, of sea-grass or sea-weed. Hammocks were formerly in very general use, but by degrees they have been replaced by open bedsteads. The bed, complete, consists of a mattress and bolster, two sheets, one coverlet of a coarse

material, and one or two blankets, according to the temperature of the season.

There is no general rule regarding the distribution of time. The hours of labor (including those of school) are ten in summer and nine in winter, and, of sleep, eight and a half in summer and nine in winter. The remainder of the time is at the disposal of the prisoner for meals, rest, study, and reading.

A distinct part of the prison-building serves as an infirmary. In the cellular prisons, cells of double dimensions are appropriated to the sick. The medical service is confined to a military surgeon wherever there is a garrison; to a civil physician in localities where there is no garrison. The entire service is under the inspector-general of the medical service of the army, and is performed in a highly satisfactory manner. The most common diseases in the prisons, as outside, are diseases of the chest, especially phthisis. The average of the sick and of deaths it is not easy to give. It differs a good deal in different prisons, depending on local circumstances and the class or species of prison. The difference in the duration of punishments, which is by no means inconsiderable, exercises a great influence on the proportionate number of the sick and of deaths.

§ 9. A good system of drainage is reported for the Norwegian prisons. The water-supply is unlimited and of good quality. The ventilation of the prisons is reported good. Cleanliness, both of the prisons and prisoners, is enforced to the utmost practicable extent. The larger prisons are lighted with gas; the smaller with oil. In the penitentiary and most of the district-prisons the rooms are warmed by hot water; in the other district-prisons by stoves. In the penitentiary, hammocks are used; in the other penal establishments, wooden bed-frames; in the district-prisons, both sorts. The bedding consists of mattress, pillow, sheets, and blankets. The working-time cannot legally exceed fourteen hours in summer and ten in winter. The actual time employed in labor is less, varying from twelve and a half hours, as the maximum, to ten, as the minimum. The hours of sleep are not stated in the report. Every penal establishment has its own physician. In the district-prisons medical assistance is given by the official physician of the district.

§ 10. In the new prison-constructions of Russia, in spite of the difficulties offered by the climate, the greatest pains are taken to secure good and effective drainage. In the old prisons, everything connected with this subject is in a more or less barbarous state. The same thing is true as regards ventilation. The water-closets are generally primitive. Those used during the day are simply perforated planks above a pit more or less deep; for use by night there are portable vessels of wood. Efforts are now making to find a method which will unite economy, cleanliness, and pure air in a severe climate; but the problem is not easy of solution. The prisons are lighted almost everywhere by tallow candles. They are warmed, for the most part, by stoves. In exceptional prisons the system of Amosoff is employed. In this system tubes for conducting heat unite at a common subterranean furnace or fire-grate. Other systems have been also tried, but none has yet given a satisfactory solution of the difficulty as respects cheapness, climate, security, and other desirable advantages.

In most prisons the prisoners have no bed. They sleep on planks, ranged side by side, and fixed on stools about three feet from the floor. The bed, in prisons where it is found, is the same as everywhere else: a mattress and bolster filled with straw, linen sheets, and a coarse cloth blanket. The large prisons have hospitals in which the sick are treated,

and which are well kept. The more common diseases are scurvy and consumption. There is not a large proportion of sick prisoners. The same cannot be said of the number of deaths. This fact is explained by the kind of life that the prisoners lead before their imprisonment; they had been too much addicted to alcoholic stimulants.

§ 11. The situation and drainage of the prisons of Sweden leave little to be desired. It is quite common to build them on water-courses. The water for the prisoners' use is of good quality and the supply without stint. In the associated prisons there is no apparatus for ventilation; in those on the cellular plan it is otherwise. The strictest cleanliness is enforced. The prisoner, on his admission, has a bath and receives clean clothes. He changes his linen weekly and his sheets every fortnight. Frequent bathing is required, especially in summer. Water-closets are variously constructed, but they are not completely satisfactory. Gas is exceptionally used for lighting, oil and petroleum being commonly employed for that purpose. The larger cellular prisons are heated by hot water; the others, both cellular and associated, by open grates or stoves. The bedsteads are generally of iron in the associate prisons; in the cellular, hammocks are used. The bedding does not differ materially from that supplied in the prisons of other European countries. In winter the hours for sleep are from 8 p. m. to 6 a. m.; in summer from 9 p. m. to 5 a. m. Each morning and evening, half an hour is occupied in washing, in prayer, and in inspection by the officers. Half an hour is allowed for breakfast, the same for supper, and an hour for dinner. On Saturday work finishes at 4 o'clock. In winter those who labor in the open air work as long as it is light. The prisoners in cells walk for half an hour each day in the court of the prison. They work at most ten hours per day; the remainder of their time is spent in reading and receiving instruction.

In the cellular prisons the sick are commonly attended to in their cells; but they have a bed instead of the usual hammock. In serious cases, or in epidemics, the sick are transferred to a special room which is found in every cellular prison. In prisons on the associated system there are infirmaries with spacious and well-ventilated rooms, to which all prisoners are removed who, from sickness or wounds, are unable to work. No prisoner on the sick-list is allowed to remain in the work-rooms or in the common dormitories. The most common diseases are pulmonary consumption, affections of the stomach and intestines, especially among prisoners who work in the open air. During summer scurvy not unfrequently prevails. For five years the average of sick has been, in collective prisons, 4.4 per cent.; in cellular prisons, 4 per cent. In the same period the deaths were, in the collective prisons, 3 per cent.; in cellular prisons, 2 per cent.

§ 12. In the more recently constructed prisons of Switzerland and in those which have undergone extensive alterations, the sanitary appliances are such as the best experience and the best science suggest in regard to drainage, water-supply, ventilation, cleanliness, construction and arrangement of water-closets, heating, lighting, beds and bedding, hospital accommodation, &c. In the others, deficiencies are found in all these respects, varying from an approach to what humanity and sound policy demand to the absence of almost everything which these good guides point out as desirable.

§ 13. There is no general scale of prison dietaries in the United States, and from the diversities of climate and production there could scarcely be one; for what would be salutary at Boston might be otherwise at New Orleans or Charleston. In the Western States fresh meat is much

more freely used than on the sea-board; but in all our prisons meat is much more common than in those of Europe, being generally given twice a day in the state-prisons. Another frequent article of food is Indian meal, made from maize, and served up in the form of "mush," (which is a kind of pudding,) or of "brown bread." This is little used in Europe, and is not to be highly recommended as a common article of diet.

The ventilation and drainage of half the American prisons are reasonably good; of the other half indifferent or bad; in many instances very bad. Probably one-fourth of all the prisons, and a larger proportion of the state-prisons and houses of correction, are kept scrupulously clean; a great many, particularly among the county jails, are foul and filthy. Yet most of them are free from sickness, and the death-rate is not large. It cannot be given with any accuracy, however, for lack of careful statistics. In the cellular prison of Philadelphia, during a period of forty-two years, there were 353 deaths in a total number of 6,416 persons. As each person probably spent about three years in prison on an average, this would give a death-rate of 353 in 20,000, or 17.65 in a thousand, less than 2 per cent., which is not very great. Among an average number of 2,471 prisoners in Massachusetts in 1868, 44 died; in 1869 the average number was 3,043, and the deaths were 55; in 1870 these numbers were 2,971 and 58; in 1871, 3,145 and 68. In an aggregate average population of 11,630 this gives 19.35 for the annual death-rate per thousand in four years, which, all things considered, is less than in Pennsylvania.

§ 14. The sanitary arrangements and condition of the English convict-prisons are reported as good. No epidemic or other diseases prevail in these establishments. They are kept in a high state of cleanliness, and the medical officers are required to examine and report frequently on this point. The average death-rate for the last five years has been 1.37 per cent. for males and 1.45 for females.

In regard to the county and borough prisons the same report substantially was presented to the congress by the government inspectors.

§ 15. The sanitary arrangements in the Irish convict-prisons are reported as excellent, and the condition of the prisons in this regard as altogether satisfactory. The diseases most prevalent are colds and mild febrile and pulmonary affections.

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## CHAPTER VIII.

### REFORMATORY RESULTS.

§ 1. Public punishment has two objects in Austria: the vindication of justice and the reformation of the criminal. The sad fact is acknowledged that the efforts for the moral improvement of prisoners have not been attended with good effect. No proofs exist that prisoners are made better by their punishment. The proportion of those who relapsed and were re-convicted during the years 1868-70 was: Men, 59 per cent.; women, 54 per cent.

§ 2. The execution of punishment in Belgium has in view the double aim of expiation and reformation; the latter of these objects is steadily kept in view and earnestly sought by the administration. It is claimed to be in proof that in the cellular prisons the moral state of the prisoners is, in general, better at the time of their discharge than at that of

their entrance. Those who manifest evil inclinations are few in number; nearly all have sensibly modified the sentiments with which they were animated at the time of their commitment. Still it would seem that the good resolutions formed in prison yield, to a very great extent, to the temptations to which the liberated prisoners are afterward exposed in free life. Of the prisoners committed in 1872, 78 per cent. had been in prison before, and had fallen again after their discharge. The authors of the report made to the congress claim that this result cannot be charged to the cellular system, since nearly half the penitentiary establishments are still conducted on the congregated plan.

§ 3. The reformation of criminals is made a primary object of their treatment in Denmark, but though the convict generally leaves the prison with good intentions, yet his power of resistance often proves too weak to conquer temptation.

§ 4. The supreme aim of public punishment in France is deterrence, that is to say, the intimidation of criminals, and the repression of crime by that means. The moral regeneration of the convicts is considered as one of the means of action which the state can and ought to employ to diminish the danger of relapse, but not as the principal aim of the penitentiary system. In the case of prisoners sentenced to short terms of imprisonment it is difficult to obtain favorable reformatory results. On the contrary, the criminal so imprisoned is apt to become sensibly deteriorated. In support of this view, the report states that in France the proportion of relapses is in inverse ratio to the duration of the punishment. According to the last official report on criminal justice, of persons prosecuted for crime, those previously convicted formed 42½ per cent., and of misdemeanants, 37½ per cent.

§ 5. The states of the German Empire reporting show the following condition of things:

(1) Punishment is the primary aim of imprisonment in Baden, but it is intended to be so inflicted as to make it contribute to the reformation of the imprisoned. Those who leave the prison are generally better than when they entered it. The proportion of those who return to a criminal course after release is 20 per cent.

(2) In Bavaria, although reformation is looked upon as one great object of the prison system, the favorable results desired are not, upon the whole, obtained. The proportion of re-convictions is about 30 per cent.

(3) The principal aim in Prussian prisons is to satisfy justice, and to make the prisoners feel their punishment as an expiation of their crime. At the same time, all suitable means are employed to effect their moral reformation. Efforts are made to give them habits of order and work, and their minds are influenced by scholastic instruction, spiritual consolation, and moral precepts. Nevertheless, of prisoners sentenced to hard labor, the only class with respect to which reliable statistics exist, 60 to 70 per cent. in the whole kingdom are recidivists, that is, persons who, after their liberation, have again fallen into crime.

(4) In Saxony reformation is made one of the chief objects of imprisonment. The prisoners are in general better on leaving the prison than when they entered it. Their promises that they will live honestly are, in most cases, not mere empty phrases; and when some have failed in their purpose of amendment, the fault is mostly to be traced to existing general social evils. For successful warfare against these, liberated prisoners are wanting in energy.

(5) The primary object of imprisonment in Württemberg is punishment; yet it is intended that the punishment shall be so administered as to effect the moral improvement of the prisoners. Of the inmates

of the prisons, more than a third—about 36 per cent.—are there on re-conviction.

§ 6. The administration of the Italian prisons finds it a difficult task to decide the question whether its penitentiary system answers the end of reforming the criminal, and whether on discharge the prisoner is morally better or worse. The relapses into crime scarcely exceed 18 per cent. on the whole body of criminals; but, in 1871, of the criminals sentenced to an imprisonment of more than a year, 28 per cent. were recidivists. Concerning the number of re-convictions, a most important fact may be gathered from the registered statistics of the administration relative to the time elapsing between the discharge and the committal of fresh crime. From these it is found that of recidivists sentenced to the bagnios, 27 per cent. relapse within the first year, 16 per cent. within the first two years, and 57 per cent. beyond that space of time. The re-convictions of those sentenced to the penitentiaries are 37 per cent. within the first year, 19 per cent. within two years, and 44 per cent. beyond that lapse of time; and among the females, 46 per cent. within the first year, 16 per cent. within two years, and 38 per cent. beyond that time.

§ 7. Deterrence has been considered in Mexico the primary aim of public punishment, though the moral reform of the criminal has not been lost sight of. So far, the prisoners leave their prison-house in a worse state morally than when they entered it; but it is believed that the changes recently made in the penal code will improve this state of things.

§ 8. The aim in the Netherlands is to make the punishment contribute, as far as possible, to the reformation of prisoners. The proportion of recidivists given by the (admitted) imperfect statistics of the country is, for the general mass of prisons, 25 per cent.; for the central (higher) prisons, 38 per cent.

§ 9. Protection of society by deterring from crime, that is, by intimidation, is regarded in Norway as the primary end of prisons and imprisonment; but the reformation of the prisoners is also considered a chief point. Of the inmates of the penitentiary, about 39 per cent. are there on re-conviction. With regard to other prisons, no information is given in the report. Whether the prisons have an improving or deteriorating effect upon their inmates is a question declared to be difficult to answer in a satisfactory manner.

§ 10. In Russia, the declared aim of all penal legislation is the reformation of the inmates of the prisons; but this aim is very far from having been attained. Indeed, the prisoners are admitted to be worse on their discharge than on their entry, since the liberated are a pest to the country. It is impossible to state the proportion of recommitments, for the want of statistics.

§ 11. The information furnished by Sweden on this subject is given in the words of the report, as follows:

The legislation, as well as the reform of prisons, initiated by King Oscar I, commenced in 1840. In consequence, thirty-eight new cellular prisons were built in all the provinces of the kingdom. They have all aimed at the moral reformation of the prisoners. But as all those who are sentenced to penal labor for more than two years are imprisoned in the large collective prisons with common dormitories for a large number of prisoners, and as they work altogether during the day for private contractors, their amendment has not been fully attained. On the other hand, the cellular prisons are regarded as not having corrupted the prisoners. Those who have been imprisoned only in cellular prisons have not been greatly hindered by their imprisonment from finding employment in the neighborhood of their home. During the last five years the number of recidivists has risen on the average to 28 per cent. But since Sweden suffered from scarcity of food in 1866, 1867, and 1868, and consequently it was difficult for men to find work, an extraordinary addition was made to the number of crimes against

property. Hence the percentage of recidivists, before mentioned, is considerably above the normal average.

§ 12. For Switzerland, the exact words of the report are also given :

The study of social questions, undertaken by numerous societies of public utility, and the reports presented in the meetings of the Swiss Society for the Reform of the Penal System and of Prison Discipline, have enlightened public opinion to such a degree that the legislative assemblies of most of the cantons are favorable to the propositions made with a view to the introduction of penitentiary reform into all our prisons. On the other hand, public opinion declares itself in favor of expenditures designed to improve the condition of criminals only after the state has supplied the country with hospitals, insane-asylums, orphan-houses, schools, &c., that is to say, with all needful establishments designed for the honest poor. In all the cantons where these institutions are found, the old theory of penal repression, based on vengeance, has given place to more humane ideas, the responsibility resting on society as regards the causes of crimes is better understood, and the system introduced into most of the prisons has for its aim the reformation of the prisoners. It is true that the penal codes of many of the cantons are based on punishment, intimidation, and expiation. But despite the text of the codes, which was often written prior to the reform of the prisons, it is sought in the penitentiaries to employ agencies which may combine at once repression and reformation. While in some cantons (those of the two inferior groups) the principle of repression is alone admitted, we see the canton of Zürich setting a good example by declaring, in its penal code, October, 1870, that the application of punishment ought positively to have for its object the reformation of the criminal. This principle, which, some day, will be applied in its whole length and breadth, dates only from yesterday. Hence we need not be surprised that the country is found in that transitional period when the principle of intimidation still struggles against the moral reform of criminals. The spirit of vengeance is not entirely extinguished; it still shows itself whenever any atrocious crime has just been committed. But the moment of indignation is transient, which shows that an immense progress has already been realized, and that its development proceeds without cessation, in spite of occasional reactionary movements.

The favorable results obtained in the moral reformation of prisoners subjected to the penitentiary *régime* of the modern establishments incite the others to a revision of their penal codes. No doubt there are many criminals and correctionals in whose case the influence of the improved penitentiary system does not make itself felt. As, among the insane, there are incurable patients, so persons in whom the moral sense has been completely perverted suffer themselves to be impressed in a penitentiary only by the evil which they find there, and show themselves insensible to the good which is sought to be accomplished. On the other hand, the greater number are far from being depraved, and the moral force of those who form this class increases in the prisons. At the moment of their liberation they feel themselves reconciled to society, and they have the firm intention of regaining, by their good conduct and by honest toil, the esteem of their fellow-citizens. But it is not easy for a prisoner to carry into effect his good resolutions. He has to confront many prejudices, to conquer many obstacles, and to resist many temptations, to which he would sometimes succumb if some charitable hand were not extended for his succor.

The proportional number of recidivists can be given only approximately. The statistics in the different cantons are not made out in a uniform manner. In some establishments, account is made of all private sentences—police, correctional, and criminal; in others, they embrace only those which have been pronounced within the canton or even notice only the punishments undergone in the same establishment. The greater part of the cantons expel from their territory liberated prisoners of foreign birth, and give themselves no further trouble about them; so that it may happen that the cantons whose penitentiaries contain numerous non-residents of the canton may have fewer recidivists to be registered. In spite of the defective state of the statistics, we may estimate an average of 30 to 45 per cent. as the proportion of recidivists in cantons where the penitentiary system has made least progress, and from 19 to 25 per cent. as that of the cantons whose penitentiaries are well organized.

§ 13. In very few of the prisons of the United States, taking those of all classes into account, is the reformation of criminals now made the primary object, and, as a matter of fact, numbers of prisoners leave the prison no better than they entered it. Many are made worse rather than better; and this is particularly the case in the county jails and with short sentenced prisoners in the district prisons. In our best prisons this is otherwise; but there are very few officers who can truly say that their prison discipline has reformed the convicts. Any statements made



regarding the proportion of re-convicted criminals in our prisons would only be misleading, owing to the very imperfect state of our penitentiary statistics.

§ 14. Little information is afforded on this subject in the reports submitted to the congress from England and Ireland.

## CHAPTER IX.

### PRISON OFFICERS—THEIR QUALIFICATIONS AND TRAINING.

§ 1. It is held by the authors of the report submitted on the part of Austria that, besides a technical knowledge of their calling, prison-officers should possess a good general education, and have experience of life, knowledge of human character, firmness, and a serious and humane spirit. The opinion is expressed that the greater number of the officers at present employed in the Austrian prisons are men of this character. Special training is not provided for this class of public servants. It is thought that the experience necessary for a prison officer may be best acquired by actual service in a prison.

§ 2. In Belgium it is held that the head of a penitentiary establishment should be thoroughly acquainted with everything relating to the moral, disciplinary, economic, and industrial administration. He has, so to speak, the charge of souls. He must be just, firm, intelligent, conciliatory; must know men, and especially criminals; and must possess, in a high degree, the attribute of probity. Above all, he must be animated by sentiments profoundly religious, for it is Christian devotion alone that can sustain him in the path of his duty and give him the force and steadfastness necessary to overcome the obstacles which will be sure to obstruct his progress. The keepers are moral agents: they must offer guarantees of morality, intelligence, zeal, and humanity. Their special service is of a nature to require that they be in the vigor of their age; that they have good health and a robust constitution: that they possess an energetic character; and that they have a good primary education, and, if possible, a knowledge of some one of the trades taught in the prison in which they serve. Special training-schools for the subordinate officers would be highly desirable, as they are apt to enter on their functions without the full preparation required by their mission. A school for keepers has existed for some years in the penitentiary of Louvain. The directors are recruited from the *personnel* of the administration, where, in passing through the successive grades, they have necessarily acquired the requisite knowledge. Special examinations are a condition precedent of their appointment.

§ 3. Prison officers in Denmark are appointed partly by the government, partly by the prison-inspector. Their appointment and discharge are totally independent of political and all other considerations not bearing directly on their qualifications and efficiency. There are no special training-schools for prison officers. It is thought that such would be too costly for a small country like Denmark.

§ 4. The management of penitentiary establishments, it is held in France, requires technical and administrative knowledge of great breadth, and offers, besides, special difficulties, arising out of the complicated organization of the service. It demands a profound knowledge of business, of ministerial regulations and details, and an unremitting application, a quality essentially requisite in all directors. The admin-

istrator who finds himself face to face with a contractor, whose interests are directly antagonistic to those of the state, ought to unite an unceasing watchfulness with an intelligent control. The principal duties of the administrator of penitentiary establishments—such as the organization of the prison labor, the examination of tariffs of labor, the maintenance of discipline in the midst of a perverted population, the choice and employment of means to awaken in the prisoners thoughts of repentance and ideas of moral renovation—all these duties, and others analogous, demand a special aptitude, fortified by an experience more or less extended. Penetrated with the idea that the direction of the penitentiary establishments cannot be confided, without the gravest risks, to agents who do not offer the most trustworthy guarantees, the superior administration has established rigid rules to guard against the bestowment of the elevated functions of the service upon agents whose aptitude and experience would leave the least room for doubt. In the same order of ideas, it exacts, in the case of all its agents, of whatever degree, the knowledge demanded by the positions which they are to fill, and makes their promotion dependent on conditions of time and experience, varying according to the importance of the trusts to which they aspire. In short, to keep out of the service of the prisons agents unable to offer the guarantees desired, a ministerial decree, under date of the 25th of March, 1867, instituted, in the ministry of the interior, a commission charged with the examination of candidates for employment in the active service of the central and departmental prisons. The programme of the required examination comprises the following points: Writing, grammar, arithmetic, the principles of accounts, history, and geography, (principally of France,) general notions of the penal system and of criminal procedure, general ideas of civil law, the civil and judicial administration, and the most important provisions of the laws, decrees, and ordinances relating to the penitentiary régime. The examination includes, in addition, a written composition. The result is, that the *personnel* of the prison service is composed, for the most part, of agents, enlightened, capable, and up to the height of the duties with which they are charged. Many of the higher officers unite to all the aptitudes required in the director of a penitentiary establishment a rare administrative ability and an extensive knowledge of criminality. In the lower ranks of the *personnel*, a majority of the agents are upright, zealous, and earnestly devoted to their duties.

There do not exist in France schools especially devoted to the education of prison officers. The best school in matters of this kind is thought to be that of practice and experience.

§ 5. The following summary is offered of the reports from the German states on this subject:

(1) In Baden, the qualities deemed necessary in a prison officer are: Integrity, devotion, energy, firmness, kindness, physical and moral courage, and a calm and brave spirit. These qualities are believed to be possessed by the superior and by most of the inferior officers.

Special schools for the education of prison officers have not been established, nor is their establishment recommended, because the work of prison officers can, it is thought, be best learned by practice.

(2) To be eligible to the directorship of a prison in Bavaria, the candidates must have studied the prescribed subjects in philosophy and jurisprudence, and passed the examination admitting them to act as judges. Candidates for the position of physician, chaplain, or teacher must have completed the studies connected with their several professions and undergone satisfactory examinations. Special schools do not

exist for the education and training of prison officers. Such schools, it is held, would be desirable, since much harm is done by ignorance in the treatment of prisoners.

(3) The report for Prussia holds that, besides personal integrity, sufficient general and special knowledge, directors and superior officers should be gifted with true and keen observation, a delicate discernment of individual character, and ability to read the secret thoughts of prisoners. They should also be energetic and strict, and yet kind and entirely impartial. Finally, they should possess some administrative capacity, and be, to a certain extent, familiar with the technical part of the trades, and have some knowledge of farming. As regards the subalterns, good directors will make them useful officers if they possess thorough honesty, imperturbable coolness, unshakable firmness mixed with gentleness, and a sufficient amount of intelligence and of moral and religious instruction.

No special training-schools exist. It is thought exceedingly desirable that such schools should be established for the education of the inferior officers, whose instruction, gained at a primary school, is seldom wide enough to enable them to perfect their knowledge afterward sufficiently to do anything beyond routine work.

(4) In Saxony the officers are appointed by the ministry of the interior. They are at first employed on trial, and are dismissed if found incompetent. Political influence does not enter into consideration. The qualification of the officers is on the average good. Separate schools for training officers do not exist. Most of the superior officers undergo, before their definitive appointment, a practical training in one of the penitentiaries. The higher the duties to be fulfilled become, and the more carefully the system of individual treatment is carried out, the more a knowledge of these duties approaches to science, the more necessary are the studies of pedagogy and psychology, and the more it becomes absolutely requisite to make special studies, in order to assist in attaining the highest efficiency in the administration. Just as no teacher can now be chosen, contrary to what was the case in times past, from men of another calling, but must be a man who has received a thorough education in his special branch, so the officers of prisons will be required to have special training, and, therefore, in future, special schools will become a necessity.

(5) In Württemberg there are no special schools for the education of prison officers. The directors are usually men who have acted as magistrates, and have been formerly engaged in judicial duties, although ability to act as a judge is not indispensable for gaining the office of a director. The keepers are mostly non-commissioned officers who have left the army.

§ 6. Prison officers in Italy are proposed by the local authorities and confirmed by a ministerial decree. In making choice of them, no weight is given to their political opinions, but only to their probity and zeal. As prison officers require special gifts and knowledge, added to uprightness and intelligence, faithfully to fulfill their trust, the administration has for some time entertained the idea of establishing preparatory schools, and is studying the best plan for their regulation.

§ 7. The only item furnished on this head by the Mexican report is to the effect that schools for the special education of prison officers do not exist in the republic.

§ 8. In the Netherlands, it is deemed to be necessary that the directors and employes of prisons be men of tried morality, intelligent, and gifted with tact and with the knowledge necessary to inspire the respect

of the prisoners, even without the use of a severe discipline. This respect depends upon the spirit of justice, equity, and humanity which they exhibit in their relations with the prisoners. In the directors especially, there is needed a high degree of mental culture and an enlightened understanding of their duties; we might say, indeed, of their mission. A knowledge of the more important foreign languages is necessary, that they may be able to read and study the best writings on prison discipline and to communicate with the foreign prisoners. It is admitted in the report that the majority of the directors and employes of the prisons do not possess these talents and qualities, a fact which is due chiefly to the circumstance that the salaries are too low, and that the service of the prison officers is, in general, too onerous, and held in too little esteem. As a consequence, young men of good family and education refuse to enter upon this career.

There are no schools especially designed for the education of prison officers. The best school is thought to be a well-organized and well-governed prison, where are offered to the young employes the means of acquiring knowledge and developing their talents, by the reading and study of the best writings on the subject of prisons.

§ 9. The qualities deemed requisite in Norway in the higher prison functionaries are a good education, probity, firmness of character, and special aptitude for their work. The compensation at present paid to functionaries of the lower grade is so small that no great claims can be made upon them. Sobriety, punctuality, firmness in action, a mastery of the more common branches of learning, and the knowledge of some trade are the qualifications most valued. There are no special training schools for prison officers, nor, considering the actual circumstances of the country, are such likely to be soon established. No opinion is expressed in the report on the abstract question of their expediency.

§ 10. Integrity, humanity, punctuality, and intelligence are held in Russia to be the essential qualities of a good prison officer. The greater part of the actual employes are far from possessing these qualifications to the extent to be desired. The principal cause of this deficiency is the scanty recompense accorded them. There are no special schools for the education and training of prison officers. The author of the report, Count Sollohub, sees no urgent need of such establishments, since, in his view, the essential character of this class of officials is rather moral than pedagogic. The practical part, he thinks, can be acquired in some days. The count, however, thinks it desirable that there be established in the administration of prisons a system of gradual promotion, and thus of special service, in harmony with all the other branches of the public service.

§ 11. The qualifications deemed in Sweden essential to a good prison officer are a calm and even temper, a character humane and serious, a spirit austere, just, and the most exact order and punctuality in the performance of his duties. There are no special establishments for the instruction and education of this class of officers. The need of such institutions makes itself more and more felt by reason of the special knowledge and high moral tone required in these officers. The opinion is expressed that, while such special schools are wanting, persons desirous of entering the penitentiary service ought, prior to a full admission to that service, to be required to serve for some time in a well-conducted prison. Still, as even there they would acquire only the routine, and not the broad knowledge necessary for the due fulfillment of such functions as are required of them, it is recommended in the report that there be established a penitentiary normal school, that is, an institution for

the professional education of young men who aspire to employment in the penitentiary service.

§ 12. In Switzerland the greatest importance is attached to the choice of officers charged with the treatment of prisoners, since it is well understood that prisons badly administered, instead of being hospitals for moral diseases, become rather nurseries of criminals. Several of the more recently constructed and better-organized penitentiaries are presided over by men eminently qualified for their position, and they are aided by bands of intelligent employes, who contribute effectively to the mission which penitentiary education proposes to itself. Nevertheless, complaint is made, on all sides, of the difficulty experienced in finding, for the corps of subordinate employes, men possessing the requisite qualities and aptitudes. Schools designed for the special education of prison officers do not exist in Switzerland. It is generally felt that such schools would render an excellent service, especially if a just and sound idea should be given in them of the nature and aim of penitentiary treatment. A school of this kind would have the immense advantage of preparing officers who, at present, acquire their experience at the expense of the institution. Normal schools for the employes might, it is thought, be organized in penitentiary establishments selected for that purpose, in which candidates might pursue a theoretical course, and might also be practically initiated into all the branches of the service. In a well-organized and ably managed penitentiary novices who possess the necessary aptitudes become in a short time entirely competent to the discharge of their functions.

§ 13. The bane of prison administration in the United States is instability, resulting from the frequent change of officers, which is itself a consequence of the wide extent to which political influence enters as an element into their appointment. Some States have measurably escaped this influence, but they form rare exceptions to the general rule. But public opinion is becoming more enlightened on this subject; and, in proportion as it gains light and vigor, the tendency toward reform by the elimination of this malign power develops itself and becomes stronger day by day. Except as lowered through political influence, the average qualifications and efficiency of prison officers in America are as good as in other countries; but the lack of an effective system of control and inspection often makes our prisons less creditable to their officers than the real merit of the latter deserves. There are no special training schools for prison officers in the United States, but veteran and experienced superintendents, like General Pilsbury, Mr. Brockway, and a few others that might be named, do, in the course of time, train a considerable number of good officers. The clearest and most authoritative exposition of the state of public opinion among us as to the policy of such institutions is contained in the seventh resolution adopted by the National Penitentiary Congress of Cincinnati, in these words:

Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform, and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits.

§ 14. In the reports relative to the prisons of England and Ireland, little information is communicated on this subject.

## CHAPTER X.

## SENTENCES.

§ 1. It is held in Austria that the frequent repetition of short sentences is rather injurious than beneficial. They blunt the feelings of the prisoner both as regards the punishment itself and the degradation connected with it, and their customary effect is to confirm him in criminality. By Austrian law, former conviction is looked upon as an aggravating circumstance, and the judge is obliged to give a severer sentence on re-conviction, even though the offense be of a different class. The disciplinary treatment of re-convicted persons is not, as a rule, made more severe than that to which those sentenced for a first offense are subjected.

§ 2. Recidivists are more severely punished in Belgium than persons committed for a first offense. Nothing is said in the Belgian report as to the good or bad effect of repeated short sentences, the reporters regarding this as a question peculiar to the criminal legislation and practice of the United States; a view of the matter which the undersigned, with all due respect, believes to be erroneous.

§ 3. The criminal courts of Denmark give short sentences for minor offenses. This increases the number of crimes, though not of criminals, the effect of the short sentences being that the so-called habitual criminals, more frequently now than before the present penal code was promulgated, both enter and quit the prisons.

§ 4. The authors of the report submitted from France appear to be somewhat perplexed as to the meaning of the expression "minor offenses," used in the question. But whether to be understood in the sense of those trivial violations of law called "contraventions" in the French criminal code, or in the sense of misdemeanors of no great gravity, both of which classes of offense are visited in France with but trifling penalties, it is confessed that these penalties do not prevent a repetition, nor, indeed, the frequent repetition, of the acts against which they are directed.

A relapse, which, in the legal sense, is the commission after a penal sentence of a new criminal act, receives little favor from the French law. The circumstance of a prior conviction, and the greater perversity shown by a repetition of the offense, seems, in effect, to demand from the legislator an increase of punishment. Doubtless, neither theft nor homicide changes its nature because committed a second time; but a crime has two elements, the substance of the act and the criminality of its author. The legislator has thought it a duty to take both these circumstances into consideration in measuring the punishment.

§ 5. (1) Of the German states, Baden answers that repeated short sentences for trivial offenses produce no good effect; and, therefore, the penal code of the empire visits recidivists with punishments of a longer duration.

(2) Bavaria returns a like response. Frequent punishments for minor offenses have no good influence; either the prisoners become embittered, or the punishments, on account of their frequency, lose their effect. More, it is believed, can be done in these cases by reproof and teaching than by punishment. Reconviction, especially for robbery, theft, and the concealment of stolen goods, is very heavily punished.

(3) Prussia replies in the same sense, both as regards the inefficiency of repeated short imprisonments and the necessity for increased severity of the punishment on reconviction.

## (4) The answer of Saxony is in the following words:

The practice of courts of justice of passing sentences of short duration of imprisonment for slight offenses, and of repeating them in case of relapse, does not exist, because the penal law of the German Empire, even for theft a third time, orders imprisonment in a penitentiary, provided there are no extenuating circumstances. What effect this practice will have in regard to increase or decrease of crimes is yet problematical, and requires further satisfactory experience.

§ 6. Recidivists, in Italy, always receive severer punishment than offenders on first conviction. But the Italian criminal code does not regard as crimes the class of offenses known as "contraventions;" hence persons guilty of them are not accounted recidivists in the legal sense, and judicial statistics take no notice of such infractions of law, whatever the number of times they may have been committed by the same person. The whole question of sentences is considered so important that the prison reform commission, recently created by royal decree, has thought fit to make it the subject of a special study.

§ 7. The commission which prepared the report to the congress for Mexico is of the opinion that evil consequences result from the fact that imprisonment is inflicted for slight offenses, even in the case of a first transgression, especially if the offender is sent to an establishment where prisoners are kept in association.

Reconviction receives the punishment which, the attenuating or aggravating circumstance of the case being considered, ought to be awarded to the offense itself, with an increase of one-sixth, if this is less than the former, of one-fourth if it is of the same gravity, and of one-third if it is greater. If the offender has been pardoned for a previous offense, and if it is not for the first time that he relapses into crime, the increase of punishment may be doubled.

§ 8. It is not thought in the Netherlands that repeated sentences to short imprisonments produce any good effect upon the prisoner. A relapse may give occasion to an increase of the punishment in the ratio of one-third, when the first sentence was for more than a year's imprisonment; and in all cases it is a circumstance which may determine the judge to award the maximum of punishment allowed by the law.

§ 9. Norway answers that experience has not certainly determined what effect repeated short sentences have upon the criminal. A prior conviction increases the punishment to be inflicted by a subsequent sentence; but as regards the treatment of prisoners during their incarceration, all receive the same.

§ 10. The report for Russia uses this strong language: "Not only do repeated short sentences produce no good effect, but they create criminals by profession."

A subsequent offense has the effect to increase the severity of the punishment.

§ 11. Short imprisonments for minor offenses are believed, in Sweden, to produce upon the prisoner an unfavorable rather than a favorable influence.

The punishment of thieves is gradually increased on each subsequent conviction. A fourth sentence may inflict ten years of hard labor, and in very grave cases the sentence may even be for life. But the national parliament has recently determined to lower the scale of punishment for recidivists convicted of theft.

§ 12. The directors of the Swiss penitentiaries are unanimous in regarding repeated short sentences for minor offenses as a pernicious judicial practice which is followed without reflection. The sentiment of justice, as well as the moral reformation of the prisoner, requires that the repression be more serious and more adequately protracted in

the case of individuals who take on the habit of crime, and who threaten to make it the basis of their character. The effect of these short imprisonments becomes worse on each successive conviction. The recidivists fall deeper and deeper, and the prison cannot lift them up. During the short stay they make in the penitentiary establishment, it is impossible to teach them a trade or even to make them apt at work. The recidivists sentenced correctionally have more or less lost the moral sense and self-respect. The influence of the penitentiary education cannot affect the individual of this class who, on entering the establishment, counts the exact number of days which separate him from freedom. Such prisoners undergo, more or less patiently, the restraint imposed upon them; they are indifferent, and little heed either the present or the future which awaits them.

The existing codes in the several cantons denounce a severer punishment against prisoners convicted more than once. Some sentence them to the maximum of the punishment incurred; others add to this punishment its moiety, and even more, in excess of the maximum. Every sentence for an offense exceeding six months becomes an aggravating circumstance in the case of the person who, having suffered it, is prosecuted criminally.

§ 13. It is the practice of courts in the United States to give short sentences for minor offenses, and to repeat them often in the case of the same person. The effect of this here, as everywhere else, is and must be to increase crime, as our prisons are now managed. Such is the unanimous opinion of all prison keepers, so far as known, in this country.

§ 14. The reports for England and Ireland are silent on this point.

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## CHAPTER XI.

### IMPRISONMENT FOR DEBT.

§ 1. Imprisonment for debt was abolished in Austria by law May 4, 1868, and only a precautionary arrest can take place when the debtor, while the action is pending, is accused of an attempt to escape. Such an arrest is merely a deprivation of liberty, and the prisoner is allowed such advantages as are consistent with simple arrest.

§ 2. Debtors' prisons still exist in Belgium, but they are empty. Cases of incarceration for debt have become very rare since the publication of the law of the 27th of July, 1871. The treatment to which imprisoned debtors are subjected is not the same as that applied to criminals. They occupy special cells, have the exclusive enjoyment of an exercise-yard, and may communicate with each other, receive four visits a week from their relatives and from persons with whom they have business relations, and may correspond freely with the outside world.

§ 3. No information is afforded on this point in the report for Denmark.

§ 4. In France the law of the 22d of July, 1867, put an end to imprisonment for debt in commercial and civil matters and in those in which foreigners are concerned. The restraint of the body exists no longer, except in matters criminal, correctional, and of simple police. The usage has just been re-established as regards the payment of moneys due to the state. In such cases the public minister is bound to take care that persons imprisoned for debts to the state receive the same rations as the other prisoners who are in the charge of the administration.



The decree of bankruptcy may order the placing of the person of the bankrupt in a debtor-prison, and, if there is no such prison, in a part of the house of arrest reserved for that purpose. This is a measure which prudence almost always dictates. If the debtor is simply unfortunate, a safe conduct soon restores him to his family and to liberty; if the examination of his conduct justifies rigorous measures, it is thus made impossible for him to liberate himself by flight. The arrest and imprisonment of the bankrupt must be preceded by the consignment, on the part of the commissioners of bankruptcy, of the means of living, and, in case of insufficient means for this purpose, the advance of the moneys to be consigned is made from the public treasure, on the order of the commissioner, given at the request of the public ministry. The French law, as is thus seen, places the incarcerated bankrupt in a situation altogether different from that of ordinary prisoners.

§ 5. The German states report as follows:

(1) Imprisonment for debt does not exist in Baden.

(2) In the rare instances of imprisonment for debt in Bavaria, the treatment of such prisoners is milder than that of other prisoners. It is a mere arrest; they have almost unrestricted liberty as regards correspondence and the receiving of visits; their food is better; and they are separated from the other prisoners.

(3) In commercial and civil matters imprisonment for debt no longer exists in Prussia. It is, however, allowed when it becomes necessary to secure an examination or a judicial prosecution, or to execute a distress warrant. The treatment of prisoners for debt is totally different from that of criminals.

(4) No information on this point was furnished by Saxony.

(5) There is no imprisonment for debt in Würtemberg.

§ 6. Imprisonment for debt is still practised in Italy. In detention-prisons of any considerable size, there are commonly sections destined to the imprisonment of civil debtors. In none of them is there wanting at least an apartment for whomever is imprisoned on the demand of his creditor. The number of persons imprisoned for debt is exceedingly small. The maintenance of the debtor is a charge upon the creditor, and his treatment differs from that of other prisoners maintained at the charge of the state.

§ 7. Imprisonment for debt was abolished in Mexico as early as 1812, and has never been revived.

§ 8. This practice still prevails in the Netherlands. Persons imprisoned for debt are placed in the houses of detention and of arrest; sometimes in the cantonal prisons. They are entered on a special register, and are not confounded with other prisoners. In the greater part of the prisons the best apartments are assigned to them and a little better furniture. They do not wear the prison-dress, unless, indeed, they have no other; and their food is of a better quality.

§ 9. Imprisonment for debt still exists in Norway, but the right is seldom used. Its abolishment has been moved, and it cannot be long delayed. In the district-prisons rooms are arranged for receiving prisoners for debt, but they are furnished nearly in the same manner as common dwelling-rooms, and the constraint to which such prisoners are subject is only intended to secure their presence and to prevent infractions on prison discipline, while in other respects, especially as regards their meals and occupation, they are not ranged in the class of other prisoners.

§ 10. Debtors' prisons are still found in Russia in all their rigor; but a special commission has just formulated a project according to which

imprisonment for debt will be tolerated only in a limited number of cases. The treatment of persons thus imprisoned is, however, far less severe than that of other classes of prisoners.

§ 11. Since 1868 imprisonment for debt is permitted in Sweden only in cases where the debtor refuses to declare under oath that he is without resources. This class of prisoners is treated like those awaiting trial. They are not required to work, and have the right of procuring better food and more comforts.

§ 12. Prisons for debt exist only in a few cantons of Switzerland, and even where such prisons are still found, the constraint of the body has fallen into disuse. In a number of cantons, the state authorizes the restraint of the body, in default of payment of the expenses of justice; but this imprisonment is of short duration, and often is not inflicted at all. This punishment is regarded as correctional, and has no character of infamy.

§ 13. Imprisonment for debt has been abolished in most if not all the States of the American Union in all cases, except where fraud is known or suspected.

§ 14. No information was communicated on this subject from England or Ireland.

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## CHAPTER XII

### CAUSES OF CRIME.

§ 1. The report from Austria names, as chief causes of crime in that country, dislike to work, the desire for luxuries, impatience of restraint, want of education, and the poverty so closely allied to ignorance.

§ 2. The principal causes of crime in Belgium are stated to be, in the army, want of occupation and the system of substitution; in civil life, oblivion of religious and moral principles, ignorance of duty, want of a trade or some regular calling, artificial wants, drunkenness, libertinism, distaste for work, and consequent idleness.

§ 3. The crime most frequent in Denmark is the violation of the right of property. Three-fourths of the prisoners are sentenced for theft. The cause of stealing is rarely undeserved distress; most commonly it is idleness, the desire for lawful or unlawful pleasures, or habits of drinking. These vices generally result from, or are associated with, a neglected education.

§ 4. The report from the French government states that there is reason to believe that in France, as in many other countries, the insufficiency of moral education, the general defect of intellectual culture, and the want of an industrial calling, not opposing to the appetites and instincts a barrier sufficiently strong, leave an open road to crimes and misdemeanors. These offenses are afterward modified and perpetrated under influences springing from the circumstances by which their authors are habitually surrounded. It is thus that, on the frontiers, the populations, seeing in the code of fiscal laws only an enemy of natural right, have little hesitation, for the purpose of avoiding the payment of taxes, to sacrifice the lives of the agents charged with collecting them. In the cities, the laborer, seduced by ideas of a luxury which his labor does not and ought not to give him, suffers himself to be drawn on to attempts against property and, too often, against social order. The inhabitant of the country, who has under his eyes only the spectacle of a

productive soil parceled out to infinity by the law of inheritance, demands violently, sometimes even at the cost of his neighbor's life, the enlargement of the patch that belongs to himself.

To these evils, of which France has no monopoly, the report asks, Does there exist a remedy which will prove absolute and complete? It may be doubted; but it is certain that, in elevating morality, in fortifying the heart, in enlarging the boundaries of knowledge, the practical ability of men would be increased, and the effects of these evils would be diminished by lessening their causes.

§ 5. Germany answers thus:

(1) Baden says: "Thirst for pleasure," with a reference to 1 John, 2: 16.

(2) As principal causes of crime in Bavaria, are mentioned: 1. Want of religious teaching. 2. Abnormal family relations. According to a law that existed up to the year 1868, marriage between persons who possessed no landed property was exceedingly difficult, and, in consequence, illegitimate births were very numerous. As a result of the want of the beneficial influence which a family-life exercises, illegitimate-born form a considerable proportion of all prisoners. 3. Neglected education, especially in those parts where children are employed in the guarding of cattle or in working in manufactories. 4. Rough manners and customs. In some parts of Bavaria it is still a custom of the peasants to carry long stiletto-like knives when visiting public-houses and dancing-places; and thus, on Sundays and holidays, the slightest cause leads them to inflict on each other severe injuries.

§ 6. The inmates of Italian prisons, in 1871, were in the following proportions: For crimes against the person, in the bagnios, all males, 46 per cent.; in the penitentiaries, males 35 per cent.; females, 28 per cent. Crimes against property, in the bagnios, 30 per cent.; in the penitentiaries, males, 47 per cent.; females, 53 per cent. The chief causes of crime, accordingly, are stated to be cupidity, revenge, anger, and illicit passion.

§ 7. The answer returned by the Mexican government is so interesting, as well as able, that it is given, without condensation, in the words of the commission which prepared the report. The commissioners say:

Among the most general causes of crime in our country are want of education in the lower classes, abuse of intoxicating drinks, and poverty. Among the temporary and transitory causes which occasion the crimes and offenses committed in our country, the commission thinks that the most active are the following: The prolongation of civil war, the impressment to obtain soldiers, the bad state of our prisons, the commotion created in the religious faith of society by the innovations made in ecclesiastical matters, the want of preventive police, and the bad administration of justice.

Though all our statesmen and philanthropists have of late become aware of the importance and convenience to the public of the establishment of the penitentiary system, the financial difficulties, the little stability of our governments, and the constant necessity in which we have been placed to defend our existence against the attempts of revolutionary bands—an object which has almost exclusively absorbed our attention—have until now prevented the realization of this great social reform. Consequently, great criminals and petty offenders being indiscriminately mixed in our prisons, the contact, the association, and the example of the former have exercised a baneful influence on the latter; and, generally, those who, having offended against the law, are sent to our prisons and have remained some time in them, far from being reformed, leave the jail considerably worse than when they first passed under its gates. The improvement of our political state will also contribute to do away with, or at least to lessen, the bad effects of this cause; and the reform of our prisons, directed first of all to the total separation of prisoners, must be, according to public opinion, one of the first objects to which government ought to devote its attention, as soon as we have put into practice the principle that authority cannot be reformed by any other means than the pacific action of the laws, and that in consequence people are no longer exclusively preoccupied with the care of their own preservation.

§ 8. The chief causes of crime in the Netherlands are stated to be the want of education, drunkenness, and the desire to make a figure beyond one's means and position. In the case of young prisoners, there may be mentioned, in addition, the influence, often pernicious, of a second marriage of their parents, which not unfrequently, by embittering the position of the children of the first marriage, deprives them of the salutary influence of family-life.

§ 9. Crime in Norway, being for the most part a violation of the rights of property and assaults on the person, is traced mainly to laziness, drunkenness, bad company, neglected education, and the want of good home-influences.

§ 10. In answering this question for Russia, Count Sollohub says:

The cause of crimes in my country arises from a certain oriental fatalism, which enters profoundly into the character of the people. This fatalism, which is associated with a profound religious faith, inspires frequently a singular indifference to life and death, to the enjoyments and privations of life, sometimes even to moral good and evil. The result is a spirit of indolence, which, however, is often roused by the temptation to drunkenness and the excitements occasioned by it.

At the same time the count avers that the want of a general system of elementary education, abuses tolerated by a still defective administration, and a legislation which is not yet definitely settled, contribute in propagating lamentable disorders. He holds that, in the Russian penitentiary system, the cause of criminality must be kept in view, just as the cause of disease should not be ignored when the physician proceeds to treat his patient.

§ 11. The chief causes of crime in Sweden are the want of proper care in youth, bad company, evil examples, poverty, and the love of strong drink. An additional cause is that he who has once fallen into crime and been imprisoned for it is generally repelled and left without help in his efforts to gain an honest living. The re-admission of liberated prisoners into society is the more difficult, as by existing law every person who has been sentenced for theft, forgery, murder, &c., is further sentenced to loss of civil rights for a time (at least five years) or for life. This covers him with infamy, and consequently excludes him from all the rights and advantages pertaining to honorable men. His civil degradation is entered on his certificate of conduct.

§ 12. The question of the causes of crime is elaborately and ably treated in the report from Switzerland, a mere enumeration of which only can be given by the undersigned. These causes are said to be malign or defective education, abnormal family relations, sensualism, recklessness, drunkenness, and want of a trade or other regular business.

§ 13. The prevailing character of crime in the United States is hard to define. In the South and West crimes of violence, in the North and East crimes of fraud are common, and theft prevails very generally, though not so much as in Europe. Many of our most accomplished thieves and burglars come to us from the old country. Intemperance is a proximate cause of much the greater number of crimes here; orphanage, idleness, the want of family government, and the wretched home-life, or lack of home-life, in great cities, are leading causes of crime. A desire to live without work leads to much crime here, as well as in other countries.

§ 14. No information is furnished on this subject by the English or Irish reports.

## CHAPTER XIII.

## LIBERATED PRISONERS.

§ 1. The effort to procure work for liberated prisoners has, in Austria, been limited, hitherto, to this, that those who have learned a trade in prison receive a letter stating that they have done so, and those who have shown themselves particularly attentive receive a testimonial to that effect. In particular cases steps are taken on the part of the officials to procure work for those prisoners whose conduct has been exemplary and who have given proofs of firmness. The results, however, have been too isolated to afford any statistics upon the subject.

There is only one Liberated Prisoners' Aid Society, which is in Vienna. All efforts on the part of the prison directors to call into existence similar societies elsewhere have been unsuccessful. The society in Vienna limits its operation to supporting liberated prisoners till they shall have found occupation, and to aiding them with tools, clothes, &c.

§ 2. No prisoners' aid or patronage societies are found in Belgium; but the government has not lost sight of this important point. Efforts were made in 1848 to organize such associations; but, unhappily, the measures taken were not crowned with success. While waiting, the administration seeks the best means for assuring to liberated prisoners an effectual protection, so as to prevent their falling back into crime. A special credit figures even in the budget of the department of justice, permitting the administrative commissions of reformatory institutions to extend aid to their liberated inmates.

§ 3. In 1859 prisoners' aid associations were formed for each of the four great prisons of Denmark. Their action is limited to released prisoners. Each prison has thus its own society, founded by private liberality alone, which is to be considered as a charitable association; and it is thought to act best in that manner. The societies have annual general meetings, by which the administrations are elected. On the administrations there are always chosen some of the functionaries of the prisons, so that they may be put into direct relations therewith. As members of the administration, there are particularly selected citizens who carry on an extended business as manufacturers, merchants, artisans or agriculturists, and who have great influence, because they have it in their power to employ a large number of workmen. Once a month some member of each society appears in the prison to see the prisoners who are to be released the ensuing month. Their behavior is examined, and an agreement is made in regard to tendering the help that, according to circumstances, seems to be most fit. Not all prisoners are assisted, but mainly those who, on account of their diligence and good behavior, are recommended by the director. What, next to the behavior, is most taken into consideration is their age, their want, and their earlier life. The younger are especially helped by getting them into service; the older, by money; the artisan, by tools, &c. On the greater part the help is bestowed as a *gift*, but on some as a *loan*. Some are only promised help on condition that they first manifest their will to help themselves. All about, in the country, the society has its agents, to whom it confides its wards. These societies appear thus to be well organized. Every year they awaken a greater sympathy, and the number of their members increases. For ten years the state has given an annual subsidy; and the most cheering circumstance is that the municipal authorities, as well in the towns as in the country, more and more make annual

contributions, making it clear that the cause has been approved by the people. Several legacies have been left to the associations, the interest of which is to be expended in procuring clothes for released prisoners. The largest of these bequests is \$5,500.

§ 4. Up to the present time the patronage of liberated prisoners has not been generally or systematically organized in France. The Abbé Coural founded in 1842, near Montpellier, under the title of Solitude of Nazareth, a refuge designed for the liberated females of the south. The Sisters of Mary-Joseph, in imitation of this example, have founded seven other refuges near the central prisons, for women. There is only one establishment of this kind for men, the asylum of St. Léonard, at Couzon, (Rhône.) The results of the refuges devoted to women are good; those obtained at the asylum at St. Léonard are less satisfactory. Two active and successful patronage-societies, in aid of liberated Protestants of both sexes, have been for some years in existence. Since the official report was made to the congress, a central patronage society has been established in Paris, which proposes to found branches in all parts of France, as may be found practicable. The administration is earnestly engaged in seeking the means to increase the number of institutions similar to those mentioned above.

What is said above relates exclusively to adults discharged from prisons. The liberated juveniles of the department of the Seine are placed under the patronage of a society which facilitates their admission to provisional liberty and aids them in acquiring a trade. No better planned, efficient, or successful organization of the kind exists in any part of the world. It is but fair to the penitentiary administration of France to say that this last statement is not contained in their report; the responsibility for it is assumed by the undersigned.

§ 5. Germany responds as follows:

(1) In Baden, the directors of the penitentiary establishments are required to enter, for this purpose, into correspondence with the authorities of the political administration some time before the liberation of each prisoner; it is made the duty of these authorities to unite with the prisoners' aid societies and with the local authorities in providing for liberated prisoners. This measure is only of recent date, and its results have not yet shown themselves to any great extent. They cannot fail to be good.

Prisoners' aid societies exist in twenty-one out of fifty-nine districts. The results are satisfactory.

(2) To procure work for those liberated prisoners who are considered as improved, the administration in Bavaria puts itself into communication, while the prisoner is still under their care, with honest employers, with benevolent societies, with the parish vestries, or with other authorities. The prisoner receives on his dismissal, if necessary, clothes and traveling expenses from the funds of the prison. By these means prisoners are often preserved from relapse.

In every province of the country there exist liberated prisoners' aid societies; these are, however, hampered in their activity by ignorance, and the little interest which exists in the mind of the public, in many places, respecting their objects. But the Munich Society, which has existed for eleven years, has found employment for 1,182 discharged prisoners, of whom 377 have relapsed, while 805 conduct themselves well, and may be considered as reformed. The objects of these societies are to receive into a refuge those who are homeless, to try to procure them work, to give help—more especially in the shape of tools—and to watch carefully the conduct of each discharged prisoner.

(3) In Prussia, the administrative authorities of prisons use their best efforts to obtain protection and work for liberated prisoners. For this purpose they communicate with the minister and authorities of the birth-place or residence of the prisoner, and, wherever they exist, with prisoners' aid societies. Owing to the reluctance of masters and workmen to have relations with liberated prisoners, the efforts made to aid them have not been satisfactory in their results.

Aid societies exist in many towns, but they have neither a common organization nor a common center which unites them; and many more are wanted to make them bear any just proportion to the extent of country. Their number is too small and their action too feeble sufficiently to realize the objects they have in view. The aim of these societies is to give temporary shelter and work to liberated prisoners, either in asylums provided by the society or in the houses of private persons of honorable character. They seek in every possible way to maintain relations with their wards, in order to aid them with counsel or pecuniary gifts.

(4) Saxony communicates no information on this point.

(5) In Württemberg there has been a patronage society for liberated prisoners, with branches in the different districts of the kingdom. It has 3,000 members. It seeks to aid its wards by obtaining work for them, and by supplying them with tools, raw material for manufacture, clothes, bedding, &c.

§ 6. In Italy certain religious associations possess funds that may be used in aid of liberated prisoners; an occasional patronage society exists in some of the cities. Such societies are what remain of institutions, more or less ancient, which were religiously preserved and even protected by the Italian government; but there are none of any great importance, except at Milan, Turin, and Florence. The government has sought to extend institutions of this kind; but down to the present time, such institutions are too few in number and too limited in means to justify a prediction as to whether they will take root in the social soil of Italy, and, if so, whether their rules should be preserved or modified in order that the best fruit for which they were founded may be obtained from them.

§ 7. The commissioners who prepared the report for Mexico state that as regards the federal district—the only part of the republic of which they have any positive information—committees of vigilance are being established, and to them, among others, belongs the duty of aiding discharged prisoners in finding work.

§ 8. The Netherlands government, as such, does not charge itself officially with the care of liberated convicts; but many directors of prisons take great pains to find work for them, and generally they have cause to congratulate themselves on the result of their efforts. The greater part of the directors, however, are reported as too indifferent to concern themselves much about the matter.

The Netherlands Society for the Moral Amelioration of Prisoners has for its object, not only the visiting of prisoners, but also the manifestation of an interest in their welfare after their discharge from prison. This society counts forty branches, scattered throughout the whole kingdom, and corresponding members in thirty-seven places where there are no branches. To some of the branch societies are attached committees of ladies. As regards the prisoners, a variety of methods is employed to encourage and help them. They procure situations for them at service, place them in the merchant-marine, supply them with tools, obtain for them some little industry or business, provide them with the means of emigrating, &c. The results differ, as a matter of course; but the

society accomplishes much, and often sees its efforts crowned with success.

§ 9. With a view of guarding released prisoners from relapse, efforts are made in Norway to procure work for them, to get positions for them as sailors, to aid them with tools, money, clothing, &c. At the same time, it is thought that too much assistance weakens their moral forces. There exist a few discharged prisoners' aid societies, but they lack the means to do their work as extensively and efficiently as would be desirable.

§ 10. Hitherto little has been done in Russia to aid discharged prisoners in obtaining work. The first patronage society has just been officially established in St. Petersburg.

§ 11. Prisoners' aid societies exist at present only in two provinces of Sweden. They aim at obtaining work for prisoners in the houses of steady masters; they also supply clothing, and sometimes make advances in money on the prisoner's work. Occasionally those expressing a desire have received aid to enable them to emigrate. Of late years it has been proposed to make greater efforts to give a more practical direction to the labors of these societies. They have started out on the principle that if habits of order and cleanliness are obtained by the discipline of the prison, and the time of imprisonment is properly employed in the moral education of the prisoners and in giving them skill in industrial and agricultural labor, the societies can more generally find them work immediately on their liberation. For prisoners for whom work is not at once obtained, it is proposed to establish agricultural colonies, where they may learn order in work and skill in certain branches of farming, so as thus afterward to be able more readily to earn an honest living.

§ 12. Patronage societies are organized in nearly all the cantons of Switzerland. That in the canton of St. Gall was established in 1839, thirty-four years ago. It was made by law the duty of every prisoner, who was a native of St. Gall, or had his domicile there, to place himself for three months at least under the protection of the society. Wherever patronage societies exist, they aid discharged prisoners by their counsels, watch over their conduct, shield them from evil enticements, and purchase the clothing, tools, &c., which may be needed by them. They endeavor to aid their beneficiaries by procuring work rather than by giving them assistance in money. But, in spite of all these efforts, the results do not correspond to the desires of the friends of prison reform. There is not sufficient unity in the organization of patronage. This is a great inconvenience, which the Swiss Society for Penitentiary Reform is seeking to remove, by bringing into mutual relation all those persons who, in the different cantons, occupy themselves with the patronage of liberated prisoners.

§ 13. The work of aiding liberated prisoners, and thus seeking to prevent their return to crime, is by no means as extensively or as thoroughly organized in the United States as it ought to be. Massachusetts has an official agency for this purpose, which has accomplished and is accomplishing an immense amount of good. The New York Prison Association, the Philadelphia Prison Society, the California Prison Commission, and the Maryland Prisoners' Aid Association are the four most efficient organizations of this kind in the country. There are a few minor organizations in different localities, more or less useful; but their work is, for the most part, restricted for the want of sufficient means to make it broader and more effective. It will be the work of the National Prison Association to organize such agencies in all the States where their organization may be found practicable.



§ 14. The patronage of liberated prisoners is more extensive, more thoroughly organized, more active, and more successful in England than, perhaps, in any other country. Some forty associations of this kind are found in the metropolis and the counties. They aid, annually, over 6,000 released prisoners. The assistance given differs according as it is granted to men or women. That accorded to men consists in procuring work for them and in furnishing them, while awaiting employment, board, clothing, &c. Two societies, however, have founded, each, a refuge for men. One of these deserves special mention. It has an average number of thirty-three men, occupied in making mats. It is the Industrial Home of Wakefield, in connection with the prison of that name. During a period of seven years this establishment has received 942 beneficiaries. The proceeds of their labor have sufficed to defray all expenses, and the men commonly earn a surplus of a few shillings each weekly. On the 30th of September, 1871, there was in the treasury between \$4,000 and \$5,000 of surplus earnings.

The assistance given to women is solely through the agency of refuges. It is, in fact, difficult to find immediate employment at domestic service for a woman just out of prison. She requires to be subjected to some preliminary probation. Discharged female prisoners themselves feel the necessity for this support which preserves them from fresh temptations. Hence they seek the interposition of aid societies in much larger proportions than men.

§ 15. Ireland has no patronage society for its convict-prison. The intermediate prison at Lusk, with its agent for discharged prisoners, does all that is necessary for men, and two refuges, one Catholic, the other Protestant, for women.

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## CHAPTER XIV.

### SUGGESTIONS RELATING TO REFORMS.

The following was the closing question of the series addressed to governments, the replies to which have furnished the comprehensive and valuable information contained in the preceding chapters, viz: "Are you satisfied with the penitentiary system of your country? What defects, if any, do you find in it? What changes or modifications would you wish to see introduced?" The substance of the answers returned will be embodied in the present chapter.

§ 1. The answer of Austria is that the system of imprisonment as it exists in that country suffers from the fact that there is too great a uniformity in the punishment, and that there is not a prison for each kind of punishment. This, it is said, interferes with the effect of the various kinds of punishment, especially with those of a strict character. To remedy this it would be desirable, the report states: 1, to lessen the various kinds of punishment in number, and, if possible, to reduce them to three; 2, that every one of these punishments be characterized by differences in the dietary and treatment of the prisoner; and, 3, that every kind of punishment be undergone in prisons specially designed for it.

§ 2. Belgium replies that she is satisfied with her existing system, in so far as that reply is not applicable to establishments on the congregate plan, and that the transformation of these into cellular prisons is actively progressing.

§ 3. Under certain reserves the French report points out the following reforms and ameliorations as desirable in the penitentiary system : 1. The abolition of the punishment of imprisonment for offenses of little gravity, in place of which should be substituted, as far as possible, pecuniary penalties, the temporary privation of certain civil rights, &c. 2. The definitive choice of a system of imprisonment for prisoners awaiting examination or trial and for those sentenced to punishments of a duration not exceeding two years. 3. The adoption of a penitentiary system applicable, under different degrees of severity, to : 1, correctional convicts, sentenced to a punishment of two years and over ; 2, reclusionaries ; 3, persons sentenced to hard labor. 4. The organization of patronage societies, to which liberated prisoners may have recourse on their discharge from the penitentiaries.

§ 4. The German states represented in the congress give answer thus :

(1) Baden says that she is satisfied with her penitentiary system, since the cellular system, as a rule, is adopted.

(2) Bavaria replies that the system of associated imprisonment which exists in most of her prisons cannot be considered satisfactory, particularly as the greater part of them are old castles or convents, which are ill-adapted to purposes of imprisonment.

(3) The answer of Prussia is given in the words of the report, as follows :

In many respects the organization of Prussian prisons may be considered perfect. Order especially characterizes the administration. The assiduous care taken in regard to the prisoners in all respects and the efforts made to give them work suited to their capacities are beyond reproach. The discipline, severe, yet just, is excellent. The instruction and religious exhortations are efficiently and carefully given. On the other hand, our system has some grave defects which urgently demand the remedy we are earnestly striving to find. Part of the prisons require complete rebuilding ; others need internal reconstruction ; a general rule enforcing the separation of prisoners at night is urgently required, and their isolation, both by day and night, ought to be more extensively applied. We need the application of cellular imprisonment in all cases of preliminary detention and of short sentences. We think this system also indispensable for the objects aimed at in all penitentiary reclusion, and we consequently propose a proportional increase in the number of cells. We ought also to devise means for permitting the prisoners to work in the open air more than they do at present, and to effect this change in such a manner that the new measure may serve as a preparatory step for the prisoner's return to liberty. It is moreover very requisite to care more for the preliminary training of the inferior officers, to increase their number, and to give them facilities for passing, after a certain length of service in prisons, into other branches of the state-service. Lastly, to solve the difficulties which till now have obstructed effective prison-reform in our country, we must create a central organization which would regulate prisons of every kind and have due regard to the interest of every nature connected with prison administration.

§ 5. Norway replies in a very general way, with no definite proposition of interest to other nations, except that favoring the establishment of separate prisons for women.

§ 6. Holland says that the greatest defect in her penitentiary system is that there is no system, or, rather, that the two systems of associated and cellular imprisonment are applied without any uniform rule, and without placing them in a harmonious relation to each other. Hence there is a pretty general agreement that a reform is necessary, and that it should have mainly two objects in view : a revision of the penal laws, which would introduce a more uniform and more harmonious system of imprisonment, and a serious effort to give greater dignity to the position of the directors and employes, and to open these offices to men of a higher education. Whatever differences of opinion may exist as regards the system to be followed, (and they are great, since all the systems which divide *sarans* find their partisans,) on these two points there is a very general agreement.

§ 7. Count Sollohub, replying for Russia, submitted a special and very able paper on this point, developing a complete penitentiary system, which he had drawn up and presented to the imperial government, as president of the commission on penitentiary reform for the empire. This paper, the production of a profound and, for the most part, right-thinking intellect, though long, is too valuable to be omitted. In submitting it to the congress, the count remarked that the brief view, presented by him, of the present state of the prison question in Russia sufficiently showed the urgent need of reform in his country. He said that the imperial commission, over which he has the honor to preside, had just completed the draught of a prison system, which was about to be revised by the proper authority, and he judged that it might have some interest for the eminent specialists then assembled in London. At all events, he desired the criticisms of his honorable colleagues in the congress, it being understood that the plan proposed is based chiefly on the circumstances and necessities of his native country.

The penitentiary system proposed by the imperial commission is, it will be seen, in the form of a bill or project of law, to be enacted by the supreme law-making power of the empire. It is in the words following, to wit:

#### I.—CLASSIFICATION OF THE PLACES OF IMPRISONMENT.

1. All the places of imprisonment in the empire are divided into: *a*, preliminary; *b*, penal.

2. The places of preliminary imprisonment are used for the incarceration of: *a*, persons awaiting examination or trial; *b*, persons convicted and awaiting the execution of their sentence; *c*, persons arrested by the police.

3. The places of penal imprisonment are used for the incarceration of persons sentenced by judgment of a court.

4. The places of preliminary imprisonment are subdivided into: *a*, police prisons; *b*, houses of justice.

5. The places of penal imprisonment are subdivided, according to the duration of the detentions, into: *a*, short duration; *b*, moderate duration; *c*, long duration.

6. The places of penal imprisonment of short duration are: *a*, jails (*les arrêts*); *b*, houses of amendment.†

7. The places of penal detention of moderate duration are houses of correction.

8. The places of penal detention of long duration are convict-prisons, (*maisons de force*).‡

9. All prisons are divided, according to their localities, into: *a*, provincial; *b*, central.

10. The provincial prisons are: *a*, police prisons; *b*, houses of justice; *c*, jails; *d*, houses of amendment.

11. The central prisons are: *a*, houses of correction; *b*, convict-prisons.

12. The provincial prisons are considered, as regards revenue, unproductive.

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\* We have nothing in this country corresponding to the prisons here called *arrêts*. They seem to answer most nearly to our county jails, particularly in that function of these latter whereby they become places of punishment for persons convicted of trivial offenses. But the main function of our jails is to serve as prisons of preliminary detention. With this explanation, I translate the term *arrêts* by our word jail, as our language appears to afford no other.—E. C. W.

† This is another class of prisons for which we have no equivalent. Both the thing and its designation are wanting with us. The proper translation would be "houses of reformation," or "reformatory prisons;" but, as will be seen, the term of imprisonment in them is limited to three months and they are intended to act by *intimidation*, so that both the duration of the imprisonment and the predominant agency to be employed are against the idea of *reformation*, properly so called. The only thing I could do, therefore, was to transfer, without translating, the original word *amendment*, and leave the reader to interpret it for himself.—E. C. W.

‡ These correspond most nearly to our state-prisons and the English convict-prisons, being intended for prisoners guilty of the more heinous crimes. The expression by which they are designated, *maisons de force*, will be translated, in this version, *convict-prisons*.—E. C. W.

13. The central prisons are considered, as regards revenue, productive.

14. Besides the prisons above mentioned, there shall be established in the empire refuges and penitentiary colonies for juvenile prisoners.

## II.—ORGANIZATION OF THE PRISONS.

15. The reform and organization of the prisons of the empire shall be effected gradually, but all the kinds and gradations shall be established simultaneously in the different provinces.

16. Imprisonments made by the police take place, in the districts, near the communal administrations; in the cities, near the police-stations and their sections.

*Observation.*—The prisons may also serve for persons arrested by the administration.

17. Houses of justice for preliminary detention shall be established in the cities of the provinces and of the districts, and in other localities, if necessary.

18. Houses of justice shall be established, as far as possible, in connection with edifices devoted to judicial purposes.

19. Preliminary and penal prisons cannot be established in the same building.

20. Jails, (*les arrêts*), where punishment for light offenses (*contraventions*) is undergone, shall be established in all cities, and in other localities, if necessary.

21. Houses of amendment shall be established in all provincial and district cities where they are needed.

22. Houses of correction shall be established only in places where orders for the products of industrial labor are likely to be received.

23. Convict-prisons shall be established in the neighborhood of coal-beds, stone quarries, salt-pits, and other localities suited to the organization of toilsome and productive industries for long terms of imprisonment. The punishment of "hard labor" (*travaux forcés*) shall not be applied exclusively in countries outside the limits of European Russia, (Siberia.)

24. In the central prisons the establishment of hospitals is obligatory. In other prisons, hospital treatment is to be provided as far as possible.

25. Baths and, if possible, hospitals for the prisoners shall be established within the inclosure of the prisons, but separate from the main buildings.

26. The houses of justice and of amendment require two courts—one for the administration, the other for the prisoners.

27. A third court for the work-shops is required in the central prisons.

28. Stores of wood, sheds for tools and farming implements, the cellars, the stables, shall be placed outside the prison inclosure, in the court devoted to the general affairs of the establishment.

29. Near the houses of justice, the jails, and the houses of amendment there shall be arranged small gardens, in which the prisoners can take exercise.

30. Near the central prisons there shall be allotments of ground for cultivation: for houses of correction, not less than five acres per hundred prisoners; for convict prisons, not less than twenty-seven acres per hundred prisoners.

31. All the persons employed in the houses of justice, the houses of amendment, and the central prisons, except the head of the establishment and the overseer-in-chief, (male or female,) shall have their lodgings in the court devoted to the general affairs of the establishment.

32. There shall be a space of ground not less than twenty-three yards in width for a circular road around the central prisons. This principle is not obligatory for the other prisons.

## III.—DISCIPLINE OF THE PRISONS.

### A.—General regulations.

33. The discipline of all the prisons shall have for its base the three following principles: justice, guardianship; nationality.

34. The system of discipline of all the prisons shall have in view: 1. For prisoners awaiting trial—*a*, their complete separation, to prevent all connivance; *b*, the prevention of the association of prisoners charged with offenses of different degrees of guilt; *c*, the enjoyment of all privileges and comforts not inconsistent with the course of justice. 2. For prisoners under sentence—*a*, the just punishment of the crimes of which they have been judicially declared guilty; *b*, the exercise of a guardianship, which has in view the destiny of the convicts after their liberation.

From this last consideration arise the essential exigencies and special aims of the system: *a*, for jails, *admonition*; *b*, for houses of amendment, *intimidation*; *c*, for houses of correction, *punishment*, combined with a system of education, of industrial labor, and of preparation of the prisoners for a return to society; *d*, for convict-prisons, *chastisement*, with toilsome labor, having in view the ulterior colonization of the convicts.

35. Churches are obligatory in all central prisons. In other classes of prisons chapels only will be required. Images shall be placed in all the rooms appropriated to prisoners.

36. There shall be special regulations for each kind of imprisonment. These regulations will form a general code.

*Observation.*—There shall be given, in addition, by a competent authority, personal instructions to each head of a prison.

37. Every prisoner shall be placed in the kind of prison named in the sentence of the court.

38. The provincial prisons may receive into the same building the two sexes under the same administration, but the parts of the prison appropriated to each sex must be entirely separated from each other.

39. The central prisons, for each sex, must be separate and distinct establishments.

40. The system of association at night (and of beds on planks) is abolished. For the houses of justice and of amendment there shall be the system of complete separation between the prisoners; for the central prisons, the system of separation, by night, in common dormitories.\*

41. In the prisons of preliminary detention, labor is not obligatory; it is obligatory in all other classes of prisons.

42. All changes in the distribution or placing of prisoners during the day shall be effected, in the penal prisons, by the ringing of a bell.

43. There shall be, in all penal prisons, modes of encouragement, consisting of privileges granted to the prisoners.

44. There shall be, in all detention-prisons, a system of disciplinary punishments. Corporal punishment shall be permitted only in convict-prisons. In all other prisons, there shall be allowed only incarceration, more or less rigorous.

45. The maximum duration of imprisonment is fixed: *a*, for jails, at three months; *b*, for houses of amendment, at one year and four months; *c*, for houses of correction, at one year to four years; *d*, for convict-prisons, from six years to life.

46. In the cellular houses of amendment, the duration of imprisonment shall be reduced by one-third.†

47. The mode of transferring prisoners will be made the object of a special regulation.

### *B.—Special regulations.*

#### 1. For police-imprisonments:

48. The detention-houses in the communes and police-districts have, for their end, only to provide for the safe-keeping of persons awaiting examination.

49. Every person who has given occasion to a judicial prosecution shall be kept in separate confinement, wherever it is possible.

50. Preliminary police-imprisonments shall be conformed to existing laws.

#### 2. For imprisonments in houses of justice:

51. Wherever it is possible, conveyance to houses of justice shall take place in cellular carriages. In cases where the prisoners are taken on foot, they shall have the right to wear a hood on the head.

52. Individuals confined in houses of justice shall be placed at first in receiving-cells, from which they shall be taken, in rotation, to go through the formalities required by law, to be submitted to the inspection of the doctor, and to undergo the prescribed ablutions.

53. The prisoners have the right to keep their own clothing, unless it is worn out or too much soiled. In that case, they will be furnished with clothing by the establishment, but of different color and cut from that prescribed for convicts.

54. Photographs of prisoners shall be taken, if it is considered necessary.

55. Every article found on the prisoner, except his clothing, his shoes, and his linen, together with his baptismal cross and marriage-ring, shall be taken from him and kept in a place devoted to that purpose. A receipt shall be given to the prisoner for the money and effects placed in this repository.

56. The cell of the prisoner must be, in its dimensions, not less than fifteen square

\* An apparent contradiction; but the arrangement seems to be this: The dormitories are to be common, with small apartments, or cells, arranged round their walls, by which the separation is effected.—E. C. W.

† Some members of the commission voted with the president, Count Sollohub, for a reduction of two-thirds.

*archines*,\* and must contain at least three cubic *sagènes*\* of air. Special care must be given to the lighting and ventilation of the cell.

57. It is permitted to prisoners to have their beds, furniture, books, and writing-materials.

58. Prisoners who desire to work shall be encouraged therein. Three-fourths of their earnings, after deducting the cost of material, shall belong to the prisoner. The other fourth shall be deemed the revenue of the establishment, for the purchase of tools, materials, &c.

59. The prisoners shall have the legal rations of the prison and shall receive half a pound of meat per day; but they have the right to better diet, if they have the means of paying for it.

60. Prisoners have the right to smoke, but this privilege shall be withdrawn from those who use fire imprudently.

61. The prisoners shall have the right to take exercise, but their head must be covered with a hood, and they must walk five paces apart.

62. Interviews with relatives and visitors will be permitted only with the sanction of the counsel of the government, who will arrange the conditions of these interviews.

63. The chaplain of the prison is bound to visit each prisoner at least twice a week, and oftener if it is thought necessary.

64. The counsel of the prisoner shall have free admission to him at all times.

65. Persons sentenced by the court shall await the issue of their appeal, or the execution of their sentence, in the cells where they were previously confined, but they shall be deprived of all the privileges before accorded to them.

### 3. For jails:

66. Punishment in jails shall be undergone in virtue of the imperial decree of the 4th July, 1866. †

### 4. For houses of amendment:

67. Sections 51, 52, and 62, relating to houses of justice, shall be applied to the houses of amendment.

68. The prisoners shall wear the prescribed dress.

69. The prisoners can neither smoke nor make use of their money.

70. The prisoners will be required to work eight hours a day at task-work. Two-thirds of their earnings will belong to the establishment; the remaining third shall be placed to the credit of the prisoner, but he will not be permitted to use it till after his liberation.

71. All prisoners shall have the same rations.

72. The dimensions of the cells shall not exceed fifteen square *archines*.

73. Interviews with persons from outside shall not exceed one per month. The visits of the chaplain, the doctor, the officers, and of members of philanthropic societies, are not subject to this regulation.

74. Prisoners shall be permitted to work over and above their task and beyond the hours prescribed. The amount of this additional work shall be placed to their credit.

75. Prisoners who shall have finished their terms shall be immediately liberated.

### 5. For houses of correction:

76. The term of imprisonment is from one year (minimum) to four years, (maximum,) without remission.

77. The prisoner confined in a house of correction shall undergo a preliminary cellular imprisonment, whose duration shall be fixed by the court. If this duration is not mentioned in the sentence, the prisoner shall be isolated only during the legal term. In both cases the administration has the right to reduce the period of complete isolation to the minimum fixed by the law.†

78. The system for houses of correction, in its rigor, shall be that of work in association by day and of separation by night.

79. Every person confined in a house of correction is bound to work ten hours a day without receiving any part of his earnings. This labor is employed in domestic service, laundry-work, and tillage. The product of this labor is applied to the support of the prison.

80. The duration of this labor may be reduced to four hours a day, if the prisoner expresses a desire to occupy himself during the other six hours in mechanical labors

\* \* An *archine* is a Russian measure of about two-thirds of a yard, and a *sagène* of about two yards and one-third. — E. C. W.

† This paragraph was strongly contested. Nevertheless, the opinion that a period of preliminary isolation is unnecessary did not obtain a majority of votes.

which require no special knowledge. This is called "mechanical work," (*travail mécanique*.) A third of his earnings when thus engaged goes to the workman; the other two-thirds are to the profit of the prison.

81. Those who do not desire to work ten hours a day at "rough" work, nor six hours at "mechanical" work, may learn any trade they prefer, which requires an effort of will and a sustained study. This is called "professional work," (*travail professionnel*.) Those who are learning a trade receive no benefit from their labor, and, in addition to eight hours given daily to their apprenticeship, must spend two hours on "rough" work.

82. As soon as a prisoner becomes master of a trade, he shall receive two-thirds of all he earns; the remaining third is applied to the profit of the prison.

83. Any prisoner who already knows a trade on his arrival at the house of correction shall receive one-half the earnings of his labor; the other half shall go to the profit of the establishment.

84. The foremen and apprentices of each trade constitute a distinct section.

85. The persons who supply constant orders to the sections are denominated curators (*curateurs*) of the sections.

*Observation.*—The director of the prison can have work done, in exceptional cases, conformably to the regulations mentioned above.

86. The rights and duties of the guardians (*tuteurs*) of the sections shall be regulated by law.

87. The curators of the sections shall settle weekly their accounts with the director of the prison in cash, and the sums due to the prisoners who have become master-workmen, for their labor, shall be inclosed in the portfolios of each section separately. These portfolios shall be kept in a special case, which is itself locked up in the strong box of the government.

88. The key of the case which contains the money of the prisoners shall be kept by the cashier, chosen by the sections. It shall be the duty of the cashier to be present at the weekly settlements between the curators of the sections and the sections themselves.

89. No prisoner may keep his own money, nor exact, under any pretext, what has been set to his account under the name of profit. He receives only a little book, in which is kept the account of the product of his labor for each week.

90. As an exceptional encouragement to industry and good conduct, one-fourth of their gains may be allowed to the sections for the purchase, through the agency of an inspector, of tea and any other authorized article.

91. Each section will choose a chief, who shall be responsible for the order of the section.

92. Each section shall be responsible for the escape of its foreman, and, in case of such escape, the said section shall forfeit its profits.

93. The monitor, the inspector of the prison, and the chief shall be responsible for the order of each section during the hours of work.

94. The movements of the prisoners will take place by couples, in military order, at the word of command and at the hours indicated.

95. A school shall be established in every house of correction.

96. The time spent in school shall be counted as time spent at "rough work," (*travail grossier*.)

97. On Sundays and holidays, after mass, the chaplain and the professors attached to the prison shall hold conferences with the prisoners; these conferences shall relate to religion, sacred history, geography, and scientific subjects.

98. During the night the prisoners shall be confined in separate cells, from which no one can go out without leave from the director of the prison. Silence is obligatory at night. The inspector is charged with the duty of supervision. The dormitories must be kept lighted.

99. Interviews with relatives and strangers shall be permitted at the times indicated by the regulations.

100. When the term of the imprisonment ends, there shall be given, from the cash-box, to those liberated, the money earned by them, after which no interview shall be permitted them, under any pretext, with their former comrades.

#### 6. For convict-prisons:

101. Convict-prisons shall be established for the imprisonment of all persons convicted of felonies.

102. The convict, who shall have merited, by his industry and good conduct, an abbreviation of his imprisonment, may obtain it on the order of the administration of the prison, but not before he shall have undergone two-thirds of his punishment.

103. The prisoners who have not deserved an abbreviation of their sentences shall undergo in the convict-prison the entire punishment to which they shall have been sentenced.

104. Those prisoners who serve out their whole time are called *convicts*; those who have merited a shortening of their punishment receive the designation of *improved*.

105. In order to a transfer from the class of "convicts" to that of the "improved,"

the prisoner, in addition to good conduct, must have earned a sum determined by the regulation.

106. In case of ill-conduct and indolence, the "improved" prisoner is again placed in the class of "convicts."

107. The prisoner, on his admission to the convict-prison, shall be isolated from fifteen days to a month, according to the determination of the administration.

108. The families of prisoners are not admitted into the convict-prisons.

109. The convict-prisons are adapted to hard labor.

110. The work is subdivided into "hard labor" and "prison-work."

111. The "hard labor" is performed by the convicts in chains, which must be made according to the legal model; the "prison-work" is done without chains.

*Observation.*—The chains may be removed, even during the execution of "hard labor," by permission of the director, in testimony of his confidence. The chains shall be re-imposed on those who show themselves unworthy of this indulgence.

112. The convict-prisons should be established in localities which offer guarantees for hard labor, such labor constituting the punishment of the convicts. These guarantees are always necessary, and should be independent of accidents.

113. The convict-prisons shall be established only in localities affording ready communication, or offering facilities for the sale of the products of prison labor on the spot.

114. The industries for which the convict-prison is adapted may belong to the government, or to a company or private person, if the latter can offer the requisite guarantees.

115. The administration of the prison shall not interfere with the industries.

116. The convicts form only the motive-power of the industries.

*Observation.*—Payment of the laborers shall be made at the times fixed by the contract and in cash.

117. The places where the labor is performed shall not be more than  $3\frac{1}{2}$  miles distant from the prison.

118. No convict can remain during the night outside of the prison inclosure.

119. The duration of hard labor shall be fixed at twelve hours per day in summer and ten in winter.

120. The administration of the prison reserves a certain number of prisoners to be employed, in rotation, in farm-labor, trades, and the domestic service of the prison, conformably to a special regulation.

121. Convict-labor may be of two categories: 1, obligatory, for a fixed number of hours per day; 2, voluntary.

122. The product of obligatory labor belongs to the establishment.

123. The product of voluntary labor forms a personal income, which is paid to the prisoner on his liberation.

124. The prisoners may not engage in voluntary labor till they have finished their daily task of "hard labor" or "prison-labor."

125. The director of the prison, in conjunction with the directors of the industries, shall determine the tasks to be performed by the convicts.

126. The tasks allotted shall be performed by order of the administration.

127. The administration of the prison must see that the prisoners do the full quantity of work assigned.

128. The prisoner may engage in voluntary labor on account of the director of the industries, or at some mechanical occupation, as he shall elect.

129. Prisoners under short sentences shall receive higher pay for voluntary labor than those sentenced to long terms.

130. During the hours of labor, the prisoners shall be superintended by the inspectors, and by the chiefs of sections, chosen by themselves. The work is to be performed under the direction of persons charged with that duty by the directors of the industries.

131. According to the nature of the work, the convicts may separate into sections, under pledge of abstaining from all disorder.

132. The regulations for sections in houses of correction may be adapted to convict-prisoners.

133. One-fourth of the personal earnings of the convicts may be used in aiding their families.

134. Between imprisonment in convict-prisons and the definitive establishment of the liberated prisoners in a country named by the government, the convicts will pass into a temporary establishment under the form of an agricultural penitentiary colony, where they may be prepared for their future abode.

135. The penitentiary colonies shall be established in districts selected and set apart to be definitively peopled by liberated convicts.

136. Criminals who have passed into the class of the "improved" shall be transferred to the penitentiary colony of the government, if they have earned the sum necessary to colonization. Those who have not earned the requisite sum must remain in prison till they have, without, however, passing the term fixed by their sentence.



137. The convicts sent into the penitentiary colonies of the government shall remain there till the date indicated by the sentence. Nevertheless, the term of the sentence may be reduced by the authority of the colony. Criminals who have undergone their entire sentence in the convict-prison must still pass one year in the colony of the government.

138. Labor is obligatory in the penitentiary colonies. It must be performed according to the orders and under the direction of the authorities of the colony.

139. Any person discharged from the penitentiary colony may choose, according to his liking, the place of his definitive abode, but not without the limits or the frontier of the same country.

140. Prisoners sent to the colonies may be followed by their families.

141. The laws and regulations for the colonies shall be fixed by special decree.

The principles relating to finance and to the mode of administration proposed by this *projet*, being based on local considerations, cannot, as a matter of course, be set forth in the present writing.

§ 8. The Swiss report limits itself to a short *résumé* of the reforms thought to be needed, as follows :

1. The unification of the penal code, based on the principle of the moral reformation of prisoners.

2. The reform of prisons for persons awaiting trial.

3. The increase of the number of reformatories for juvenile delinquents and vicious boys, and also the reform of work-houses and houses of correction for vagrants and idlers.

4. The erection of penitentiaries in cantons which have only the old-fashioned prisons, which are incapable of proper transformations. Two or more cantons, it is thought, might come to an agreement to establish a penitentiary in common, or they might make arrangements with a canton which already has one, or found other establishments to be used as intermediate prisons, agreeably to the progressive Crofton prison system.

5. The special education of prison officers and employés.

6. The reform of the disciplinary and educational *régime* of the penitentiaries, with a view to the moral regeneration of the prisoners.

7. The direction and supervision, not only of the administration of all the prisons, but also of preventive institutions, (such as public assistance, orphan-houses, agricultural colonies, refuges, patronage societies, &c.) in the hands of special officers of the government.

8. The united action of the state and voluntary philanthropic societies and societies of public utility.

9. Finally, the perfecting of all institutions whose aim is the prevention of crime, whether in the domain of education, social condition, &c., or that of police and of justice.

§ 9. The tendency of thought in the United States on the question of prison reform is toward the Crofton system, which, in proportion as it is understood, is, year by year, gaining friends and adherents. No State has yet introduced it fully, or even its main features; but it can hardly be many years before this will be done. No doubt some injustice has been done in the United States to the cellular system, but the introduction of the Crofton plan may permit us to use the more desirable features of that system. The great evil in our minor prisons and in many of those of the higher grade is that there is no system at all, but a mixture of routine and caprice in the prison administration, from which good results can come only by hazard or by miracle. Particularly is this true in regard to female prisons, and in the whole United States there is scarcely a single good woman's prison. Considering the number and excellence of our reformatories for girls, this is the more astonishing. Efforts are making in several States to establish special prisons for women, which will no doubt prove successful in the end; and, in some, the day for this reform hastens.

## CHAPTER XV.

## JUVENILE REFORMATORIES.

Most of the sets of questions sent out did not, through a mischance in the office where they were printed, contain any interrogatory relating to juvenile reformatories. This fact will account for the small number of countries which furnished the congress with information on this most important branch of the work looking to the prevention of crime.

§ 1. In Denmark there are three educational establishments for neglected and misguided boys, with an aggregate of about one hundred and sixty inmates. Besides these, there is a society which undertakes to have children placed in families. The latter has worked with great success.

§ 2. Saxony has had, for above a generation, two reformatories for the education and reformation of children of both sexes, besides a house of correction for young persons aged from sixteen to twenty years.

The industrial occupation in these houses is agriculture, but mechanical occupation for the wants of the reformatory itself is not excluded. The admission of children takes place mostly at the request of their relations, of societies, or of police authorities, who are asked to contribute a small sum of money. Children up to twelve years, and young persons up to eighteen years of age, are placed under this reformatory treatment. According to age, school-instruction, occupation in the field and garden, and domestic work are the means of education. At the proper time, those promoted for good conduct are first sent into agricultural or domestic service, or apprenticed to tradesmen, under proper supervision, by the authorities of the reformatory. Conditional liberation must, as a rule, precede complete freedom. Well-disposed inmates of the reformatories, of the age of less than twelve years, are sent to board in carefully-chosen families, the reformatory paying for the board. Even these have to undergo a period of conditional liberation before attaining full freedom. The term of probation for children is at least two years; that of young people, one year. The results obtained in these reformatories, since 1856, have shown that such as were liberated after a probationary period, and who on account of relapse were sent again into the penitentiary, amounted to only 7 per cent. Reformatories and houses of safety, (asylums,) established and supported by societies or by associations, endeavor to reform neglected children by giving them domestic discipline and separate or public schooling. They mostly keep the children till they are fourteen years of age. Unmanageable children are sent for further education to the above-mentioned state reformatories. The number admitted into the state reformatories amounted, in the year 1871, to three hundred and forty-five children and to thirty one young persons. The number of inmates in asylums, &c., during the year 1871, is estimated to be about two hundred.

§ 3. The establishments devoted to the correctional education of juvenile delinquents in France receive minors of sixteen years and under, of both sexes. They are divided, for young male prisoners, into penitentiary colonies and correctional colonies. In the first are placed: 1, children acquitted as having acted without knowledge, but who are not sent back to their parents; 2, young prisoners sentenced to an imprisonment of more than six months and not exceeding two years. These establishments are public or private: public when they have been founded by the state, and the state names and pays the directors and employés; and private when

they are founded and directed by private persons, with the authorization of the state. The correctional colonies receive: 1, young prisoners sentenced to an imprisonment of more than two years; 2, young prisoners from the penitentiary colonies who have been declared subordinate. The correctional colonies are all public establishments.

A similar classification has been established for young female prisoners. They are received either in a correctional ward directed by the state, or into penitentiary houses connected with religious establishments. Of penitentiary and correctional colonies for boys, the number is thirty-two, three being public colonies, four correctional wards, and twenty-five private colonies. Of establishments devoted to young female prisoners, there are twenty, one of which is directed by the state; the rest are private.

§ 4. The number of reformatories in Italy is thirty-three, of which twenty-two are for boys and nine for girls. They are rather of an educative than punitive nature. They are entirely private in their character, having been instituted either by individual benevolence or by charitable associations. Government makes use of them for those juveniles who fall under the censure of police-law (*pubblica sicurezza*) for idleness or vagrancy; also, for the detention of those who are placed in them for correction by paternal authority. Of these establishments, twenty-five are industrial and six agricultural. Their discipline not being as severe as that in the houses of custody, government makes use of them also as a reward, gathering into them those minors who, having been overtaken by penal law, have shown an exemplary behavior.

The average number of juveniles sheltered in the reformatories in 1870 was 2,268, of whom 1,895 were boys and 373 girls. The total number on the 31st December, of the same year, was 2,465, of whom 2,066 were boys and 399 girls, thus classified: For idleness and vagrancy, boys, 1,931; girls, 399. Paternal discipline, boys, 135; girl, 0. Parents are under no obligation to provide for the maintenance of a child who is confined in a reformatory for idleness or vagrancy; but when a father places him in one of these establishments for correction, the state charges him with 36 cents per day. He is, however, exonerated in part or entirely from his charge, if he can prove himself indigent.

§ 5. The number of reformatory institutions in Switzerland destined to the treatment of juvenile delinquents is seventy, besides certain establishments founded by Messrs. Richter-Linder, Zellweger, and others, the number of which is not stated. Only four of these have been founded by the state; all the rest by charitable citizens, by societies of public utility, or by religious and philanthropic associations. The average number of inmates in these establishments in 1870 was 2,573, of whom 1,472 were boys and 1,101 girls.

§ 6. The first American reformatory, and still the largest one, was the New York House of Refuge, opened in 1825. It grew out of the efforts made by Edward Livingston and other enlightened philanthropists, to train the young in cities to a life of honest industry. In 1826, a similar reformatory was opened in Boston; and in 1828, another in Philadelphia. All these establishments received boys under sentence, and were supported, in whole or in part, by grants from the public revenue. They were not managed by the State directly, however, nor did they become a component part of the penal system of the State where they existed. The first step in this direction was taken by Massachusetts, in 1847, when the State Reform School at Westborough was established by law. Since 1847—that is, in the last twenty-five years—the policy thus initiated has been carried far forward, and is now adopted in more

than half the States of the Union. Reformatories, either wholly dependent on the States or materially aided by them, exist now in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, District of Columbia, Iowa, Illinois, Indiana, Minnesota, Michigan, Wisconsin, and California, while other semi-public reformatories, under municipal or private management, are found in these States, and in Missouri, Kentucky, Louisiana, &c., that is, in States containing an aggregate of at least 25,000,000 people. The number of large reformatories in these States must exceed forty, while the smaller establishments are still more numerous. The average number of reformatory pupils, in 1871, cannot have been less than 12,000, of whom more than 1,000 were girls; nor does this include the strictly educational or preventive establishments, like the State Primary School for poor children, at Monson, Massachusetts, the Boston Farm School, and many other such schools, in which it is probable there are as many more children, (say 12,000,) in all parts of the country.

The general results of these reformatory and preventive schools are good, as has been intimated. Of the estimated 12,000 in reformatories, strictly so termed, at least 60 per cent. will probably be trained into good citizens. Some would claim more than this, say 75 or 80 per cent., but there are no statistics that quite bear out this claim. Perhaps the percentage of worthy citizens trained up among the whole 24,000 in preventive and reformatory schools would be as high as 75.

In some of the States, parents *may* be held responsible for the support of their children in reformatories, at least in part, but this provision of law is seldom enforced. A large majority of the children are either orphans, abandoned children, or of such poor parents that little or nothing can be collected from them. In some of the private Catholic reformatories, it is understood that the payment of board by parents and kindred is strictly enforced, so far as practicable. There is, however, far less desire to throw children on the public for support, in this manner, in America than in England or France.

§ 7. An extended and very satisfactory paper on the reformatory system of Great Britain was furnished by Rev. Sydney Turner, inspector of reformatory and industrial schools. The substance of this paper, slightly modified, is given below.

The reformatory system of Great Britain was not created by the laws which now regulate its operation, but was itself the occasion and source of those laws. The condition of the younger classes of criminals engaged the attention of many persons interested in the social improvement of the community for many years before any changes were effected in the laws relating to them. It was not until the efforts of private zeal and benevolence had shown, by actual experiment, that reformatory schools could be established and worked successfully, that the legislature was induced to pass the acts which gave such schools their present recognized status, sanctioned their being largely supported by the government, and allowed magistrates to send children for detention in them.

About a century ago a charitable association, called the Philanthropic Society, founded a school for the reform of juvenile delinquents and for the protection and training of the destitute children of convicts, in the neighborhood of London. This was followed at a later period by two or three somewhat similar institutions in London and elsewhere, of which one, a small school at Stretton-on-Dunsmore, in Warwickshire, was remarkable as the first at which it was attempted to ingraft farm and out-door labor into the industrial training of the inmates.

In 1838, an act was passed for the establishment of a separate prison

for offenders under the age of sixteen, at Parkhurst, in the Isle of Wight. Land was attached to this for cultivation by the inmates, and the discipline was intended to be of a specially educational and reformatory character. By a clause in this act, the Queen was empowered to grant pardons to such young offenders as might be desirous of an opportunity of reformation, *on condition* of their entering some benevolent institution of the reformatory class, remaining in it, and being subject to its regulations till duly discharged therefrom. Under this clause a considerable number of young offenders under sentence of transportation or imprisonment were received into such reformatory institutions as then existed.

In 1847, the attention of the managers of the Philanthropic Society was drawn to the remarkable effort of Monsieur Demetz and others in France, for the establishment of an agricultural reformatory, without walls or sentries, for French juvenile delinquents, at Mettray, near Tours. Being then the superintendent or director of the Philanthropic Institution, Mr. Turner visited Mettray, reported on its arrangements and system of management, and induced the directors and supporters of the society to attempt a similar experiment in England. The Philanthropic Farm School at Redhill, Surrey, which Mr. Turner thus established and organized, and which he directed until appointed, in 1857, to the office of inspector of reformatories, was the fruit of this movement. It was followed by smaller schools on similar principles of domestic management—absence of walls and warders and the use of out-door employment—founded by Mr. Barwick Baker, at Hardwicke, in Gloucestershire; Mr. Adderley and Mr. Joseph Sturge, near Birmingham; Mr. Compton, in Hampshire; and Miss Carpenter, at Bristol.

The additional impulse thus given to the public interest in the question "how juvenile delinquency should be dealt with" led to the assembling of a conference at Birmingham of those most interested in the subject in 1853, and the results of this were the reformatory schools act for Great Britain and the industrial schools act for Scotland of 1854.

Under the first of these, which was brought in by Mr. (now the Right Honorable Sir Charles) Adderley, the secretary of state was empowered to license reformatory schools approved by him and to make an allowance for the maintenance of the young offenders committed for detention in them. Powers were given to courts of assize and quarter sessions, and to two magistrates acting in petty sessions, or to any stipendiary magistrate, acting alone, to commit young offenders, under sixteen years of age, to such schools for any term of detention, not less than two nor more than five years. The managers of the schools were invested with the necessary powers of control, and the inspection and general supervision of the schools by the secretary of the home department were provided for.

Under the second act, introduced by the late Mr. Dunlop, destitute and vagrant children, under fourteen years old, in Scotland, were similarly provided for in industrial and ragged schools. Such schools were partly under the supervision of the committee of education of the privy council and received what government aid they had from the education-grant.

In the same year, 1854, a special act was obtained by the magistrates of the county of Middlesex, enabling them to erect an industrial school for that county, (including the greater part of London,) to which young offenders under fourteen years of age might be committed for three years' detention. The school erected under this act has since been certified under the general act of 1866.

A most valuable provision in both the acts allows of the inmates of the schools being placed out on probation before the expiration of their sentence of detention under a license from the managers of the school, liable to be revoked for misconduct.

The prison authorities of counties and boroughs are empowered to contribute to the schools by grants from the county or borough rates. Such grants in 1870 exceeded £40,000. The schools are in general more or less aided also by voluntary contributions.

The results of both the reformatory and the industrial schools have been very encouraging. In many schools of either class 80 per cent. and upward of the inmates have turned out well after their discharge, and the general average for all has reached nearly 70. These results are taken from the returns which the managers of each school have to make for the three years succeeding each inmate's discharge of his or her character and circumstances. They would certainly be still more favorable if there were more effectual powers in the acts for restraining the after-interference of the child's friends and relatives.

The results of the operations of the reformatory and industrial schools must not, however, be judged of only by the proportion of those received into them who turn out afterward honest and industrious, reformed from the criminal habits or weaned from the vagrant disorderly dispositions with which they were growing up to be dangerous in themselves and instruments for corrupting others.

The results are seen still more decisively in the diminution of the numbers of the younger classes of criminals and the lighter character of the crimes with which our juvenile offenders are now more commonly convicted.

In the year 1856, when the reformatory school system began to be in more active operation, the number of juvenile offenders (*i. e.* boys and girls under sixteen years old) committed to prison (for the twelve months ended September 29) was 13,981; in 1858, when the system had spread and taken root, the number sank to 7,622; and in 1870, in spite of the very large increase of our population, and especially of the population of our larger towns, from which juvenile crime draws its most numerous recruits, the number of young offenders committed was but 9,998, the number of adult commitments having advanced from 99,755, in 1856, to 147,225, in 1870—an increase of above 50 per cent.

There is no doubt that the reformatory school system, laying hold on and placing under long corrective discipline and training the boys and girls who had become familiar with crime and adepts in its practice, not only in a majority of cases reformed the individual, but broke up those *schools* of crime and vice which were becoming so formidable. The change in the type or character of the young offenders themselves, who are laid hold of by the system, is as remarkable as the falling off in their numbers. The clever, experienced pickpocket, with his five or six satellites or apprentices, convicted, perhaps, six or seven times, and laughing at the offers of repentance and the opportunities of honest life offered to him, has disappeared. The inmates of the reformatories are now chiefly untrained or ill-trained children, with little criminal science, and generally much more dull and indolent than sharp or active, the products of neglected education and loose home discipline rather than of criminal training or of special criminal disposition.

The results of the industrial schools so far tend in the same direction, the extinction, that is, of the vagabond and half-thievish class they were originally designed to deal with, and the substitution in its stead of wretchedly poor and neglected children, a large proportion of whom might

be effectually cared for by a good system of day-feeding schools—schools in which they might be kept throughout the day, so as to be taken out of the streets, and the oversight and training supplied which the circumstances and employments of their parents prevent them from receiving at home.

The whole number of young offenders committed to reformatory schools since the passing of the first reformatory schools act in 1854 amounted at the end of 1870 to 21,991 in Great Britain, and, of children sent to industrial schools, to 14,451.

The reformatory schools act was amended by successive statutes in 1855 and 1856, and an industrial schools act was passed for England in 1857 and amended and enlarged in 1861. By this last act industrial schools for both England and Scotland were placed under the home office, and an allowance for the maintenance of the inmates from the treasury, similar to that given to reformatory schools, provided for. In 1866 the reformatory and industrial schools acts, now in force, were passed, and the system now in operation finally sanctioned and defined, similar but separate statutes being enacted for Ireland in 1858 and 1868.

Under these acts, the number of reformatory schools in Great Britain had increased by December 31, 1870, to 64, containing 5,433 actual inmates, and that of industrial schools to 91, containing 8,280 inmates. Adding to those the numbers who were out on license or absent by desertion, &c.; the total number of young offenders under sentence of detention in reformatories was 6,562, and of children sent to industrial schools was 8,788.

The distinction between reformatory and industrial schools is that the first are more directly for correction and the second for prevention. No boy or girl can be committed to a reformatory school unless convicted of some positive offense, punishable by imprisonment or penal servitude, and sent in the first instance for not less than ten days to jail. They must be under sixteen years of age and above ten years, unless previously convicted or sentenced at a superior court.

On the other hand, the industrial school is for destitute and vagrant children, found begging or wandering, without home or visible means of subsistence or proper guardianship. Such children must be under fourteen years old, and they are sent direct to the school, and do not pass through the jail. Children uncontrollable by their parents can be sent to them on their parents' application, but for such children the treasury allowance is limited to two shillings per week. Children under twelve years old, who are guilty of any petty offense, can be also sent to them, instead of being committed to prison and a reformatory, at the magistrate's discretion.

The allowance from the treasury for inmates of reformatories is six shillings per week; for inmates of industrial schools above ten years old, five shillings; under ten years, three shillings. For the year 1870 the total amount of the treasury payments was £177,384, the total expenditure of the schools being £311,794.

The fundamental principles on which the reformatory system is based are thus stated by Mr. Turner:

1. *The union of private and benevolent agency with government supervision and support.*

All the reformatory schools, and, with two exceptions, all the industrial schools now in operation, have been established and were at first materially supported by voluntary contributions. Many of them still derive a portion of their income from private sources, and all are man-

aged by committees or individuals appointed by the subscribers and contributors by whom they were founded.

The government interferes as little as possible with the ordinary superintendence, prescribing certain regulations as to the lodging, clothing, and feeding of the inmates of the schools, and as to the instruction they receive and the discipline they are subjected to; but leaving all the details of the management, the appointment of the officers, the admission of inmates, the expenditure, &c., to the committee. The state may be said to contract on certain terms with the several institutions for the work which it wants done, and so long as the work is fairly performed it exercises no further interference.

Important advantages accrue from this arrangement. A far greater degree of freedom and elasticity is secured to the working of the system; much of the merely mechanical routine which is inseparable from government establishments is dispensed with; the schools are more thoroughly adapted to the different localities they are planted in; a greater variety of moral and social influences is brought to bear upon their inmates; religious interest and zeal, without which little impression can be hoped for, are enlisted; and *economy* in the *expenditure* and *efficiency* in the *industrial training* of the schools are more thoroughly insured. Two advantages, not otherwise attainable, are especially secured: the one, the freedom of the religious teaching of the inmates; the other, their disposal in the world when discharged from the schools.

If the state founded and administered the schools, what is called the religious difficulty would be met with at the very outset, and each differing section of the religious community would be struggling for the assertion of its own peculiar views and practices, or protesting against those of others. But all this is avoided by the employment of the voluntary system under government supervision and through government aid.

Reformatory or industrial schools may be established in connection with any of our different religious bodies, and, in point of fact, we have schools founded and managed by Presbyterians, Roman Catholics, and members of the Society of Friends. But the law secures the religious rights and liberties of the children by enacting that, if the managers of any school receive a child of a different religious denomination from that of the school, they shall allow a minister of the child's denomination to attend and instruct it, and the rules, which are sanctioned by the secretary of state, prescribe that such a child shall not be required to learn the catechism or to be instructed in the doctrines of any other persuasion than its own. The same rules provide generally that the children in the school shall receive daily religious instruction agreeably to the denomination of the school, and shall have regular opportunities of worship on the Sunday.

The other advantage following the mingling of public and private agency in the reformatory system is the better and easier disposal of the inmates on their discharge. If the schools were administered by the state, it is believed that they must inevitably take more or less of the form and complexion of prisons, and the boys and girls discharged from them would be looked on with the same sort of distrust and suspicion that attach to discharged convicts.

2. *A second essential principle of the English reformatory system is the use of moral in preference to physical discipline.*

The institutions are organized and carried on essentially as *schools*, not houses of confinement or correction, the greatest degree of personal liberty and freedom of action being allowed that is compatible with real personal supervision and the exaction of prompt and strict



obedience. Most of the reformatories are founded on the plan of farm-schools, with agricultural labor as the chief employment. There are no walls, no warders, no sentries. The men who have charge of the working parties usually work with the boys, guiding and instructing them in their labor, while they overlook them and report on them as to their conduct. The boys are taught to hold themselves responsible, and to regulate their own conduct as far as possible by a system of rewards (or marks) for labor and improvement, and fines for misconduct and idleness, which they are fully acquainted with, and by acting on which they can increase the comforts of their position, avoid punishment, and effectively advance their final liberation. Every inmate of a reformatory or industrial school is allowed free communication with his relatives, and, if they are of tolerably good character, is allowed from time to time to visit them. The cases in which this privilege has been abused and advantage taken of the leave to abscond from the school have been and are very rare indeed.

3. *It is an essential characteristic of the reformatory system that the schools have a thoroughly religious character.*

There are none of the class called *secular*. Religious teaching is an essential feature of the instruction. The superintendents have hitherto been generally personally religious agents, capable of taking, and accustomed to take, an active part in the scriptural instruction and daily worship. In the majority of the schools, the Bible is the recognized source and chief instrument of the religious teaching, the catechism not being required.

4. *Great stress is laid on the industrial training.*

In the reformatory schools more especially, regular daily labor in the field or workshop, or for girls in the laundry, the house, or the needle-room, is insisted on; the working-time being generally from six to eight hours per day. The employments of the inmates in industrial schools are necessarily less laborious, the children being usually much younger, but the same principle is kept in view, that, as the evil to be cured has been always more or less the result of idleness and license, the remedy must especially prescribe and provide for labor and exertion, and the self-restraint which these require.

5. *The importance of supervision and occasional assistance after the inmates have left the schools, and while they are making good their footing in the world, is fully recognized.*

They are, as a rule, carefully kept in view and reported on, and, where necessary, aid afforded them. The differences which the annual reports and returns show in the success with which the operations of the schools have been conducted may generally be traced, more or less, to the different degree in which this after-supervision has been maintained.

6. *It is a fundamental principle of the system that the responsibility of the child's parents to provide for its maintenance and training should be enforced.*

This is a feature peculiar to the system as carried out in Great Britain, and has, undoubtedly, materially secured it from becoming a source of injury to the community at large.

The parents of each child committed to a reformatory or industrial school (if it has any alive) are summoned before a magistrate, their circumstances inquired into, and a payment toward the child's maintenance enforced, proportioned to their means in every possible case. The acts allow of this payment being assessed as high as five shillings per week, but, as a rule, the contributions are rarely higher than from one to three shillings. In a large number of cases, especially as regards the

children in industrial schools, the parents are too poor to pay; many are widows, themselves almost wholly destitute, and such are, of course, excused. Many of the children are also orphans. But a very considerable proportion of parents are brought under contribution, and the amounts thus obtained have steadily increased, and now reach nearly £10,000 a year. The enforcing of these contributions is a part of the business of the inspector, who has a staff of assistants appointed for the purpose. It is chiefly carried out through the police authorities of the district in which the parents reside, by whom the payments are received and transmitted to the inspector, to be paid over to the treasury.

The justice and necessity of this part of the system are evident. No parent has a right to escape his share of the penalties of his child's misconduct, too often the fruit of his own neglect or dissolute conduct; and but for some such check, the temptation to the parent of shifting the burden of his child's support and education on the public would increase the number of candidates for reformatory training faster than the means of providing it could be supplied. The disease would be spread by the very means employed to remedy it, and the charge on the treasury, that is, eventually on all classes of tax-payers, would become insupportable. It is held in England that no system of reformatory training can be adopted with justice or safety to the community at large in which this element is omitted.

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## CHAPTER XVI.

### STATE OF PRISONS IN SUCH OF THE BRITISH POSSESSIONS AS WERE REPRESENTED IN THE CONGRESS.

Reports on prison discipline as it now exists in India, Ceylon, Victoria, and Jamaica were submitted to the congress by delegates present from those countries. They were, however, not framed on the same plan as the reports whose substance has been given in the preceding chapters, and the information contained in them could not, therefore, be embodied with that furnished by said reports. A separate chapter is, consequently, devoted to a *résumé* of their contents.

§ 1. *India*.—Little special legislation has been given in India to prisons and prison systems. Prison regulations have been made, for the most part, without any direct sanction of law. Of the few prison acts which have been passed, none lays down any broad principles of prison discipline. One of them, however, that of 1834, contains some important provisions: it abolishes corporal punishment, substitutes fines in certain cases for labor, and empowers the government to introduce by degrees a reformatory prison discipline.

Nearly every presidency and province of India has its own special jail code. That of Bengal provides for a system of rewards to be given to well-conducted prisoners. There has also been established, for all India, a system of remission of sentence in reward of good conduct.

In the whole of India there was, in round numbers, in 1870, a daily average of 64,600 prisoners, including the life-convicts at Port Blair. There were, in the same year, two hundred and twenty eight jails and an indefinite number of lock ups. Of these prisons two are entirely cellular; the remainder are built on every conceivable plan, a large number of them being miserable mud-structures, which are constantly

washed away by heavy rains. In most of them male and female prisoners are separated at night. All work is in association, with the exception of cases of disciplinary punishment. There are sixteen central jails, intended for prisoners sentenced to an imprisonment of more than a year, but this intention is not rigidly observed. There are no reformatories, and but two special prisons for women. Until recently there were no female warders, and even now they are not found in all the jails. Prison officers, as a rule, are incompetent, corrupt, and underpaid, and no systematic effort is made to remedy this state of things. The annual cost of prisoners *per capita* is about \$30. Economy is practised at the expense of efficiency. Greater attention is paid to the diminution of expenditure than to the carrying out of any sound and sensible system of prison discipline.

There is little cell-accommodation—scarcely enough for the punishment of breaches of prison regulations—nor is there any system of classifying the prisoners of any practical value. No general measures of reform are possible till this state of things is remedied.

Imprisonment for debt still exists in India, but separate accommodation is provided for imprisoned debtors, and they are in all respects treated with humanity and a due consideration of their rights and necessities.

Much attention has recently been paid in India to prison statistics and the results obtained form the most reliable collection of facts in existence relating to the civil state of the British Empire in the east. The information gathered is divided into three categories—judicial, financial, and vital—and under each head a few of the most salient points of interest are noted. The vital statistics of the prisons of Lower Bengal since 1867 have been drawn up in the manner suggested by Dr. Farr, the president of the Statistical Society of London, than whom no higher authority exists. They show the average number of prisoners in custody, the number and causes of deaths, sickness and death-rates, average terms of sentence, duration of imprisonment, &c., &c. In addition, the Bengal returns contain facts connected with age, sex, caste, religion, occupation prior to and during imprisonment, sentence, dietaries, state of health on admission and discharge, and the locality of imprisonment in its influence on sickness and mortality.

Originally the chief occupation of prisoners in India was extramural, either in making imperial roads or in station-improvements. Subsequently remunerative industrial labor was introduced, and each prisoner had a task assigned him equal in amount to that performed by a fairly skilled artisan of the same class. It is sought to make it as much as possible an instrument of reformation, which is accomplished by teaching each convict some handicraft that will enable him to earn an honest living on his release, and by inculcating habits of industry that will counteract the idleness that is the proximate cause of much of the vice that leads to crime.

Industrial labor is the basis of the Indian system, although within the last two years out-door work has been revived, and large gangs of convicts are now employed on the canals; a system which, on moral grounds, must be considered a retrograde measure.

Prison dietaries in India have been arranged with a view to giving all that is really required for health and strength, and withholding everything that would place the prisoner in a better condition than the poor and honest in his own walk of life. The hospital dietary is unrestricted. A *penal* dietary, for serious breaches of prison discipline and for short-term prisoners, has also been introduced. The other punishments en-

ployed for prison offenses are fetters, separate confinement, flogging, and penal labor. Separate confinement cannot always be resorted to, on account of inadequate cell-accommodations, so that flogging is employed to an extent that is lamentable.

Education—*i. e.*, instruction combined with moral and religious training—is unknown in Indian jails. Religious acts and observances are practically forbidden to native prisoners, for whom no ministrations are or can be provided. Christian prisoners have the aid of pastors, and other prisoners may obtain similar aid on application. Proselytizing by Christian missionaries is, however, peremptorily prohibited. For secular instruction no special provision is made, though much has been done by zealous individual officers in the way of primary instruction.

One of the chief peculiarities of Indian prison management is the employment of convict agency. The small salaries allowed render it difficult to procure suitable persons as prison keepers. This led to the trial, many years since, of well-behaved, long-term prisoners in this capacity. So successful was the experiment that the practice has now been extended to the whole of India, special provision for it having been introduced in all the jail codes. As a reward for good conduct and strict obedience to prison rules, all convicts whose behavior has been exemplary throughout, and who have completed the prescribed term of hard labor, are eligible for the offices of convict-warder, guard, and work-overseer, which offices can never exceed 10 per cent. of the criminals in custody. The financial and reformatory results of this system have been satisfactory. It teaches self-respect and self-control, and few prisoners who have held such offices have relapsed into crime.

There are no prisoners' aid societies in India. In the large stations, a few philanthropic individuals occasionally interest themselves in the matter, but the constant changes in Indian society have rendered continual and combined action impossible. Convict artisans, trained in jail, find no difficulty in obtaining employment, and few who have attained any degree of skill ever return to prison.

The governors of provinces and the viceroy of India possess absolute power of pardon, but such powers are never exercised without careful inquiry and grave deliberation.

To nearly every prison is attached a garden, wherein are raised the vegetables and fruit required for prison consumption, any balance over and above the prison wants being sold. The chief object of the garden, however, is to counteract the scorbutic tendency of sedentary employment in work-sheds, by affording a wholesome amount of out-door occupation in useful directions.

§ 2. *Ceylon*.—The principal prison upon the island in Ceylon is that at Wellikada, an account of which was prepared for the congress by Mr. H. J. Duval, inspector-general. Here separate confinement with rigorously penal labor is enforced during the whole term of short sentences and the first six months of long sentences. Long terms of imprisonment are divided into three stages, called, respectively, the penal, secondary, and upper stage.

On admission, every prisoner is placed in the penal stage, there to pass the first six months, in the case of a long sentence, or the whole term, in that of a short one. No part of this stage is remissible, but it may be prolonged by misconduct. This stage is found to exercise a most beneficial influence in subduing the prisoners, and preparing them for the next. In the case of short-term men, it is highly deterrent.

At the termination of the penal stage, prisoners are removed into the secondary or industrial hard-labor stage. Here the mark system begins.

Each convict is debited with a number of marks corresponding to the number of days in his sentence, minus the first stage. By industry and good conduct, he may earn nine marks per week, and this maximum continued will close his mark account at seven-ninths of the period, the remaining two-ninths being remitted. If he earn only eight marks weekly the reduction of time is only one-ninth.

Breaches of discipline are rare. The punishments employed are forfeiture of marks, a return to the penal stage, and flogging, which latter, however, is never used except in cases of mutiny, and the number of lashes never exceeds twelve. The wholesome dread of a return to the penal stage is usually sufficient to stimulate the convicts to industry and obedience. In this stage, they are employed at such hard labor as they may be fitted for by their previous habits and occupation in life, the object being to make their labor as productive as possible.

Religious instruction cannot possibly be general in a country settled by many races, professing a multitude of religious or superstitious creeds. At the large prisons, the ministers and native catechists of various missionary bodies hold service on Sunday, but attendance on these ministrations is optional with the prisoners. Native school-masters also give instruction in the vernacular languages on each Sunday afternoon; but, attendance at school being optional, few avail themselves of the offered instruction, the great majority preferring to spend the day in idleness.

The third or upper stage is a privilege awarded only to the few. Prisoners who have served at least two-thirds of their sentence, and who have, while in the industrial stage, distinguished themselves as good prisoners and skillful workmen, are promoted to be prison constables, their duties being to assist the subordinate officers in the maintenance of order and discipline in the prison. When employed on public works, they act in the capacity of foremen, being generally selected with a view to their fitness for such work. While holding this appointment, they are credited with one rupee per month, which is paid to them on discharge from prison.

§ 3. *Jamaica*.—On the island of Jamaica there are four classes of prisons: 1st, the general penitentiary; 2d, county jails; 3d, district prisons; 4th, short-term prisons. To the first of these establishments are sent all convicts whose term of sentence exceeds twelve months and all soldiers and sailors condemned by court-martial. The labor is both penal and industrial. The tread-mill is made slightly remunerative by being attached to a mill for grinding corn. Prisoners, when not at work on the tread-mill, are employed in quarrying and cutting stone, and as brick-makers, lime-burners, carpenters, coopers, masons, blacksmiths, tinsmiths, tailors, shoe-makers, &c., under the instruction of competent tradesmen employed for that purpose, and supervised by an intelligent overseer of works from England. The convicts work in association, but in silence. The women are employed in the domestic work of the prison and in picking coir.

The diet is designed to keep the prisoners in good health, but without pampering them. The cost per diem for each convict during the past year was a little more than 3½d.

A clergyman of the church of England is employed as chaplain, but all prisoners are allowed to see the clergy of the denomination to which they may belong.

The reward for good conduct, awarded to all prisoners except recidivists and those guilty of a peculiar class of crimes, is promotion to the "license-class," a position much coveted, and to which a convict is eligible after having satisfactorily served half his time. This promotion carries with it a remission of one-fourth of the original sentence.

The punishments employed in the case of males consist of degradation from the "license-class," solitary confinement on bread and water, and, in exceptional cases, the cat, which, however, is never administered except with the approbation of the governor of the island, to whom is sent a full statement of the case. The only punishments for women are solitary confinement on bread and water and degradation from or denial of admittance to the license-class. This degradation, whether in the case of men or women, involves the loss of all the time earned by the prisoner through good conduct. So wholesome a dread is felt by the convicts of this penalty that it has not been found necessary to inflict it in a solitary instance during the last two years.

The county jails are used chiefly for the confinement of debtors and persons awaiting trial. They are employed as places of punishment only for misdemeanants. No labor is carried on.

In the district prisons (five in number) are confined prisoners whose sentence does not exceed twelve months. The inmates are visited daily by a government medical officer, and by the inspector of prisons not less than once in three months. The magistrates of the parish also act as official visitors, and have power to inflict punishment—*i. e.*, to sentence to solitary confinement on bread and water. The nearest clergyman acts as chaplain on Sundays. The prisoners are confined in association wards, the only separation being that of the sexes.

The short-term prisons (of which there are also five) are designed to supplement the district prisons, by obviating the necessity of sending petty criminals twenty or thirty miles to undergo a sentence of a few days' duration, the whole of which was before their establishment sometimes occupied in making the journey. Prisoners may be received into these prisons for periods not exceeding sixty days. They are supervised by a sergeant of constabulary, whose wife acts as matron, and by a taskmaster. They are employed on the main roads breaking stones and picking coir.

The inspector-general of prisons on the island, Mr. Shaw, in the paper submitted by him to the congress, of which this section is an epitome, calls attention to the very marked falling off in the number of crimes committed by women, the decrease since 1864 having been 70 per cent. This reduction he attributes to the fact that, in 1864, orders were given to have the hair of women sentenced to hard labor cut close; immediately the decrease commenced. A negro woman prizes nothing so highly as her hair, and it is a common practice for many of them to have their hair cut off before trial, and kept for them until their release, when they fasten it on again. Those who are less provident sedulously seclude themselves until their hair has grown.

Mr. Shaw says that after considerable experience with prisoners, and having paid much attention to all that has been said and written on the practicability of deterring people from crime, he is compelled to confess that he knows no preventive measure so efficacious as cutting off the hair of negro women.

§ 4. *Victoria*.—There is but one convict-prison in Victoria, which is for males only. The officers are appointed by the governor in council, to hold office during good behavior, and after service they have retiring gratuities and yearly pensions.

The prisoners are divided into six classes and may earn a remission of a portion of their sentence by good conduct. Those in the first class are kept in strict separate confinement, eating, working, and sleeping in their cells; those in the second, third, and fourth classes labor in association, but are separated by night; in the fifth and sixth classes they

are employed on public works, receiving rations of tea, sugar, and tobacco, besides being allowed a gratuity amounting to 2*d.* a day in the fifth and 6*d.* per day in the sixth class. The punishments employed are solitary confinement and extension of the term of imprisonment. Resort is never had to corporal punishment. The prisoners do not wear the parti-colored dress, the effect of which is believed to be merely degrading.

There are four chaplains connected with the English, Roman Catholic, Wesleyan, and Presbyterian churches, each of whom holds one service every Sunday. A schoolmaster instructs all the prisoners in reading, writing, and arithmetic for one hour every day, and facilities are afforded for the study of grammar, geography, and the elementary mathematics.

There is no strictly penal labor, nor is the prison labor let on contract. The chief kinds of work are quarrying, building, shoe-making, tailoring, carpentering, weaving, and mat-making. The value of the labor performed has averaged during the last five years about \$85 per head, exclusive of work done for the prison itself. The average annual cost *per capita* in excess of this sum, including food, clothing, and a proportionate share of the salaries, besides the estimated rent of the prison-property, has been about \$12.

No supervision is maintained over discharged prisoners, nor is any interest taken in their subsequent career.

The county jails are divided into two classes, one class being under the charge of the penal department of the government, the other under the police; about six months in the former, in the latter a few days, is the average sentence. In none of the jails is there penal labor, and in the police jails there is no labor of any kind. The prisoners work in association, and the average annual net earnings *per capita*, exclusive of any portion allowed to the prisoner himself, have been during the last five years about \$18. The shortness of the sentences (nearly one-half being for less than a month) prevents any permanently reformatory results.

There are three reformatories in Victoria, two of which are wholly, and one partially, supported by the state. As far as practicable the children's parents are required to contribute to their support; but the amount received from this source is insignificant. The limits of age within which children are received are eight and fifteen.

The boys are employed in tailoring, shoe-making, carpentry, sail-making, and seamanhip. The girls perform the domestic work and are instructed in needle-work. The products of the inmates' labor are not sold, the work done being entirely for the use of the institution.

In nearly every case the children obtain a situation or are sent to their parents. In the latter case they are no longer under the care of the institution. When licensed to employers they are considered still under its control, and may be returned to it if not doing well.

Prizes are given for proficiency in school and in labor, and early discharge to service for good conduct. Those who distinguish themselves in this particular are appointed monitors, captains of messes, &c. The punishments are extra drill, privation of food for short periods, and corporal punishment, not exceeding twelve stripes, on hand or breech.

Record is made of the children's conduct while in the institution, and also after their discharge, as far as it can be ascertained.

## PART SECOND.

### WORK OF THE CONGRESS.

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#### INTRODUCTORY.

It is obvious, on the slightest reflection, that a body like the Congress of London, coming together from so many different countries and composed of members having little previous knowledge of one another, and ignorant especially of each other's opinions on the questions which they had met to consider, would be ill-suited to intelligent, harmonious, and, above all, effective work, without some carefully prepared chart to guide them in their labors. Impressed with this idea, the national committee of the United States had embodied in its final circular letter, addressed to the national committees of other countries, a recommendation that an international committee, to be composed of one or several members from each country which proposed to take part in the congress, should meet in London on the 24th of June, ten days in advance of the congress itself. Conformably to this recommendation, the proposed committee convened at the time and place named, and organized by choosing the undersigned as chairman and Edwin Pears, esq., as secretary, the latter gentleman to act as such throughout the sessions of the congress. Even the international committee found itself too unwieldy a body to do the work assigned it in a satisfactory manner, and designated a sub-committee, which it named an international executive committee, consisting of one member from each country represented in the general committee. Of this smaller body, G. W. Hastings, esq., of England, was made chairman. These bodies met usually on alternate days, though sometimes on the same day at different hours, the smaller preparing the business and reporting it to the larger for a broader consideration and a final determination. The two committees thus labored assiduously at the work of arranging the programme of proceedings, and all other matters of a preparatory kind, down to the very eve of the opening of the congress. Before dissolving itself, the larger committee constituted the smaller a permanent committee, to sit every morning for the purpose of considering any questions that might arise in the progress of the labors of the congress, and especially to prepare business for it from day to day. It also named the Right Honorable the Earl of Carnarvon permanent president of the body, although, owing to the state of his lordship's health, it was understood that he would be able to preside only at the first session, when he would deliver the opening address. The arrangement resolved upon for securing a presiding officer throughout the continuance of the congress was to select a member as vice-president each day. The general committee, before its dissolution, did the undersigned the honor to name him for the first day, and left the duty to the executive committee of designating the gentleman to act as chairman for each of the succeeding days.

The programme of questions to be submitted to the congress was arranged upon the principle of considering, first, the treatment of the prisoner before conviction; secondly, his treatment during the time of



punishment; and, thirdly, his treatment after discharge. But a considerable number of questions, deemed important to be discussed at this meeting, do not properly fall within either of the above categories; besides which, the whole subject of juvenile delinquency and its treatment, and that of penitentiary systems, refuse equally the strictly logical classification indicated above. These matters are accordingly treated in three distinct chapters of the present report.

The English government had not originally given that cordial hospitality to the idea of the congress which had been extended to it by other governments, both European and American. But whatever coolness it may have shown at first was amply atoned for by the fullness and warmth of its sympathy after the congress had been organized and had gotten fairly at work. It deputed Major Du Cane, chairman of the directors of convict-prisons, to attend the sessions of the congress, and instructed him to give all possible information concerning the English convict-system and its workings. It threw open to the members every prison and reformatory in the United Kingdom, and gave instructions to their governors to afford special facilities for observing and understanding everything connected with their organization and management, even to the minutest details. His Royal Highness the Prince of Wales attended a *soirée* given to the congress by the people of London, at which members were individually presented to him, with many of whom he conversed freely, expressing a warm interest in the meeting, and in its objects and work. The lord chancellor gave a state dinner to the American judges and some other leading American delegates; and the Earl of Granville, secretary for foreign affairs, invited the entire congress to a magnificent *soirée* at his rooms in the foreign office. Several members of Parliament also, besides attending and participating in the proceedings of the congress, gave dinners or *soirées* to its members at their residences in town or invited them to their country seats in the neighborhood. The home secretary, the Right Honorable H. A. Bruce, to whose department the care of prisons belongs, attended in person one of the sittings of the congress; and, in an eloquent address to the body, he expressed the gratification he experienced in appearing before it and in conveying to it his own and the thanks of the government for having chosen England as the place of meeting, and their high appreciation of the spirit in which the members had undertaken their task; adding highly interesting statements in regard to prison work and prison reform in England, and particularly in reference to the diminution of crime in that country, as shown by the penitentiary returns received at his office during the last ten years.

As has been already stated in the general introduction to this report, the congress was opened on the evening of the 3d of July by an address from Lord Carnarvon; and on the morning of the 4th its real work began. The undersigned, appointed president for the day, opened the work of the congress with the short address which follows:

LADIES AND GENTLEMEN: Called by the kindness of the international committee to preside over this dignified assemblage, on this its first working-day, while expressing my gratitude for so distinguished an honor, I beg to offer a remark or two touching the occasion which has brought us together from so many different countries. This congress is convoked in the interest of humanity, of civilization. It is composed of thinkers and workers in one of the great departments of social science and social reform, representative men and women gathered literally from the ends of the earth. We have here representatives of governments, of prison societies, of penal and reformatory in-

stitutions, of governing boards of penitentiary establishments, of high courts of criminal jurisdiction, of police boards, of associations of jurists, of the penal law departments of universities, and of the academy of moral and political sciences of the Institute of France. There are present also many other persons who, though not belonging to either of the categories named, have long been devoted to penitentiary and humanitarian studies, and who have brought their great knowledge and their great hearts to help us in our labors. The special work of this congress is to study, and, if possible, to solve, the problems, as grave as they are difficult, involved in the treatment of crime and criminals. The congress, composed as has been explained, and embodying, therefore, representatively, the knowledge, experience, and wisdom of the world on this subject, has a great opportunity before it, great and full of promise. It is as great an opportunity as the noblest ambition could desire, but equally great is the responsibility which it brings with it; for let it be remembered that opportunity and duty are evermore correlative. God has joined them together, and man cannot put them asunder. The business of this congress, if I conceive it aright, is not to fritter away its time, strength, and zeal in minute details, and especially not to give expression to a preference for one penitentiary system over others, but to agree upon certain broad principles and propositions which may be made to underlie, permeate, vivify, and, above all, to render fruitful any and all systems of criminal treatment. We have come together to give shape, point, and practical force to a great movement in favor of penitentiary reform, may I not almost say a great upheaval of the public conscience throughout the civilized world on this subject? Let us see to it that we rise to the full height of our duty. Let us see to it that we give a wise direction, as we can hardly fail to impart a strong impulse, to the movement which I have indicated. If we do not fail in this, as I feel sure we shall not, and if we follow up our present work with some permanent organization that shall perpetuate, enlarge, and intensify its results, it seems to me not an unreasonable hope that the next fifty years will see a progress in the methods and processes of criminal treatment, and especially in the principles and application of a reformatory prison discipline, which all the ages hitherto have scarcely witnessed.

Ladies and gentlemen of the congress, let us address ourselves to our work with courage, resolution, intelligence, and, above all, with a hearty love of truth and a genuine brotherly accord, and we cannot doubt that the guidance and blessing of Heaven will attend our labors.

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## CHAPTER XVII.

### THE PRISONER AFTER ARREST AND BEFORE CONVICTION.

This question was stated in the following terms: "What should be the treatment of prisoners before conviction?" The discussion was opened by Count de Foresta, procureur-général of Ancona, Italy. He expressed himself as opposed to associated imprisonment prior to conviction, more especially in cases where there was reason to fear that a prisoner by such association might defeat the ends of justice. He thought it an absolute duty of the authorities to provide isolation for such prisoners under arrest as might desire it; and in no case should a man who

was still deemed innocent be compelled to associate with others in a prison against his will. It was, at best, a hard necessity that a man should be locked up in a jail before he was convicted of any crime.

The Rev. Mr. Collins, of Tremardale, Bodmin, thought that the frequency of imprisonments before conviction might be, and ought to be, largely reduced. The plan he suggested to effect this was that, in all cases at present bailable, a system of personal bail should be substituted for a money bail. Instead of the existing arrangement, by which a sum of money is forfeited on the prisoner's failure to answer his recognizance, he would make the forfeit, in case of his non-appearance a full day before that appointed for his trial, liability to the full penalty of the crime with which he stands charged. He thought that this would secure his attendance much more effectively than the present system of bail, since no sane man would expose himself to a certain and extreme penalty, when, by surrendering himself, he would have all the chances of escape which a trial offers. Such a plan would have the advantage of placing the poor man, now often unable to obtain sureties, on a level with his richer neighbor. It would also tend to imbue the public mind with the idea that imprisonment is in itself a punishment and a disgrace; it would save many an innocent man from an imprisonment not deserved; it was in strict accord with the maxim that every man was to be deemed innocent until proved guilty; it was an economical arrangement, as it would save the cost of the prisoner's support, and humane, since it prevented the sundering of wives and families from their bread-winners.

Mr. Stevens, of Belgium, said that in his country safe custody was regarded as the only object of preliminary detention, and hence all who were able were allowed to purchase small luxuries. Before trial, all prisoners were well accommodated.

Mr. Pownell, of England, said that the bench, with which he was connected, had anticipated this question. Every man being considered, in law, to be innocent until proved guilty, it seemed that an undeserved stigma was inflicted upon a man by sending him to jail before conviction. Hence a house of detention had been built for the reception of persons awaiting trial. The inmates were isolated, thus saving them from contumination and also from taunts flung at them, after liberation or acquittal, of having been incarcerated in a felon's cell. Various privileges were allowed them, such as the purchasing of their own food, if their means were sufficient, daily visits from friends, unrestricted consultation with their legal adviser, &c. This plan, he believed, was more just than to brand with the prison mark an untried man.

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## CHAPTER XVIII.

### THE PRISONER DURING HIS INCARCERATION.

§ 1. *Proper maximum of prisoners for any single prison.*—The question "What ought to be the maximum number of prisoners or convicts detained in any prison?" was introduced before the congress by Mr. Ekert, of Germany, who said that during the many years through which he had been head of the prison at Bruchsal, this question had received much of his attention. He believed that five hundred should be made the maximum, and that the number should rather fall below

than exceed that figure. This proposition he urged on the triple ground of security, justice to the prisoner, and hope of reformation. A larger number would, in his opinion, render individualization extremely difficult, without which there can be no effective reformatory treatment of prisoners. Nor does an increased number of subordinates obviate the difficulty. The above view is in accordance with one of the fundamental principles of the Crofton prison system. The question of cost should not be made paramount, since where money considerations prevail, all reform too frequently comes to an end. He had arrived at his opinion after consultation with many competent authorities, whose belief coincided with that which had sprung up in his own mind after many years' experience as a prison officer and as president of the German Prison Society, in which latter capacity he had had an opportunity of obtaining information from all parts of the world on the operation of different prison systems.

Sir John Bowring, of England, was of opinion that large prisons were preferable to small ones, not only on the ground of economy, but also as affording a wider scope for emulation and moral improvement. The larger the scale on which labor is conducted, the more profitable are its returns, and he believed the same principle to hold true in the case of the operation of moral influences. Instruction is most easily imparted in universities, and a clergyman is more likely to make an impression on a large congregation than on a small one. The elements of improvement and the tendencies to deterioration should be considered in the treatment of each prisoner, and the larger the scale on which such observations are made, the more valuable would be the results.

M. Vaucher-Crémieux, of Switzerland, agreed with Herr Ekert, while admitting that, for financial reasons, a large number might be desirable. The difficulties of supervision, however, particularly in cellular prisons, were greatly increased. He quoted M. Demetz, director of the reformatory at Mettray, France, as holding that three or four hundred was a sufficient number for prisons of this class, and expressed his belief that in prisons conducted on the congregate system one thousand should be the maximum.

M. Stevens, of Belgium, thought that the question of expense should be subordinated to that of reformation. Looking at the question from that stand-point, he thought that in no prison should the number of convicts exceed five hundred, and in cellular prisons it should be even less.

Dr. Mouat, late inspector-general of prisons in the province of Bengal, India, while agreeing with M. Stevens as to the superior importance of reformation over economy, believed that excessive subdivision of prisons might be justly opposed as too costly. He believed that individual treatment was entirely practicable in a prison containing one thousand inmates, if the staff of subordinates were large enough to attend to the details and to the treatment of each prisoner. This number had been made the maximum by law in India, in 1864, partly on financial grounds, and partly with a view to moral and disciplinary treatment.

M. Petersen, of Norway, had, in the prison of which he was the head, an average of two hundred and twenty-four convicts. He considered this number too small, believing that large prisons could be more easily managed than small ones. With a small number of prisoners there was a tendency to go too much into detail and speak too much with them. Prisons conducted on the separate system should, he thought, have between three hundred and four hundred inmates.

Hon. H. H. Leavitt, of Ohio, said that the state-prison of that State

contained one thousand prisoners, which number had not been found so large as to prevent reformation.

Mrs. Janney, of Ohio, remarked that the authorities of the Ohio state-prison were of the opinion that six hundred was a sufficient number, and that it would be impossible for a warden to become individually acquainted with one thousand.

Colonel Colville, for eighteen years governor of Coldbath Fields Prison, London, stated that the number of prisoners under his care at any one time had varied from one thousand five hundred to two thousand two hundred. He favored large prisons on financial grounds, and believed that, by the employment of a proper number of officials, all the advantages of smaller prisons might be secured, though he admitted that there was a tendency to limit the number of officials. Thus, while ten small prisons would have had ten schoolmasters, Coldbath Fields had but one. He had never, however, met with any difficulty in maintaining discipline, and a cheerfulness had prevailed which had often surprised him.

Dr. Frey, of Austria, thought it impossible to fix a precise number. The great question was how far the head of the prison would be able to come into personal contact with each prisoner. If, as in Austria, he was free from all economical matters, and had nothing to do but manage the prisoners and see that they were well treated, he could attend to a large number; but if he had other duties, the number must be smaller.

General Pilsbury, of New York, thought that five hundred or six hundred should be the maximum. He felt sure that he himself would not be able to give personal attention to one thousand prisoners.

Professor Foyntsky, of Russia, thought that individual treatment should not be sacrificed to financial considerations.

Mr. Frederic Hill, of England, contended that there might be individual treatment in large prisons. The Glasgow prison, when he was acquainted with it, had many hundreds, but there was individual treatment nevertheless.

Baron von Holtzendorf, of Prussia, considered number dependent on the system of management. In a cellular prison, five hundred should be the maximum, and perhaps three hundred would be better, but in public-works prisons there might be six hundred or one thousand.

§ 2. *Classification of prisoners.*—The question whether the classification of prisoners ought to be considered the basis of all penitentiary systems, associate or separate, was introduced by privy councillor d'Alinge, of Saxony, who prefaced his remarks by saying that the criminal is a moral invalid, whom we desire to help. This help can be rendered only by interrupting his criminal course, and by saving him from a relapse. In order to effect this end, three things are necessary: 1, care must be taken to ascertain the moral failing which prompted him to crime; 2, means must be employed adequate to the removal of this failing; 3, the convalescent must be provided with the full power of resisting, by dint of his own efforts, a relapse. The only means for the achievement of this triple end are education and classification. The first problem of the penitentiary authorities, then, is to obtain as clear an image as possible of the mental and moral condition of the prisoner. To the practised eye of the official, such an image is, in many cases, patent. In others, it will be necessary to isolate and watch the prisoner. Having made a moral diagnosis of the state of each prisoner, we shall find that he belongs to one of two classes: Either he is so depraved as to have no power of will to do good remaining, (in which case another will must be substituted for his own,) or he has sufficient power left to

rouse himself and strike out a better path on the strength of his spontaneous resolve. To one of the former class we say, "You *shall* become a better man;" those in the latter say, "I *will* become a better man." Thus the inmates of a penitentiary naturally divide themselves into three sections, which are best designated as disciplinary classes. Those who show little or no inclination to meet the educational endeavors of the authorities, only bending at the words "you *shall*," form the *third* disciplinary class, or lowest grade. Those who, with the thought "I *will* be better" in their minds, co-operate readily with the exertions of the authorities in raising their moral culture, and who, with a determined will and all their strength, profit by the means placed at their disposal, form the *second* disciplinary class. Those, lastly, who for some time have endeavored to improve, and justify a hope of steady progress on their return into society, form the *first* disciplinary class. Such a classification demands of the managers a course of action similar to that of the physician. They must, by employing adequate modifications of prison discipline and educational agencies at their command, treat the prisoner operatively, curatively, and dietetically. Such a classification, based on true psychological individualization, will and must, in every prison system, work to the highest benefit of the prisoner, and, in consequence, improve the political condition of the country adopting it. In Saxony, this system has been applied to 50,000 prisoners with the greatest success.

M. Stevens, of Belgium, said that in that country there are two systems of classification. One is based on external conduct: obedience, submission, and industry. Under this system there are three classes: the good, the passable, and the bad. The other rests upon moral character, a much more difficult matter to ascertain, since God alone can judge the heart.

Dr. Mouat, of England, had formerly had sixty prison officers under his control in India. It was their unanimous opinion that moral classification was impossible, and that a moral barometer was a chimera, since prisoners did their best to conceal their real character, lest they should suffer harsher treatment.

Mr. Tullaek, of England, agreed with Dr. Mouat, and thought that the impossibility of moral classification was one of the strongest arguments for the cellular system, under which every prisoner was a class by himself.

Dr. Marquardsen, of Germany, member of the Reichstag, believed moral classification to be impossible. No doubt any system of classification was better than none at all, but he believed the cellular system to be the true basis.

Mr. Serjeant Cox, of England, was of opinion that there was a wide difference, morally speaking, between the man who committed a crime of violence under sudden passion and the habitual thief. The former was frequently far more severely punished than the latter, although his offense did not, of itself, indicate great moral depravity. He thought it monstrous that the two should be treated precisely alike in prison. A classification which only recognized these two categories, would be better than none.

Dr. Bittinger, of Pennsylvania, pointed out that the necessity for classification of some sort had always been recognized—first, in the separation of different sexes and different ages, and afterward in the construction of prisons for offenses of various grades. He thought, with Mr. Cox, that the man who had committed a crime in hot blood, or while intoxicated, and the habitual criminal ought not to be treated

alike in prison. The latter was hopeless, crime being his profession; while the former might be the victim of misfortune. A sense of justice was essential to reform; and if they were put on the same footing, the pick-pocket would despise justice, while the other would resent being made a felon. An employer knew the character of his men, and he believed that a prison officer might judge of the moral character of his prisoners by the same standard, *i. e.*, their actions.

Colonel Ratcliffe, of England, while admitting that classification was impossible in prisons where the sentences were for a few weeks or months, thought it practicable in convict-prisons where the sentences were of long duration.

Baron von Holtzendorff, of Prussia, said that M. d'Alinge's practical experience had refuted the allegation of impossibility. Isolation and the cellular system had arisen from the alleged impossibility of classification, but the progressive system involved classification, and the problem had been solved by Germany and, to a certain extent, by Sir W. Crofton's system. The mark system was a self-acting method of classification according to behavior. God alone could gauge the inner man, but the outer man could be tested by behavior and industry. If he played the hypocrite, he must be left to God.

§ 3. *Prison management—how far to be regulated by legislation.*—The discussion on this question was opened by Mr. Stevens, of Belgium. He thought that prisons should be placed under the direction of a central authority. The regulations of the public administration should determine the prison administration, the mode of surveillance, and the moral and material treatment to be adopted in conformity with the law; but a certain latitude should be left to the executive authority, making obligatory, however, a due regard for the principles fixed by the law. When prison treatment is not regulated by law, this latitude is too large and extremely liable to abuse.

Baron Mackay, of Holland, agreed with Mr. Stevens that the general principles of prison discipline should be laid down by legislation, but thought that, in view of the rapid advances made in this science, it would be unwise to attempt to prescribe details, which, when fixed by statute, could not be easily altered.

Mr. Frederic Hill, of England, said that the plan suggested by Mr. Stevens had been adopted in Scotland. Under the Scotch system all details were left to the authorities in charge of the prison, who were thus enabled to make such changes, from time to time, as experience might suggest. He thought that the English system fettered the prison officials too much. There should, however, always be some one directly responsible to government for the working of the regulations adopted in each prison.

Dr. Monat said that the Indian system approximated to the Scotch. Minute rules should not be embodied in acts of Parliament, but left to experienced authorities, to be altered whenever it might become necessary.

Baron von Holtzendorff said that the criminal code of Germany had formerly given only the names of different kinds of punishment, but the Reichstag had asked the government to frame a rule defining each kind of imprisonment. In Germany, and especially in Prussia, all regulations for local prisons emanated from the government. There was, consequently, great uniformity, and no such difference could exist as prevailed in England between jails and convict-prisons. Some prison governors had no confidence in any system but their own, and it was necessary to put some restraint on them. The question whether or not

corporal punishment ought to be inflicted should be determined by the legislature, and not left, as in Germany, to the discretion of the governor. The maximum and minimum of severity should also be laid down by law, but the application—the determining what degree of severity to inflict—should be left to the authorities.

Mr. Beltrani-Scalia, of Italy, said that in that country, for a long time past, the law had laid down principles and left the mode of executing them to the authorities.

Mr. Hastings, of England, objected to any attempt to obtain the benefit of a uniform system by sacrificing local action. He considered diversity of experiment the only way of arriving at the best treatment. It was impossible to say what was the best system of prison administration under all circumstances, in all countries, or even in all parts of the same country. The legislature should lay down certain broad principles, but within those limits entire liberty should be left to local administration. Under a stereotyped system, which fettered the administrators, its faults—and there would certainly be some—would be without hope of remedy; whereas, by leaving room for experiment and diversity of action, a much better system would ultimately be reached.

Mr. Berden, of Belgium, said that in that country a special law, a modification of the Code Napoléon, laid down the principles of prison administration, but left sufficient discretion to prison authorities to deal with individuals as circumstances might dictate. Thus, although most of the prisons were being adapted to the cellular system, which system was favored by the legislature, prisoners who from ill-health or other causes were unfit for the cellular system were not subjected to it.

§ 4. *Whether whipping should be employed as a disciplinary punishment.*  
—Mr. Stevens was of opinion that it should not. Its tendency was to brutalize the prisoner, and thus neutralize the reformatory influences that should be brought to bear upon him. He deprecated the use of physical punishment of all kinds, believing that moral means were all-sufficient, if properly applied. The bastinado can never open the way to the heart. Such punishments, in the words of a French workman, affect only the prisoner's *hide*, while degrading him to the level of the brute. In Belgium, any prison official who had resort to the lash would be promptly dismissed from his post. It should never be forgotten that imprisonment is but a severe, though benevolent, means to the accomplishment of the prisoner's reformation. Experience has proved that good discipline can be maintained without frequent recourse to punishments, and that many prisoners are led to obedience by the moderation and justice displayed toward them by the administration. The idea that prisoners can be governed only by severity proceeds upon the mistaken belief that they are forever lost as regards an honest life. Such a belief overlooks the relation subsisting between crime on the one side and ignorance and parental neglect on the other, and those who employ such chastisement as leaves in the heart only sentiments of hatred and vengeance may justly be held responsible for the neglect of those moral and religious influences, which alone are able to lead men to obedience and duty.

Major Du Cane, director of English convict prisoners, believed that prisoners were persons whom discipline must reduce to a proper frame of mind. He believed it would be impossible to preserve discipline and protect the officers—a few men amid large bodies of prisoners, many of turbulent dispositions—without the fear of corporal punishment. He had himself known prisoners to acknowledge that but for flogging they would not have become tractable and reformed characters.



Dr. Mouat said that in Indian prisons, owing to their imperfect construction, the cane had been much more largely employed than the sugar extracted from it. Its infliction should, in his opinion, be restricted to cases where convicts were so degraded and brutalized that the lash alone would compel them to good behavior; but, while agreeing that moral means should be pushed to the utmost, he would still, in jealously-guarded cases, retain the power, in the hope that this would render its exercise unnecessary.

Mr. Shepherd, for thirty years governor of the Wakefield prison, England, with an average of one thousand inmates, stated that during all that time no corporal punishment was inflicted there for prison offenses. He doubted whether in cases where it was inflicted every other means had first been tried. He favored its entire abolition. Up to his resignation (six years ago) he had remarked that nearly every prisoner subjected to corporal punishment returned to the prison again.

Dr. Marquardsen, of Bavaria, said that in his country corporal punishment had been abandoned several years ago, both as a means of public punishment and as an agency of prison discipline. The respect and obedience shown by prisoners had since greatly increased, breaches of discipline had diminished, and no prison authority desired a revival of the practice. The committee of the Reichstag, of which he had been a member, charged with the framing of a military code for Germany, had also set aside corporal punishment, so that not a blow could be struck in the whole empire.

Dr. Frey, as the governor of a prison with many hundred inmates, said that in Austria the use of the lash was abolished in 1866, experience having shown that it was demoralizing. It deprived the prisoner of that self-esteem which formed the basis of his moral improvement, and the strictest discipline might be maintained by other means.

Dr. Guillaume, of Switzerland, said it was also being abolished in his country.

Major Fulford, governor of the jail in Staffordshire, England, said that he was required to be present at every infliction of corporal punishment in his prison, and that he was invariably ill in consequence. Still, he believed it impossible to dispense with it in a prison where, as was the case with his, the prisoners were thoroughly degraded and vicious. There was a class of men who thought nothing of disgrace, but cared only for the stripes that they received.

Mr. Wills, governor of Nottingham prison, England, agreed with Major Fulford that flogging, though it should rarely be administered, was a useful power in reserve.

Mrs. Julia Ward Howe, of Massachusetts, thought the only thing to be said for flogging was that it was a time-saving process. Reason would gain as much in time. She was sure that no brutally ill-treated woman would thank the prison officials for sending her husband home more brutalized than before. She would never say to any prisoner, "You are a brute?" Rather would she say, "You are God's child; do not dishonor His image, as I cannot, no matter what have been your faults, dishonor it in you."

Mr. Frederic Hill said that for seven years, while he was inspector of prisons in Scotland, no corporal inflictions were allowed, nor did he hear any prison governor express a wish for the power to inflict such chastisement.

Mr. Hastings, of England, was glad to say that it had not been found necessary to use the lash in the county prison of which he was a visiting justice.

Sir Walter Crofton said that Englishmen generally favored the retention of the power of corporal punishment, in order that the necessity might never arise for its exercise. Prison governors had not the power of enforcing discipline by this means, which could be employed only on magisterial sanction. Its use was very exceptional, and resort was never had to it, until every other resource had been exhausted. In countries which had abolished flogging in prison, other punishments were employed, and if an unobjectionable substitute could be found for England, he would be rejoiced to hear of it. Every magistrate and prison governor had a horror of it, but all clung to the necessity of retaining the power to inflict it.

General Pilshury, of New York, said he was no advocate of corporal punishment. He knew from experience, however, that all prisoners could not be governed by moral suasion; a few require severer discipline. He was convinced that no prison could be well and safely governed, unless ample power were vested in the chief officer to inflict special punishment, when called for, promptly, summarily, and, if need be, severely. He was of opinion, however, that this power should be given to the chief officer alone, and that not through the intervention of an advisory board. If prisoners knew that he possessed such a power, occasion for punishment would seldom arise; the knowledge would prove sufficient of itself to enforce discipline.

Dr. Marquardsen, of Bavaria, thought that the actual experience of what had been accomplished without the power to inflict corporal punishment furnished a stronger argument than the alleged maintenance of discipline by the existence of power which was seldom exercised. Such a method of reasoning he could not accept.

§ 5. *Kinds and limits of instruction suited to the reformatory treatment of prisoners.*—Mr. Stevens, of Belgium, opened the discussion by saying that the means of moral influence should consist chiefly in education, which should be of a quadruple character: industrial, scholastic, moral, and religious.

1. *Industrial education.*—The object of this part of his education is to provide the prisoner with the means of earning a livelihood on his discharge. Consequently, in the work-shops, more care should be taken to teach him his trade thoroughly than to make his labor productive. The primary object of labor, as an element of prison discipline, is to reform the prisoner and aid him to lead a reformed life on his discharge; hence it should be organized and conducted with a view rather to the future of the prisoner than to its effect upon the treasury.

2. *Scholastic instruction.*—This should comprise reading, writing, arithmetic, the elements of grammar, history, geography, geometry, and linear drawing, the latter especially in reference to trades and useful arts. The fact that public instruction has received so great an extension within the last few years renders it all the more important that a vigorous impulse be given to primary instruction in prisons. Illiterate persons should be the object of special care.

3. *Moral education.*—The teacher should, by special instruction in the school, inculcate the performance of social duties. This instruction should review the principal existing vices of society and demonstrate their sad and shameful consequences. Alternately the teaching should be based on the virtue opposed to the particular vice discussed at the preceding lesson, and should set forth as well its inherent beauty as the moral and material advantages associated with its exercise. Other lessons should be given on the most frequent violations of the penal code, especially noting such crimes as robbery, swindling, rape, assault, mur-

der, &c. In all moral instruction, an effort should be made to develop the sentiments of justice, family affection, and patriotism.

4. *Religious education.*—By this is understood the *special* religious instruction given by the ministers of each faith to the prisoners attached to it who are ignorant of the essential truths of religion. The use of the word *special* in describing this part of the prisoner's education signified that such instruction should be entirely independent of the religious instruction given by the chaplain to the prisoners in general. The sentiment of religion should be always deemed the last and strongest influence in a penitentiary education.

Mr. Tallack, of England, said that the prisons act, passed by Parliament in 1865, subordinated moral and religious instruction, which he believed to be an unsound principle. He deplored the small attention which was paid to convict education in the prisons of the United Kingdom.

Mr. Merry, a Berkshire magistrate, deprecated the pursuit of industrial labor to the exclusion of a proper attention to education, maintaining that silent congregate labor left the head empty and the heart hard.

Mr. McFarlane, of England, said that every care was taken in the Irish prisons to provide, first, for religious and then for industrial and literary instruction. He was surprised to hear Mr. Tallack arraign the prisons of Ireland on the score of neglect in this particular.

Dr. Varrentrap, of Germany, thought that secular should include physical education, since the mental and moral equilibrium depended so largely on the *physique*. He believed that no limit should be placed on secular instruction, and favored the task-system of labor as affording the prisoner a better opportunity for study.

Miss Mary Carpenter, of England, thought that society was bound to cultivate the powers God had given to a prisoner, and so enable him the better to discharge his duties as a prisoner and a man, and the difficulty attending the education of adults should form no obstacle. She regretted that government did not recognize this duty. Instruction should be so imparted as to be in itself a pleasure, and its influence would then be most salutary, as tending to wean prisoners from the indulgence of their lower passions. Scholastic, moral, and religious instructions were closely allied, and should not be separated.

§ 6. *Whether it is expedient in certain cases to employ an imprisonment consisting in mere privation of liberty without obligation to work.*—Count de Foresta, of Italy, thought that crimes of passion, not implying great moral perversity, should not be punished by ordinary imprisonment, but by simple detention in a fortress or other secure place, without the prisoner being required to labor, and without association with those sentenced to ordinary imprisonment. The natural distinction between crimes of passion and of reflection seemed to indicate the propriety of making a difference between the punishments awarded them. Crimes of the former category are frequently committed by persons who are young, well educated, and uncorrupted. For such prisoners he considered the solitude of a cell, with forced labor, merely an aggravation of punishment, and not calculated to have a reformatory influence. He believed that simple detention, with the privilege of reading, attending to their own affairs, and seeing friends, was a sufficient punishment. What descriptions of criminals should be treated in this manner should be determined by the penal code.

Professor Wladrinoff, of Russia, remarked that simple infractions of the law did not involve criminality. He thought it should be left to the

jury to decide to which class a prisoner belonged, it being a matter involving personal liberty.

Mr. Chandler, of Pennsylvania, said that the plan suggested by Count de Foresta was in most successful operation in Pennsylvania, and he believed that it might be made a success everywhere.

Dr. Mouat dissented from this view. He had been connected with prisons in India where such a system had been applied, and he believed it to be very corrupting.

Dr. Marquardsen said that the code adopted in Germany three years ago recognized the principle contended for by Count de Foresta. The distinction made there, however, was not between crime and crime, but between criminal and criminal, and it rested with the judge to decide whether the offender should be kept at hard labor or in *custodia honesta*. The latter class of criminals were imprisoned in a fortress. Speaking for himself personally, he believed that, in general, persons guilty of *minor* offenses should not be left without labor. He believed that the law of Germany embodied the true principle on this subject. Under its provisions, criminals were divided into hard-labor prisoners and such as were employed in the trades and professions to which they were accustomed.

§ 7. *Whether sentences for life are expedient.*—Baron von Holtzendorff, of Prussia, in opening the discussion on this question, called attention to the very decided difference in the view at present taken of the object to be attained by punishment and that which, as history discloses, was taken in the past. Salvation was now universally regarded as a primary end of correction, and this recognition of the principle that men ought to be reclaimed led to the agitation of the question under discussion. He did not, however, favor the abolition of life-sentences, if capital punishment were expunged from the penal code; and he believed that all who favored the abolition of the latter measure must agree with him. Imprisonment for life must remain the substitute for one or two centuries at least. But such a punishment should, like all other punishments, contain the elements of hope and fear: fear lest the term of imprisonment be actually for life, and hope of release after ten or twelve years on satisfactory proof of reformation.

Dr. Wines stated that, under the law of Missouri, a prisoner sentenced for life, who conducted himself with uniform propriety, became entitled to his liberty after fifteen years in the state-prison.

Dr. Mouat said that the same principle had been adopted in India.

Hon. D. Haines, of New Jersey, said that his objection to life-sentences lay in the fact that they left no hope in the convict's breast, without which there could be no reformation. Even if hope remained, it was too uncertain and remote to have much influence on the prisoner.

Mr. Stevens agreed with Baron von Holtzendorff, that life-long imprisonment was but the means to an end, and not an end in itself, but that it was demanded as a substitute in the event of capital punishment being abolished. Theoretically speaking, perpetual penalties should not exist.

Mr. Vaucher-Crémieux, of Switzerland, thought that the security of society forbade the liberation of an assassin or a man condemned to imprisonment for life. The possibility of a release would render society uneasy.

Mr. Hastings, of England, said that in that country there was practically no such thing as imprisonment for life. Though such sentences were passed, hope always remained, the prisoner being uniformly liber-

ated by the home secretary in the event of good conduct for a number of years.

§ 8. *Whether prisoners, on reconversion, should be subjected to a more severe disciplinary treatment.*—Mr. S. Petersen, of Bavaria, said that a recidivist apparently deserved severer treatment for the obstinacy of his criminal propensities. Yet in view of the fact that courts, in pronouncing sentence, always took into consideration the circumstance of a previous conviction, and, as a consequence, increased the length of the sentence, if the prison authorities also increased the severity of the punishment by a sterner disciplinary treatment, the prisoner was punished twice, which was manifestly unfair. The judge alone should award the increase of punishment.

Mr. Ploos van Amstel, of Holland, was of the same opinion.

Dr. Frey, of Austria, maintained that recidivists should be more severely treated. They felt this more sensibly than longer sentences. In the prison of Carlan, in Styria, where there were three stages of imprisonment, the first of which was exceedingly punitive, recidivists might be kept in the most severe stage for one-half their sentence, while those sentenced for a first offense were never kept in this stage for more than one-third of the time. The results of this system had been good.

Rev. Mr. Robin, of France, was convinced, by fifteen years' experience as prison chaplain, that the recidivist was never reformed by aggravated treatment. He gave an account of two men in a prison where he had been chaplain, on whom such treatment was tried. One died under it, and the other grew morose and stubborn; but when, at his request, the discipline was a little relaxed, the convict changed his course of conduct, and eventually, upon release, gave satisfactory evidence of reformation. Firmness should always be blended with kindness. To provide a discharged prisoner the means and opportunity of eating honest bread was a more effectual safeguard against relapses than a severity which was hostile to humanity and Christianity.

M. Stevens did not think that prison authorities should aggravate the punishment. The law should give longer sentences to recidivists, but all should receive the same treatment in prison; otherwise, there would be arbitrary differences, and the severity would go on increasing for the third and fourth offenses. It should be remembered that relapse was frequently caused by the prisoner finding every door closed against him on his discharge.

Count Sollohub, of Russia, thought that the proper punishment of recidivists was a question for the law, and not for the prison authorities. If the severity of the discipline were increased upon each conviction, a degree of severity would ultimately be reached, incompatible with reformatory influences. He agreed with Mr. Robin that prisoners' aid societies were the best means of preventing relapses and re-instating a prisoner in society.

Dr. Guillaume, of Switzerland, said that in that country recidivists were sentenced for a longer period than other criminals. In some cantons they were condemned to bread and water two or three days a week. This practice he did not favor, since it often left the prisoners in such a state of debility as to render a relapse easier. He deprecated recourse to a severity condemned by Christianity.

Count de Foresta thought, with Count Sollohub, that the law, and not the prison authorities, should prescribe the punishment of recidivists. He thought that any other plan would tend to cruelty. As Mr. Stevens had remarked, the fact that society was too often responsible for a prisoner's relapse should prevent excessive severity. He was fur-

ther opposed to the term *recidivist* being applied to a man, one of whose two offenses had been a crime of passion or excitement.

Rev. Dr. Bittinger, of Pennsylvania, advocated an increase of punishment for each new offense. In order to effect reformation, we must appeal to the criminal's sense of justice, but he would despise the justice which had the same punishment for the burglar, convicted of his fifteenth offense, as for the novice in crime.

Mrs. Julia Ward Howe, of Boston, thought that the criminal should be shown something better than his own savage standard of justice.

§ 9. *What ought to be the maximum of imprisonment, cellular or otherwise, for terms less than life?*—Dr. Marquardsen, of Bavaria, said this question was not so much one of principle as of adaptation to local circumstances. In general, however, he would say that the maximum ought to be fifteen years, with the possibility of reduction for good behavior. He believed, however, that the character of the punishment, as to mildness or severity, as well as its duration, should vary according to the heinousness or veniality of the offense; and in fixing the duration regard should be paid to the character of the punishment. In Germany, cellular imprisonment was generally limited to three years. He disapproved of the English system of sentences, under which there was no intermediate term between two years and five.

Dr. Frey stated that in Austria the term of isolated confinement did not exceed three years, while the longest term of imprisonment was twenty years.

Mr. Stevens stated that in Belgium the maximum of cellular confinement had been reduced from twenty years to ten, and then to nine and a half, when, if a man was found to be no better, he was placed in a congregate prison. It had not been found, however, that prisoners suffered more, either in mind or body, under the cellular than under the congregate system.

Mr. Moncre, of Scotland, said that in the prison at Perth it had been found that cellular confinement for more than three years produced insanity, notwithstanding that the prisoners had employment and communicated with chaplain, magistrates, and officers.

Baron Mackay said that in Holland the maximum of cellular confinement was, in 1851, fixed at six months, but had been increased, first to one year and then to two, and a further increase was favored. The term would probably be extended to three years as soon as the number of cells was sufficient.

Sir Walter Crofton referred to experiments carefully made at Pentonville, England, under the direction of Sir Joshua Jebb, formerly director of convict-prisons, the results of which showed that eighteen months was the longest possible period for which isolation could be safely maintained. During the time when transportation was employed as a means of punishment under the English law, the surgeons at the penal stations in the colonies reported that the condition of those men who had been kept in strict cellular confinement for a period of from two to two and a half years before being transported was particularly unsatisfactory. They were found to have suffered to some extent in their minds, and their wills were broken down. It was such reports as these that caused the reduction of the term of cellular confinement to nine months.

§ 10. *Whether or not imprisonment should be uniform in nature, and differ only in length.*—Count Sollowub, of Russia, in opening the discussion on this question, remarked that the object of a hospital was not to keep its patients, but to send them out cured. In like manner, the object of a prison should be to combat the moral malady, and return

patients to society cured. As hospitals, moreover, endeavor to guard against a relapse into physical disease, so the prison authorities should direct their efforts to prevent a relapse into the moral disease of crime. It should be considered in every case whether the offense was the result of perversity and a passion for crime, or of some sudden excitement or temptation. Different classes of criminals, like differently-affected patients, required various kinds of treatment, and every precaution should be taken against contagion, by which the disease might be aggravated and a cure rendered more difficult. Each kind of prison should have a special aim; a prison which attempted to effect two different objects would succeed in neither. There should be two classes of prisons: one for convicts whose characters evidenced moral perversity, the other for those whose offenses were the result of a sudden break-down of principle or of uncontrolled passion. This was the principle of division followed in Russia.

Dr. Mouat admitted that it was desirable to make punishment proportionate to guilt, but feared that there was no moral barometer by which guilt could be strictly measured.

Count de Foresta, of Italy, said there existed in that country and in France three classes of punishment: sentences to simple imprisonment, to reclusion, and to hard labor. The first class could not exceed five years, except in the case of recidivists, whose term might be doubled. The prisoner was employed in industrial labor. Reclusion had five years as a minimum and ten years as a maximum, and involved the loss of civil rights. Hard labor implied civic degradation and civil death, and persons sentenced to it for a term remained subject for their lives to police-supervision. Speaking for himself, he did not favor this system. He contended that there should be but one kind of sentence, the only difference being in length, and there should be different prisons with different disciplines for the various terms of imprisonment. Prisoners for three or four years should not be placed in the same buildings or treated in the same way as those sentenced for ten or fifteen years.

§ 11.—*Prison labor—penal and industrial.*—The question whether prison labor should be merely penal, or whether it should be industrial only, or whether there should be a mixture of both, was introduced by Mr. Frederic Hill, of England. Mr. Hill declared himself an earnest advocate of *industrial*, as opposed to purely *penal*, labor, such as the crank, tread-mill, shot-drill, &c. He recapitulated the main arguments for and against industrial labor in prisons. Its opponents, he said, based their hostility mainly on four grounds: 1, that it renders imprisonment less irksome, and consequently less deterrent, than it should be; 2, that it is difficult to procure for prisoners such kinds of work as will be really remunerative; 3, that, however suited to long imprisonments, industrial labor is not adapted to short sentences; and, 4, that its introduction into prisons subjects the honest, free laborers outside to unfair competition. In reply to the first objection, Mr. Hill urged that irksomeness is not the chief end of prison discipline. It neither prepares the prisoner for a life of honest industry himself nor eradicates motives to corrupt others, while it is highly improbable that its deterrent effect on others would be at all commensurate with the evils it engenders in those who are brought under such a system—the irritation, resentment, obstinacy, and hardness which it unquestionably produces; besides which, the confinement of a prison and the other privations attendant upon a convict's life are in themselves sufficiently irksome. The only true test whether a prison has become attractive, is

to open wide its doors to all comers, without demanding, as now, a qualification of crime. But although, during a considerable part of Mr. Hill's service as prison-inspector in Scotland, free entrance was really given, although no legal provision was made for the able-bodied poor, and although industrial labor was required of all, the proportion of paupers to compulsory prisoners was seldom more than one to fifty. To the second objection, Mr. Hill opposed his own experience as inspector in Scotland, where the main difficulties he encountered lay in the shortness of the sentences and the indisposition and incapacity of prison governors and their subordinates for this special duty. The third argument Mr. Hill met by showing, first, that, even in cases of short imprisonment, labor, productive in some degree at least, can always be provided; and, secondly, that when such punishments are but repetitions, often twenty or thirty times in succession, of the same penalty, the true remedy is not to render the system of discipline suitable to so absurd a practice, but, by a change in the law, to get rid of the practice itself.

In answer to the allegation of injustice done to honest mechanics by introducing trades into prisons, Mr. Hill pointed out that from the extremely small amount of manufacturing carried on at penal institutions the competition must necessarily be very small; and that from the care that a public department would be likely to take to avoid precipitancy in selling below the market-rates, the danger to ordinary trade from prison labor would probably be less than from the same amount of free labor. Moreover, cheapness in price is an advantage to the greater number, so that, even granting that prison manufactures did sensibly affect the permanent prices of articles, which he denied, such effect would be a good rather than an evil. And, as a last consideration, he urged that every shilling saved to the public by prison earnings is a shilling added to that fund from which wages must be paid.

Having thus noticed the arguments of the advocates of penal labor, Mr. Hill proceeded briefly to enumerate the grounds of his advocacy of the universal introduction of remunerative industrial labor into prisons. The following is a summary: 1. That to make labor useful and productive in prison, as well as out of prison, is in accordance with nature; that to strip it of these qualities is, if not absolutely unnatural, at least artificial; a course demanding justification and proof of its propriety—a proof not given. 2. That by means of the cost to society of the apprehension, trial, and imprisonment of criminals may be repaid and something at least done toward indemnifying the persons wronged. 3. That such employment, being free from everything that is repulsive and degrading, becomes associated in the prisoner's mind with pleasurable thoughts, and tends to make him look upon work as deserving of respect. 4. That by this kind of work a prisoner, besides making the payments mentioned under the second head, may help to support his family and may provide a fund with which, at the end of his confinement, either to pay the cost of emigration or to have the means of making a fresh and honest start in his own country. 5. That prisoners who have been employed in useful and productive work are, at their liberation, much better armed against relapse into crime, as well as much better prepared to obtain an honest living, than those whose labor has been merely penal, and that, in fact, the proportion subsequently doing well is much larger.

Major Fulford, governor of Stafford jail, England, contended that prisons were not reformatories, but should be a terror to evil-doers. He considered that penal labor was necessary in the case of "repeaters,"



since the professional thief or drunkard was utterly insensible to high moral teaching. He thought, however, that such offenders should not be kept in a county jail, but sent to a convict establishment for a period long enough to eradicate his evil habits.

General Pillsbury, of Albany, thought penal labor destitute of any reformatory element. He had always found in American prisons that the most successful institutions, in a reformatory point of view, were those where industrial labor was so managed as to produce a substantial income.

Dr. Wines brought to the attention of the congress the large industrial prison of Count Sollohub, at Moscow, the reformatory results of whose discipline were remarkable, only nine prisoners having returned during six years out of 2,100 discharged. At this prison, each convict was permitted to choose the trade he would learn, and, on mastering it, was allowed two-thirds of his earnings. So great a stimulus was this to industry that a man often became a skilled workman in two months. To this system the distinguished count attributed the surprising reformatory results mentioned above.

Mr. Hibbert, M. P., of England, said that an act of Parliament of 1865 provided that the visiting magistrates might, under the sanction of the home secretary, substitute other forms of hard labor for the tread-mill, crank, and shot-drill. In Salford prison, penal labor was required of all prisoners during the first three months of their sentence, after which they might be employed in carpet-weaving, cocoa-mat making, &c. Nor was the penal labor wholly unproductive, since the tread-mill, besides pumping water for prison uses, supplied motive-power for the industrial labor. The prison earnings last year defrayed all expenses except the salaries of officers. The sentences were, as a rule, too short to allow of industrial labor being successfully carried on; out of 6,163 prisoners, 4,116 having been sent for terms less than a month, of whom 2,031 were sentenced for only seven days. Industrial labor being impossible under such sentences, he favored penal labor on the ground of its deterrent influence.

Sir John Bowring vehemently condemned the tread-mill, and rejoiced that continental languages had no word for it. It should be called a work-waster or wind-raiser. It hardened the old jail-bird, leading him to associate labor with non-productiveness, who well knew how to cast all the burden on the weaker or less experienced prisoners.

Mr. Ploos van Amstel, of Holland, said that remunerative industrial labor was adopted in the Dutch prisons, a portion of the prisoner's wages going to himself. He believed this system beneficial alike to the state and to the prisoner.

Colonel Colvill, governor of Coldbath Fields prison, London, said that he had the largest tread-mill in England in his prison, six hundred men being employed on it at one time. He never knew a man improved by it. On the other hand, accidents frequently occurred; many had their legs and arms broken; very recently a man undergoing a short sentence broke both his legs. It was, moreover, unfair, since the old hands could readily shift all the labor on their younger associates, who, especially if weak-chested, were sometimes injured for life.

Mr. Stevens, of Belgium, protested against all labor the tendency of which was to brutalize the prisoner. Penal labor was unknown on the continent.

Dr. Mouat said that during his experience in India he had found non-productive labor brutalizing. The tread-mill was tried at Calcutta, but caused many accidents and was abolished as cruel and unjust.

The anger and bitterness shown by prisoners on ascending or descending it had always made him feel that it was unchristian. To make prisoners miserable is not the true way to regenerate them. They must have an interest in their work, and be taught to apply it to useful purposes. The prisoners under his charge had, during the last five or six years of his administration, repaid by their labor 40 per cent. of the cost of their maintenance, thus relieving the tax-payers and preserving the convicts' self-respect.

Dr. Frey, of Austria, said that in the Austrian prisons industrial labor prevailed. This alone would call forth the full working powers of the prisoner.

## CHAPTER XIX.

### THE PRISONER AFTER HIS LIBERATION.

§ 1. *Best mode of aiding discharged prisoners.*—Mr. Murray Browne, secretary of the Metropolitan Discharged Prisoners' Relief Society of London, opened the discussion with a paper showing the operation of the English system of aiding liberated prisoners. The thirty-four societies established for this purpose are all voluntary associations of benevolent persons. The majority, however, possess a semi-official character, from the fact that the gratuities allowed by law to the prisoner on his discharge are, instead of being given to him directly, placed in the hands of a prisoners' aid society in trust, the society being required to account for each sum so received, which varies in amount from a few shillings to £3. The additional funds required by the societies for the prosecution of their work are raised by voluntary contribution.

These societies may be divided into two classes: those which assist men and those which assist women. Of the former, only two maintain homes or refuges. The most important of these is the Wakefield Industrial Home, where discharged prisoners are maintained as inmates, and kept at industrial work, often for a considerable time, until employment can be procured for them elsewhere.

This system has been tried in many other parts of England; but, although its success at Wakefield has been admirable, elsewhere it has failed, and a majority of the societies prefer another plan. They aim to find work for the prisoner as soon as possible, to provide him with pecuniary support while waiting, and to aid him morally, by advice and assistance, as far as may be in their power. The most difficult part of their task is the finding of employment. For this purpose a paid agent—usually an old police-officer—is employed, who is required to use great judgment and perseverance. It is found, in general, that the prisoner's best chance lies in a return to his own neighborhood, there to resume his former trade or occupation. Emigration is very seldom resorted to, chiefly on account of expense. Many lads are sent to sea in the merchant-service. As a rule, the difficulties in the way of obtaining situations for discharged male prisoners are not of such a nature that they cannot be overcome by tact and energy. There are, however, some persons fitted only for situations involving trust, such as clerks and others, for whom it is very hard to find employment. The society with which Mr. Browne is himself connected has, for the past eight years, aided five hundred liberated prisoners annually; and it has been the experience of that organization that it is never necessary to turn adrift a man able

and willing to work because no work could be found for him. This, Mr. Browne stated, was the general experience of prisoners' aid societies throughout England. And it further appears, from the records of his society and others, that not more than 5 per cent. of those who have been assisted in finding work have been recommitted.

The societies which aid discharged female prisoners have, in some respects, a more difficult task, since, with the exception of a certain number of first convictions, almost all convicted women in England are prostitutes as well as thieves, thus requiring a double treatment. Besides which, private families very naturally object to receiving women fresh from the prison walls, the genuineness of whose reformation has not been tested. Accordingly, all female prisoners' aid societies employ homes of some sort or other.

The refuges for *convict*-women (*i. e.*, women who have been sentenced to five years' penal servitude) are three in number, and possess a definite official character, somewhat resembling the intermediate prisons of the Crofton, or Irish, system. No prisoner is allowed to enter them until she has received a certain number of marks in prison and has served a fixed proportion of her sentence, when she receives a *ticket of leave* and, at her own request enters the home, from which she may be returned to the prison for misconduct. While she remains at the refuge, she is employed in industrial labor. When the sentences of the inmates expire, the managers find employment—usually at domestic service—for all those who require it. The results are of the most satisfactory description. These homes for *convict*-women, being, in one sense, a part of the prison system, are partially supported by the state, but in part also by voluntary contributions.

Other societies aiding discharged female prisoners exercise their own discretion as to the women they receive into their homes. They have no legal control over the inmates, nor do they receive any considerable assistance from state funds. They usually place their *protégés* at domestic service when they leave the homes.

Mr. Browne stated that the societies in general found themselves greatly hampered in their work by the want of funds, which, he remarked, was to be deplored on economic as well as reformatory grounds, since the pecuniary gain to the state-treasury from the reformation of even a few prisoners would pay the whole expense of a prisoners' aid society over and over again. He was of opinion, therefore, that liberal assistance should be granted from the public funds to these organizations.

Mr. Powell, of New York, believed it to be the duty of government to found asylums for discharged prisoners, which should not be called prisons or houses of refuge, but industrial institutions. These institutions he would have conducted in some measure on the co-operative plan, so that the laborer should share the advantages of his toil. In addition to these establishments there should be in every community voluntary societies for aiding discharged prisoners. Lastly, he believed that prisoners should be taught the lesson of abstinence from intoxicating liquors as a beverage.

M. d'Alinge, of Saxony, considered the question under discussion a most important one. There were in his country several societies for the aid of liberated prisoners, King John having founded the first forty years ago. Lately these societies had been extending help to the families of discharged prisoners also.

Mr. Rankin, of England, said that he was honorary secretary of a society which undertook the care of prisoners discharged from convict-prisons exclusively, while the other thirty-three societies took care of

those discharged from county prisons. The record of re-convictions from 1869 to 1871 showed that of those whom his society had aided less than 6 per cent. had relapsed into crime.

Baron Maekay, of Holland, stated that in the Netherlands a society for the aid of discharged prisoners had existed since 1823. Members of the society visit the prisons and distribute good books to the inmates. On a prisoner's discharge the society tries to find a situation for him, gives him clothing and tools, or, rather, pays for his emigration. Especially are juvenile offenders made the object of its care. The society formerly maintained, at the city of Leyden, a school for the training of this class of delinquents for the navy. Unfortunately, however, owing to the refusal of the government to receive the inmates as volunteers, this institution had to be abandoned. The society has many branches in different places in Holland, and in sundry towns it has ladies' committees to visit female prisoners and promote their getting situations after their discharge. Experience has shown how eminently fit ladies are for these duties.

Mrs. Meredith, of England, founder and manager of an establishment for the aid of discharged female prisoners, presented a paper in which the increased proportion, year by year, of recommitments of women was noticed, and the proposition that it was impossible to help this class of criminals efficiently without the aid of women was strenuously urged.

Rev. Mr. E. Robin, honorary secretary of the Paris Protestant Discharged Prisoners' Aid Society, said that in France the work of caring for discharged prisoners (called *patronage*) embraced industrial, moral, and religious instruction. Its aim was twofold, viz: First, to improve the prisoners' moral condition: and, secondly, to remove the distrust felt toward them, thus removing the two chief causes of their relapse into crime. The *patronage* extended by the Paris society commences by making a selection of the prisoners, through visiting them while in confinement, and by supplying them with religious books. On his discharge, the prisoner receives a card, and is thereby constituted a *protégé* of the society, who furnish him with food and clothing (no money is given) for a few days. When he obtains work, the society still watches over him, and he is required to report to them every change of residence, the society still lending him material aid and moral support until he has become completely rehabilitated. This system had proved very efficacious, not more than 5 per cent. of those so aided having relapsed into crime. Mr. Robin particularly urged the necessity of the aid societies having free access to the prisoners before their discharge.

Mr. Murray Browne agreed with Mr. Robin that *patronage* should begin in the prison, and observed that that was practically done in England, since the chaplain was invariably either a member or the secretary of a prisoners' aid society.

A member from France presented an account of the work of the *patronage* committee of Protestant ladies at Montpellier. This society maintains a home for discharged Protestant female prisoners, where religious instruction is given, and the managers of which endeavor to find situations for those inmates who give satisfactory evidence of reformation. The results were represented as most gratifying.

Dr. Guillaume, of Switzerland, thought that the assistance given to discharged prisoners should be both moral and industrial, and should be given both by the state and by voluntary societies. Nor should the importance of teaching prisoners a trade in prison be overlooked, since

this would be of material assistance to them on discharge. Employment, too, should be provided for them as soon as possible, lest the prisoner, while wandering about in search of work, should lose his desire for it and once more fall into evil ways. The prevalent opinion in Switzerland was that the Crofton system best attained these desired objects.

Mr. Bremner, of England, said that the experience of prisoners' aid societies in that country showed but little success in dealing with female criminals, which he attributed in great measure to the fact that female visitors and agents were not employed. The aid furnished to the societies by the state, too, was inadequate. So important did he consider the work of aiding discharged prisoners that he believed that some plan of moral and material assistance should be embodied in the criminal legislation of a country, to become as definite a part of the general system as are the trial and imprisonment of the offender.

§ 2. *Best means of securing the rehabilitation of prisoners.*—Mr. Stevens, of Belgium, said that the rehabilitation, to be complete, must be both moral and legal. The former was to be obtained by giving each prisoner instruction in the particular religion which he professed. The most perfect religious freedom is preserved in the Belgian prisons, and he earnestly contended for the same freedom in the prisons of all countries. The legal rehabilitation of the prisoner was to be effected, in his judgment, by freeing him from all restrictions, save those to which honest men are subjected. To make the forfeiture of political rights consequent upon imprisonment was to hang a weight around the prisoner who was striving to regain his position. A special patronage might be awarded to convicts whose conduct was good during imprisonment, which should be exercised over women by women and over men by men. He did not favor police supervision of criminals, as practised on the continent, although the friendly supervision contemplated by the Crofton system met with his approval.

Mr. Hastings, of England, said that by act of Parliament any bench of magistrates in charge of a jail might employ, in addition to the regular Protestant chaplain, a Roman Catholic chaplain, and pay his salary out of the funds at their disposal. There was then a bill before Parliament making the employment of such chaplains compulsory.

Sir Walter Crofton said that in all the Irish prisons there were employed, in addition to the chaplain belonging to the Church of England, Roman Catholic and Presbyterian chaplains.

Mrs. Julia Ward Howe, of Boston, thought that in dealing with this question it should be borne in mind that, as Mr. Emerson had said of the death of his child, "perhaps the world, and not the infant, failed." Too frequently the "failure" was rather on the part of society than of the prisoner.

Baron Mackay was not in favor of the rehabilitation of prisoners being effected by a judicial decree. The most perfect religious freedom prevailed in the prisons of Holland and Germany.

Mr. Baker, of England, said that the loss of character suffered by a prisoner in consequence of his incarceration was a wholesome and natural part of his punishment. He maintained that it should not be easy for a liberated convict to obtain attractive and remunerative situations; he ought to begin his new career with a lower kind of work, and rise to higher positions as he showed himself worthy. Supervision, as practised in England, was a powerful instrument in the rehabilitation of the prisoner; it was very rare to find a man under supervision out of work.

Dr. Wines enumerated the civil rights which, in most of the states of

the American Union, were forfeited by a conviction for felony, and explained the "commutation-laws" of his country, under which a convict may shorten his term by good conduct. In several of the states, he said, an irreproachable prison record wrought, of itself, a complete legal rehabilitation of the prisoner, restoring him at once to all his civil rights.

Hon. Mr. Chandler, of Pennsylvania, stated that a conviction for felony in that State did not work a forfeiture of any political rights.

Sir John Pakington, of England, deprecated what he had conceived to be an implication on the part of Mr. Stevens that Roman Catholics were not allowed religious freedom in English prisons. He claimed that the English people were universally opposed to the ignoring of denominational differences among prisoners, and stated that as a member of Parliament he had supported the bill mentioned by Mr. Hastings, requiring county jail authorities to employ Roman Catholic chaplains.\*

§ 3. *Best mode of giving remission of sentences and regulating conditional discharges.*—Sir Walter Crofton said that remission of sentences and conditional liberation were now interwoven with the convict-system of the United Kingdom. The maximum remission to convicts sentenced to penal servitude was a fourth of their term, after deducting the nine months spent in solitary confinement. The title of a man to remission of sentence was determined by a system of marks, by which he advanced from class to class, until, according to his deserts as thus indicated, he obtained a partial or entire remission. This system, in effect, amounted to a partial substitution of labor-sentences for time-sentences. Sir Walter defended the system of public-works prisons at some length, saying that they were based on progressive classification, and pointing to the vindication of the Irish system by a recent parliamentary investigating committee, known as Lord Deven's commission. He regarded conditional liberation, combined with registration, as the only reliable mode of testing the value of prison training and of obtaining trustworthy criminal statistics, without which there can be little unity of action. He was of opinion that it was a great protection to society, since it surrounded the commission of crime with obstructions so formidable as to deter habitual offenders.

Mr. Tallaek, of England, in reply to Sir Walter's defense of the public-works prisons, defended the cellular system, as approved by the congresses of Utrecht and Frankfurt, preventing companionship with evil and allowing abundant communication with good. He called attention to the fact that a few months ago a convict at Spike Island had murdered a fellow-prisoner, and stated that there had been repeated murders at Portland, Chatham, and other public-works prisons.

Mr. Stevens stated that in Belgium conditional liberation was arrived at in another way from that employed in England. Reduction of time was allowed; but as separate detention without possibility of demoralization, and with intercourse with good counselors, was preferred to congregate labor, the reduction depended not so much on a prisoner's conduct as on his having undergone a period of separation proportionate to the sentence. There were certain privileges to be earned by good conduct, however, among which was liberation with curtailment or remission of police supervision. In cases of exemplary conduct and entire reform, the royal prerogative of pardon was exercised. Life-prisoners were kept in cellular confinement for ten years, when, if they were considered worthy of it, conditional liberation was granted them. If un-

\* The bill alluded to was withdrawn before the close of the session, owing to a want of time in the House of Commons to discuss it.

worthy they were collected in a common prison, without hope of release. The result of this system was that the proportion of recidivists to those convicted of a first offense was but 4 or 5 per cent.; and the annual number of criminals had declined from 7,000, to 4,000, in spite of increasing population and wealth.

Hon. Joseph R. Chandler, of Pennsylvania, replying to Sir Walter Crofton's defense of the English system of granting "tickets of license," said that in the Eastern penitentiary of his State there were forty convicts who had received these licenses. He was no friend to a system which led men to pretend to be reformed, and declared his decided preference for the cellular over the Crofton system. He denied that that system was "solitary," and avowed that the only solitude it involved was a solitude as to demoralizing influences. Besides which it saved a man who was trying to lead a new life from being taunted by a former fellow-prisoner with being an *ex-convict*, thus often bringing upon him unmerited suspicion.

Mr. Frederic Hill regretted to hear of the invasion of Pennsylvania by ticket-of-leave men; but by way of explanation stated that the system, as formerly administered, did not, as now, make liberation depend upon good conduct; and he thought that the men mentioned by Mr. Chandler must have been liberated under the discarded system. As an inspector of prisons, he had at first favored the cellular system, but experience had weaned him from it. Mere isolation, while excellent as a part of a system, was not a system *per se*. Under the separate system, the absence of temptation rendered it difficult to test reformation.

Major Du Cane, chairman of the directors of English convict-prisons, said that in these institutions a prisoner was obliged to effect his discharge by his industry. The maximum remission of sentence was one-fourth of the time remaining after serving out his nine months of separate confinement. Great precautions were taken to insure the remission being justly awarded. When conditionally liberated, a prisoner was under the supervision of the police, to whom he was obliged to report himself. If he gave evidence of going astray, the police might take him before a magistrate, and on proof of his misconduct he was sent back to prison.

Mr. Nevin, one of the directors of the western penitentiary of Pennsylvania, gave an account of the change made in that prison from the cellular to the congregate system, which, he said, had been attended with great benefit.

Dr. Frey, of Austria, said that in that country cellular imprisonment was limited to three years; after that portion of his sentence had expired, a prisoner was placed under the congregate system. For himself, he favored such a combination of the two systems. A prisoner should mingle with his fellow-convicts, so as to become prepared for re-entering society, since, if kept entirely in solitary confinement, he would not be likely to withstand temptation on his release.

Mr. Hastings, of England, remarked that keeping a prisoner apart was like keeping the hand on a spring; the moment you lifted your hand, it flew up. When a man thus treated was discharged, the change was so great that he was almost certain to fall back into his original habits. He should be educated for liberation, after passing through the cellular stage, by associating with his fellow-criminals; and next by going to an intermediate prison, where he had much greater liberty, and where a further test was applied. If he still went on well, and gradually acquired habits of industry and fitness for liberty, he passed into the further stage of liberation under supervision.

§ 4. *Supervision of discharged convicts.*—Mr. Baker, of England, opened the discussion by explaining the law of England on this subject. Under that law, a person convicted a second time of felony may be condemned, in addition to imprisonment, to police supervision for a period not exceeding seven years. He must, at the end of each month, report himself and give an account of his conduct either to the police or some person authorized to receive his report. He must give notice of a change of residence to the police of the district which he leaves and of that to which he goes. The police, as long as he complies with the law, always prove his friends, assisting him in finding work and giving him, in case of need, money furnished by the prisoners' aid societies. This system, Mr. Baker contended, was kind to the supervised, offering him complete liberty as long as he conducted well, and exercising over him that friendly guardianship so useful to persons of infirm moral character. Moreover, it seemed to the public a protection of seven years instead of one, and allowed the term of imprisonment to be shortened by one-half, thus saving one-half the total cost of his expenses.

Mr. F. Hill remarked that Rev. Mr. Clay organized supervision in Lancashire years before Parliament adopted it. He found it caused a diminution of crime and was beneficial to the prisoners, the police helping them to obtain work.

Mr. Murray Browne said it was sometimes alleged that the police supervision would prevent prisoners getting work, but prisoners' aid societies knew that this was not the case. Last year, on the home secretary taking their opinion, thirteen societies out of sixteen were favorable to the system.

Mr. Stevens contended that, in countries where an organized police existed, discharged prisoners should be under no more supervision than other citizens. In Belgium a man might be sent by the police to a small place, not being permitted to go to large communities, but he might not find work there, and would be, in consequence, likely to relapse.

## CHAPTER XX.

### MISCELLANEOUS POINTS.

§ 1. *Whether prison officers need special training for their work.*—Dr. Guillaume, of Switzerland, opened the discussion, maintaining the affirmative of the question. He laid down the positions that it is for the interest of society that criminals should be reformed, and that they will become good only when unceasingly surrounded by good influences. From these premises he argued that the inferior as well as the higher officers of a prison should be acquainted with the moral and pedagogic means of penitentiary treatment, which acquaintance involved a recognition of the principle that a special education of prison officers is necessary and indispensable. It was for each country to determine whether it is desirable to establish normal schools for this purpose, or whether the employes should pass a preparatory training in a prison, or receive a course of periodical theoretic teaching. Speaking for himself, he wished the school for training prison officers to be in connection with a prison. Having selected men of ordinary intelligence, command of temper, &c., they should be put into the training prison to learn their work, after which they should be promoted according to merit, until,



possibly, they reached the top. These remarks did not apply to the governors or wardens of prisons, who should possess superior qualifications, and be endowed with a kind heart, sound judgment, general knowledge, and good temper. In conclusion, Dr. Guillaume said that he might summarize his views on this topic in the resolution adopted by the Prison Congress of Cincinnati in 1870, viz:

Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. The administration of public punishment will not become scientific, uniform, and successful until it is raised to the dignity of a profession, and men are specially trained for it as they are for other pursuits.

Major Du Cane, director of English convict-prisons, thought that prison officers, like physicians and soldiers, should learn their duty from actual experience. No preliminary instruction could be as valuable as seeing the supervision of skilled officials in actual practice. He believed that the tone of the English prison officials was all that it should be. A moderate amount of intelligence and education was required, and due care was taken to secure these qualifications, as well as firmness, honesty, and good temper. It was expected of them to convince the prisoners that society was not their enemy, but only wished to show them the way of well-doing. He believed that the prison officials in England did their duty efficiently, and that when recruits entered such a body they entered the best school in which to learn their duties.

Baron Mackay, of Holland, said that Dutch legislation discouraged technical education, believing that better material was found in a man with a general education than in one trained *ad hoc*. In the cellular prison at Amsterdam (the largest in Holland) it had not been found necessary to employ specially-trained officers. He agreed with Dr. Guillaume that training was desirable if it could be obtained within the prison-walls; but he objected to a normal school outside the prison for the inculcation of theories. He favored the promotion of subalterns, so trained, as vacancies occurred in the prison staff.

Sir Harry Verney, M. P., while not doubting that persons taken from the intelligent classes might make good prison officers, was, nevertheless, of the opinion that persons specially trained to the work would be more efficient. It had occurred to him, Why should not prison governors be selected from the subaltern officials? In England they were taken from the army and navy; but it might, perhaps, be better to advance prison officers. Many years ago, while visiting Dr. Wichern, at the Rauhe Haus, near Hamburg, he had seen there a number of young men being educated to take the place of officers in the prisons at Berlin. The idea struck him favorably at the time, and subsequent reflection had confirmed him in his opinion.

Mr. Rathbone, of England, pointed out an objection to the promotion of subalterns to the highest offices, viz, that the salaries now given did not attract men of education to these posts. A governor needed quick perception of character and great firmness—qualities, in his opinion, not specially cultivated by prison life.

Major Fulford, governor of Stafford jail, England, thought it would be absurd to have a normal school for subordinate officers. At his jail, such officers were always taken on probation, and, if found incompetent, were dismissed.

Dr. Mouat, of England, thought that, what the hospital and dissecting-room were to the surgeon, the prison was to officials. Intelligence and good moral character were indispensable, but it was in practical experience that they must learn their work. As to prison governors, he thought that, other things being equal, men should be selected who

were gentlemen and men of education in the broadest sense of the words. A prison was a moral hospital, which required a large amount of knowledge of mental phenomena, of religion, and education, and high aims in reclaiming the idle and vicious. Some special training was therefore advisable for both subordinate and superior officers.

Dr. Wines said that M. Demetz, the founder of the reformatory at Mettray, was so convinced of the necessity of a special training for those intrusted with the care of criminal men and boys that he had established a preparatory school, and spent an entire year with his colleagues in training twelve or fifteen young men as officers before he admitted a single inmate. The school had been kept up ever since, with twenty-five to thirty young men constantly in attendance, having a three years' course of training, and M. Demetz was strongly of opinion that Mettray would not have succeeded without it. The success of this reformatory probably surpassed that of any other institution in the world, scarcely 5 per cent. of those who left it ever returning to a career of crime.

§ 2. *Whether transportation is admissible and expedient in punishment of crime.*—Count de Foresta, of Italy, in opening the discussion, said that transportation, as carried on in France—transportation with compulsory labor in a colony—he approved of as the best punishment for great criminals, believing that it answered perfectly the double object of all punishment, viz, the protection of society within the limits of justice, and the reformation or amendment of the convict. It protects society by casting out from its bosom the most dangerous criminals, avoiding the grave inconveniences of relapses, and deterring would-be criminals by the prospect of banishment from their country and family. It encourages the convict by giving him a hope of becoming again useful to society and beginning a new life far from his old haunts, whither he may bring his family, or, if he have none, may found a new one. While thus approving of the main features of the French, as distinguished from the English, system of transportation, the count pointed out the defects of the latter and criticised them severely.

Mr. Pols, of Holland, thought that to send convicts to another country was unfair. If sent to a new colony, the natives were doomed to extermination. If the convicts were colonized, their descendants would, as in the English colonies, object to receive them, and the system would again have to be changed. Transportation for any length of time was impracticable.

Count Sollowub, of Russia, thought that transportation might be beneficial if a locality were selected which needed colonization and cultivation and external aid for the development of its resources.

Mr. Hastings, of England, remarked that to send convicts to an inhabited country was to wrong its citizens, who would, when they were able, resist it. To send them to an uninhabited country was merely to send them to a prison ten thousand or twelve thousand miles off, far removed from public supervision, a system always liable to great abuse. Moreover, the cost of the support of the convict was as great or greater as at home, and the expense of the voyage had to be incurred in addition.

Count de Foresta, in reply, said that he totally disapproved of transportation as formerly practised under the English law. He advocated sending convicts under life or fifteen or twenty year sentences to distant and, if possible, uninhabited regions, with separation at night and compulsory labor. When such colonies ultimately refused to receive convicts, (as the Australian colonies had,) it would be time enough to consider what should be done.

Baron von Holtzendorff thought that the experience of England was strongly against transportation, but that the question should be left open to the decision of countries that believed themselves to be placed under better conditions than England.

§ 3. *Whether short imprisonments and the non-payment of fines may be replaced by compulsory labor without privation of liberty.*—Count de Foresta, of Italy, explained to the congress a plan for effecting the end proposed in the title of the present section. He pointed out the evils attendant upon the imposing of sentences too short to admit of instruction or reformation, yet long enough to allow of the prisoner becoming morally corrupted. He believed that these evils might be diminished, if not entirely removed, by substituting for imprisonment obligatory labor during the day, leaving the condemned free to return to their families in the evening, like ordinary laborers. Again, as regards the payment of fines, since labor is the poor man's capital, the count urged that it would be more logical for society to re-imburse itself by means of his labor than to fling him into a cell, where he produced nothing. He admitted that this plan would prove difficult in execution, but denied that it was impracticable, and instanced many ways in which the condemned might be employed. He thought the system could be made applicable, especially in localities where there were large barren tracts to be reclaimed, or roads to be constructed.

Mr. Tallack, of England, remarked that the treatment of vagrants in that country was analogous to that proposed by Count de Foresta for petty offenders, which he approved, and would be glad to see adopted. It would prove beneficial to the offender himself in many instances, and the worst portion of the community would be deterred without breaking up homes and ruining families.

Rev. Mr. Collins, of England, favored the plan proposed by Count de Foresta. He had seen the agony caused in a respectable family by its principal member being committed to prison and branded as a jail-bird. Imprisonment should be made an object of dread, by surrounding it with disgrace and resorting to it as seldom as possible. He had long had misgivings, as a magistrate, whether he had not helped men to become criminals, rather than deterred them, by the imperative way in which the law required him to substitute short imprisonments for fines. By sending men to prison for a mere trivial offense, the feeling of shame was broken down, whereas self-respect should be maintained.

Mr. Stevens, of Belgium, thought that practically there would be found inconveniences in the system. Some prisoners were unaccustomed to manual labor. Again, how could employment be found for painters, musicians, &c.? Work in public would lack the penal element necessary in prison discipline, even for trifling offenses, and there would be some danger in collecting a dangerous class of men together, without the privation of liberty. He preferred to shut men up and subject them to moral influence.

Sir John Bowring considered the plan entirely feasible, if the condition of individual offenders and the circumstances of the locality were taken into account. In an agricultural district the men might be employed in agriculture, while in town they would be accustomed to various trades, which might be carried on by them. He once found a locksmith in a solitary cell earning seven shillings a day.

Baron Mackay, of Holland, regarded the proposal as chimerical. If the condemned received less than his wonted compensation, the punishment fell more heavily on his family than on himself. If, on the other hand, he received full pay, the only change in his mode of life being

working in one place instead of another, where would be the punishment? It would be a punishment only for those unaccustomed to manual labor, to whom it would be an aggravation rather than an alleviation, while, in such cases, mere intellectual work, if allowed, would be too slight a punishment.

Mr. Bremner, an English magistrate, thought the imposition of fines a very unequal punishment, and believed that, in case of inability to pay a fine, justice demanded some other alternative than imprisonment.

Baron von Holtzendorff would point to Prussia as a proof of the feasibility of the scheme. For twenty years there had existed a law providing labor as a substitute for a fine in the case of offenses against the forest-laws and wood-stealing.

§ 4. *The proper limits of the power of boards of prison managers as regards the administration of prisons.*—M. Loyson, of France, said that, in his country, there were regularly-appointed commissioners of supervision, whose functions were carefully defined. Their special mission consisted in promoting the moral and religious reformation of the convicts. The commissioners and the prison governors were entirely independent of each other. If the former perceived anything requiring correction, they notified the director, and, in case he refused to interfere, they might appeal to the prefect of the department or to the minister of the interior. Their services were entirely gratuitous, and they were generally chosen from the leading inhabitants of the district. He believed that this system, as a whole, offered advantages which no other could, since the daily visits of local commissioners were better than the occasional visits of inspectors.

M. Vaucher-Crémeux, of Switzerland, said that in that country the grand council of the canton appointed a commission, which was unconnected with the prison authorities and which might visit the prison at their discretion. They could point out defects and suggest remedies, but had no executive power.

Colonel Ratcliff, of England, said that the visiting justices in each county saw that the law was properly administered, while the government sent down an inspector yearly to examine all the details of administration.

§ 5. *Whether the government of prisons should be placed in the hands of one supreme central authority.*—Mr. Hastings, of England, thought that the plan adopted in that country, of having the county jails entirely distinct from the higher grade of prisons—the former being under the control of the local authorities, the latter under that of the general government—was preferable to a uniform system, under which all penal institutions should be subject to one central authority. Such a system, while it would undoubtedly have its advantages, would be apt to become stereotyped. He doubted whether it could be authoritatively declared that any one system was so far superior to all others that it ought to be enforced everywhere. A variety of details and an interchange of opinions and experiences would probably pave the way for a better system than any which could be theoretically devised.

Mr. Ploos van Amstel said that in Holland the minister of justice was chief administrator of prisons. A change of ministry, which was not infrequent, always involved the possibility of changes in prison management. To secure permanence, he thought that a council of three or four members should act with the minister. Local boards, nominated by the government, were charged with the interior administration or supervision of the prisons in every locality.

Mr. Stevens, of Belgium, admitted that political decentralization had

its advantages, but questioned whether this was the case with administrative decentralization. In Belgium, all prisons were under a uniform system. If a local commission suggested an improvement, it was considered by the central authority, and, if approved, was introduced in all prisons. Punishment as well as law surely ought to be uniform.

Dr. Guillaume, of Switzerland, said that each of the twenty-five Swiss cantons had its own legislature and administration, thus preventing any uniformity. He believed, however, that a central authority (he would say the minister of the interior) should have the direction of prisons, refuges, and similar institutions having a preventive or other effect on crime.

Messrs. Carter and Baker, of England, warmly defended the English system of local management for local prisons. County magistrates, in their opinion, were better acquainted with the feelings of the people, and could therefore manage the jails better than a central authority.

§ 6. *International prison statistics.*—Mr. Beltrani-Scalia, of Italy, said that it was needless to show the utility of penitentiary statistics, which alone could furnish legislators with the elements necessary for a reform of the penal system, and which, moreover, would furnish judges with valuable hints in the application of punishment. He deplored the want of success which had attended the recommendations and efforts put forth in this direction by the prison congresses of 1858 and 1863, and by the statistical congresses of 1857, 1860, and 1879. He thought that an international commission ought to be appointed, comprising representatives of the different countries, which would lay down the basis of international prison statistics, leaving each government free to determine the form and time of the official publications it considered useful. The statistical congress at the Hague, in 1870, had expressed a wish that the tables be prepared, not only in the language of the country, but also in French. He regarded the suggestion as a good one.

Count Sollobub, of Russia, considered the suggestion of Mr. Beltrani-Scalia with regard to an international commission not only wise, but feasible. He felt sure no country would refuse to co-operate.

Dr. Frey, of Austria, thought that a comparison between different countries would be attended with some difficulty, though he hoped not insuperable. A different percentage, under different systems might be due to nationality, not to system. Thus, if the question arose how many persons suffered from lunacy under isolated and how many under congregate imprisonment, the percentage of lunacy in the country should be considered. So with regard to the rate of mortality in prisons.

Dr. Guillaume, of Switzerland, urged the importance of criminal statistics as a guide to prison-reformers. Minute information should be obtained of the criminal, so that the springs of crime might be ascertained and dried up.

Professor Leone Levi, of England, proposed that an international commission be appointed by this congress to lay down the principles of a yearly statistical report on crime and prison discipline. Uniformity of nomenclature of crime was indispensable in order to ascertain its increase or decrease. What was murder in one country was not murder in another. A system should be devised that would guard against ambiguity in this regard.

§ 7. *The best means of repressing criminal capitalists.*—Mr. Edwin Hill, of England, began the discussion by reading a paper on this subject. He thought that the public mind was at fault in not having, as yet, grasped the important truth that crime on a large scale is a craft, so far organized as to require the co-operation of labor and capital for

its successful operation. These "criminal capitalists" he divided into four classes, viz: 1, the providers of homes for the predatory classes—*i. e.*, owners of real property occupied by thieves; 2, keepers of "flash-houses," or establishments wherein thieves meet for purposes of carousal and to plot the crimes they intend to perpetrate; 3, booty-mongers, or receivers of stolen property, called, in thieves' slang, "fences;" and, 4, the inventors and manufacturers of burglarious implements. He believed and knew that so dependent were thieves upon these four classes of capitalists, if the supporting capital were withdrawn, thieving, as a vocation, must cease. He instanced two distressing evils which, in such case, could not fail to be suppressed, viz, first, the birth and nurture of children so environed by criminality as to have, practically, no means of escape; and, secondly, the street-corruption of honest men's children by evil associations and the enticement to pilfer now offered by the purchasers of petty pilferings. He admitted that organized criminality would cease as entirely, could the mere operative thieves all be driven from the field, but urged that the want of success that has so far attended the vast efforts put forth and the enormous expense incurred by society in seeking to effect this was an argument to try the plan that he had suggested, which he considered much more certain, far less expensive, and equally effectual. He pointed out what he considered to be numerous defects in the existing English law on this subject, and suggested changes for the purpose of, first, effectually deterring the owners of real property from suffering it to become a refuge for criminals; and, secondly, to render the conviction of receivers of stolen property more easy than it now is. He also urged the justice of heavily mulcting all capital found aiding the operations of criminals to defray the enormous expense of police, prisons, &c.

Mr. Serjeant Cox, of England, said that in that country a law had been recently passed increasing the minimum quantity which a marine-store keeper or junk-dealer was allowed to purchase, this class of dealers being usually encouragers of petty pilfering by purchasing the stolen bits of iron, old rope, and other articles purloined by children. The effect of this law had been to materially reduce the number of such crimes, and he believed if its principle were extended to other articles, and shop-keepers were prohibited purchasing from children under a certain age any commodities which they were not likely to have acquired rightfully, and restrictions were placed upon the hours during which marine-store dealers might be dealt with, very much good would probably ensue. In the court over which he presided he had made it a principle always to give the receiver double the punishment inflicted on the thief. If this rule were universally carried out, receiving would be regarded as a much more dangerous employment, and the limitation of the number would increase the check we could keep on those that remained.

Hon. J. R. Chandler, of Pennsylvania, stated the law in America on this subject to be that the owner of stolen property could always compel the party in whose possession it was found to account for the manner in which it came into his possession, and that a house wherein trade in stolen goods was carried on could be dealt with as a "disorderly house." As to that class of capitalists who amassed wealth out of the ruin of one sex, he considered hanging their merited punishment.

Colonel Ratcliff, of England, thought it impracticable to require the inspectors of houses to close those buildings wherein known thieves lived. He said that it was often an advantage to the police to know

the houses in which thieves congregated, since it enabled them more readily to find men of whom they were in search.

Mr. Aspinall, of England, thought that an incorrect impression might be derived from Mr. Hill's statement as to the difficulty of convicting receivers under the English law, which was very much the same as Mr. Chandler had stated to be the law of his country. It would be an encroachment on the liberty of the subject to allow private houses to be searched without special warrant, but all public houses were open to police visitation at any moment. All junk-dealers were required to take out a license, and to enter in a book, subject to police inspection, every transaction in metals and that sort of property which children were tempted to steal, from the facility with which it could be turned into money. Besides which, it was not uncommon in his own city (Liverpool) for the magistrates to punish the receiver seven times as much as the thief. He made these statements, fearing that strangers might receive an exaggerated idea of the defects of the English law in this particular from Mr. Edwin Hill's paper.

§ 8. *Whether whipping is expedient as a punishment for crime.*—Mr. Pols, of Holland, said that, not out of sympathy with ruffians, but with honest people, he urged the abolition of bodily inflictions in punishment of crime, which he considered wholly inefficient as a means of social defense, engendering cruelty, and being far more injurious to society, which imposed it, than to the criminal, who suffered it. In inflicting punishment regard should always be had to its probable reformatory results. The criminal's moral and religious feelings should be respected and fostered, a love of order and of labor implanted, his sense of responsibility and his power of self-restraint increased. To effect this, we must reach the understanding, the way to which was not through the lash. He did not believe that there were any criminals so hardened that this faculty could not be reached through moral suasion; while violence bred violence, harshness engendered hatred, hardness excited to revolt. In Holland, flogging had been prohibited in the school and the prison, and expunged from the penal code. In each instance, its abolition had resulted in a diminution of the offenses for which, previously, it had been inflicted. In the army, although not formally abolished, it had been practically discontinued for forty years, during which time insubordination had steadily decreased. He had no hesitation in attributing to the abolition of corporal punishment no small share of the happiness of Holland, and what was true of Holland he believed to be true of other continental states.

Mr. Aspinall, of England, observed that apparent was not always real philanthropy, and that, while regarding the reformatory element of punishment, that which was deterrent should not be overlooked. He was for resorting to corporal punishment where every other agency failed. Wife and women beaters deserved the lash, and in the majority of cases no other punishment had any effect. Could any one see the blackened eyes, discolored flesh, and crippled forms of wretched women and children, he would say that the monsters who produced these deserved corporal punishment.

Colonel Ratcliff, of England, thought that there was a certain class of men who were susceptible to no other influence. That it was efficacious he maintained was proved by the fact that, immediately after the passage of the act visiting garroters with corporal punishment, robberies with violence were no more heard of.

Dr. Marquardsen, of Bavaria, remarked that public opinion in Eng-

land had been unduly influenced by the garroting panic, but for which it would have kept pace with that of the continent on this question.

§ 9. *Extradition treaties.*—Dr. Frey, of Austria, introduced this question, maintaining that the negotiation of treaties between civilized states for the extradition of criminals ought not to be influenced by political considerations. There could be no doubt, he said, that the absence of such treaties constituted a temptation to criminals, who knew that they could commit a crime, and afterward enjoy immunity from arrest in a neighboring state. Such treaties were, therefore, of vital importance.

No discussion followed Dr. Frey's remarks.

§ 10. *Woman's work in prisons.*—Mrs. Chase, of Rhode Island, opened the discussion on this question by alluding to the efforts that have recently been made in several of the States in her country to secure the appointment of women on the boards of state-prison inspectors. She said that those who urged this measure based their claim primarily on the ground that it is the *duty* of women to share with men in the care, instruction, and reformation of criminals, and that they can best do so if empowered with the same authority. Criminal women especially need the sympathy and society of their own sex; and the women who are usually employed in the capacity of prison matrons are not, she thought, generally capable of comprehending the peculiar condition of these unfortunates, which, on several accounts, is more deplorable than that of criminal men. Nor, in her opinion, was the evil remedied by volunteer visitation of prisons by women. While much may be accomplished through this means, still a woman who feels that she is so employed by permission only cannot fail to be greatly embarrassed; and, if she call attention to any abuse, her criticism is regarded as unwarrantable interference, and often leads to her exclusion. She also called attention to the softening influence that good women might reasonably be expected to exert over male criminals separated, in many cases, from their families and removed from all home associations. Again, the counsels of women in the board of inspectors would be valuable in all matters pertaining to the domestic economy of prison. As a member of the legally-constituted board of female visitors of the Rhode Island state-prison, she knew that the attention of the inspectors was mainly given to the men. As the chairman of the board of inspectors had said to her, "We cannot go into the women's hospital, and we know nothing about it." This inattention, which she believed to be general throughout the country, she attributed to three causes: first, the comparatively small number of women in prison made it seem less important that they should be looked after; secondly, good men regard a fallen woman as so much worse than a fallen man that they involuntarily shrink from association with her; and, thirdly, the public sentiment that regards fallen women as hopelessly lost follows them within the prison-walls, and the inspectors feel that they cannot hold out to them the same hopes as to men. An inspector had once said to her, "We don't know what to say to them." She believed that if there was anything to say to them, if in any way the path to a life of virtue could be opened to them, if the stone which an unjust public sentiment had laid over the grave of their respectability *could* be rolled away, it must be done by women, and from her own experience she knew that, to do this thoroughly and well, women must share with men the responsibility and authority which guide and control these institutions.

Miss Mary Carpenter, of England, was not one of those who desired that woman should take the place of man or do man's work, but she wished to define what, in her judgment, was the special work of women



in connection with prisons. She believed that everything which concerned the reformation of female convicts should be solely, and the reformation of children partly, under the care of women. Children requiring reformation should be placed in homes, not in prisons; and there can be no true home without a mother, or a sister, or some woman to control it. Ladies ought to conduct and manage reformatory schools for girls. She admitted that a majority of women were incapable of managing business arrangements in a board, but thought that they might be trained to it. It was also very important that the higher influence of educated women, when combined with an earnest, philanthropic, and religious spirit, should be brought to bear upon female convicts. She was aware of the great difficulties attending the visitation of prisons by women, but they had been triumphantly surmounted in the convict-prisons of Ireland, where ladies of approved position and character were permitted to visit the inmates, each lady confining herself exclusively to the denomination of female convicts to which she belonged. This system had worked admirably. She agreed with Mrs. Chase that lady visitors ought to have an official position. It was, however, when a woman had left prison that the good offices of her own sex were especially required. She would give to ladies such a part in the reformation of convicts out of prison as was done at Golden Bridge, in Ireland, in the institution which Sir Walter Crofton established. In that country, where the majority were Roman Catholics, the gentleman named had requested the nuns of the Golden Bridge Convent to take charge of female prisoners before their terms of sentence had expired, the institution receiving an allowance for their maintenance from the prison authorities. If their conduct while there is bad, they are remitted to prison; if good, families were found in abundance willing to take them into their homes. So successful had this system proved, that out of the thousands of cases that had passed through it, there had been very few relapses. Sir Walter Crofton had, after great effort, obtained permission of the government to try it in England. This he had done on a small scale, and with like success. The institution had been entirely under the control and management of women, though of course there had been, behind their authority, legal power to direct.

Miss Emily Faithful, of England, desired to bear her testimony to the great value of the institution to which Miss Carpenter had referred as having been founded by Sir Walter Crofton in England, and thought it very desirable that such establishments should exist in every part of the country, since it was of vital importance to a discharged female prisoner that an opportunity of leading a better life should be afforded her. But for families to receive these women promiscuously into their homes, immediately upon their release, would be productive of more harm than good. She deeply felt the necessity for the appointment of lady-visitors, but thought that women should be specially trained for this work.

Mrs. Julia Ward Howe, of America, thought that, if it were well to have female physicians in certain cases of bodily disease, it was equally important that some of the doctors of crime should be women. She believed that women themselves and society at large were both at fault in this matter.

Mrs. Lewis, of England, spoke of her first visit to the large female prison at Fulham. A lady-visitor had not been seen for months, and the cheering influence produced by her visit, alike upon officials and inmates, was plainly perceptible. The inference that she drew was that lady-visitors could not be too often admitted to these establishments.

Mr. Bremner, of England, said that only women could approach the better feelings of fallen women, and he thought that the non-recognition of this principle by prison managers was a grave mistake. He believed that lady-visitors should have an official position in female prisons, which would free them from the charge of meddling interference. As a proof of the inability of men to supply the place of women in this work, he remarked that the Prisoners' Aid Society of Manchester had failed so entirely in its work among liberated female convicts that it had abandoned it altogether.

Rev. Mr. Crombleholme, of England, had, as a manager of an industrial school for boys, felt the necessity of having a good woman to deal with them. A large proportion of children born in prisons and work-houses, or sent to work-houses, died before reaching the age of seven years, for want of a woman's motherly care. He believed, moreover, that it was impossible to reform women except through female agency. He believed that an official board of lady-visitors should be attached to every prison.

Lady Bowring spoke of the peculiar difficulties that beset fallen women on attempting to reform their lives, and urged the appointment of an official board of ladies in connection with each female prison, who might awaken a desire in their breasts to lead a better life, and might render such an end more easily accomplished.

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## CHAPTER XXI.

### PREVENTIVE AND REFORMATORY WORK.

Rev. Charles L. Brace, secretary of the New York Children's Aid Society, introduced the discussion of this topic in a long, able, and interesting paper on the prevention of juvenile crime in large cities. He believed that the greatest danger to both property and life in large cities was from the class of ignorant, neglected, and outcast youth, the fearful increase of whose criminal precocity could be checked only by organization and combination. The task, even under the most favorable conditions, is one requiring great skill, judgment, and perseverance. The first influence needed is sympathy. The great majority of these outcasts cannot believe that any one cares for them. This solitude is what especially drives a girl to despair and ruin. When these children begin to learn that those more fortunate in life have a sincere sympathy for them, half the danger has passed away; they become susceptible to reforming influences and are less exposed to temptations to vice and crime. The second influence indispensable to the successful prosecution of this work is education, or school-training, which inculcates habits of steady labor, punctuality, and exactness, and a taste for knowledge, besides enabling the youth to earn his bread. To make education, however, universal, it should be gratuitous and compulsory. Together with school-training naturally comes discipline, invaluable to these street-wanderers, unaccustomed as they are to self-control and submission to law. But, in teaching them discipline, their independence and self-help, so far from being checked, should be encouraged. Industrial training, also, should be imparted to these children. It is not desirable, however, to attempt self-supporting industrial movements among them, but rather to fit them for any occupation by teaching habits of industry. Religion is an indispensable element in any combination of influences designed

to effect a saving work among these juvenile vagrants. Nothing else can strengthen them against the tide of evil influences in which they are placed. Mr. Brace further mentioned, as the final and best practical agency in efforts in large towns for this class, the plan of "placing out," or emigration to country districts. This breaks up all the worst associations about these unfortunate youths, takes them from their companions and haunts of vice, puts them where others will respect them if they respect themselves, gives them the best of all labors for "minds diseased"—labor on the soil—opens to them a chance of success and competency, and places them in the most useful class in every country, the tillers of the ground. Besides the advantages here indicated, this plan commends itself on the score of economy, the expense of "placing out" being a bagatelle compared to that of a public institution, such as an alms-house, asylum, or reformatory for an equal number. It relieves the community of paupers and future criminals, and destroys hereditary pauperism. Mr. Brace then gave an extended account of the formation and work of the New York Children's Aid Society, whose chief agency he stated to be "placing out" these children in country homes in the Western States, which has been, in his opinion, an unmingled blessing, and the most economical charity ever devised. The number of children thus sent West since the formation of the society has been 22,000, of whom comparatively few drift back to the city.

Miss Mary Carpenter, the manager and founder of the Red Lodge Reformatory for Girls, Bristol, England, continued the discussion by the reading of a most valuable paper on "The Principles and Results of the English Reformatory and Certified Industrial Schools." The system on which these schools are conducted has been already so fully explained in Part First of this report, that but a brief *résumé* of the main points in the very interesting paper by Miss Carpenter will be attempted here. The difference between the two classes of institutions mentioned in the title of the paper lies in the fact that to the former may be committed for a certain number of years children guilty of any act punishable with not less than fourteen days' previous imprisonment, while the latter are intended for young persons in a state of *proclivity* to crime. Both classes of schools must be established by private benevolence, but must be inspected by some one appointed by the secretary of state, and if he *certify* them as fit and proper for the purpose, the state grants a fixed sum per capita for each child sentenced to the school as long as he remains an inmate. This allowance is smaller in the case of industrial schools. A number of small institutions have been found better than a few large central ones. In order that a home feeling may be inspired, each school should be adapted to receive only fifty or sixty inmates; if any institutions contain a larger number, they are divided into several schools, each of which occupies a separate house. In the general training, industrial, and if possible, out-door employment occupies a prominent part, the girls being taught such occupations as will prepare them for domestic life. At least three hours daily are devoted to religious instruction and the ordinary branches of education. Sufficient time is allowed for recreation and occasional innocent gratification. The food, clothing, and surroundings in reformatories are such as are adapted to working boys and girls, and conduce to their health and civilization, without giving them undue indulgence. The results of this system Miss Carpenter described as most encouraging. As an illustration, she mentioned that, of seventy girls discharged from her own reformatory during four years, only one was reconvicted during that period, nine others were doubtful or unknown, and sixty were maintaining themselves re-

spectably, six of them having been well married. But independent of any isolated facts or any statistics, Miss Carpenter stated that juvenile crime, as it existed twenty years ago, has been *absolutely annihilated*. At the outset of this reformatory work, young persons were frequently committed who had been in prison six or eight times; at present, cases of even a second conviction are uncommon. So satisfactory have been its results, that children who have passed through a reformatory are sought for, even in preference to others, as being better prepared for work than ordinary children. And as a final result of the reformatory work thus described, Miss Carpenter stated that the public interest had been awakened in these outcast children, and that it is now well understood that, in this matter at least, sound political economy and true Christianity are not really at variance, and the heart and conscience of the nation have been opened to bestow money and effort, as well as love and sympathy, to save these young ones.

Mr. J. A. Foote, of Ohio, briefly noticed the success that had attended the work of the Ohio Reform School, and said that reformatory work was the romance of doing good.

Mr. Vaucher-Crémieux, of Switzerland, thought that in the reformation of juvenile offenders the germ of crime was destroyed. He particularly favored agricultural colonies like Mettray, where, out of four thousand inmates, it was believed that there were scarcely a score who had not been completely regenerated.

Mr. Hendrickson, of Wisconsin, described the school of which he is the superintendent, which is conducted on what is known as the family plan, and which had been remarkably successful.

Mr. Howe, superintendent of the Ohio Reform Farm School, gave an interesting sketch of the organization, growth, and complete success of that institution.

Mr. Bournat, of France, said that in that country there were two classes of reformatories, called, respectively, penitentiary and correctional colonies. To the former were sent young offenders sentenced to less than two years' imprisonment, as well as orphans under sixteen who were judged not to have erred knowingly; to the latter were sent those sentenced for more than two years and those guilty of insubordination in the penitentiary colonies. The cellular prison of La Petite Roquette, Paris, received minors under sixteen. If their conduct in the penitentiary was good, they were surrendered to the patronage society for liberated juveniles of the Seine, which apprenticed them to a trade. If their conduct gave satisfaction to their masters, they were not interfered with; if otherwise, they were sent back to the penitentiary.

Mr. Marshall, of England, described the boys' reformatory at Feltham and that for girls at Hampstead. In the former, boys were instructed in practical seamanship, and were often well received by captains when applying for positions on ship-board on discharge. At the latter, the inmates were trained for domestic service, and situations were readily obtained for them on liberation. At both, scholastic and religious educations were imparted with assiduity and success.

Sir T. Powell Buxton, of England, said that in that country it was seldom possible to reduce the average retention of juvenile delinquents to less than twelve or eighteen months. The facilities for "placing out" children, as described by Mr. Brace, were not so good in England as in America, owing to the greater density of the population.

Mr. Baker, of England, as one of the pioneer founders of reformatory schools, recounted the difficulties that had attended their formation. In 1856 Parliament passed laws enabling reformatories to spring up all

over the country, the result being that in four years the number of commitments of juveniles had been reduced from 14,000 to 8,000.

Baron von Holtzendorff, of Prussia, said that compulsory education was one of the preventive measures adopted in Germany, and that, owing to this, such spectacles as met the eye in London were never seen in Berlin. Children under twelve were not brought before a magistrate, but punished by the school-master. Between the ages of twelve and eighteen, they might be sent to reformatories, which were generally under the management of private persons, and where they might be detained until they reached the age of twenty. He was of opinion that the progressive treatment might be applied to juvenile delinquents. The prevailing opinion in Germany was that it was not sufficient merely to detain a child to the age of thirteen or fourteen at a public school, but that there should be a complementary course to the age of eighteen, and that boys and girls who had left school ought to be obliged to attend evening lectures twice a week. This was thought desirable because the period he had mentioned was a very dangerous one. Such a complementary course was believed to be of much importance, and some such provision had been already made in Saxony. The subject was now occupying the attention of the Prussian government.

Dr. Guillaume, of Switzerland, thought education in infancy was the best preventive of crime, a predisposition to which he believed was sometimes hereditary. Neglected children were not responsible for their moral infirmities. To place such children in charitable, Christian homes he considered better than sending them to reformatories. Since in Switzerland a sufficient number of such families could not be found, institutions to the number of seventy or eighty had been established to care for these children. They were so organized as to resemble a family as much as possible. Not more than 10 or 15 per cent. of the inmates turned out badly. The rest became good citizens in after-life, marrying and themselves founding new homes.

Mr. Wills, of England, had once seen gardens allotted to fifty of the best boys in a reformatory having two hundred inmates. The influence of this step had been very good.

Rev. Mr. Crombleholme, of England, thought that the German practice of having the school-master, rather than the magistrate, manage children under twelve, as described by Baron von Holtzendorff, was an excellent one. He also favored the complementary training mentioned, and thought that it was a short-sighted economy to allow considerations of expense to influence public action in this connection.

Mr. Aspinall, of England, while estimating at its full value the good effected through the agency of reformatory, industrial, and public schools, and giving to the system of compulsory education its just due, still thought that all these measures should be supplemented by efforts to improve the homes from which the children came, and to elevate their parents. Here, he considered, was a broad field for Christian philanthropy.

Sir Walter Crofton thought the general feeling of the meeting, as his own conviction certainly, was in favor of the family system.

Dr. Marquardsen, of Bavaria, Dr. Guillaume, of Switzerland, and Rev. Mr. Coit, of Massachusetts, in reply to questions of Mrs. Meredith, stated the practice in their several countries in regard to the illegitimate children of female prisoners. In Bavaria and Massachusetts they become wards of the state, and in Switzerland were taken care of by the local authorities.

Mr. Ford, of England, remarked that it was a singular fact that in

England the more criminal institutions—the reformatories—had remained stationary ten years; and these were now only sixty-four or sixty-five. But the least criminal class of institutions—the industrial schools—had more than doubled in number during the same period. In 1861 there were forty-one, and fifty had been established since. Thus it appeared that the latter were doing away with the necessity for the former.

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## CHAPTER XXII.

### PENITENTIARY SYSTEMS.

§ 1. *The Irish convict system, as explained by Sir Walter Crofton.*—This system first endeavors to make the criminal feel that his punishment is not simply afflictive, but also reformatory. To stimulate him in his reformation the element of hope is combined with the punitive element, and the system of classification shows him that his fate is in his own hands. This classification is the result of a system of marks awarded for intelligence, work, and zeal. They are not given as a reward for mere intelligence, for the most criminal are often intellectually brightest, and would thus be most rewarded. The first thing aimed at is to give the criminal a liking for work, for generally idleness led him to crime. But work will give him no pleasure unless he is remunerated for it. After a certain time passed in a cell, when strengthened and comforted by the visits of the minister, he will live in common with other prisoners. During his treatment on the collective system, the change effected in his character can be appreciated, and he is rewarded by the distribution of marks. He is now arbiter of his own lot, and can only get into a higher class by diligence and zeal. Lastly, when he has given sufficient guarantees of good conduct, he passes into an intermediate prison, which is designed to test the work previously done, as the crucible tests gold. These intermediate prisons, in which the prisoners enjoy a semi-liberty, have produced excellent results. Those living in them conduct themselves as free workmen. Penal labor in all the Irish convict-prisons is prohibited. This system has been proved a triumphant success. Its reformatory results are most encouraging, a consideration more than counter-balancing, even pecuniarily, the slightly increased expense which it may involve. Time, however, is required for its reforming influences to operate; hence the minimum sentence has been fixed at five years. Prisoners who gain a remission of imprisonment receive a “ticket of license,” liberating them conditionally. Escapes among prisoners so liberated are very rare, particularly since the institution of police supervision, under which system each holder of a “ticket of license” is required to report his residence and occupation to the police each month. If such a prisoner is again apprehended before the time for which he was sentenced has expired, he is sent back to the prison from which he was liberated. In reply to a question, Sir Walter stated that prisoners, on arriving at the intermediate prison, were treated with respect and confidence, and that their conduct elsewhere justified this treatment. As an illustration of this proposition, he said that in a certain prison some one of the prisoners was intrusted each week with the execution of errands outside the prison; in seven years only one had returned intoxicated. A prisoner who has relapsed after passing through the intermediate prison is not allowed to return there again. Life-sentenced men, after ten years’ cellular imprisonment with hard labor, are impris-

oned commonly in a special prison, and after twenty years their fate is determined by the government.

§ 2. *The Irish borough and county prisons, as explained by Hon. C. F. Bourke and others.*—The management of these prisons is confined to boards of superintendence, composed each of twelve gentlemen of social position and influence in their respective counties, chosen by the grand juries of the counties. At present there is little uniformity in the discipline of these prisons, but at the last session of Parliament a bill was passed giving to the executive the power to make uniform rules and by-laws for their management. All prisoners, juvenile and adult, male and female, attend the prison schools daily, many of those advanced in life learning both to read and write during their imprisonment. A medical officer is connected with each jail, who is required to visit each prisoner twice a week at least, and oftener if necessary, and who has the right to alter the diet or labor of any prisoner according to his judgment. Each board of superintendence is empowered to appoint, and usually did appoint, three chaplains—one Episcopalian, one Roman Catholic, and one Presbyterian. The great difficulty with which the prison managers have to contend is the number of short sentences, (very many being for only twenty-four hours,) which rather promote crime than check it. A majority of these sentences are inflicted on drunkards, who are wholly undeterred thereby. It amounts practically merely to giving the prisoner a good bed for the night gratuitously, often an unwooned luxury, which is, in many cases, enjoyed by the same prisoner at intervals of a week for more than one hundred times. Mr. Bourke thought that committing magistrates should be empowered to pass cumulative sentences on such prisoners, and that more stringent enactments with reference to the sale of ardent spirits should be incorporated in the law.

§ 3. *The English convict system, as explained by Major C. F. Du Cane.*—[The greater part of Major Du Cane's explanation, having been embodied in his answers to the interrogatories mentioned in Part First of this report, has been epitomized there, and need not be repeated.]

Major Du Cane defended the ticket-of-license system as practised in England. In reply to questions propounded by members of the congress, he stated that life-sentenced prisoners were usually conditionally liberated by the secretary of state after twenty years' cellular imprisonment. He did not consider the number of recidivists any evidence of the value of a prison system. In 1870 more than 25 per cent. of those discharged from the English prisons had relapsed into crime, which was an increase of a little more than 2 per cent. over the preceding year. He said that his ideal would be to see 100 per cent. of recidivists, since this would show that it is always the same men who commit crime, and that the social pest was really limited and localized. Great attention is paid to the industrial training of the convicts in the English prisons, 1,600 out of 2,200 apprenticed to some mechanical trade having learned it completely. A portion of the prisoner's earnings—not exceeding £3—was allowed to him, the sum awarded varying according to his industry. The convict, however, was not allowed to send any portion of this money to his family; but on his discharge it was given to a prisoners' aid society, if he requested their assistance and protection; otherwise, the police were requested to give it to him in small sums. Marks are given the prisoners as a reward for industry, and if the number earned is sufficient, they are promoted from class to class. If any convict feels dissatisfied, he may appeal to the governor, and from him to the director, from whose decision an appeal lies to the secretary of state. Appeals to the director are frequent;

but if the prisoner's statement of facts is false, he is liable to a disciplinary punishment.

§ 4. *The English borough and county prisons, as explained by Captain Armytage, Dr. Mouat, and others.*—Captain Armytage, of England, gave a detailed account of the Wakefield prison, of which he is the governor. The majority of the inmates were sentenced to from three to seven days' imprisonment, many of whom, discharged on Saturday, returned to the prison on the following Monday. The longest term of imprisonment in a county jail is two years for one offense. A majority of the prisoners were misdemeanants who owed their incarceration to intemperance. Penal labor was employed, but seldom except as a punishment for breaches of discipline. Connected with this prison is the industrial home for discharged male prisoners, of which Mr. Browne had made mention. The cost per head in this establishment was 7s. 2d. per week. Some of the inmates' earnings amounted to £1 per week, their employment being mat-making, and light work of that sort. There is also a female home, in which the women are employed principally in washing, and are trained for domestic service, and there is a constant demand for them as servants. A well-assorted library is connected with the prison, to which the inmates have access. Perfect religious equality prevails, both Roman Catholic and Protestant chaplains being employed.

Archbishop Manning addressed the congress at length on the subject of religious freedom in prisons, pleading that the conscience of Roman Catholic prisoners should be protected equally with that of Protestants. He earnestly hoped for the passage by Parliament of an act then before the body making the employment of Roman Catholic chaplains compulsory in every county jail. He stated that no salary would be asked for if objection were made on the ground of expense. The employment of chaplains of his faith was now simply permitted in the county jails, and there were one hundred and nine jails where none were employed. He wished to see it made everywhere obligatory in this class of prisons as it now is in the convict or government prisons.

The remarks of the archbishop elicited general approval from the English members, Dr. Mouat observing that, if there was but one Roman Catholic prisoner in the prison, his receiving religious instruction according to his faith ought to be a matter of right, and not of permission.

§ 5. *The Scotch prison system, as explained by Mr. J. Monclure.*—There is but one general prison in Scotland. No male prisoners are sent here for terms longer than three years, those whose sentence exceeds this being transferred, after a probationary term of nine months, to public-works prisons in England. The system of discipline in the latter prisons is identical with that pursued at Perth. The county jails receive prisoners sentenced for from twenty-four hours to nine months, although, owing to the limited accommodation at Perth, it is sometimes found necessary to retain in the county and borough jails prisoners sentenced for a longer term, in which case their board is paid by the government. Civil and criminal debtors are confined in these jails as well, and are allowed greater privileges. The diet varies according to their sentence, depending upon its duration, and whether with or without hard labor. Corporal punishment is not allowed, except in the case of boys sentenced for petty offenses, and is even then very seldom used. Penal labor is employed, which in most cases is made productive. Nowhere in Scotland do the earnings of prisoners pay for half their maintenance. Gratnities are given to well-conducted and industrious prisoners on their discharge. Convicts discharged from the prison at Perth all receive a



gratuity varying from 5s. to £4, according to their conduct and industry. To receive the latter sum, a prisoner must have had no demerit marks whatever. A portion of the money is given him when he leaves the prison. The remainder is paid in fortnightly installments, on his forwarding a certificate, signed by the police, that he is obtaining an honest livelihood. This police supervision works admirably, protecting those inclined to do well, and acting as a salutary check on those who are disposed to return to vicious courses. The superintendence of all the prisons of Scotland is confined to a central board at Edinburgh, under the direction of the home secretary. They superintend the collection of judicial and penitentiary statistics. One of their number visits the prison at Perth twice a month, sees each prisoner, hears complaints, and inspects the buildings, stores, &c.

§ 6. *The Belgian prison system, as explained by Mr. Stevens.*—The cellular system is strictly enforced in nearly all the Belgian prisons. Mr. Stevens claimed that it possesses two classes of advantages, positive and negative. Among the former he enumerated, with other benefits, the opportunity it affords for the separate study and treatment of each prisoner, and adapting the discipline to the situation and needs of all the prisoners, thus securing the efficacy of the punishment. He considered a variation in the treatment of moral disease as necessary as in that of physical disease. The cellular system also enables the prisoner to preserve the feeling of his dignity as a man and of his personal responsibility. The prevention of moral contagion, the subduing and calming influence of solitude, and the opportunity offered for reflection and repentance were all, in Mr. Stevens's opinion, found in the cellular system. In a word, he considered that no system attained more directly or perfectly the various objects of punishment—repression, expiation, prevention, and reformation. As the prisoner's reform progresses, cellular confinement becomes less and less irksome to him, until at last he would regard removal to a congregate prison as an intolerable punishment. In consequence of its repressive and reformatory efficacy, this system, Mr. Stevens claimed, allowed a diminution of the duration of imprisonment, thus greatly lessening expense. A want of sufficient cellular accommodation alone has prevented the introduction of this system into all the Belgian prisons, and this obstacle is being removed as rapidly as possible. Its results in that country have abundantly justified its adoption. The official returns prove that the average number of recidivists is 4.46 per cent. of those leaving cellular prisons, while it is 68.80 per cent. of those liberated from congregate prisons. Lastly, Mr. Stevens stated the remarkable fact that in Belgium the number of prisoners has decreased during the last six years from 7,000 to 4,000, a result which he attributed in part to the introduction of the cellular system.

§ 7. *The Russian prison system, projected but not yet reduced to practice, as described by Count Sollohub.*—Count Sollohub explained a complete system of penitentiary treatment, full of novel views and original ideas. Want of time prevented him from finishing his explanation, but he submitted a pamphlet on the subject, which was distributed to the members of the congress. This has been translated and printed, as the reader will have observed, in Chapter XIV, Part First, of this report.

§ 8. *The French prison system, as explained by Mr. Bérenger.*—Great interest is taken at present in France in the subject of prison reform, and the National Assembly has appointed a commission to inquire into the condition of French prisons and suggest improvements. This commission deputized Mr. Bérenger to attend the congress. He said that

the system now followed presented three prominent characteristics: first, young criminals are imprisoned in reformatories; secondly, help is given to the man who commits a first crime; and, thirdly, an attempt is made to get rid of recidivists. It is in effecting the object last named that the greatest difficulty is apprehended.

Being interrogated as to the state of public opinion in France as regards the cellular system, Mr. Béranger said he believed it was not unpopular. He avowed himself an advocate of that system.

§ 9. *The Swiss prison system, as explained by Dr. Guillaume.*—After various experiments, public opinion in Switzerland has become definitively settled in favor of the Crofton system. The details of its application are contained in Part First, and will be further illustrated in Part Fourth.

§ 10. *The Italian prison system, as explained by Count de Foresta.*—There is at present no well-defined and uniform prison system in Italy. A commission, however, has been appointed by the King to prepare a code that shall attain this end. Of this commission both the Count de Foresta and Mr. Beltrani-Scalia were members. The preference of both these gentlemen was for the Crofton, or Irish, system; but this sentiment was not unanimous among the commission, which has not as yet come to any resolution. The count felt quite certain, however, that the cellular system would not be adopted, since it was believed to be ill-adapted to Italian character. At present prisoners were generally imprisoned collectively in galleys, (*bagnes*;) they are chained; but those who distinguish themselves by good conduct are placed in agricultural colonies on the islands.

§ 11. *The German prison system as explained by Herr Ekert and Dr. Varrentrapp.*—Herr Ekert, director of the cellular prison of Bruchsal, in Baden, summarized the provisions of the German penal code. Corporal punishment is abolished, cellular imprisonment and conditional liberation established, and police surveillance humanely conducted but firmly maintained. Separate imprisonment in Germany, when applied to women as well as to men, produced excellent results. Formerly in Baden the maximum duration of cellular imprisonment was ten years; the new German penal code has fixed it at only three years. Herr Ekert avowed himself an earnest supporter of the cellular system and concurred in all the conclusions of Mr. Stevens. In his own prison he has seen convicts live thirteen years in separate confinement without any inconvenience. He alleged that recidivists were very rare among those who had undergone this punishment for many years, and furnished results tending to show that its influence on the moral and physical health of the prisoners was very beneficial. In reply to interrogatories Mr. Ekert said that there were no criminal statistics in Germany. He added that all prisoners except 1 per cent. could endure cellular confinement for life without inconvenience.

Baron von Holtzendorff congratulated Herr Ekert on the results obtained at Bruchsal, but added immediately that, notwithstanding these results, he himself did not approve of that system; that the public opinion of Germany was opposed to it, and that an executive committee sitting at Berlin, under one of the city magistrates as president, had unanimously decided to apply the cellular treatment in cases of short imprisonment, and the progressive system of Sir Walter Crofton when longer sentences had to be undergone.

Dr. Varrentrapp, of Frankfort, vigorously contested the statement that public opinion in Germany had pronounced against the cellular system. In the Grand Duchy of Baden, at Frankfort, in Würtemberg, Hanover, the Grand Duchy of Hesse, and Bavaria, it had been adopted,

and it was only on financial grounds that it was not more completely applied. Bavaria had, however, already built a magnificent cellular prison, which had produced excellent results. Dr. Varentrapp considered that the new German penal code prefers and adopts the cellular system. His own preference therefor was, he said, supported by the experience and study of forty years; and he combated the attacks made against this system, which appeared to him to have a most rational basis.

§ 12. *The Netherland's prison system, as explained by Mr. Ploos van Amstel.*—In Holland the Belgian, or cellular, system is to a very considerable extent in operation, the maximum of separate confinement being two years. The prisoners are employed in a variety of industries, and gratuities are allowed for diligence. As a magistrate and inspector, he had, for many years, visited the prisoners in the cellular prison of Amsterdam, and always found their health excellent, better even than he found it in collective prisons. He never observed bad results, either as respects their moral or physical condition. For this reason he supported the opinions of M. Stevens.

§ 13. *The Swedish prison system, as explained by M. Almquist.*—M. Almquist said that in Sweden serious attention was given to penitentiary reform. Sweden in this respect had still much to accomplish and much to learn from other countries. The cellular system is there in operation, and has not been followed by the evil results attributed to it by its adversaries. The prisoners enjoy better health in the cellular than in the collective prisons, while the cases of insanity are also fewer in the former prisons.

§ 14. *The Austrian prison system, as explained by Dr. Frey.*—Dr. Frey stated that up to the present time in Austria the collective system, pure and simple, had been practised, without classification or separation of any kind. At first they had thought of introducing the cellular system as practised in Belgium, but, fearing it would interfere with the health of the prisoners, preference had been given to the progressive system. A maximum duration of three years' cellular imprisonment is followed by life in common and by classes more or less privileged. Conditional liberation has not yet been introduced.

§ 15. *Prison system of India, as explained by Dr. Mouat and others.*—A synopsis of the paper read by Dr. Mouat on the Indian prison system has been already given in Part First, Chapter XVI. Mr. Thornton and Dr. Grey, of India, supplemented the account furnished by Dr. Mouat by giving some interesting statistical details relative to the prisons of the Punjaub. In other respects, however, their statements shed no new light upon the internal operation of the system, beyond the lucid description of Dr. Mouat.

§ 16. *The prison system of the United States, as explained by Hon. Joseph R. Chandler, General Pilsbury, and others.*—The representatives from New York, Pennsylvania, Indiana, and Maine present in the congress described each the prisons of his own State. It was remarked that, owing to the independence of the several States of the Union of each other, a uniform system throughout the country was impossible. The eastern penitentiary of Pennsylvania is the only prison in the United States conducted on the cellular plan. Its managers are abundantly satisfied of the superiority of this system over that of congregate labor. General Pilsbury and Dr. Wines deplored the influence of party politics upon the state-prisons of New York, and expressed a belief that a radical change in the fundamental law of the State would soon render a recurrence of the present evils impossible. A brief outline was also given of the plan upon which it is proposed to construct and manage a new State adult

reformatory at Elmira. To this prison are to be sent young men between the ages of sixteen and twenty-five. There would be, so to speak, three prisons under one roof, and the prisoners would have to begin at one and would be advanced to the others, as they earned such promotion by good conduct. The system would be that of Sir Walter Crofton, slightly modified.

The county jails throughout the country were represented, with few exceptions, as inadequate, in every way, for the work required of them. This fact was freely admitted by a majority of the American delegates, many of whom, however, expressed a hope soon to see radical reforms instituted in their own States.

## CHAPTER XXIII.

### CONCLUDING SESSION OF THE CONGRESS.

§ 1. *Presentation of the works of Edward Livingston on criminal jurisprudence.*—Dr. Wines offered to the acceptance of the congress a set of the complete works of Edward Livingston, in two volumes, published in America fifty years ago. He also presented, at the same time, for M. Vergé, a member of the Institute of France, an edition of the same work in French, recently published under the auspices of the Institute. He stated that, through funds generously proffered for the purpose, the National Prison Association of the United States had then in press, and would shortly issue, a new American edition of Livingston. It was, he said, a remarkable as well as pleasing circumstance that there should meet on that floor, and be presented to the congress, French and American editions of a work which, though written and published a full half century ago, had anticipated most of the great reforms in prison discipline which the world is now slowly and laboriously engaged in working out. M. Vergé had been called to Paris that morning by duties which could not be postponed, but had handed to him, together with the book, a letter addressed to the president of the congress, which would be read in French, and afterward translated into English by Musurus Bey, a delegate to the congress commissioned by the Sublime Porte. The letter was then read as follows:

LONDON, July 12, 1872.

MR. PRESIDENT: I have the honor to ask you to offer to the International Congress on Prison Reform a copy of the French edition of the great work of Livingston, one of the most eminent men of the United States of America, and among the most zealous pioneers in the reform of the penal and penitentiary system. This edition is preceded by a biographical sketch of Mr. Livingston by M. Mignet, and a critical essay by M. Charles Lucas, a member of the Institute of France, the friend and successor of Livingston in his labors in behalf of penitentiary reform, undertaken half a century ago. Livingston was a member of the Institute of France, (Academy of Moral and Political Sciences.) He has found in the Old World as well as the New admirers and followers. Receive, Mr. President, the assurance of my most distinguished sentiments.

CHARLES VERGÉ.

*Member of the Institute.*

Archbishop Manning, who had intended to offer some remarks on the work thus presented to the congress, but forbore to do so lest he should occupy time that might be needed for other purposes, subsequently addressed the following letter to Dr. Wines:

8 YORK PLACE, July 21, 1872.

MY DEAR SIR: Our thanks are due to you in chief for the International Prison Congress, which has resulted not only in much valuable information, but in the estab-

lishment of a permanent union of correspondence in respect to the statistics and discipline of prisons. But for the initiative taken by you and by the Government of the United States, I do not think this would have been attained. We have also to thank you for Mr. Livingston's valuable work on reform and prison discipline. I am sorry that it did not arrive earlier in our proceedings. Mr. Livingston was before his time. He has anticipated the substance of our late discussions on the separate system in his words, "Imprisonment with seclusion and labor will diminish offenses; imprisonment without seclusion will increase them." I was not aware that this had been tried and proved so long ago as 1791 in the United States. His book is worthy of his high name as a just and good man. I am sorry that I had not the opportunity of expressing what I think is due to Mr. Livingston as a forerunner in the recent amelioration of our prison-discipline, which is, day by day, becoming vital to the welfare and even to the safety of the civil society of the world.

Believe me, my dear sir, yours, very faithfully,

† HENRY E.,  
Archbishop of Westminster.

The Rev. Dr. WINES.

§ 2. *Presentation to the congress of M. Charles Lucas's observations on the Penitentiary Congress of London.*—In making this presentation to the congress, Dr. Wines said that, as the observations of M. Lucas were addressed to the French Academy of Moral and Political Sciences, and would not therefore be embodied in the proceedings of the congress, and as they lacked nothing of the value that would naturally attach to them from the long study, large experience, and eminent ability of the writer, he would ask the indulgence of that body in offering a brief *résumé* of the important paper submitted by him. He said:

M. Lucas remarks that such reunions as the congress of London are a necessary consequence of the two laws of the sociability and perfectibility of man, which, in an advanced civilization, require the international exchange of ideas for the moral progress of humanity just as they do that of material commodities for the increase of national wealth. International congresses show the respective conditions of nations as regards their intellectual and moral development in the same manner as international industrial exhibitions do the comparative results of their economic development. Heretofore there have been congresses of governments and congresses of peoples, but the Congress of London is original and unique in that it combines both these elements. After a rapid glance at the work of organizing the congress, M. Lucas proceeds to offer some general considerations in relation to the subject. He says that Beccaria and Howard were, and ought to have been, philanthropists, for that character was demanded of them by the cruelties of both the criminal law and the criminal administration of their age. But the times have happily changed since then, and with them ideas and usages as well. Man, in the state of penal servitude, is no longer a thing, but a moral being, whose liberty human justice has not the right to confiscate absolutely and irrevocably, but only within the limits required by the protection and security of social order. The logical sequence of this view is that it is the duty of society to reform the criminal during his temporary privation of liberty, since in this way only can the peril of his relapse be successfully combated, and the public safety effectually maintained. The reformation of imprisoned criminals is not, therefore, in our day, a work of philanthropy, but an obligation of the state.

M. Lucas claims that the discipline of the Catholic Church furnished the model for both the cellular and associated systems of imprisonment, since known as those of Pennsylvania and Auburn, save that the Auburn system added corporal chastisements to the discipline of silence, and the Pennsylvania system subtracted worship in common, to the detriment of religion, and associated exercise at the expense of humanity. M. Lucas recalls to the memory of the academy the discussion of the 10th, 17th, and 24th of February, 1844, in which, single-handed, he contended against the three ablest supporters of the Pennsylvania system in France—Messrs. Bérenger, de Tocqueville, and de Beaumont. It was not that he was absolutely opposed to isolation by day and night, since in his "Theory of Imprisonment," published in 1836, he was the first to propose the application of the cellular system to prisoners awaiting trial; and, in the sphere of imprisonment after sentence, he would not wholly exclude the use of the system, but would restrict its duration to one year. It was at the point of departure from this limit that the controversy began between M. Lucas and his distinguished associates, they contending for an unlimited and he for a restricted application of the cellular system. The inadmissibility of isolation in long imprisonments he grounds on the following considerations: Man is born sociable and perfectible, and it is by the action of his sociability that his perfection is secured. Isolation is, therefore, a de-

nial of the necessary process for his perfection; it is a violence done to his nature which cannot be safely prolonged for any great length of time. Experience must infallibly confirm this philosophical demonstration, since the education of any being whatsoever is but the development of his nature. Penitentiary education must act with the certainty of enlightening and invigorating the intelligence of the convict, and not by exposing him to the peril of weakening and even of destroying that essential instrument of his regeneration. Cellular isolation, in effect, does not permit either the initiative, the effort, or the probation, without which there can be neither morality nor moral reformation, (*ni moralité ni moralisation.*)

M. Lucas discusses in his pamphlet the proper number of prisoners to be admitted into any one penitentiary establishment, and arrives at the conclusion that four hundred is the maximum that can be treated effectively for their reformation. He grounds this belief on the consideration that only a moderate number of prisoners will permit that serious personal influence which, in order to their reformation, must be exercised upon them by the director and his co-laborers. He adds that, during his long administrative career as inspector of French prisons, he never ceased, but always in vain, to cry out against the agglomeration in the central prisons as creating an impossibility of penitentiary reform, and asks whether any one can suppose that, in those immense barracks of ten, twelve, fifteen hundred prisoners, the director can know them otherwise than by their numbers? Where is the use, he says, of talking of penitentiary reform when it is rendered impossible by such numbers of prisoners congregated in the same prison? In short, M. Lucas finds the following to be the essential conditions of a reformatory prison discipline, namely: isolation at night, the rule of silence during the day, a maximum of four hundred prisoners in any one establishment, and progressive classification.

§ 3. *Propositions submitted to the congress by the American delegation.*—This series of propositions was offered some days previous to the final session, but is introduced at this point because it formed the basis, as will be seen under the next section, of the declaration of principles embodied in the final report of the executive committee and approved by unanimous vote of the congress. The propositions are as follows:

1. The treatment of criminals by society is for the protection of society. But, since such treatment is directed rather to the criminal than to the crime, its great object should be his moral regeneration. Hence it should be made a primary aim of prison discipline to reform the criminal, and not simply to inflict upon him a certain amount of vindictive suffering. The best guarantee of the public security against a repetition of his crime is the re-establishment of moral harmony in the soul of the criminal himself—his new birth to a respect for the laws.

2. In the moral regeneration of the criminal, hope is a more powerful agent than fear; it should therefore be made an ever-present force in the minds of prisoners by a well-devised and skillfully-applied system of rewards for good conduct, industry, and attention to learning. Such rewards may be a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, and a constant enlargement of privilege, as these shall be severally earned by meritorious conduct. Rewards more than punishments are essential to every good penitentiary system.

3. The progressive classification of prisoners based on merit, and not on any mere arbitrary principle—as crime, age, &c.—should be established in all prisons designed for the treatment of convicted criminals. In this way the prisoner's destiny during his incarceration should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his condition. A regulated self-interest must be brought into play. In the prison, as in free society, there must be the stimulus of some personal advantage accruing from the prisoner's efforts. Giving prisoners an interest in their industry and good conduct tends to give them beneficial thoughts and habits, and what no severity of punishment will enforce a moderate personal interest will readily obtain.

4. In criminal treatment moral forces should be relied on with as little admixture of physical force as may be; organized persuasion, to the utmost extent possible, should be made to take the place of coercive restraint, the object being to make upright and industrious *freemen*, rather than orderly and obedient *prisoners*. Brute force may make good prisoners; moral training alone will make good citizens. To the latter of these ends the living soul must be won; to the former only the inert and obedient body. To compass the reformation of criminals, the military type in prison management must be abandoned, and a discipline by moral forces substituted in its place. The objects of military discipline and prison discipline, being directly opposed to each other, cannot be pursued by the same road. The one is meant to train men to act together, the other to prepare them to act separately. The one relies upon force, which never yet created virtue; the other on motives, which are the sole agency for attaining moral ends. The special object of the one is to suppress individual charac-

ter and reduce all to component parts of a compact machine; that of the other is to develop and strengthen individual character, and by instilling right principles to encourage and enable it to act on these independently.

5. Nevertheless, unsuitable indulgence is as pernicious as unsuitable severity, the true principle being to place the prisoner in a position of stern adversity, from which he must work his way out by his own exertions—that is, by diligent labor and a constant course of voluntary self-command and self-denial. As a rule, reformation can be attained only through a stern and severe training. It is in a benevolent adversity, whether in the freedom of ordinary life or the servitude of the prison, that all the manly virtues are born and nurtured. It is easy enough for a bad man to put up with a little more degradation, a little more contumely, a few more blows or harsh restrictions; but to set his shoulder to the wheel, to command his temper, his appetites, his self-indulgent propensities, to struggle steadily out of his position—and all voluntarily, all from an inward impulse, stimulated by a moral necessity—this is a harder task, a far heavier imposition. Yet it is just this training that a right prison discipline must exact, and only through such training that it can succeed.

6. It is essential to a reformatory prison treatment that the self-respect of the prisoner should be cultivated to the utmost, and that every effort be made to give back to him his manhood. Hence, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished as of evil influence; and, instead, the penalty of prison offenses should be the forfeiture of some privilege, or of a part of the progress already made toward liberation, with or without diminished food, or a period of stricter confinement. There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise, and is, therefore, as unchristian in principle as it is unwise in policy. On the other hand, no imposition would be so improving, none so favorable to the cultivation of the prisoner's self-respect, self-command, and recovery of manhood, as the making of every deviation from the line of right bear on present privilege or ultimate release. Such punishments would be as the drop of water, that wears away the granite rock, and would, without needless pain or wanton cruelty, and especially without further injury to their manhood, subdue at length even the most refractory.

7. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended, but this is impossible with his mind in a state of hostility. No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation, for a bad man can never be made good against his consent. 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.

8. No prison can become a school of reform till there is, on the part of the officers, a hearty desire and intention to accomplish this object. Where there is no prevalent aim to this effect, there can be no general results in this direction. Such a purpose, however, universally entertained by prison officers, would revolutionize prison discipline by changing its whole spirit; and fit reformatory processes would follow such change as naturally as the harvest follows the sowing. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison management. Once let it become the heartfelt desire and purpose of prison-officers to reform the criminals under their care, and they will speedily become inventive of the methods adapted to the work.

9. In order to the reformation of imprisoned criminals, there must also be in the minds of prison officers a serious conviction that they are capable of being reformed, since no man can heartily pursue an object at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is the prelude of failure; confidence a guarantee of success. Nothing so weakens moral forces as unbelief; nothing imparts to them such vigor as faith. "Be it unto thee according to thy faith," is the statement of a fundamental principle of success in all human enterprises, especially when our work lies within the realm of mind and morals.

10. The task of changing bad men into good ones is not one to be confided to the first-comers. It is a serious charge, demanding thorough preparation, entire self-devotion, a calm and cautious judgment, great firmness of purpose and steadiness of action, a keen insight into the springs of human conduct, large experience, a true sympathy, and morality above suspicion. Prison officers, therefore, need a special education for their work, as men do for the other great callings of society. Prison administration should be raised to the dignity of a profession. Prison officers should be organized in a gradation of rank, responsibility, and emolument; so that persons entering the

prison service in early life, and forming a class or profession by themselves, may be thoroughly trained in all their duties, serving in successive positions till, according to their merits, tested chiefly by the small proportion of re-convictions, they reach the position of governors of the largest prisons. Thus alone can the multiplied details of prison discipline be perfected, and uniformity in its application be attained. For only when the administration of public punishment is made a profession will it become scientific, uniform, and successful in the highest degree.

11. Work, education, and religion (including in this latter moral instruction) are the three great forces to be employed in the reformation of criminals. (a) Industrial training should have a broader and higher development in prisons than is now commonly the case. Work is no less an auxiliary to virtue than it is a means of support. Steady, active, useful labor is the basis of all reformatory discipline. (b) Education is a vital force in the reformation of the fallen. Its tendency is to quicken thought, inspire self-respect, incite to higher aims, open new fields of exertion, and supply a healthful substitute for low and vicious amusements. (c) Of all reformatory agencies, religion is first in importance, because most powerful in its action upon the human heart and life. In vain are all devices of coercion and repression, if the heart and conscience, which are beyond all power of external control, are left untouched.

12. Individualization is an essential principle of a reformatory prison discipline. To insure their highest improvement prisoners must, to a certain extent, be treated personally. While they are all placed under a general law, the conduct of each should be specially noted. The improving effect of such a verification, to each, of his progress in virtue would be great. It would be a first step toward restoring to him that feeling of self-respect, without which no recovery will ever be found permanent. Each should be enabled to know the light in which his conduct is viewed by those placed over him; for thus alone, as his good resolutions strengthen, will he be enabled to correct that wherein he may be found deficient. The statement of this principle affords an indication as to the maximum number of prisoners proper to be detained in a penitentiary establishment; but it by no means settles that question; nor indeed can such definite and positive settlement ever be arrived at, since the question is one which must necessarily be left to the judgment and convenience of each individual state or community.

13. Repeated short sentences are believed to be worse than useless, their tendency being rather to stimulate than to repress transgression in petty offenders. The object here is less to punish than to save. But reformation is a work of time; and a benevolent regard to the criminal himself, as well as the protection of society, requires that his sentence be long enough for reformatory processes to take effect. It is the judgment of this congress that every penal detention should have in view, above all, the time of the prisoner's liberation, and that the entire discipline of a prison should be organized mainly with a view to prevent relapses. If by a short and sharp first imprisonment it is important to give an energetic notice so as to prevent the propagation of evil, it is no less important afterward, by means of sentences of a longer duration, to prepare, in a manner more sustained and efficacious, the habitual petty transgressor for his re-entrance into society as a reformed, industrious, and useful citizen.

14. Preventive agencies, such as general education, truant-homes, industrial schools, children's aid societies, orphan-asylums, and the like, designed for children not yet criminal, but in danger of becoming so, constitute the true field of promise, in which to labor for the prevention and diminution of crime. Here the brood may be killed in the egg, the stream cut off in the fountain; and whatever the cost of such agencies may be, it will be less than the spoliations resulting from neglect, and the expense involved in arrests, trials, and imprisonments.

15. The successful prosecution of crime requires the combined action of capital and labor, just as other crafts do. There are two well-defined classes engaged in criminal operations, who may be called the capitalists of crime and its operatives. It is worthy of inquiry whether society has not made a mistake in its warfare upon crime, and whether it would not be better and more effective to strike at the few capitalists as a class than at the many operative plunderers one by one. Let it direct its blows against the connection between criminal capital and criminal labor, nor forbear its assaults till it has wholly broken and dissolved that union. We may rest assured that when this baleful combination shall be pierced in its vital part, it will perish; that when the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.

16. More systematic and comprehensive methods should be adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having lifted him up, it has the further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labor and the will to advance himself by worthy means, if, on his discharge, he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.



17. Since personal liberty is a right as respectable as the right of property, it is the duty of society to indemnify the citizen who has been unjustly imprisoned, on proof of his innocence, whether at the time of his trial or after his sentence, as it indemnifies the citizen from whom it has taken his field or his house for some public use.

18. It is the conviction of this congress that one of the most effective agencies in the repression of crime would be the enactment of laws for the education of all the children of the state. Better to force education upon the people than to force them into prison to expiate crimes of which the neglect of education and consequent ignorance have been the occasion, if not the cause.

19. This congress defends as just and reasonable the principle of the responsibility of parents for the full or partial support of their children in reformatory institutions. The expense of such maintenance must fall on somebody, and on whom can it fall more fitly than on the child's parent, whose neglect or vices have probably been the occasion of its lapse into crime?

20. This congress arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests practised by the criminal classes. Does society take all the steps which it easily might to change the circumstances in our social state that lead to crime, or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the case earnestly to its conscience, and strive to amend in both directions. Offenses, we are told by a high authority, must come, but a special woe is denounced against those through whom they come. Let states and communities take heed that that woe fall not upon their head.

21. The systems of criminal statistics stand in urgent need of revision and amendment. The congress judges it expedient and desirable that greater uniformity should be secured in making up the statistics in this department of the public service in different countries, to the end that comparisons may be the more readily made, that conclusions may be the more accurately drawn, and that criminal legislation may with greater safety be based upon the conclusions so reached.

22. Prison architecture is a matter of grave importance. Prisons of every class should be substantial structures, affording gratification by their design and material to a pure taste, but not costly or highly ornate. The chief points to be aimed at in prison construction are security, perfect ventilation, an unfailling supply of pure water, the best facilities for industrial labor, convenience of markets, ease of supervision, adaptation to reformatory aims, and a rigid, though not parsimonious, economy.

23. A right application of the principles of sanitary science in the construction and arrangement of prisons is a point of vital moment. The apparatus for heating and ventilation should be the best that is known; sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the dietary and clothing should be plain but wholesome, comfortable, and in sufficient, but not extravagant, quantity; the bedsteads, beds, and beddings not costly, but decent, well-aired, and free from vermin; the hospital accommodations, medical stores, and surgical instruments should be all that humanity requires or science can supply; and all needed means for personal cleanliness should be without stint.

24. As a principle that crowns all and is essential to all, it is our conviction that no prison system can be perfect, or successful to the most desirable extent, without some central and supreme authority to sit at the helm, guiding, controlling, unifying, and vitalizing the whole. All the departments of the preventive, reformatory, and penal institutions of a state should be molded into one homogeneous and effective system, its parts mutually answering to and supporting one another, and the whole animated by the same spirit, aiming at the same objects, and subject to the same control, yet without loss of the advantages of concurring local organizations and of voluntary aid, wherever such aid is attainable and may be judiciously and wisely admitted.

25. This congress is of the opinion that, both in the official administration of such a system and in the voluntary co-operation of citizens therein, the agency of women may be employed with good effect.

§ 4. *Propositions embodied in the final report of the executive committee, and adopted by the congress as expressing its conception of the fundamental principles of prison discipline.*—The committee, after briefly reciting the history of the congress and setting forth the work done by it during its ten days' sessions, thus epitomizes the longer paper of the American delegation, and submits to the congress what in our country would be called the draught of its platform:

Recognizing as a fundamental fact that the protection of society is the object for which penal codes exist and the treatment of criminals is devised, the committee believes that this protection is not only consistent with, but absolutely demands, the enunciation of the principle that the moral regeneration of the prisoner should be a

primary aim of prison discipline. To attain this aim, hope must always be a more powerful agent than fear; and hope should therefore be constantly sustained in the minds of prisoners by a system of rewards for good conduct and industry, whether in the shape of a diminution of sentence, a participation in earnings, a gradual withdrawal of restraint, or an enlargement of privilege. A progressive classification of prisoners should, in the opinion of the committee, be adopted in all prisons.

In the treatment of criminals, all disciplinary punishments that inflict unnecessary pain or humiliation should be abolished, and the penalties for prison offenses should, so far as possible, be the diminution of ordinary comforts, the forfeiture of some privilege, or of a part of the progress made toward liberation. Moral forces and motives should, in fact, be relied on, so far as is consistent with the due maintenance of discipline; and physical force should be employed only in the last extremity. But in saying this, the committee is not advocating unsuitable indulgence, which it believes to be as pernicious as undue severity. The true principle is to place the prisoner—who must be taught that he has sinned against society and owes reparation—in a position of stern adversity, from which he must work his way out by his own exertions. To impel a prisoner to this self-exertion should be the aim of a system of prison discipline, which can never be truly reformatory unless it succeeds in gaining the will of the convict. Prisoners do not cease to be men when they enter the prison-walls, and they are still swayed by human motives and interests. They must, therefore, be dealt with as men—that is, as beings who possess moral and spiritual impulses as well as bodily wants.

Of all reformatory agencies religion is first in importance, because it is the most powerful in its action upon the human heart and life. Education has also a vital effect on moral improvement, and should constitute an integral part of any prison system. Steady, active, and useful labor is the basis of a sound discipline, and at once the means and test of reformation. Work, education, and religion are consequently the three great forces on which prison administrators should rely. But to carry out these principles individualization becomes essential; prisoners, like other men, must be treated personally, and with a view to the peculiar circumstances and mental organization of each. The committee need not say that to carry out such views prison officers are required who believe in the capacity of prisoners for reformation and enter heartily into that work. They should, as far as possible, receive a special training for their duties, and should be organized in such a gradation of rank, responsibility, and emolument as may retain experience and efficiency in the service, and lead to the promotion of the most deserving.

But if a sound system of prison discipline be desirable, it is no less expedient that the prisoner on his discharge should be systematically aided to obtain employment, and to return permanently to the ranks of honest and productive industry. For this purpose a more comprehensive system than has yet been brought to bear seems to be desirable.

Nor can the committee omit to say that it is in the field of preventive agencies, such as general education, the establishment of industrial and ragged schools, and of other institutions designed to save children not yet criminal, but in danger of becoming so, that the battle against crime is in a great degree to be won. In this, as in the general question of the reclamation of the guilty and erring, the influence of women devoted to such work is of the highest importance; and the committee rejoices that this congress has had the advantage of the presence and counsel of many ladies, whose practical acquaintance with prisons and reformatories has given weight to their words, and whose example furnishes hope for the future.

Lastly, the committee is convinced that the systems of criminal statistics now in force stand in urgent need of revision. Greater uniformity should be secured, and means taken to insure a higher standard of accuracy and trustworthiness in this branch of the statistics of different countries.

Mr. Hastings, of England, moved the adoption of the report, and in doing so expressed the hope that in any international scheme of prison statistics which might be devised, special care would be taken to insure the trustworthiness of the facts reported. At present, he said, such statistics are, in a great measure, delusive, because no guide is afforded by them as to the circumstances under which they were taken. Major Du Cane has pointed out that the number of reconvictions was but an imperfect test of any system. The question was, not what was the number of reconvictions, but under what circumstances did they take place? If we had to deal with a set of habitual offenders, we should most probably have a high rate of reconviction, whatever the system might be; whereas, if we have a large number of average criminals, the percentage of reconvictions would naturally be less.

Governor Haines, of the United States, said that he felt honored by being asked to second the motion to adopt the report. He did so with great pleasure. The propositions presented were comprehensive, yet specific; broad in their generalizations, yet sufficiently minute for all practical purposes. They constituted an organic rule of action, which, while applicable to all countries, was susceptible of adjustment to the special ideas and circumstances of each. They might be termed a constitutional law, to be applied and enforced by particular enactments. He hoped that the motion to adopt the report would receive the unanimous vote of the congress.

Miss Carpenter said it was impossible to exaggerate the importance of this congress and its work. It inaugurated absolutely a new era in the history of civilization. The chairman would recollect that, when many years ago he presided over a committee on juvenile delinquency, it was most difficult to persuade the members of the committee and the public that even children ought not to be severely punished for crimes, and their reformation was deemed quite a secondary consideration. As a witness she was asked, "Do you not consider that children who have broken the law owe retribution to society?" and her answer was, "Society owes retribution to them." She was proud of that answer. Its truth and justness have been substantially recognized by this congress.

The president, Sir John Packington, before putting the question, begged to remind the congress that the report before them was the unanimous report of an essentially representative committee, which consisted of one delegate from each of the many nations represented; the fact that, after many days' discussion by the congress of subjects of the deepest interest, as well as most complicated and difficult, such a committee had agreed unanimously upon a report of great breadth and comprehensiveness, claiming to represent the general sentiment of the congress on all the great questions considered and debated by it. This fact he considered one on which the body might well be congratulated as a satisfactory termination of its proceedings. Such unanimous agreement fairly justified the conclusion that the discussions had not been in vain. A body of men, occupying the best possible position for knowing the sentiments of the congress, and perfectly competent to understand them, had unanimously reported, as embodying those sentiments, a series of propositions, enumerating great principles, which covered almost the whole field of penitentiary science and prison discipline. It was, therefore, a matter of satisfaction and thankfulness that the interesting debates had not been unproductive of good result.

The motion on the adoption of the report was then put, and was agreed to without dissent.

§ 5. *Creation of a permanent international penitentiary commission.*—On the recommendation of the executive committee a permanent organization, under the above designation, was created, charged with the duty of watching over the general interests of international prison reform, but more especially with that of preparing formulas for the collection of penitentiary statistics, and seeking to secure their adoption and use in all countries. This commission is composed of the following gentlemen: Dr. Wines, of the United States, president; Mr. Beltrani-Scalia, of Italy, secretary; Mr. Loyson, of France; Baron von Holtzendorff, of Germany; Count Sollohub, of Russia; Mr. Hastings, of England; Dr. Frey, of Austria; Mr. Stevens, of Belgium; Mr. Pols, of Netherlands; Dr. Guillaume, of Switzerland.

It is understood that the first meeting of the commission will be held in Brussels, Belgium, during the month of September, 1873.

§ 6. Dr. Wines reported from the international executive committee a resolution of thanks to its chairman, Mr. Hastings, and moved its adoption by the congress. He said that the resolution had received the unanimous and cordial approval of the committee, whose members all recognized their obligations to their chairman for the dignity, courtesy, fairness, and ability with which he had presided over their deliberations. Although the congress could not know, as his colleagues knew, the value of his services in the committee-room, yet he felt sure that the whole house would concur with the members of the committee in the vote of thanks now proposed.

Archbishop Manning, in seconding the resolution, said that their thanks were due, not only to those who had come from all countries to the congress, but also to those who, being on the spot, had labored incessantly, not simply during the last three weeks, but for a long time past, in preparing for the congress. To them thanks were greatly due for their unwearied industry and close application, and, he must say, for the happy termination of the congress.

A member proposed to include a vote of thanks to Mr. Pears, secretary of the congress.

The chairman said he could not put these resolutions to the meeting without adding an expression of his own deep sense of the valuable and important assistance which the congress had received from Mr. Hastings and Mr. Pears, and his belief that, had it not been for the happy combination of zeal and ability which had distinguished their exertions, the proceedings of the congress would not have been so satisfactory as they had been.

The resolution was carried unanimously.

§ 7. Mr. Aspinall, of England, proposed a vote of thanks to Dr. Mouat, for the invaluable services he had rendered the congress in translating the many-tongued speeches which had been addressed to it. He had never met with a man who could translate every language into every other with such promptness, elegance, and force as Dr. Mouat, superadded to which the doctor had the great advantage of being thoroughly acquainted with all the questions which came before the congress for discussion. He felt sure that he need only name these things to call forth a cordial response from the meeting.

Baron Mackay, of Holland, in seconding the proposition of Mr. Aspinall, took occasion also to make recognition of the valuable assistance of Sir Walter Crofton and Major Du Cane. He represented a foreign legislature which had not yet adopted a system of prison discipline; therefore, he had listened with great attention to all proposals, and the arguments by which they had been supported, and he was sure that in his country the volume of transactions, which they would owe to the editorial care of Mr. Pears, would be carefully read and digested. England and Ireland were in possession of a system, but on the continent that compliment could be paid only to Belgium. This fact showed that the people of other countries had not yet made up their minds, and was in itself a justification of this congress. Differences of nationality could not account for the wide discrepancies of opinion and experience as to separate and associated confinement.

The motion was carried without dissent.

§ 8. Dr. Guillaume, of Switzerland, moved a resolution of thanks to Dr. Wines. His name was the first word spoken in the congress, and it should be the last. The conference had begun with him, and it should end with an acknowledgment of his efforts. He represented the Anglo-Saxon race, the champion of humanity and of all that concerned the

well-being of the human family. That race stood foremost in the new order of civilization which was dawning on the world, and by the arbitration at Geneva it had set an example to all countries of a pacific settlement of differences and the abolition of that greatest of crimes, war. Switzerland was grateful to England and the United States for having chosen it as the seat of that tribunal, and it was a good omen that Geneva, the cradle of the organization for the succor of the wounded on the battle-field, should be the scene of a great international arbitration. The abolition of slavery in America, the Geneva arbitration, and this great congress for the reformation of prisoners, were gratifying tokens of the new order of things.

Dr. Marquardsen, on behalf of the German delegates, seconded the motion. Before the congress met they all felt that Dr. Wines was the heart and soul of the undertaking; and, now that it had closed, they were sensible that to him they had been deeply indebted for its satisfactory progress and conduct. The German Parliament, of which he was a member, would shortly be engaged in framing a general law of prison discipline, and he doubted not that the law would show many traces of the beneficial results of this congress.

Sir John Packington, in putting the resolution, testified to the important part Dr. Wines had taken in convening and carrying on the congress. The motion was carried unanimously.

Dr. Wines said the remarks which had been made and the vote which had been passed were more than a reward for all the toil and anxiety which he had undergone during the three years he had devoted to preparing and organizing the congress. It had in all respects surpassed his expectations, and he assured them of his best wishes for the successful prosecution of the great work of penitentiary reform in the various countries whence they came, and which they so ably represented.

§ 9. Mr. Hastings, of England, proposed a vote of thanks to Sir John Packington, the president for the day. No English statesman could more fitly have occupied that position. Prior to being called on by his sovereign to those high offices which he had filled with so much honor to himself and advantage to the country, he was for twenty-five years at the head of the Worcestershire quarter-sessions, and was universally acknowledged to be one of the ablest and most competent chairmen that county ever had. His experience in all matters connected with the administration of the criminal law had been immense, and he had always advocated, in and out of Parliament, improvements in prison discipline, and every measure for the prevention of crime and the reformation of the criminal.

Dr. Mouat seconded the motion, expressing hearty concurrence in all that Mr. Hastings had said.

Mr. Hastings put the motion, and it was carried unanimously.

The president, in responding, said that he had been glad to be of any use in promoting the success of the congress. He hoped that the distinguished persons who had come from other countries, and had devoted their high character and ability to the promotion of the objects in view, would reflect with pleasure on what they had seen and heard, and would feel justified in thinking that the purpose of their mission had been as much forwarded as the short duration of the congress could have warranted them in expecting.

## PART THIRD.

### PAPERS SUBMITTED TO THE CONGRESS.

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#### INTRODUCTORY.

A large number of papers was offered to the congress in the form of essays or discussions of questions connected with penitentiary science and prison discipline. The most of these were by specialists of eminence and ability in many different countries. A few of them were given, in full or in part, as opening addresses on the questions discussed in the congress, and the substance of all such is embodied in the summary of those discussions contained in Part Second of this report. To offer even a full analysis of all the others, however worthy they might be, (and certainly they are worthy,) would swell the present report to an unreasonable length. It was, therefore, necessary to make a selection, and the choice has been determined by some special novelty, either in the subject or its treatment, or by some peculiar characteristic of some other kind, which marked the paper with a special stamp. Another person would perhaps have made a different selection, and in doing so might have chosen more wisely; but this was a case in which it was impossible to consult the judgment of others, and the undersigned was forced to rely upon his own, however great might be the loss thereby occasioned to the reader. Moreover, he has felt obliged to limit himself to a moderate number of the essays submitted, and even these he will be constrained to condense as much as may be without injustice to the writers.

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#### CHAPTER XXIII.

##### PRISONERS AND THEIR REFORMATION.

Mr. Z. R. Brockway, superintendent of the Detroit House of Correction, and one of the most eminent among the prison officers of America, communicated a paper on the subject which forms the title to the present chapter.

Civilized sentiment (he says in substance) concedes that the protection of society is the main purpose of imprisonment; but effective protection requires one of two conditions: the reformation of the criminal or his continued detention. Hence reformation is the immediate object to be sought. But doubt exists in many minds whether prisoners generally can be reformed, and even prison officers have little hope of this. The writer, however, believes that criminal law may be so reformed in its spirit and administration as to produce a soothing and healing, instead of an irritating and festering, effect upon prisoners, and restore a large proportion of them to society. The species of crime to which a person is addicted depends upon the circumstances which surround him,

or upon inherited tendencies, or both; but whether a man will commit crime at all depends, to a great degree, upon his constitutional characteristics.

Since the welfare of society is the true measure of every man's personal interest, it follows that a criminal act proves obliquity of some kind in the perpetrator—moral imbecility, incoherent mental development, feebleness of will-power. Nor is this to be wondered at, since criminals are so commonly without systematic education, by which alone the moral, mental, and volitional powers can be rightly and effectively trained. All who have studied criminals closely must have observed the undeveloped, incongruous, ill-balanced state of their higher powers, and the consequent sway of the animal instincts. Mr. Brockway says that he has been constantly surprised at the blindness of prisoners to the moral quality of their conduct. This undeveloped state, this paralysis, as it were, of the moral faculties, though, no doubt, largely due to the want of proper early education, he nevertheless believes to be often inherited from progenitors; and he adduces very striking statistics in support of this belief. Now, if there is a common idiosyncrasy among criminals, consisting in the activity of the grosser and more selfish impulses, and in the imbecility or absence of the moral, reflective, or volitional faculties, the writer asks, have we not found the right basis of a reformatory system, whose philosophy may be stated in the one word—*cultivation*?

Mr. Brockway discusses at considerable length the comparative merits of the Philadelphia and Auburn systems of prison discipline, and, while giving his preference to the latter, arrives at the conclusion that no system of imprisonment can regularly produce reformed convicts so long as the present or any like system of sentences prevails. He believes that the true remedy lies in the substitution of indeterminate or reformatory sentences in place of mere time-sentences. His personal experience, from recent legislation of his own State of Michigan, embodying a partial adoption of this principle, is altogether confirmatory of its truth and soundness, and demonstrates beyond contradiction the practicability of its application. He found that it tended to cultivate in criminals a kindly feeling for the law and its executors; and its effect, he argues, must necessarily be to increase for society protection from criminals, either through this continued restraint or their reformation, the latter of which objects cannot fail to be essentially aided by enlisting the active co-operation of criminals in their own improvement.

Mr. Brockway lays down the postulate that any change in the character and life of criminals must be effected by one of two methods: intimidation or education. Restraint by intimidation does not go to the root of matters; it touches only the surface, and must, therefore, be but momentary. Reformation, therefore, cannot be through intimidation; it must of necessity be the result of such cultivation of the mind and heart as is required to give the criminal knowledge and appreciation of the beneficent design and friendly protection of law, to supply better thoughts and impulses, and to invest with authoritative control the mind's legitimate sovereign, the will. The educational effort in prisons, if made efficient for reformation, must be broadly and thoroughly organized; it must be such as to develop and strengthen, not only the mental, physical, and industrial faculties of the prisoner, but also his moral and religious nature.

The effectual reformation of criminals requires: 1, a graduated series of penitentiary establishments, embracing a phase of the separate system, of the congregate silent system, and of the congregate social sys-

tem: 2. centralized control, with guardian care of discharged prisoners; 3. the principle of indeterminate or reformatory sentences; 4. industrial, scholastic, and religious education and culture; and, 5. a better public sentiment on the whole penitentiary question and on that of the laboring classes in general.

## CHAPTER XXIV.

### CUMULATIVE PUNISHMENTS.

A paper of high practical interest and value on this subject was contributed by Messrs. Clarke Aspinall, Edward Lawrence, and S. Grey Rathbone, on behalf of the Liverpool magistracy, England. They commence by reciting two resolutions unanimously passed by the magistrates, January 17, 1872, as follows: 1. that it is desirable that the cumulative principle be applied to the punishment of all classes of crimes and offenses; and, 2. that it is further desirable that the visiting justices (corresponding to our boards of prison managers) should be empowered to transfer well-conducted prisoners to homes for a short period prior to the termination of their sentences. These resolutions are followed by a table, showing the number of prisoners confined in the Liverpool borough-prison during the first six months of the official year 1870-71, who had been committed fifteen times and more:

	Fifteen times and under twenty.	Twenty times and under thirty.	Thirty times and under forty.	Forty times and under fifty.	Fifty times and under seventy.	Seventy times and upward.
Females . . . . .	93	121	61	14	14	3
Males . . . . .	37	27	12	1	4	1

The authors of the paper are strongly of the opinion, in which all reflecting persons must concur, that punishments should be gradually increased in severity, if offenses are often repeated. This opinion is based upon two grounds, viz: first, because long sentences would be more formidable, and therefore more deterrent to persons who had become indifferent to short ones; and, secondly, because such sentences would aid persons who had become addicted to a disorderly or criminal life to abandon it, by giving greater scope to the action of reformatory influences.

When the criminal laws shall have been amended in the direction indicated, so that terms of imprisonment of considerable duration are imposed on habitual petty transgressors, it is the opinion of the writers that the prison authorities should have power to transfer any prisoners, under proper limitations, to any home which is willing to receive them, and is at the same time under the management of a certified discharged prisoners' aid society. The advantage of such an arrangement would be that well-conducted prisoners could be selected and placed in such homes for some time prior to their discharge, in a state intermediate between the stringent restraints of the prison and perfect liberty. In such a state they would have better opportunities than can be afforded in a prison of exercising and acquiring habits of self-control, and of earning such a character as may facilitate their



obtaining an honest living when discharged. Several homes for adult discharged prisoners (the authors of the paper say) have been established, and, if successful, more would no doubt be opened by voluntary effort, and the expenses of adult prisoners would not be large, if the homes were well managed and placed in situations favorable for the profitable carrying on of the industries in which their inmates were occupied. The prisoners, knowing that if they did not work well, the managers of the homes would return them to the deprivations of a prison, *would have a potent stimulus to real industry*, for it would of course be one of the conditions of the transfer of a prisoner to a home that, if he or she became idle, disorderly, or discontented, the prisoner should be returned to prison for the remainder of the sentence. The writers suggest that the homes should not be largely, if at all, subsidized from public funds. Their utility will depend much on the labor in them being of the genuine kind, which would render them to a great extent self-supporting, and all or most of the deficiency should be raised by the managers, as a guarantee that they are really interested in the work. It would be far better that the growth of such homes should be slow and gradual, as the fruit of satisfactory experience, than that they should be prematurely forced into existence in large numbers by such liberal public grants as have been given to reformatories and industrial schools.

If the proposed amendments in the law were made, it is believed that the following results might be hoped for:

1. That the short sentences passed on young offenders would become much more deterrent, because they would be known to lead up to the really long sentences, which are unquestionably much feared by nearly all the criminal classes.

2. That under the influence of long detentions, when they became necessary, (particularly if part of the time were passed in well-regulated homes,) a certain proportion of the offenders would be reformed.

3. That the residuum of reckless incorrigibles would be detained in prison under a succession of long sentences instead of a succession of short sentences, from which the great advantage would arise that they would have fewer opportunities of committing crimes themselves and of training up others in bad ways, while the expense of their imprisonment would not be materially, if at all, increased, since the labor of long-time prisoners can be made profitable to an extent quite impossible in the case of short-time prisoners.

4. That the power of the police to enforce order and decency in the streets could be supported by the magistracy far more efficiently than under existing laws.

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## CHAPTER XXV.

### THE TREATMENT OF PRISONERS.

The right honorable Sir Walter Crofton offered a valuable paper under the above caption. He lays down the proposition that the end of punishment is twofold: amendment and example. But it is difficult to embrace both these requirements in a system of prison discipline. A system of natural training from the start might amend individuals and reconcile the public to their employment on discharge; but how would

such a system prove exemplary to others? An artificial system, carried through from the beginning to the end, would be an example to the criminally disposed; but would such a system reform prisoners and further their employment on their release?

Reflecting upon these things, when called to preside over the convict-department in Ireland, he was led to discard each of these plans as a system complete in itself, for he felt that they would fail to attain the object in view, but that, as component parts of one system, definite and distinct in their several arrangements, both plans might be beneficially employed, and the one made so to lead up to the other as to give to the whole, in the mind of the criminal, the felt aspect of amendment. But in order to attain amendment, you must gain the co-operation of the criminals, to effect which they must realize that their punishment is not *merely retributive*, but that it has a benevolent aim, and that this aim is to improve them.

Long experience has enabled him to state that if this point is made sufficiently clear to the mind of the criminal at the commencement of the sentence, it will not be in hostility to those placed over him, even in the necessarily penal and more stringent stages of his punishment, for he will "look to the end," and hope will be ever present with him.

The solution of this problem, to his mind, lay in a classification which should lead, by successive stages, from very great strictness to a state of semi-freedom, in which the reformation of the criminal might be satisfactorily tested through the absence of the artificial restraints necessary in the earlier stages of detention.

To give to these stages in classification real value, it was necessary that self-control and self-denial should be developed in the process. To attain the object in view, the idle and ill-disciplined should become industrious and orderly. No plan could so well effect this result as marks, (introduced into Ireland in 1854,) or numerical records of labor.

But without associating industry in the minds of criminals with profit and pleasure, the marks would not be gained, and the end in view would be lost. As a general rule, it may be assumed that the criminal classes dislike labor. But if labor is made a *privilege to be earned* by its absence in the very earliest stages of seclusion and by its gradual introduction, coupled with other advantages as classification advances, it will by degrees, *slowly perhaps at first, but surely*, supplant idleness in the majority of criminals.

Those conversant with the plan of convict treatment introduced into Ireland in 1854 will at once perceive that the principles of prison training just sketched formed the basis of the system.

So far as the prison discipline of the system is concerned, we have, then:

1. The stage of penal and stringent discipline.
2. The stage of associated labor, (with separate dormitories,) in which, by means of progressive classification governed by marks, the industrial improvement and self-control of the prisoner are both stimulated and tested by the motive power which is at work, viz, improvement in present position and the opportunity of obtaining earlier liberation. It will be at once realized that thus the criminal, within certain defined limits, becomes the arbiter of his own fate, and the system is deprived of any aspect of vengeance, while it secures the co-operation of the prisoner in his own improvement. It is scarcely necessary to point out the self-drilling which is required under such a system, if the advantages held out by progressive classification are to be reaped.

When these two stages are satisfactorily passed—*i. e.*, when the crim-

nals have attained the required number of marks to entitle them to the privilege—they are removed to a stage of semi-freedom, called the third or intermediate stage, which is a stage of probation in a more natural state of training before liberation.

This stage of natural training in its very nature prepares the criminal for his return to the ordinary avocations of free life, and reconciles the public to his employment. As it has had the test of sixteen years' experience and has more than fulfilled what was expected from it, it must be looked upon as a great success. The conduct and industry of the inmates during this long period have equaled, and even exceeded, those of ordinary laborers in similar positions of temptation.

Sir Walter believes the above to be the best prison training to prepare a criminal for his release and his re-absorption into society. It is a training so simple in its principles that its very simplicity formed at one time its great stumbling-block in the minds of men, and so easy of application that, in some form, it is suited to every locality and every human being.

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## CHAPTER XXVI.

### PREVENTIVE POLICE ORGANIZATION.

Mr. Edwin Chadwick, C. B., of England presented to the congress a paper of much ability and breadth on the question of a preventive police. One great object (he says) of a compulsory system of public relief for the destitute is to disarm the mendicant of his plea that, unless alms be given him, he must perish. Juvenile mendicancy leads to juvenile delinquency, and both are fed by indiscriminate alms-giving. English prisons were, at one time, filled chiefly with delinquents' orphans reared in mendicancy, who from begging advanced to stealing. Juvenile vagrancy and juvenile mendicancy are the great seed-plot of adult habitual criminality. Most of those who follow stealing as a business have mainly entered their careers as juvenile vagrants and mendicants. After having, with the aid of able colleagues, completed a report on a compulsory system of relief to the poor and after considerable experience in administering such a system, Mr. Chadwick became convinced that to attain the object of the law in regard to the great evil of vagrancy and mendicancy, as well as for other purposes, the concurrent action of a police was necessary. But beyond the metropolis there was no force in existence deserving the name of a police force. He therefore suggested to the government the expediency of instituting an inquiry into the subject. The result was that a royal commission was created for that purpose, consisting of himself, Colonel Rowan, chief commissioner of the metropolitan police, and Mr. John Shaw Lefevre, M. P. The leading results of this inquiry were embodied in Mr. Chadwick's paper, and submitted for the information of the congress.

The commissioners found, in the first place, that the gains of habitual criminals, as a rule, greatly exceeded those obtainable by honest industry, being in fact, on an average, about double. In the next place, they found that their average careers of spoliation upon the community, without interruption by arrest and conviction, were about five years in duration. More recently the estimate is that habitual depredators spend about one-third of their time in prison, and the other two-thirds at large,

plying their craft. The duration of these long careers of uninterrupted villainy are owing mainly to two causes: first, to the adroitness of the criminals; and, secondly, to the fact that the party robbed generally discontinues the prosecution on the restoration of the property.

Instances of the reformation of habitual-thieves were unknown, and the possibility of such reformation was not believed in by the police. But proof was given that careers of habitual depredation had been discontinued because of difficulties which reduced the chances of escape and rendered such depredation less gainful than honest industry, as, for instance, highway robbery by mounted and armed horsemen. Evidence was given that there were house-breakers who had returned to honest occupations since the institution of the police, because the chances of escape had been so far narrowed that the business no longer paid. But if the chances of impunity were again lengthened from months to years, highway robbers, on foot and mounted, would re-appear, even though the gallows and the gibbet should re-appear with them. What is wanted, therefore, to check criminality, so far as objective agencies are concerned, is, not severe punishments, (these have little effect,) but few chances of escape, certainty of detection, short careers out of prison, and a reduction of the profits below those of honest industry. To leave the chances wide open, the careers long, and the profits large, and to rely mainly on punitive agencies, would be a wisdom akin to that of directing effort to the cure or alleviation of marsh-diseases and leaving the marshes undrained. The whole mass of habitual depredation exists through the defects of repressive legislation, and especially through the want of a properly-organized and systematic pursuit by an effective police force.

But the efficient action of a police depends upon the completeness of its information, and this again upon the effective co-operation of the public in supplying it. The commissioners found that the police are very incompletely informed of the number of depredations committed. They also found that the failure of the public to co-operate was owing in some degree to carelessness and a low morality, but much more to: 1, a dread of trouble and vexation arising from the cumbrous forms of penal procedure; 2, the absence of systematic public prosecution; and, 3, the fact that the charges of prosecution fall mainly on the party robbed, and this in addition to the loss and annoyance caused by the depredation. It hence follows that, for the efficient action of a police and a close and successful pursuit, a considerable reform in penal law and administration is necessary, as well as a more general and generous public support.

The chief objective points of a police are to render it difficult and laborious to get at property, to render it difficult and laborious to convert property when obtained, to render it difficult to escape detection; and in this way to narrow the chances of escape to the depredator, to shorten his career of impunity, and to reduce the profits of the career below those of honest labor. When these ends are attained, particularly the last, the predatory career will be abandoned. Crime for profit has subsisted and continues to subsist by the absence or inefficiency of systematic organization, devised with a view to detect and punish it.

The remaining portion of Mr. Chadwick's paper is mainly taken up with an account of the state of things in England and the reforms needed there, and has, therefore, little more than a local interest. He closes his essay with the statement that the first report of the commissioners was directed to the elaboration of the principles of the organization of a *preventive police force*, and that the said report has served very much

as a text-book for some of the imperfect organizations that exist, and that they have the material for a second report on the *preventive action* of a police when organized. It is much to be hoped that their second report will not be long delayed.

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## CHAPTER XXVII.

### CRIMES OF PASSION AND CRIMES OF REFLECTION.

Rev. Dr. Bittinger, of the United States, submitted a paper to the congress treating of crime under the twofold aspect indicated by the title which forms the subject of the present chapter. The discussion was one of great originality, sharp analysis, and, withal, of a highly practical cast. The undersigned cannot but regret that an essay of such value should not have been given in full. But the respected editor of the Transactions, whose prerogative it was to decide upon questions of that nature, has inserted in his volume only a short abstract, and with that the undersigned must be satisfied. Dr. Bittinger's view, as epitomized in the Transactions, is, in substance, as follows :

Sin is the primal cause of lawlessness, but it is not amenable to human legislation until it finds expression in criminal acts. The two factors of crime are passion and reflection. The passions differ both in kind and degree: they are malign and non-malign. Reflection differs only in degree. Crime is punishable, because it injures society. The character and degree of the injuriousness of crime must determine the nature of our penal legislation; and the possibility of diminishing crime and reforming the criminal must determine the nature of our penal treatment. The enormity of criminal acts is modified by their relation to the person of the victim as nearer or more remote. Thus murder, rape, mayhem, malicious mischief, arson, and robbery have a closeness of relation to the person corresponding to the order in which they are named, and the same order marks the degree or intensity of guilt which attaches to the several acts. Another distinction to be made, which has been already alluded to, is between crimes of passion themselves, namely, crimes of malign passion, as murder, and crimes of non-malign passion, as rape. Acts springing from malign feelings are always criminal, while those springing from the non-malign passions are criminal only in their excess. The malign passions are in their nature objective, being always aimed at the person, as murder, mayhem, malicious mischief. The non-malign passions are, in their nature, subjective, their aim being ever the gratification of one's self, and not harm to another. The former are personal, the latter impersonal. The punishment of crimes of passion is aimed at the quality of the passion, as malign or non-malign. The punishment of crimes of reflection is aimed at the degree of reflection, as involving more or less of intelligence and purpose. Personality, as being that which tends most to excite and intensify reflection, is, in general, the measure of the offense as regards its guilt: larceny of detached property, pocket-picking, burglary, robbery, rape. The nearer the criminal gets to the person, the darker is the crime and the sterner should be the punishment. Crimes of passion are to crimes of reflection as 1 to 27. The most inveterate crimes of reflection are the following: Horse-stealing, burglary, robbery, forgery; and this is the order of their frequency as well as of their guilt. Of crimes of passion the order is murder,

rape, felonious assault. Statistics show that grave crimes of passion do not tend to repetition, while crimes of reflection tend strongly in that direction. Hence, crimes of passion are few, of reflection many.

For crimes of passion, preventive legislation is the remedy—

1. By improving the condition of the poor and degraded through work, education, and moral instruction and culture.

2. By protecting all classes through laws against drunkenness, gambling, and prostitution.

Crimes of reflection demand repressive and deterrent legislation—such as a vigilant police, certain detection, and swift punishment.

The penal treatment of both these classes should be framed on justice, as opposed to vindictiveness. Criminals have rights which justice must respect. The moral character of the jailor is of prime importance. The jailor and the judge are equally the ministers of justice. The prisoner's sense of justice must be respected by those who are charged with administering punishment, or his punishment will neither deter nor reform him. In dealing with professional criminals, justice may fitly be made to wear an aspect of severity, or at least of sternness; in dealing with crimes of passion, there should be a leaning toward mercy. The victim of passion is to be pitied; the criminal of reflection is to be punished. The man who does criminal acts under a sudden assault of passion leaves room for hope, for cooler moments turn him against himself and move him to repentance; the man who deliberates and plans his crimes is comparatively hopeless, because coolness is the essence of his criminality. The one is overtaken by crime; the other elects it. Criminals of passion have no accomplices, but often witnesses; criminals of reflection have accomplices, but seldom witnesses. The former rarely combine, and are without organization; the latter form themselves into communities, and organize for crime.

These characteristic differences between the two classes of criminals demand a corresponding difference in criminal legislation and penal treatment. Dr. Bittinger in his essay explained why and wherein this difference of legislation and discipline, as applied to them, consisted. But the abstract in the Transactions ends at this point, and the undersigned is consequently unable to follow him further.

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## CHAPTER XXVIII.

### JOHN HOWARD—HIS LIFE AND SERVICES.

John Howard entered upon his career as a prison reformer in the year 1773. It was therefore fit that an international penitentiary congress, convened in England ninety-nine years after that date, should be made the occasion of a centenary commemoration of the great English philanthropist. By special request, Rev. Henry W. Bellows, D. D., of the United States, delivered, during the sittings of the congress, a discourse on his life, character, and services, which was a worthy tribute to the man and the cause. The address of Dr. Bellows fills sixty pages of the volume of printed Transactions; it is evident, therefore, that the brief extracts to which the undersigned feels constrained to limit himself can give but a meager idea of the masterly analysis and glowing eloquence of the distinguished orator.

In one of the opening paragraphs of his discourse, Dr. Bellows thus speaks of its subject:

The name of Howard has become a synonym of philanthropy. It is more widely known, and known with more unqualified praise and honor, than any private name in modern history. Hundreds of associations for charity and beneficence have chosen it for their title. It has passed out of the keeping of his own countrymen into that of mankind. The lips of little children learn it almost next after that of their divine Master. Its glory belongs to neither sex, but celebrates virtues and graces equally honorable and acceptable in both. It is one of the few names religion dares to repeat in connection with her holiest themes. There is scarcely a shadow upon it. It mingles with all that is purest, noblest, most celestial in human feelings. It overleaped, even in the days of angry polemics, the walls of sect, and acted as a solvent of bigotry and a cement among theological rivals and antagonists. It stands for universal mercy, world-wide sympathy, and absolute consecration to human service. A name for mildness, self-forgetfulness, sleepless activity in benevolent work, for interest in the most abandoned and repulsive of our species, for hope toward those despaired of by all others, for chivalrous and heroic daring against enemies more perilous than artillery, but from whom even wisdom had accounted it universally permissible to flee—pestilence and crime; a name for humility which fled from the echoes of its own resonant goodness, wept at the praises it could not escape, and unaffectedly longed to be unknown. What a halo hangs around these syllables! Howard! If, as he himself declares, not one insulting word or disparaging and contemptuous act ever met his eye or ear in the sixteen years of his pilgrimage among the reprobate class confined in the prisons of all Europe, a hundred years, in which that name has circulated like a household word through the homes of civilized man, have hardly produced one jar or discord in the universal symphony of love and praise.

In the following sentences Dr. Bellows gives us Howard's own account of what first awakened his interest in prisoners and led him to a visitation of prisons:

Howard says that the first circumstance which excited him to activity in behalf of prisoners was in observing, when sheriff of the county of Bedford, that persons accused of crimes, but on trial found *not guilty*, or against whom prosecutors failed to appear, after having suffered previous to trial or arraignment months of unjust imprisonment, were often dragged back to jail and locked up until they should pay *sundry fees* to the jailer, clerk of assize, &c. He represented the hardship to the court, and begged that the jailer should have a salary in place of fees. The court was moved with the justice of the suggestion, but wanted a precedent for charging the county with the expense. Howard rode into several counties in search of a precedent, and his failure to find one did not prevent him from discovering the general sufferings of debtors and felons in all the prisons he visited, and waked up an earnest desire to alleviate what excited his pity and offended his sense of justice.

Dr. Bellows describes the zeal, activity, minute diligence, and scrupulous conscientiousness of Howard, in these words:

Howard had now become unsparing in the demands he made on his own diligence; he gave himself barely time to attend to his private obligations. He regarded neither distance, labor, nor expense in his investigations. Hundreds of miles, by post, on horseback, by night and by day, he hurried through England, Wales, Ireland, Scotland, the Isle of Wight, ubiquitous, making almost superhuman haste, and yet overlooking and forgetting nothing. A jail with one prisoner was important enough to draw him frequently to its inspection. He took nothing on hearsay: made no rough generalization; exposed himself boldly to jail-fever, small-pox, typhus, and every personal trial to which delicate sense or humane feelings can be subjected, that he might be able to speak with unanswerable authority on a subject which he had perfectly exhausted. Let us remember that this was not a time when immense accumulations of facts, exactly observed, had taken the place which they now possess, even in the physical sciences, much less in the moral. Howard's hunger for facts was unexampled in his time. He anticipated even scientific observers in rigor, exactness, hesitation to generalize, and patient waiting for an exhaustive examination of the field. This was partly due to the want in him of a discursive understanding or tendency to generalizing; the absence of a lively imagination and an intuitive perception; but still more to the scrupulous conscientiousness of his character, his inability to tell lies of carelessness, his plodding patience and utter self-forgetfulness in the pursuit of his ends. It is hardly too much to say, then, that every prison, bridewell, house of detention, sponging-house, in the three kingdoms, and every apartment in each of them, and every individual prisoner in every cell, had by this time been under his inquiring eye and had felt his influence. The whole race of prison keepers and jail authorities, as well as all the felons, convicts, and debtors had seen his face and felt the genuineness, the authority, and the strength of his purpose. What other man has made his personality for so many years so directly felt by the very persons for whose improvement and reform he was laboring? Asso-

ciated beneficence, deputed and vicarious sacrifices for the vicious, organized corporations for charity and for reform—we all know their necessity, their advantages, and their power. But do we not also know their limitations, their dangers, their exposures to superficiality and perfunctory work, their tendency to become at last only costly machines, run largely or mainly for the sake of the officers who administer them? John Howard was a sublime exception to the rule which trusts more to the machinery than the power that drives it; to the wheels, than the spirit in the wheels. His personal labors were as abundant as his public reports were few and far between; his inquiries as minute, special, and particular as they were numerous, broad, and universal. He swept the whole field, but it was as carefully as if it had been only a single threshing-floor.

This account is given of Howard's first publication of his work on the State of the Prisons of England and Wales, with Preliminary Observations, and an Account of some Foreign Prisons and Hospitals :

Never was so original and costly a work—costly in the personal sacrifices and severe labors it represented, original in being the record of one observer's personal study of a subject hitherto treated only in the library by philosophers like Montesquieu and Beccaria—issued with less pretension. Printed at the author's expense, in a provincial town—and, it may almost be said, without a publisher—given away mostly by Howard himself, it came out, without the smallest flourish of trumpets or the least aid from an expectant public, carefully manipulated by such a skill as now ushers works of importance into the reading world. And it was as modest in its pretensions, restrained in style and statement, free from rhetoric and false sentiment, as if it had been a legal document. Howard had a perfect eye for facts. He saw them, too, in a true perspective. He hated sentimentality and romance almost as he did falsehood. He was incapable, even had he been desirous, of arranging his observations in a pictorial or dramatic form. His work, therefore, is a plain, straightforward, condensed narrative of his observations upon the conditions of all the prisons he visited, with little generalization, no philosophy, and few other comments than those of a plain, practical man. But the vast accumulation of facts exhaustive of the subject is fitted to produce an effect which no abstract and no general inferences could possibly have accomplished. He really makes his reader a fellow-traveler, and, by inspiring him with absolute confidence in his scrupulous conscientiousness as an observer and recorder, he feels that his impressions from the book are nearly or quite equal in freshness and force to those an actual circuit of all the prisons in England and Wales, and of most in Holland, France, and Switzerland, would have produced. It may almost be said to have been the first successful attempt to arouse public opinion, independent of class or order, to a concern, on grounds of justice and humanity, in the treatment of a large and repugnant class of our fellow-men. It has become so common since, that the originality and boldness of Howard's course are not fully appreciated. Prior to that time, the appeal of all social reformers had been to scholars, philosophers, statesmen. Howard addressed the ordinary intelligence of tradesmen and the great middle class. He did not shoot an inch above their heads, and still less above their hearts. The narrative form of his book adapted it to its end, and nothing but its cumbersome size and cost prevented it from a still wider circulation.

Such self-denial, such purity of purpose, such self-subsistent efforts as Howard's could not but give an apostolic character to his reputation, disarm criticism, and almost place him and his work outside the common arena of judgment. It is not too much to say that his personal character, as exhibited in his work, was itself almost a new revelation of humanity: and so moved and amazed England, that the suggestions and wishes of such a working saint needed hardly any support except its own sublime simplicity and unparalleled devotion. Martyrs dying in the cause of religion the world had known, and soon failed to reverence. But saints living through labors and dangers and sacrifices, such as Howard encountered, to soften the lot of the most degraded and opprobrious class of human beings—felons and murderers, thieves and robbers—and that without regard to country, race, creed, color, and at no possible advantage to himself—at his own risk and cost, and without any warrant or authority but his own will: this had made an impression on the English public which was unique, complete, and without deduction. And it is no wonder that Howard's work, though its circulation was necessarily limited, should, by the aid of citations in the public press, have created what came, as near as the condition of England then allowed, to a universal interest.

The concluding paragraphs of Dr. Bellows's address contain what may be called at once a comparison and a contrast between two of the most eminent and remarkable men of the eighteenth century. He says :

There are two characters belonging to the last century who may be said in different ways to have left a stronger impression on the world than any other two men of



their time, who were not connected with political, scientific, economic, or literary affairs; both Englishmen, both cosmopolites, and both originators of movements that have swept over the whole face of the earth, and drawn the admiration and sympathy of successive generations to their respective undertakings; both men whose influence continues and increases, and who have taken their places among the permanent ornaments and benefactors of their race: John Wesley and John Howard. Wesley the elder was born in 1703 and died in 1791. Howard was born in 1726 and died 1790, one year only before his great contemporary. They resembled each other even in person, both being men of light weight, spare, under-sized, and of ascetic and self-denying habits. Both were men unconformed to the world, and living habitually in view of another state of being; both intensely religious and Christian in faith and temper; both eaten up with a zeal for the welfare of their fellow-creatures; both self-subsistent and self-relying men, so far as dependence on human sympathy is concerned. Both were men of immense powers of work, who never spared themselves when personal sacrifices of ease, sleep, food, society, friendship, could advance their unselfish aims. Both possessed unflinching courage, and met the prejudices, passions, and perils of unpopular causes, and of rude and violent classes, with the firmest, calmest, and most controlling will. Both were equally marked by invincible convictions, a single and undeviating aim, an indomitable resolution which success could not intoxicate nor opposition tame. Both were practical men of great executive ability, aiming at clear and definite ends, with clear-cut purposes, and little embarrassed by speculative misgivings, self-distrust, or deference to others' opinions. Both relied mainly upon their own personal judgment, their own personal exertions, their own self-sacrificing spirit and labors for their success. Both were intensely protestant in their principles and intensely papal in their sense of infallibility—men who could only lead, not follow; govern, not obey. Both were wholly consecrated to their aims, above the temptations of riches and honors; holding pomp, place, ostentation, ease, money, applause, in contempt, and freely spending all they possessed or created, at the service of the needy. They both lived on horseback, and were, in an age of obstructed intercourse, ubiquitous—traveling by night and by day, with a speed practically equal to that which even modern facilities afford to self-indulgent travelers; careering through these three kingdoms, and into the remotest parts of the islands, in a way to make themselves equally at home in city and hamlet, among the rich and the poor.

Wesley is computed to have journeyed a quarter of a million of miles on his voluntary itineracy, chiefly on horseback; and Howard probably traveled in the same way, in a life twenty years shorter, half as far. But what he lacked in miles was made up in the variety of the countries he visited, the scope of the circuits he made, the character of the obstacles and perils he encountered, and the solitary nature of his pursuits. Considering that his public work was confined within sixteen years, was begun in middle life, and ended at the natural period of human existence, he perhaps exceeded in the intensity of his labors and sacrifices, for the time he was engaged in it, any equal period in Wesley's laborious life. But Wesley began his work at twenty-six, and continued it to eighty-eight, with almost equal spirit and activity from the beginning to the close—an unexampled miracle of toil and persistency.

Wesley encountered personal passions, hatred, scorn, violence, ignorance, and contempt; was pelted with stones and garbage, with lampoons and polemic abuse; had knives and pistols drawn upon him; encountered mobs and soldiery; was in frequent danger of his life. Howard faced dangers more fearful to brave men: jail-fever, pestilence, plague, and the apathy of all the best portion of society. Mobs and persecution might have supported his courage by the anger and defiance they rouse, but he needed no such stimulants. He was brave, without witnesses or visible enemies, without excitement or organized opposition; not braver than Wesley, for who could be? but as brave under more depressing circumstances. Wesley's weapon was his tongue, cloven with the flame of the Holy Spirit. With it alone he carved his way through all opposition, calming tumultuous mobs with its spell; subduing violent and wicked spirits with its divine meekness and power, and converting, like the first apostles, thousands in a day. And what his never-silent nor weary tongue did not accomplish, his ever-active pen did—keen, plain, with less ink and more blood in it than any pen that ever wrote so much—a pen that uttered things, not words, terse, unornamented, wholly to the purpose, vigorous, and decisive. Howard had no cunning in his tongue nor in his pen; not a man of thought nor of words, but a man of action; his weapon was an eye to see, to search, to penetrate to the very bottom, to pursue into every hiding-place the evil and curse that had aroused his mingled sense of justice and humanity. He hunted down the prison wrongs of the world with the chivalric devotion of a Spanish knight or the spirit of Sir Lancelot in solitary pursuit of the Holy Grail. He collected facts with the zeal, the labor, and the patience of a modern Darwin, in solitary explorations in distant countries whose tongues he did not speak, and from the deepest dungeons, the most poisoned plague-spots, the dreariest and most hateful holes, in which the moral and social fungi, whose natural history he sought, were to be studied and described. Slow and deliberate, cautious and intent, he spared no

pains, he shunned no dangers, he left unturned no stone, he hurried to no conclusion; he repeated his observations, examined and re-examined his facts; and then, without art, circumlocution, rhetoric, or self-display, mainly by the aid of others, laid them calmly before the little world who then read books, and left them to work their effects.

Wesley was an organizer of the first order. He knew how to win, how to hold, and how to use other men. Solitary in plan and purpose, he was eminently social in method and co-operative in means. He builded as fast as he collected materials. It was no disembodied, uninstituted work, the diffusion of ideas as a spirit, that occupied his formative and shaping brain. He was a churchman in every fiber, and he aimed at visible, methodic ends—the great methodist, who swept thousands of the ablest and most earnest souls of his generation into the ranks of his cause, organized them with an almost military drill, uniformed them with precise opinions, badged them with similar phrases and methods, and left them a distinct corps in the church militant, with a polity of their own, to make conquest at last of twelve millions of people, who are destined to multiply into scores of millions before the life Wesley gave them has found any superseding rival or absorbent. Howard was a prophet, and not a priest; a prophet of action, no organizer, no founder; an impulse; an example; an alarm-bell; a trumpet heard in the night. He was a sort of John the Baptist, his meat locusts and wild honey, crying in the wilderness, repent, repent. Solitary, difficult to work with, and wholly lonely in labors and in aims, he built up no work, he laid the foundations of no scheme, he became the architect of no system. But he drew the attention of the world and fastened it upon the cruelties, the inefficiency, and the inhumane and unchristian character of the dark prison territory. Nay, by his exalted devotion, the noiseless enthusiasm of his labors, the purity and intensity of his zeal, his absolute, uncalculating humanity, he made his name not only a landmark but an inextinguishable voice, which has ever since sounded through the nations, demanding attention to prisoners' rights and claims. He who can thus gild his own name with mercy and truth, until it shines over all lands with the glory of an unsetting constellation, who can turn its very letters and syllables into a universal language, until it becomes a spell, a synonym for humanity, a rally for the prisoner's relief, has joined the small company of the immortals in human history, and is among the saints, apostles, martyrs, who stand nearest to the Head of the glorious company in heaven.

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## CHAPTER XXIX.

### THE PRISON OF GHENT.

M. Auguste Visschers, a jurist and philanthropist of great distinction and ability, was one of five commissioners named by the government to represent Belgium in the congress of London. Forbidden by his physician, on account of the state of his health, to leave home at the time of the meeting of the congress, he communicated in print a paper entitled, "Notice relating to the construction of the prison of Ghent, decreed by the States of Flanders in 1771, and to the two memoirs drawn up by the Viscount J. P. Vilain XIV, on the subject of the establishment of the said prison in 1771-1775, followed by some considerations on the progress and development of the penitentiary system." No more interesting or instructive paper was offered to the congress, yet, by some unaccountable oversight—for certainly there could have been no such design—it does not appear, nor is any allusion made to it, in the volume of Transactions issued by order of the body and edited by its secretary, Edwin Pears, esq., under the supervision of an English committee appointed for that purpose. For this reason, and because of the exceedingly interesting character of the information offered by M. Visschers in his historical essay, information so honorable to his country and to one of its eminent citizens, the undersigned has deemed it fit and desirable to give in the present chapter a somewhat extended summary of its contents.

M. Visschers divides his paper into seven sections, or, as he names them, chapters, each treating of a special department of his subject.

The first section treats of the state of society in the Belgian provinces, near the middle of the eighteenth century, and of the imperfection of its repressive laws. The author says that at this time the whole of Europe was desolated by the scourge of innumerable mendicants and vagrants, a scourge which the laws and customs rather encouraged than repressed. That enlightened and able Empress, Maria Theresa, moved by this state of things, sought to introduce remedial measures more effective than those previously employed. A letter of Prince Charles of Lorraine, governor-general of the Austrian low countries, dated August 2, 1765, called the attention of the privy council to the abuses existing in the administration of criminal justice, and particularly to the inefficacy of the punishments of whipping, branding, and banishment for the repression of crimes. M. de Fierlant resumed the discussion of these questions in the session of the privy council of April 13, 1771. He denounced infamous and torturing punishments, and advocated, instead, the immediate establishment of houses of correction, declaring that people without honor could not be restrained by the fear of infamy; that neither the scaffold, nor the scourge, nor the branding-iron could ever put an end to disorders which had their source in a dislike of work, and that the only means of correcting the indolent and the idle was to compel them to labor. M. Vissehers cites two state papers of the Empress Maria Theresa, honorable alike to her intelligence and her humanity, in which she recommends the gradual abolishment of capital punishment, except in cases of atrocious crime, and the establishment of correctional prisons to take the place of these punishments. He mentions also another letter of Prince Charles of Lorraine, under date of May 11, 1772, pressing the work of building the prison at Ghent, agreeably to the plan of the Viscount Vilain, with separate cells for each prisoner, that it might serve as a model and an incitement to the other provinces.

The second section touches briefly on the principal events in the life, as well as on the more important writings, of the founder of the house of correction of Ghent, the Viscount J. P. Vilain. Born at Ghent in the year 1712, this great man passed through all the gradations of public honor and responsibility in his native country, ever showing himself able, wise, and faithful, and closed a career, at once useful and illustrious, in 1777, at the age of sixty-five years. His works were chiefly memoirs or essays on finance, economics, and penitentiary science, all of a practical character, all marked by broad common sense and a keen insight, and all intended to promote the highest interest and welfare of the state.

Section third enters into the heart of the subject, giving a most interesting *résumé* of the two memoirs of the Viscount Vilain, in 1771 and 1775, for the construction and internal arrangement of the house of correction. The first presents the basis on which the new establishment was to be founded. The second is mainly taken up with setting forth the rules and regulations of the house. In the former the viscount maintains that mendicancy and vagrancy are encouraged and fostered by the hospitals and alms-houses intended for their relief and prevention, and that they form the seed-plot and nursery of theft and robbery. Of 64,681 paupers then found in Flanders, exclusive of the cities, fully one-half were able-bodied mendicants, imposters, vagabonds, wandering from village to village and committing all sorts of spoliations upon the honest people of the country. He says that for such offenses there were no punishments between fines and tortures, and asks why it would not be better to make of these sturdy beggars workmen useful to the public before

they became criminals. He then examines the question of cost, and concludes that the proposed house of correction would be an economic measure as compared with the expenses of justice and the losses occasioned by the spoliators.

The proposition received the assent of the states of Flanders and of the Empress Maria Theresa. It was determined, according to the recommendations of the viscount's report, that there should be a separate ward for able-bodied mendicants, a second for women, a third for laborers out of employment who desired work, and a fourth for the children of paupers. It was ordained, not only that there should be a separate establishment for each of these classes, but that each individual should be confined separately at night. The first three wards, radiating from a common center, were erected in the year 1772-1773, and provisional regulations for the discipline were decreed in February, 1773; but the general opening did not take place till May, 1775.

After two years' experience the Viscount Vilain presented to the states his second memoir, in 1775. The first was intended to prepare for the creation of the establishment, the second to consolidate it. In it he remarks that the punishments inflicted on the bandits who caused the honest laborer to tremble—exile, whipping, branding—effected no improvement in them, and were a remedy for nothing. The offenders rather grew worse. He believed it would be preferable to change these punishments to correctional imprisonment. There was, however, a peril to which the new experiment was exposed, that might prove disastrous; it was that of having too great a number at the beginning. Provision was made against this danger by the resolution to receive only a limited number, and to increase it when the first comers should be reformed and inured to labor.

The fourth section describes the plan and interior division of the house of correction of Ghent. The general plan was that of wings radiating from one center, five of which were completed in 1775 and the remaining three not until 1827. The first wing on the left, as you enter, was alone at that time used as a prison for criminals. The second was occupied by able-bodied beggars, misdemeanants, and disorderly persons. The third was appropriated to girls and women. The other two were destined to the reception of persons in want of work and to the children of paupers received on foundations or scholarships. Each wing had four stories, with stairs and the necessary private entrances. The whole structure was surrounded by an inclosing wall. Each prisoner was confined in a separate cell at night. The criminals' wing had two hundred and eighty-four cells, each seven feet long and five and a half wide. They were all of the same form and proportions, and all provided with the same furniture, viz: a bed six and a half feet long and two and a half feet wide, a paillasse, a mattress, a pillow, a pair of sheets, and two blankets in winter and one in summer. They were also provided with a vessel, a small bench, a hinge-table, and a closet in which the prisoners kept their effects. The ground-floor was occupied partly by the work-shops and partly by dark cells for the punishment of faults against discipline.

On the first story was the kitchen, with its adjuncts. The refectory, which was contiguous to it, was one hundred and twenty feet long and twenty-six feet wide: eighteen tables might be spread in it, with twenty covers each.

In the chapel adjoining the refectory was celebrated, Sundays and feast days, divine service, at which all the prisoners were required to

be present, as well as at the sermon, and at daily prayers morning and evening.

The second structure, designed for able-bodied beggars and prisoners sentenced for minor offenses, was built and arranged in the same manner, with separate cells for two hundred and fifty.

The third wing, appropriated to young girls and women, was of the same dimensions, containing eight large apartments twenty-two by sixteen feet, and forty smaller ones, ten and a half feet in length by eight and three-quarters in breadth. The refectory for the women was of the same proportions as that for the criminal men.

The two remaining wings, and the three still to be constructed in order to complete the octagon, had a destination which attested the breadth of the views which presided over the conception of the plan. For the realization of the end proposed, it was expected that there would be a foundation of four hundred to five hundred scholarships, yielding annually 60 florins each. Already the states of Flanders had resolved to contribute to this foundation by establishing twenty scholarships. It was proposed to establish in the house of correction schools for the children of the poor and for apprentices in general, who, for want of sufficient means, were unable to acquire the knowledge of trades.

The broad views and large-hearted humanity of the Viscount Vilain are shown in his declaration that "this establishment ought to be looked upon by the public as a school or nursery of arts and trades for the relief of the really poor, who, deprived of resources sufficient to support their children, are obliged to let them languish in idleness and to make of them beggars, who, as a consequence, become onerous to the public and useless to the state."

To encourage this plan, the Empress decreed "that those who shall become most capable as workmen, shall be received into the trade-corporations of the towns of Flanders which they shall find convenient to their locality, without charges of any kind, and without being subjected to years of apprenticeship, but only to the production of a trial-piece, and that, in addition, they shall enjoy the rights of citizenship (*bourgeoisie*) without expense or formalities, in the towns where they shall become members of the trade-corporations."

The author of the memoir placed his supreme reliance upon this mode of encouraging labor; he sought to prevent crime by combating idleness. Private citizens had already announced their intention to found scholarships for the benefit of prisoners of this establishment; and, with a view to insure its success, the great Queen Empress had exhorted the bishops, the abbots, the spiritual corporations—in a word, all her subjects—to lend their aid in a project so excellent and useful.

In the fifth section M. Vischers treats of the administration of the prison, its discipline, and the management of its industries. The administration was confided, under the general direction of the states of Flanders and the special protection of the Empress, to a college of governors, composed of three deputies of the assembly of the states, one jurist, two notables, and four merchants. The Viscount Vilain was made a member of the college. The police and discipline of the establishment, and the reception, lodging, and conduct of the prisoners, were directed by officers who had under their orders various agents, and were themselves subject to the instructions of the deputies of the province. The management of the industries was confided to a director of manufactures, who had under him a number of foremen, and was himself guided by the rules and resolutions of the college of governors. An accountant kept the books. A surgeon was attached to the house. A

chaplain had his residence in the establishment. The Viscount Vilain says in his memoir: "Religion is not neglected in the prison; it is even made one of the objects of attention, and is never lost sight of. The change of manner, the quietness and submission of the prisoners, and their exemplary observance of the duties of piety assure us of the impression which has been made on the minds of many by pious exhortations and the word of God."

No prisoner was received except upon previous notice, given at least forty-eight hours in advance, and on the production of an authentic copy of the sentence of the judge or of the decree of commutation of afflictive punishments to imprisonment. At first no convict was admitted who was not able to work and to learn a trade.

The viscount gives formulas for keeping the registers relating to the general state of the prisoners, the trades at which they worked, and the product of their labor. *A special register showed the amount belonging to each prisoner of his share of his earnings.* Instructions are set down for the management of the hospital and the care to be given to the sick. A regulation of the 20th March, 1773, decreed by the Empress, fixed everything relating to the maintenance of good order and discipline.

One of the articles of this decree deserves to be cited at length, as showing at once the progress of humanity and the impossibility of wholly escaping the influence of the ideas and usages of the times. Article 26 reads thus:

As regards the police of the prison, we reserve it for a separate regulation, but in the mean time we declare that the directors, who shall be placed over the police, will not be permitted to inflict upon any prisoner graver punishment than that of confinement for two days on bread and water; and in case the offense merit a more severe correction, they shall report it to the first meeting of the administrators, who, on their part, will be allowed to prescribe only correctional punishments, such as being tied for some hours to a post, to receive *some blows with a stick*, which shall not exceed twenty-five, or of being confined for a moderate time in a *ribbed prison*—that is, on a floor with sharp edges. (*dans une prison à côtes, sur un plancher à arêtes vives*)—or for a few days in an ordinary prison on bread and water.

Article 27 also contains a remarkable provision, and one which must have been very sensibly felt by the prisoners when the time for their liberation came:

Every prisoner who, by resolution of the administrators, shall have been confined in a *ribbed prison*, shall remain, for each time that he shall have been so punished, eight days in the prison beyond his term.

On this the Viscount Vilain pertinently inquires whether, conversely, justice does not also require that the prisoner who shall have strictly observed the rules and regulations be rewarded therefor; whether it is not just that he who has shown zeal and exactness in the fulfilment of his duties, who has labored to reform his manners, and has mastered a trade that will insure him an honest living, should not be sooner restored to liberty. If bad conduct prolongs, ought not good conduct to abridge his imprisonment? The viscount adds:

The hope of shortening his captivity would be of the greatest service to him; it would be a strong motive to industry and good order; it would tend to beget and cherish in him a love of work; and it would certainly be a means of improving the discipline.

Vilain held and proclaimed the soundest opinions regarding the duration of imprisonments and the utter worthlessness of short detentions as an agent of reform. He says:

The administration will please observe that the term of six months is too short to reform criminals and train them to the love and practice of industry. These short-

term prisoners set a bad example to the others. They say that it is not worth the trouble of beginning an apprenticeship; and all their thought is directed to the termination of their imprisonment, that they may again return to a life of idleness.

These considerations lead him to the conclusion that the minimum of imprisonment should be fixed at a year. On the other side, he says:

A life-sentence reduces convicts to despair. Deprived of hope, they are indifferent alike to reformation and labor, and they turn their attention only to schemes of escape or revolt. Since we have not seen fit to deprive them of life, why should we seek to make it insupportable to them? Why not leave them the hope of re-entering society after expiating their crimes and rendering themselves worthy by assiduous labor and a genuine repentance?

The viscount, in his memoir, enters into the further inquiry whether, by the labor of the prisoners, the establishment may not be made self-supporting, and whether this same labor may not even be rendered a source of profit to the state without prejudice to free labor outside, and, in fine, whether the establishment of the house of correction sufficiently answers to the general desire of the public and to the end proposed, which is to dry up, or at least lessen, the sources of the evil, viz, idleness and vagrancy, so hurtful to the repose of society. He insists, above all, on the necessity of establishing in the house of correction manufactures and trades, which will assure to the prisoners on their liberation the means of an honest livelihood by their own labor. The aim is declared to be to impart a love of work, and to form them to habits of industry.

Finally, he proposes an establishment or school, under the name of hospital—a hospital for moral rather than bodily diseases—where the children of the poor will be reared and maintained in labor and good manners. The state, he says, is too much interested, has too deep a stake, in the extirpation of mendicancy, not to make trial of this supreme agency to that end.

In his sixth section M. Visschers has collected divers honorable testimonies from various countries attesting the merit of the work so happily accomplished by the Viscount Vilain. The first and most important is that of the great English philanthropist Howard. He visited the prison in 1775-76, and found there two hundred and fifty criminals—one hundred and ninety-one men and one hundred and fifty-nine women. Being present at the dinner of the male prisoners, he admired the regularity, decency, and order with which everything was done at the word of the director; not the least noise or wraugling was heard. He remarks:

This assemblage of one hundred and ninety criminals, robust and turbulent, seems to be governed with greater facility and less confusion than would be an assemblage of wise and educated men in civil society.

Eight small chambers or dungeons existed at that time for the punishment of refractory prisoners; but Howard found them always empty. He visited Ghent again in 1778. "I then saw," he wrote, "that the establishment was managed like a well-regulated manufactory. The prison population consisted of two hundred and eighty men and one hundred and seventy women. These last were engaged in making the clothing necessary for the house. Most of them, ranged in order, were spinning, knitting, or weaving, all attentive to their work and perfectly quiet. There was given to all, both men and women, one-fifth of their earnings. The specimens of cloth made there proved how much those are mistaken who think that no manufacture can be useful or prosperous which is carried on by hands imprisoned and forced to labor."

In 1781 he found the same care, the same discipline, the same dili-

gence, and the same progressive amelioration of the prisoners. There were two hundred and six male criminals, one hundred and six male delinquents, (including sturdy beggars,) and one hundred and fifty women, all occupied in divers manufactures or in the service of the establishment. The bread, soup, and meat were of good quality and in abundance. Everything announced the care and vigilant attention of the director.

I cannot but pause here for a moment to gather up and present to the admiration of all who read these pages the salient features of this remarkable experiment, conceived, inaugurated, and carried out to a complete success by Viscount Vilain, certainly one of the wisest and most gifted statesmen who have ever contributed by the light and warmth of their genius to the progress of humanity. Here we find, already discovered and applied a century ago, nearly all the great principles which the world even to-day is but slowly and painfully seeking to introduce into prison management. What are they? Reformation, as the supreme end to be kept in view; hope, as the great regenerative force in prisons; industrial labor, as another of the vital forces to be employed to the same end; religious and scholastic education and training, as a third force belonging to the same category; abbreviation of sentence and participation in earnings as incentives to be held out to prisoners to diligence, good conduct, and effort at self-improvement; the enlistment of the will of the criminal in the work of his own moral regeneration—his new birth to a respect for the laws; the introduction of variety of trades into prisons, and the thorough mastery by every prisoner of some one handicraft, as supplying the means of honest support after discharge; the use of the law of love and kindness as an agent of prison discipline, to the exclusion, as far as possible, of the grosser forms of force, which act upon the will mainly through the body; the utter worthlessness of short imprisonments, and the absolute necessity of longer terms, even for minor offenses, as the sole condition of the application to such offenders of reformatory processes; and the care, education, and industrial training of the children of the poor, and of other children addicted to vagrant habits, or otherwise in peril of falling into crime; an anticipation, in essential features and aims, of the industrial school and juvenile reformatory of the present day.

Howard revisited Ghent in 1783, but the prison was no longer what it had been. The Emperor, Joseph II, had yielded to the hostile representations of interested persons, who claimed that the prison labor offered an unjust competition with free labor outside, and had abolished the system of labor introduced by the Viscount Vilain and practised with such excellent effect. In consequence of this action of the Emperor, the manufacture, so useful and flourishing, had been destroyed, the trades abandoned, the tools sold, and the noble views of the founders of the house were, for the time, utterly thwarted and overthrown. But under the fostering care of the late able inspector-general of prisons in Belgium, Edward Ducpetiaux, the prison of Ghent regained in great part its former character.

In his seventh section M. Visschers traces briefly the progress of prison discipline during the last century, and gives an interesting *résumé* of the prison systems of different countries at the present time. As the result of this review, he thus expresses, in the closing sentences of his essay, his preference for what has become widely known as the Crofton prison system:

Progressive classification, with gradual amelioration of the prisoner's condition and augmentation of the pecuniary profits derived from his labor, has led to the discovery



of a new and fruitful principle, *emulation*. On one side, the convict dreads the consequences of every fault against discipline which would degrade him to a lower class; and, on the other, he sees the means of gradually improving his lot and hastening, perchance, the moment of his liberation. In the class to which he belongs, he has seen such and such comrades in toil, who, in recompense for their good conduct and diligence, have been promoted to a higher class. He says to himself that it depends upon his own will, upon the steadfastness of his efforts, to arrive at the same result.

Another consideration: We have observed how much deeper is the impression made by the divine word upon the heart and mind of prisoners when they are associated in worship. The same advantage is found in associated scholastic instruction.

But how great the difference for the convict, who must one day re-enter society, to have acquired the knowledge of a trade and to have labored under the ordinary conditions of life! It is a labor spirited, active, sustained; while, in the cell, after a sojourn too protracted, the convict knows only sadness, depression, and somnolence, and loses all energy, moral and physical. If, on his return to society, he must encounter the rough competitions of labor, if life itself has its asperities, will he be better prepared for these by a long sequestration? Shall freedom be given back to him without any tests to show whether he is able to bear it, or worthy to obtain it? Ought not society to exact guarantees sufficient, I will not say of his repentance, but of his good conduct, and his ability to henceforth lead an honest life?

It is in view of the happy results promised by the system inaugurated in Ireland by Sir Walter Crofton, and now introduced, with modifications, into the convict-prisons of England, that I give it all my sympathies, considering the ideas which belong to it to be as wise as they are well conceived.

The congress which is about to assemble will listen to the exposition and defense of all the systems. From its discussions there will flash a living light, which will penetrate two hemispheres, and contribute, no doubt, to elucidate questions which too long await a solution. I have desired to recall the point of departure, the attempts made, a century ago, toward the reform of prisons and the regeneration of criminals. The measures taken by the states of Flanders in 1771, under the inspiration of the Viscount Vilain, for the construction of the house of correction of Ghent, were marked by a wisdom which cannot be misunderstood—those measures which have borne fruits, whose excellence was recognized even by contemporaries. The men who have been benefactors of their age and their country belong to all nations in virtue of the ties of a common interest which unite all the members of the great human family. Is not the approaching reunion of the congress about to give the most illustrious example of this truth?

Let us place side by side these two memorable dates of 1772 and 1872, which will recall to our successors the erection of the first Penitentiary and the meeting of the great International Penitentiary Congress!

#### NOTE.

A paper of masterly ability and profound philosophical analysis was sent to the congress by Dr. Prosper Despine, of France, on the criminal himself, of which only a short and imperfect abstract was printed in the Transactions. The undersigned thought this essay of such exceptional value, because of its great originality and freshness, and still more on account of the just and practical views embodied in it and the scientific basis on which it seeks to build all prison management, that he translated and read it in the National Prison Reform Congress of Baltimore, held since the International Congress of London. As it will appear in full in the proceedings of the Baltimore meeting, no further notice of it need be given here.

## PART FOURTH.

### RESULTS OF THE COMMISSIONER'S PERSONAL OBSERVATIONS AND INQUIRIES RELATING TO THE PRISONS AND REFORMATORIES OF EUROPE.

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#### INTRODUCTORY.

Both on his visit to Europe in 1871, to organize the Congress of London, and on that in 1872, to take part in it, the undersigned acted in a double capacity, being at once commissioner of the National Government and of the National Prison Association of the United States, and, on his second visit, being still further honored with a commission from the president of Mexico to represent the government of that country in the congress. He received, on the eve of his first sailing, the following letter of instructions from the Hon. Horatio Seymour, President of the National Prison Association, to wit :

UNITED STATES OF AMERICA,  
*New York, July 6, 1871.*

Sir: As you have been designated by the National Prison Association of the United States of America as their commissioner and agent to arrange the preliminaries of an international congress on penitentiary and reformatory discipline, which is proposed to be held in Europe in 1872, it becomes my duty as president of the association to convey to you the wishes of the body touching the extent and scope of the work required of you, as well as the manner in which you are to discharge the duties of your mission. You are to proceed, then, to Europe at the earliest practicable moment, in fulfillment of the trust with which you have been charged.

Reforms in prison management are ever to be inaugurated, resort must sooner or later be had to governments, as legislation is the only means through which they can be effected. It has therefore been thought desirable that their co-operation in this work should be enlisted in advance. Hence, one of your chief duties will be to visit the several governments of Europe, to endeavor to awaken their interest in this proposition, and to induce them if possible to take part in the proposed congress by duly-commissioned representatives.

It is probable that the initiative of the United States in this project, and the official participation therein by the General Government, will smooth your path in approaching foreign governments, and materially aid the success of your mission. You will not fail to bring this point to their attention, and to press it upon their consideration as you have opportunity.

Another duty required at your hands will be that of visiting, inspecting, and examining as many of the penal and reformatory institutions of the several countries to which your mission shall extend as you conveniently can, in all cases carefully recording the results of your observations. You will also inquire into the prison systems of the different states of Europe, including the principles on which they are organized, their modes of administration and discipline, and the results accomplished through their agency. You will seek to secure the attendance at the congress of representatives from all the more important prisons and reformatories in each country.

A further object to be kept in view by you will be that of conferring with boards of prison managers, prison discipline associations, and other organizations having in view, wholly or in part, the promotion of reforms in this department of social science, and of procuring representatives to be sent by them to take part in the deliberations of the congress.

Another of your duties will be that of organizing, wherever you can, national committees, who will take charge of the whole business of making the requisite preparations for the congress in the several countries for which they may be appointed, and who will also prepare (to be read at the congress) brief memoranda setting forth the present state of the prison question in their respective nationalities.

As far as England and France are concerned, their national committees should be charged with the duty (if, as it is hoped, they are willing to assume it) of corresponding with the proper colonial authorities of their respective countries, and of securing representation from every colony subject to their authority.

An additional duty expected of you will be that of conferring with prominent persons abroad in regard, first, to the proper questions to come before the congress for its consideration, and, secondly, the proper persons to be invited to prepare papers upon the topics deemed most fit and necessary to be considered by the body. The object here will be to prepare the way for and facilitate the formation of such a programme of proceedings as may be judged best adapted to the ends in view in the calling of such a congress as the one proposed.

On the subjects above referred to, and such others as your own familiarity with questions and interests of this nature may suggest, you will make the broadest inquiries and gather the largest amount of information practicable, and will report fully thereon to the association on your return.

HORATIO SEYMOUR,

*President of the Association.*

E. C. WINES, D. D., LL. D.,

*Corresponding Secretary and Commissioner of the National Prison Association.*

All the points in the foregoing letter of instructions are covered in previous parts of the present report, except that which makes it the duty of the undersigned to visit, inspect, and examine, as far as circumstances would permit, the penal and reformatory institutions of Europe. To this work he was prompted as well by his own inclination as by the instructions of the president of the association. In obedience, then, to the dictates at once of choice and of duty, I personally examined, more or less closely, during my visits to Europe in 1871 and 1872, from fifty to sixty of the institutions referred to in the above-cited letter. Of these I propose to give, not a detailed description, for that would require both time and space not at my command, but some passing notice, in the chapters of this fourth part of my report.

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## CHAPTER XXX.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN IRELAND.

§ 1. *Convict prisons of Ireland.*—The penitentiary system, devised and carried into effect by Sir Walter Crofton in the convict-prisons of Ireland, has been so fully described in previous parts of this report, and has become in other ways so widely known, that I do not feel called upon to go into any detail upon the subject, and shall but briefly describe what I personally saw and heard during my visit to this now far-famed convict institution.

Penal servitude in Ireland, sentence to which is never less than five years, is undergone in three different stages and at three separate and distinct establishments. The first of these establishments is at Mountjoy, a suburb of Dublin, and consists of two prisons—male and female; the second is a public-works prison, on Spike Island, opposite Queenstown, at the southern extremity of Ireland, and more than a hundred miles distant from Dublin; the third is at Lusk, twelve miles from Dublin, and is what is called an intermediate prison. I spent a day at each of these establishments, accompanied throughout by one or the other of the two gentlemen composing the board of directors, viz, Mr. Murray or Captain Barlow—by the latter, however, everywhere, except at the male prison of Mountjoy. Every desirable attention was shown

me, and every possible facility afforded for the most thorough examination of every department of the convict service. I was permitted everywhere to converse freely with the convicts to any extent I desired, and that without the presence of the director who accompanied me, or any officer of the establishment; and I invited the confidence of the prisoners by the assurance that whatever they communicated would be regarded as strictly confidential, and should not, in any event, be reported to the authorities of the prison. Had I chosen to continue my investigations long enough I might, in this manner, have conversed with every inmate of every prison in the Irish convict establishment. As it was, I improved my opportunity to the utmost that my time would permit in conversing with a greater or less number of convicts in each of the three stages into which their imprisonment is divided. For a decade of years I had been a diligent student of the system, devouring everything I could get hold of on the subject. As far as books could teach it, it is scarcely an exaggeration to say that I knew it by heart. And I had done what I could to make it known to my countrymen. In my annual reports as secretary of the Prison Association of New York, in numerous short articles written for the daily and weekly press, in more extended essays published in the monthly and quarterly journals, in an exhaustive paper read before the American Social Science Association, in addresses made at public meetings in various parts of the country, and in private conversations without number, I had opened, explained, and commended this system in the clearest and strongest terms I could command. I had echoed and re-echoed the opinion of Italy's greatest statesman, the late Count Cavour, that the fundamental principle of this system—progressive classification based on merit, a progressive withdrawal of restraint and enlargement of privilege, as they should be earned and warranted by the prisoner's conduct, a gradual and almost imperceptible melting of prison life into the freedom of ordinary society through a probationary stage of natural training—that this principle, applied in some form, whatever the system adopted may be, is "the only efficacious means of discountenancing vice and checking crime, by encouraging, through agencies purely philanthropic, the reform of the criminal, without, however, holding from him his just punishment." And now I solemnly declare that the impressions received from published descriptions of the system have been, in the main, (I will not say without some modifications and abatements,) confirmed by personal inspection and study.

In the two prisons at Mountjoy—first stage—I saw the prisoners confined in separate cells, where they were kept on coarse and low diet, and employed at rough and uninteresting labor—oakum-picking and the like. This is the penal stage, and is intended, among other ends to be answered by it, to make the prisoner feel that the way of the transgressor is hard. Its maximum duration is nine months, which may by good conduct be shortened to eight. But hope is even here early planted in the prisoner's breast. The utmost pains is taken to explain to the convict, in the fullest and clearest manner, the entire course of his imprisonment, and all the advantages that will accrue to him, as he advances from stage to stage and class to class, from good conduct, industry, diligence in study, and attention to his moral improvement. Not only are these things set before each prisoner in his cell, but once a week there is held a kind of catechetical exercise on the subject, in which the convicts are questioned as to the completeness and accuracy of their knowledge in regard to it. According to the answers given, all errors are corrected and all deficiencies supplied. The effect, even in this penal stage, I

found to be hope, courage, cheerfulness, and a patient waiting for promised ameliorations. Indeed, these ameliorations begin during the period of cellular separation, and early in it. At first the seclusion is absolute. After a while, the cell-door is thrown open a part of the day, then all day. This slight approach to society is felt to be a great alleviation, and is withdrawn for any misconduct. From the first, the prisoners in this stage are together in chapel, school-room, and exercise-yard. Much attention is given to education and to moral and religious culture, wherein the "profiting" of the prisoners "appeareth unto all men," who have opportunity of observing it.

The day passed at Spike Island, where the second stage of imprisonment under the Crofton system is passed, was one of great interest to me. This may be properly designated as the reformatory stage, for it is here that the principle of progressive classification is applied and exerts all its force, having no existence in either the first or third stage. There are four classes here, arranged in this order: third, second, first, and advanced or exemplary. Promotion is determined by marks, of which the convict can earn a maximum of nine per month, viz, three for general good conduct, three for industry, and three for school duties—not actual progress, but attention to lessons and the desire shown to improve. On his transfer from Mountjoy to Spike Island, the convict is placed in the third class; 18 marks must be earned in order to his promotion from the third to the second class; 54 for promotion from the second to the first; and 108 for promotion from the first to the advanced or exemplary class. Thus the minimum time in the third class is two months; in the second, six; and in the first, twelve. The time necessary to be passed in the advanced class before removal to Lusk is not a fixed period, but depends upon the length of the prisoner's sentence. With a five years' sentence, he must remain in this class fourteen months; with a fifteen years' sentence, he must remain five years and eight months; and with a sentence between these two extremes, a period varying with its length. I was surprised to learn that a majority of the convicts earn the maximum of marks, and of course secure their promotion from class to class, and finally their transfer to Lusk, within the minimum period. But hope has a quasi omnipotence.

On the day of my visit to Spike Island, the number of prisoners was 705, distributed as follows: advanced class, 320; first class, 200; second class, 101; third class, 84. The motive to strive for promotion is not only powerful, but it is constant, and constantly increasing in strength. The progress toward liberation is the great motive-power: but there are manifold inducements to exertion, self-denial, self-conquest, and self-control besides this. With every advance, there is a lifting of restraint, an enlargement of privilege, an increase of gratuity, distinctive badges, better food, improved dress, greater liberty of action. The great effort is to induce the prisoner to become the chief agent in his own reformation. The authorities seem to feel that unless this is done, nothing is done. The result, as I learned it from the lips of many prisoners with whom I conversed—all separate and apart from their officers—is that the entire prison population, with few exceptions, are putting forth constant and vigorous effort to secure their promotion within the minimum time; that Lusk is ever in their thought and on their tongue; and that the hope of attaining that coveted goal, and a respectable position as honest laborers beyond it, keeps up heart in them, and produces alacrity at work and a constant flow of good spirits.

The men are nearly all employed on public works—quarrying and dressing stone and building docks. Their work is consequently in the

open air, and a busy set of fellows I found them. I never saw men either more industrious or more cheerful in their industry. They were doing quite as much as any free laborers outside would have done at the same kind of work, and a great deal more than the free laborers at that time employed on the island were doing. Still I would much rather have seen them at trades, with a free choice, among twenty or more, of which they would learn.

Mr. Hays, the active and able governor, allows any and all prisoners to come to him in his office at 6.30 a. m., with their burdens and grievances. From twelve to eighteen visit him in this way every day, and he allays their agitations and composes their difficulties. The effect, he informed me, is excellent. At 7 he holds a kind of court, at which the warders bring in their reports against any prisoners who may have been guilty, or who are by them regarded as having been guilty, of violating the prison rules. Of this class of cases he has some four or five every morning. He keeps a record of them in a book with the following headings: 1. Registered number of prisoner. 2. Name. 3. Date of report. 4. Nature of charge. 5. By whom reported. 6. Summary of evidence. 7. Explanation offered by prisoner. 8. Decision of governor. 9. Date of decision.

The punishments here are chiefly of a moral kind: loss of marks, forfeiture of gratuities, withdrawal of privileges, change of badge, degradation to a lower class, remanding to the cellular prison at Mountjoy, to which may be added (as punishments occasionally employed) deprivation of a meal, close confinement on bread and water, and even, in aggravated cases, the lash, which, I trust, will soon be banished *in sæcula sæculorum*.

The day I passed at Lusk was a day of mingled wonder and delight. This is the intermediate prison, so called because it holds a middle ground between an imprisonment strictly penal and the enjoyment of full liberty. The aim of the intermediate prison is twofold: first, to test the reality of the convict's reformation, his power of self-government, his ability to withstand temptation; and, secondly, to train him for a considerable period—never less than six months—under natural conditions, and so to prepare him for full freedom on discharge by the enjoyment of partial freedom as a preliminary step. Accordingly, the imprisonment here is little more than moral.

I had known this part of the Irish convict-system, as I had the others, from books. My expectations regarding it were high, but they were more than met. Indeed, I have never elsewhere seen anything to compare with the results shown here. The intermediate prison which formerly existed at Smithfield, in the outskirts of Dublin, has been given up, and all intermediate prisoners are now sent to Lusk. The number, on the day of my visit, was fifty-seven; the usual number is a little in excess of that figure.

Farm-work is the only industry from which income is received, and the cash revenue from this source, over and above the value of the products used in the establishment, amounts (at least such is my understanding of the matter) to about \$10,000, which makes the institution well-nigh self-supporting. The farm contains nearly 200 acres. Prior to the establishment of the prison, this land was a common, wild and uncultivated. The whole of it has now been subdued, and brought under successful and profitable tillage. The value of the land has increased under the labor of the prisoners, from 10s. to £5 per acre. There is a large annual hay-crop gathered; wheat, oats, and barley are grown in considerable quantities, but the principal products

are potatoes, cabbages, turnips, celery, and other vegetables. It was the 14th of October when I was there, and the prisoners were at work on various parts of the farm, digging esculents, hauling and spreading lime, and performing other kinds of farm-labor; and a half dozen or more were engaged in the construction of a stone dwelling for the superintendent, in place of the iron hut which at that time served him for a residence. Everywhere they were as busy as bees, and, to all appearance, as happy. I never saw a brisker or more cheerful set of laborers. They accomplish fully as much work as an equal number of free hands. Indeed, the farmers of the neighborhood aver that they would be glad to get men who would work as well. For the most part they work in groups, and have a warder to oversee them, who is, however, at the same time, a fellow-laborer with them. But this is not always the case. Often they work alone, or in companies of two or three, without any one in charge, on the most distant parts of the farm. As far as appears to the view, there is no more imprisonment here than on any other farm. There are no walls, no bars, no bolts, no gratings, no apparent confinement of any kind. The doors of the iron tents which serve them as dormitories are locked at night, just as our own houses are when we retire. The only difference, as far as I could see, between this and any other large farm employing a great many hands, was that here a warder slept in a small room at the end of the large dormitory of the convicts.

In the afternoon I walked about the farm, mingled freely with the convict laborers, and talked with quite a number of them entirely apart from the officers. Their uniform testimony, the truth of which was attested by their whole tone and bearing, was to this effect: That the hope held out to them of constantly bettering their condition by their own exertions was, throughout the whole course of their imprisonment, a powerful stimulus to good conduct, industry, and exactness in the discharge of all their duties; that the intermediate prison was the goal toward which they had been constantly aiming, the object of incessant desire and effort; that at Lusk they never heard any plotting of future crimes; that, on the contrary, all the talk of the men in that prison, when the time of their liberation was drawing nigh, was as to where they would go, what they would do, what wages they might be able to obtain, and how they could win honest bread and an honorable position; that a profane or obscene expression was scarcely ever heard there; and that if such a thing chanced to occur, as it sometimes did, it was instantly frowned down and put a stop to by the prisoners themselves. Yet there is no restraint upon conversation at Lusk more than there is among the laborers on any large farm or other well-regulated industrial establishment. Lusk has now been nearly twenty years open for the reception and treatment of intermediate prisoners, with opportunities of evasion, such as no other prison in the world offers, and yet scarcely have a dozen attempts at escape been made. The whole vicinage was in terror at the announcement that a prison without walls or bolts was to be established on Lusk Common; yet only one complaint, in all these years, has been made against the prisoners who have found a home there. That happened on this wise: There is no chapel on Lusk farm, and the prisoners attend the parish church on Sunday in a body. On one occasion a prisoner, in leaving the church at the close of the service, addressed a passing remark to a young woman at his side. There was no pretense that the word spoken was in itself an improper word. The complaint was that he spoke to her. There is no *discipline* at Lusk: no punishments are administered there any more than on a farm or in a manufacturing establishment where free laborers are employed. The prisoner was,

therefore, sent back to Mountjoy, from which, after a month's "separate and solitary confinement," he was restored to his place on the prison-farm, and neither before nor since has complaint been made by any human being against the inmates of the intermediate establishment, a fact, to my mind, truly marvelous.

During my visit, the entire prison population was called in from their work to allow me to see them in their school, and especially to witness one of those competitive examinations, conducted by the prisoners themselves, which became so marked a feature of the intermediate prisons under the late Mr. Organ. As the men came in, there was nobody in the room but myself, not a single officer being present; yet so quietly did each prisoner enter, go to his own desk or table, take out his book and commence his studies, that, if my eyes had been closed, I should scarcely have supposed that a half dozen persons were in the room; certainly I could not have dreamed that nearly sixty men had entered. Not a word was spoken; not a disorderly or even playful act was done; nor was there the least confusion or noise of any sort. The men were arrayed in two long rows on either side of the room, and, under the superintendence of the school-master, the two sides put questions alternately to each other. The exercise was an interesting one, but less so than I had anticipated. It had somewhat the appearance of being, as we say, "cut and dried." Mr. Organ is dead, and his successor, in the lecture department, has not yet been found. Speaking of Mr. Organ, who, for a dozen years or more, held the double office of superintendent of discharged convicts and lecturer to the intermediate prisons of Lusk and Smithfield, I cannot close my brief account of the visit made in 1871 to the convict-prisons of Ireland without citing a few sentences from one of the last reports, if not indeed the very last, made by him before his lamented death. He says:

Crime is fast disappearing in Dublin. Old and habitual thieves are becoming honest and industrious citizens, while homes, which have hitherto been the scenes of vice and poverty, are now replaced by those of morality and plenty.

Employers continue to repose confidence in my men, and the demand for them has at times exceeded the supply.

The moral tone of the institution is most satisfactory. There is an entire absence of even the slightest tendency to immorality, whether in word or act; and should hypocrisy show itself in a new-comer, it is promptly detected, and as promptly censured by the public opinion of the men in the huts.\*

I cannot speak too highly of the charming effects which farm-labor has produced, even upon the most sluggish criminals, nor of its happy results on even the cool and calculating adept in crime, on whose brow the honest drop of sweat had never before trickled.

I am ready to stake my reputation on the fact, proved in innumerable instances, that the most indolent criminal can be trained to honest and independent toil, not so much through fear or coercion, as through the influence of hope and encouragement.

Truly Lusk is a magnificent triumph of reason and humanity over coercion and brute force—a splendid and irrefragable testimony to the soundness of the penitentiary system which the genius of Sir Walter Crofton has given to the world.

§ 2. *Juvenile reformatories of Ireland.*—Ireland is now well supplied with this class of institutions, both Catholic and Protestant. Only one of them, however, was visited by me; and to that I shall confine my remarks, which, for the rest, will be very brief. I was accompanied by Mr. John Lentaigue, the intelligent and amiable inspector of reformatories for Ireland, and two other gentlemen, friends of his. The institution visited is the St. Kevin's reformatory, for the treatment of delinquent Catholic boys exclusively, and is the largest of the kind in

\*Mr. Organ refers here to the two iron tents at Lusk, erected at a cost of only \$3,000 each of which is, nevertheless, capable of accommodating fifty convicts.



Ireland, having an average of more than three hundred inmates. It is distant ten miles from Dublin, the road ascending nearly all the way, and at a pretty steep grade, as the reformatory is 1,800 feet above the level of the sea. It is situated at the head of a romantic and picturesque glen, called Glencree, or the Valley of the Heart. The name is most appropriate, as being significant of the spirit of love and kindness in which such institutions should be conducted. But, for all that, the place has not, in my judgment, been well chosen. The soil is of the worst possible description, the greater part of the one hundred acres rented for the use of the establishment being utterly irreclaimable and worthless; and even on the forty or fifty acres that have been brought under tillage by the labor of the boys, little will grow except grass. The cold in winter is often intense and the storms terrific. It is but a few years ago that a juvenile convict, on his way to the reformatory, was frozen to death before reaching it. All supplies for the institution have to be hauled on carts or wagons ten miles up a mountain, and all manufactured articles, seeking a market, the same distance down it. Yet, despite all these disadvantages and drawbacks, the Glencree reformatory is doing good work. Father Fox, born and reared in the Quaker faith, (and none the worse for that,) is at the head of it; and he impressed me as being—if I may be allowed a hackneyed but expressive phrase—pre-eminently “the right man in the right place.” At all events, he and his indefatigable corps of assistants have shown themselves greatly successful as regards the main purpose of their work. If the acres on which the boys are placed have proved, in large measure, irreclaimable, the case of the boys themselves has been quite different. Ninety per cent. of these are reformed, and, on their liberation, become a constituent part of the industrious and honest yeomanry of the country. That tells the whole story more eloquently than I could; and all further words may be spared.

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## CHAPTER XXXI.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN ENGLAND.

§ 1. *English prisons.*—In the course of my two visits to England I had opportunity to examine more or less thoroughly four convict-prisons and some ten or twelve county and borough jails. Compelled to study, in what remains of my report, a rigid economy of both time and space, I can give to these establishments only the most cursory notice—far less, indeed, than either their merits demand, or my own feelings would prompt. There is much in the English prisons and the English penitentiary system to be admired, commended, and imitated; but there are, also, as I conceive, things in them to be criticized and avoided; things, too, which belong to the very core and essence of a just and especially a reformatory prison discipline.

The prison buildings in England, as a rule, are substantial structures of stone or brick, on the radiating plan, well proportioned and pleasing to the eye, with a lofty tower attached, for purposes of ventilation; the grounds are handsomely laid out in parterres and gravelled walks, and many of them ornamented with flowers, vines, and shrubbery; halls, running through the center of each wing, are lighted from the top, and the light is so disposed as to produce a soft and cheerful effect; the cells are spacious, airy, and well lighted, each having a water-closet, gas-burner,

and bell-pull, with an iron card attached to it by a spring, which starts out from the wall on the ringing of the bell, and each is also provided with all needful furniture; the long galleries, tier above tier, impart a feeling of perfect adaptation to their special object, which is far from unpleasing; the chapels are generally of ample dimensions, of gothic architecture, with groined roofs, always neatly and sometimes beautifully arranged, and well suited to produce a solemn and soothing effect upon the prisoners; an extraordinary cleanliness reigns throughout—in cells, corridors, offices, everywhere—and one is particularly struck with the brightness of the brass-fittings and the polish of the metal stair-cases; the hospital accommodations are excellent, the wards being well arranged for the treatment of different classes of disease, and all the appointments adapted to the convenience, comfort, and cure of the patients; the ventilation, drainage, and all other sanitary arrangements are the best that science can supply; the discipline is exact, and is rigidly enforced; obedience is prompt, and order and decorum everywhere observed; and there is a certain charm in the symmetry, harmony, and clock-like regularity of the whole, which takes away, at least from the first view, the awe and horror anticipated by the inexperienced observer.

Such, in brief, and without any attempt to exhaust the attractions of the picture, is the bright side of the English prisons, whether convict, county, or borough. But, unhappily, there is a *per contra*. While the material efficiency of these prisons is certainly very high, the moral action seemed to me feeble. While the avowed end of all prison authorities—or nearly all—is “reformation,” it appeared to me doubtful whether they fully appreciated what that work demands. The whole aim and instinct are for material efficiency. Hence—so it seemed to my apprehension—the shell is preferred to the kernel; the forms are made of more account than the substance. Hence, too, reformatory discipline is, to far too great an extent, made secondary to punitive inflictions. Consequently the men chosen for officers—though, as a class, superior, I freely admit, to the same class among us—are often not of the sort required for the work to be done. They are too artificial, keep the prisoners too much at arm’s length, rely too exclusively on authority, have too little faith in the susceptibility of criminals to reformatory agencies, and hence work but feebly—and, as a consequence, with little effect—to that end. In a word, they are not such—at least the greater part are not—as can subdue, control, and change the prisoners by moral influence. Though the governors are generally men of ability, character, and culture, all are not such. Some are unfit for their posts. There should therefore be some means devised for testing the deserving among these and other officers; some mode adopted whereby rewards and preferments may be given to the meritorious, and the unfit and unworthy removed from their offices.

Too little account, speaking generally, (there are honorable exceptions,) is made in English prisons of industrial and skilled work; too much of wasted labor, in its many forms. Tread-mill, crank, shot-drill, stone-breaking, and costly usages of that sort prevail, and the reasons assigned for their use are apt to be given in such catch-words as these: “Ancient prestige,” “nothing to be learned from theorists,” “practical men,” “not presume to be wiser than our forefathers,” “productive work injurious to honest outsiders,” &c. I am sorry to differ from some most excellent English friends, (though, I am glad to add, supported by a host of others,) but I altogether disapprove of mere penal and unproductive industry as irritating and brutalizing to prisoners. The introduction of trades, as many as possible, coupled with

longer sentences in the country and borough prisons, seems to me at the present moment a great want in England. Special prisons might, perhaps, be usefully employed for special trades. I should think it most desirable to *multiply* trades, so as to insure, as far as possible, that every prisoner should learn a way of getting his bread according to his turn; and to this turn the aptitudes and fastes of individuals should be particularly studied. Some liberty of choice should be given in this matter, even to prisoners; it would be a great step toward the restoration of their manhood. An incidental advantage of the multiplication of trades would be that it would tend to stop the mouth of those who complain of the competition of prison labor with free labor, though really there is scarcely enough in that argument to merit a refutation of any kind. But for its practical effect on prisons and prisoners, it might be given to the winds.

Scholastic education in English prisons receives more or less attention; in the government or convict prisons, much care is given to it. But everywhere it needs a broader development, a higher activity.

Twenty years ago boys were mixed with men in the English prisons, and came out old knaves, skilled, theoretically, in all the devices of practised villainy. This is no longer so. But the principle of progressive classification, by which prisoners, on the ground of merit, are advanced from stage to stage, with constantly diminished restrictions and constantly enlarged privileges and comforts, is not widely applied in county and borough goals; nor, indeed, can it be, until the principle of cumulative sentences is incorporated in the penal code. In the convict establishments, known as public-works prisons, progressive classification exists; but promotion is earned by industry alone, all other qualities and efforts being thrown out of the account; a grave mistake, in my judgment; though in part repaired by a forfeiture of marks for misconduct.

Voluntary and unofficial visitation, for moral and reformatory ends, by competent and discreet persons, is not admitted in English prisons of any class. In this respect England has made progress backward in these later years. Even Latimer, in a sermon preached before Edward VI, lifted up his voice for this: "I would ye would resort to prisons," he exclaimed, "a commendable thing in a Christian realm. It is holy-day work to visit the prisoners." In Elizabeth's reign, Bernard Gilpin, not as chaplain, but as a volunteer worker, regularly visited all the jails that fell within the range of his missionary circuits in the northern counties. Very soon after the organization of the Christian Knowledge Society, in 1699, a "committee of prisons" was appointed, who visited, exhorted, and distributed religious books to the prisoners of Newgate, Marshalsea, and other London prisons, and sent packages of their books to all the county jails in the kingdom. The members of the "Godly Club," embracing the Wesleys, Whitefield, and their most zealous followers, visited unofficially, preached, prayed, and distributed books and alms in all the prisons within their circuits, and continued the practice till compelled by the authorities to desist from this part of their labors. At a later day, John Howard, Elizabeth Fry, Sarah Martin, and many other excellent men and women, less known to fame, but no less zealous or worthy, became volunteer visitors in prisons, to the abundant advantage of England and the world; insomuch that England, to-day, may be fitly exhorted, in the words of the Hebrew prophet, to "search for the old paths, and walk therein." I do not think that the clergy ought to be the only teachers of prisoners. Competent persons of both sexes should, under fit restrictions, be admitted, when they are willing, to share his work with them. Especially women—intelligent, discreet, and

sweetly-mannered women—should be encouraged to visit prisons and to bring their magnetic influence to bear on the improvement and reformation of the prisoners.

Another defect in the penitentiary administration of England: the will-power of the prisoners is not adequately developed and invigorated. Fifty years' experience of men, fifty years' work among men, have impressed upon my mind only one idea. It is that nothing can be done with them except through the will. The will can be reached only through the intelligence and the heart. For this, first, religion, in all its freedom, purity, and power, is necessary; and, secondly, in the case of prisoners, progressive classification, whereby the ordinary motives which control men in free society, and urge them to industry and virtue, may act steadily and effectively upon these also, determining to good the choices of their will, and so the actions of their life.

One further point in a way of criticism: I refer to the want of unity in the county and borough jail system. Every jail in England is independent of every other. The little discrimination exercised in the treatment of prisoners struck me as a great defect. There seems only one medicine for all the diseases. Even in the employment of the tread-mill, on which no prisoner can be placed except by express authorization of the medical officer of the prison, and where, therefore, uniformity might be looked for if anywhere, the usages are exceedingly different. In some jails the working hours on this machine are six and a half per day; in others, eight and three-quarters. In some the velocity per minute is thirty-six steps; in others, forty-eight. And the number of feet ascended daily varies from 7,800 to 21,000! In other departments of the administration the differences are no less. Now, I do not object to local government within reasonable limits; on the contrary, I favor it strongly, believing it essential to a living, energetic, effective administration. At the same time I hold, with equal strength of conviction, that the penal system of a country should be a unit; that there should be, in each, some central authority, having, within due bounds, (for in this, as in other departments of the public service, there may be an excess of centralization,) the oversight and control of all institutions, whether of a penal or reformatory character, looking to the prevention and repression of crime. On this condition alone, it seems to me, can there be secured that skillful adaptation to each other of the several parts of the system which is necessary to the harmonious and efficient action of the whole.

I do not propose a description of particular prisons, but will make a passing reference to one or two of them which offer favorable points. The Devenport prison, of which Mr. Edwards is governor, is one of these. It has an average of seventy prisoners. The labor is chiefly industrial. From cocoa-nut fiber, costing £2 sterling per ton, the prisoners manufacture textiles worth £15. The prisoners work in association; there is no separation, except at night. In four years there have been but two recommitals—a pretty strong proof that industrial labor is not inferior to penal labor in deterrent effect. There has not been an infirmary case in the last four years.

The Wakefield prison, West Riding, Yorkshire, is admirably organized and managed by its energetic governor, Captain Armytage. The encircling wall, which is of hewn stone, massive and lofty, incloses eighteen acres of ground, which are almost wholly covered with the numerous buildings belonging to the establishment. The average number of prisoners is about twelve hundred, of whom nearly one-sixth are women. The Wakefield jail is conspicuous among the prisons of Eng-

land for the zeal and success with which industrial labor is carried on in it. In this respect it is quite a counterpart to our American prisons, presenting in every part a scene of busy toil. I believe it is nearly, if not quite, self-sustaining, and I think it has no tread-mill; but my notes are silent on both points, and my recollection is not perfectly clear on either. The prison is built on the separate plan, which is carried out to a certain extent; but the exigencies of the labor system adopted have made great inroads upon that principle. In effect, the prison is conducted much more upon the Auburn than the Philadelphia system. Numerous trades are carried on here, being required to meet the wants of so vast an establishment; but the only industry which brings in a money revenue is the manufacture of mats and matting. Of these the amount produced is enormous. The chief market is the United States, particularly New York and San Francisco, the great carpet-house of the Messrs. Sloane, in the former of these cities, being purchasers to the extent of something like \$25,000 annually. The prison has a cash capital of \$100,000, all derived from the earnings of the prisoners.

§ 2. *Aid to discharged prisoners—the refuges at Wakefield.*—Liberated prisoners in England are helped in their efforts to reform mainly by aid societies; but two of the most interesting establishments in the world, instituted in this view, exist in connection with the Wakefield prison. One of these is a refuge for male prisoners discharged from the establishment, and the other a home, similar in design and character, for the females. The chance here afforded, through these refuges or homes, to every released prisoner, male or female, who desires to reform and eat honest bread, is beyond all praise. In the male refuge, at the time of my visit in 1871, there were accommodations for forty inmates, but they could, at any time, be readily enlarged so as to admit a considerable number more. The inmates are furnished with good board; clean and well-aired dormitories; a bed consisting of iron bedstead, a first-quality hair-mattress, three sheets, two pillow-cases, two dark blankets, one white coverlet, and a box serving at once as a trunk and a seat; a night-school every evening; a preaching service and Sunday-school on the Sabbath; a well-selected miscellaneous library; a reading-room, provided with daily and weekly journals, &c., all at an average rate of 7s. 2d. sterling per capita a week. They work at mat-making, and their average weekly earnings are from eleven to twelve shillings. They do piece-work at rates a little less than those usually paid, because the refuge is not designed to afford permanent employment, but merely to bridge over the chasm between the prison and steady remunerative labor. This chance is given to *every man* released from the Wakefield prison who desires it, and its benefits are fully explained to all during their incarceration, so that not a solitary person, discharged from that prison, can ever come back to it under the pretext that he could get no work to do. Is not that noble? Why may not all large penal establishments organize something of the same kind?

The home for discharged female prisoners is managed upon the same general principles, but the women are not able to earn a full support. The income from their work has to be supplemented by private benefactions. They are accommodated in a new and spacious mansion, built expressly for the purpose, admirably planned, and provided with all needful appointments.

§ 3. *Mrs. Meredith's Wash-house.*—Among the almost innumerable charities of London there is one of a very peculiar character, called the Prison Mission, which is as praiseworthy as it is original. It was devised seven or eight years ago by the lady whose name stands in the

caption of this section, and who is well known in England as one of the most energetic and efficient workers in behalf of discharged female prisoners in that country. The work of the mission is divided into four branches, of which two only will be noticed—and that all too briefly—in this report.

One of these aims is to assist and save prisoners discharged from the London House of Correction for Women. The ladies of the mission have hired two small rooms near the gate of the prison, where some of them are in attendance every morning at the hour when those who have served out their time are discharged, to capture (if that word is admissible in a good sense) as many of the women who have been set free as they can persuade to try a better way of life. They give them a hot cup of tea, with a piece of bread and cheese, read a portion of scripture and offer prayer on their behalf, and explain to them their benevolent intentions and the advantages to be gained from yielding to their persuasions. They succeed in their endeavors with a few of the multitude of wretched outcasts who daily emerge from those prison-walls. But what do they do with and for those whom they have won? They have established an immense laundry, where the clothing and bedding of the poorest and foulest dwellers in the crowded dens of London are washed by these liberated convicts at a cost considerably below what they could do it for themselves. Scores and hundreds of these poor creatures are lifted up and restored to the walks of honest industry through this unique and wonderful agency. The women come at 8 in the morning and leave at 7 in the evening, having an hour's intermission at mid-day. They bring their own dinners, but are provided with a free tea, and receive a shilling a day for their work. Every afternoon, at 4, they are assembled in the chapel, when a chapter is read and prayer offered; and every Sunday evening, at 7 o'clock, a special service is held, to which all are invited; the gospel is preached, and each is afforded, if she will accept, the refreshment of a cup of tea. What a noble charity! It gives work to those whom none are willing to employ. It pays wages to those who are forbidden by many barriers to seek their livelihood elsewhere. It affords them the opportunity, while earning bread, to earn also an honest fame, and to secure ultimately, which nearly all do, better work and higher pay. At the same time, it is a charity which has another aspect, scarcely less important or beneficent, in enabling the lowest class of the London poor to secure clean clothing and bedding at the cheapest possible rate—*6d.* per dozen pieces.

The other branch of the prison mission-work, to which reference will here be made, is of a preventive character. It aims to save the children of criminals from the paths trodden by their parents. The ladies have established a village of cottages, each cottage containing accommodations for ten children, who are placed under the care of an adoptive mother. This settlement is called "Princess Mary's Village," that lady, now the Duchess of Teck, having taken the work under her especial patronage. At present there are ten cottages clustering around a neat little church and school-house. The intention is to enlarge the village as rapidly as circumstances will permit, until the number of cottages reaches thirty, thus providing for three hundred children.

§ 4. *The Carlisle Memorial Refuge for Women.*—The assistance given to liberated male prisoners in England is almost wholly through aid societies. Not so, however, with female prisoners. Indeed, societies would not, for them, meet the necessities of the case. It is far more difficult for women than for men to obtain situations immediately on their release from prison. Consequently they need to have provided some

place in which their good resolutions may be tested, and some guarantee given for their continued good conduct, before families will be willing to receive them into permanent employment. Hence, those women who so elect, if their prison character has been such as to warrant the indulgence, are allowed to pass the six months immediately preceding the term of their release in refuges established and managed by private effort; but assisted by contributions from the government. Here they enjoy the advantages of a treatment approaching that of home influence. For those establishments are not prisons, either in appearance or discipline—they are *homes*. There are now three refuges for female convicts, the Carlisle Memorial Refuge, at Winchester; the Eagle House Refuge, at Hammersmith, for Roman Catholics, and the Westminster Memorial Refuge, lately established at Streatham. One hundred and seventeen women passed through these refuges in 1871 out of a total of two hundred and seventy-five who were discharged from sentences of penal servitude. The number availing themselves of the advantages they offer has heretofore been limited, for want of accommodation; but the establishment of the last-mentioned refuge at Streatham has prevented the possibility of their suffering this disadvantage again.

Of these, the only one which I visited in the summer of 1871 was the Carlisle Memorial Refuge, at Winchester, at that time under the general direction of Sir Walter Crofton. I was much pleased with the institution, which, from its reports and from what Sir Walter told me, has been very successful in saving from a return to crime the class for whom it is designed. The superintendent, Miss Pumfrey, seemed admirably fitted for her place. Lady Crofton, I found, took an active interest in the refuge, spending three hours there daily in keeping the books and conducting the correspondence. The number of inmates was about sixty, which, I think, is not far from the average. Much pains is taken to keep track of the women after they leave the refuge. Here is a specimen of the record kept of each:

—, discharged August 9, 1867. Same date, went as servant at 11 Queen square, London. February, 1869, left with a good character, and went as housemaid in Grove street, No. 104. January, 1870, went as housemaid in Birmingham. May 16, 1870, doing well in same place. July, 1870, in same place; wages raised; visited by Miss Pumfrey. November 25, 1870, doing well in same place. Same in January, 1871. Same in June and July, 1871, at which latter date she was receiving £18 a year.

The sentiments cherished toward the refuge by those who have enjoyed and appreciated its advantages are well expressed in a letter addressed to Miss Pumfrey by this same person, under date of June 6, 1871. The original now lies before me, and I take from it the following sentences:

DEAR MISS PUMFREY: \* \* \* Will you please write to me soon? I do want to hear how you are, for I can never forget you, dear Miss Pumfrey, never. You did say, please, miss, you would give me one of your portraits. Will you please send me one, if you have one to spare, so that I may place it beside dear Mrs. Bradstock? How is that dear lady\* and family? Hope they, with yourself, are well. May the Lord God Almighty ever bless you both for the many hearts you have saved and made happy from trouble. Dear Miss Pumfrey, how are all the women going on? I hope they do not give you much trouble. Please remember me to those that know me, and tell them I am still quite happy, and also tell them that the path of honesty, righteousness, and truth is the path that leads to happiness; and I pray that many, many more souls may be brought to Jesus—yea, that all may be brought to Jesus—as dear Mrs. Barton used to say, “one and all.” “Him that cometh unto me I will in no wise cast out.” Precious words! Onward, homeward, upward, heavenward. Good-bye. God bless you.

From your humble friend,

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\* Referring to Lady Crofton.

§ 5. *English reformatories.*—These have been, both in their principles and workings, so fully described in preceding parts of this report, that I do not think it necessary to enter into further detail upon the subject. A considerable number of them were visited in different parts of the kingdom, one or two of which I had intended to describe, particularly Miss Carpenter's Red Lodge Girls' Reformatory, at Bristol, a model institution in all respects, especially in its intermediate department; and the girls' reformatory, at Hampstead, London, under the care of Miss Nicoll, which, in neatness, thoroughness, order, and efficiency, moral and material, struck me as one of the best-organized and best-managed institutions of the kind I had ever met with on either side of the Atlantic. But I forbear.

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## CHAPTER XXXII.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN SWITZERLAND.

§ 1. *The prisons of Switzerland.*—I visited five penitentiaries in Switzerland, viz, at Geneva, Berne, Zurich, Lenzbourg, and Neufchâtel. The tendency of public opinion in this little republic is strongly in the direction of the Crofton prison system in its fundamental principle—that of progressive classification, with gradual withdrawal of restraint and enlargement of privilege, as these are earned by industry, good conduct, and manifest and successful effort on the part of the prisoner toward self-conquest and self-control. However, the first two of the penitentiaries named above—those at Geneva and Berne—are quite an exception to this rule. I shall attempt no description of them further than to say that they appeared to me deficient in most of the essential qualities of good prisons. Each of them may be pronounced a discredit to the city which provides no more suitable plan for the treatment of its criminals, to whatever extent they may have offended against the laws. If, as I hope, the next international prison reform congress shall be held in Switzerland, it will become these two ancient and renowned cities to bestir themselves in the creation and organization of prisons more worthy of themselves and their country, and more in harmony with the progressive spirit of the age in the matter of penitentiary discipline.

On the other hand, the penitentiaries of Zurich, Lenzbourg, and Neufchâtel which I visited, and, as I was informed, those of St. Gall, Bâle-ville, Tessin, and perhaps some others, are in a satisfactory condition. Into all of them, I think, has been introduced, in different degrees and with various modifications, the progressive Crofton penitentiary system.

The penitentiary at Zurich is under the care of Mr. Wegmann as director, who is a most excellent person, with advanced ideas, thoroughly devoted to his work, and intent on improving the mental and moral state of his prisoners. The prison building is an old Dominican convent, of large dimensions, built in the middle ages, massive and strong. It has been altered and accommodated to its present uses. Naturally it is irregular in structure and arrangements; but it is well kept, clean and pure in every part. The average number of inmates falls but little short of 250; at the time of my visit there were 210. It is organized and conducted on the progressive plan. There are three classes. In the lowest class, there were 60 the day I was there; in the second, 128; and in the third, or highest, 12. Prisoners in the lowest class are in cellular confinement night and day; those in the other two are in separation only at night. The minimum of cellular imprisonment is three



months; the maximum, six months. Privileges are increased as they are earned. Ten to fifteen trades are carried on here. Prisoners who were artisans prior to their commitment work, when possible, at the trades which they had previously practised. Prisoners ignorant of a trade when committed are allowed to choose from among those practised in the prison the one they prefer. The prison has a chaplain, who devotes his whole time to the duties of his office. This officer had died the week before my visit, and no successor had been appointed. The late incumbent acted as schoolmaster as well as chaplain; but hereafter this office will be separated from the chaplaincy; and the schoolmaster, like the chaplain, will give his whole strength to his own work, that of secular or scholastic instruction.

The canton of Zurich has a new criminal code, of rare simplicity and excellence, the work, largely, of the distinguished Professor D'Orelli, in whose society and that of a few other cultivated gentlemen I had the honor to pass an evening, greatly to my profit as well as delight.

The penitentiary of Lenzbourg, in the canton of Argovie, has been built within the last few years. It is admirably arranged in all respects, and provided with every convenience and facility for the effective treatment of criminal men and women. Both its construction and organization are due to the zeal and energy of the late president of the confederation, Mr. Welti, a gentleman of marked ability, wisdom, and philanthropy, whom I found at the executive office in the national capitol, and ready to receive visitors at 8 o'clock in the morning, earlier, I think, than any other ruler in the world. The director of the penitentiary is Mr. Victor Hürlin, whose installation had but recently taken place. We were, therefore, shown through the establishment by the sub-director, who has been many years in office, and who impressed me as a man of great intelligence and efficiency. The prison I found, throughout, in excellent condition, and altogether an admirable institution. On the day of my visit, there were two hundred and three prisoners, of whom thirty-three were women. It is managed on the Crofton system, with the inmates divided into three classes. The duration of cellular imprisonment here is quite elastic. It has a maximum, but no minimum limit. The maximum is a year, but within that period the director can transfer a prisoner from the separate to the associated stage whenever he judges it expedient. Unlike Zurich, the number of prisoners in each of the three classes in the Lenzbourg penitentiary was nearly the same. The number of trades practised is twelve to fifteen, and the convict has the choice of which he will learn.

At the penitentiary of Neuchâtel I passed several days as the guest of its director, Dr. Guillaume. I had opportunity to study it thoroughly, and I feel no hesitation in placing it among the model prisons of the world. Dr. Guillaume is a gentleman of great versatility of talent, high culture, boundless enthusiasm, and rare aptitudes for his calling. He has but one idea, one aim; and to that he bends all his strength with a sleepless and tireless devotion: it is to change the bad men committed to his care into good ones; to receive criminals, and return them to society honest men. The average number of prisoners is about eighty, all men. There are three kinds of sentence. Some of the inmates are sentenced to *simple imprisonment*, (these are called correctionals;) some to *réclusion*, (no English equivalent in the sense here used,) and some to *travaux forcés*, (hard labor.)\* Those under

\* By the introduction of this statement here it is not meant to be implied that these sentences are peculiar to Neuchâtel. The distinction is one in use in most of the countries of continental Europe.

the first-named sentence are misdemeanants; those under the other two, felons. Nevertheless, in prison they all have much the same treatment. The number sentenced correctionally, as compared with those sentenced to *réclusion* and hard labor, is nearly as seven to one; but the number of correctionals actually in prison at any one time is but little more than half of the whole number of inmates. The reason is the comparative shortness of their sentences. These vary from a month to two years, but the average is only four months.

The penitentiary treatment here has for its aim, as already stated, the moral reformation of the prisoner. This treatment is progressive, and the classification is similar in principle to that of the Crofton system. On their entrance the prisoners are placed in the lower or penal class. In this class cellular separation, day and night, is rigidly enforced. The prisoners are placed in cells bare of all ornament and having few articles of furniture, simply such as a due regard to health requires. In this class the prisoner receives only 5 per cent. of his earnings. He is not permitted to wear his beard nor to cultivate plants in his exercise-yard. He can have only such books as are selected for him and can correspond with his friends and receive their visits to but a very limited extent, and only in cases where it is believed that these influences will be decidedly beneficial. The aim is to lead the criminal to turn the mental eye inward and to reflect upon the past, so that he may better weigh the present and take care for the future. This self-introspection is thought indispensable to secure the sincere assent of the prisoner to the treatment of which he is made the object. Isolation and the visits of the officers are found to greatly facilitate the salutary reflections which it is sought to induce in the prisoner's mind. These reflections have also a deterrent effect, for all who have thus gone over their past lives have declared that, if they could at that moment have left the prison, it seemed to them that they would ever afterward have remembered the lesson thus received. Correctionals, sentenced to only a short imprisonment, do not get beyond this penal class, in which the discipline is intended to be of a deterrent character. Those who are sentenced to longer terms pass successively into the middle class and then into the superior.

There is no fixed minimum or maximum for separate imprisonment; its duration is in the discretion of the director. He holds, however, at the end of each month, a conference with the chaplain, school-master, steward, and chief warder, for the purpose of distributing the marks to which each is entitled for the month, for good conduct, for industry, and for attention to lessons: 0 signifies bad; 1, tolerable; 2, good; 3, very good. The maximum of marks attainable in a month, it is thus seen, is 9, as in the Crofton system. These marks, as well as the amount of earnings apportioned to him, are set down in the moral account kept with each prisoner. They are also transcribed into the memorandum-book of the prisoner, who is thus kept constantly informed of the judgment formed by the prison authorities of his conduct. The proportion of earnings accorded to prisoners in the middle class is from 5 to 12 per cent.; in the superior, from 12 to 20. In these two classes they receive a larger percentage of earnings in proportion as the aggregate is greater; nevertheless, the conduct of the prisoner and the degree of attention given to his lessons have their effect in diminishing or increasing the amount. Promotion from one class to another is determined by the prisoner's character, his antecedents, and the length of his sentence.

At the date of my visit—not counting correctionals sentenced to a short imprisonment—there were in the penal class 31; in the middle, 13; in the superior, 11. Among those in the superior class were a

number who had been in the prison ten, twelve, fifteen years, and who would have been free, if the principle of provisional liberation had been introduced into Switzerland. It is believed that this principle will soon have place in the Swiss legislation.

With a view to gaining the will of the prisoner to the system of discipline to which he is to be subjected, this system is explained to him as soon as he enters the penitentiary. His antecedents are made the object of a careful but kindly examination. He is aided by suitable suggestions in his endeavor to search into the causes which led him into crime. Each case becomes the subject of a serious inquest, and confidential information is sought from respectable persons by means of some such letter as this :

SIR: ———, of ———, aged ———, has just been committed to the penitentiary of Neuchâtel, to undergo there an imprisonment of ——— years. For the purpose of being able to direct his penitentiary education with some chances of success, we desire to obtain exact information concerning his family and the associations in which he has lived; concerning his education, his religious and scholastic knowledge, his apprenticeship, his occupation, his means of living, his character and moral habits; in a word, concerning all the points which might guide us in our task and enlighten us as to the causes which have conducted him into the pathway of crime. Knowing the interest you take in the unfortunate, we venture to send you the accompanying formula, which we ask you to return to us after having answered, confidentially, the questions contained in it. Thanking you in advance, we are, &c.,

[Signed by the director and chaplain of the penitentiary.]

\* A formula is inclosed in this letter headed, "Confidential informations." Each page is ruled in two columns—the left containing printed questions, the right being blank to receive the answers. I print them solid, to economize space, and in a note, to avoid breaking the continuity of the text: 1. Name and surname of the prisoner? 2. Date of birth? 3. Place of nativity? 4. Legitimate or illegitimate? 5. An orphan? By loss of both parents? Of father? Of mother? 6. Since what age? 7. What was his education up to the time of entering the primary school? 8. Did he live at home? 9. Or was he placed at board? With whom and where? By whom? 10. How many years did he attend school? 11. In what place? 12. Was he studious? Did he show a taste for study or was he idle, indifferent, &c.? 13. At what age did he quit school? 14. What degree of learning had he when he ceased going to school? 15. Has he attended night-schools? 16. At what age did he pursue the course of religious instruction and ratify the vow of his baptism? 17. Have you noticed anything special in the character of this catechumen? 18. Has he undergone an apprenticeship? 19. What and with whom? 20. Did his master set him a good example? 21. What was the duration of his apprenticeship? 22. What company has he frequented? 23. After his first communion was he seen in the *cafés* making himself merry with wine? 24. Was he fond of gaming? 25. Has he traveled? In what countries? For how many years? 26. Has he served in foreign armies? 27. What was then his reputation? Was he a debauchee? 28. Are his parents still living? 29. What were their means of living? 30. Have they been convicted of crime? 31. Did his grandparents live in the family? 32. How many brothers has he? How many sisters? 33. By a first marriage? A second? A third? 34. How old are they? 35. What are their means of living? 36. Have any of them been in prison? 37. Have they a guardian? Does he do his duty by them? 38. Do you know of the existence of mental or physical maladies (insanity, epilepsy, &c.) in his family? 39. Is he married? 40. At what age did he marry? 41. Did he have the means of supporting a family? 42. What is the moral character of his wife? 43. Have they children? 44. How many? 45. Has their education been neglected? 46. Has it been a happy marriage? If not, to whom and to what do you trace the cause? 47. Have their children already been brought before the courts? 48. Was the prisoner orderly in his habits? 49. Was he industrious? 50. How much did he earn a day? 51. Is he a drunkard? A gambler? A debauchee? 52. Has he illegitimate children? 53. To what cause do you ascribe his misconduct and the crime he has committed? 54. Has he had troubles? Has death sundered the ties of family? Has he experienced reverses? 55. Has he relatives? Uncles? Aunts? What are their moral character and their social position? 56. Has the commune aided him, his relatives, or his family? 57. Who takes care of his family, now that he is in prison? 58. Might the prisoner, on his liberation, return to his previous abode, or would it be better that he change his associations?

Even in this small prison, with an average of only eighty inmates, from fifteen to twenty different industries are carried on, including shoemaking, tailoring, carpentry, smithery, coopering, turning, lithography, watch-making, book-binding, basket-making, brush-making, gardening, &c. Every prisoner, not already master of a trade on his entrance, is allowed free choice of any of those pursued in the prison. The foremen work with the prisoners precisely as a boss mechanic works with his apprentices. There are never more than four workmen in a shop, but others are often working at the same trade in cells, who are instructed and supervised by the same foreman. While he is attending to them, the prisoners in the common shop are left alone, but they are as diligent in his absence as when he is present. In a great work-shop, where the keeper is always on an elevated platform, with no other occupation than that of overseeing a number of men working in silence, it is impossible for him to give the good example of industrious labor himself. Such a system is believed by Dr. Guillaume to be as pernicious for the prison employé as it is for the prisoners. For this reason he gives the preferencé to the system which approaches nearest to that of the free work-shop, and it is on this account also that *the law of silence does not exist* in the penitentiary of Neuchâtel. The same usage is found in the penitentiary of Bâleville, the rule of silence not being enforced there. This relaxation is upon the ground (the director of that prison says) that the liberty of talking openly, within fitting—that is to say, moderate—limits, makes the prisoners more frank and sincere, since it frees them from the necessity of resorting to devices for the purpose of communicating with each other. In the other Swiss penitentiary establishments the rule of silence exists. But Dr. Guillaume insists, and, indeed, it is well known to all conversant with the subject, that prisoners find a certain charm in breaking this rule, and that they succeed in doing so only too often. It is for that reason that he does not attempt its enforcement in his establishment. He holds that it is artificial, that it is consequently irrational, and further that it is little adapted to the training process to which prisoners, if they are to be reformed, must be subjected after the penal stage. In his own prison, where the foreman (who is a prison officer) works with the convict laborers, and every one is busy, there is very little conversation, and what is said relates to the work. At the ten-minute recesses, at 10 and 4 o'clock, conversation, directed and maintained within the limits of propriety and self-respect by the foreman, is found, instead of being hurtful, to have an excellent effect. For the most part it turns upon the subject of the last school-lesson, the mathematical problem given out to be solved, or the conference of Sunday, at which the employés, as well as the prisoners, are required to be present. The presence of the foreman is considered by Dr. Guillaume necessary, in order that, through his moral ascendancy, the conversation may not degenerate into grossness and obscenity. So far, on a three years' trial, the authorities have only had occasion to congratulate themselves on the results of this system, which seems to be in accordance with the inward and essential nature of man.

Labor in association is restricted to the prisoners in the middle and superior classes, and is accorded to *them* only when the accommodations and the kind of industry permit. Many remain in their cells even after having been promoted to the higher classes. The lack of suitable accommodations prevents their introduction into the workshop, and deprives of its greater freedom and privilege many who have shown themselves worthy of such indulgence. Such relative liberty Dr. Guillaume

considers a necessity in this stage of penitentiary discipline. This inconvenience would disappear if there were three prison buildings—one for each class—in which the arrangements were adapted to the end in view, and to the necessities of each of these successive stages. The prisoners in passing from one establishment to another would see the progress made toward their liberation. Under the same roof it is difficult to establish and to make sensible the distinction between the two higher penitentiary classes. For this reason Dr. Guillaume is a partisan of the Crofton system in its strictness.

As regards discipline, no corporal punishments are allowed. The punishment-cell and a diet of bread and water are authorized by law, but they are now never employed. Deprivation of work in an ordinary but empty cell is the severest disciplinary punishment at present in use. *Bunui* is found an effective means for conquering the most obstinate, especially if they have been treated with kindness and justice. The punishment-cell, it has been found, often makes martyrs, and it is not well to make martyrs in a penitentiary any more than in politics and religion. For an officer to lose his temper and speak with anger to a prisoner who has been guilty of a breach of discipline, is to approach the lower moral level of the prisoner himself, and to give him reason to believe that he has not deserved so rigorous a treatment. For this reason Dr. Guillaume makes it a rule to treat prisoners as the insane are treated, whose ill-conduct never provokes the wrath of the physician, but rather his compassion. He makes them feel, by words calm and self-restrained, that he is pained to perceive that they do not know how to govern themselves, and that they have not yet attained that self-control, that mastery of their thoughts and acts, that dignity, in a word, which belong to men who respect themselves. This mode of treatment, employed with tact and a skillful adaptation to each prisoner's special character, has shown itself effectual. It requires more *patience*, greater *effort*, and a longer *time*, than the expeditious punishments of the lash, the douche bath, the dungeon, and other similar inflictions; but the most recalcitrant yield to it in the end; and—a material consideration—without any waste of the prisoner's inward moral forces, but rather a toning up and strengthening of his entire moral being.

With a view of having a number of moral punishments, there have been introduced into the penitentiary of Neuchâtel a number of moral rewards and encouragements. The withdrawal of these latter constitutes a punishment far more sensibly felt, and therefore far more efficacious, than the rigors of the old *régime*. It would be difficult, if not impossible, to enumerate all the rewards held out to win back the prisoners to virtue's paths, for they are often suggested by special tastes and desires, which take on an endless diversity of forms. Some of them, however, may be named, which will serve to give an idea of their variety. They are: 1. Promotion, speedy if deserved, from class to class. 2. The privilege of apprenticeship to an interesting trade, such as lithography, book-binding, or any other that may be preferred. 3. Increase of the proportion of earnings. 4. Permission to use a part of these in the purchase of books, popular illustrated journals, scientific and literary, engravings to adorn their cells, and tools wherewith to occupy themselves in their own time. 5. Permission to wear a watch, or have a thermometer. 6. Permission to wear their beard. 7. Permission to cultivate flowers and vegetables in the little garden of their exercise-yards, and, by consequence, to have flowers in their cells, and oil and vinegar for salad. 8. Permission to receive the visits of their relatives in the office of the director, and not in the prisoners' conversation-room.

9. More frequent leave to write letters to their friends. 10. Permission to purchase articles of clothing, for example, cravats, to wear on Sunday. (Under this head Dr. Guillaume expressed a hope that the time might come when the superior class should have, on Sunday, a special suit of clothes, including leather shoes—clogs only being now permitted by the rules—thereby contributing not only to their comfort, but to their self-respect and personal dignity.) 11. Permission to learn to play on the *zithare*, a small musical instrument, of thirty cords, making so little noise that it is scarcely heard in the adjoining cells. 12. The privilege of choosing books for themselves out of the prison library. 13. To draw, (especially to make mathematical drawings.) 14. To read the technical journals taken by the administration. 15. Admission to positions of trust; for instance, in the distribution of meals, in the bureau, and in other services of the house, as temporary aids. 16. Permission to superintend the apprenticeship of fellow-prisoners in the middle class.

Long and noble as this catalogue is, a grave omission is observable in it.

Abbreviation of the term of imprisonment is not among the incentives held out to the prisoners of the Neuchâtel penitentiary to quicken their endeavors toward a better life. Yet nothing is so sweet to the human mind, nothing is so much coveted by it, as liberty; and nothing, therefore, presents so powerful a motive to exertion as the hope of shortening the period of captivity, if only for a few days; how much more when the term is months, or even years. Dr. Guillaume is quite sensible of this, and hopes, as all must, that Switzerland will not have to wait long for this great step in prison reform.

Among the encouragements there is also one (not set down in the above enumeration) which I cannot approve, and which will not be approved by my countrymen; but it is in accordance with European (continental) sentiment and usage. It is permission to occupy Sunday afternoon in small industries on their own account, such as embroidery, (*broderie*), the coloring of engravings, the manufacture of little wooden baskets, &c. This is contrary to American and English ideas of the sanctity of the Sabbath; and we think we draw our ideas from the word of God, which we regard as the ultimate standard of faith and morals.

The withholding of the rewards and favors accorded to prisoners are the punishments employed when the private exhortations of the director produce no result. Admonition, kindly exhortation, the appeal to honor and manhood, are the first punishments, if that is not in this case a misnomer, and they are sufficient in a great number of cases. If there is a repetition of transgression, the withdrawal of a reward follows, and that is chosen whose loss will be most sensibly felt by the prisoner. Here individualization, as a matter of course, comes in. If the prisoner shows himself submissive, if he feels that he is justly punished, and if he conducts himself in an exemplary manner for some time, the punishment ceases, and he again enters into the possession of the forfeited privilege.

Permission to wear the beard is a privilege greatly prized. Hence, the punishment which consists in a removal of this token of manhood is proportionally dreaded. The simple threat to cause a prisoner to be shaved for an offense is, in many cases, enough to prevent a repetition of it. Others are less sensitive on this point. It is necessary to individualize, and not—such is the opinion of Dr. Guillaume—*humiliate*, the prisoner. The punishment should in no case wound his self-respect, which he never wholly loses, though at times it sinks to a very low plane. This sentiment rises in the prisoner in proportion to the esteem which is

shown him; and it is, above all, when called upon to punish him, that we should never forget that he is a man, our brother. In making him feel this, he will comprehend his own responsibility, and a feeling of shame will be awakened in his breast. This sentiment is feeble at first, but it grows and strengthens in proportion as the work of reformation advances. It is this vital fact which explains why, in the penitentiary of Neuchâtel, there is neither corporal punishment, nor chains, nor prison garb, nor *gens d'arms*, nor armed or even uniformed officials. The constant endeavor is to place the prisoners in conditions similar to those which are found in respectable mechanics' families, where labor, order, economy, and intellectual recreations are held in esteem.

An effective school is maintained in the prison, on one of whose sessions it was my pleasure to attend. It is divided into three classes, and, so far, is upon the model of the ordinary primary schools of the country. The average attendance for the year has been, in the lowest class, ten; in the middle, thirteen; in the highest, fifteen. All the other prisoners receive lessons in their cells. A schoolmaster devotes his whole time to the work of instruction. Admission to the school is made a recompense of good conduct, and is found to be a strong stimulus to such conduct. To all such, admission is an occasion of rejoicing and a source of satisfaction. A withdrawal of its privileges, for ever so short a time, is felt as a punishment. On entering the school, a written examination takes place, and this is repeated at the end of each month. The pupils are classified by its results. The order of the examination is as follows: 1. Date. 2. Name of prisoner. 3. An exercise in reading. 4. Solution of a problem in arithmetic. 5. Geography, questions and answers. 6. History, same. 7. Composition, on a subject assigned or freely selected. 8. Dictation of several sentences.

The branches taught are reading, writing, arithmetic, geography, history, and the natural sciences. Each lesson begins with the reading of a piece selected from a school-book used in the public schools of the country. The piece to be read is announced at a previous school session, so that the pupils may prepare themselves to ask the schoolmaster questions on the subject to which it relates. He solves their difficulties, and adds such comments as he deems fit. He then gives oral lessons in geography, history, &c.—lessons which have been suggested by the piece read, or the questions asked. The endeavor is always, as much as possible, to give the practical side of things, so as the better to awaken the interest of the learners. The problems given in arithmetic and geometry are invariably such as admit of an immediate application.

As soon as they have arrived at the point where they are able to do so, the pupils are expected to keep a journal, in which, among other records, they give a summary of the lesson of each day, and some of these abridged statements are read at every school session. I was greatly interested in the compositions of this kind which were read on the day of my visit, all of which were on the subject of glass, giving an account of its elements, manufacture, uses, history, &c., &c. They gave token both of the thorough manner in which the teacher had imparted his instructions, and of the close attention with which they had been listened to by his convict scholars.

On every Sunday morning, the hour immediately preceding divine service is devoted to a lecture by the director on whatever subject he may choose to address his audience, which is composed of all the employés and prisoners of the establishment. His range of topics is wide, including biographies of celebrated men sprung from the ranks of the people, (Benjamin Franklin, John Bright,) philanthropists, (John How-

ard, Florence Nightingale,) striking events of the day, (the arbitration at Geneva,) new inventions and discoveries, (the electric telegraph, the microscope, the mowing-machine,) questions of a literary or scientific character, geography, history, astronomy; everything, in short, which constitutes a human interest or contributes to human progress. Before the lecture commences, Dr. Guillaume is accustomed, for a few moments, to pass in review the general conduct of the prisoners, and to give them his thoughts on lying, on idleness, on want of cleanliness, on indifference, on levity of character, on impoliteness, on thoughtlessness, on inattention to order, or some other of the numerous points embraced under the general designation of minor morals. In the afternoon of Sunday the prisoners are required to write compositions, either on the subject of the morning's lecture or on some other topic given out in class. As further subjects of composition, there are distributed copies of some engraving—"Our Father which art in Heaven," or some other; and they may then exercise themselves in a description of the engraving, and in expressing their sentiments on what it represents. These compositions are compared, their relative merits weighed, and the best of them selected for insertion in a little autographic journal, of which some account must now be given. This is a paper under the title of *Travaux d'Ecole*, (*School-Work*,) edited and published in the penitentiary every fortnight. Each number occupies four pages of square letter-paper, (large size,) and is illustrated by one or several pictures, the whole lithographed by the prisoners. It contains compositions, puzzles, arithmetical problems and their solutions, &c., mostly by the convicts, moral and instructive sentences, selected from eminent authors, and a variety of other matters. One needs but to glance at a few numbers of this unique journal to satisfy himself that the educative and reformatory power embodied in it must be great indeed.

As a still further encouragement to diligence in learning, there are distributed at the end of every month, after the customary examination, engravings, books, crayons, &c., to those who have distinguished themselves.

Each class has an hour in school daily, and those who are in cellular confinement receive also the daily visit of the teacher. This is especially the case with the new-comers and the abecedarians. These last are not admitted into class till they are able to follow readily the reading which takes place there.

The penitentiary has a library of nearly 500 volumes. The school-master has charge of it and superintends the exchange of books. But it is his duty not to permit an exchange till he has satisfied himself that the applicant has really read the book he is returning, and has profited by it. The prisoner who wishes to be sure of receiving a new book writes in his journal a *résumé* of his reading, and copies the passages which have most interested him by their sentiments or their style. In this manner the more zealous come at length to find themselves in possession of a collection of maxims, sentences, pithy sayings, proverbs, and the like, drawn from the authors whom they have read.

In the visits which Dr. Guillaume is accustomed frequently to make to the school-room, he takes occasion to ask one and another what book he is reading at the time, and he requires the prisoner so interrogated to give him some account of it. This suggests reflections on the manner of reading books so as to derive the greatest advantage from them; and the observations addressed to one become profitable to all.

The journal is not, strictly speaking, obligatory; but all know that to have one is to conform to the director's desire. It is simply a copy-book,



in which the prisoner sets down each day what he has done, and the reflections suggested by his reading, his lessons, &c.; also his observations on the weather and the periodic phenomena of the plants in his garden, on the trees of the neighboring forest, the birds which he hears sing, the visits made to him, the letters received or sent, the sermon of Sunday, the visitors seen in the chapel, &c., &c.

The schoolmaster is required to submit to the director a monthly report of the condition of the school and the progress of the scholars. One of these, in manuscript, was placed in my hands, and now lies before me. It is a curious and instructive record. Eleven prisoners had been admitted to the school during the month. The result of their initial examination showed that one only had a *tolerable* primary education; the other ten, *bad*, reading and writing with difficulty. Nine had left the school, their term of sentence having expired. Of these, the primary education of two was *good*; of two, *tolerable*; of five, *bad*. The two noted as good had been four months in attendance; the others were short-term prisoners, *correctionals*. The distribution of the school into classes was: In the inferior, 18; in the middle, 18; in the superior, 11; total, 47. The number of weekly lessons given to each class was 6; total, 18. The course of study for the month had included, in geography, the principal mountains, valleys, rivers, and lakes of Switzerland, its different cantons and capitals, the products of its soil and industry; in Swiss history, the leading events of the fourteenth and sixteenth centuries; in inventions, the telegraph; in arithmetic, numerous practical problems, with the bearing of each, and exercises in class. The master further reports that he has examined the summaries made by the prisoners of the contents of the books read by them during each week, and that the result of the usual monthly examination had been, upon the whole, satisfactory. The subjects of the pieces read in class, and of the compositions written on them, are reported as glass, porcelain, clothing, mountain birds, the cork-tree, consumption of alcoholic drinks in England and the canton of Berne, statistics of intemperance and considerations upon it; petroleum, and the quantity exported from America; different systems of lighting, &c., &c. Thirty hours are reported as having been devoted to giving lessons in the cells. He puts down as the subjects of Dr. Guillaume's Sunday lectures for the month: August 4, An account of his voyage from Neuchâtel to England in a geographical point of view, means of communication by railway and steamer; August 11, Interesting fragments from Macaulay's History; August 18, Miss Mary Carpenter and her labors; August 25, Climates, with a picture showing the plants and animals of the different zones. The report embraces other points which I omit, and closes with a hearty tribute to the diligence, zeal, interest, and good conduct of his convict pupils.

I was anxious to ascertain whether the public opinion of the prison could be so developed and directed that it might be made to react effectively upon the prisoners as one of the governing forces of the establishment. On this point I interrogated Dr. Guillaume closely, and his account of the matter was substantially as follows: He conceives that such as are the employés, such will be the prisoners; that if the former comprehend their mission, possess the necessary tact, and make themselves respected by their conduct and their conscientious industry, (for they are required to work no less than the prisoners,) the latter will imitate them in well-doing, and all will contribute and unite their influence in maintaining the order and discipline of the establishment. Consequently, his first care is directed to the officers. To develop their inter-

est in the work, he holds frequent reunions of the foremen and other employés, and gives them familiar lectures, or, as he styles them, *conferences*, on the history of penitentiary reform, on the various systems employed to effect the reformation of criminals, and on the duties of persons charged with so high and responsible a function. These conferences have for object the familiarizing of the employés with the service, and especially with the spirit which has dictated its rules and regulations. In making apparent to their apprehension how great and noble is the mission of laboring for the reformation and future well-being of their fallen brethren, the employés, if they have the necessary aptitudes, begin to comprehend how important is the part which they are called to play, and by degrees they come to realize the dignity of being responsible agents, and to feel a pride in their work. They no longer look upon themselves as mere turnkeys and jailers, but rather as guides, teachers, trainers, who must, above all, preach by their example. They have, severally, at heart the good order and discipline of their ward—that is, of the prisoners who are placed under their special care. Emulation develops itself among them, and they seek to rival each other in zeal for order, decorum, good manners, politeness, industry, &c. Each one is anxious to have the cleanest and most orderly ward, and the best arranged, best kept, most industrious, and most successful workshop.

As regards the penitentiary public, this *esprit de corps* makes itself equally felt, insomuch that it produces in all the employés a desire to maintain the good repute of the establishment. The penitentiary is for them their family.

At the last industrial exhibition in the canton the penitentiary coopers obtained a medal, and the gardeners a prize, since which time there has been established a traditional reputation, which will doubtless be maintained, for the prisoners have become imitators of the keepers in their *esprit de corps*. On the occasion of the exhibition, the prisoners were anxious to prove to the public that they knew how to work, and that in due time they would be worthy to re-enter society. The press, on this occasion, indulged in a variety of criticisms, but the public showed itself favorable to the introduction of industrial occupations into the prison, and the admission of the products of prison labor to this general exposition of agricultural and mechanical industry.

Owing to the sagacious and comprehensive combinations of Dr. Guillaume, as explained above, the public opinion of the prisoners is such that it exercises a strong power of control over them. Often, by their remonstrances and their influence, they repress the evil thoughts which occasionally show themselves in one or another of their comrades. Among the motives impelling them to act in so praiseworthy a manner is the fear of forfeiting or lessening the fair reputation which may have been won by their shop. Dr. Guillaume explained, and seemed very desirous that I should comprehend, that, in speaking of evil purposes formed by individual prisoners and suppressed by the force of public opinion, he alluded to trivial offenses—mere breaches of discipline—for they never had had cases of gross insubordination, revolt, and the like—cases which, indeed, they had come to regard as of almost impossible occurrence.

Various books of record, in addition to accounts-current, are kept by the authorities, in which are noted different classes of facts relating to the prisoners. I propose to make but brief reference to only a portion of them. One contains the most complete statement attainable, whether from the prisoner himself or from trustworthy persons in the locality from which he came, of his antecedents, character, habits, occupation, relations, value of the property stolen, if his crime was theft, &c., &c.

Another opens a moral account with him, in which a continuous record is kept, month by month, of his conduct, industry, and habits of study, according to the following form :

Names.	Month of —.				
	Conduct.	Industry.	School.	Total of marks.	Earnings.
A .....	3	3	3	9	3f. 60c.
B .....	2	2	2	6	2f. 80c.

A column is added for general remarks. The marks are settled, as already explained, in the general conference of officers at the end of each month.

In addition to this there is for every prisoner a file or bundle of papers, (*dossier*.) in which are found : 1. The charge, sentence, &c., of the court. 2. Official and confidential information obtained relative to the prisoner's antecedents. 3. A short account of his life, written by himself or at his dictation. 4. The result of his scholastic examination on entrance. 5. A monthly transcript from the moral-account book and the punishment record. 6. His photographic likeness when committed. 7. Good or bad facts relating to his conduct. 8. His photograph on leaving the prison. 9. Facts relating to the aid given him at his discharge, (*son patronage*.) and his conduct after liberation.

The *cantine*\* does not exist in the penitentiary of Neuchâtel, nor is it in contemplation to introduce it. It is believed there that such an institution must end in demoralizing both officers and prisoners, and that therefore the fixed dietary of the prison ought to be made sufficient to satisfy all fit and reasonable wants.

During the few days I passed at Neuchâtel I mingled freely with the prisoners, conversing with them *ad libitum* without the presence of an officer. I found the best spirit and the best state of feeling existing among them. Of not a few the love to Dr. Guillaume seemed like that of children to a father. I verily believe that there are prisoners in that penitentiary whom this feeling would hold there as with chains of steel, if every bolt were removed, and every door set wide open, thus proving again the truth of Dr. Wichern's paradox, that "the strongest wall is no wall."

It will be asked, What about the earnings in a prison which seems so much like a university, and where every thought, contrivance, and effort appear to be given to the reformation of the convicts? I am happy to reply that they are nearly enough to meet all the current expenses of the establishment, and, in all probability, will reach that point in time. They are greater to-day, man for man, than in any other penitentiary establishment in Switzerland.

Another and still more important question is: What reformatory results are shown? To this question I make answer: The experiment is yet in its early infancy. At the time of my visit, scarcely two years had elapsed since the accession of Dr. Guillaume. In the most remark-

\*This is found in all French and perhaps most other continental prisons. It may be described, in the most general terms, as a privilege of purchasing additional comforts, not included in the legal rations, with the prisoner's *disposable peculium*—that is, such part of his earnings as he may spend while still in prison.

able and most successful experiment in prison discipline that perhaps the world has ever seen—that of Colonel Montesinos in Spain—which finally brought down the recidivals from 40 per cent. to zero, no visible results, as far as statistics are concerned, were shown till after the completion of the third year. As regards Dr. Guillaume's experiment, if he does not in the end bring down the percentages of relapses gloriously, reformatory prison discipline must be a delusion; those who seek to inaugurate it are chasing a bubble; and the best thing society can do will be to hang, shoot, or decapitate every man whom it can catch and prove to have committed a crime.

§ 2. *Reformatories in Switzerland.*—Most of the Swiss cantons seem well provided with juvenile reformatory institutions, of which, however, the time at my command permitted me to see but one, and of that to take but a cursory glance. It is an agricultural colony or reform school, two miles from Berne, conducted on the family plan, with twelve boys in each household, under a house-father. The establishment appeared to me well kept in every respect, and the appearance and tone of the inmates excellent. Results good, few of the boys returning to crime.

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## CHAPTER XXXIII.

### PERSONAL INSPECTION OF PRISONS IN GERMANY.

§ 1. *German convict-prisons.*—Of these my limited time and the pressure of duties belonging to the leading department of my mission allowed of an inspection of but three—the Moabit prison, at Berlin, Prussia; the prison of Brüchsal, Baden; and the prison at Munich, Bavaria, formerly under the care of the celebrated Obermaier—all of them among the most renowned of the penal establishments of the empire.

(a) *The convict-prison at Berlin.*—My distinguished friend Baron von Holtzendorff and the illustrious Dr. Wichern being both absent from Berlin at the time of my visit, I was compelled to make my inspection of this prison alone. The Moabit is a prison constructed on the panoptic or radiating cellular plan, with four wings and five hundred and eight cells, besides underground workshops sufficient for one hundred and fifty men, and a farm, at some distance from the prison, to give employment to those prisoners who, on account of bad health, age, or length of sentence, cannot serve out their entire term in separation. The prison is managed by a Protestant brotherhood, called the Brethren of the Raube Haus, and trained, therefore, by Dr. Wichern for the work of the Inner Mission. The average of relapses is about 13 per cent. Though having no permit from an official source, I was received with much courtesy by the director, a gentleman of great benevolence of character, but unfortunately knowing nothing of English, French, Spanish, or Italian, a catalogue which exhausted my own powers of speech. He began by showing me a complete set of drawings which exhibited the prison in all its parts, and, being in a universal language, were readily comprehended. He then conducted me through the establishment, entering at least fifteen to twenty cells, where I had an opportunity of seeing the prisoners at their different occupations. These were quite various, and embraced lithographing, engraving, carving in wood, &c. The manner of his intercourse with the prisoners pleased me exceedingly, marked as it was by a gentle and kindly spirit, with

nothing of official stiffness. The visit was in all cases commenced by a friendly greeting, and on leaving the director bade each one adieu, with sometimes an added hand-shake. As we passed along he explained everything in *German*, just as if I had understood a word of it! The prison I found kept in the neatest manner; the prisoners had a cheerful look; every cell (for we peeped into many which we did not enter) seemed a little home of solitary industry; material wants were well provided for; and the director was evidently a favorite with the inmates. Beyond this I cannot go. It was the shell only that I saw. Visiting prisons with no power of intercommunication is but a sorry and certainly a most unsatisfactory business.

(b.) *The convict-prison at Bruchsal.*—This is the model cellular penitentiary of Germany, and the oldest, having been opened in 1848. Like the Moabit, at Berlin, it is on the radiating plan with four wings. The number of cells is four hundred and eight. A model prison itself, it has a model director in Herr Ekert, whose administration combines, in admirable proportions, justice with mercy, firmness with humanity, and breadth of scope with a minute attention to details.

Most of the German states have three, many of them four, different kinds of public punishment. Punishment of the highest degree, awarded of course to the highest crimes, is condemnation to the *zuchthaus*, (house of correction.) Prisoners so sentenced lose their civil rights. The maximum sentence is for life; the minimum, two years. The second degree is termed *arbeitshaus*, (work-house.) Condemnation to this punishment varies from a few months to several years, but it does not extinguish municipal rights. As its name implies, it involves compulsory labor the same as the *zuchthaus*. The third degree is called *gefängness*, (jail.) This sentence does not make labor obligatory, but allows "occupation in accordance with the social position and ability of the prisoner." A fourth kind of punishment—it can hardly be named a *degree*—is termed *festung*, (imprisonment in a fortress.) It is a punishment awarded to gentlemen offenders; mostly in cases of political crime or dueling.

But I seem to hear the inquiry, What has all this to do with the penitentiary of Bruchsal? Not much, perhaps, but at least this: Formerly the establishment at Bruchsal united in itself two prisons, the *zuchthaus* and the *arbeitshaus*. The prisoners of each class were in nearly equal numbers, and, though nominally under different rules, were both subjected to the same system of absolute isolation. But the system of mixing the two classes has been abolished. None but the higher criminals are received at present, so that the penitentiary has become strictly a convict-prison. Although the system is intended to be rigorously cellular, there is a department of the prison, called the "auxiliary establishment," where association is permitted to the following classes of prisoners: 1. Those who have been in cellular separation six years, unless they elect to remain in isolation. 2. Old men who have passed the age of seventy. 3. Prisoners adjudged not fit for cellular separation on account of the state of their health, bodily or mental. There were some twenty or thirty persons in the auxiliary establishment when I was at Bruchsal, out of a total of 384. In point of fact, not more than an average of nine per cent. are detained for periods exceeding four years. Though a zealous supporter of the separate system, Mr. Ekert states, in one of his reports, that after three years of cellular confinement the muscular fiber becomes remarkably weakened, and that, after that, to require hard work would be tantamount to requiring an impossibility.

Mr. Ekert conducted me through every part of his admirably arranged and admirably managed establishment, and explained the multiplied details of its organization and working. I cannot stay to repeat his statements at any length. The different occupations of the prisoners run up to eighteen or twenty. Every prisoner learns a trade, who was not master of one before his committal. To some extent the prisoner's own preference is consulted, but the great study is to give him a trade that will enable him to earn an honest living after his discharge. It may be stated here that while only three or four per cent. of the convicts are wholly illiterate when received, more than half had not learned a trade. They are encouraged and incited to diligence by being allowed to share in the product of their toil. Two chaplains are employed, one for the Catholic, the other for the Protestant prisoners, who severally hold service twice on Sunday and once on Wednesday, besides doing abundant pastoral work in the cells. Two schoolmasters also devote their whole time to the work of scholastic instruction in the cells. An annual examination of the prison pupils takes place, (the interval is certainly too long,) at which premiums are distributed to the deserving, consisting of books, copies for drawing, tools, &c., &c. Upon the whole, the training, schooling, industrial employment, and religious care of the convicts appeared to me to be in a satisfactory condition.

The superior officers meet every day in the office of the director for conference, when they make report of their respective observations for the last twenty-four hours, and take counsel together for the future.

(c.) *The convict-prison at Munich.*—This penitentiary, placed a little outside of the city, was the scene of Councilor Obermaier's labors, who, however, long since—more than twenty years, I think—retired from it; but he still lives, a vigorous and honored octogenarian. I called at his residence in Munich, with the great infelicity of finding that he had gone to spend a month in the Bavarian Alps; and so I missed seeing the man whom, of all others living, I should most desire to converse with, since Maconochie and Montesinos have both been called to their reward.

Mr. Petersen, who was a delegate from the Bavarian government to the congress, accompanied me to the prison. We found (which was another disappointment) that Mr. Mess, also a Bavarian government delegate to the congress, who is the present director, had departed on leave only the day before. We were, however, courteously received by the sub-director and chaplain, the former of whom conducted us through the establishment, giving all needful explanations.

The prison was originally a monastery, and has been adapted to its present use. It is of great extent, but extremely irregular. Every part was found to be clean, sweet, and in good order. There are fifty-seven cells for separate imprisonment, all but two having occupants the day I was there. Beyond that the establishment is on the congregate plan. The entire capacity is for five hundred and fifty; there were four hundred and ninety-nine at the time of my visit. It is a convict-prison, (*maison de force*;) and none are admitted but those sentenced to hard labor, (*travail forcés*.) In Obermaier's time, and since, sentences were from five years to life. Now the shortest are for one year. There were fifty-two life-prisoners. Most of those who have this sentence die in prison; few ever receive a pardon.

Contraband traffic, especially in tobacco, is the offense oftenest committed. The punishments are reprimands, diminution of rations, privation of peculium, confinement in a cell, the dungeon, and, in bad cases, irons. Corporal punishment has been abolished since 1861. It

is gratifying to know that since its abolishment the number of offenses has greatly diminished. Prior to its prohibition the prisoners—so it was reported to me—were in a constant state of irritation, and open revolt was not infrequent. Since then nothing of the kind has occurred. The prisoners are tranquil and docile. School is held daily for two hours. There are six classes, and each class receives two hours' schooling per week. Better would it be to double the dose. The branches taught are those common in primary schools, with a little chemistry and natural science superadded. The progress made is fair.

As in Baden, the prisoners nearly all know how to read when committed; but the greater part have not learned a trade. The industries pursued in the prison are many, including lithography, book-binding, shoemaking, spinning, weaving, painting, carpentry, &c., besides domestic labors and other work for the establishment, in which thirty-eight prisoners find employment. The net earnings in 1871 amounted to \$11,977, which was considerably more than sufficient to meet a fourth of the expenses.

The prisoners sleep as well as work in association. Obermaier had a strange liking for this system, and no doubt his extraordinary genius for controlling bad men and molding them to his will enabled him to overcome many of the evils inseparable from it. It is, however, inherently and ineradicably vicious, and is now condemned by the common judgment of the world.

The prisoners take their dinner at 11 a. m., after which they are permitted to amuse themselves in the large courts or yards of the prison till 1 p. m. They are supervised by keepers during this hour and a half, but otherwise are quite unrestrained. Passing through the different courts, I observed that all were perfectly well-behaved. They conversed freely together and engaged in a variety of amusements, but without tumult, disorder, or anything approaching to unseemly or excessive noise.

I made special inquiry as to the influence of so unusual an indulgence, and the answer received was substantially as follows: At their promenade in the courts, the prisoners are allowed all possible liberty. They choose their company and their subjects of conversation as they see fit. This system, far from being attended with evil consequences, is found preferable to that which forbids all converse. Down to 1862, this prohibition had effect. But obedience to such a rule was found impossible to be enforced, and its infraction drew after it a multitude of punishments whose only effect was to harden even the better prisoners, and to paralyze the softening influences of the school and the church. Nevertheless, to guard against the evil which might be done by the worse to the better prisoners, the former are excluded from these collective recreations, and are required to take their exercise in separate yards, which is a quiet but powerful means of maintaining order and preventing excesses in the associated courts.

§ 2. *Detention prison at Munich.*—After inspecting the convict-prison, Mr. Petersen and myself made a short visit to the detention prison, in the city, for the confinement of persons awaiting trial or transfer after conviction and sentence. This is a new prison, opened two years ago. It is upon the cellular plan, as all prisons of this kind ought to be, with accommodations for fifty men and fifteen to twenty women. A very few receive short sentences to this prison, but they are quite exceptional cases. It is not intended as a punishing prison, but simply a prison for safe custody. Labor is not exacted, but such as have a trade are permitted to work at it as far as there is opportunity, and are entitled to

whatever they earn. It is truly a model prison of its class. I was pleased with the director and particularly with his wife, whom I found intelligent, cultivated, amiable, and deeply interested in the future of the prisoners.

§ 3. *Patronage of discharged prisoners in Bavaria.*—The work of aiding discharged prisoners is admirably organized in this little kingdom. On leaving the detention prison, we drove to an asylum or refuge for liberated prisoners, who, on discharge, have been recommended for aid by directors of prisons to the patronage society of Munich. It is a house, with garden attached, having accommodations for fourteen men and ten women, the two sexes occupying distinct parts of the establishment and being wholly separated from each other. A porter and his wife are in charge, by whom everything is kept in perfect cleanliness and order, thus giving the place an attractive and home-like air. It is simply a transitional home for the inmates, bridging over the chasm between the prison and steady work. While waiting for this latter, the ex-prisoners either busy themselves with odd jobs obtained in the city, or in working for the house—splitting wood, making shoes, cultivating the garden, &c. There were but three in the refuge when visited by me, and they were all employed on city jobs. Their average stay in the home is about two weeks.

I had the pleasure of attending one of the sessions of the committee of the patronage or aid society of Munich, and was greatly interested in the proceedings. The business was conducted with much animation, amid a generous flow of Bavarian beer. The speeches were interpreted to me by a Dr. Strauss, and interested me greatly, particularly those on a rather novel application, which created considerable merriment, asking for money to enable the applicant to get married.

It will, I think, be worth while to go a little into detail on the organization and work of the Munich society and the general question of patronage in Bavaria. The aid society of Munich was formed in 1860, having for its object the moral improvement and material well-being of liberated prisoners who are citizens of Munich. It makes no distinction in respect of age, sex, or religion, but gives special attention to young persons of both sexes. It has a capital, including the refuge before described, of 10,060 florins. Its receipts in 1871 were: subscribed and paid by members, 1,580 florins; appropriation by the state, 750 florins; interest on capital, balance from 1870, &c., 946 florins; total, 3,276 florins. It has a membership of 1,550, composed of ladies as well as gentlemen. Each member must pay 36 krentzers a year. Larger contributions are received from many, but they are free-gifts. The society holds only an annual meeting, but a committee consisting of forty-two members meets every Monday night. The following is the order of business: 1. It deliberates on the reports sent from directors of prisons, giving information that such and such prisoners are to be discharged, and also in relation to their character. 2. It considers and decides on the admission of these prisoners to patronage. 3. It chooses from among the members of the society guardians to take charge of such prisoners as are accepted. 4. It considers communications sent in by guardians, relating to the conduct of their wards, and decides upon the assistance to be given to these latter. 5. It acts on any financial questions that may arise.

The special duties of a guardian are: 1. To maintain a constant and paternal watchfulness over his ward. 2. To procure for him remunerative work, and to be his protector. 3. To provide for him clothing,



tools, money needed to travel in looking for work, and even, when occasion requires, to furnish him with lodgings.

Each ward has his special guardian who watches over him, counsels him, supplies his most pressing wants, takes charge of any money appropriated by the society for his use, and, if there be a necessity, endeavors to effect a reconciliation between him and his family.

The results are scarcely such as would have been expected from so much labor and care. Of the 1,182 persons who have been received upwards of the society since 1860, 377 have relapsed; 162 have withdrawn themselves from all supervision; 264 are doubtful; 27 have died, and 352 have undergone a radical change, and become completely reformed in principle and life.

In the province of which Munich is the capital city there are twenty-five districts. Societies similar to that of Munich are found in the chief cities of thirteen of them, and steps have been taken to organize like associations in the other twelve. These local societies are in all respects formed upon the model furnished by the society of Munich. Each is independent, yet all have in the committee at Munich, as it were, a central organ, which forms a bond of union between them, awakens mutual sympathies, makes them feel that they have common interests, and occasionally even advances funds, which are sometimes deficient in country organizations.

Bavaria embraces eight provinces—seven besides that of which Munich is the capital. The greater part of the chief cities of these have also their patronage societies, and very many of the small towns as well—some sixty in all; so that, including those in the metropolitan province, Bavaria, with a population scarcely, if at all, exceeding that of New York, has at least eighty prisoners' aid societies, all of them organized on the plan of that at Munich, even to the holding of weekly meetings on Monday night. The state encourages these associations with small grants of money for their work; but the most effective aid they have consists in this, that, six weeks in advance of the liberation of a convict, every prison gives information of this fact and of his character to the association which takes charge of its prisoners. The chief obstacle encountered by these associations is the distrust of the public and the prejudices which it feels and shows against contact with liberated prisoners; above all, when they have been thieves. To overcome these prejudices is one of the great duties which the aid societies impose upon themselves; and they have been to a great degree successful, particularly in Munich.

A month or six weeks before their liberation it is quite common for prisoners to write to the director of the prison a letter asking him to address in their favor a communication to the committee of such or such an aid society. In communicating such a request to a society, the director at the same time gives it all desirable information touching the conduct of the prisoner during the whole term of his imprisonment; on his occupation in prison; on the change which his treatment has effected in him, if any; or whether he has remained incorrigible. This petition is submitted to the decision of the committee at the first session after its reception. But, as the committee is composed of the most respectable citizens of the locality, men thoughtful and prudent, they are unable, ordinarily, to come to a definitive decision at their first meeting, especially as they are often ignorant of the social status of the prisoner and of his family. In cases where the committee desire to have more ample information, it charges one of its members with the special duty

of procuring it. Each petition is registered, with a summary of all the information afforded in it.

That feature in the constitution of the Bavarian aid societies by which a special guardian or protector is assigned to each liberated prisoner who becomes their ward, with the duties already described, is particularly worthy of notice. It is beyond all praise.

I have already mentioned my presence at one of the sessions of the patronage society of Munich. A copy of the minutes of that session was kindly furnished me through my friend Mr. Petersen. As it can hardly fail to have interest for those who occupy themselves with penitentiary questions, and especially for the members of prison societies, I append a translation, despite a complimentary sentence or two of a personal character.

*Minutes of the session of 12th August, 1872.*

President, Superior Commissioner Peekert.

Mr. Petersen, prefect, presents Dr. Wines, of New York, president of the International Penitentiary Congress of London.

The president thinks it an occasion of congratulation to be favored with the presence of a gentleman who has displayed an activity so great and so fruitful in useful results in respect of prison reform, and through whose agency the time cannot be far distant when the friends of our work, on both sides of the ocean, will lead to each other a mutual support by the intercommunication of their respective experiences.

Dr. Wines returns thanks for the honor done him, and says that his visit to Bavaria is mainly for the purpose of studying the organization of patronage in this kingdom, and making personal observation of its workings.

After the reading of the minutes of the session of the 5th August, the president remarks that Joseph Tamper, who is mentioned in them, is, in the opinion of medical men, too sick to remain under the care of the society. Thereupon, he is remitted to the charge of the philanthropic society.

Several directors of prisons announce, by letter, the approaching liberation of: 1. John Münch, potter, a workman in the manufactory of Rebdorf. After having been admitted, Mr. Auracher, member of the committee, is designated as his guardian. 2. Catherine Müller, single woman and laundress, aged twenty-four years, a prisoner at Wasserbourg and a native of Au, has the best of certificates. Accordingly she is admitted, and Mr. Fr. Barthelmes, her future guardian, promises to procure her work. 3. Mary Huber, aged twenty years, a prisoner at St. Georges, is admitted; and Mr. Ravizza is named as her guardian, in case she should need the aid of the association. 4, 5, and 6. Anna Mantel, petty thief; John Kappeller, an unmitigated gambler; and John Frey, an incorrigible vagrant, are not admitted because of their antecedents.

Louis Felser, printer, a ward of the society, asks sufficient money to defray the expense of his registry, made necessary by his approaching marriage. Several members favored the granting of this request; others opposed it. After a number of speeches, it is resolved that, before coming to a definitive decision, information be obtained regarding the character and antecedents of the betrothed.

Mr. Brucktraw, a resigned member of the society, is again received as an active member, and pays 4 florins 30 krentzers as a subscription.

Richland, a ward of the society, having conducted himself in an exemplary manner as miller's boy at Bamberg, is voted 18 florins traveling-money.

Ward Delmoro, to enable him to take a situation offered, receives two shirts, three aprons, two robes, and one blouse from the wardrobe of the society.

The Treasurer Kuhnler will have for substitute, during the time of his vacation, Mr. Comptroller Baierlacher.

After the reading of the present minutes the president invites our honored visitor to kindly affix his signature as a souvenir of his presence among us.

E. C. WINES, Secretary of the National Prison Association of the United States.

PEEKERT, *President.*

GAMPERT, *Secretary.*

## CHAPTER XXXIV.

## PERSONAL INSPECTION OF PRISONS IN ITALY.

§ 1. *The prison Delle Marate.*—In company with my friend Mr. Beltrani-Scalia, the very intelligent, able, earnest (the better word would be enthusiastic) inspector-general of prisons in the kingdom of Italy, I paid a flying visit to the only prison in Florence, named as above. It was only a glance that could be given to it, and it is but the briefest word that can be said of it. It is not a convict prison, but may be described, not inaccurately perhaps, as a detention prison and house of correction combined. It is on the Auburn system—association in common workshops by day, and complete separation by night. It has five hundred cells, and the number of inmates, September 22, 1871, was 376, of whom thirty were women. These latter are really in a distinct prison, for it is separated from the men's prison by a public street. Two beautiful little girls I saw in this part of the establishment—bright as new-coined eagles—the children of convict women. My heart was pained and oppressed by the thought of how much that is vile and corrupting they must necessarily see and hear and learn there.

The prison Delle Marate, though not a model, has good points. Labor seemed well organized, and among the industries, I noticed, was printing, which is one of the very best for prison inmates. Here was printed Mr. Beltrani-Scalia's Review of Penitentiary Science, a monthly journal of much spirit and ability, which is doing admirable service in Italy, and, to some extent, throughout Europe, in the work of prison reform. But this is a digression. The department of the prison that most gratified me was the school, which was attended by a hundred or more of the younger prisoners (in whose case, up to thirty-five, I think, attendance is obligatory) and as many of the older ones as chose. It is taught by the two chaplains, who give their whole time to religious and scholastic instruction. A very remarkable case of progress was brought to my notice, that of a lad who had been an inmate of the prison for only a month. At the time of entrance he did not know a letter of the alphabet; yet I heard him read, quite fluently, a page in a book as difficult, I should suppose, as what we call the Second Reader usually is. It is the most remarkable instance of rapid acquisition that ever came within my knowledge.

§ 2. *The prisons of Rome.*—There are four prisons in this city, including one for juvenile offenders. Two of these only did I visit, being accompanied on my inspection by Mr. Cardon, supreme director, and by Mr. Beltrani-Scalia, inspector-general, of prisons.

(a.) *The prison Delle Terme.*—This establishment is accommodated in a vast building, which was formerly a public granary, but has been altered to adapt it to the uses of a prison, and has been used as such for fifty years. As might be supposed, it is but ill-suited to the purpose, and is, in many ways, very inconvenient. There were four hundred prisoners, about forty of whom were women. Both sexes sleep in common dormitories, no doubt to their further contamination. The only industry practised by the men is weaving, at which the utmost they could earn was five or six cents a day. The women worked at lace-making, by which they earned four or five times as much as the men.

(b.) *The prison of San Michele.*—This prison is historic. Howard visited it nearly a hundred years ago, but it had a history before, most interesting and instructive. Howard found over the door of San Michele

this inscription: "Clemens XI, Pont. Max., perditis adolescentibus corrigendis instituendisque, ut qui inertes oberant, instructi, reipublice serviant. An. Sal. MDCCIV, Pon. IV." In English: Clement XI, Supreme Pontiff, [reared this prison] for the reformation and education of criminal youths, to the end that those who, when idle, were hurtful to the state, might, when better taught and trained, become useful to it. In the year of our Lord, 1704; of the Pontiff, the 4th. Within the prison, high up on a marble slab, inserted in the wall of the principal apartment, he found this—as he rightly says—"admirable sentence:" "Parum est improbos coercere poenâ, nisi bonos efficias disciplinâ." In English: It is of no use to restrain criminals by punishment, unless you reform them by discipline. In this sentence Howard found, as all right-thinking men must find, the true aim of all just prison treatment. In the center of the room was hung up the inscription, "Silentium." So that, as would appear, the silent system of associated labor, combined with a reformatory discipline, was inaugurated at Rome in the very-beginning of the eighteenth century, that is, one hundred and sixty-nine years ago. One of the main agencies relied on to effect the desired reform of the prisoners was industrial labor and the training of them to the knowledge of a trade. Various handicrafts were taught and practised in the establishment, such as printing, book-binding, designing, smithery, carpentry, tailoring, shoemaking, weaving, dyeing, and the like. Surely Pope Clement XI must be allowed a place among the most enlightened rulers and reformers that adorn the annals of our race. On some points, the world might still go to school to him with advantage. That such a doctrine should have been taught and such a practice maintained in the seat of the Papacy at a time when chains, dungeons, and tortures were almost the only forms of public punishment in the rest of the world, is a marvel. Let honor be given where it is due.

At the present time the prison appears to be of rather a mongrel sort—half cellular, half congregate. I found some four hundred prisoners there, some of whom were working in cells, and others in common shops.

§ 3. *The future of penitentiary reform in Italy.*—While engaged, in 1871, in my mission of organizing the congress of London, it was impossible to devote much time or to go at all out of a direct line from one capital to another (my business being chiefly with governments) to examine prisons. I went to nearly all that fell in my way, but to scarcely any that would require any divergence to reach them. For this reason I had no opportunity of seeing any of the more recently-constructed and better-organized prisons of Italy, of which the number is considerable. Still, I left Italy, after a very brief sojourn, (for the business of my mission was completed within twelve hours after my arrival,) with the best impressions and the best hopes for her future, in so far as the great interest of prison reform is concerned. Mr. Lanza, prime minister, and at the same time minister of the interior, who, in virtue of this latter office, is head of the prison administration; Mr. Cardon, director; and Inspector Beltrani, (I had not the honor of becoming personally acquainted with the other inspector,) are gentlemen of great ability, large views, and an earnest devotion to this work; and they are nobly seconded in it by a royal commission, composed of eminent citizens, having special knowledge of the subject, and appointed expressly with a view to making a broad study of the penitentiary question, and proposing such reforms in the criminal code, the criminal laws, and the criminal administration of the country as, after such

study, they might judge desirable and expedient. On these grounds it is not too much to hope that at no distant day Italy will become a leader whom it will be safe to follow in whatever relates to the organization and conduct of prisons, an interest which is beginning to claim its just place in human esteem, and to command the attention which is due to its magnitude and its importance.

## CHAPTER XXXV.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN BELGIUM.

§ 1. *Belgian prisons.*—Of these I inspected but three—the central prisons of Louvain and Ghent, and the city prison at the latter of these places.

(a) *The prison of Louvain.*—This is the model cellular prison of Europe and the world. I paid two visits to it—one in 1871 and the other in 1872, with an admiration which no words could exaggerate. Its design, construction, and administration, for a prison of its class and on the cellular plan, seemed to me to leave absolutely nothing to be desired. More than a year ago, at a public meeting in New York, I said, of this prison:

I cannot close without a word of reference to the prisons of Belgium, which John Howard, a century ago, found worthy of praise. At present, however, I can only call your attention, for a moment, to the new model prison of Louvain, planned and built under the superintendence of M. Stevens, its director for ten years, but now inspector-general of prisons for Belgium, and a worthy successor in that office to the illustrious Ducpetiaux. The building itself, which is large enough to accommodate five hundred inmates, is of brick, with marble facings. It is simple, solid, and severe in its beauty, with nothing of that palatial look which is so common in our great prisons, and which has always seemed to me wholly out of place in buildings devoted to the treatment of criminals. But it is the *inner* "glory that excelleth." I had never conceived of anything, in the form of a penitentiary establishment, so admirable in organization, so perfect in administration. Nothing seems to have been forgotten in its construction, nothing overlooked in its rules, nothing omitted in the details of its arrangements. The system of imprisonment is that known as cellular, of which, *per se*, I am not a supporter; but the cellular system is here applied in a manner quite different from what I have seen it elsewhere. Each prisoner receives not less, on an average, than five or six visits a day, from chaplain, schoolmaster, director, trade instructor, or other officials, by whose presence and converse the burden of solitude is lightened and made tolerable, and by whose counsels, motives and encouragements to a better life are suggested and pressed upon the prisoner. The whole aim appeared to me to be the reformation of the criminal; to that all efforts appeared to be directed; and the results are as extraordinary as they are encouraging. The prison has been in operation about twelve years. The recommitments to the old prison of Louvain averaged 70 per cent.; at present they are only 6 per cent. This proves not only that criminals may be reformed, but that their reformation depends less on organization and system than on the spirit of the administration and the men who conduct it. "Where there is a *will* there is a *way*," is a maxim which seems as true of the intent to change bad men into good ones, as of any other human undertaking.

Of the above account, written after my first visit, I do not retract a word since the second. I will say no more of the prison, (though much might be said if one could enter into details,) but must add a word in regard to its founder and first director, Mr. Stevens. He kindly accompanied me on my visit to Louvain, and directed that every possible facility should be afforded me for observation; an order which was obeyed to the fullest extent, though, from motives of delicacy, he abstained from making the round of the penitentiary with me. His heart is evidently

still at Louvain, and indeed it is no less manifestly, in its every pulsation, wholly and most intelligently, in this work of prison reform. I am sure he pursues it in his dreams, and to it his waking hours, "from morn to dewy eve," and even till night is far advanced in her dusky course, are given with all the freshness and ardor of a virgin love.

The present director appeared to be able and efficient, not unworthy to have succeeded so distinguished a man as Mr. Stevens.

(b) *Convict prison of Ghent, (maison de force.)*—It is just a hundred years since this prison was founded. It owes its existence to the genius and humanity of the Viscount de Vilain, a truly great man, who, in his conception of the nature, object, and processes of a true prison discipline, was fully a hundred years in advance of his cotemporaries. His prison was founded upon the idea of preventing crime by combating idleness, and of maintaining discipline by moral power instead of brute force; a grand conception, to whose perfect realization the world is even now slowly and laboriously working its way. Early in his vast and tireless visitations of prisons, Howard came to Ghent, where he found the prison fully organized under the guidance of its illustrious founder, with its numerous industries in active operation, with its admirable discipline maintained almost wholly by moral forces, with its incomparable order and cleanliness, the whole a hive of busy industry, by which nearly all its expenses were paid, and, altogether, the very antipodes of the English prisons, from whose inspection he had just come; it may well be supposed that his eye was delighted and his heart rejoiced. But more than this, his ideas were enlarged, and his purpose and courage strengthened; indeed, his whole being received a new and mighty impulse toward his life-work. Howard was a different man from what he would have been but for the prison of Ghent, and it is not too much to say that he was, in some sense and to a certain degree, himself the creation of the great and good Viscount de Vilain.

The prison of Ghent is of large dimensions, containing accommodations for a thousand prisoners. It is on the radiating plan, having eight wings, five of which were already built in Howard's time, and they remain to-day substantially as they were then. It is conducted, in the main, on the Auburn system, though it is partly also cellular, one wing being devoted to the treatment of prisoners on that principle. It was here, indeed, that the system which has become so widely known as the Auburnian had its origin; or rather, as I conceive, it was first practised in Rome, and was the conception of Pope Clement XI.

The director struck me as being an able, energetic man, of great administrative ability; and, withal, he is certainly a warm partisan of the Auburn as against the Pennsylvania system.

(c) *Detention prison and house of correction at Ghent, (maison de sureté.)*—On my second visit to Belgium I made a hurried inspection of the establishment named above just as the day was fading into night. It is a large, commodious, well-kept cellular prison, designed for two classes of prisoners of both sexes: 1. Persons arrested and awaiting trial. 2. Persons sentenced to short terms of imprisonment.

§ 2. *Juvenile reformatories.*—I visited but one of these, that at Ruysselede, near Ostend, which, however, is divided into three different departments, in three different localities, and forming, in effect, three distinct schools of reform—two male and one female—though all under the same head. The two for boys are at Ruysselede and Wyngheue, within sight of each other; that for girls is at Beernem, two or three miles distant. I could wish that more time and space were at my command for a description of this establishment, for it well deserves the

amplest treatment. With the solitary exception of Mr. Demetz's agricultural colony at Mettray, it exceeds all others visited abroad, both in its management and its results; and in one particular, (to be hereafter mentioned,) it has the pre-eminence over Mettray and all other juvenile reformatories known to me in any part of the world.

Ruyssselede is the work of Ducpetiaux, perhaps his master achievement; but he was ably seconded by a man of rare powers and aptitudes for the task, Mr. Poll, who was its first director, presiding over it from the day of his appointment, in 1849, to that of his death, in 1867, a period of eighteen years.

The present director, Mr. Eugene Poll, is a son of the late incumbent, whom he succeeded immediately on the decease of the latter. I was accompanied on this inspection by the Rev. Joshua Coit, secretary of the board of prison commissioners of Massachusetts. Though we had not the advantage of any official or even private introduction, the director received us, not simply courteously, but with the utmost cordiality. He conducted us through every department of the establishment at Ruyssselede, giving full explanations of all its parts and arrangements, and answering all questions with perfect frankness.

The class of boys treated here are not criminals, properly so called; but they are such as are in danger of becoming so—vagrants, truants, street beggars, and the like. The whole number received from the beginning is about 5,000. The day we were there the number was 522, of whom only two were in hospital, and one of them from a broken arm—a clear indication of the sanitary state of the school, and of the good care that is taken of the inmates.

The institution is conducted on the congregate plan. The boys sleep in large dormitories, admirably arranged—as, indeed, every part of the establishment is—and kept in the cleanest possible condition.

The labor is principally farm-work. The farm consists of two hundred and forty acres, nearly all under tillage. The kitchen garden contains nineteen acres; but, indeed, a great part of the land seemed cultivated like a garden. The outbuildings and nearly all the accessories are arranged and kept in the best manner. In short, this may be pronounced in all respects a model farm. The stock consisted of 18 horses, 114 cows, 7 bulls, 150 sheep, 70 large hogs, 80 pigs—all in the finest order.

While the work is, as already stated, principally expended on the farm, there is also, particularly in winter, much mechanical labor, which is distributed through a considerable variety of trades, such as carpentry, smithery, painting, varnishing, shoemaking, knitting, tailoring, spinning, weaving, straw-plaiting, &c. Very few purchases, comparatively, are made for the establishment from the outer world, almost everything required for consumption, outside or inside the body, even to the manufacture of the beer, which is there deemed a necessity, being produced and worked up on the premises. Thus, for example, the wool and flax needed for clothing is grown on the farm, and the boys spin, weave, and work it up into garments. The straw (so much as may be necessary) is plaited and made into hats. The hides are converted into leather and manufactured into shoes. Stockings are knit from the wool clipped from their own sheep, for winter use, none being required for the summer. And so on to the end of the catalogue.

This extraordinary thrift, as our New England people would call it, is the cause of the existence of a fact which, so far as known to me, is wholly unparalleled elsewhere in the history of reformatory institutions. Reference is here made to the fact that the reform school of Ruyssselede not only pays all expenses, including those of the administration, but

actually realizes a net profit every year of some thousands of francs. In 1871 the gain was 3,000 francs; four years previously it was 10,000. This result is the more remarkable inasmuch as a considerable number of the boys are too young to do much toward earning their support, and conscientious attention is given to the scholastic instruction of all.

The ages of admission are from seven to eighteen; in exceptional cases, boys younger than seven are received. The term of committal is during minority. The average stay in the institution is about three years. Some, however, remain only three months, others from eight to ten years.

Mr. Poll claims that, substantially, all the children sent to Ruysselede are saved. The number who turn out badly is brought down to within a fraction of zero.

The school at Wynghene has some fifty boys who have chosen for their calling a sea-faring life. Here, in a little lake, is a full-rigged ship, in which they are daily drilled in all nautical maneuvers and terminology. There are also, in a large apartment of the house set apart for the purpose, numerous models of vessels and craft of all sorts, with complete rigging, loaned by the museum at Brussels, to be used for the professional instruction of the young sailors.

For the rest, beyond the time devoted to this technical training, the boys in this department occupy themselves precisely as those do in that of Ruysselede—working on the same farm, but in shops at their own place.

Our next visit was to the girls' reform school at Beernem. This is conducted by a religious sisterhood, with a lady superior at its head, though it is under the general superintendence of Mr. Poll. There were two hundred and fifty inmates at the date of our inspection. We found it in no respect inferior to Ruysselede. The sister-in-chief is quick, sharp, accomplished, and energetic in a remarkable degree. I said to her: "Sister, I was surprised to learn that the boys at Ruysselede earn their full support. I presume that this is not done by the girls?" Very promptly she replied, and in a tone and manner indicating some little feeling: "The girls gain more than the boys; their earnings amount to 100,000 francs a year." They are chiefly employed in lace-making, sewing, and laundry work.

With a sufficient number of such establishments as those at Ruysselede, Wynghene, and Beernem established in all countries, the problem of the prevention of crime will be far on its way toward a satisfactory solution. How much *cheaper*, as well as better, would it be to save the vicious children than to punish them as criminal adults!

## CHAPTER XXXVI.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN HOLLAND.

§ 1. *Military prison of Leyden.*—This prison is not for soldiers who have committed offenses merely against military discipline, but for such as have been found guilty of acts which brought them within the purview of the criminal laws of the land. The prison is a substantial structure, very plain, surrounding an open quadrangle, which serves as an exercise-yard for the prisoners, who, in companies of forty to fifty,



spend an hour there every day. On one side of the hollow square is a building containing the offices, on another is the large dormitory building, and on the two others are the shops, store-houses, school-rooms, &c. There are eight large halls for dormitories, with very lofty ceilings, each having forty-eight small compartments or cells, in all three hundred and eighty-four, every one of which had an occupant on the day of my inspection, with an overplus of four prisoners. The arrangement of the cells is unique, and it struck me as excellent. They form a double row of iron boxes extending the entire length of the hall, with an encircling corridor not less than ten feet in width. The ceiling is at least twice as high as the sleeping-rooms, an arrangement facilitating the supply of pure air. The circulation of the air is further aided by the perforation of the iron which forms the front and top of the cells. Around the entire wall runs a water-trough for purposes of ablution, each prisoner being furnished with a wash-basin of his own. His towel hangs in his cell at the head of his bed, which latter is of straw, on an iron bedstead. There are but few articles of furniture in the cells, as the prisoners take their meals in the workshops.

Among the industries pursued are shoemaking, rope-making, tailoring, carpentry, smithery, painting, &c. The prisoners are allowed half of what they earn, and of this a moiety may be spent in the purchase of additional food and other comforts during their captivity, the other moiety being kept as a *masse de réserve*, to be paid to them on their discharge. The proceeds of the one-half of the labor, which goes into the chest, suffices to defray all current expenses, except the pay of the staff, who, being all officers of the army, receive their salaries in the same way and from the same fund as other military officers.

Every prisoner, if he did not know one before, is taught a full trade, whenever his sentence is long enough for the purpose, which is by no means always the case, as the sentences run from two months to twenty years.

The proportion of prisoners wholly illiterate on entrance is 10 per cent.; most of the remaining ninety have a fair common education. Nevertheless, the whole body of the prisoners are required to attend school two hours every day. Three schoolmasters are employed, who devote each six hours a day to the work of instruction, and in this they are further aided by twelve convict assistants. All the branches of primary and more advanced common-school education are taught, to which are added, in the case of all prisoners desiring it, French, English, and drawing, particularly linear or mathematical drawing. A large room is appropriated to this last-named department.

Except in the hospital, which was exceedingly neat and cosy, the prison presented a rather slovenly appearance, and could not be commended as particularly clean. Still, it has merits, and in some points might be advantageously copied elsewhere.

§ 2. *The cellular prison of Amsterdam.*—I visited this prison in company with Mr. Ploos van Amstel, secretary of the prison board, on a Sunday morning, at the hour of divine service, and heard, in low Dutch, what I presume, from its animated and graceful delivery, to have been a very eloquent sermon; I say from the manner of its delivery this was my surmise, for I could not judge from its effect on the audience, as every man of them was in his cell, and, to all appearance, with the exception of a few keepers, Mr. Ploos van Amstel, and myself, the orator appeared to be addressing himself to empty space.

After the service, we inspected the cells and other parts of the prison, all of which were found in a state of order and cleanliness that

left nothing to be desired. It is a misdemeanants' prison, where sentences range from a few days to two years. It has but two hundred cells, of which, at the date of my visit, one hundred and sixty had occupants; forty of these were women, who were accommodated in a ward entirely separated from the part of the prison in which the men are confined.

The industries are brush-making, tailoring, carpentry, smithery, &c. The state only receives three-tenths of the earnings; the other seven-tenths belong to the prisoners. Four of the prisoners' tenths are kept by the administration as a *masse de réserve* against the day of liberation; the other three are at their disposal to send to their families, if they have any, or to spend in adding to the comforts of their prison life.

With rare exceptions, the inmates can read and write when committed; still, two schoolmasters are employed to give lessons in the cells, and thus to supplement by added acquisitions the education previously possessed.

§ 3. *Detention prison at the Hague.*—Accompanied, or rather conducted, by Mr. M. S. Pols, who had been a government delegate to the London Congress, I paid a short visit to the congregate prison, in which are confined prisoners awaiting trial and those sentenced to short imprisonments. It is an old structure, built more than three hundred years ago, and seems chiefly distinguished for two qualities—massiveness and irregularity. As far as what is material was concerned, the prison is well kept, and everything was clean as soap, water, brush, and muscle could make it. But all praise must stop at this point. Prisoners to the number of one hundred and fifty were congregated there, doing almost nothing but corrupt each other by day, and at night sleeping in common dormitories, without supervision, to continue the same business with increased vigor. Few have trades when they come, and fewer still, even of the sentenced, remain long enough to learn them. There is here an ample margin for reform.

§ 4. *Patronage.*—The work of aiding liberated prisoners is well organized in Holland, is conducted in an energetic manner, and is attended with fair success. There is a central organization, with its seat at Amsterdam, called the Netherlands Society for Ameliorating the Moral Condition of Prisoners, which has forty branches scattered throughout all parts of the country, and corresponding members in thirty-seven localities where there are no branches. The great aim of all these associations, here as elsewhere, is to save the discharged prisoner from a relapse; but to this end the work of patronage is begun in the prisons themselves. In Amsterdam, and wherever branches of the central society exist, the members are permitted and are accustomed to often visit the prisoners confined in the jails of the kingdom, with a view to guide and influence them to good. Many of the societies have committees of ladies attached, who are active in this work, and whose labors are most acceptable and useful. When I had the honor to call upon the president of the parent society at Amsterdam, the venerable William H. Suringar, then over eighty years old, he showed me a thick folio volume, filled with closely-written manuscript from cover to cover, and containing the record of his personal visits to prisoners or their visits to him, in which are set down the main facts in each case. I cannot state the number of cases in that rare book, but am sure that it runs up into the thousands.

§ 5. *The Netherlands Mettray.*—This is one of the model reformatories of Europe, and is situated at Arnhem, near Zutphen, distant five hours by rail from Amsterdam. It is on an estate named Rijsselt, formerly

the seat of a nobleman; now an agricultural reformatory colony, founded twenty years ago by Mr. Suringar, mentioned in the preceding section, and designed for vagrant and vicious boys, not yet criminal, but in imminent peril of falling. It is a close imitation of the French Mettray, and is conducted on the strict family principle. There are ten houses for boys, each capable of accommodating fifteen. They are arranged on the two sides of a parallelogram, (five each side,) with the residence of the director at one end of the quadrangle, and the beautiful little church of the colony at the other. In the rear of the director's residence are the workshops, school-house, &c. On either side of the quadrangle, but at considerable distance from the other buildings, are the picturesque residences of the sub-director and schoolmaster. A large and substantial farm-house, with all needful out-buildings, near but outside the main entrance, completes the *tout-ensemble* of edifices belonging to the establishment. The spacious square itself, around which all these structures cluster, has the appearance of an elegant garden, in the center of which is a charming flower-plot. The effect, to an observer on passing the iron gate which forms the chief entrance to the colony, is very pleasing, the *coup d'œil* offering to his view what at first strikes him as a miniature paradise.

I was the bearer of a letter of introduction from Mr. Suringar to Mr. Schlimmer, the director of the colony, who has served in that capacity from its origin, and has developed rare gifts and aptitudes for the place. The sub-director is a Mr. van Veen, who has occupied the post for only two years, during which time he has given indubitable proofs of special fitness for its duties. Mr. Schlimmer, knowing only German, committed me to the sub-director, who could speak French, and who conducted me through the establishment, explaining every part in the most satisfactory manner.

It has already been stated that the ten family houses are for fifteen boys each, and they were full, or nearly so, on the 7th of August, 1872. At the head of each household is placed a monitor, selected from among the larger boys, who acts as an under-officer during the day, and has sole charge of them at night. This system has been substituted for that of house-fathers—first, on economic grounds, and, second, because of the difficulty of finding suitable persons willing to serve the colony in that capacity. The interior of the family-houses is simple and commodious, but they were not remarkable for cleanliness, and the establishment seemed to me to suffer sensibly from the lack of female care and influence. Each house has a dwelling-room, wash-room, and closet on the ground floor, and a dormitory above. The meals are prepared in a general kitchen, from which they are taken to the several houses, and each family breakfasts, dines, and sups by itself.

The labor is chiefly farm and garden work, sixty-four acres constituting the farm. There is a kitchen garden of eight acres, and a smaller garden for fruits and flowers, with nursery, hot-beds, and conservatory, where the boys are taught and trained in all the mysteries of both the ruder and finer kinds of gardening. A considerable income is derived from the sale of flowers, as well in pots as bouquets, and also from that of fruits, large and small. The occupations of the colony, additional to farming and gardening, are shoe-making, tailoring, carpentry, cabinet-making, smithery, painting, varnishing, baking, and, I think, a few others. As far as possible—and it is found possible in most cases—the boys are permitted to choose the calling they will follow. There is even a normal school and a military school in the establishment, where those whose tastes incline them to teaching or military life acquire the *tec hni*

cal knowledge and training required for those professions. I was curious to know how many schoolmasters had been graduated from this seminary. The sub-director was unable to give the aggregate, but said that eight had gone out to be teachers during his two years' incumbency. One of these was on a visit to his former home when I was at Rijsselt. He was a stout, manly-looking youth, and seemed greatly to enjoy this renewal of intercourse with his late comrades. He reported himself as "doing well," and as satisfied with his place and prospects.

Only boys over nine and under fourteen are received; on an average, they remain two years at the colony; and their services, on discharge, are much sought after. Not more than two per cent., according to the best evidence—so Mr. van Veen stated—ever become criminals. Most of them would no doubt have followed a life of crime but for their training here. How noble and—let us not forget to say to people who do not love taxes—how cheap a charity this is, clearly appears from the fact that seven hundred and twenty boys have been admitted to its benefits, and five hundred and seventy-one have gone forth from it, to add to the productive industry of the state, instead of being spoliators and destroyers of its wealth, and no less so of its virtue.

The appearance and demeanor of these lads impressed me most favorably. One never would have guessed that they had been little Arabs of the street. Except a few low and repulsive faces, the whole company appeared well-mannered, cheerful, respectable youths. Their manly bearing and quiet, orderly movements showed the care bestowed on their bodily training, and, by what I was told, their moral training bears a fair proportion to the physical. A profane or vulgar word (so I was assured) is seldom heard, even when the boys are by themselves. The officers have succeeded in forming a right public opinion among their *élèves*, which acts with great force, and, as a consequence, have created an *esprit de corps* which finds expression in such phrases as "We are the boys of Netherlands Mettray! We respect ourselves, and mean that others shall respect us."

All the boys are well instructed in the several branches of a common-school education, and special attention is given to music. An hour is devoted daily to this branch by the whole school, not all at the same time, but in groups, according to their advancement. I was present at a class-exercise of this kind and observed how thorough and even scientific was the instruction given, and how intense the interest and delight of the boys in their work.

Every Sunday, in the morning, the boys attend service in the parish church of the neighboring village; in the afternoon at the church in the colony. Other parts of the day, deducting what is given to suitable recreations and rest, are devoted to sacred song and various religious exercises. From 7 to 7.30 on each morning of the week-days a service of prayer is held in the church, which is conducted in turn by the director, sub-director, and schoolmaster, who reads a chapter and accompanies the reading with such comments as he sees fit, and all unite in singing a hymn, while one of the boys plays the organ.

As a means of moral education much stress is laid on what is called the "sentence system." It has long since been observed that a pithy saying, a proverb, a fable, even a single word that infolds a pregnant meaning, often produces a happy and lasting effect upon the young mind. Charles Dickens, when on a visit to a reformatory in Massachusetts, being called upon for an address, said simply: "Boys, do all the good you can, and make no fuss about it." That curt, crisp sentence was better for the boy: than would have been an hour of silver-tongued

rhetoric. So the conductors of the Netherlands mettray have thought it good and helpful to make much use of such sentences as these, (sometimes hanging them on the walls, sometimes giving them out to be learned by heart:) "He who seeks himself will not find God." "A poor man he, who has nothing but money." "He is a fool who lives poor to die rich." "Labor has a golden bottom." "Care for the moments, and these will care for the years."

Whenever anything extraordinary takes place in a family, or when a boy makes himself notorious by his bad behavior, a sentence is applied. Thus, on the occasion of the death of one of the parents of a boy, a consoling text or sentence is suspended on the wall of his dormitory. One day a boy was overheard using foul speech to a comrade. The sentence, "It is better to be dumb than to use the tongue for filthy talk," was given to him, which he had to read to the company every morning for eight days. It had the desired effect.

In a corner of the colony farm there is a secluded and beautiful little cemetery, where are interred the remains of twenty-three *colons*. At the head of each grave is placed a little painted board, with the name, age, &c., of the lad who sleeps beneath, and the mound surmounting the grave is planted with flowers. Near the center of the cemetery stands a large, spreading tree, with its thick branches drooping to the earth, beneath which the remains of Mr. Suringar were to be interred. Already, while I pen these sentences, in less than six months from the time of my visit, the good man who founded this noble institution sleeps peacefully in his last, self-chosen resting-place. "The memory of the just is blessed." That of William H. Suringar will be green and fresh in many a heart as long as the Netherlands Mettray continues its benign and beautiful work.

## CHAPTER XXXVII.

### PERSONAL INSPECTION OF PRISONS AND REFORMATORIES IN FRANCE.

§ 1. There are two distinct prison administrations in France—the prefecture of police and the ministry of the interior. The former has charge of the prisons of the department of the Seine, the latter of all the other penal establishments of France. Their jurisdictions and all their movements are as independent of each other as if they were on the two opposite sides of the English Channel. Mr. Lacourt is chief of the division of prisons for the department of the Seine, Paris; and Mr. Jaillant, under the minister, of the division of prisons for the rest of France. I called upon both these gentlemen, and had a long interview with each, with a twofold aim—first, to gain information, and, secondly, to obtain the necessary authorizations to inspect the prisons within their respective jurisdictions. *Tout le monde* had spoken to me of Mr. Jaillant as a person of rare qualities and worth, and I found *tout le monde* quite right in its estimate. I was profoundly impressed with the breadth of his intellect, the largeness of his heart, and his thorough devotion to the cause of prison reform; and the same impression was made upon me by his chief of bureau, Mr. Jules de Lamarque. Mr. Lacourt is also a noble specimen of humanity, a man of large intelligence and broad sympathies, and, like Mr. Jaillant, "well reported of" by his fellow-citizens. Mr. Jaillant kindly furnished me with a permit to visit prisons out of Paris, and Mr. Lacourt to inspect those within that city. His author-

ization, which I give as a matter of curiosity, is in these words: "The directors of prisons in the department of the Seine are authorized to admit into those establishments Mr. Wines, who has been delegated by the American Government to organize an international prison reform congress, together with any friends who may accompany him, and to afford him all the information he may desire. Mr. Wines is recommended in a very particular manner to the courtesies of the directors."

I inspected all the prisons of Paris; two central prisons, one male, the other female; and two (outside of the capital) for the detention of persons awaiting trial, and for prisoners convicted and sentenced for minor offenses.

There are eight prisons in the city, viz: 1. The Grand-Dépôt of the Prefecture of Police; the Conciergerie; Mazas; Sainte-Pélagie; Saint-Lazare; La Santé; the Grande-Roquette; and the Petite-Roquette.

§ 2. Before proceeding to any description of these establishments, however brief, it seems proper, if not necessary, to give explanations of a few terms employed in the French criminal nomenclature, which, before going abroad, had troubled me not a little for the reason that I was unable to comprehend exactly what they meant. I refer to the words *inculpés*, *prévenus*, and *accusés*. The equivalents of these words in English all designate persons charged with some offense; but the exact distinction is difficult for us to grasp. Indeed, they convey to us no distinct meanings, because there is nothing in our judicial processes to correspond to them. The *inculpés*, then, are persons who, having been arrested either on a warrant or *flagrante delicto*, (in the act of committing a crime,) are conveyed, prior to a hearing, to some prison for safe-keeping until their examination takes place. The *prévenus* and the *détenus* are *inculpés*, who have had their first hearing, and have been ordered by the committing magistrate (*juge d'instruction*) to be held for trial. But there is a difference between them. The *détenus* are prisoners held for trial on a charge of misdemeanor, (*délit*;) the *accusés* are prisoners held for trial on a charge of felony, (*crime*.) The two classes are taken before different courts for trial—the *détenus* before the tribunal of correctional justice, where the trial is by the judges alone; the *accusés* before the court of assizes, where they are tried by a jury. The account to be given of the prisons of Paris will be more intelligible for these short explanations.

§ 3. *The Grand-Dépôt of the Préfecture of Police*.—This is a prison for persons who have been arrested by the police, but have not yet had their hearing before a committing magistrate, (*inculpés*.) It is a vast pile in one of the courts of the prefecture, with a capacity for 1,200 to 1,500 prisoners; but into it, I was told, are sometimes crowded 2,000. I may remark, just here, that the committal and discharge of prisoners, not only here but everywhere in France, are made with perfect regularity. In every prison the director or keeper must have one or more registers, signed on each page by the prefect or some magistrate. These registers record the act of delivery of each prisoner, and, on the margin, the date of his discharge, as also a copy of the decree, arrest, or judgment, in virtue of which it has place. It is thus easy to be sure of the legality of every imprisonment.

The legal time of detention in the Grand-Dépôt is twenty-four hours; but such is the accumulation of business and such the pressure upon the time of the magistrates charged with the preliminary examinations, that prisoners are often detained here a week or more. In the male department there are some fifty separate cells for the better class of prisoners, and a somewhat less number in the female wards, whose inmates, I

was glad to observe, were altogether under the care of women. But the mass—and a seething mass it was of corrupt and corrupting humanity—were thrown pell-mell together. If the problem had been to create a sort of cosmopolitan exchange, where the most dangerous villains, drawn to Paris from all quarters, could meet, become acquainted with each other, and lay plans for future crimes, the intent could not have been better carried out. A hundred desperadoes, or more, are there to be seen in a single vast apartment—the scum of all crafts, the shame and terror of the city. The flow inward and outward is without interruption. The coming and going never cease. The movement is like that of a shuttle, that incessantly shoots from side to side of the growing texture. Indolent, suspicious, cunning, lovers of darkness because of the villanies that are sheltered by it, they are little to be feared when separated from each other. But here they are brought together by the law itself; they are kept in absolute idleness for days, or even weeks; they become acquainted; they organize; they plan; they know where to meet on the first moment of liberty. The young thieves learn from the old ones. They are taught the *good strokes* to be made. They are instructed in the best modes of operating, from the picking of a pocket to the breaking into a house. They learn the whole theory of crime. They are told where to find the safest receivers and the worst haunts. And so the army of crime is recruited more steadily, as well as surely, than were the legions of Napoleon by the most relentless conscriptions. The children are, it is true, separated from the adults; but not from each other. On the contrary, they are confined in association, without supervision, in an adjoining apartment, where, it may readily be believed, the precociously wicked will exercise the greatest influence. I saw there, in one of the exercising-yards, a most piteous sight—some fifty boys or more, from seven years old to fifteen, all huddled together like sheep in a pen, some of whom, from the sobs and blood and angry tones and fresh-torn garments, had been engaged in a fearful fight. In the women's ward, also, there is the same promiscuous association; and, of course, the same effect of mutual contamination. The authorities aim to keep the lewd from the rest, but those most affected with this spirit, and therefore the most dangerous corrupters, are not always known to the police. Of what evils may not such contact be the cause?

§ 4. *Mazas*.—This prison is appropriated to the *précéus*—that is to say, persons who have been placed by the examining and committing magistrates in the category of misdemeanants, and the trial of whose cases has been assigned to the tribunal of correctional justice. It is therefore a prison of preliminary detention mainly, though there are some prisoners here under sentence. It is a strictly cellular establishment, and may be said to be the gift of Pennsylvania to France. It is the chief fruit, or at least the most tangible, of the visit of de Beaumont and de Tocqueville to this country forty years ago. It belongs to the largest class of prisons, the number of cells being twelve hundred, and the mean population a little more than eleven hundred. I cannot undertake a complete description of this immense structure. Its exterior aspect is somber and gloomy to the last degree. Stretching its lofty walls of immense hewn stones on the side of the street opposite to the station of the railway of Lyons, it offers in its dismal appearance and its intense silence a striking contrast to the animation and bustle which surround it on all sides. The moment you are fairly within, the arrangement of the entire structure is apparent. The cellular system yields up its secret on the instant. A single glance tells the whole story.

There are six vast galleries, twelve and a half meters\* high, three and a half wide, and eighty long. Six enormous passage ways, radiating from the rotunda, separate the wings from each other. It is majestic, certainly, but cold and saddening as well. A staff of seventy officers, under the director, consisting of a deputy, seven sub-deputies, and sixty-two overseers, here accomplish, day and night, a wearisome service; for it is unceasing. Clothed in a blue tunic, on whose collar shines a silver star, and whose buttons have in the center an open eye, (symbolic of eternal vigilance,) surrounded by the words *Prison de la Seine*, the overseer passes and repasses incessantly from end to end of the gallery intrusted to his custody. He looks through the little hole in the door of the cells, fitly named *judas*; he stops if he hears any unusual sound; he sees everything, without being seen himself; turning mechanically between his fingers the heavy key which opens all the doors, he glides rather than walks, and at night wears list slippers, that he may pass more quietly. For the most part, he is an old soldier, formed to habits of strict discipline, and familiar with all the severities of the camp. To look at him, one would say that he forms part of the prison itself. He is silent, like it; he never smiles, and if he speaks, it is ever in a low tone. In passing through a vast cellular establishment like Mazas, one feels, unavoidably, as if he were in a sick-chamber. 'Tis an instinctive sensation, and not groundless, for moral, like bodily, lesions often partake of the character of morbid affections. By living constantly in the midst of prisoners, the keeper comes to look upon them as he does on other people; he feels neither horror nor pity. He is polite and even gentle toward them, partly, perhaps, from a kind of indifference, but also because he is advised to such a conduct. But he is no less prudent than polite, and in retiring from a cell he always goes backward. He sees that the regulations relating to the prisoners, which are simple and easy to follow, are strictly carried out. At 5 o'clock in summer, and 6 in winter, the prisoners are rung up by a bell in the rotunda. At the end of a half hour each prisoner must have his hammock rolled up and attached to hooks in the wall, and his cell swept and put in order; the doors are then opened and the night-vessels removed; at the same time the water and bread for the day's consumption are distributed. At 8 the morning soup is passed into each cell in a porringer; at 3 the evening meal is distributed; at 8 the bell rings, and the prisoner arranges his hammock, and makes his bed. This is the locking up. At 10 every light is put out, unless a special authorization is accorded by the director, who, indeed, rarely refuses it when asked. During the day the prisoner works in his cell at some one of the industries carried on in the establishment—plaiting jute-mats, making list slippers, sewing copy-books for school-children, making buttons and small iron chains, tailoring, shoemaking, working at his own trade, &c. The number of days' work done at Mazas in a year is about a quarter of a million; the aggregate earnings not far from 100,000 francs; and the average earnings per man for each day of work 40 centimes, equal to 8 cents. The contractor is represented in the prison by a foreman from outside, who chooses, by designation of the director, a number of prisoners who, being more intelligent and attentive than the rest, are made chiefs of shops, wear on the sleeve a piece of red lace, communicate with their comrades in distributing work and giving directions concerning it, and thus enjoy a relative liberty, much desired and much envied. The least infraction of the rules

\* A meter is 39 inches.



costs the man thus promoted his strip of lace, sends him back to the ranks of the prisoners, and again locks the door of his cell, which the necessities of his service had required to be left open the whole day.

Mazas is well guarded. The gratings are solid; every door and gate is kept firmly locked; the walls, of which, as in all French prisons, there are two, with a wide space between them, are thick and high; the overseers have their eyes wide open, and during the night sentinels are posted in the circling space between the two inclosures just mentioned. The element of power is ever in view here, and material force seems the chief reliance. And in one respect the success has been complete. Not a solitary escape has been effected in twenty-five years, and only one attempt to escape has ever been made.

§ 5. *The Conciergerie.*—This prison is destined to the reception of men and women to be tried by the court of assizes, (*les accusés*,) and of sentenced prisoners who have appealed to that court against the judgment of a tribunal of correctional justice. It is an old prison, dating back hundreds of years, which, if its walls could speak, might reveal deeds of oppression, cruelty, and torture, which would make the blood curdle. The Conciergerie is an irregular pile, inclosed within the old structures of the halls of justice, (*palais de justice*,) with walls of terrific thickness and solidity, with gates and bars of massive iron, and interpenetrated through and through with startling and horrible memories. As I was passing into the apartment where Maria Antoinette was confined as a prisoner of state, I was warned to be careful; but as the special point for caution was not indicated, and I was looking only to my feet, my head came into very unpleasant contact with the iron lintel over the door, which almost made me stagger. A gentleman at my side instantly remarked: “Maria Antoinette bumped her head on that same lintel when she was brought in here.” The Conciergerie is deep below the present level of the adjoining streets. Its interior has a sinister aspect—dark, gloomy, repellent. In certain of its passages, lamps, kept burning at all times, give but a lurid light. Its yard resembles a well, whose sides bristle with points of iron, which prevent all scaling. There, until within a few years, were seen, sitting or walking along the wall, groups of prisoners awaiting trial in the court of assizes. But a cellular ward has now been provided for these, which surrounds a long rectangular court. In their place have been sent police prisoners, sentenced to a single day’s imprisonment. Their day is passed in this yard. They pass the night on mattresses spread on the floor of the room, and the crowd is said to be often so great that even this space is wanting. What of evil may not a single day and night spent under such circumstances accomplish? Is not the influence of depraved men, even for so short a period, enough to draw into the paths of crime an irresolute and feeble spirit?

§ 6. *The Grand-Roquette.*—This is a dépôt for sentenced prisoners, whether their sentence is imprisonment in a central prison, in the bagnio at Toulon, or in a penal colony, in which case they are confined here after condemnation till their removal to their final destination; or to death, in which case they remain here to the day of execution, which takes place near this prison. The number of prisoners varies from four hundred to five hundred. This prison has a certain celebrity among criminals, for it is, so to speak, the vestibule of the guillotine. The system is that of associated labor by day, and cellular separation at night. The courts are large and airy; and the discipline is more severe than in the other prisons of Paris. Every morning, as soon as it is fairly light, the scene becomes animated. The heavy iron gate, which bars the

entrance, is opened to admit a huge four-horse omnibus, which comes to convey to the railway the prisoners awaiting transfer. Before their departure barbers cut their hair in such manner that the skin of the cranium, appearing between the successive ridges, gives them a zebra-like appearance; this is the distinctive toilet of the galley-slave. After this, the convict is stripped and a thorough examination made of his whole person. When this scrutiny is completed he is re clothed in a new prison garb, and his legs are fastened together by chains long enough to allow him to walk, but too short to admit of his running. Bracelets are next attached to the wrists with a key, under conditions which make it impossible for him to bring his hands to his head. The roll is then called; each convict, in replying to his name, must state the amount of peculium to his credit, which is placed in the hands of the conductor, and not given to him till his arrival at the prison to which he is sentenced. Conveyed to the railway station in a cellular omnibus, the convicts are placed in a car divided into eighteen separate compartments, which they may not leave till they reach their point of destination.

A sickening tragedy had but recently been enacted within the walls of the Grand-Roquette, when I visited it in 1871. It was the execution, the assassination rather, of the venerable archbishop of Paris and the president of the court of cassation, by those incarnate demons, the communists of Paris—two men without stain of any kind, and whom all the good revered and loved. I saw, with a melancholy interest, the cells in which they had been confined, and the spot on which they were murdered; for, surely, it was nothing less or other than murder. With several others—a half dozen, or more, I think, of inferior rank and name, but as innocent as they of any crime against the state or against good manners—they were shot down as felons for whom the sun ought no longer to shine, or the earth to yield her fruits. From their solitary cells they were conducted in silence down winding stairs, along lengthened galleries, through open courts, (where the unaccustomed sunshine brought with it a gleam of joy to their wasted and weary hearts,) and between the massive double wall, to a remote and hidden corner of the prison. Here they were ordered to stand with their backs toward a platoon of sixty soldiers, only a few paces distant. This order the archbishop positively refused to obey, but boldly faced the murderous iron rain. His companions fell instantly, on the discharge of the musketry, but the archbishop did not; whereupon, at the word of command, two soldiers advanced and, with the muzzles of their rifles almost in contact with his person, discharged their death-dealing contents into his heart. I counted more than thirty places in the prison-wall just behind where the victims fell, on which the bullets had left their mark. Before his martyrdom the good man made this memorable declaration to his assassins: "You may take my life, but, in so doing, you will but add new force to the principle which I represent."

§ 7. *Sainte-Pélagie*.—This is a house of correction, which receives men sentenced to terms of a year and less. To persons sentenced for political offenses a special ward is assigned, which is entirely separated from the others. The average population of the prison is from five hundred and fifty to six hundred. An old structure, reared more than two hundred years ago, it is but ill-suited to its present purpose. All the repairs put upon it—and they are plentifully renewed year by year—have little effect. It bends, as it were, under the weight of time, and a foul and repulsive antiquity invests it with an air and an odor that are anything but agreeable. The prisoners have no dining hall; they eat in the open court;

there, also, they make their toilet, at a fountain. When it rains, they take their meals in a vast hall on the ground-floor, composed of a half-dozen or more chambers, whose partitions have been removed—with portions, however, of the thick walls left still standing, and offering, everywhere, obscure angles, into which the eye of the keeper penetrates with difficulty. It is in the terrible associations of this hall that the language of villany is breathed in whispers. It is there that they boast of their high achievements in the past; there that they plot new acts of crime; there that they prepare, in advance, the good strokes they will make when the hour of their release is come; and there that they organize those combinations which keep the police ever on the alert, terrify honest people, and weary the tribunals of justice. A man enters after having committed a peccadillo; he goes out schooled to crime and ripe for the galleys.

But labor is well organized at Sainte-Pélagie, and the workshops are hives of busy industry. You see there a ceaseless activity and good work done. With sleeves rolled up and hammer in hand, workmen are fabricating velocipedes; tailors, squat and cross-legged, are busily sewing garments for establishments of ready-made clothing; they make chains; they cut lamp-shades out of paper, &c. Until recently, they manufactured chignons at Sainte-Pélagie. That industry has been given up there; but I afterwards saw it practised on a large scale in the central prison of Melun. The hair, bought from doubtful heads, gathered little by little, from all quarters, drawn out by the comb, wound round cards, thrown into the street and collected by the hook of the rag-picker, is assorted by colors, divided according to the length, cleansed in a manner that scarcely increases its attraction, and fastened by the hands of prisoners on silken threads. Thence, when massed and arranged according to the rules of art, it goes to the Rue de Rivoli, in Paris; Regent's street, in London; Broadway, in New York, and wherever else ladies, not satisfied with the covering of the head provided by nature, imagine that they can increase their charms by additions of such dubious origin.

Sainte-Pélagie is surrounded by high and thick walls, on which are stationed at night a number of sentinels; but, despite this auxiliary surveillance, escapes can and do take place. On the 12th July, 1835, twenty-eight political prisoners managed to get away. When the director, in measureless fright, went himself to report the fact to his chief, the prefect of police, the latter dryly replied with a smile, "So much the better; the republic is deserting."

§ 8. *Saint-Lazare*.—This is an exclusively female prison, devoted to the reception and treatment of several classes: 1. Women awaiting trial or sentenced correctionally for terms of one year and under. 2. Women sentenced to a central prison and awaiting removal, or to death and awaiting execution. 3. It is a house of correctional education for girls under age, sentenced according to the terms of the penal code, or placed there by way of paternal correction. 4. Prostitutes correctionally sentenced as a measure of municipal police. For each of the above categories there is provided a distinct ward. The legal capacity of the prison is 1,150, but the prisoners are often in excess of that number.

The prison is an immense pile, very ancient, with an old and decrepid look. Originally a convent, it has been turned into a prison. Good, doubtless, for the first of these uses, it is exceedingly ill-adapted to the last. With large courts, shaded by venerable trees, it has wooden stairways, dormitories under the roof, workshops, taken apparently at random, huge refectories, lofty walls, a chapel large enough, but plain

almost to nakedness, and a neat little oratory, occupying the site of the apartment of Saint Vincent de Paul, which was the cradle of the religious order of the Lazarites.

For more than thirty years the prefecture of police has sought to change this state of things. It has protested, argued, pleaded for the construction of a house destined to receive female prisoners under sixteen years, and girls in their minority, confined by way of paternal correction. It has no power, no budget; it can only supplicate. But the municipal council has turned a deaf ear; it had no money. Meanwhile, magnificent barracks, splendid churches have been reared on all sides, but no house of refuge has yet lifted its walls where female children, who have fallen in a moment of forgetfulness, and whom it is necessary to save at any cost, and to give to marriage, to honor, to maternity, may find a retreat for repentance and amendment, away from the purlieus of public prostitutes and professional thieves.

What has been the result of this economy, which wastes souls to save dollars? Just such as might have been expected. Mr. Maxime du Camp, to whose interesting papers on the prisons of Paris in the *Revue des Deux Mondes* I acknowledge myself indebted for valuable facts and suggestions, and whose expressions I have not hesitated sometimes to translate, says that every young girl who enters Saint-Lazare as a correctional leaves it vicious and corrupted to the very core of the heart. And he gives convincing proofs of this, in which, however, I do not propose to follow him; but the conclusion which he reaches is, that whoever becomes an inmate there is lost, unless saved by a miracle. These young female correctionals work in association, but sleep in separate cells. All the other inmates are together day and night. In the dormitories the beds are pressed one against the other, and in the workshops the chairs touch. It is enough to mention this fact; its corollary is but too obvious.

At Saint-Lazare, in vast structures connected with the principal building, are found the general magazines and the bake-house of all the prisons of Paris. Day and night the ovens flame and the kneading-troughs are in use. The average of bakings is thirty-two a day each, yielding two hundred and thirty loaves. The magazine for clothing is a place most interesting to visit. Under the direction of an active and intelligent woman, the shirts, sheets, socks, and caps are ranged in different compartments. Farther on you see strait-jackets of sail-cloth, buckled with seven straps, intended to restrain the resistance of the furious, or paralyze all thought of suicide in prisoners condemned to death. In another place are seen winding-sheets of heavy brown linen, in which prisoners are wrapped for burial, who have at length dropped the chains of this present life. In still another apartment are piled the blankets, waistcoats, pantaloons, and other woolen garments, which have to be protected against the injury of moths. All the linen, all the clothing worn by the prisoners of Paris, goes from this wardrobe and comes back to it again, when it becomes unfit for further use. Every year there is a general sale of the articles which are no longer serviceable. Who would believe that the tattered garments which have been used in prisons have still a marketable value? But so it is. The old linen is bought by the hospitals, which make from it an excellent lint. Paper-makers, finding there genuine hempen cloth, are eager to obtain it for the manufacture of certain fine kinds of paper best made from that material. It is sought also by railway companies, who give it to the stokers to burnish the brasses of their locomotives. The woolen rags are bought, cut up, carded anew, spun, and woven into those light

cloths which manufacturers know how to make up into garments, which are sold at low prices and yet yield fair returns.

§ 9. *La Santé*.—This is the model prison of Paris, and is, without doubt, one of the best and most beautiful in Europe. It has been recently erected, at a cost of more than 5,000,000 francs. It was built under the immediate direction of Mr. Mettetal, a member of the National Assembly, a gentleman of great ability and worth, and profoundly versed, from study, not from experience as a prison director, in penitentiary science. It will be worth while to go a little into detail in describing this prison, in order to present, in outline at least, a sort of tangible embodiment of the ideas to which his studies brought him. The prison covers about seven and a half acres of ground, is built in the form of a trapezium, and is entirely separated from all other buildings. The constructions are divided into two distinct prisons, are built on two distinct plans, and are designed for two distinct classes of prisoners. One part of the prison is for the treatment of prisoners who have had their first hearing, and are awaiting trial, (*prévenus*;) this is constructed on the cellular plan, like Mazas, and can receive five hundred inmates. The other part is for the treatment of convicted prisoners, who have been sentenced to correctional imprisonment for terms not exceeding a year; it is composed of halls, workshops, common eating-rooms, and separate cells for sleeping; like the cellular portion, it has accommodations for five hundred.

The part of the prison designed for the *prévenus* (those awaiting trial) consists of four wings, each pierced by a large nave or gallery, flanked on both sides by three tiers of cells. Each nave is lighted, partly by glass placed in the roof, and partly by a huge bay-window at the end, protected by iron bars. The chapel, placed in the circular building in which the four radiating galleries of cells terminate, communicates with the prison of the sentenced, (*condamnés*), by means of an intermediate or connecting gallery, called the "hospital construction," (*bâtiment de l'infirmerie*.) The rotunda is surmounted by a cupola covered with tiles, like the rest of the edifice, and on the two sides rise immense draught chimneys, which serve the double purpose of heat and ventilation. The prison for the sentenced, which occupies the narrower portion of the trapezium, is to the west of the cellular prison for those awaiting trial. The exterior walls of all these constructions are of immense square stones, cemented, the partition walls being in brick. The buildings designed for the accessory services are in the irregular courts between the wings, and are of hewn stone. Those for the use of the administration are at the bottom of the first court, or court of entrance. Here all the employés are lodged, without communication with the interior. Fifteen to twenty industries—the making of mats, umbrellas, candle-boxes, &c.—are carried on in this great establishment, the prisoners in separation working in their cells, while those in association labor in silence in common work-shops. Thus, classification, industrial labor, cellular separation for the *prévenus*, association in work and separation by night for the sentenced—such are the elements of penal treatment, such the agencies of reform, employed in the mixed prison of La Santé.

Each cell in this prison is 12 feet long, 6 feet wide, and 9 feet high, equal therefore to 648 cubic feet. So perfect is the ventilation that not the slightest disagreeable odor is perceptible even in those cells where the prisoners are confined day and night.

Ingenious contrivances for overcoming grave difficulties and securing valuable facilities abound in this prison. To give an example: The altar in the chapel, which, as already stated, is in the rotunda, is so placed that the officiating priest can be seen by every prisoner confined

in the four wings of the cellular ward, the door of his cell being set a few inches ajar and securely locked. At the same time the folding-doors of the congregate part, which form the partition between the two prisons at that point, being thrown open, every prisoner in association has also a full view of the ministrant. This is but one among scores of such contrivances, all due to the genius of Mr. Mettetal.

It cannot fail to have struck the reader that the two penitentiary systems, so different in themselves, in use at Mazas and Sainte-Pélagie, are united in the prison of La Santé; both of them, however, under greatly improved conditions. Here the prisoner sleeps on a real bed, which can be raised and fastened to the wall. The table is a flap, supported on an iron standard, with a hinge for letting it down. The chair is replaced by a stool. The floor of the cell is composed of oaken boards inlaid. A special chapel, or at least special church accommodations are provided for the prisoners of each faith, under each penitentiary system, viz: Catholic-cellular, Catholic-congregate, Protestant-cellular, Protestant-congregate; and, in like manner, a miniature synagogue is consecrated to the use of the few Israelites occasionally confined here. This prison is the only one in Paris which has a sheltered wash-house, built expressly for the purpose, where the prisoners, on rising in the morning, can perform their ablutions; a fact referred to, with keen sarcasm, by Mr. Du Camp, as showing how slowly reforms are introduced, when they have to make their way against the good-will of the budget. The courts here are spacious; and in the workshops air and light enter without obstruction, and therefore in quantities to meet every necessity of health and comfort. On this prison Mr. Du Camp makes the following remark: "In presence of these two opposite systems, which are here placed side by side, under the eye of the same director, an experiment is in progress, whose results it will be easy to record, and which will afford essential aid to those who are in search of a solution of the penitentiary problem. From records thus made up may be determined, after a sufficient lapse of time, which system sends back to the tribunals the largest number of recidivists." I must respectfully dissent from this opinion, and for the following reasons: 1. The prisoners of La Santé, subjected to the two systems, belong to essentially different classes, and their treatment has in view essentially different ends: consequently, there is a diversity in the premises, which would vitiate the conclusion. 2. The cellular system is applied, at La Santé, to prisoners awaiting trial; prisoners, therefore, whose guilt or innocence has not yet been determined, and who, as a further consequence, are not under criminal treatment at all. 3. There is no difference of opinion among enlightened penologists as to the application of cellular separation to this class of prisoners; all favor it as a matter of prime importance. 4. Even the correctionals at La Santé have, as their maximum, an imprisonment of only one year, and that of the greater part falls far below that limit. Cellular imprisonment for such short periods would furnish no *data* for conclusions relating to that species of imprisonment for lengthened terms. 5. There is a general, not to say universal, agreement among students of penitentiary science, that to give a sharp, energetic notice to first offenders, mainly with a view to deterrence, the best dose is a few months of strictly cellular confinement. 6. Experiments like that at La Santé, embodying the two systems, to furnish comparative results of real value, must be conducted under two conditions: *a.* They must embrace times of such lengths, and subjects of such a class, as belong to debatable ground. *b.* They must be applied by officers free from all prejudice in favor of the one

system or the other, so that their observations and judgments shall be absolutely impartial—a condition hard to be realized.

I cannot close this account of La Santé without stating the strong impression made upon me by the intelligence and courtesy of the director, as well as by the politeness of his staff, who vied with each other in the alacrity with which they answered questions, and, in every way, sought to promote the gratification of their visitor. The same remark will apply to the *personnel* of the other prisons of Paris.

§ 10. *La Petite-Roquette*.—This is a prison, or, speaking technically, a house of correctional education, for juvenile delinquents of the male sex. There are received into it prisoners of four classes: 1. Children under sixteen, arrested but not tried. 2. Children of the same maximum age, under sentence. 3. Children *in transitu* to agricultural colonies. 4. Minor children, against whom their parents have obtained a decree of correctional imprisonment. It is on the cellular system. Think of it! Babes, almost, shut up for weeks and months in a cell! They have even separate exercise-yards. They have hoops there which they trundle in the few square yards allowed them. But the place is too strait; the hoop strikes the wall after two or three revolutions, and the children, weary of this mere mockery of play, sink down upon the ground to dream of some place of real amusement. Separation by day, separation by night, separation at meals, separation at work, separation in play-time, separation always and everywhere, and that in the case of children, the very age when freedom, play, and motion are almost an essential condition of existence—certainly an absolute condition of healthy existence. It is the saddest prison I ever saw; and it would be intolerable if it were not for the "Patronage Society for liberated juveniles of the department of the Seine," to be hereafter noticed. Mr. Du Camp has well remarked that La Petite-Roquette is perhaps the most important prison in Paris, because its inmates are children whom it is necessary to snatch from crime, and to lift up to industry and virtue; and that therefore it ought to be managed on a different principle, and placed near Paris, on some large farm, where the children could feel the benign influence of the sun and the open air.

§ 11. *The central prison at Clermont*.—This is the largest female central prison of France; it is also the best conducted and the most successful. The site is magnificent. It stands on an eminence just outside the city, and commands a prospect as extensive as it is charming. The *germ* of the prison was an old castle of the middle ages, in which the first of the Bourbon kings was born. I was shown through the prison by the director himself, Mr. Baille, who explained everything with the utmost patience. The discipline I found equal to that of the Albany penitentiary. The order and cleanliness were most admirable. The floors of all the apartments, including the kitchen, were white from constant scrubbing. The tins, coppers, and brasses were scoured and burnished to the last degree of brightness. The prisoners' beds were made of a mixture of wool and horse-hair. The sheets were like snow, and the gray blankets had an unusually tidy appearance. To the question how often the sheets were washed, the director replied, "Just as often as they need it;" and their appearance showed that the answer was not a cover for official neglect, but the literal truth. In reply to another question, he said that the underclothing of the prisoners would be washed three times a day, if such a thing should be necessary to cleanliness.

The women sleep in common dormitories (a plan not to be approved)—seventy-five to one hundred in an apartment—with a sister in an

adjoining room, and a matron, herself a prisoner, in the dormitory with her fellow-convicts. There are four dining-halls. Underneath each table, and forming a part of it, is a box of the same length, divided into as many compartments as there are occupants of the table—one for each—in which they keep their salt, pepper, and vinegar, together with whatever they may have purchased for themselves. But how do prisoners come into the possession of money? I will explain. There are three kinds of sentence to the central prisons, viz, simple imprisonment, reclusion, and hard labor. The last-named of these sentences, in the case of men, are, with a few exceptions and for special reasons, served out in the bagnio at Toulon or the penal colonies; but in the case of women, in the central prisons. Now, the net earnings of all French prisoners are divided into tenths. Of these tenths, prisoners sentenced, for the first time, to simple imprisonment receive five; those sentenced to reclusion, four; and those sentenced to hard labor, three; but, in all cases, prisoners whose conduct and industry are exemplary in the highest degree may, in the discretion of the director, receive an additional tenth. *Per contra*, on each recommittal the prisoner's share is reduced one-tenth: with this reserve, however, that the last tenth can never be taken from him, so that hope may never be wholly lost. On this point it may be further stated that, in addition to the portion to which prisoners are legally entitled, the contractor may allow to particular individuals such quantities as he pleases, as a stimulus to diligence. The portion of earnings allotted to the prisoners is called *peculium*, and, in every case, it is divided into two parts—disposable *peculium* and reserved *peculium*. The latter, called *masse de réserve*, is kept for the prisoner to the day of his liberation; the former is at his disposal for the purchase, during his imprisonment, of little comforts, additional to the fixed prison rations, such as tea, milk, butter, cheese, bread, &c. This is done at the *cantine*. already explained in my account of the prison at Neufchâtel.

To the question, put to quite a number of the women, as we passed through the prison, whether they found the *peculium* an encouragement and stimulus, the answer was uniform, as it was prompt and emphatic, that they did. Some of the convicts at Clermont, who are engaged in the more skilled of the industries practised there, such as corset and dress making, earned for themselves 70 francs, equal to \$15 per month. The director informed me that he had paid women, on their discharge, as high as 4,000 francs. But these, of course, are exceptional cases. After the above statements, it will not seem wonderful that the contractor takes these women and agrees, for the product of their labor, to defray the entire current expenses of the prison, save the cost of the administration, food, clothing, bedding, ordinary repairs, &c. It is thus seen that, leaving the administration out of the account, this prison is self-supporting. There is but one other in France—a male central prison—of which so much can be said; and which, according to the official reports, not only pays its way, but earns a small surplus.

There is a department of this prison (and it exists in several others of the same class) of much interest, called "the ward of preservation and reform," (*quartier de conservation et d'amendement*.) On the arrival of a convict, an inquiry is instituted into her past character, conduct, and the circumstances of her crime. This inquiry is conducted by a kind of court, consisting of the director, sub-director, chaplain, inspector, and matron. If it is found that she had previously borne a good character; that she had never before committed a crime; that her present offense is one not implying grave moral degradation, and that she has been reared in an honest and respectable family, she is placed in the ward of



preservation and reform. This ward, at the time of my visit, had fifty inmates. It had then had an existence and a history of six years. Of one hundred prisoners who had been discharged from it, not one had come back. Its inmates are as much separated from the rest of the convicts as if they were confined in different prisons.

On our round we visited, as a matter of course, the prison school, where were a hundred women engaged in the several exercises of reading, writing, and calculating. A more quiet, well-behaved, industrious set of pupils I never saw. A sister told me that they were very quick in mastering the difficulties of arithmetic, and of their progress in penmanship I had ocular proof. A girl who could scarcely scrawl a few letters when committed, wrote an excellent engrossing hand, and there were others not much behind her. The conditions entitling prisoners to the advantages of the school are: good conduct, sufficient intelligence, and an age not exceeding thirty-five years.

There is a library at Clermont of 700 volumes, not large considering the size of the prison; but, owing to constant occupation, the prisoners did not appear to have any great amount of time for reading at their disposal. However, seats are provided in the exercise-yards, and it is permitted to either walk or sit during the daily half hour passed there. Such as choose may devote this time to reading. The prisoners are often read to by the chaplain or a sister during meal-time. They have also a good deal of time on Sunday, during which they either read or listen to reading in the workshops.

Some interesting statistics were furnished me for 1869, as that had been a normal year, which 1870, the year of the Franco-German war, was not. The average prison population for that year was 736. There remained in prison at the end of the year 664, of whom were sentenced to simple imprisonment 379; to reclusion, 70; to hard labor, 215. The net product of the prisoners' labor was 223,224 francs; gratuities paid prisoners by contractor, 6,631 francs; total, 229,855 francs. Peculium of prisoners, including contractor's gratuities, 93,975 francs; contractor's share of net earnings, 137,880 francs; total, same as before. Judged by the number of punishments inflicted, the conduct of the prisoners must have been remarkably good, the average being but a small fraction over one a day. They were distributed thus: To prisoners sentenced to simple imprisonment, 650; to reclusionaries, 52; to hard-labor convicts, 167; the number of prisoners in the first class being 379; in the second, 70; and in the third, 215. A remarkable feature of this exhibit is that the prisoners who are sentenced for the lowest grade of offenses commit twice as many breaches of discipline, in proportion to their number, as those convicted of the next grade, and four times as many as those sentenced for the highest grades, and that a similar disproportion exists between the number of disciplinary offenses committed by the two last named of these classes. The conclusion from which would seem to be that the worst criminals make the best prisoners, on the principle, perhaps, that "practice makes perfect."

Although, as already explained, there are three kinds of sentences to the central prisons; yet, as far as treatment is concerned, these distinctions are nominal. All prisoners work together in the same shops, sleep in the same dormitories, and are in all respects subjected to the same régime.

§ 10. *Male central prison at Melun.*—This is one of the best and most successful, both economically and morally, of the French prisons. It had seven hundred inmates at the date of my visit. In cleanliness, order, discipline, and material effectiveness, it seemed almost perfect.

It has fourteen large workshops, arranged on the two sides of an immense building, with a wide hall running through the middle from end to end, from which you enter the several shops, in each one of which a different trade is carried on. I never saw workshops more conveniently arranged or better ventilated. The industries appeared well organized and effectively conducted. The moral appliances are evidently better here than in most other prisons of its class, for while the average relapses in the central prisons exceed 40 per cent., at Melun it is less than 20. Every morning there is held, in a room called the pretorium, a prison court, composed of the director, sub-director, inspector, chaplain, and perhaps some other officers, where all offenders against prison regulations are arraigned, heard, and judged with the same strict regard to justice as offenders against the laws of the land are in courts of criminal jurisdiction. This court is found, I think, in the central prisons generally, perhaps universally; it certainly is at Clermont. It is the feature most to be commended in the French penitentiary administration.

The ward of preservation and reform I found at Melun as at Clermont, and with the same good results. There are also in this prison certain cells, called cells of repression, designed for the separate confinement of dangerous and incorrigible prisoners, as the others are for that of prisoners of whose return to virtue good hope may be entertained.

The director at Melun impressed me as being a man of extraordinary intelligence, ability, and force of character.

§ 11. *Departmental prisons at St. Omer.*—I had a young friend at this ancient city, Mr. A. Corne, with whom I had corresponded for a number of years, who met me at Calais, where we first saw and embraced each other, and whom I accompanied to his official residence at St. Omer, where he held the position of sub-prefect of the department of Arras. He was a young man of rare ability and large attainments, evidently one of the coming men of France; but he has since passed away from earth, when only the first fruits had been gathered of what must have been, if his life had been spared, a full harvest of usefulness and honor.

At St. Omer I inspected two departmental prisons, viz, a house of arrest and a house of justice. The first was a prison for persons arrested and held for trial before a correctional tribunal or a court of assizes, (*les prévenus et les accusés.*) The building is old, ill-arranged, badly ventilated, and, in the basement-story, damp and unhealthy; though we have worse prisons in America. The prisoners are in common rooms by day and common dormitories by night, being thus in association the whole time, with every opportunity for mutual contamination. The second was a larger as well as less ancient structure, designed for persons sentenced to an imprisonment not exceeding three months. It was undergoing extensive repairs, and promised to be, when these were completed, a fair prison of its class, but still highly objectionable on the ground of its common dormitories. The labor, as in the French prisons generally, is let to a contractor, (*entrepreneur.*) The contractor assumes the obligation to furnish the supplies of food, clothing, and other necessary articles, at such a price, for a term of three, six, or nine years, and, in part payment, he has a right to the labor of the prisoners, but no right of control over them, or of interference with the discipline. He cannot even introduce an instructor or foreman, distinct from the *personnel* of the administration; he gets simply the product of their labor, having the right to introduce such proper industries as he pleases and the obligation to furnish occupation to the prisoners at all times.

There is another and higher class of departmental prisons, called the house of correction, to which prisoners are sentenced for a term not

exceeding one year; but this is always at the chief city of the department, and, as St. Omer does not hold that rank, I did not see it.

§ 12. *A quasi prison.*—There is an establishment at St. Omer of a somewhat miscellaneous character, half prison and half something else. It is for the treatment of women and girls, and is under the care of the Sisters of the Good Shepherd, who are specially devoted to labors of this kind. It numbered, when I visited it, four hundred and fifty inmates, made up of four different classes, or *categories*, as they are named by the sisters. The first category was of prostitutes, one hundred and eighty in number. Most of them were young, though none are excluded on account of age. They remain many years in the institution, and it is claimed that the greater part become thoroughly reformed. For the support of this class the state allows 40 centimes (equal to 8 cents) each a day. The second category is much smaller, consisting of a select few from the first, who, because of the thorough confidence reposed in them, are in training to become sisters themselves. The third category is of girls, mostly from very bad families, who, having been convicted of some petty offense, are placed here for safe-keeping and reformation. For their maintenance the state also pays 40 centimes each per day. The fourth category consists of younger girls, orphans for the most part, either in fact or because of the desertion or vices of their parents. This is simply an industrial school, toward whose support the state pays nothing. It is a charitable institution, sustained by the gifts of the benevolent and the labor of the children. Each of these four categories forms a community by itself, entirely distinct from the others, having different buildings, refectories, schools, dormitories, &c. Their only industry is sewing—shirt-making chiefly—and their average earnings are about 35 centimes a day.

This institution, so novel in its plan, appeared to me to be one of great merit and usefulness.

§ 13. *General remarks on French prisons.*—*a.* The same characteristic—the same defect, I may say—struck me as inhering in the French as in the English prison administration; indeed, it is not peculiar to those countries, but belongs to all, though in different degrees, and, I am grieved to add, to far too great an extent in my own. I refer to the greater attention given in them to material than to moral efficiency; the greater effort made to secure the former than the latter. The central prisons are models of order, regularity, labor, neatness, and discipline; but intimidation, deterrence, seems to be their chief aim. Material order is carried to its highest power; moral order seems rather languid. Little effort, little thought even, appeared to me to be given to reformation. The system punishes, but does not amend. The administration, the legislature, the country feels this profoundly. Hence the warm interest taken by France in the congress of London. Hence, too, the important measure recently inaugurated in the national chamber under the lead of the Viscount D'Haussonville; I mean the creation of a great commission of thirty of the picked men of France, charged with the duty of studying anew the whole penitentiary question, and suggesting the reforms needed in the penitentiary system. I had the pleasure of witnessing the deliberations of that body during an entire sitting of three hours; and I feel persuaded that results of the highest value to France and the world may be anticipated from its labors.

*b.* As the fruit of the state of things described in the last paragraph, relapses increase, and the number of recidivists multiplies, from year to year, despite the many ameliorations introduced within the last half century into the penitentiary *régime*. Such a result shows the ineffi-

caey of the principle of intimidation, when exclusively or even chiefly relied upon, and the necessity of introducing into the system, as a living element, the principle of reformation. To justify what I have said as to the increase of relapses, I cite from a work on the Prisons of France, by Pastor E. Robin, an eminent French penologist and philanthropist, who states that the percentage of recidivists in the central prisons had risen in four years (1864-1868) from 34 to 42. The latest report of the administration seen by me, that for 1871, if my memory serve, (for I have not the document at hand,) makes the recommittals in those prisons 44 or 45 per cent. In the prisons of Paris the percentage of relapses is still greater. In 1868, 60 per cent. of the prisoners arraigned before the tribunals of correctional justice had been convicted before, and of those arraigned before the court of assizes, 45 per cent. Mr. Du Camp observes that this large number of relapses proves that repression, intimidation, deterrence, is not enough; that it is necessary to repudiate the old *lex talionis*, (law of retaliation;) that, if it is just to punish, it is essential to reform; and that to attain this end, offered to every civilized nation, the prison must be made a moral hospital.

c. The wards of preservation and reformation, found at Clermont and Melun, have already been noticed. Others exist in the female central prison of Hagenau, and the male prisons of Fontevault, Poissy, Eysses, and Gaillon. The name given to this institution, ward of *preservation*, as noticed by viscount D'Haussonville in the report with which he introduced into the chamber of deputies his proposition for a penitentiary commission, suggests a pregnant reflection, viz: That, in the judgment of the administration itself, the simple fact of an imprisonment in these establishments is likely to add to the depravity of their inmates. This, continues the viscount, is a sad confession, but one which it is necessary to weigh carefully, without reproach to the administration, whose good faith and zeal it attests.

d. The dietary of the French prisons appears to have been brought down to the lowest standard, and is scarcely sufficient to meet the average necessities of the prisoners; certainly not of those whose appetite is strongest. This fact is noticed by Mr. Du Camp, who says that the food furnished to the inmates of the prisons of Paris is not sufficient for all, and that some would suffer from hunger if the *peculium* did not enable them to make some purchases at the *cantine*, which is found in every French prison. The *cantine* is an establishment belonging to the contractor, there being but one contractor allowed in any of the central prisons. The average proportion of the earnings assigned to the convicts does not vary much from four-tenths. The contractor reserves the right to sell to the prisoners, at prices fixed by the administration, supplementary articles of food—such as bread, meat, vegetables, &c. He thus pays the prisoner his *peculium*, and receives nearly one-half of it back again for commodities sold to him, in this manner retaking with one hand what he had given with the other. By such an arrangement the administration seems to confess that the rations are scarcely sufficient; and what makes this still more evident is the fact that those prisoners who are employed in the service of the house, (*service économique*), and therefore get no *peculium*, receive some *sous* from the administration, with which to purchase articles from the *cantine*.

§ 14. *Mettray*.—*La colonie agricole et pénitentiaire* at Mettray, five miles distant from Tours, in the fertile and charming valley of the Loire, was the only reformatory institution which the time at my command permitted me to visit in France; and there I had the great happi-

ness and honor of passing two days as the guest of the good man who founded it—M. Auguste Demetz. To describe Mettray in detail, in its organization, workings, and results, covering, as its history now does, a period of thirty-four years, would require a volume; whereas a glance is all that my limited space will allow. At the meeting of the Universal Alliance of Order and Civilization, held at Paris in the month of June, 1872, Mr. Demetz presented a paper under the title of "An Exposition of the System of Education employed at the Agricultural and Penitentiary Colony of Mettray, and of the House of Paternal Correction," (*maison paternelle*.) This paper is in the nature of a report, which, as a matter of course, gives the latest as well as the most authentic information relating to this world-renowned establishment. Not only shall I not hesitate, but rather regard it as a duty, to supplement my own notes and recollections by the information afforded in this report, and in some other recent publications on the subject, notably those of Mr. Charles Sauvestre and Miss Florence Hill; and that without feeling obliged always to employ the *ipsissima verba* of those authors, or to encumber my pages with formal references or quotation marks. For a number of years the average population of Mettray has been not far from 700; at the time of my visit, August, 1872, it was 792. Of the 4,287 children received at Mettray since its foundation, 647 were illegitimate; 1,657 were orphans by the loss of one or both parents; 291 were foundlings; 595 had step-fathers or step-mothers; of 381 the parents were living in illicit union; of 889 the father, mother, brother, or sister had been in prison; and of 7 the father or mother had been sentenced to capital punishment. What a multitude of young immortals, almost without exception the children of poverty, misery, neglect, and crime; of evil surroundings and evil influences, whose name is legion! What a fearful catalogue of exposures! How few and faint the chances of victory in such a battle; how almost certain the issue of defeat and ruin, unless some helping hand, strong to deliver, should be stretched out to the rescue. It was the sight of these exposures, and the certainty of a disastrous issue in the greater number of cases, which caused M. Demetz to abandon a career that was opening to him the highest judicial honors of his country, and devote himself to the salvation of imperiled childhood and youth. He traversed Europe to find a model, and found it in the *Rauhe Haus*, near Hamburg, established six years before, by Mr., since Dr. Henry Wichern. It was the separation of the children into groups, called families, and the making of farm-work their principal occupation, which most struck his imagination and won his judgment in the *Rough House*. He chose the family principle as the basis of his proposed establishment on a twofold ground—one having reference to the officers, the other to the children. Division into families, he considers, makes superintendence more easy, direct, and kindly; more easy, because it extends over only a small number; more direct, because it brings responsibility home to one person; more kindly, because its tendency is to awaken in the head of the family, and his assistants, the sentiments of sympathy and affection. Upon the children themselves he regards its influence as no less beneficial. The authority exercised over them is paternal; they become attached to their house-father; and this mutual affection becomes a moral force of incalculable power. Then, again, this division into families (such is his mode of reasoning) facilitates the individual treatment of each child. Individualization is an indispensable element in reformatory treatment, which renders it, in the opinion of Mr. Demetz, a grave error to economize in the number of agents employed in the work. He holds that the family is the supreme of moral forces which

act upon the human race, and that every man is a reflection of the influences in the midst of which he passed his earliest years. The power of example upon the young is omnipotent. Whence can the child, reared by irreligious, disorderly, vicious parents, draw those moral principles which are the safeguard of all? The family either kills virtue, or breathes into it the breath of life. The task proposed to himself by the founder of Mettray was to create a moral constitution in the criminals who became his wards, and to substitute for the family which ruined, a family which will save them. He acknowledges that it is a fictitious family which he gives them, but claims that it has all the solicitude, all the tenderness even, of a real family. The chief takes the title of father of the family, and has all the devotion implied in that designation.

The advantages of this division into families show themselves more sensibly from day to day. M. Demetz thinks that disciplinary action and moral action have been, hitherto, too much confounded. A regiment may move at the word of command, a ship's crew at the sound of the boatswain's whistle; but recourse must be had to other agencies if our aim is to affect moral character. For this reason too many children must not be confided to the same person; and the agents must be multiplied, under penalty of simply *rearing* instead of *educating*. It is, so to speak, in single combat that we must wrestle with these young souls, if we would conquer their evil inclinations and kindle in them the sentiments of honor and virtue.

M. Demetz avers that he has taken for basis of the reformatory education of Mettray, the religious sentiment; for a bond of union, the family spirit; for order, military discipline—three elements, each strong in itself, but of immense power to hold man to duty, when combined and made to act in unison toward the same end.

The chief industry at Mettray is agriculture. The device adopted for the colony is, "To improve the earth by man, and man by the earth;" and that principle is carried out to the fullest extent. *To defend the soil, and to enrich it*, is the mission to which the colons of Mettray are called.

How well these brave youths have fulfilled the first part of this mission the following facts attest: All the colons who were from seventeen years of age to twenty, joined the army the moment the French soil was invaded by the Germans in the late war, to the number of one hundred and eighty, and fought with unsurpassed bravery. Many died on the field of battle; many others were wounded; numbers distinguished themselves by acts of special valor; four were decorated with the ribbon of the legion of honor, and nine with the military medal; and four received commissions as officers. Among those who received decorations, Mettray names with honorable pride one of her colons, aged nineteen years, an under-officer of engineers, who, during the siege of Metz, crossed the Prussian lines six times to obtain information, and report it to his general.

As regards the second part of their mission, as named above, almost the entire population of Mettray is engaged in agricultural labors during the months of spring, summer, and autumn. A vast domain, composed of a number of farms, is cultivated by them. To save time and fatigue in going to and from work, the colons are, to some extent, distributed in different localities. The main body is at Mettray, but there are two outlying establishments, to which the older boys are drafted, as their good conduct and trustworthiness merit such a distinction, for here they are under much less restraint, and live, in all respects, more like ordinary hired laborers on a farm. From one of these establishments the

boys come in and spend Sunday with the main body of the colons; but from the other only on extraordinary occasions. These outlying posts form a sort of intermediate establishment, similar to that at Lusk, under the Crofton convict system, and serve as a stage of provisional or preparatory liberty.

But though the tilling of the land is the chief employment at Mettray, and is undoubtedly better than any other for moral training, yet industrial occupation, at a variety of trades, is also provided; but these trades are all such as are required for the production of implements either for farm-work or for articles to meet other needs of the establishment. Besides the shops for the manufacture of carts, plows, harrows, rakes, &c., there are carpenters, masons, millers, tailors, sabot-makers, painters, glaziers, tin-workers, &c.; for the colony is almost wholly self-supplied. But all the colons, who work at these various handicrafts in the winter and such other times as may be necessary, also labor in the fields in summer. Thus they become master of two industries, and can be employed alternately as wheelwrights and farm-hands, a fact which makes them extremely serviceable, and causes them to be much sought after by the neighboring farmers.

As I have already said, there were seven hundred and ninety-two boys at Mettray at the date of my visit. They are divided into households of fifty, each under the care of a superintendent, called the chief or head of the family, (*chef de famille*), and an assistant who has the title of the eldest son, (*fils aîné*). Thus are the ties of social affection re-established by a kind of adoption with a moral force that nothing ever destroys. These ties are so powerful, the attachment felt by the former colons of Mettray is so strong, that they return with joy to recount their successes in life. Every Sunday those who have found employment on the neighboring farms, come to pass the day of rest at the old home, and to take part in the exercises of their comrades. I found things at Mettray precisely as described by Mr. Sauvestre, and therefore gladly avail myself of some sentences taken from his account of the "System of Education." He remarks:

I will now try to give an idea of the mode of education adopted at Mettray, and show the ingenious means and delicate precautions by which the hearts of its youthful inhabitants are touched and softened, and their ill-feeling, craft, and perverse instincts, which before menaced society, are converted into salutary and friendly forces. I have spoken of my arrival at the colony, across parks and gardens, and how I found myself in the middle of the square without having encountered a single barrier. I came again the next day, about the same time; it was during the play-hour, and the children were amusing themselves before dispersing to the workshops. There were no walls, nor ditches, nor inclosures of any sort, nor even any guards. The games were all in full swing, when suddenly a bugle sounded: at once play was stopped, and at another bugle-call the children divided themselves into companies, according to their work. Then the band began a joyous strain, and the different groups in military style marched past the heads of families, led by their foremen. Here are agricultural laborers, gardeners, wheelwrights, millers, shoemakers; and others on their way to the school. When all had filed past, the musicians hastened to put away their instruments and join their several gangs. They go to their work as to a fête, with music to begin the day and enliven their departure; and come rain or sunshine, they bear it cheerfully and joyfully. Everything is done that can make duty attractive and induce a constant habit of performing it. The children are not pushed forward with rudeness: great care is taken not to bruise these poor young hearts, already frozen by neglect or withered by vice before they knew anything of life; they are carefully tended, and led on by degrees to goodness with gentleness and trust. It is considered a great privilege to be in the band, and one only earned by hard work and good conduct.

The heart first, the physical powers next, and then the intellect; this is the order at Mettray.

¶ The colons of Mettray are the object of a constant solicitude while

they remain at the colony, they are scarcely less so after they have left it. M. Demetz holds that there is no good penitentiary system without patronage, since the good moral principles which may have been implanted by the discipline of the prison, still weak and wavering, need some extraneous support to guard against the danger of a fresh fall. He considers that it is the same with the sicknesses of the soul as with those of the body, where the moment of convalescence is the most critical of all, and requires the greatest care. On this principle, the patronage of Mettray is kept up not only during three years, as is the custom in other similar institutions in France, but its duration has no limit; it is, in effect, a real adoption. Provision is made against whatever might be of a nature to compromise the future of the youths who have been discharged from the colony. Thus they need have no fear as regards want of employment, in consequence of which the workman who has no resource but the product of his labor is too often exposed to all the suggestions of want and misery. Whenever the liberated colons are without work, they return to Mettray, where they know they are ever welcome, on the sole condition that they work with energy; for M. Demetz regards it as of the last importance that they preserve those industrious habits which they formed at the colony. They are not permitted to leave until a new place has been found for them. So, also, when they are sick, they are received into the infirmary of the colony. Nor is it requisite to such admission that the ex-colon be so sick as to make it necessary that he should keep his bed; it is enough that he be unable to devote himself steadily to work. M. Demetz is of the opinion that there are indispositions which compromise the future of the workman more than a grave disease. In such cases, the workshop is closed against him because he is not well enough to labor, and the hospital refuses him admission because he is not sick enough to be nursed; but Mettray willingly opens its gate and extends to him the needed relief.

Upon the whole, after the widest and most careful inspection which two days would permit me to make, I have no hesitation in saying that Mettray appeared to me the most perfect, the most complete, the most thoroughly wrought out, and the most effectively applied system of reformatory discipline that had ever fallen under my notice. The late eminent recorder of Birmingham, England—Matthew Davenport Hill—whose opportunities of observation were far larger than mine, likened Mettray to a great and beautiful work of nature, rather than to any production of man. Nor to one who has been there and seen the wonderful creation will this comparison seem much, if at all, exaggerated. The resemblance is found both in its gradual development and in the discovery of fresh perfections the more closely it is examined. Everything about the establishment, whether in the labor, the discipline, the instruction, or the recreations—the farm, the workshop, the school, the church, the playground, the dormitory, the infirmary—all, all, without exception, seemed to converge to one point, and to have been made to yield their tribute to the great work in hand—the rescue and salvation of these young criminals, their restoration to society, with the power and the will to pursue a career of honorable, though, perchance, quiet and unheralded usefulness. The genius of M. Demetz has shown itself equal to every exigency, every emergency of his work; and in its power of originating expedients to re-awaken, almost to create virtue, though, being human, it must have a limit, it certainly has not yet reached that limit; for it is still teeming with contrivances to the same beneficent and godlike end. *Parile princeps* among reformatory men is the position readily yielded to him by the



whole body of his fellow-workers. Let the laurel be worn by him whose merit has won it.

And what has been the result of this great work? Mr. Bôrenger de la Drôme, in his day the highest authority in France on penitentiary matters, says that, prior to the founding of Mettray, the proportion of relapses among juvenile criminals was 75 per cent. What is it among the *élèves* of Mettray? Not more than 5 per cent. at the outside. Well does Mr. Sauvestre, in view of this state of things, exclaim, "Is not Mettray a living witness against the old doctrine of repression? What would these children have become, if sent, as had previously been the custom, to the central prisons, those educational establishments whence the inmates often go out worse than they came in?" The founder of Mettray has substituted education for punishment; to what saving effect may be seen even in the very imperfect delineation which has just been given. What precious fruits of the same kind might not our prisons for adults show, if education—meaning by that term not simply scholastic instruction, but a complete system of industrial, mental, and moral training—were *combined* with punishment, and reformation everywhere made, as at Mettray, the real and supreme aim of the treatment!

After completing my observations at Mettray, I said to M. Demetz, "You have created the best reformatory in the world." Promptly, and with a beautiful modesty, he replied, "It is because I have had the best assistants in the world." The answer was no doubt true, but not the whole truth; for the helpers of M. Demetz have been his own creation, as well as every other part of the establishment. This leads me to speak, though it must be all too briefly, of a most interesting department of the colony, its preparatory school, (*école préparatoire*), as it is called. This right arm of Mettray was created even before the colony itself. After the original buildings had been completed, M. Demetz, impressed with the just idea that the task of changing bad boys into good ones\* was not one to be committed to the first comers, spent an entire year, as he informed me, aided by his devoted colleague, the Count de Courteilles, in training some twenty young men to be associated with them as assistants in their work. This school, enlarged in its curriculum and its number of pupils, and embracing a three years' course of study and training, has been kept up ever since. It is a regular normal school, specially designed for Mettray, but supplying assistants to other similar establishments. So essential does M. Demetz consider this school to the complete success of his work, that he has been often heard to say that if it were closed, the colony would be destroyed. It is through it that he obtains those devoted and efficient sub-officers, for whom Mettray has ever been distinguished; and through it, especially, he secures that unity of sentiment and of action, so indispensable in his great work of moral transformation, whereby a desolate and barren wilderness is made to rejoice and blossom as the rose. How devoted his helpers are to his person and his work will appear from two simple facts which may be told in few words. M. Demetz had secured for one of his agents a place where the work was lighter and the pay larger, and was himself accompanying the young man to introduce him to his new employer. While on the way, overcome by a sentiment of longing regret, he said: "M. Demetz, it is *impossible* for me to leave Mettray;" and despite all persuasions, back he went to his smaller remuneration and his harder, rougher work. The other fact is this: During the late Franco-German war, the live stock of Mettray—cattle, pigs, and horses

\*And, *a fortiori*, bad men into good ones. E. C. W.

—had been taken by the enemy; the revenues of the colony were in great measure cut off; and half the members of the staff had felt it a duty to give themselves to the military service of the country. The half who remained, after consulting together, went in a body to M. Demetz, and said: "Sir, we know your embarrassments, and will gladly do double work and accept half pay till the state of things shall improve." M. Demetz thinks, and rightly no doubt, that such devotion could be secured only through the *école préparatoire*, and that mere chance employés would be incapable of such self-sacrifice. Mr. Hill, after a visit to Mettray in its earlier years, gives his impression of the agents in this strong language: "The founders have breathed their own earnest benevolence into the hearts of their coadjutors. Seldom have I felt so deeply interested as in the hours I spent with these amiable and intelligent young men. Their devotion to their employment, their perfect knowledge of all the principles on which the institution is founded and of the best means for carrying these principles into effect, their enthusiastic attachment to the generous men to whom France and the world owe this noble establishment, the kindness evinced in their demeanor toward their wards, and the grateful spirit in which their notice of these poor lads was received, left me no room to doubt that I was among realities, not surrounded by mere shows and forms." Every recent visitor at Mettray will agree that the venerable recorder of Birmingham has as truly described the agents of to-day as he doubtless did those of twenty-five years ago.

I am unable to state what proportion of the current expenses of the colony is met by the labor of the colons; certainly not the whole, as at the reform school at Ruysselede, Belgium. M. Demetz says that some persons allege that *Mettray is too dear*. To this he replies, first, that Mettray does a great deal of good; and, secondly, that, in the matter of economy in charity, there are cheap purchases that ruin, as there are costly ones which enrich. It is the unusually large proportion of agents which has made the cost at Mettray high, as compared with other French reformatories; but it is to that also that the large percentage of reformations is chiefly due. The motto of Mr. Demetz on this subject is, "Reform as cheaply as you can, but *reform*."

On the same premises as the colony, but in no way connected with it, M. Demetz has organized an institution as novel in its plan as it is beneficent in its scope and action. This he calls a house of paternal correction, (*maison paternelle*.) An unhappy father, who foresaw nothing but ruin for his son, one day said to M. Demetz: "You have created an admirable institution for rescuing from vice the children of the poor; can you do nothing to save those of the rich?" Instantly his fertile mind conceived the idea of the *maison paternelle*. This is, in fact, a college for the reception and treatment of those sons of the upper and wealthier classes, with whom, because of their idleness or insubordination, the ordinary appliances of college discipline can accomplish nothing. Before M. Demetz founded his institution, which might be named a college for insubordinates, expulsion from the ordinary college was almost the only severe measure that could be employed. But so far from being a terror, it was often welcomed by the idle youth as a relief from what was felt by him as an intolerable burden. When one of these youths was reminded by a professor that, if expelled from one college, he could be received into no other in France, his prompt reply was, "So much the better; I shall then have a vacation without end." The system employed in the *maison paternelle* is that of absolute isolation, each student having two cells—one for study, the other for sleep—

with a small exercise-yard adjacent. After being placed in this establishment, he continues his lessons the same as at the college from which he has been temporarily removed, under competent professors obtained from the neighboring college of Tours. He sees none of his fellows, and feels no evil influence from their presence. Thus, left wholly to his own reflections, he retires within himself, and, generally, from one to two months is found a sufficient time to subdue his spirit, to change his habits, and to restore him to the institution from which he came, the joy and pride, instead of being, as before, the grief and shame of his family. Nothing is found so efficacious in conquering idleness as the discipline of the *maison paternelle*. Labor, which has been an object of aversion, becomes there a necessity and a consolation to such a degree that books are taken from the students as a punishment for negligence, and the want of occupation so weighs upon them that they soon beg to have them restored. Their studies are thus pursued without interruption, and with greater regularity, because free from all distractions, than under the ordinary conditions of scholastic life.

On the arrival of a pupil M. Demetz exhorts him to a quiet and obedient behavior, assuring him that he has no quarrel with his person, but only with his faults. He says to him: "Your god-father has answered for you before God; I answer for you to your family; show yourself docile, and you will have another friend to love you; resist, and you will be subdued."

The youth knows perfectly that his family has given all its authority into the hands of M. Demetz, and that if, after the first trial, he again fails in duty, he will be brought back to the *maison paternelle* and subjected to a discipline far more rigorous than before. As the feebleness of the parent is too often the cause of the evil to be cured in his son, M. Demetz says that as soon as the latter is convinced that he can no longer count upon impunity, he performs with promptness and alacrity every duty required of him. It is at the moment when the college vacation begins that the discipline of the *maison paternelle* is most efficacious. When a pupil has been idle through the year, M. Demetz says to him on his arrival, "You have rested while your comrades worked; it is but just that you should work while they rest." More logical than one would suppose, the youth is apt to be strongly impressed by this view, and generally goes to work at once, with ardor, to make up for lost time. M. Demetz promises him that if he applies himself diligently to his studies, he will grant him some days with his family before his vacation ends and he is sent back to resume his place with his fellow-students at college. Fear on the one side, and filial love on the other, cause the inmates of the *maison paternelle* to return to their institutions animated, for the most part, with better sentiments and higher purposes.

For eighteen years the *maison paternelle* has been doing the special work for which it was created. During that time more than nine hundred youths have experienced the wholesome pressure of its discipline, and perhaps—for it has long been well known to the young collegians of France, and has been a terror to the lazy and the vicious—a still greater number have felt the silent influence of its deterrent power. Of the nine hundred who have actually been within its chastening grasp, stern it may be, yet wisely loving, a number, not great in proportion to the whole, have been returned a second time; a very few have thrice made proof of its friendly severity. But the mass have been restored to a right mind and a right conduct by a few weeks or a few

months of its paternal discipline; and the remainder, with here and there an exception, after a second or third experience.

Some sentences were found written on the bottom board of a table-drawer in the room of one of the inmates of the *maison paternelle*, addressed to the person who should succeed him in the occupancy of the room. They appear to have been penned by one who had shown himself rebellious, to a certain extent at least; but they so clearly reveal the good effect of the discipline, even upon a stubborn youth, that I begged a copy of M. Demetz, who kindly caused one to be made for me. I append a translation, which cannot fail to interest the reader.

*Reflections found inside his table-drawer after the departure of student No. 112.*

Courage, my friend, courage! Expiate your fault, but do not abuse the pardon of your family. Take my advice, which is the result of experience. You will gain nothing by obstinacy, except to be reduced to the necessity of enlisting; it is what I have done. I have enlisted for two years, whereas, if I had listened to my parents, I should still have been happy. For you, at least, there is yet time. Enter at once on the good way; bear cheerfully your punishment, and you may still be happy. Keep my words ever in memory, and think of the unhappy friend who gives you these few counsels before leaving the *maison paternelle*. Work, behave well, and you will one day be happy. It is an old companion in misfortune, on the point of departure, who gives you this counsel. Courage! A friend,

D. M.,

*Former pupil of the College of Tours, in the belles-lettres class;  
drummer in the band of said college; enlisted volunteer.*

On the day of my departure M. Demetz had all the colons called in at noon from their farm-work, and had given orders that they should dress themselves in their Sunday attire and prepare for a formal review. No intimation had been given of this, and as we were lingering at the dinner-table, after the repast was ended, I was surprised to hear the enlivening strains of military music. Hastening, as we all did, to the front porch, my surprise was increased as I looked out upon the scene that presented itself to the eye. From the rigging of the large ship that graces the center of the hollow square, around which cluster the cottages of the colony, a hundred flags floated gaily in the breeze; and surmounting all, the colors of France and the United States, lovingly intertwined, waved from the mast-head. So may they ever wave, the emblem of peace and good will, the pledge of a generous rivalry in labors directed to the progress of man in knowledge, virtue, justice, happiness, civilization! Slowly approaching, with measured step and gallant bearing, to the sound of martial music—drum and bugle and clarionet—were seen the hundreds of boys who form the colony, every household with its own standard, each of a different color; the boys dressed in check trousers and blue cotton blouses, with caps and sabots; the musicians leading the column, and the fire brigade bringing up the rear, the latter armed with helmets, hooks, hatchets, and all the weapons used in combating the devouring element. Arrived in front of the mansion, the whole company halted and remained in position, while M. Demetz, with a few others, passed in front of the entire line. The review completed, the column again took up its line of march and made the circuit of the square, when it was disbanded, and the boys separated to change their clothing and return to their accustomed labors; and I, rejoicing in all I had seen, and sorrowing that my stay might not be prolonged, retraced my steps to Tours, and thence to Paris.

§ 15. *Patronage*.—The work of aiding discharged prisoners has not taken root so widely in France as in England, Holland, Bavaria, and, perhaps, some other European countries; but as far as it goes it is well

organized, and eminently successful. This is particularly the case with the oldest association of the kind in France, and possibly in the world—the “Patronage Society for Young Prisoners and Liberated Juveniles of the Department of the Seine.” The conception of that eminent publicist and philanthropist, M. Ch. Lucas, it was organized in 1833, and is, therefore, just forty years old; and it is as vigorous and active to-day as at any period of its long and useful career. A single fact will place in the clearest light its extraordinary success: Prior to the formation of the society, sixty-five out of every hundred of the juveniles discharged from the Roquette relapsed and were rearrested within a few months after their release, and of the whereabouts and destiny of twenty-five more nothing was known; whereas now the relapses and recommittals have been brought down to between five and seven per cent., a result mainly, if not solely, due to the wise and efficient labors of the association. The aim of the society, as stated by its able and accomplished secretary, M. Victor Bournat, in his last report, is: “To save the child who has committed one, or, perchance, several offenses, without knowing their gravity, and who sees all doors, sometimes even that of the paternal dwelling, closed against him; to receive him into a house, which thenceforth becomes his family-home; to provide for him a little outfit of clothing; to find for him a place in some workshop, with a good master, where he may commence or continue an apprenticeship; to watch over him till the moment when he shall become able, by his labor, to provide for himself; to re-animate and support his courage amid the many trials of his new position; to teach and guide him in the discharge of his duties to God, his parents, and his master; to aid him, when he shall have become a workman, in starting a business for himself; to assist him at the moment of his marriage; and, in short, to make of him another master, who shall be ready to receive and help those who, like himself, may have wandered from the path of rectitude.” A noble aim, and nobly carried into effect! As intimated in this extract, the society has a house—a *home*—into which it temporarily receives its wards on their liberation, and fits them out for their career as apprentices. It is a large establishment, well appointed and well kept in all respects, with offices, chapel, dormitories, wardrobe, gymnasium, &c. Here are kept the clothes of all the wards of the society apprenticed in different parts of Paris; here all their washing is done; hither they come every Sunday to replace their soiled with clean garments, and to spend the day in receiving religious and scholastic instruction, in singing, in gymnastic exercises, in social intercourse with each other and with their patrons, and returning at night to the homes of their several masters. Here also they find a home, and a welcome, and all needed care when they are sick or out of employment. A master lately said to M. Bournat: “I take care that the apprentice you furnished me never fails to be present at your Sunday re-unions; he always comes back more gentle, more civil, more industrious.” I passed an hour at this establishment one Sunday morning, and left it filled with admiration and delight at the precious fruit yielded by this charity.

The Protestants of Paris in 1869 organized an association under the name of “Société de Patronage pour les Prisonniers Libérés Protestants,” of which Pastor Robin is the active secretary, a man of large views and large heart, who is thoroughly devoted to this work. He has just issued his first report, which shows good and effective work. So far not more than five per cent. of the society’s wards have relapsed. The members of the society begin their work within the prison walls, where they labor assiduously and successfully to give a right turn to the thoughts and purposes of the prisoners.

## PART FIFTH.

### LESSONS—SUGGESTIONS—RECOMMENDATIONS.

#### CHAPTER XXXVIII.

##### CONCLUSION.

The congress of London was fruitful in important and valuable lessons. I do not propose an exhaustive treatment of this point, but simply, in a single concluding chapter, to offer a few hints toward the inauguration, in the several States of this Union, of a prison discipline more rational, humane, and reformatory, that is to say, more Christian, than has heretofore been, or is now, generally applied in the management of imprisoned criminals.

§ 1. The first thing taught by the congress, and that which lies most upon the surface, is, that principles have a value denied to systems. The congress developed all shades of opinion on the question of systems. It was unanimous, or nearly so, on the question of principles. Mr. Stevens, of Belgium, one of the ablest, most enlightened, and most zealous of the partisans of cellular separation throughout the whole period of imprisonment, and Count Sollohub, of Russia, who holds that the isolation of man, or even the imposition of an obligation of perpetual silence, is a contravention of the divine will, can yet cordially unite—did, in point of fact, unite—in a common declaration of fundamental principles; principles which must interpenetrate and give vitality to every system, or it will remain, cold, dead, barren. The reason of this is obvious. Systems are but methods, processes; principles are living forces. Systems may change, do change, must change, with the climate, soil, territorial extent, manners, customs, institutions, traditions, prejudices of different countries; principles are roots, essences, powers, without which here is neither life nor energy in any organization, physical or moral. Systems are temporary and perishable; principles eternal and indestructible. Systems are human; principles divine. The former have their origin in the wisdom of man, which may err; the latter, in the wisdom of God, which is unerring. Starting with the postulate, in which the whole world is now agreed, that a chief aim of prison discipline is the reformation of criminals, the essential principles which must guide, quicken, and render fruitful this great work, are: That hope must be early planted in the breast of the prisoner, and kept there as an ever living, ever active power; that the prisoner himself must be the chief agent in his own amendment, and that, therefore, his will must be gained to that end, and his active exertions enlisted in its furtherance; that, while physical force is not to be excluded, moral forces must be made prominent, and be substituted for the former in all cases where such substitution is practicable; that the feeling of self-respect and personal dignity must be developed and cultivated in the prisoner to the utmost extent possible, and that, consequently, his manhood must be respected, and all insult and needless humiliation withheld from him;

that religion, education, and labor must be made to contribute, in harmonious combination, their powerful agency toward his moral regeneration; that both the power and the will to work, and so to earn and eat honest bread, when he is discharged from prison, must be imparted to him while he is still in prison; and that society has not done its whole duty to the criminal when it has punished nor even when it has reformed him, but that, after his liberation, it owes him the still further duty of watching over and caring for him; of doing, in fact, all it may, to encourage him, to hold him to his good resolutions, and to prevent his return to crime. These, in altered phrases, are the principles adopted by the congress; principles in which the advocates of all systems united; principles which may be applied, in their integrity and all their regenerative force, under the separate system, the congregate system, the social or the silent system, the system of shop-work or of farm-work. They may be applied, they *must* be applied, whenever and wherever the work of reformation is sincerely and earnestly taken in hand; for they are principles which belong to human nature in every age and every zone. What results? The necessity for a radical and comprehensive change, in a direction to be immediately pointed out. The great controversy, among prison reformers, has been as to the superior excellence and efficacy of the separate system and the associated silent system, of which Philadelphia and Auburn stood forth as the representatives; and the controversy has been waged chiefly on the platform and in the press, through speech spoken or written. Let the locality and the instrument of this controversy now be changed. As regards the former, let the hall of debate be replaced by the prison; and as regards the latter, let deeds be substituted for words. Let the partisans of both systems, of all systems, drop the war of words, and exert all their ability, all their energy, all their skill, all their resources of whatever kind, in broad, hearty efforts to apply the principles, in which all are agreed, to the work of changing criminals into honest men, spoliators into producers, drones into busy toilers in the hives of industry. Let all work in their own way and with tools of their own choosing, unchallenged, unmolested. I, for one, have no doubt that all will show good work. I have my own thoughts as to which will show the best; but I am perfectly willing to abide the issue, and will joyfully cast in my lot with those who are most successful in accomplishing the end, which all desire and all propose, with, I doubt not, equal sincerity and in all good conscience.

Most of us in this country have, I am persuaded, undervalued cellular separation, which is good and useful in its proper place and function. I think it ought to be applied to all the arrested and indicted, imprisoned before trial. I think it may be usefully applied to first offenders as a short, sharp, vigorous notice, and with a view mainly to deterrent effect. And I am equally clear that it should form a first stage in any and all systems for the reformatory treatment of criminals of the higher grades; and that in that case it should be applied with a considerable degree of elasticity, so that it may be made longer or shorter within limits of a far wider range than is given to it in the Crofton system as now practised in Ireland.

§ 2. No reform is to-day more essential to the introduction of a real and effective reformatory prison discipline than such a change in our criminal laws as will do away with constantly repeated short sentences for minor offenses, which are as constantly repeated by the same persons. I need not here repeat what was said in the official reports handed in to the congress from the different countries represented in it; nor what was uttered in debate upon the floor; nor the arguments so well

put in the papers furnished by the Liverpool magistrates and by Mr. Barwick Baker. But one voice came from all quarters, which was, that these ever-recurring sentences of only a few days' or a few months' imprisonment, inflicted scores, yes, hundreds of times, on the same individual for the same or similar peccadillos, constitute an evil of grave character, which requires the early and serious attention of the law-making power. No one put this matter more sharply, and it would be impossible to put it more truly, than Count Sollohub, in his report for Russia, viz, that "not only do these short imprisonments for trivial offenses do no good, but they create criminals by profession." One short imprisonment for such misdemeanors is well, but it should be a sharp and keenly-felt admonition, of a character to be really "a terror to evil-doers;" and with the understanding, very clearly imparted to the culprit, that a second offense, even though of no greater gravity than the first, would be sure to be visited with a far heavier and more prolonged punishment. The sentence should then be made long enough for reformatory processes to take effect; and in this work, time, and a good deal of it, is an essential element; for idle, vagrant, and, in most cases, drinking habits are to be broken up, and replaced by those of steady industry and absolute sobriety; in a word, the whole bent and current of the life are to be changed. If it should be objected that a long sentence is out of all proportion to a trifling offense, the reply is, that is not the point. It is not a question of so much suffering for so much transgression; reformatory prison discipline rises far above such vindictive and retaliatory considerations. It is a question, first, of the effective protection of society, but much more, of *the salvation of the man*; and whatever others may say, the man himself, on whom this saving work has been wrought, will thank you to the day of his death for any degree of kind and wise severity that may have been found necessary to that result.

§ 3. There is a principle of criminal law, not yet accepted by legislators, and therefore not incorporated into the criminal codes, but approved by many of the deepest and wisest students of penitentiary science—practical men as well as theorists, those who have studied that science in the prison as well as those who have studied it in the closet—the introduction of which into our penal legislation would not only meet the objection mentioned in the last section, but greatly facilitate the important reform there suggested. I refer to the imposition of indefinite sentences instead of time-sentences, under which the prisoner would be released only on satisfactory evidence of reformation, and not as the result of mere lapse of time. I have said that some of the best thinkers and workers in this department of social science have given their adhesion to this principle. Among these may be named Hill, Maconochie, and Miss Carpenter, of England; Despine and Bourmat, of France; Guillaume, of Switzerland; and Dwight, Sanborn, and Brockway, of the United States. These names are not the symbols of a dreamy fanaticism; they represent calm thought, careful inquiry, cautious and solid judgment; they are names of the highest authority in their respective countries, and some of them are known and influential far beyond the limits of the lands that gave them birth. Dr. Despine goes so far as to say that the application of this principle will become a necessity, whenever a really reformatory prison discipline comes to be generally introduced and pursued in sober earnest. Maconochie's idea was peculiar. He did not propose the imposition of a sentence indefinite in form, but only in operation and effect. This sentence took the shape of marks; so many hundred or so many thousand good marks, to be earned by industry,



studious habits in school, and general good conduct, as the condition of his release. But there was a further peculiarity in his system. In it marks had a financial as well as a moral value. He would give nothing to prisoners beyond bread and water and the roughest sleeping accommodations, except what they earned and paid for. So his marks were made to represent money, as well as progress towards liberation. They were so adjusted that a prisoner, by the utmost diligence and carefulness, the practice of which was thus made to spring from an inward impulse, could earn such a maximum number daily. A certain tale of these, say one-half or two-thirds, must go to supply his bodily and mental necessities, (for even his schooling had to be paid for :) so that only the surplus, the savings, so to speak, counted towards his release. An incidental advantage, of the highest value, is obvious at a glance, as a resultant of this system. It taught the prisoner practically what economizing is, and made him *feel* its necessity and value. He might, if he chose, spend the whole of his marks, that is, of his earnings, as he went along, in which case he made no advance towards a discharge, but became, *by his own election*, a prisoner for life; or he might deny himself many little comforts and luxuries, in which case, on the other hand, the hour of liberty, the sweetest possession of man, was constantly approaching, and that with comparative rapidity. What has thus far been said has been upon the assumption that the prisoner earned his maximum of marks. But there is a further and no less important view. If he was idle or disobedient, and only earned marks enough for his support, he made himself a life prisoner as effectually as if he had earned and expended the whole tale; and always, be it carefully noted, by *his own free choice*. Captain Maconochie was never permitted to apply his system in its entirety; prescriptive ideas and red tape forbade such freedom of thought and action; but the mere shreds of it, which were all he was allowed to employ, wrought, in cases without number, transformations on Norfolk Island which seemed little less than miracles: insomuch that he could say, in words of strictest truth—for the testimony to that effect is too strong and too respectable to warrant either doubt or denial—"I found the island a turbulent, brutal hell: I left it a peaceful, well-ordered community."

I feel strongly inclined to favor this fundamental idea of the Maconochie plan, for it seems to me that very few criminals could come out of such a crucible without being purified and refined, at least to such a degree as to become fair citizens and inclined to live by honest toil rather than through depredations on the community. But Mr. M. D. Hill, who has written most and written best on this question, for he has written with a force of logic which has carried conviction to thousands of minds, and which no adversary has yet been able to meet—propounds the system of indefinite sentences pure and simple, that is to say, sentences terminable only on satisfactory evidence of reformation, never as the consequence of the mere flux of time. However consonant this position may be to reason and natural justice—and I believe the accord to be perfect, since, if the protection of society, as all men hold, is the end of imprisonment and its justification, there is the same reason for keeping as for putting a man in prison, so long as you are morally certain that, if set at liberty, he will go out to prey upon honest people, and rob them of the quiet and the comforts to which their honest toil has entitled them—it is extremely doubtful whether society will, or could, ever become reconciled to so great a change on the sudden as that from determinate to wholly indeterminate sentences. If, therefore, the principle is ever to receive a practical application, it is likely that it must

be under certain limitations; that the courts must assign a maximum to the duration of the punishment, leaving a discretion, greater or less in extent, to the authorities who are charged with carrying the sentence into effect. To this extent the principle is already measurably familiar to the thought and the practice of our own and other countries. It is the principle of all the sentences to our refuges and reform schools for juvenile delinquents, where it is applied with the best effect. It is applied also, though to a less extent—for with us sentences are mostly during minority—to similar institutions in foreign countries, and notably to Mettray, the most successful reformatory in the world for young criminals, where, if I do not mistake, the director has almost unlimited discretion. It exists in all countries where provisional or revocable liberation is practised, under the ticket-of-license system or otherwise. It is found in all those state prisons of our country where what are called commutation laws are in force—that is, laws which allow an abbreviation of the term of imprisonment, to the extent, in some States where the sentence is long enough, of one third or more of the entire punishment, and that without any power of revocation. So excellent is the effect of this remission, granted only as the fruit of industry, obedience, and good conduct, that it is generally regarded as being the greatest advance in prison discipline ever made among us by any single measure. The same principle is applied in the sentences to the work-house on the state farm of Rhode Island, where a term of three years may be assigned by the magistrate for even trivial offenses, while the governing authority, the Board of Public Charities and Correction, is intrusted with the power of releasing a prisoner whenever it may, in their judgment, be done to his advantage and that of the community. The results in this case have not, I believe, been all that was anticipated, but it is thought that the disappointment is due to a faulty administration, the board not having as yet found the right man for the place. This principle was also similarly applied, for a year, to one class of female prisoners in the Detroit House of Correction, under Mr. Brockway, with the most encouraging results; but, unhappily, the supreme court of Michigan decided the law to be unconstitutional under which these imprisonments had taken place; not, however, because of the principle under consideration, but upon some other ground.

So that it is not so much a new principle which is sought to be introduced into our criminal laws and administration, as it is the application, in a more comprehensive, well-adjusted, thorough, and effective way, of a principle already known, and whose value has been, to a certain extent, tested and recognized.

Undoubtedly before it would be safe and wise to give to this principle the wide application proposed, even under the limitations which have been named, some very radical reforms must be introduced into our prison systems; for it would be little less than madness to attempt such an experiment, without officers qualified to undertake it, or an official tenure permanent enough to conduct it to its normal issue.

§ 4. Centralization in every branch of the public administration—that, for example, which embraces prisons, as well as others—may exist in various degrees. It may absorb all power; it may be wisely and duly tempered with local authority; it may be feeble and languid, the local overshadowing and dominating the general; or it may be wholly wanting, with the different parts of the system, like so many separate grains of sand, unconnected by any organic principle or cohesive force of whatever kind.

The last of these propositions describes the state of things gener-

ally—universally, indeed, as far as I know—existing among us. To the best of my knowledge and belief, there is not a State of our Union in which the various institutions looking to the prevention and repression of crime constitute a unit, or even a homogeneous system, held together and administered by a central power. Yet, without something of this sort, it is impossible that broad, thorough, permanent, fruitful prison reforms should take place.

As long ago as 1850, a parliamentary committee in England expressed the opinion, in reference to the county and borough prisons, that "it is desirable that the legislature should intrust increased powers to some central authority;" a reform not yet carried out in that country. Movements in this direction have been begun in several of our States, with more or less breadth of scope, and with varying prospects of success. I look upon it that, in any comprehensive re-organization of the prison system of a state, the creation of a central authority, having general powers of direction and control, is an essential feature. Without some such power, ready at all times for deliberation and action, there can be no consistent administration, no experiments conducted on any uniform plan, no wide generalizations, no establishment of broad principles of prison discipline, no application of such principles in the use of common methods; with it, all these things may be. Nor is such central and supreme authority at all inconsistent with local boards acting in unison with it. But with or without local boards, either a general board or a general superintendent, seems to be essentially requisite, to the end that all the preventive, reformatory, and penal institutions of a state may be molded into one harmonious system; its parts mutually answering to and supporting each other, the whole animated by the same spirit, aiming at the same objects, and subject to the same control, yet without the loss of the advantages of voluntary aid and effort, where such are attainable and of the right kind, and with the co-operation of local boards, if they should be deemed desirable.

England, as before stated, is without such a system, so far as her county and borough jails are concerned, though possessing it in the management of her convict prisons. Switzerland suffers, as we do, from the jealousy and power of local administrations; while in some other of the continental states of Europe, possibly in most of them, centralization is in excess.

§ 5. Another reform, equally essential to a genuine reformatory prison discipline, is the elimination of partisan politics from the control of our prisons, and the creation of a permanent administration for each. There is scarcely a State—Pennsylvania is probably the most conspicuous exception—in which political influence is not the dominating power. Too often the prisons constitute a part of the political machinery of the State, and, in their management, the interest of the convict and the community is sacrificed to the interest of the politician. This is the bane of our penitentiary systems. It lies at the root of most of the evils connected with them, and, in particular, it is the cause of that instability in the tenure of office and want of permanence in the executive administration, which render improvement difficult and perfection impossible. The utility of party politics is freely acknowledged. Within its proper sphere it has a generous and noble function. But there are things which it touches only to mar. Religion is one of these; education is another; and surely the penal institutions of a state form a third, since they combine the characteristics of both, being at once, if they are what they ought to be, religious and educational establishments.

An article framed by the Prison Association, of New York, was in-

incorporated into the amended constitution of that State by the convention of 1867. The constitution, as a whole, was rejected by the people, and the prison article fell with the rest. At the session of the legislature following that rejection, it was offered in the form of a joint resolution, recommending its adoption to the people of the State, and passed the senate by a unanimous vote, but failed to receive the action of the lower house. The next winter it passed the senate again, with one negative vote, but was rejected by a small majority of the assembly. On the third trial, at the subsequent session, it passed both houses. It must receive a second affirmative vote by the legislature, with a new senate as well as assembly, after which it goes to the people of the State for their suffrage. There is little doubt that the popular vote will be favorable. But would its adoption be a reform? I think so; and one of the highest value to the cause of prison discipline in New York, and, through the great influence of that State, in the whole country. It creates a board of five prison managers, to be appointed by the governor and senate, and to hold office for ten years, one vacancy to occur every two years. This board is to be put in immediate charge of the State prisons, and to appoint the principal officers, viz, warden, chaplain, physician, and clerk, but to have no power of removal, except for cause, stated in writing, and after a fair hearing, that is, on impeachment. The warden, being responsible for the state and discipline of the prison, and to be held rigidly to that responsibility, is to have the sole power of appointment and removal of his subordinates, the agents who are to execute his will; subject, as a matter of course, to his general responsibility to the board. The managers are to have no salary, but are to appoint a secretary, who will, it is understood, receive a compensation that will command the very best talent in the market. The board is invested, by the proposed article, with no direct power over the other penitentiary or reformatory institutions of the State; but, as the intention of its framers was to make, ultimately, the whole system a unit, it provides that the said board shall possess such powers and perform such duties in regard to all the other penal and reformatory institutions of the State as the legislature may from time to time direct.

From the above statement it will be seen what an immense advance would be gained to prison reform by the incorporation of the proposed amendment into the constitution of New York. The administration would be at once lifted out of the slough of politics, and made absolutely permanent, except in cases where incompetency or malfeasance should make the removal of the head necessary to the proper government and efficiency of the prison committed to his charge. At present the state of things is, almost everywhere in our country, quite the reverse of this. Both appointments and removals are made on party considerations chiefly, if not solely. Men are inconsiderately placed in office without reference to their fitness; and they are remorselessly removed from office as soon as they have learned—often before they have learned—their duty. Can it be expected that we should have effective service on such conditions? Can it be expected that men will do their duty efficiently and honestly, who know that, despite their utmost diligence and fidelity, next week, or next month, or next year, their places will be taken from them and given to others? Would mercantile houses, would banking and insurance companies, would railroad corporations, be willing to employ their agents on this plan? To ask such a question is to answer it. We complain of the inefficiency and corruption of our prison officials; yet we could not devise a scheme of administration better adapted to produce these evils than the one actually employed. Would not men be

almost more than human who, under such circumstances, would do their duty faithfully and effectively?

Happily, the prison systems of the Old World are not burdened with this weight nor impeded by this obstruction. I made special inquiries upon this point, and satisfied myself that there is not a country in Europe in which political influence is felt as an evil, so far as prison administration is concerned. Nor was there anything so incomprehensible to gentlemen connected with prison affairs in those countries as this state of things among us. It was a perpetual wonder to them that anything could be accomplished in this department under such circumstances, and especially that so much good work could be done as they freely gave us credit for.

§ 6. The machinery of our penal systems, if that is the right word by which to represent the series or classes of institutions designed to effect a diminution of crime, stands in urgent need of re-adjustment and reform. As this branch of the general question lies in my mind, the series should embrace five gradations, to wit, preventive institutions, juvenile reformatories, county jails, houses of correction, and state prisons, with appendages to each of the two last named, having the general character of the Crofton intermediate prison. It will be necessary to compress what I have to say on each class into a narrow compass. Before proceeding, however, to sketch the system, a single preliminary observation may be excused. It is this: As a preparatory step, laws ought to be enacted by which the education of all the children of the State should be made compulsory. It is far better to force education upon the people than to force them into prisons to pay the penalty of crimes, of which neglect or ignorance has been among the chief causes.

a. Preventive institutions, strictly so named, are the first in the series. We enter into life with various proclivities, which may be developed and molded to virtue by education and the good examples and salutary influences of home. But to what dangers are those exposed who lack these advantages? And what multitudes of children, neglected or abandoned almost from the cradle, are deprived of them, and hence are exposed to all the fatal consequences of that deplorable condition. If their first steps in the world are marked by a violation of the laws of society it is, most frequently, because they have no knowledge of those laws. Not a few of these unhappy beings never knew, and will never know, to what parents they owe the light. One-fifth of them are orphans in the full sense. Half the remainder have lost their father, a fourth part their mother; and nearly all who have known a family have been dragged by it, either through example or direct incitement, to vice and crime, so that, in their case, the family relation is actually worse than orphanage. These general statistics, which are repeated from year to year, in different states and in all countries, afford a full explanation of the precocious wickedness of these unfortunates, who are, in some sort, devoted, driven to crime by the circumstances of their birth or by their early surroundings, so that society, which lays its strong hand upon them the moment they disturb its repose, punishes them, in the greater number of cases, for faults which, in reality, are not theirs; faults for whose commission society itself, which inflicts the punishment, has a grave responsibility—graver than, perhaps, it is aware of, or is willing to admit; for, if it had been awake to its duty and been wise, it might have prevented these violations of its laws at a cost far less than it is obliged to incur in punishing them. It is precisely at this point that the proposition comes in—may I not say, that the *duty* presses itself upon the public conscience?—for the establishment of preventive institu-

tions, by whatever name they may be called— orphan-asylums; news-boys' homes; industrial, truant, or ragged schools; children's aid associations; juvenile asylums, homes for destitute children, &c., &c. Institutions of this sort should be multiplied tenfold, a hundred-fold, throughout the length and breadth of the land. Into them should be gathered, to the last one, the children of whom I have spoken—fatherless, motherless, homeless, or worse than either, because their homes are but schools of vice, with the parents for teachers!—into these shelters and retreats should they be gathered to receive that mental, moral, religious, and industrial training, not otherwise attainable by them, and thence to be sent out, in due time, to good places on farms or in the workshop, where they would grow into virtuous and useful citizens, adding to, instead of preying upon, the productive industry of the country. I could wish for time and space to develop the ideal of such institutions, as it lies in my thought, but can only, in the most general terms, express the opinion that all the arrangements in them should be such as to cultivate industrious habits 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 may be suitable to their years, should occupy the time of those who find a home there; and this home should be, though tidy and attractive, yet of the plainest character, the counterpart, as near as may be, of the homes of farmers or mechanics in moderate circumstances, such as they themselves will be likely to have when they become fathers or mothers, with households around them.

Is the expense of such establishments made a point of objection? I will reply to the objection by a short relation. In every district of Sweden, a country far advanced in her school system, there is an officer called the "persuader," whose duty it is to look after children without family, or whose parents are in prison. Those whom he *persuades* (and his methods, it may be believed, are somewhat summary as well as potent) are placed in special schools, where, instead of pests, they become useful members of society. An Englishman, visiting Sweden, asked a Swedish gentleman whether the care of the children picked up in the streets and highways was not costly? The answer was: "Yes, it is costly, but not dear. We Swedes are not rich enough to let a child grow up in ignorance, misery, and crime, to become afterward a scourge to society, as well as a disgrace to himself." There is a whole volume of fact and philosophy in that curt reply. There can be no doubt that a judicious system of *prevention*, such as here proposed, would be the highest economy, for it would cut off the most copious source of adult crime, and thus effectually stop an incessant and tremendous drain upon the wealth of the state.

*b.* The next class of institutions in the series is the juvenile reformatory, intended, not like the preceding, for children and youths who are in danger of becoming criminals, but for those who have actually committed criminal acts. The constitution and design of this class of establishments are so well known, and their management, for the most part, so excellent, both in our own and other countries, that it is quite needless to enlarge upon them. All that I deem it necessary to do—and in this I would place the highest possible emphasis—is to urge their establishment in States where they do not now exist, and their multiplication in all. Most European countries are far better provided with them than we are, while in our extended territory and unprecedented demand for labor we have advantages denied to them for dis-

posing in a hopeful manner of those who have been made the subjects of their discipline.

Establishments appropriated to *young prisoners* are, beyond all contradiction, the leading-point in every penitentiary system. To reform the criminal masses, it is with childhood that we must commence; it is to the fountain-head that we must apply the purifying agencies. We too often forget that it is these insubordinate and perverted children who, at a later period, will form the generations of adult transgressors whose crimes will disturb and terrify society.

It seems to me that there is great need of a class of reformatories or juvenile prisons for boys and young men too old for the ordinary reformatory, yet too young for the state prison, though guilty of crimes ordinarily punishable by sentence to that class of prisons. An institution of this kind, called an industrial reformatory, is now in process of construction at Elmira, New York. This experiment is of the highest importance to penitentiary science, and its progress will be watched with a lively interest by the friends of prison reform in this and other countries.

*c.* The third class is the county jail. I have no hesitation in declaring the county-jail system of the United States a disgrace to our civilization: and there is no department of our repressive agencies in which the hand of reform is more imperatively needed. The great evil of the jail system is the promiscuous intercourse of the prisoners with enforced idleness, there being, in general, no classification, except that which results from an imperfect separation of the sexes, and no labor at all. From this unchecked association and want of employment it results that our jails are but schools, maintained at the public cost, for instruction in vice, and for providing an unbroken succession of thieves, burglars, and profligates. The stripling who has been committed for vagrancy or some trifling offense, locked up without employment in company with accomplished villains as idle as himself, listens to their narrative of crime till he pants for the hour of liberty, that he may commence the same bold and, to his childish imagination, brilliant career.

The county jail is now made not only a place of detention for prisoners awaiting trial, but a place of punishment for minor offenses, to which persons are sentenced for periods varying from a day to two years, and that so repeatedly that many get the name of revolvers, on account of the frequency with which they come back. This class of prisons should, in my opinion, be limited in its functions to two classes of prisoners, viz: 1. Persons under arrest and awaiting the preliminary hearing, or under indictment and awaiting trial. 2. Persons undergoing their punishment for a first offense. Both classes should be subjected to the strict cellular régime; the first because their punishment, as already explained in a former section, should be made strongly deterrent, a real intimidation, and, therefore, should be undergone in a separate ward; the second, for reasons to be immediately explained.

It is a principle of criminal law that an accused person is to be presumed innocent until he has been proved guilty. While there can be no doubt that society has the right to subject its members, under certain circumstances, to preliminary detention, it is as undoubted a corollary from the principle just stated that the exercise of this right ought never to take on a penal character, and that the accused himself must be protected, as well as the interests of social order. The sole object of such preliminary detention is to prevent escape and the possible defeat thereby of the ends of justice; consequently it is but a precautionary measure, which leaves untouched the ultimate question of guilt. It follows that

the person of the accused is a deposit, confided to the magistrates pending the decision of that question, to be returned to society, if he is proved innocent, as pure and sound as when received. Hence all the care and consideration due to innocent citizens must be accorded to these persons, so long as the presumption of innocence remains in their favor. Hence, too, it follows that the accused and the convicted should receive a treatment materially different the one from the other, and that the prison for detention should be quite another thing than the prison for punishment. The Roman jurisprudence long ago distinguished between the accused and the convicted, calling the former the *hostage of justice*, the latter the *slave of punishment*. It also distinguished between the places in which they were detained, naming the prison of the former, *carcer*; that of the latter, *vincula publica*; and distinctly declared that the *carcer* was to be regarded simply as a place for detaining men, keeping them safely, and not, like the *vincula publica*, for punishing them. The supreme conclusion from this argument is, that persons under a charge of crime, and while that charge remains still unproved, have a right to be protected from all danger of contamination by their fellow-prisoners, many of whom, no doubt, are guilty; and this protection can be had only through cellular separation. Even if the accused himself is willing, or indeed anxious, to forego this protection, society owes such guardianship to itself, for it cannot afford to have its members corrupted when it is in its power to prevent it. Another consequence flows from the argument; it is that, except the deprivation of liberty, nothing in these places of detention ought to be made to assume the aspect, the forms, the afflictive austerity of the prison. The accused ought to enjoy in them all the moral and material comforts that are consistent with their safe custody.

Permanency in the administration of county jails, as of all other prisons, I regard as a matter of the highest importance. To this end, where contiguous counties are small, or the population sparse, it might be well to have two or more counties unite in the maintenance of a jail. This would economize the expenditures, as well as facilitate the change suggested from an ever shifting to a permanent administration.

*d.* Next in the ascending series would come a class of institutions occupying a position between the county jail and the state prison. This kind of prison is not at present numerous in the United States, although, properly organized and conducted, it would be, in some respects, the most important of all, especially since, if multiplied to the extent it should be, it would be the most numerously peopled, and its occupants would be, for the most part, a class of criminals less steeped in crime than the population of the state prisons, and therefore more open to reformatory influences. The few that are now found among us are called by various names, but the designation which seems most fit, as best expressing their nature and design, is that of House of Correction. They would receive, for the most part, those misdemeanants who now have their punishment in the county jails, though with the criminal laws so changed that, after a first offense, which would still be punishable in the county jail, the sentences would be made long enough for genuine reformatory work to be wrought upon them. A number of these houses of correction, greater or less, according to territorial extent and population, would be needed in every State. They should be dispersed through the State, at points as convenient as possible to the several counties for whose use each is intended.

The advantages to be expected from the general establishment of this class of prisons are: 1. The organization of each with a full staff of



officers, and with all other appointments necessary for an effective performance of the work assigned them. 2. The arrangement of buildings, cells, workshops, school-rooms, chapels, and the entire premises, in a manner suited to a complete penitentiary system. 3. The introduction of a comprehensive, well-adjusted system of industrial labor. 4. Diminished cost of maintenance, despite the increase of officers—owing in part to the earnings of the prisoners, and in part to greater economy in the administration. 5. The relief of the common jails by the absence of a large proportion of their worst inmates and those returning most frequently, which would make the separate imprisonment of the rest comparatively easy, and might even enable several counties to unite their jails into one. 6. The relief of the State prisons by punishing in houses of correction the younger criminals, and perhaps some others, in whose cases extenuating circumstances may have appeared, and in reference to whom good hope may be entertained of benefit from the discipline of the house. 7. The crowning recommendation of the system lies in the reformatory character to be impressed upon it. This, indeed, is the great point to be sought through its establishment. But the complete and effective introduction of a reformatory discipline into any prison system makes exceedingly desirable, if it does not necessitate, the accompaniment of the Crofton intermediate prison. To avoid repetition, however, the treatment of this point will be postponed till the subject of state prisons comes to be considered, when some hints will be given touching the application of the principle to houses of correction.

*e.* Next and last in the series of establishments composing the prison system is the state prison proper—called in England convict, and on the continent central, prisons—the receptacle of criminals convicted of the gravest offenses against society and its laws, which are punishable by imprisonment, and not by death. It is here, as I conceive, that reforms the most material are needed. Even supposing the system, in its substratum, to remain unchanged, still important modifications are required to bring our state prisons into harmony with the true design of a penitentiary system, considered as an agency for reforming fallen men and women. A complete separation of their government from party politics; permanence in their executive administration; the employment of well-qualified officers; the abolishment of the contract system; the organization of convict labor on a principle which, in seeking to make the prisons self-supporting, will seek still more to make their industries an agency in reforming their inmates, and in restoring them to society masters of a trade that will enable them, on their discharge, to earn an honest living; a broader moral and scholastic instruction; a wider use of rewards to industry and good conduct, so that the principle of hope shall be made to act with greater vigor than that of fear; and the making of the reformation of the prisoners the real, as it is admitted to be the proper, aim of the discipline. Such are the essential reforms needed in the system, supposing it to continue, in other respects, what it is at present.

But I am not satisfied with the system as it is, nor should I be even with the reforms indicated in the last paragraph, for there are other reforms needed to give even to these their full vigor and efficiency. The fundamental reform required is, in my judgment, the introduction and efficient application of the principle of progressive classification, worked, in successive stages, on some well-considered mark system. Three stages would seem to be essential to the best and most effective working of this plan: the first strongly penal, to be undergone in

cellular separation; the second less penal, but still distinctly partaking of that character, yet becoming gradually less and less so, on the prisoner passing from class to class, as successive promotions are earned; while the third should retain but little of the penal character, being intended partly to test the reality of the reformation effected in the two preceding stages, and partly to train the prisoner for a time before his discharge, under conditions similar to those of ordinary free life, and so facilitate his re-absorption into the ranks of honest industry. This would place the prisoner's fate, during his incarceration, to a great extent, in his own hands. It would enable him, through industry and good conduct, to raise himself, step by step, to a position of increased freedom and privilege, while, on the contrary, idleness and disobedience would keep him in a state of coercion and restraint. This would place the springs of conduct within instead of without, and make him act from an inward impulse rather than from the application of any external force. It would effectually enlist his own will in the work of self-improvement, which I look upon as an essential condition of his reformation, for how is it possible to change a bad man into a good one against his own consent? Virtue is an outgrowth. It cannot be forced upon a man, but must spring from a germ planted within, to be developed and brought to perfection, by the assiduous care and nurture of the man himself; on this condition, and no other.

The system thus briefly sketched is, for substance, what has been heretofore known as the Irish, but is now generally, as of right it should be, called the Crofton system, from the name of its founder; and this last stage is his intermediate prison, so named because it holds a middle ground between an imprisonment strictly penal and an imprisonment differing but slightly from the condition of freedom complete and entire. It is essentially a probationary stage, its supreme aim being to *prove* the prisoner, and so to be enabled, if the trial turn out satisfactory, to give to an employer needing his services the requisite guarantee of industry and trustworthiness.

Here we touch the very heart and marrow of the question. The problem is, how to effect the re-absorption of reformed criminals into virtuous society? An army of convicts is every year discharged from prison. Society distrusts and refuses to employ them, thereby compelling a return to crime, and augmenting 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, as the resulting consequence, diminished? There are just two elements in the solution of this problem, and both, I think, essential—the reformation of the convict and a guarantee of his reformation that shall be satisfactory to the public. The reformation is to be effected by the processes—industrial, educational, and moral—to which he is subjected during his imprisonment. But the needed guarantee—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. 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 has no confidence in the liberated prisoner; and, what is more to the purpose, it has no guarantee for its confidence. It is the want of a guarantee that builds a wall of granite between the released convict and honest bread. Conquer the distrust of society, replace it with confidence, furnish the re-

quired guarantee that the man is *trustworthy*, and all difficulty will vanish. Every shop, every factory, every farm, every avenue of honest toil will be open to his entrance. But the question is, how to abate the prejudice felt by society toward the liberated prisoner; 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 imprisonment, that it is safe to trust 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 fireside and the home-circle. In other words, his cure must be tested before he is discharged. But I do not see how this can be done where the system is one of material isolation to the end, nor any more how it can be done where the system is one of moral isolation to the end. There must be some field, some opportunity, for the trial. But such a theater, such a chance, can be afforded neither by the separate nor the associate system, as generally conducted. Both systems must be in part retained, in part discarded, in part changed. They must be so modified that the passage from imprisonment to freedom shall not be, as heretofore, by a single bound. The change must be so adjusted that the former shall gradually, almost imperceptibly, melt into the latter. The system must be 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 motives, its responsibilities, its victories over self and sin, its silent toning up and strengthening of the whole character by the friction to which the man is, in these various ways, subjected.

Our state-prison systems should be so organized as to have connected with each prison, in one form or another, the substance of this intermediate establishment, this stage of comparative freedom and of natural training, which, at the same time, prepares the prisoner for full freedom, and tests his fitness for it.

But how can this stage be applied in the case of prisoners committed to the houses of correction? These would scarcely be large enough to warrant the establishment of an intermediate prison in connection with each. A single establishment of this kind would probably be sufficient for most States, but if the State were both large and populous, two or three might be necessary. The English convict establishments have not yet added the intermediate prison; nor does it exist in connection with the system of county and borough jails, either in England or Ireland. An eminent English philanthropist, Mr. Barwick Baker, is so impressed with the importance of the intermediate prison in connection with the English county and borough jail system, that he proposed, four years ago, a plan for making an experiment in that direction, and proffered his services to conduct the experiment himself. Mr. Baker is a gentleman of large wealth and high social position, as well as of great intellectual and business capacity, all of which are devoted, with incessant and tireless zeal, to the promotion of reforms in every department of social progress, but more especially to the work of juvenile reformation and the improvement of prison discipline. He established, I think, the first juvenile reformatory in England—certainly one of the first—and, at his own cost, conducted it for a number of years in person, and has maintained it ever since; his eldest son, upon whom the father's mantle appears to have fallen, acting at present as superintendent. Nor has he only been acquainted, for at least twenty years, with reformatory work, but for a still longer period he has been, as a magistrate and visiting justice, conversant with the management and character of adult

criminals. These facts are stated to show that it is not as a mere amateur, still less as a sciolist, that Mr. Baker speaks; but as a gentleman of large experience and calm judgment, whose opinions, on that account, are entitled to the highest respect. Mr. Baker commences the statement of his plan with a citation from a late report of the inspector of reformatories, in which that officer declares that, on the occurrence of certain changes which he recommends, a considerable number of these establishments might be given up. In that case, Mr. Baker says that he would propose to have the boys in his reformatory removed to others, and that the Home Office accept the buildings and land as an intermediate prison or house of correction. The secretary of state for the home department having full power to remove a prisoner from any one prison to any other, and to send him back at pleasure, Mr. Baker proposes that a few of the best men in the jails of his own and the neighboring counties be *allowed* to petition the secretary to remove them to the intermediate prison for such time only as their conduct proves to be satisfactory. Their petition should state that they had had the rules of the new prison read to them, and that they understood and agreed to the terms of their removal. If the secretary granted the petition, and the prisoner conformed to the rules and worked with earnest good-will on the farm, he would continue there for the remainder of his sentence; if otherwise, he would be sent back to the jail. Nor could he complain of this re-transfer as a hardship, since it would be but a return to his original sentence, to which he had made himself justly liable by a violation of the conditions on which his first transfer was granted. Those who remained through their whole term would then return to the kinds of work on which they had been lately employed, and to habits and a manner of life not unlike those which they left behind them. If a man's release occurred at a season of the year when employment was scarce, (a matter of much importance, if care be had for the diminution of crime,) he should be allowed to remain at the house till work could be found for him. So far, Mr. Baker says, no new legislation would be required. But if the system, on trial, proved a success, it would become necessary to secure the passage of an act authorizing the release of the prisoner on license, to earn his living under the watch of the police. Such license would not be a pardon, but simply a permission for a man to earn his own living during good behavior, revocable at any time for any kind of misconduct, even for being for any considerable time out of work, and so without visible means of support. The great objection to placing criminals in an intermediate prison without walls is that they would be likely to escape. To this Mr. Baker replies that he well remembers the time when the greatest pains were taken to search prisoners, even to the frequent unripping of their beds, to prevent the possible secreting of a nail with which the cell-door might be opened, or of a scrap of iron which could be sharpened into a knife. The safety of the jail was supposed principally to depend on this sort of care and watchfulness. But every prisoner now has a knife in his cell; yet escapes of violence are much less frequent than in those days. So Mr. Baker takes notice that twenty years ago, if it had been proposed to keep a number of boys imprisoned in a field with common hedges round it and public foot-paths running through it, the person so proposing would have been thought little short of a lunatic; yet this system has proved a decided success. Mr. Baker claims to have had, and certainly has had, large experience of men and boys, and he declares that he has no doubt that men would be far more easily restrained with-

out walls than boys have been, for the reason that they commonly act more upon reason and less on sudden impulse.

I have cited this proposition of Mr. Baker at some length, not because it is applicable, in all its phases and details, to the case in hand, but because it contains the judgment, on the general question, of a man of cool and cautious intellect and of a half century's observation, and more particularly because of the important opinion, expressed in the last sentence, as to the greater ease with which men, as compared with boys, might be held under restraint by moral forces.

§ 7. A paper of great value, on the "Capitalists of Crime," was submitted to the congress by Mr. Edwin Hill, who has for many years made the study of this subject a specialty. An analysis of this paper has already been given in the second part of the present report, which treats of the work of the congress. But the subject is one of so much importance, and to which so little attention has heretofore been given, that it seems to me worthy of still further elucidation, and especially that it should have a place in this chapter of "suggestions."

The contest between those who work and those who plunder is nearly as old as the world itself. Nor is there, I fear, much ground to hope for its speedy termination. It is worth while to inquire whether society has not 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 solely by isolated individuals, but by a virtual, if not a formal, organization, comprehending various grades and divisions of work, and requiring the combined action of capital and labor just as other crafts do, and being, like them, too, 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. The crime-capitalists include at least four classes: 1. The owners of houses and dens, affording to criminals habitations and places to which they may resort for carousal and low enjoyments. 2. The receivers or purchasers of stolen goods. 3. The pawnbrokers who lend money on such goods. 4. The makers of burglarions and other instruments used in criminal operations. It is, to a great extent, 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 he so please, for concealing the thieves and their plunder, and for baffling the pursuit of the police; or he may, with equal impunity, engage in the manufacture of burglars' thieves', and counterfeiters' instruments, some of which are required to be of elaborate construction and workmanship. 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 ordinary cases, all but impossible. No doubt the criminal capitalists, compared to the swarms of operative plunderers, constitute but a small class. But being more sensitive to the terrors of the law, and more confined to given localities, they offer by far the fairest mark for criminal legislation. The mere operative of the criminal class 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 abscond, he must leave his house, his shop, or his stock behind him. These crime-capitalists present a vital and an 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 equally unsafe either to purchase stolen property or to advance money upon it, the class that now lives by plunder would be driven to honesty or starvation. Some years ago, in the town of Kidderminster, England, it was noticed that while more bulky articles were perfectly secure from depredation, the silk and thread 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 harbor 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 this. It says to society, Strike at the *crime-capitalist* in your warfare against crime; make the cities too hot to hold him; 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 policemen 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 have been saved, will be doomed to grow up under influences which will compel them, by a law as inexorable as that which makes the magnetic needle obey the lodestone, to become the criminal army of the future.

Now, of what has been said, this is the sum: To the spoliation of property, the united action of capital and labor is essential. Habitual criminality is sustained by an alliance between these two elements, each being alike indispensable to the prosecution of the business. The crime-capitalists are few; the operative plunderers many. The law strikes at the many operatives, one by one; it might and should strike at the few capitalists as a class. Let it direct its blows against the connection between capital and labor, ordinarily a beneficent one, but in this case evil, and only evil; nor forbear its assaults till it has wholly broken and dissolved the connection. When this baleful union shall be pierced in a vital part, it will perish. When the corner-stone of the leprous fabric shall be removed, the building itself will tumble into ruins.

§ 8. A large number of persons, in this country and in all countries, are every year arrested on suspicion and committed to prison, where they are confined for longer or shorter periods, varying from a day to a year, and even more, who, nevertheless, either on their first hearing or their trial, are acquitted by the magistrate or the court, and liberated as not guilty of the crimes charged against them. Yet, I am not aware that anywhere the persons so arrested, so imprisoned, and so adjudged to be innocent, receive any indemnity for the loss of time to which they have been, if not unjustly, at least without any fault of theirs, subjected. On this state of things, the question arises, Is not personal liberty a right as respectable as the right of property? And if this question is answered, as it must be, in the affirmative, a second instantly arises, viz, Is it not the plain duty of society to indemnify the innocent citizen, whom it has imprisoned, for the loss of time thus occasioned, as it indemnifies the citizen from whom it has taken his house or his field for some public use?

The right of indemnity, in this latter case, is not only fully recognized, but guarded with a jealous care. The state wants a part or the whole of my land for some great work, whose execution is demanded by the public good. Yet it can take possession only after various and solemn formalities. My right of ownership is guarded at every point and at every step; and I can be finally dispossessed only on receipt of full value for that of which I am deprived. I am found under circumstances which induce a suspicion, possibly a very slight one, that I have committed a criminal act. The state causes my arrest, and shuts me up in prison. It holds me there one month, six months, twelve months; and then, by the mouth of its chosen agents, solemnly declares that I am not guilty of the crime of which it had, or thought it had, reason to suspect me, and consequently lets me go free. That is all the state does. But is that the state's whole duty? Am I not as much entitled to indemnity in this case as in the other? The state thought I had done wrong, but was mistaken, and has made public and solemn declaration to that effect. Ought she not to repair the loss of time caused by her error? It is impossible for her to make good other and graver losses. "A man is accused, (I cite the words of an eminent French publicist, Mr. Mathieu;) some appearances are against him; and, though the presumption of innocence protects him, he is arrested; he is torn away from his home, his family, his affairs; disorder and trouble are introduced into all his relations; a deadly blow is given to his credit; and he is exposed to a ruin which he might ward off if he were at liberty, but which his imprisonment renders inevitable. Not only has this man suffered all the pains which have just been described; not only has he seen, without being able to apply a remedy, disorder and ruin invade his business, but it is in vain that an order of the judge, or even a decision of the tribunal, annuls his imprisonment and breaks his chains. The preliminary detention has marked him with an indelible stigma; the suspicion, in virtue of which justice has laid her hand upon him, follows him like his shadow, and his reputation will not be cured of the deadly wound it has received. Yet it is not the prisoner who is most to be pitied. How can we fail to turn our eyes toward his wife, his children, his family, though innocent, yet smitten with the same blow, ruined and disgraced like himself, without a fault that can be laid to their charge? Is this justice? Can society so crush the individual in the name of the general interest?"

Surely the principle of indemnity lies wrapped up, as the acorn holds the oak, in this eloquent denunciation; rather, let me say, this irrefragable logic. Not, indeed, complete indemnity, for money is not equal to that function, but indemnity for the time spent in prison. This principle is applied every day in similar cases. The witness and the jurymen, summoned from the work-bench or the counting-house to the courtroom, receive each a piece of money for the loss of time thus incurred. To one of them, who makes, perchance, his hundreds a day, it is but the symbol of justice, a token of the mutual relation between the citizen and the state; to the other, it is the daily bread of himself and his family. Can any reason be assigned why the same principle should not, nay, must not, be applied in the case of the man whom the judicial authority itself, speaking from the seat of justice, has declared to have been imprisoned and "held in durance vile" without adequate cause? Two incidental advantages, of no inconsiderable moment, additional to that of meeting a demand of justice, might be expected from the introduction of this principle into the administration of criminal law, viz, greater caution in making arrests, and more speedy trials after arrest.

Well and eloquently, in a paper on this subject prepared for the Cincinnati congress, has Mr. Corne said: "Man is not yet valued at his just price. The resources which he is capable of developing are far from having attained their maximum of force. Henceforth, without danger of being considered utopian, we may demand for him a portion of that respect with which mere property is surrounded. It is in this view that we claim that no prisoner, judicially recognized as innocent, shall be restored to his liberty without indemnity for the injury he has suffered as a consequence of his unjust imprisonment."

§ 9. The identification of prisoners who have been previously convicted, is a matter of the highest importance in the administration of criminal law; but, unfortunately, no well-devised plan for attaining this object with certainty exists, so far as I know, in any of the States of our Union. Hence the statistics of relapses and recommittals among us are vague and unreliable in the extreme; nothing could be in a more unsatisfactory state. Much use is made of photography in England and Ireland, and the same is true of several of the continental states. But the most perfect scheme for securing trustworthy knowledge on this point is the criminal registers (*casiers judiciaires*) devised by Mr. Bonneville de Marsangy, a French jurist of great eminence, who has lived to see the remarkable success of his invention in his own country, where it has been in use for some fifteen years or more, and its adoption in many others—Italy, Portugal, Denmark, &c. The first Napoleon, the greatest organizer of modern times, desired that his minister of justice should have always at hand "the biography of all malefactors;" a most natural wish, since of all the elements of a judgment as to the moral curability or incorrigibility of an offender, the most reliable is a knowledge of his past, and particularly as that past may have been connected with the administration of penal justice. This is precisely the knowledge which the criminal registers give concerning every man in France, who has ever felt himself within the grasp of the law. The registers are an administrative agency, with whose organization and workings, on my first visit to France, I was more desirous of becoming acquainted, from personal examination, than almost any other. Hence, learning that they were to be seen in the court-house (*palais de justice*) at Saint Omer, the first town I visited in France, that venerable structure received very early attention after my arrival. I found the *casier* to be an immense case, resembling a cupboard or closet, covering the whole side of a large apartment in the building, called the registry. The case contained rows of deep pigeon-holes, of which the number was equal to that of the letters of the alphabet. These compartments were filled with boxes or movable registers (*casiers mobiles*) arranged in alphabetical order, each containing the individual bulletins, or certificates of conviction, pronounced in any part of France against all persons born in that district. (*arrondissement*.) As soon as a sentence is pronounced by any tribunal (even though it be military or naval) the clerk of the district in which the prisoner has been convicted is obliged, on pain of a fine, to immediately address, signed by the attorney for the government, the certificate of his sentence to the registry of the district of which he is a native. Each certificate is on a single sheet, of a prescribed form and size, to facilitate the handling, and on strong paper to prevent its destruction. I examined, with lively interest, a great number of these certificates, giving the criminal history, so far as it is found in the records of courts, of prisoners convicted from one to twenty times—often in a half dozen or dozen different places. They fully met the demand of the author of the Code Napoleon for a complete criminal biography of every



man who had suffered the arrests of justice. Now there is just such a registry in every *arrondissement* or jurisdiction of France. There is, therefore, no longer any uncertainty possible in regard to the antecedents of any person charged with crime. A telegram, addressed to the register of his place of birth, immediately brings the statement that there is no record in his case, or a recapitulation of all the convictions previously had against him, no matter where, no matter when.

But suppose the accused to be of foreign birth, or to be ignorant of his birth-place, or to conceal it. M. de Marsaugy has not forgotten or failed to provide for such contingencies. For these three classes he has caused to be established in Paris a central *dépôt* of certificates of conviction in the department of the minister of justice.

There are thus two centers of investigation. When the conviction of a person, arraigned before any tribunal in France, is found neither in the registry of his birthplace nor in that of the ministry of justice, M. de Marsaugy regards it as an almost certain proof that he has never before been, in that country at least, under the hand of justice.

I will not stay to point out the many and great advantages which must accrue to a country in which such a system has been established and is efficiently administered. Whoever wishes to see them set forth with equal force and eloquence is referred to a paper furnished by their author to the penitentiary congress of Cincinnati, and published in its volume of transactions.\*

The system of criminal registers, by the very simplicity of the principles which form its basis, is easily applicable to all countries. The four following measures constitute all the conditions precedent which are necessary to the establishment and successful working of the system in any state: 1. That a register of births be kept in duplicate copies, and that, every year, one of these duplicates be deposited in the registry of the tribunal of the district. 2. That each clerk of the court of the district have a case made, containing a certain number of compartments for the reception of the boxes or movable registers, (*casiers mobiles*;) arranged in alphabetical order, which are to serve as depositories of the individual certificates under each letter. 3. That the certificate of every conviction, wherever had, be immediately addressed to the tribunal of the convict's native district. 4. That every magistrate, prosecuting an offender, be required to obtain from the clerk of the district of which he is a native, and to attach to the proceedings in the case, the certificate recapitulating all prior convictions against him which may have been collected and classified in his native district.

A careful study of the most effective means of identifying accused prisoners previously convicted, and of the criminal registers, among other agencies having this end in view, is worthy of the best minds in our country, and especially of those who are called to make or execute the laws.

§ 10. Reference was made in the last section to the scantiness and untrustworthiness of penitentiary statistics in this country relating to relapses and recommitments. But the remark might receive a broader application. Indeed, the whole science of statistics, and more particularly as it relates to crime and criminal administration, is too little appreciated, and therefore too much neglected in the United States. We have no general, and especially no uniform, system of penitentiary statistics for the whole country. But such a system is a great desider-

\*A copy of said transactions can be had, without charge, by applying to Dr. Wines, secretary National Prison Association, No. 320 Broadway, New York.

atum; it is, indeed, almost essential to broad and solid progress in this department of social progress. The laws of social phenomena can be ascertained only through the accumulation of facts. Returns of such facts, carefully gathered from a wide field of observation, and skillfully digested and tabulated, are indispensable to enable us to judge of the effect of any law or system which may have been 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 with reference to some well-defined end. The local and the special are to little purpose here. It is the general only that has value; that is to say, returns so numerous, so manifold, and drawn from so wide a field and amid such diversified circumstances as to give real significance to the results. It is such returns alone that will yield inferences of practical value. We want to get an average; but in order to this, we must have scope and variety enough, both in the range and character of the returns, to be enabled to eliminate from them whatever is local and accidental, and to retain only what is general and permanent. 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 upon the phenomena themselves, apart from variations which are only 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 successful in diminishing crime. How are we to decide this question? Obviously, our decision will have little force, unless our facts shall have been collected from a wide territory, and under a great diversity of conditions; so that every phase 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 any circumstances which have not been noted and due allowance made for them in the analysis. But the materials for a generalization having the breadth and trustworthiness here supposed are criminal and penitentiary statistics. A reformatory prison in one place may signally succeed, and in another as signally fail; yet the success of the one and the failure of the other may have little value as an argument, since they may have been due to accidental causes—the competency or incompetency of the head, for example—and they will, therefore, afford no 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 always succeeded in securing a larger proportion of reformations than the old and more rigid system, except in a very few cases where the failure can be clearly traced to adventitious causes, such an induction will afford a solid basis for our inferences, and we shall feel that we stand upon a rock in affirming the proposition that kindness is more efficacious than severity in reforming prisoners and leading them back to the paths of virtue.

In proportion, therefore, as our facts are gathered from narrow districts and confined to short periods of time, our generalizations will be unsafe as a basis of argument, for we can never 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 this false reasoning be corrected 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 certain conditions, may reformations be; for what else 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 we would know what a curative agency applied to criminals can accomplish on the whole, we must know what it is effecting in the manufacturing towns and the rural villages, what in the sea-ports and the mountains and valleys of the interior, and what in the coal beds and the gold mines. We must learn its results, not in selected spots and under particular circumstances, but over broad regions and amid conditions endlessly varied. The essential, inwrought power of a system of prison discipline then comes out and makes itself manifest, when it is seen in conflict with the special obstacles it has to encounter in the agricultural, commercial, manufacturing, and mining populations of a country. The result of its struggle with all opposing 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 upon some uniform system, or at least in a way that will admit of practical comparison.

We want such statistics, uniform, full, and collected with regularity, year by year, from all the prisons and reformatories of the country. What do the American people know about American prisons? Something they know of the prisons of Charlestown, Sing Sing, and Philadelphia; but what information have they of the condition and progress of prison discipline in Oregon, Texas, and Arkansas? How many know the principle on which labor is organized, and the manner in which it is conducted in the penitentiaries of Nevada, Kansas, Alabama, and Georgia? Yet prison discipline is a mighty interest, touching profoundly the nation's well-being, and, as it succeeds or fails, involving its material interests to the extent of millions, aye, scores of millions every year. Is not prison discipline, then, a subject in which the people everywhere ought to be interested, and on which they need information, full, systematic, and regular? It is not in reference to a prison here, a reformatory there, and a truant home somewhere else, that they require to be informed; but they should have such information touching all the penal, reformatory, and preventive institutions of all the States; and then they would be able to judge whether the work of reforming criminals is really accomplished among us, or whether our penitentiary system is, so far forth, a mistake and a delusion. In the former case all we would need to do would be to "go on unto perfection;" in the latter it would be necessary to retrace our steps and take a "new departure."

It is not, however, simply in a national view that penitentiary statistics are valuable; they have an international importance as well. The Congress of London expressed very clearly its sense of this importance by the appointment of a permanent international commission, charged, among other functions, with the duty of devising, and, if possible, carrying into effect a scheme for a comprehensive system of international criminal and penitentiary statistics, based on common principles, employing common formulas, and arranged in such manner as to be a true measure and index of the crime, the penal administration, and the prison discipline of all civilized countries. The National Prison Association is the only organization in this country having a field of operations broad

enough, and at the same time the requisite machinery, to co-operate in so vast a work. The association is disposed to give special attention to an enterprise recommended by so respectable a body, and promising results of such signal utility, not to our own country alone, but to the whole human race. It is obvious, however, that the prosecution of such a work, where the very agencies through which it is to be effected will have to be created, will involve no inconsiderable expenditure of money, as well as an immense amount of labor. The labor it is willing to assume; the money must be supplied from without. Impressed with the importance, in a national point of view, of the end proposed, the association sought from Congress, at its last session, a grant of \$10,000 to enable it to pursue that end with the vigor requisite to its accomplishment. The Senate inserted in the annual deficiency bill the appropriation asked, but it was thrown out in the conference committee, and so failed. The application will be renewed at the next session, when better success may be anticipated. It was well understood by the London Congress, and the opinion freely expressed, that so great a design could be accomplished only through the generous co-operation of the governments of the whole civilized world, which, it was believed, would be readily accorded, in view of the beneficence as well as the vastness of the results to be expected. Mr. Beltrani-Scalia, of Italy, secretary of the commission, has prepared a complete series of formulas for recording the statistics sought; and the governments of various European countries have already given their adhesion to the plan, and promised co-operation. It is not to be supposed that the government of the United States will decline co-operation when it learns that other governments are lending their aid, and especially when it comes to understand the real nature and importance of the work, and an organization competent to its performance stands ready and is even anxious to undertake it.

§ 11. A system of prison discipline, to be really reformatory, must work *with* nature rather than *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, for wise purposes, impressed upon the human 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 fallen men? Captain Maconochie's great experiment in prison discipline on Norfolk Island, with its great harvest of reformations of even the most hardened criminals, is well known. But he himself declares that his task was not really so difficult as it was thought, nor its results so wonderful as they appeared, for the reason that he was working with nature, not against her, as most other prison systems did. He sought to cherish, and at the same time to direct and regulate, those cravings for improved position which all men possess in some degree, and which are often strongest in those otherwise most debased. Under the guidance of right principle, he found that his men, most of whom were steeped in crime, rose easily to order and exertion. But this result was not accomplished by a system of pampering and weak indulgence. On the contrary, he held a steady hand, and his discipline was firm and energetic, though always just. He did not fail to inflict punishment when deserved; but he applied it within the limits assigned both by the letter and the spirit of the law, not by excesses of authority beyond it. The law imposed imprisonment and hard labor, and these he caused his men, in the fullest sense, to endure. Every one was required to perform, to the last stroke, his allotted task; but he was saved all needless humiliation, and was encouraged to look to his own steady

efforts for the amelioration of his lot and for ultimate liberation. And this, he modestly declares—not the efforts of an individual, however zealous—was the real secret of his success.

This principle of working *with* rather than *against* nature, in prison management, is in direct contradiction to existing systems of penitentiary discipline, and to the practice of most, happily not all, individual prisons. Coercion is, in most systems and prisons, the supreme force. The separate system is the most perfect form of coercion ever devised; men are utterly helpless in its grasp. But the silent system does not much differ from this. The silent, like the separate, system rests, in its last analysis, on the principle of isolation. The only difference is, that in the one case the isolation is accomplished by an absolute bodily separation; in the other, it is of a moral kind, being effected by the enforcement of an absolute and eternal silence. The principle of sociability has no more play under the one system than under the other. At least so far as theory goes it has not; for if the theoretical silent system were or could be practically enforced, which is impossible, men would work side by side for years, yes, for a life-time, without exchanging a thought by word, look, gesture, or any token whatever. Now all this constitutes a species of domestic slavery; and it sets such systems aside as ordinary agents of general reform. I do not deny that individual reformations take place under them; but this is not so much through the system as in spite of it. Coercion is not a soil in which the tender plant of moral reform ever grew; or, at least, in which it can be ordinarily expected to grow. Such rough-riding over human nature is irreconcilable with every principle legitimately founded on its study.

Prisons should be made great workshops, or industrial establishments, where the inmates are systematically trained to be skillful, steady, sober, and *voluntarily* industrious; and where all the arrangements for labor are, at the same time, so like real life, as to be a natural preparation for it. The voluntary character of the labor cannot be too strongly insisted on. Compulsory labor—labor into which the will of the workman does not enter cordially—is, as a rule, rude, heedless, unskillful, and therefore unprofitable. It is free, and, still more, emulative or competitive labor that is earnest, ingenious, skillful, and productive. The economical improvement under such a system would be felt almost as soon as the moral; nor, indeed, can these ever be disjoined. No doubt it would require care and discretion, in the first instance, to organize such establishments. But the skill employed in their organization must be like that highest art which conceals art; and it must, above all, be content to sow good seed, and then wait, without forcing, the expected return. It would be easy to produce immediate results; but these would be ephemeral. Possibly the wisdom which is willing to wait can be gained only in the school of experience; but the test of renewed convictions after discharge would at length teach it effectually. When the lesson not to go too fast, to give a large scope to free agency, to let temptation assume all its customary forms, to regulate little but encourage much, is sufficiently learned, complete success may be hoped for in what should ever be the great aim of public punishment, the reformation of the fallen.

Much has been said of the demoralization and corruption resulting from the association of prisoners, especially with liberty of intercommunication. No doubt if, as on the usual principle of prison management, only their worst feelings are called out, and their intercourse is without guidance or control, the association of prisoners will be corrupting. But if their better impulses are brought into play—and Maconochie, Montesinos, Obermaier, Crofton, Sollohub, and Guillaume have shown that,

by proper combinations, this may be donè without sacrificing any measure of just and reasonable punishment—prisoners will be found very much like other men.

It is argued that, however the association of prisoners with free persons might be advantageous to the former, that of prisoners with prisoners cannot but prove hurtful to them. But this is a gratuitous, and, in my opinion, wholly erroneous assumption. Every one knows that it is easier to influence men in a body than individually, and that, when once in motion, they will go further, since they mutually help one another by the common enthusiasm created by the union. Moreover, strange as the proposition sounds, there is a natural tendency in numbers toward right feeling. Witness the clap-traps of a theater, which are generally high moral sentiments. Witness the further fact, that the better feelings of a mob are rarely appealed to in vain. On the field of battle, the most heroic devotion, even to the sacrifice of life, is often called out at a word. In none of these instances, probably, could the same generous response be obtained from a single individual, which he renders, not only spontaneously, but enthusiastically, as one of a body. Captain Maconochie says that, on Norfolk Island, he could have done nothing with the prisoners separately; that the best of them would have remained only dogged under his exhortations; and that, in Birmingham, he would neither have gained the boys as he did, nor would they have been able to influence each other outside as they did, if they had been shut up in separate cells. The experience of Montesinos at Valencia, of Obermaier at Munich, of Crofton at Lusk, of Sollow at Moscow, and of Guillaume at Neufchâtel, was, as we have seen, all of the same nature.

There is a reason of much cogency why greater prominence should be given to the social principle in our systems of prison discipline. Crime is essentially and intensely self-regarding, self-seeking, anti-social. Hence it is fostered by the selfish, and checked by the social, element of our nature. This fact is noted by Herbert Spencer in his Essay on Prison Ethics. He remarks: "The natural prompter of right conduct to others, and the natural opponent of misconduct to others, is sympathy; for out of sympathy grow both the kindly emotions, and that sentiment of justice which restrains us from aggression. Well, this sympathy, which makes society possible, is cultivated by social intercourse. By habitual participation in the pleasures of others, the faculty is strengthened; and whatever prevents this participation weakens it—an effect commonly illustrated in the selfishness of old bachelors. Hence we contend that shutting up prisoners within themselves, or forbidding all interchange of feeling, inevitably deadens such sympathies as they have, and so tends rather to diminish than to increase the moral check to transgression. Thus there is good reason to think that while silence and solitude may cow the spirit or undermine the energies, they cannot produce true reformation."

The principle is, that life within prison must be made as close a copy of life outside as may be, without sacrificing any of the just ends of public punishment. One of the most important parts of the machinery by which Captain Maconochie proposed to attain this object, was his mark system, which has been already partially explained. It will be recollected that his plan was to have labor sentences instead of time sentences—specific tasks to be measured by marks, and to be worked out by the prisoners. No supplies of any kind, whether of food, bedding, clothing—not even education—were to be given *gratuitously*; all were to be made exchangeable, at fixed rates, as the prisoner needed and was

willing to buy them, for marks previously earned ; with the distinct understanding, however, that only those which remained over and above all so exchanged, should count toward liberation. The prisoners, like free citizens, were thus made to depend, for every necessary and comfort, on their own industry and personal deserts: while their prison offenses were restrained by fines to be paid in marks, just as those of persons outside are by fines in money or privation of liberty. Describing the practical working of his method, Captain Maconochie says:

“First, it gave me wages, and then fines. One gave me willing and progressively skilled laborers; the other saved me from the necessity of imposing brutal and demoralizing punishments. My form of money next gave me school fees. I was most anxious to encourage education among my men, but, as I had refused them rations gratuitously, so I would not give them schooling either, but compelled them to yield marks to acquire it. I never saw any other adult schools make such rapid progress. My form of money next gave me bail bonds in cases of minor or even of great offenses; a period of close imprisonment being often wholly or in part remitted in consideration of a sufficient number of other prisoners of good conduct becoming bound, under penalty of the forfeiture of a certain number of good marks, for the improved conduct of the culprit.”

Even in the establishment of a sick-club and a burial-club, Captain Maconochie applied the inflexible principle of “nothing for nothing”—that is to say, here, as throughout, he made the discipline of the prison as much like the discipline of Providence in free life as possible. He sought to make all his arrangements such that the prisoners would experience, through them, just such and so much of good or evil as naturally flowed from their conduct—a principle which he rightly declares to be the only true one. Now, what were the effects of a system made to conform, in so remarkable a degree, to the providential arrangements found in ordinary society? The extreme debasement of the Norfolk Island convicts was notorious. They were the scum of all the penal colonies, sent to Norfolk because of their exceptional depravity. Yet reformations of these men were effected to an extent and of a character unknown, either before or since, in any of the penal colonies of the British Empire. This we must believe, unless all human testimony is to be discredited. How strong the attestation thus lent to the truth and force of the principle under consideration.

§ 12. In order to the best effect of a reformatory prison discipline, it should be divided into two distinct stages—the stage of punishment and the stage of reformation and training; the former having in view the prisoner's past, the latter his future. Both these processes, when the object is reform, are equally benevolent, because both are equally essential to the end in view. There can as little be true reform without true penitence, as there can be the growth of the man without the birth of the child. But the necessity for each is not, of itself, equally clear to criminals. Many who would, if possible, escape from restrictions as mere punishment, would willingly submit to them when understood to be a necessary antecedent of reform, and especially of release as conditioned upon reform; for nothing is counted a hardship which tends to that issue. As a fever must be reduced before its ravages can be repaired, and as a wound must be probed and cleansed before it can be properly healed, so, in the moral cure of a criminal, a punishing stage must precede the reformatory stage. To do one thing at a time, and each well, is the rule in all nice operations; and, surely, the recovery of a fellow-being from habits of crime to virtue, is worthy of an

equally methodical and careful procedure, and is not likely to be accomplished by one less scientific and delicate.

The necessity for separating these two processes may be placed in another light, and shown by a different argument. Subjection to punishment is an unnatural state, and interferes, necessarily, with that free agency, a sense of which is instinctive in man; whereas, on the contrary, a state of trial, of difficulty, of hardship even, supported by hope, and with its objects to be attained by voluntary exertion and self-denial, is a highly natural and improving state; it is the very state in which we are all sent into the world, and to which, accordingly, our faculties are especially accommodated. The two processes, therefore, cannot be combined, for either the restrictions involved in direct punishment destroy the free agency which is the essence of trial, or the concessions made to free agency weaken, if they do not destroy, the restrictions essential to punishment.

A testing stage should follow these two; but of that enough has been said in a former section.

§ 13. It belongs to the essence of a reformatory prison discipline to impart to the prisoner, during his detention, the power as well as the will to earn an honest living after his release. This can be done only by giving him, while he remains in prison, both the love and the habit of industry. Labor is at once a means of support and an auxiliary to virtue. 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," says Mr. Frederic Hill in his admirable *Treatise on Crime*, "little hope can be entertained of their conduct after liberation." 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. Therefore, it is a matter of prime importance to impart to prisoners the knowledge of some regular business. The ranks of criminals are chiefly recruited from persons without fixed occupation, and especially from those who have never learned a trade. At least eighty per cent. of our imprisoned criminals belong to this class, which shows to what an extent the want of a trade becomes an occasion of crime. To teach a convict a trade is to place him above want, and that is more than half-way toward making him an honest man. 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. In one of his reports Mr. Rice states that of two hundred convicts discharged from the state prison of Maine, only seven had been reconvicted, and but two of these had learned a trade. Would it not be well, would it not be economical, to make less use of machinery in our prisons, and more use of the hands found there?

§ 14. Both religion and education are forces of vast potency within as well as without prison-walls. But their power and value are so well known, and have been so often and forcibly exhibited, that a mere reference is all that seems necessary in this report. 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; while the



effect of education is to quicken intellect, give new ideas, supply food for thought, inspire self-respect, excite an honorable ambition, open new fields of exertion, and afford a healthful substitute for low and vicious amusements. What more need be said to show the value of these agencies in reforming criminals?

§ 15. All who would engage, with any hope of success, in the work of regenerating vicious and criminal humanity, must be animated by a hearty desire and intention to accomplish that result. Such a feeling and purpose, really entertained by all prison officials, would revolutionize prison management. It would change the whole spirit and tone of administration; and when that is done, the fit processes of a reformatory discipline will follow as a matter of course. It is not so much any specific apparatus that is needed, as it is the introduction of a really benevolent spirit into our prison work. 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 these virtues in their relation to God. Once let prison officers understand that their business is to *reform*—not merely to *punish*—their fellow-men, and let their desire and intention be conformed to that understanding, and they will speedily become inventive of the methods conducive to that end. 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.

§ 16. Equally essential is a serious conviction on the part of prison officers that prisoners are capable of being reformed. This belief is indispensable to success, for no man can heartily maintain a discipline at war with his inward beliefs. No man can earnestly strive to accomplish what in his heart he despairs of accomplishing. Doubt is an element of failure; confidence a guarantee of success. Nothing so weakens moral forces as unbelief; nothing so strengthens them as faith. "Be it unto thee according to thy faith," is not a mere theological dictum; it is equally the statement of a fundamental principle of success in all human undertakings, especially when our work lies within the realm of mind and morals.

§ 17. Greater prominence than heretofore should be given to moral forces, and less to mere physical power. A broad distinction must be made between physical apparatus and moral appliances in prison treatment. By physical apparatus is to be understood whatever is intended merely to coerce; by moral appliances, whatever offers a choice, and thus strengthens while it guides. The essential distinction is that between force and persuasion, between fettering the body and gaining the soul. The chief reliance, both for preventing crime and weaning from it, has been, and is, fear. Fear is no doubt among the most active passions and impulses of the soul. We all feel it, more or less, daily; and it ought, undoubtedly, to have a place in every system of crime-repression. Nevertheless, there is not an impulse of any kind—love, hatred, desire, hope, avarice—that does not continually overcome it, even in the most timid. Is it rational, then, in the effort to repress crime, to rest our chief confidence on the weaker rather than the stronger agencies, especially when it is considered that the promptings to crime usually proceed from the most powerful impulses of the human breast? There needs to be introduced into prison discipline a higher aim, a treatment of prisoners that seeks to gain the will, and not merely to coerce the body. What is wanted is, that they be trained to become virtuous freemen, and not merely that they be reduced, for a time, to the posi-

tion of well-ordered bondmen, taught the virtues of a state of slavery—obedience, submission, punctuality, order, and the like—but, of necessity, accompanied by a large admixture also of the vices of slavery—deceit, duplicity, evasion, latent but cherished resentment, and a thicker cloak of hypocrisy, which, however, only conceals, with more or less art, the continued rottenness within.

Criminals are too commonly considered the representatives of crime; and harshness toward them is thought to be a legitimate manifestation of our detestation of it. Should they not rather be looked upon as its first and saddest victims, to be pitied as well as blamed; to be pitied all the more for being bankrupt in virtue and character as well as in means? If we would earnestly seek to raise them from this state, not by weak and unwise indulgence, but by a judicious course of firm and even severe training, which would develop their manly and stimulate their moral nature, we should show a better understanding of the subject and of our duty in relation to it, and be much more successful in the great end of repressing crime. Only let us try; try in good faith and with good will; not halting between two opinions, but steadily and energetically acting upon one. The result would not long remain doubtful; and the greatest and gravest moral problem of our day would be at length satisfactorily solved.

All past systems of prison discipline have been, in the main, but modifications of *force*. Authority has been their chief, too often their exclusive, reliance. The result, so far as reforming criminals is concerned, has been failure. Let *organized persuasion* now have a trial; not coaxing, not pampering, not indulgence—a system as pernicious as it is false and feeble—but persuasion, with such forces behind it, resulting from a judicious application of motives, as, while leaving the will free, will yet, by a sort of moral necessity, determine it to a right choice.

The coercive system would seem to be an inherently and essentially vicious one, inasmuch that precisely where it is most perfect, it will be found ultimately least successful. Mind can be gained only by appealing to mind. Fettering the body is even directly opposed to this. It has its immediate and apparent advantages; but they are too dearly purchased. If we will actively employ our prisoners, and by suitable means cultivate in them the daily practice of the manly and social virtues, they will protect themselves from degrading vices much better than we can protect them by walls and bolts; and the moral triumph thus achieved will be as improving and strengthening to them as the triumph won by physical force is humiliating and enfeebling.

Let me briefly indicate two or three of those moral forces whose use would be likely to be attended with the best results.

The ability of the prisoner to better his condition while in prison through his own exertions—in other words, a regulated self-interest—is one of the mightiest as well as the healthiest of these forces. Montesinos found this so in his prison at Valencia. He convinced himself that men in prison, as well as men outside, need the *stimulus* of some personal advantage to be derived from their exertions. He says that what no severity of punishment or constancy in applying it could force out of his men, a very moderate personal interest readily obtained. In different ways, therefore, he constantly applied this powerful stimulant, and the excellent results it yielded and the fruitful germs of reform developed by it convinced him at length that the most inefficacious of all methods in a prison and the most fatal to every chance of reform are punishments carried to the length of harshness. It was not, he

says, till after many trials of severity that he ultimately made the principle of encouragement and persuasion the basis of all his operations on the minds of the prisoners. He caused forty-three distinct trades to be taught in as many different workshops, and stimulated industry and skill by allowing the prisoners a large share in the product of their toil. The administration of Colonel Montesinos lasted fifteen years, and the results were: 1, ready submission, few punishments, and a high state of discipline; 2, the ability to dispense almost entirely with a paid staff by the substitution of the most intelligent of the reformed criminals as under-officers; 3, the complete self-support of the establishment, so that never a dollar was called for from the state; 4, the reduction of relapses from 40 per cent.—the average prior to his incumbency—to zero, not a single recommittal having taken place during the last three years of his administration, and an average of only one per cent. during the ten years preceding.

The cultivation of a feeling of self-respect in prisoners develops a moral force, of great potency in prison administration. Self-respect is one of the most powerful sentiments of the human mind, for the reason that it is the most intensely personal. Hence the maxim, "Do not further degrade in prison the man who has come to it already degraded by his crimes," should be constantly and carefully applied in prison treatment. No one will ever beneficially influence prisoners who does not seek to strengthen in their breasts the sentiment of manhood and personal dignity.

Moral power over prisoners may be attained through frequent, frank, kindly conversations with them—not too familiar, but judicious and self-respecting. This was an agency constantly employed by Maconochie, and he ascribes to it much of the influence that he gained over his men. He encouraged all to address him with freedom, and he would not even listen to a man unless he stood erect, looked him in the face, and spoke to him like a man. He used to say to them that he would rather have a man insolent than cringing. He encouraged all to speak freely to him, and to express, without reserve, their views and sentiments on whatever was the subject of conversation. By this means he was enabled to sound their impressions and the sources of them much more deeply than would otherwise have been possible. He made it a special object when thus conversing with a prisoner to interrogate him about his early youth and training, his parents, the lessons they had taught him, the example they had set him, &c. His design in this was to call up the associations of earlier days, and thus endeavor to revive in him the good impulses and principles which had guided his conduct before he became corrupted and seared by the scenes through which he had subsequently passed. In this way he obtained an immense power over his prisoners, which he skillfully and effectively applied as an agent in their reformation.

"The law of love and love in law"—in other words, kindness duly regulated—is a moral force of almost illimitable power. The kindness proposed is not, however, that which seeks merely to alleviate the immediate suffering of prisoners, which they have deserved and ought to undergo. It is rather a rational, prudent, forecasting kindness, which seeks to lift them up, to strengthen them, and to prepare them for the battle of life. Such a spirit universally introduced into our prisons would work wonders, both on the character of the prisoners and the movement of crime. This spirit once there, this aspiration after the moral improvement of their charge felt by the officers and recognized by them as a duty, would prove both inventive and creative in their hands. It would *find* or *make*

means to accomplish the reform of their prisoners, and when one agency proved abortive it would have recourse to others; *it would not be wholly balked*. Further, as we see in the case of M. Demetz and Mettray, such a spirit having once found a lodgment in the breast of prison officers, and constantly working itself out into action, would not long be confined within the prison walls, but would follow into society, after their discharge, those who had felt its beneficent power during their captivity, and would thus tend prodigiously to prevent relapses and, as a consequence, to diminish the volume of crime. What a change would the general possession and manifestation of this spirit produce in the tone and temper with which prisoners are treated! This is now too often supercilious, if not even contemptuous, whereas it should be rather that in which patients are received and treated in a hospital. Certainly the hatefulness of the crime committed should be freely expressed. On this head there should be no compromise. But apart from this, the criminal should be sincerely regarded and studiously treated as an object of compassion, fallen but recoverable, and sent to prison expressly to that end. A tone of hopefulness for his case should thus be maintained, and confidence felt and shown that, when put in the right way, he will be manly enough to abide in it. This idea of manliness and courage as belonging to virtue, and of abjectness and cowardice as inhering in vice, should be especially insisted on. The greatest benefit has resulted from it in dealing with rough and fallen natures. It is an idea that comes home to many men otherwise hard to be impressed, and to whom, on the other hand, any approach to whining or cant is distasteful, and becomes an object of scorn and scoffing.

It is important to note, in passing, that a liberal application of the law of kindness to prisoners is not incompatible with a calm, steady, resolute discipline. Tenderness may be fitly and successfully blended with justice in dealing with them. It is not a just rigor against which the prisoner rebels, for that may be as kind as it is wise; it is rather against capricious harshness, which is cruel and irritating for the very reason that it lacks the element of justice. Criminals are not much accustomed to kind treatment, and therefore they are the more touched by it. Convince them that you have a genuine sympathy, show them a kindness which evidently has its seat in the heart, and their sensibility is instantly awakened. This principle keeps a lingering hold upon our nature even in the last and lowest degree of human wickedness. When all other generous sensibilities are gone, this survives and shows itself even in the most hardened criminals. There is, somehow and somewhere, a soft part about them, which will give way before the demonstrations of a genuine tenderness and love. This one germ of a dormant virtue, this solitary element of an improved character, is found to outlive the destruction of all others; insomuch that, fallen as a brother may be from the moralities which once adorned him, the manifested good-will of his fellow-man still carries a charm and an influence along with it. There lies a regenerative and redemptive power just here, which no degradation can crush, no depravity extinguish.

§ 18. Individualization is an essential principle of a reformatory prison discipline. There was a general agreement in the congress on this point. It was held unanimously that, to insure the highest improvement of prisoners, prisoners must, to a certain extent, like the different members of a household, be treated individually. While all alike are placed under a general law, the conduct of each, as directed by it, should be specially and minutely noted. The improving effect of this would be found very great. It would be a first step toward restoring to

each that feeling of self-respect without which no recovery will ever be found permanent. Each should be enabled to know, if possible, from day to day, and certainly from week to week, the light in which his conduct is viewed, in all important particulars, by those placed over him; for thus alone, as his good purpose strengthens, will he be enabled to correct that wherein he may be found deficient. To this end a card might be hung in his cell, with four rows of figures constantly kept upon it. The first should indicate the prisoner's general conduct; the second his degree of industry and exertion; the third his attention and improvement, as noted by the chaplain; and the fourth the same, as shown by the schoolmaster's record. By this means, whenever the warden or chaplain, or any person entitled to make such perquisition, goes round, the whole conduct—and thence the character—of the individual would be instantly patent, and commendation, censure, caution, advice, or exhortation could be addressed to him as each might be needed. These marks would also form the basis of those estimations of character according to which prisoners would be passed through the different stages of treatment, rising successively from grade to grade, until, beginning at the lowest, they should have at length reached the highest.

It will be found important that rewards for exertion and improvement, other than physical comforts, be progressively added; or even that they should, at the discretion of the authorities, be substituted for such comforts. It is right and fair, and even improving, that consideration for the last should be used as a *stimulus* in the lower stages of reformatory treatment. Such, indeed, is the arrangement of Providence in human society, and we cannot copy a better type. But in proportion as the higher nature of the prisoner is developed and cultivated, higher objects of desire should be suggested and made similarly attainable, in order at once to keep the upward tendency active, and to raise the character of its aspirations. For this purpose a longer allowance of gas-light, a wider scope of books and instruction, and increased facilities of communication with families and respectable friends outside, and other like indulgences will be found powerful and most improving encouragements. At no stage, however, should any remission be made of the call for continued active exertion. To reward a prisoner, in any part of his course, by permitted idleness, is to undo the improvement that may have been already effected in him by dissociating the ideas of sustained effort and success, which should, as much as possible, be kept inseparably together in his mind. Even when partially sick, employment of some kind should, wherever practicable, be thus given him. The surgeon should be constantly invited to suggest such. Not infrequently this will even promote recovery—if not otherwise, yet by making a state of sickness not entirely a state of exemption.

§ 19. It is almost superfluous to remark that such a prison system and prison administration as that sketched, all too imperfectly and feebly, in the preceding sections of this concluding chapter, cannot be carried out in its true spirit, nor with the necessary intelligence and vigor, by the agents at present engaged in the work. We have, happily, even now, many heads of prisons, holding sound views, imbued with the right spirit, thoroughly competent to the duties of their position, and working with zeal and intelligence in fulfilment of their high mission. These have a few able and well-qualified assistants, who are animated by the same sentiments as themselves, and are lending to their aims and efforts a noble and efficient co-operation. But the mass of prison officials, throughout the country, are sadly deficient in the broad intelligence, good feeling, self-control, sound common sense, high moral principle,

strong religious feeling, and other essential qualifications requisite to their calling. It is idle to suppose that an equitable and humane—above all, a reformatory—prison code can be carried out successfully, where a fit administration cannot be had. To deal with delinquents, not by short and sharp methods, but through such pains-taking, cautious, and tardy processes as abstract justice indicates, and the attainment of genuine and permanent reformatory results imperatively demands, would require a class of agents which is yet, as a body, to be created. Nor, in my humble judgment, can such a creation ever be effected, except by special effort, special education, special training to that end. The reformation of fallen humanity is a work as complex, as delicate, as difficult, and demanding qualities and qualifications of intellect, judgment, and heart as high and as broad as any ever committed to the hand of man, and as worthy of being raised to the dignity of a regular calling or profession as any other within the wide range of human employment. If law, medicine, and divinity; if engineering, military command, and school-keeping; if sculpture, painting, and music; if even every handicraft requiring mere manual dexterity demand a special technical education and training in those who devote themselves to these callings, why not equally the work and calling of a prison keeper, whose proper business—the regeneration and redemption of fallen immortals, the cure of souls all sick and leprous with sin—is the peer of any of them in the dignity, grandeur, and beneficence of its aims. Mettray, with its glorious chief, who had the wisdom to establish his training-school even before he established his prison—Mettray, with its magnificent reformatory results, as the fruit and demonstration of that wisdom—is a living, visible, irrefragable argument in support of the value, the importance, the absolute necessity of a special preparation on the part of prison officers for their work. Let that argument, for present purposes, stand in the place of all others.

§ 20. The necessary complement of every prison system, which really aims to reform its subjects, is a comprehensive and efficient agency for the care of discharged prisoners. The moment of their liberation is, for them and for society, so far as they are concerned, a crisis whose gravity cannot easily be exaggerated. Their good intentions and their actual improvement in prison are then severely tested. The question is to be determined whether they will pursue the path of virtue, or return to crime. A few weeks, at most a few months, will, in all likelihood, decide the point. The trial is often one of terrible severity to the discharged convict. The temptations which surround him are strong and pressing. There is a fearful conflict in his soul. He wishes to do right, but is sorely urged to do wrong. He desires to stand, but trembles lest he should fall. He would do good, but evil is present with him. He starts at his own shadow. He feels that, like Cain, he is “a fugitive and a vagabond on the earth.” Terrible, indeed, are his struggles, for he has foes within as well as without to combat. His soul is driven to and fro between the frowns of the world and the upbraidings of conscience. These awaken remorse; those, despair. What does the released prisoner need in this, with him, supreme hour? First of all, sympathy, which will act like a cordial upon his bruised and fainting heart. Then he needs words of encouragement and hope, of wise and affectionate counsel, which will still further refresh and strengthen his spirits. He needs, moreover, pecuniary help. Some money or its equivalent he must have, or crime becomes a necessity. The best provision of this kind would be to allow him some share in his earnings as a prisoner, to be retained for him to the day of his liberation; but until such al-

lowance is accorded, which is equally the dictate of justice and policy, private benevolence, or, better still, the state, should extend some assistance of this sort, enough at least to enable him to "make a start in the world." But most of all, the discharged prisoner needs employment. At the earliest possible moment, therefore, he should be put in a position to help himself. Self-help is the best help he can have, for it gives independence, self-respect, and inward force. Sympathy, kind words, good advice, are all excellent in their place; but they are useless—worse than that, they are mockery—while you leave the man hungry and shivering, with nothing to do. But back your words with acts; give work as well as counsel; and then the words and the counsel have a mighty power; they become living forces.

Messrs. Haines and Howell, commissioners from the State of New Jersey to the Congress of London, in the report submitted by them to the governor of the State, have offered some excellent suggestions on this point. After citing the declaration of the congress that "the prisoner, on his discharge, should be systematically aided to obtain employment," the commissioners add:

"The truth of this sentiment has been frequently and painfully proved. Prisoners who, when discharged, gave evidence of thorough reformation, and who sincerely believed that they could keep their solemn resolution to live honestly, for want of employment and consequent poverty, and taunted, and sometimes threatened by those who knew of their conviction, have been driven to the haunts of vice and plunged again into crime. With the aid of some friendly hand to afford them suitable employment and means of self-support, many such might have become good citizens and contributors to the material wealth of the community.

"An agency for providing discharged prisoners with employment is a present and pressing necessity—one that is deeply and painfully felt. In some States this has been committed to individual effort and benevolent associations; but it is obviously the duty of the State, and properly devolving upon it. If the protection of society is to be secured by the imprisonment and reformation of the convict, surely that protection should be continued by such measures as will provide against a relapse into crime and a repetition of the former process of punishment.

"An officer of the prison, or what would be more effectual, an agent appointed for the purpose, charged with the duty of ascertaining the capacity of the prisoner, and securing for him suitable employment, would do much to promote the peace and safety of society, and secure many unhappy persons from temptation and repetition of crime, and aid in restoring them to the condition of useful citizens.

"If it be objected that the appointment of such an agent would increase the offices of the prison and the expenses of the State, it may be answered that such increased expense will prove to be the truest economy. The investment of the small sum for the salary and expenses of the agent would insure large profits to the State by saving the charges of reconversion and support of the prisoner, and by rendering him, who had been a burden, a contributor to the material property of the State.

"This is the financial and lowest point of consideration of the subject. If we regard the moral and social effects of such a measure, and compare the condition of one reconvicted, and his influence upon his family and the community, with that of one reformed and returned to the ranks of honest and productive industry, we can have no doubt of the propriety, the necessity, and the economy of such an office."

§ 21. So far, the "suggestions and recommendations" submitted by the undersigned have been of a general character. He ventures to add a par-

agraph more specific in its aim. The National Government has no prisons of its own. It has a criminal code and criminal courts. Men charged with criminal offenses are arraigned, tried, and convicted under its authority; but, when so convicted, it has no prisons to which it can send them for treatment. It is compelled to sentence them for punishment to the prisons of the States in which they happen to have had their trial; at least, such is the general practice. It has no control, no influence, over the discipline of the prisons to which they are committed. That discipline may be cruelly severe or unwisely lenient; it may make its subjects worse instead of better; it may send them out more depraved and hardened than when they entered, and more certain to continue their evil courses; but the government has not a word to say; it cannot lift a finger; it cannot exert a single counteracting force; it can only sit silent and let the work of corruption go on. Is this wise? Is it right? Is it statesmanship? Has the government no responsibility in regard to these men whom it has convicted of crime? Is their salvation a matter in which it has no concern, no interest, no duty? Is it not bound, in honor and conscience, to try to reform them and send them back to society regenerated in purpose and in life, with the will and the power to eat bread earned by honest toil? If it has any such duty in regard to these men, can the obligation be discharged by sending them it knows not whither; by committing them to it knows not whom; by subjecting them to a treatment which it has no power to control, and to influences in regard to which it does not even know whether they are good or bad, salutary or pernicious? General Coburn, chairman of the Military Committee of the House of Representatives, and General Logan, chairman of the Military Committee of the Senate, succeeded in getting an act passed by the last Congress providing for the establishment of a United States prison, in which prisoners tried and sentenced by military courts may receive the benefits of a humane and reformatory discipline; for so the act declares in express terms. Whatever reasons there may be for such a prison and the application of such a discipline in the case of military prisoners, there are many-fold more and more cogent reasons for such appliances in the case of persons convicted of crime in the civil courts of the United States, both because these latter are much more numerous and because they stand in much greater need of a reformatory treatment, their offenses being, for the most part, less against technical rules and more against law and morality, and springing, therefore, from a deeper moral taint. For these reasons, and others that might be adduced, the undersigned does not hesitate to "suggest and recommend" the immediate establishment of one prison, at least, for the treatment of persons convicted by the civil courts of the United States, and the addition of others as they may be found necessary or convenient, in which a discipline, based upon the principles set forth in this closing chapter of his report, may be honestly, intelligently, and faithfully applied.

All of which is respectfully submitted to the President:

E. C. WINES,

*Commissioner, &c., &c.*



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TRANSACTIONS  
OF THE  
NATIONAL PRISON REFORM CONGRESS,

HELD AT  
BALTIMORE, MARYLAND, JANUARY 21-24, 1873;

BEING THE  
SECOND ANNUAL MEETING OF THE NATIONAL PRISON ASSOCIATION  
OF THE UNITED STATES.

EDITED BY  
E. C. WINES, D. D., LL. D.,  
SECRETARY OF THE ASSOCIATION.



# TRANSACTIONS.

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## I.—OPENING ADDRESSES—ORGANIZATION—STANDING COMMITTEES—ROLL OF MEMBERS.

The National Prison Reform Congress, called under the auspices of the National Prison Association of the United States, assembled at Masonic Temple, Baltimore, Maryland, at 8 o'clock, p. m., January 21, 1873.

The Hon. Horatio Seymour, of New York, president of the Association, took the chair in virtue of his office, and called the meeting to order.

On invitation of the president, prayer was offered by the Rev. Samuel J. Baird, D.D., of Virginia.

Governor Seymour then delivered the opening address, as follows:

### GOVERNOR SEYMOUR'S ADDRESS.

The name of this association fails to give a full idea of its scope and aims. In terms, they seem to be limited to that class of men who have brought themselves under the penalties of the law. But the moment we begin to study the character of criminals and the causes of crime, we find that we are forced back to a scrutiny of our social system and of the weakness as well as the wickedness of our fellow-men. It is because the subjects of pauperism and crime thus lead to an analysis of human nature, and to the consideration of social aspects, that they have been made matters of profound thought by able publicists and large-minded statesmen. At first thought it seems that the condition of a small body of men, who have offended local laws, should be left to the thoughtful control of local authorities, but it is soon found that the considerations involved are as broad as the spread of the human race.

For these reasons, leading men of different nations were drawn together at the late International Convention, at London. For these reasons, this association was formed. Crime knows no geographical limits, no boundaries of states. It is, in its nature, at war with the welfare of the human race. It must be opposed by the united wisdom and virtue of all nationalities and of all forms of civilization.

While local laws must frame penal codes, and local societies do the work of lifting up fallen men, still much is gained by a wide-spread sympathy and co-operation. There are many things which are beyond the reach of state action, in a moral point of view; things which do not come under the cognizance of laws, but which deeply affect the welfare of our whole country.

At the first view, our efforts seem to be limited to the justice which punishes crime, and to the charity which tries to reform the criminal. But we are soon led into a wider field of duty. We are apt to look upon the inmates of prisons as exceptional men, unlike the mass of our people. We feel that they are thorns in the body politic, which should be drawn out and put where they will do no more harm. We regard

them as men who run counter to the currents of society, thus making disorder and mischief. These are errors. In truth, they are men who run with the currents of society, and who outrun them. They are men who, in a great degree, are moved and directed by the impulses around them; their characters are formed by the civilization in which they move. They are, in many respects, the representative men of a country. It is a hard thing to draw an indictment against a criminal which is not, in some respects, an indictment of the community in which he has lived. An intelligent stranger, who should visit the prisons of foreign countries and should hear the histories of their inmates, would get a better idea of the inner workings of their civilization than could be gained by intercourse with a like number of their citizens moving in the mere conventional circles of society. As a rule, wrong-doing is the growth of influences pervading the social system, as pestilences are bred by malarias. Our study into this subject soon teaches us that prisons are moral hospitals, where moral diseases are not only cared for, but science learns the moral laws of life; where it learns what endangers the general welfare of the community; what insidious pestilential vapors permeate society, carrying moral disease and death into its homes. Prisoners are men like ourselves; and if we would learn the dangers which lurk in our pathways, we must learn how they stumbled and fell. I do not doubt but some men are more prone to vice than others. But after listening to thousands of prayers for pardon, I can hardly recall a case where I did not feel that I might have fallen as my fellow-man has done, if I had been subjected to the same demoralizing influences and pressed by the same temptations. I repeat here what I have said on other occasions, that after a long experience with men in all conditions of life, after having felt, as much as most men, the harsh injustice springing from the strife and passions of the world, I have constantly learned to think more kindly of the hearts of men, and to think less of their heads.

If we find that crimes are, in a large degree, the hot-bed growth of social influences; if the weakness of human nature is always open to their attacks; if they may, at any time, enter into our homes and strike at the family circle, then we must at least guard against them as we do against the pestilence.

To protect the public health and to learn the laws of life, we build and sustain, with liberal hands, hospitals where the sick and wounded can be cured. The moral hospital should be regarded with an equal interest. In each of them we should seek to cure the inmates. In each of them we should seek to find out the secret causes of disease. With regard to both, we should always, in a large-minded way, feel that the laws of moral and physical life are a thousand times more important to the multitudes of the world at large than they are to the few inmates who languish within their gloomy walls.

The public hold in high honor the man of science who treads the walks of the hospital to relieve suffering, to find out the facts which will enable him to ward off sickness and death from others. This association appeals to the public for the same sympathy and support for those who labor to lift up their unhappy brethren from moral degradation, and at the same time to do the greater work of tracing out the springs and sources of crime, and of warning the public of its share of guilt in sowing the seeds of immorality by its tastes, maxims, and usages. We love to think that the inmates of cells are unlike ourselves. We would like to disown our common humanity with the downcast and depraved. We are apt to thank God that we are not like other men; but with closer study and deeper thought we find they are ourselves, under different

circumstances. And the circumstances that made them what they are abound in our civilization, and may, at any time, make others fall who do not dream of danger.

It is a mistake when we hold that criminals are merely perverse men, who are at war with social influences; on the other hand, they are the outgrowth of those influences. Crimes always take the hues and aspects of the country in which they are committed. They show not only guilty men, but a guilty people. The world deems those nations to be debased where crimes abound. It does not merely say that the laws are unwise, or that the judiciary is corrupt, but it charges the guilt home to the whole society. This is just; for most of the crimes which disgrace us could not be done if there was not an indifference to their causes on the part of the community. As certain plagues which sweep men into their graves cannot rage without foul air, so many crimes cannot prevail without wide-spread moral malaria. It is the greed for gold, the love of luxury in the American people, which have caused the legislative frauds, the municipal corruptions, the violations of trusts, which excite alarm in our land. It is the admiration of wealth, no matter how gained, which incites and emboldens the desperate speculator in commercial centers to sport with the sacred interests of labor, to unsettle the business of honest industry, by playing tricks with the standards of values. Those who use the stocks of great corporations as machines for gambling schemes, are more deliberately and artfully dishonest than the more humble swindler who throws his loaded dice. Many of the transactions of our capitalists are more hurtful to the welfare of our people than the acts of thieves and robbers. In the better days of American simplicity, honesty, and patriotism, these things could not have been done. No one would then have dared to face a people indignant at such rapacious greed. Such influences have led to frauds, defalcations, breaches of trust. They have filled our prisons and overwhelmed many households with shame and sorrow. Yet the authors of such things are honored for their wealth, and we ask, with eagerness, how rich do they get? and not, how do they get riches?

To make the public feel that criminals are men of like passions with ourselves, that crime is an infectious as well as a malignant disease, and that its sources are not so much personal inclination as general demoralization, are the great first steps toward reform. When we feel that disease may enter our own houses and seize upon the mental or moral weaknesses of those we love, we are ready to study its causes and its workings. We should then uphold and honor those men of humanity and true statesmanship who study out the causes of moral stains, as we honor and support those men of science who search out, in sick-rooms or hospitals, the causes and courses of the complaints which kill the body.

He who masters the diagnosis of crime gains a key to the mysteries of our nature and to the secret sources of demoralization, which opens to him a knowledge of the great principles of public and private reform, the true methods of a good administration of laws. Pauperism and crime have been made the subjects of earnest thought by the best and wisest men of the world, not only on account of their intrinsic interest, but also on account of their relationship to all other matters of good government. Neither of them can be driven out of existence; they will always be problems to vex statesmanship; but they must always be battled with. In the social edifice they are like fires, ever kindling in its different parts, which are to be kept under by watchfulness and care. If neglected, they burst out into the flames of anarchy and revolution, and sweep away forms of government.

These subjects must be studied directly and in their moral aspects. There is a pervading idea in our country that the spread of knowledge will check crime. No one values learning more than I do, but it is no specific for immorality and vice. Without moral and religious training, it frequently becomes an aid to crime. Science, mechanical skill, a knowledge of business affairs, even the refinements and accomplishments of life, are used by offenders against law. Knowledge fights on both sides in the battle between right and wrong, at this age. It lays siege to banks; it forces open vaults stronger than old castles; it forges and counterfeits. The most dangerous criminal is the educated, intellectual violator of the law, for he has all the resources of art at his command—the forces of mechanics, the subtleties of chemistry, the knowledge of man's ways and passions. Learning, by itself, only changes the aspect of immorality. Virtue is frequently found with the simple and uneducated, and vice with the educated. Surrounded by glittering objects within their reach, our servant girls resist more temptations than any class in society.

We must look beyond the accidents of knowledge or ignorance, if we wish to learn the springs of action. To check vice there must be high moral standards in the public mind. The American mind must move upon a higher plane. To reform convicts, their hopes must be aroused and their better instincts worked upon. I never yet found a man so untamable that there was not something of good on which to build a hope. I never yet found a man so good that he need not fear a fall. Through the warp and woof of the worst man's character there run some threads of gold, and in the best there are base materials. It is this web of entwined good and evil in men's character which make the problems and perplexities of the legislator and judge.

While there is no honest dealing with this subject unless the American people are charged with their share of guilt, and while Christian charity leads us to take the kindest view we can of every man, it does not follow that crime should be dealt with in a feeble way. Let the laws be swift, stern, and certain in their action. What they say, let them do; for certainty, more than severity, carries a dread of punishment. Let the ways of bringing offenders to justice be direct, clear, and untrammelled. The technicalities of pleading, proof, and proceedings, in many of our States, are painfully absurd. To the minds of most men, a criminal trial is a mysterious jumble. The public have no confidence that the worst criminal will be punished; the worst criminal cherishes, at all times, a hope of escape. In every part of our country there is a vague idea that certain men, of legal skill, can extricate offenders without regard to the merits of their case. This is a fruitful cause of crimes. There is not, in the minds of the American people, a clear, distinct conception of our penal laws, their actions, and their results. Not less hurtful to justice are those fluctuations of the public mind, which shakes off, spasmodically, its customary indifference; fiercely demands a conviction of those who happen, at such times, to be charged with crime; and thus makes popular clamor take the place of judicial calmness and impartiality.

No one feels that there is, in this country, a clear, strong, even flow of administration of criminal laws. The mood of the popular mind has too much to do with judicial proceedings.

The evils connected with the administration of justice in our land are due, in a good degree, to the swift changes in the material condition of our country. An increase of our numbers of more than a million each year, of more than twenty-five hundred each day, of more than one hun-

dred each hour, explains many of the causes of our overburdened system of penal laws, framed for a different state of society. Our perplexities are increased by the fact that more than one-quarter of this daily addition to our population is made up of those who come from other countries, strangers to our customs and laws, and, in many instances, ignorant of our language.

History gives no account of such vast increase of the numbers of any country by constant, peaceful accretion. Conquest rarely makes as many prisoners of war as we make captives to the peaceful advantages of our continent. They bring us wealth and power; they also bring us many problems to solve. British laws deal with British subjects. French courts decide upon the guilt or innocence of Frenchmen. Germany shapes, by its usages and customs, the ideas of right and wrong in the minds of the Teutonic races. But we, in America, have to deal with and act upon all nationalities, all phases of civilization. While these facts palliate the defects of our penal laws and of their administration, they certainly make more clear and urgent the duty which demands that we keep pace with the swift changes going on around us. More than this, our circumstances enable us to take the lead in the great work of reform, as we deal with more plastic materials than are found in the fixed condition of older nations. Here, too, we have a broader field, filled with men of varied phases and aspects of different civilizations, in which we can study the wants and weaknesses, the virtues and vices of the human race.

For a series of years, nearly three hundred thousand emigrants have been annually landed at the harbor of New York. Disorder and crime are always active along the line of march of great armies. I believe there is no instance in history of a movement of the human race so vast and long continued. I am glad to state a fact which in some degree palliates the disgrace which attaches to the administration of justice and the conduct of public affairs in that great city. But I should fall short of telling the whole truth if I did not also say that the discredit of that great city mainly springs from the sad fact that its men of wealth, as a body, lack that genuine self-respect which leads to a faithful, high-minded performance of the duties each citizen owes to the public.

Is there any other basis upon which we can found this great work of patriotism and philanthropy than the one contemplated by this association? It may, at first view, seem to be limited to a small class, but it opens up into a broad field of unpartisan, unsectarian labor. The objects we have in view, although they make our prisons their starting-point, are so wide in their bearings that they brought together, at the London international association, in the interests of our common humanity, men of the best minds, from most of the countries of Europe and America. These, in despite of their differences of creeds, usages, language, and form of civilization, could act in accord in devising measures to lift up the fallen, and to spread the principles of morality and justice among the peoples of the world. It is found that true statesmanship, like true religion, begins with visiting the prisoners and helping the poor.

It is certain that in our own country Edward Livingston, the public man who ranks highest in European regard for intellectual ability, gained his position by his great work, "The Penal Laws of Louisiana." When it was the fashion in the scientific world to hold that men and animals were dwarfed on this continent, this work was brought forward by our friends in Europe as a proof that statesmanship was full-grown here. It is a remarkable fact that an able foreign writer selected the Louisiana code and the proclamation of General Jackson against the

doctrine of secession as the two ablest productions of the American mind, not knowing that they both came from the same pen. An exposition of Mr. Livingston's system has lately been published in France, under the auspices of the French Institute, by M. Charles Lucas, a member of the Institute, and formerly president of the council of inspectors of the penal institutions of that country. M. Lucas is a distinguished writer and leader in the work of criminal reform. He belongs to that body of large-minded, philanthropic men who seek to benefit humanity by wise systems of legislation. A certain breadth and reach of mind mark all those men who have entered upon the study of penal laws and the reformation of criminals.

The Louisiana code is not only remarkable as the product of one man's mind—and I know of no like instance in history—but it is also distinguished by the fact that its republication is called for after the lapse of half a century. The new edition has an able introduction by Chief Justice Chase. Only fleeting honors are gained by those who deal with the passing phases of society, while enduring honors are won by those who grasp the lasting problems of government and laws. It is to be hoped that our statesmen will learn to follow in the higher pathways marked out by Mr. Livingston.

While there is much to condemn in our system of laws and their administration, there is much to admire in the practical workings of many of our prisons. In some respects we are in advance of other peoples. Much has been done in many of our States to improve the condition of criminals, and much more to rescue the young from courses of vice and destruction. I should be glad to speak of the instances of ability and self-devotion shown by men who have charge of public or private charities established for the reformation of offenders. They would lend a weight to my argument which my reasoning cannot give. But I must leave these things to be brought out by the discussions of this congress. I only seek to show the ends at which it aims. I only seek to invoke for it the sympathy and support of the public in its efforts to combine and organize the forces of those who, in different parts of our country, are working in this field of philanthropic and patriotic labor.

Crime has its origin in the passions which live in every breast and in the weaknesses which mark every character. In its nature it concerns each of us as clearly as the common liability to fall prematurely before disease and death. No man can know human nature, no man can be a great teacher to his fellow-men, no man can frame laws wisely and well, who has not studied character in convict life. There he can best see the lights and shadows of our nature; see in strongest contrasts what is good and what is bad.

The prisons, to which all vice tends, are the points from which the reforms can best be urged which seek to find out where vice begins. Starting from the sad ends of crime, and running back along their tracks, it is seen that in a large degree they are engendered by public tastes, habits, and demoralizations. It is in our prisons that we can best learn the corrupting influences about us which lead the weak as well as the wicked astray; ay, and sometimes make the strong man fall into disgrace and misery.

In these moral hospitals the thoughtful man, the philanthropist, and the statesman will look for the causes of social danger and demoralization. When we begin at the prison and work up, we find opening before us all the sources of crime; all the problems of social order and disorder; all the great questions with which statesmanship, in dealing with the



interests and welfare of a people, must cope when it seeks to lift up high standards of virtue and patriotism.

In the most highly civilized countries, the subjects of pauperism and crime secure the most attention and thought. They turn men's minds from selfish to unselfish fields of labor. Those who enter those fields will find in them marks of toil and care by the best human intellects. The grandest minds have worked at their intricate problems. The ambition of the first Napoleon sought to gain immortality in his code of laws as well as in victories on the field of battle.

Much has been done, in many of our States, to improve prison discipline. Something has been done toward reforming prisoners; but the larger view of the subject, which looks to the moral health of society and the baleful influences at work in its organization, has not received the attention which it deserves.

When prisons are visited by men of mind, when prisoners are looked upon with kindly eyes by those who can study their characters and learn from them the virtues, the vices, and the wickedness which mark our race, and who, tracing back the courses of their lives, shall find the secret sources of their errors and their crimes, then we shall have not only our laws justly enforced and reform wrong-doers; but, more and better than these, we shall gain a public virtue and intelligence which will secure the safety and happiness of our homes, the glory and stability of the republic. Then wealth gained by unworthy means will no longer be respected.

No one can recall the events of the past few years, particularly those of the great commercial centers, without feeling that there is an ebb-tide in American morals. Not a little of the glitter of our social and business life is the shining of putrescence. Fungous men have shot up into financial prominence, to whom a pervading, deadening moral malaria is the very breath of life. They could not exist without this, any more than certain poisonous plants can flourish without decaying vegetation.

While I have tried to present in clear terms the claims of this association upon the public sympathy and support, it must be understood that we claim for it only the merit of being a useful auxiliary to moral and religious teachings. If those who take part in its work should fall short of its broader, higher objects of a national character, they will at least get this great gain—they will learn to think more humbly of themselves, more kindly of their fellow-men, and to see more clearly the beauties of Christian charity.

#### MR. JONES'S ADDRESS.

The Hon. Isaac D. Jones, late attorney-general of Maryland, welcomed the members of the congress in the following remarks:

MR. PRESIDENT, MEMBERS OF THE NATIONAL PRISON ASSOCIATION, AND ALL WHO HAVE ASSEMBLED IN THIS CITY TO ATTEND THE PRISON REFORM CONGRESS: On behalf of the Prisoners' Aid Association of Maryland, and of all our citizens, I have been requested to extend to you the right hand of fellowship; to offer you, in their name, a cordial reception, and to bid you a most hearty Maryland welcome. This pleasant duty had been assigned, as was most fit, to our distinguished and eloquent fellow-citizen, his excellency the governor of Maryland. I am sure all will unite with me in regret that the condition of his health has deprived *us* of the honor of his presence, and *him* of the pleasure of meeting you on this occasion, as I am sure he would have done, with a most cor-

dial greeting. You need no assurance from me of his sympathy or of his readiness to render all the aid in his power in accomplishing the good work in which you are engaged. It is indeed a good work; a great and important work; a noble charity and Christian duty. The congress of representatives of many of the most important nations of the earth, which met in London in July last, indicated the deep interest which has been aroused throughout the civilized world in the success of this work. It involves one of the most difficult and yet vital problems connected with the administration of civil government. It grows in importance and extent the more you contemplate it. Beginning with those now in prison under condemnation and sentence, and considering what can be done toward impressing them with a proper sense of their crime, and the duty of repentance and reformation, and how, if possible, they may be restored to useful, honest citizenship; then looking into the criminal code, and pondering its provisions and its administration in our courts and by our juries, and remedying, as far as possible, such defects in both as may be discovered, a far more extensive field is opened to the inquiry, what can and must be done to resist the swelling tide of crime, and to prevent its sweeping away the barriers which protect not only property, but the security of our homes, the quiet, peace, and safety of social life, and even life itself, and to induce all classes of our people to lead honest, industrious, sober, and useful lives? It is too plain to observation and experience for any doubt, that the principal sources of this destructive flood of vice and misery are ignorance and idleness. What shall be the remedy for these? Where and with whom shall we begin with the best prospect of success? Undoubtedly with those who are young and as yet uncontaminated. And as to these, have all the experience of the ages and the boasted discoveries of modern science found out anything better than the good old proverb, "Train up a child in the way he should go?"

And then comes the question, How and by whom shall he be trained? What are the duties of parental training; what the duty of the State in providing the most efficient system of education? And, most important of all, upon what foundation shall the superstructure of education be erected? I beg pardon for having, I fear, already gone beyond the limits assigned me. But as my heart is deeply impressed with the solemn importance of the subjects, at which I have merely hinted, I beg most respectfully, in this presence—where so many of the men of thought, men deservedly high in the public confidence, and in the councils of our country, are assembled—to declare my most solemn and profound conviction that any system of education which does not include the recognition of the existence and attributes of the God of the Bible, and of man's moral responsibility as an immortal being, will utterly fail to "train up a child in the way he should go;" will utterly fail to impress the youthful mind with that reverence for truth, purity, justice, and right, and for the laws of God and of his country, which shall render him a good, law-abiding citizen.

And now, Mr. President, renewing the assurance of a most cordial welcome, permit me to express the hope that your stay with us may be pleasant, and that the deliberations of the prison congress may lead to the best results.

#### MR. KERR'S ADDRESS.

The Hon. Mr. Kerr, M. C., of Indiana, in responding to the welcoming address of Mr. Jones, said:

MR. PRESIDENT: When the executive of Indiana commissioned me as

a delegate to this body, he invited me to duties which I consider most honorable and important. My only regret is, that the exacting duties of service in another Congress compel me to decline their performance, beyond attendance upon this opening meeting.

The interest and safety of society demand, primarily, that crime shall be restrained and punished. There is no element in criminal administration that contributes so effectively to hold in check the criminally disposed as the *certainty* of punishment. Nothing tempts the wicked more strongly to the perpetration of crime than the hope of escape with impunity. It is, therefore, the obvious duty of every citizen to aid in whatever way he has opportunity to maintain and increase the *certainty* of the faithful execution of the law's judgments. Even an imperfect criminal law thus enforced will prove more salutary in its influence upon society than a good and wise law loosely, haltingly, or fitfully executed. I believe the experience of all countries and governments verifies these propositions. It results as our duty, that, in all our efforts to promote reforms in connection with the administration of criminal law, we should studiously avoid any policy that would tend to defeat the operation of these essential principles.

But while *certainty* of execution is essential to the success of criminal law and the protection of society, it is equally important that the just and impartial judgments of the law shall be executed upon the offender in the spirit of rational sympathy and mercy. The aim of all laws should be to punish and improve. Society has no right to enforce its punitive decrees with cruelty or torture. Such agencies do not tend to reform, but to humiliate, to enrage, to crush, to brutalize. If punishment alone be the object of the law, it cannot be best attained by such means. If you would sharpen the edge or intensify the sting of public punishment, you must cultivate the sensibilities, the conscience, the moral perceptions of your victim. The brutal man cannot suffer in any beneficial or reformatory sense. The state whose punitive policy tends to brutalize its offenders becomes itself an enemy of society in an important sense. In truth, civilized and Christian society should never cease to remember that, "'tis excellent to have a giant's strength, but tyrannous to use it like a giant." A brutalized convict, set free, is a worse man than before, and more disposed than ever to prey upon society; but if the offender be treated, during imprisonment, as a moral and rational creature, capable of being made better, a very different and much better result will follow. The temporary loss of personal liberty is exacted of the wrong-doer for the safety of society; but imprisonment cannot continue always. Therefore, even intelligent selfishness, as well as humanity, demands that, during confinement, the offender, if possible, be made a better man. In almost all cases this can be done.

The inherent enormity of crime ought never to be denied or palliated to the criminal, or reduced in the popular estimation, but rather magnified, as of necessity it will be just in proportion to the increased enlightenment of the individual and of the popular judgment and conscience. Yet it becomes legislators and prison officers to bear always in mind, that, in the evil antecedents and surroundings of birth, in the law of hereditary descent, in the misguiding influences of evil associations, of ignorance, of abject poverty, and of social neglect and ostracism, there are to be found many suggestions that should excite an earnest sympathy and a merciful forbearance. In subordination to the safety and purity of society the offender should have the full benefit of these suggestions. They appeal in his behalf to the best impulses of enlightened and just men. It is not improper or injurious in any way, nor

does it savor of undue sentimentalism to award to the criminal, in his prison treatment, the advantages which result from these considerations.

They forbid any system of treatment which does violence to obvious laws of health, or of healthful action of mind or body, within prison limits, or to the admitted laws of human improvement. A man diseased, or a man filled with dogged anger, or made morbid by solitary confinement, or wounded in his self-esteem by harsh or brutal treatment, is in a poor frame of mind to receive kindly, or to be impressed by, any formal instructions or admonitions. Indeed, under such circumstances, it is safe and logical to assume that all efforts for moral improvement of the convict are simply wasted. The great law of kindness, of humane interest and intelligent sympathy, can alone temper authority with instruction in such manner as to guarantee the best results. This is the constant experience of intelligent beings in all the relations of daily life. Why, then, shall not these benign principles be admitted within the prison walls? If improvement is to be the result of punishment, they may not, must not be excluded. If, indeed, the object of society is to transform our penitentiaries into moral pest-houses, and to add fuel to the base passions of their inmates, then eliminate these God-like and merciful principles, and leave cold, harsh, untempered, naked authority to rule and ruin. But it is not thus that the wise and good should desire, or can afford, to govern the bad. The primary object of all punitive discipline, after confinement at healthful, useful, and regular labor, should be the reformation of the criminal. This is required by the highest interests of society, by the dictates of the truest civilization, by the best teachings of religion, and by the unconscious appeals of the poor, ignorant, or stolidly wicked violators of law. The silent supplication of sinful and fallen humanity to its rulers is for light and strength, for education of the head and heart, for the cultivation of latent virtue, for the revival of neglected and abused manhood, and for the restoration of self-respect, to the end that, when the State shall bid the convict resume his personal liberty, he may also possess the morality, courage, and intelligence necessary for self-government. The intrinsic excellence of a system which secures these results in any substantial degree is above all comparison with any system of mere authority. It may be said that these results are not attainable in all cases. I admit it; but even the most desperate offenders are not insensible to the influences of kindness, justice, and good example. These elements, whenever illustrated in prison government by the officers, will surely command the respect of the inmates, however bad they may be, and will therefore certainly exercise a more reformatory influence than the policy of force, or fear, or the lash. I would not have these principles carried out in prison government from any mere maudlin or humanitarian sentiment of sympathy with criminals, the enemies of society and law, but rather out of a desire to promote the highest aims and noblest objects of both society and law. By such treatment of the bad I would increase the essential welfare and security of the good. Then such discipline of the wicked would react upon their associates in society, and become an additional aid in the prevention of crime.

Do you ask me what our country now most needs to give impetus and power to true and permanent penitentiary reform? I answer that, in my judgment, it is the organization of our prison governments in the persons of honest, practical, well-poised, cultivated, humane, and earnest men; not mere *doctrinaires* or dreamers, not devotees of peculiar systems or special crotchets; but practical men, men of affairs, of courage, of education, of a high grade of manhood, and of generous impulses as well as

incorruptible integrity. Here, then, is a new field and a good one, much neglected heretofore, for useful and beneficent civil service reform. I hope you will, with emphasis, call the attention of our law makers and appointing powers throughout the States to its importance, and invoke their intelligent aid in its accomplishment. Bad or corrupt men, placed in control of convicts, speedily become worse themselves, and are quite powerless to improve others. The relation affords a severe test of character even in the best. Good and true and brave men alone should be given such a command. The influence of strong will, just character, and high moral tone in officers, is at once apparent upon the offenders. The latter are seldom so base as not to appreciate and respect such officers, and be beneficially influenced by their supervision, example, and instruction. The importance of having such officers cannot be over-estimated.

Prison discipline, to be most effective and fruitful of good, should always have a discriminating relation to the antecedents, the personal qualities, the mental capacity, and the moral development of the individual offenders. Otherwise there will be little ground for hope of true and lasting reform. Therefore the law should require prison officers to be supplied with faithful reports of whatever is known touching the careers of convicts. Then officers will be enabled to make more judicious classifications, to apply discipline and instruction with intelligent reference to individual needs and conditions, and to protect prisoners from the evil results of unsuitable or improper associations. How indispensable it is for the attainment of all these good and worthy aims, that all prison officers be absolutely trustworthy and suitable men. If they are not, no amount of wisdom in the law makers, or in the mere letter of the statute, can accomplish the desired results. If they are, they will not fail to accomplish very great good even under imperfect and vicious laws, for they will be wiser and better than the statute, and, without violating it, they will obey the better impulses and requirements of enlightened humanity. The friends of prison reform may, therefore, do great good by earnest agitation in favor of the appointment of better and more suitable men for prison rulers.

It is most ungenerous trifling with the best interests of society and of unfortunate human beings to select prison officers from political or partisan motives. Personal fitness and qualifications alone should be the test. Party politics have no business in penitentiaries any more than in Sabbath-schools or insane asylums. They are bad enough in Congress. I don't mean this congress, but that more pretentious institution over at Washington. If you would establish a new claim, therefore, upon the public gratitude, see to it that politics be kept out of prison government. The higher motives and precepts of unselfish philanthropy and Christian charity should preside in such institutions.

## MR. HAGEMAN'S REMARKS.

The president called on Mr. John F. Hageman, of New Jersey, for remarks, who said that he did not know why he had been thus distinguished, unless it was that he came from New Jersey, a State which executes her laws, and where there is no connivance between courts and juries, and where juries do not hesitate to convict when the facts warrant such a verdict. Yet, for all that, New Jersey believed in prison reform and a reformatory prison discipline, and was in full sympathy with the objects and work of this congress, and of the National Prison Association, at whose call it had been convened. He said that religious in-

struction and church services were employed with the best results in the prisons of his State. Industrial labor was also found a highly reformatory agency. He might be wrong, but he did not approve of the system of unbroken silence observed, theoretically at least, in most of the prisons. Talking did men a great deal of good. Outside workers, Christian men and women of judgment and piety, must be admitted, under proper restrictions, into our prisons; secular schools and Sunday-schools should be established in them. Our reformatory agencies must be enlarged and made more comprehensive.

#### APPOINTMENT OF COMMITTEES.

The following standing committees were then, on motion, appointed by the chair:

*Committee on Permanent Organization.*—Hon. P. T. Miller, of Missouri; Rev. T. K. Fessenden, of Connecticut; J. Merrefield, of Maryland; Colonel Burr, of Ohio; J. M. Talcott, of Rhode Island; Dr. Wright, of Tennessee; and Mr. Powell, of New York.

*Business Committee.*—Hon. C. I. Walker, of Michigan; Dr. Wines, of New York; Rev. A. Woodbury, of Rhode Island; Dr. E. W. Hatch, of Connecticut; G. S. Griffith, of Maryland; Samuel Allinson, of New Jersey; and H. Thane Miller, of Ohio.

*Committee on Finance.*—Murray Shipley, of Ohio; Hon. Edward Earle, of Massachusetts; John E. Develin, esq., of New York; W. R. Lincoln, of Maryland; Hon. G. W. Hall, of Pennsylvania; Hon. Frederick Smyth, of New Hampshire; and Hon. Cyrus Mendenhall, of Kentucky.

*Committee on Credentials.*—Wm. A. Wisong and J. H. Brown, of Maryland; and Rev. J. L. Milligan, of Pennsylvania.

#### ORGANIZATION OF THE CONGRESS.

The Committee on Permanent Organizations subsequently reported, and the congress was organized with the following officers:

*President.*—Hon. Horatio Seymour, New York.

*Vice-Presidents.*—Dr. E. W. Hatch, Connecticut; Charles E. Felton, Illinois; Hon. M. C. Kerr, Indiana; S. H. Craig, Iowa; Hon. K. F. Pritchard, Kentucky; G. S. Griffith, Maryland; Hon. Edward Earle, Massachusetts; Hon. C. I. Walker, Michigan; Professor W. F. Phelps, Minnesota; General B. B. Eggleston, Mississippi; General James L. Miner, Missouri; Hon. Frederick Smyth, New Hampshire; John F. Hageman, esq., New Jersey; H. W. Bellows, D. D., New York; Colonel Raymond Burr, Ohio; Hon. Richard Vaux, Pennsylvania; General N. Viall, Rhode Island; General C. J. Stolbrand, South Carolina; Dr. W. M. Wright, Tennessee; S. J. Baird, D. D., Virginia; Hon. Thomas Sweeney, West Virginia; Hon. Alexander Mitchell, Wisconsin; F. W. Howe, District of Columbia; A. P. Rockwood, Utah.

*Secretaries.*—H. A. Monfort, Ohio; Dr. J. C. Carpenter, District of Columbia; Rev. William Quinn, New York.

*Treasurer.*—Murray Shipley, Ohio.

*Official Reporter.*—Rev. Wm. H. Tiffany, New York.

#### ROLL OF MEMBERS.

The Committee on Credentials subsequently reported the following roll of members:

ALABAMA.—Not represented.

ARKANSAS.—Not represented.

CALIFORNIA.—Not represented.

CONNECTICUT.—Dr. E. W. Hatch, superintendent State reform school, West Meriden; David P. Nichols, president of board of trustees State reform school, Danbury; George Langdon, trustee State reform school, Plymouth; Hiram Foster, secretary of board of trustees State reform school, West Meriden; Rev. Geo. W. Wooding, chaplain of state prison, Wethersfield; Rev. I. H. Bradford, superintendent of girls' industrial reform school, Middletown; H. D. Smith, trustee of girls' industrial reform school, Plantsville; Rev. Thos. K. Fessenden, (executive appointment,) Farmington; Hon. Henry Barnard, Hartford.

DELAWARE.—Not represented.

FLORIDA.—Not represented.

GEORGIA.—Not represented.

ILLINOIS.—Charles E. Felton, superintendent of house of correction, Chicago.

INDIANA.—Hon. Michael C. Kerr, M. C., New Albany.

IOWA.—S. H. Craig, warden of state prison, Fort Madison.

KANSAS.—Not represented.

KENTUCKY.—Hon. K. F. Pritchard, (executive appointment,) Cattlesburg; Dr. J. F. South, (executive appointment,) Bowling Green; Hon. J. T. Gray, (executive appointment,) Louisville; Cyrus Mendenhall, Newport; Hon. R. K. White, manager of house of refuge, Louisville.

LOUISIANA.—Not represented.

MAINE.—Not represented.

MASSACHUSETTS.—Rev. Marcus Ames, superintendent of industrial school for girls, Lancaster; Hon. Edward L. Pierce, secretary of board of State charities, Boston; Hon. Edward Earle, member board of State charities, Worcester; Hon. Benj. Evans, superintendent State reform school, Westborough.

MARYLAND.—G. S. Griffith, president prisoners' aid society, Baltimore; Rev. Penford Doll, agent prisoners' aid society, Baltimore; Professor T. D. Baird, Samuel Townsend, Richard Jamney, Chas. W. Slagle, J. Harman Brown, Wm. A. Wisong, Ira C. Canfield, Jos. Merrifield, members prisoners' aid society, Baltimore; Thos. S. Wilkinson, warden of penitentiary, Baltimore; Henry Seim, director of penitentiary board, Baltimore; R. V. Page, clerk of penitentiary board, Baltimore; J. H. Irvin, warden of city jail, Baltimore; A. W. Duke, visitor of city jail, Baltimore; W. R. Lincoln, superintendent of house of refuge, Baltimore; L. A. Byerly, director of house of refuge, Baltimore; J. S. Lincoln, superintendent of boys' home, Baltimore; William Palmer, agent of the Henry Watson children's aid society, Baltimore; Mrs. Penfield Doll, assistant agent of prisoners' aid society, Baltimore.

MISSISSIPPI.—General B. B. Eggleston.

MISSOURI.—General Jas. L. Miner, (executive appointment,) Jefferson City; Hon. P. T. Miller, (executive appointment,) Jefferson City; Miss Linda Gilbert, Saint Louis; Mrs. A. W. Richardson, Saint Louis.

MICHIGAN.—Hon. C. I. Walker, chairman board commissioners penal and charitable institutions, Detroit; Rev. Chas. Johnson, superintendent of reform school, Lansing; Hon. J. I. Mead, member of board of reform school, Lansing.

MINNESOTA.—Professor Wm. F. Phelps, president State normal school, Winona; Hon. E. G. Butts, inspector State prison, Stillwater; H. A. Jackman, warden State prison, Stillwater; Mrs. S. B. Jackman, Stillwater.

NEBRASKA.—Not represented.

NEVADA.—Not represented.

NEW HAMPSHIRE.—Hon. F. Smyth, ex-governor and president prisoners' aid association, Manchester; Allen Folger, member prisoners' aid association, Concord.

NEW JERSEY.—John F. Hageman, esq., district attorney, Princeton; L. H. Shelden, superintendent State reform school, Jamesburg; Mrs. L. E. Dodge, matron of girls' industrial school, Trenton; Samuel Allinson, member of board of State reform and girls' industrial schools, Yardville.

NORTH CAROLINA.—Not represented.

NEW YORK.—Rev. Dr. H. W. Bellows, vice-president national prison association, New York; Rev. Dr. Wines, secretary national prison association, New York; Mrs. Wines; Rev. W. H. Tiffany, official reporter, Stony Creek; Aaron M. Powell, national temperance society and publication house, New York; Hon. John E. Develin, member board managers of Catholic protectory, New York; Rev. William Quinn, advisory chaplain of Catholic protectory, New York; Brother Teliow, rector of Catholic protectory, New York; George B. Cline, Roselyn.

OHIO.—Col. Raymond Burr, warden of penitentiary, Columbus; H. S. Monfort, superintendent of house of refuge, Cincinnati; H. Thane Miller, esq., director of house of refuge, Cincinnati; Murray Shipley, director of house of refuge, Cincinnati.

OREGON.—Not represented.

PENNSYLVANIA.—Hon. Richard Vaux, president of board of inspectors, eastern penitentiary, Philadelphia; George W. Hall, member of Philadelphia prison society, Philadelphia; Edward H. Coates, member of Philadelphia prison society, Philadelphia; Thomas A. Robinson, Philadelphia Magdalen society, Philadelphia; Dr. Joseph Parrish, president of association for the cure of inebriates, Media; T. J. Biggam, president of reform school board, Pittsburgh; Rev. J. L. Milligan, chaplain of western penitentiary, Allegheny; George Albree, director of Allegheny County workhouse, Pittsburgh; J. D. Carlisle, Allegheny County prison society, Pittsburgh; Rev. W. A. Fuller, chaplain of Allegheny County workhouse, Claremont; J. P. Fleming, director Allegheny County workhouse, Pittsburgh; George R. White, director Allegheny County workhouse, Pittsburgh.

RHODE ISLAND.—General N. Viall, warden of state prison, Providence; Rev. Augustus Woodbury, president board of state prison inspectors, Providence; James M. Talcott, superintendent of reform school, Providence.

SOUTH CAROLINA.—General C. J. Stolbrand, warden of State prison, (executive appointment,) Columbia.

TENNESSEE.—Dr. W. M. Wright, inspector of state prison and branches, Nashville.

TEXAS.—Not represented.

VERMONT.—Not represented.

VIRGINIA.—Rev. Dr. S. J. Baird, Waynesborough.

WEST VIRGINIA.—Hon. Thomas Sweeney, Wheeling; Thomas P. Shallcross, warden of state prison, Moundsville.

WISCONSIN.—Not represented.

#### TERRITORIES.

DISTRICT OF COLUMBIA.—F. W. Howe, superintendent reform school, Washington; Dr. J. E. Carpenter, trustee of reform school, Washington.

UTAH.—A. P. Rockwood, warden of penitentiary, Salt Lake City.

#### FOREIGN COUNTRIES.

FINLAND.—Dr. Felix Heckle, Helingsfors.



## II.—ANNUAL REPORTS OF SECRETARY AND STANDING COMMITTEES OF THE NATIONAL PRISON ASSOCIATION.

## 1. REPORT OF THE SECRETARY.

The undersigned respectfully offers for his second annual report as Secretary of the National Prison Association, the report which he had the honor to submit to the President of the United States as commissioner of the Government to the International Penitentiary Congress of London, and which is printed in the preceding part of the present volume.

E. C. WINES,  
*Secretary.*

## 2. REPORT OF THE EXECUTIVE COMMITTEE.

The aim of the executive committee in the present report is to set before the national prison association and the people of the United States certain views relating to prison management, whose prevalence in society they deem of the highest importance—views which must take hold of the general public before any practical application of them will be allowed in our prison administration. These principles are doubtless familiar to the delegates to this congress, but not *too* familiar, and certainly not too *operative* even with them; and we know they will excuse some reiteration of commonplaces, for the sake of the end in view, which is the unfolding of those principles of human nature, in the light of which prison science can alone safely and steadily advance. We offer, then, nothing local, circumstantial, or historical; nothing specifically American; and nothing directly connected with the work of the past year, but only an unfolding of certain ideas and principles deemed vital to our cause.

Some twenty years ago Captain Alexander Maconochie, an English naval officer, and a man of exceptional insight into the laws of human nature, with a transcendent desire to aid its worst specimens to conquer their vices and weaknesses, conceived and carried out a scheme for the reform of prisoners and convicts, in the penal colony at Norfolk Island, Australia, and subsequently of the juvenile prisoners in Birmingham jail, England, which, although well known among students of prison discipline, is just beginning to attract the attention of the general public. Sir Walter Crofton adopted and improved upon Maconochie's suggestions, and inaugurated a similar system in Ireland, where it has become the admiration, example, and chief hope of all practical students of the new social science of prison discipline.

There was published, in the annual report of the association for 1871, a *résumé* of the principles of Maconochie's system, made by Dr. Wines, the learned, devoted, and persistent leader of American reformers in prison discipline. This admirable essay contains more to instruct and encourage the friends of criminals, and the hopes for an improved human society, than anything elsewhere to be found, excepting the original papers which furnished the ground-work of it. Before stating what those principles are, when traced to the root from which they spring, we wish to draw attention to a less usual view of the importance of the study of prison discipline, as a general study of human nature, reflecting immense light, not easily obtained by any other process, upon the whole science of education, domestic discipline, training for life, and even the administration of religion. Students in medicine know the vast importance of the opportunities afforded by public hospit-

for the study of the laws of health, and the conditions of cure in general practice. Morbid anatomy, too, throws valuable light upon the organs and functions of health. Insane asylums have become schools of study for psychologists; and the laws of reason and the discipline of intelligence and will are better understood by the careful study of abnormal fancies and deranged minds. In like manner, a profound consideration of the dispositions and tendencies that lead to crime, made in reformatories and prisons, reveals the errors of our domestic training, exhibits the prevalent faults of our school discipline, and throws a clear light on the defects of our social system. A study of the crude character, low tendencies, paralysis of will, morbid imagination, stupefied conscience, and gross sensuality of the criminal class, brought under prison restraint, opens a profound view into the working of our whole social system, points to the weak spots in our common nature, exhibits the defects in the laws and administration of our system of government, and shows how ill-formed is the public opinion that rules communities.

Without formally arraigning society, or beating the air with complaints that have no definite end, in the attempt to remove difficulties connected with the condition of prisoners, principles are developed, rights brought out, and facts disclosed, which must inevitably, sooner or later, produce wide changes in the whole conception of this subject—changes which will prepare for radical reforms in general education, family discipline, and the whole life of society.

We do not propose to state Captain Maconochie's principles—which may now be considered the accepted principles of all competent dealers with the subject of prison discipline—in his own words, nor in the multiform division into which they fall in Dr. Wines's essay. We wish rather to strike at the root-principle of them all, and then to follow the trunk up to its few chief branches. We must keep principles and methods distinct, and it is a defect of Captain Maconochie's mind, and perhaps a necessity of Dr. Wines's purpose, that this is not done by either. The principles and the methods are both apparent enough in the account. But methods are constantly put in place of principles; and, indeed, Dr. Wines's title is a little misleading, and would be amended by calling his essay Maconochie's method of prison discipline. For instance, the mark or credit plan, which is his *first principle*, is really only a method founded on a principle. The principle is this, that hope is just as essentially and vitally at the root of all true prison discipline as at the root of all free human life. Extinguish *hope* in human society or in a single human bosom, and you strike a death-blow at the will, the conscience, and the understanding. Nothing so fatal in the action of government or in the political, social, economic conditions of a people, as the depression or extinction of hope. Governments and social organizations may be measured and graded, as regards their merits, by the degree in which hope exists among the people at large. It is the quality which exerts the largest, most constant, most stimulating and sustaining influence upon the one universal humanity. What light and heat are to the vegetable world, and what the opportunity is to plants to rise freely in the wooing air, hope is to human affections, faculties, and will. It is the absence of hope, indeed, which, more largely than anything else, makes criminals; for the immense obstacles which oppressive or unequal social and political institutions create to the following of honest paths of remunerative industry, drive the irresolute, the self-indulgent, and the less moral to what they mistake for the more open and immediately promising career of crime.

It being established that the old principle adopted from the entrance

to Dante's Inferno, "Let all who enter here abandon hope," which for ages had stood over the gate of the prison, is contrary to every law of human progress and elevation, Captain Maconochie, in effect, put in its place, "And now abideth hope" for prisoners and convicts, as well as for all God's creatures. This is really his fundamental principle, and it is worthy of its place at the root of his glorious scheme.

But in adopting this principle, of course the old idea of vindictive or even exemplary punishment, as the first end of penal law and practice, is at once torn from its supremacy. Of course, also, the immediate safety of free society being the sole object of criminal law, jails and prisons were originally built to disarm dangerous members of society of the power to harm it. Safely lodged there, they were to be punished vindictively for the injuries they had caused: first, because they deserved it, and justice was supposed to be thus promoted; and, second, to warn and deter others from following their example. It was at last discovered—and strange it is that it took so long to find it out—that the main object sought, the safety of free society, was not effectually secured by this method; that its cruelty and selfishness aroused a bitter hatred between the class most exposed to become criminals and society itself; that it made laws, and courts, and police merely objects of disgust and terror; took away the whole sense of anything friendly, protective, and in the interest of the exposed classes from the aspect of organized society and government, and really tended to create the criminals it punished. It was the crime-creating power of the gallows and of the vindictive punishments of jails and prisons, the dangers involved for society, and the little deterring power which fear was discovered to have over brutal natures, that first drew attention to the fact that, if only the interests of society were to be considered, the *reformation* of the convict must be placed first and made the ground-idea in his penal treatment. It was not a mawkish concern for him, nor chiefly a feeling of moral obligation to reform him, that first opened the way to the new principle, but a broader view of what the safety of society itself required. The safety of society demanded that law and justice should not present to the people of any country, as their first impression, that of a power inimical to, or distinct from, or merely restrictive of, their freedom. It should wear distinctively the aspect of a friend, well-wisher, helper. It should appear as much the protector, ally, inspirer and encourager of their industry, order, virtue, and happiness, as the restrainer of their violence and vice. "For their good always," should be its characteristic expression. Thus laws, police, courts, prisons, punishments, legislators, parliaments, presidents, and kings become the recognized friends and helpers of the people—sources of hope and refuge in trouble.

In this new state of things the criminal classes, offending against only just and mild restraints and laws universally conceded to be necessary and for the good of all, rapidly lose the sympathy of those nearest to them in condition and prospects. Then criminals cease to be heroes and martyrs; society ceases to be regarded as a tyrant, and penal law and police to be objects of the hatred and evasion of all the lower half of the social system. The necessity of reforming the convict for the safety of society having been adopted as a first principle of prison discipline, it soon became plain that *he could not be reformed except he were reformed for his own sake also*. In short, it became apparent that his own consent must be obtained, if not to his imprisonment, at least to his reformation, and that this could only be effected by carrying out toward men *in prison* precisely the principles adopted in keeping men *out of prison*. If the friendliness of the law be the principle which makes

free men most observant of laws and least disposed to break them, and so tends to diminish the criminal class, by what other principle shall those already become criminals and convicts be cured of criminal propensities and returned to society with the least danger to its safety?

Accordingly, the reformation of the prisoner being conceded to be the best and most necessary service to the public safety, and his reformation being impossible without his own free agency and consent, the problem was, how to secure this consent, and, as a consequence, his co-operation.

Captain Maconochie cannot have been the first to see that hope is the only sufficient motive that can be applied to secure this object; but he certainly was the first to feel that absolute confidence in it which was necessary to make it the cardinal working principle of a method of prison discipline. He said to himself, What is the fundamental principle that in free society stimulates the human race to order, industry, virtue, and piety? It is hope; hope of living; hope of influence and power; hope of ease in old age; hope of the esteem and love of those about us; hope of forgiveness; hope of heaven.

What is the ordinary form which this hope takes in respect of all social interests? It is wages or money, that roughly represents the reward, in view of which hope labors. Take away the hope of this reward from industry, character, talents, ingenuity, patience, persistency, self-control, and self-denial, and you strike away the crutch from the lame, and they fall to the ground. Now, how can hope be made in prisons just as operative a principle within the narrow limits of its sphere, as it is in common free life? Why, only by adopting in spirit the very idea of wages. It does not so much matter what these wages are, how large, or in what form; for among people whose very condition of imprisonment reduces them to a low plane of expectation, a very small inducement, steadily applied and gradually increased, produces as much effect as only a very large one does upon people in free life. A crack admitting the least light to a dungeon would be as precious to a convict as the whole dawn is to a free man. A penny a day to one who can otherwise earn nothing would be as influential as a shilling to those who find free occupation.

Set hope at work, and keep it at work, upon ever so low a grade; if it is working steadily and habitually, you have got your principle of motion and your fact of motion, and you can now direct the vessel because she is under way, whereas you could do nothing to guide her while she stood still. Captain Maconochie's method of setting this principle universally at work at the least cost to the state and the greatest good to the convict, which is also the greatest good of the nation, was to establish for prisoners a system of *marks*, each of which represented a value, say of one penny. The convict, instead of being condemned to a certain and fixed number of years of imprisonment, was to be condemned to remain in prison until he had earned and had put to his credit a certain number of *marks*—say 1,000, 2,000, 5,000, or 10,000, according to his crime; but it is to be noted that only the surplus of marks, after certain material deductions, could go toward his liberation. The marks in Captain Maconochie's system had a money value; and the prisoner was first to pay, in that currency, for his food, clothing, bed, schooling, &c.; and it was the surplus earned by him that alone counted toward his release. This made the prison an image of real life, and brought into play, and enlisted on the side of reformation, all the motives which act on men in free society as stimulants to industry, order, and good morals. His system goes still further, and

allows the prisoner, if he so elect, to remain after he has become entitled to his freedom, and earn marks the same as before. In that case the surplus of marks, after the payment above specified, have a real money value, and are paid to him in *hard cash* whenever he takes his departure from the prison.

Every one of his prison duties—good conduct, industry in labor, docility at school—could each day earn for him, let us say, at its maximum, three marks for each department, or nine in all. It is easily seen how he might lengthen out his imprisonment by disobedience, sloth, and indocility; how shorten it by good conduct, industry, and aptness at learning; and what a steady pressure hope would exercise upon him under such a system. But this mark system had other advantages. The discipline of the prison was arranged, and this is especially the case as applied in the Crofton system, so as to graduate the severity of the convict's condition according to his marks. First, for the opportunity of tasting the bitterness of his crime and reflecting upon his past folly, he was solitarily confined and put on a very low diet, it might be, for six months at its maximum and four at its minimum, and there was always before him the hope of shortening this fearful solitude and low fare by quietude, by observance of all prison rules, by docility to the chaplain and keeper. Then came labor out of his cell, a great relief; but at first labor only of the most distasteful or arduous kind, with a slightly improved diet, in which second stage the prisoner by good conduct, industry, and docility, could shorten also his term in this lowest of the improved stages by a few weeks or months, and then be promoted into a better class, whose privileges were slightly raised, by less supervision, more variety, better food; and this again, if faithfully used, gave place to a still freer prison life, with greater advantages and more attractions. Thus hope was always beckoning the convict on, supplying him with inducements to do his best, and giving him, as nearly as his condition allowed, the motives that stimulate free citizens to toil, decency, and self-improvement.

What branches this main principle divided into and gave support to, we shall now consider.

The admission of the fundamental principle of hope into prison-life, on the score of its being the chief inspiration of free or ordinary life, instantly suggests that the fundamental fact in dealing with all human beings is, that they partake a common human nature, and, "*mutatis mutandis*," that the same essential motives, rules, laws, conditions under which they flourish, in one set of circumstances, are applicable to all. The essential conditions of growth, progress, reformation, are not changed by the most diverse circumstances. The wildest tribe of Indians falls under the laws of human nature as well as the most cultivated nations of the Saxon race; and progress, order, safety, industry, self-respect depend in both upon the same principles. It is not in essence, but simply in form, that the principles of action are changed. A prison is not so unlike the world outside its walls that the presence of men and women there do not make it more similar to free society in its wants and conditions of usefulness than its restraints and isolation make it different from such society. The world, under Divine Providence, is, in some sort, a prison; and the prison is, in some sort, a world. There is confinement, restraint, bondage in the free world; and there is freedom, opportunity, variety in the closest prison. You cannot free the most fortunate and unrestrained citizen from many restrictive rules and circumstances, and you cannot rob the chained convict of his freedom of thought and his excursions of

feeling and fancy. Indeed, freedom, in proportion to its political completeness, has its moral restrictions and its self-restraints intensified. Under the highest civilization, man, in becoming a law to himself, is attended by the most vigilant of police officers and the most implacable of task masters. There is no prison so impassible as that with which the obligations of duty surround the tender conscience, or the laws of reason the active intelligence, or the requirements of the affections the largest and most liberal heart. Those who fancy that free society, in proportion to its freedom, encourages or admits license, caprice, self-will, mistake the nature of the most operative restraints in the human soul. In the freest society, education, enlightenment, cultivated sensibility, conscientiousness, aspiration, piety, not only take the place of police supervision and criminal law, but they do their work a thousand times more rigidly and effectively.

But taking free society in its present average state, no mistake is wilder and more betraying than that which supposes its usual restraints and penalties to be light and inoperative. The restraints it imposes, the penalties it exacts, the burdens it lays on the backs of its children, are infinitely greater, more general, and more constant than statutory law can inflict. Burke says: "The laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend on the exercise of the powers which are left at large, to the prudence and uprightness of ministers of state." And we may add all artificial restraints and contrivances, social or political, fall immeasurably short in their efficiency of those natural, self-enforcing penalties, restraints, and incitements which come from the very constitution of our nature and the world we live in. What motive could take the place of hunger, sympathy, paternal instinct, the love of power, the dread of pain, the fear of death, the hope of heaven? What device could fulfill the guardian-angelship of natural modesty and divine shame? What restrain like the natural sense of justice, the natural desire for the good opinion of others, and the natural dread of consequences? Our constitution, the laws of our physical, intellectual, moral, social nature are the tremendous barriers which our Maker has opposed to license and disobedience. We are in prison to them—a prison we may break, but never without penalty. They set a prison guard about us more vigilant and with more fatal weapons than can surround a jail full of murderers. The criminal laws of man, few, loose, inapt, bungling, uncertain, easily evaded, are directed mainly to the restraint of exceptionally low and vulgar natures; to the prevention of the evils that are least common, and which furnish no temptation to average humanity. But the laws of nature and the self-developing and self-acting laws of human society, are absolute in their strength and efficacy. They provoke little opposition and no sense of injustice. They are impartial and they are sleepless. But in the severity, constancy, and even penal character of those laws, we discover how it is God that governs the world.

If we would improve our laws, our schools, our homes, ourselves, we must follow God's method; leave natural principles undisturbed, fall back on the essential motive powers; keep hope always at work, and fling every member of society to the utmost extent possible, consistent with safety to the rest, upon an enlightened sense of his own interest, on the rewards that attend and follow obedience to justice, truth, and duty, and the stimulus that proceeds from that hope which perfectly equal laws, political and personal freedom, and an encouraging faith in God's goodness and in the benignity of religion, do so much to promote.

The most constant of the laws of Providence, in free society, is the *necessity of labor*; and it is the most benignant and most educational and disciplinary of all human necessities. Whatever theory of its origin we may adopt, we have no conception of any possible growth of humanity separated from the use and working of its faculties, and we have no experience of any adequate use of those faculties except under the steady spur of necessity. Labor, which alone regulates the restless love of liberty, the uncivilizing change of place, the native indolence of man in most climates, is provided for by the constant pressure of hunger—a want which is only greater than that of clothing—which is itself perhaps the more directly civilizing necessity, as it is less sensual than the want of food. All the other wants of society are modifications, developments, and refinements of these, shelter being only another sort of clothing, and architecture another form of shelter. The sense of property and its rights, and the public opinion which guards them better than law, are natural outgrowths of the value which labor puts upon its own conscious pains. But labor is animated not only by necessity, but by the discovery of its rewards, and the cumulative and ever-increasing preciousness of its results, as more of the powers of humanity and especially its higher faculties are mingled with it. There is no essential difference between the pains of thinking and the strain of the muscles; between work, whether considered as mental or physical. Both are induced and sustained by the same essential stimulus. As human nature refines its wants, the motive changes its form, but not its spirit, accordingly. The hunger for luxury may become as eager as that for food; the thirst for influence, fame, virtue, excellence, as imperative as that for shelter. Man's nature cannot be developed without its wants becoming ever more varied and more urgent, but the principle is always the same. What we want, we must labor to get; and it is only by labor that we can make even our gratifications satisfying. Thus protectors may furnish food, but what but labor in some form can furnish appetite? You may supply the indolent with books, but what but his own laborious self-cultivation can supply the skill to read, the taste to enjoy, the mental discipline to understand them? You may surround a prince with statues and pictures, but can anything short of the laborious cultivation of his knowledge and taste give him the power to enjoy them? Wealth, inherited, has few of the satisfactions of wealth created. Position, born-to, has none of the charms of position won. Plenty bestowed has none of the sweetness of plenty earned. It is impossible, in short, by any circumstances to overcome the necessity of developing, by labor, those feelings, tastes, habits, that condition of the man himself which is the other and more important factor in the felicitating result which is aimed at. This would be more universally conceded if labor were not so commonly regarded purely in its lower, more common, and more external forms.

But while man, in free society, has a providential necessity for labor, which can never be set aside or outwitted without penalties, he has also an instinct for freedom, a dread of labor, a desire to change its form, to escape its outward signs, and to get above its visible necessities. Those who lack this feeling become drudges or drones. Those who have it in excess impress the labor of others and become tyrants by force of will, genius, or strength. Make labor a double necessity, first of hunger and then of artificial compulsion, and you make serfs and slaves. Enact unjust laws, or perpetuate by law the injustice, greed, and ambition of earlier society—allow the land to pass into few hands—continue a feudal state of things—and you degrade the bulk of any na-

tion into mere day-laborers, whose aspirations and hopes are limited to their daily bread. But just in proportion as political institutions are equal and just, you offer to all men under their bland influence the highest balance of a general necessity for labor, with the greatest inducement to the cultivation and use of their best faculties, that their labor may be refined and rewarded in higher ways, according as their powers and aptitudes may allow. But let none think that Providence ceases to exact the strictest payments for its gifts in the shape of toil, self-control, and the highest and most painful self-culture, from those who seem to escape most completely from the ordinary necessities of humanity. Genius is a fearful taskmaster. Power is a prodigious worker. Elevation is often solitary confinement, and the vaster the sway and the mightier the forces controlled, the stiffer the hands that hold the reins and the more weary and worn the charioteer. In a word, labor as a necessity—now physical, now mental—permanently describes human condition in free society; and freedom in the discharge of this necessity is merely the change of the necessity from the belly to the will. The more free you can make this labor, by taking it off the back and putting it upon the brain—the more you can bring its compulsion out of the heart, conscience, taste, intellect, and the less out of the stomach—the more do you make it favorable to human dignity and aspiration. Political freedom, free trade, common-school education, religious bearing, immortal hopes, equal laws, protection of property and rights, all aid in, and are measured off by, this result. Men must work with hand, or head, or heart. Get their free consent to this work by making them feel its blessedness as a law of Providence, and not merely a blunt necessity of fortuitous circumstances, a misfortune of their lot; let them see that so they are built up and dignified, and so society is exalted, that the God who made them is their friend as well as their prison keeper and governor, and that all things in His providence and our nature work together for good, if we observe His statutes and laws written in that nature and our lot, and you achieve the highest possible results of social existence, as well as secure the largest returns of individual happiness and excellency.

It is these principles which the new science of prison discipline, based on Maconochie's method, is seeking to apply to the treatment and elevation of prisoners. Hope being the root of the principle, labor and freedom are its two chief branches. The prisoner must be kept at labor, because labor is the great burden and necessity of all free life, and its chief educating opportunity. Solitary confinement, deprivation of occupation, beyond a very limited period, in the way of punishment, at the outset of the convict's imprisonment, are found wholly lacking in any power to renovate and reform. They do afford an opportunity for reflection, and they humble and break down the prisoner's false pride and sense of power to defy the law. But the very feelings thus usefully started are paralyzed, if not put to a speedy use; and a dungeon or cell becomes, after a while, a place of sleep, apathy, idle thoughts, or prurient fancies. Besides, the prisoner who is fed at the public cost, usually quite as abundantly or more so than people at liberty in his own social class are fed by their labor, often feels that he is compelling society to support him, and successfully evading the law that, in the sweat of his brow, he shall earn his bread. Keep him for years in this idleness, and he goes out of jail utterly ruined as a laborer, and often speedily returns to prison, sometimes by an act purposely committed to secure that end. A life of full fed idleness in prison is sweeter to degraded natures than a life of ill paid and ill fed labor out of it. As soon, therefore, as the



convict has passed through his short season of solitary confinement, he is put to hard labor, on poor diet; but, with the feeling that he is now earning his own bread, he returns in part to the ordinary wholesome state of free life. But his labor is soon made less bitter, if it is not made sweet, by the announcement that he can slightly improve his fare by diligence, co-operation, quiet behavior, and the careful observance of all prison rules. A few months of the least attractive form of labor, if the prisoner earns the privilege by good conduct, are rewarded by a choice of occupations. He is put to the trade for which he has an aptitude or preference. Now, again, his diet is bettered.

By degrees the social nature, which is so important a part of man, and so educating and invigorating, is allowed to take its part in his elevation. The prisoners are separated into small squads, and permitted to carry on their work together, to help each other, and finally even to live together in huts or cabins, always, of course, under necessary restrictions and supervision, but with a steady eye to imitating, as far as possible, the workings of free society, accustoming them to social influence and to membership one of another. As much room as is compatible with security and their safe-keeping is given to their free will. They are continually encouraged to work from inward motives, from a sense of benefit to themselves, from hope of reward, and from a consciousness that both their labor and their indulgences are regulated with an eye to their personal reformation and their preparation for future self-support in the ways of order and virtue.

But what has become of punishment under this hopeful system of reformation? Is not the sense of confinement, the necessary association with convicts, the brand of the public prison, isolation from the world, and the suspension of the freedom to go and come, and do and not do, which belong to the innocent, punishment enough? But that is not the true answer; the severity of punishment is in no degree to be measured by its external amount or its cruelty of form, but by the degree in which it is felt. If you kill sensibility you destroy the power of suffering. You may whip a prisoner till he ceases to feel the blows. You may extinguish the sense of freedom until the prison ceases to be an object of horror or offense. You may dull the conscience until no appeal starts a responsive pang. You may accustom man to hardship until hardship ceases to have any sense of trial connected with it. The true method of making punishment effective is to make the object of it sensitive to its stroke. You must not toughen either the outer cuticle or the true skin of the heart, if you expect your blow upon either to tell. A gentleman feels a slight imputation on his honor more than a ruffian does a stab. A breath of calumny afflicts an innocent and modest woman more than a public trial does a lewd sister. Even then, if punishment is to be made dreadful, it is only within the boundaries of two principles that it can keep its efficacy. You must not extinguish or lessen sensibility by the hardening process of frequent, persistent, and cruel penalties. To make a soldier familiar with the lash is to destroy its dread. To make a prisoner familiar with solitude, with hunger, with stolid neglect, with dull routine, is to destroy or annul their penal influence, their deterring power, their chastening or their moral influence.

All punishments the world can render  
 Serve only to provoke th' offender;  
 The will gains strength from treatment horrid,  
 As hides grow harder when they are carried.

—Trunbull's *McFingal*.

Punishment is not lessened in its power by external mildness, by careful graduation, by considerate and infrequent application. Even suffering, which it must be recollected is at last a personal feeling, is not morally diminished by any process which increases sensibility faster than it diminishes violence. The probability is that it is the best and most improving prisoners, those who have the most privileges and the nearest approach to free life, who feel their sufferings and their punishment most acutely. For they still have the love of liberty, the elements of self-respect, and the consciousness of power to be good citizens tugging at their heart-strings. They have the reproaches of conscience, the memory of an innocence they have lost, the longing for an opportunity to try their good resolutions, all intensified by the shame of their situation. Brutal, hardened, self-abandoned men, accustomed to daily severity, hopeless, and without interest in themselves or their future, are not great sufferers; they are fast becoming insensible stocks and stones.

It is a radical error, then, to assume that making more of the reformatory aim makes less of the penal. That is really *more* when put in the *second* place, than it could be if left in the first. Do you suppose that a prisoner of average sensibility feels most a blow, or a word of reproof and expostulation, of kindness and sympathy? Many whom stripes cannot touch are deeply moved to suffering by a sympathy new to their hearts, which opens the closed flood-gates of remorse.

The new processes of milder and more reformatory methods are not designed to make the prisoner dread the jail less or feel more comfortable there, nor do they have that effect. They are designed to bring the more sensitive parts of his nature under the influence of punishment, and to make that punishment elevating and reformatory, instead of being merely degrading and brutalizing. You may ferule a boy until his hands are too tough to suffer, yet he has sensibility still left somewhere on his skin. You may apply severe punishments only in one way, and with so much routine and narrowness of application that they lose all responsiveness from the nature they aim to reach. The *more* of the man you can keep open and exposed, the more of thought, feeling, conscience, affection, hope, you bring under your penal application, the larger and more effective is your weapon; therefore, whatever free-will, whatever freedom of action, whatever education, whatever moral influence, whatever affection, whatever else tends to increase the area and sensibility of the criminal's humanity, offer you new chances of punishment with new chances of reformation.

It is with the convict under cruel, or brutal, or persistent penalties as it is with society under oppressive and intrusive or vindictive laws. To make shop-lifting a hanging offense does not tend to diminish crimes of violence. "As well be hung for a sheep as a lamb," says the thief; one crime is as bad as another. Thus moral distinctions are blurred, the wisdom and justice of society are arraigned, and the lower portion of the world becomes insensible to the moral considerations most potent over the beginnings of vice and crime. If you make vexatious and intrusive tariff laws, and affix unreasonable duties, you harden the mercantile conscience, and convert even the better class of women into petty smugglers. Few laws, mild laws, impartial laws make sensitive citizens, enlist the good will of the public, favor their own certain enforcement, and bring into play those private forces of personal self-control and conscientiousness which are the chief and final hope of order and justice.

Prisoners are men; criminals are men; jails are in and a part of the social system; and the identical principles, and as near an approach as

possible to the methods of ordinary life, are both more penal and more reformatory than any others. It is found that the rules of sick-rooms in private homes are the best rules for public hospitals; of course they cannot there be carried out in perfection, but they must be reached forward to with all pains. So the insane are now governed as nearly as possible by reason, and as much as possible like the sane. The old plan was to forget that insanity is a disease of sanity, just as the old medical practice forgot that bodily disease was the disturbance of forces which in equilibrium we call health, and that the laws of health, and not the laws of disease, are the great foundation of true therapeutics. Until crime is regarded as a disease of society, that must be cured on social principles, and in accordance with social laws; until criminals are considered as belonging to the human species, and still mainly to be governed and cured by universal human motives and human sensibilities, we shall not have reached the very key to the whole problem.

For the committee :

H. W. BELLOWS.

### 3. REPORT OF THE STANDING COMMITTEE ON PRISON DISCIPLINE.

Prison discipline, as a subject of inquiry by this committee, includes the exposed classes in society and the criminals. The former are the friendless poor, the uneducated, the immigrant population, and those who are born into such surroundings as drunkenness, license, fraud, &c., or who unfortunately inherit, in their constitutions, imbecility, vicious impulses, or nervous disease. The latter are those who, having committed crime, are either in prison or at large. The best information to be had warrants the estimate of 40,000 as the number of actually imprisoned criminals in the United States at a given time. There are no reliable data on which to found a statement of the percentage of criminals who evade commitment to prison. But there is no doubt that a large proportion do. If it were supposable that the objective causes of criminal acts, and the causes that tend to repress crime and contribute to the reformation of criminals, were about evenly balanced, we might hope that this proportion, whatever it be, comprised the criminals of the country, a fact sufficiently alarming, whether viewed in its financial relations or as a source of danger to life and property. But, doubtless, the influence of the criminals at large upon their progeny, upon their associates, and upon society in various ways, is in excess of the governmental and moral means for repression, and no general reformatory results are reached with those who are imprisoned; and since about one-third of these latter are annually released from prison, the prison population itself becomes a center of crime-production.

A numerical estimate of the classes especially exposed to commit crime can scarcely be made with sufficient accuracy to give it much value; and since this report proposes to treat chiefly of the criminals themselves, it will not be attempted. It is safe to affirm, however, that there is a migratory population, without accumulated means and with few social ties, who earn irregularly and spend prodigally; that there are others who are penniless and improvident, though having a fixed domicile; and that there is a large class who, from one cause or another, depend on public or private charity. There are others still, whose occupation and associations serve to develop the baser passions at the sacrifice of the benevolent affections and moral sentiments, though possessed of sufficient pecuniary resources. These several classes constitute, altogether, an uneducated mass of beings, with some virtues doubt-

less, but nevertheless specially exposed to temptations. So there are hundreds of thousands fresh from foreign countries, possessing but imperfect knowledge of our language, our laws, and our social customs, strangers in a strange land, the prey of political partisans and unprincipled sharpers, who are crowded into the cities or pushed out upon the frontiers of civilization, and wholly unaccustomed to the freedom which they enjoy here, many of whom are likely to infringe upon the rights of property and person, and to offend against the peace and order of society. And also, beyond question, there is a large class, possessing the unfortunate inheritance of deficient mental and moral faculties, with ungovernable animal instincts or diseased nervous conditions, rendering their proper behavior, in mixed society, a practical impossibility, without the restraints of the law.

We have, then, as the subject of our inquiries—1. Some 40,000 criminals actually in custody; 2. An unknown quantity of the same class abroad in the community; and, 3. An indefinitely large population peculiarly exposed to crimes.

Prison discipline, in the broad sense, has to do with the exposed classes by way of introducing and conducting special preventive agencies, and in this work we seem to be limited at present to investigation and recommendation, for the people are so jealous of any apparent infringement of individual rights that they are impatient of the restraints and obligations necessary to this end. But good progress has been made of late through the enactment of compulsory education and stringent liquor-laws in some States, and, though these laws are very imperfectly enforced, they show a degree of attention to prevention and an improved sentiment which are very encouraging.

The State of Michigan follows Massachusetts in the next practical measure, and promises to improve upon the Munson establishment in the last named State. There is now in progress of construction by Michigan, at Coldwater, a State public school, embodying the main features of both the family and the congregate ideas, as separately applied throughout the country in its reform schools or houses of refuge. The establishment will comprise ten cottages for families of thirty each, with suitable buildings for meals, for school, and for employment; and it is designed by the projectors to institute the very best school facilities and far better social surroundings for the scholars than are generally provided for the wards of a State. In short, the design is to qualify the inmates for the higher occupations and social walks, and to see that they are duly introduced into them on leaving the school. The act creating this institution provides that "there shall be received as pupils in such school those children that are over four and under sixteen years of age, that are in suitable condition of body and mind to receive instruction, who are neglected and dependent, especially those who are now maintained in the county poor-houses, those who have been abandoned by their parents, or are orphans, or whose parents have been convicted of crime." Doubtless further legislation will be had this year, enlarging the scope of this school so as to embrace all the really neglected and dependent children of the State. It is hoped that the best expectations for this new institution may be more than realized, and that other States will establish similar ones. It is unnecessary to occupy space in this report in calling attention to the numerous and various private charities suggested, established, and sustained by the practical Christian sentiment of the times. Yet we may be indulged in offering our congratulations at the humanitarian and religious activities indi-

cated by these and other means to improve the classes of society under consideration. It is hoped also that the influence of this association may be applied to facilitate a similar tendency in the spirit of civil legislation. When the advocacy and support of the various schemes and measures presented to the Federal and State legislatures are conditioned upon their value to the more defenseless and deficient class of the population, instead of the more influential and better-endowed portions, the prosperity of the whole will be best promoted, and much be accomplished toward the more effectual prevention of crime.

The actual relation between criminals in confinement and the crime class in society, and the proper office of government toward each, are questions that should engage the attention of the association at once, for they must underlie all plans for practical reforms. It is coming to be understood that there is a marked difference between the exposed class and the criminal class—that an individual of vicious impulse who is restrained by his own will or saved from the overt act of crime by his favorable social surroundings is a better citizen than he is when the Rubicon of crime is passed. There is an added impulse given by the overt act, the hold of restraint is weakened, and, as a rule, the chances of moral reformation are greatly diminished. It is this knowledge that is producing the conviction in many thoughtful minds that criminals (and by criminals are meant all those who commit offenses justifying their public punishment) should remain under governmental guardianship so long as is required either for the protection of society or to aid the criminal in his efforts to reform by the moral force of his legal liabilities and relations.

The criminals abroad in society probably supply the prison population to a much larger extent than is generally supposed. Prisoners who are received for the first time at the State prisons for felonious crime, have in many cases been previously imprisoned in jails, municipal prisons, or houses of refuge, for lesser offenses. And the prisoners of the latter class are notoriously repeaters, having had in some cases the experience of imprisonment in the prisons of several States or cities.

It is a popular fallacy that virtuous citizens often suddenly fall into crime and are committed to prison. Such instances may possibly exist, but they form the exception and not the rule. When persons have fallen into crime, having come down from virtuous and respectable heights of character and social position, it has been by an easy descending grade of slight deflections at first, then moral delinquencies of the milder type, until, finally, and often from the accumulated pressure of inward impulse and outward distress, actual crime is committed. But they who have actually *fallen* are but a tithe of the criminal population. The mass are *born* into it, or are *trained* for it, with or without their own consent. The criminal class is an abnormal social growth.

After suitable measures to repress this growth, the first care should be for the discharged criminals. The pittance bestowed on their release from prison and the scanty wardrobe supplied even when accompanied with the "good advice" of the warden and the "God bless you" of the chaplain, are of little worth to the criminal, and much less to society, as a guarantee of his future right conduct; and, as a rule, no guarantee whatever is furnished by the fact of his imprisonment under the best known existing prison system in this country. So that society is in the plight (which would be ridiculous if it were not too sad) of temporarily restraining dangerous persons, then of still further degrading them by penitentiary treatment, and, finally, of turning them loose again, to ply their evil calling, without the least supervisory control.

Protection from discharged prisoners and the requisite aids for reformation must come from benevolent societies, relying upon the prisoner's voluntary acceptance of the proffered help and his permanent choice of an upright and virtuous life, or from governmental guardianship and control. Private benevolence can never meet the want, for it is in its nature fitful, is insufficient in its means, and cannot command the beneficiary class. As a rule, they who most need the restraints and helps to be derived from this source are the last to choose it; their choice is rather indolence, excesses, and such associations as belong thereto. For the few reformed prisoners, and for the imbecile of body or mind, these efforts are of great value; but for the headstrong, heedless, hardened crowd who, having been released from prisons, are now abroad in the community, some authoritative supervisory control must be had, and is, indeed, the best thing for both. This surely can be had, for, however jealously we may guard the individual rights of the humblest citizen who keeps himself within the limits of the law, when he becomes a criminal, or commits offenses requiring, in the judgment of competent courts, his personal restraint, then he cannot reasonably complain if restraint is continued to such an extent, and so long as may be necessary to protect society from his depredations, and to protect himself from himself. Public sentiment on this subject is somewhat divided. There are those who object to laws conferring governmental control of criminals after they are released from prison, on the ground that—(1) Such control cannot be accomplished. (2) That it would create a crime class, generally known to be such. (3) That the untrammelled free action of the mind is necessary to self-improvement and reformation; therefore this control would tend to defeat its own object. Others believe that the apparent difficulty of operating such laws may be overcome by the ingenious mechanism of the law, and by experience in administering it. They believe that the crime class is created already, and that the effect of the law will only be to define and reveal it, which possesses for society, certainly, as many advantages as disadvantages.

Unrestrained action, in opposition to or disregard of just obligation, is not liberty but license. The peace and welfare of society can only comport with absolute individual freedom, when the impulses are pure, the reason fairly developed, the moral sense rightly cultivated, and the whole properly balanced. Not one of us but lives under somewhat of restraint; none can safely give rein to all the impulses of his nature. The amount of restraint should, and in God's moral government actually does, depend upon the moral quality of the mind acted upon. Rightly considered, sin restricts our liberty; so untaught and rebellious citizens should be hemmed in by human laws, and allowed only a limited range for the exercise of free choice.

It would seem to be a self-evident proposition that the unreformed criminals in the community can gain nothing by the absence of restraints, but would gain much that would be of real, though unwelcome value to them, by such continued supervisory control as is here suggested. It is hardly necessary to add that proper governmental supervision of discharged criminals can be had only by continuing indefinitely somewhat of the control conferred by the courts at the time of conviction. Once restrained of liberty for violating the laws, governmental control should never be *fully* relinquished until the prisoner has at least the following qualifications for citizenship: (1) He should be able to read, write, and cipher, sufficiently at least to keep account of his receipts and expenditures, and the mind should be so molded as to make his judgment in common affairs reasonably true. (2) He should possess within himself

the experience and skill necessary to earn an honest living, or be taken in charge by others who are able and willing to provide for him, to which they should be pledged by a bond. (3) Satisfactory evidence should appear, not only that the prisoner has sufficient education and intelligence to care for himself, and possesses the ability to earn his living, or has friends to provide for him in respectability, but that there is a reasonable probability that he will use his faculties and resources aright; in other words, that there have been effected in his mind such changes, and these actually and practically tested, as will afford a guarantee of reasonably right choices in the presence of different motives.

Of course this involves changes in the prison system, but it involves much more than this. There are required training or testing establishments; establishments somewhat technical in their character, specially adapted to their peculiar work, in connection with which probationary periods of enlarged liberty should be allowed. They should embody the following principles, at least: (1) While legal control is retained, there must be such relaxation of present personal restraint that the prisoner is consciously free, under the play of such motives as ordinarily influence individuals in society. Of course, failure to choose and act right within his sphere would be evidence of unpreparedness for return to society. (2) The aim should be to fit each individual for the highest social condition possible for him, and to this end the school or reformatory must embrace instruction in employments, from the humblest mechanic art or agricultural pursuit, to the higher mechanical employments and the fine arts; this upon the principle that the weak and wayward most need the support of good social surroundings, which are most likely to be found among those engaged in the higher employments. (3) A high standard of honor should pervade these establishments, and constitute the disciplinary *régimé*. One who cannot distinguish what is honorable from what is dishonorable and mean, or who, thus distinguishing, has not self-control enough to restrain himself, should be deemed unfit for the school or reformatory, and, after due deliberation, should be banished to a lower grade of the series. Such a sense of honor involves moral integrity and a spirit of self-sacrifice, two qualities of character which, when dominant in the mind, are good guarantees of right citizenship. (4) The principle of religion must surely be implanted here—not any denominational religious *system*, but sincere recognition and reverent love and worship of Almighty God.

Protection for society from discharged prisoners through such establishments as we have described, involves, of course, the preparation of prisoners for such a graduation while they are confined in the other prisons of the state. In other words, a reformed prison system, substantially as described in the Declaration of Principles of the National Prison Congress of 1870 and of the International Congress of 1872; a system in which the object of vindictive punishment is left out; a system in which indulgence for its own sake is left out; in short, a system, which neither relies for the suppression of crimes upon the repression of criminals, nor mainly upon their persuasion, but rather upon their restraint, cultivation, and cure.

That the present wretched apology for a prison system in our country may, through proper effort, be supplanted by a truer ideal, which shall accomplish these results, the committee have no doubt. That, in the progress of civilization, this *will be done*, the committee fervently hope.

It is believed that this association ought at once to ascertain in which of the several States the true ideal of a prison system may best be planted, and that our influence should be brought to bear, to accom-

plish it. An examination of the laws and institutions of such State should be had, and the necessary changes therein carefully noted; indeed the whole work of the proposed experiment, and the successive steps leading to it, should be by us mapped out in detail, so that it would only remain for the State authorities to adopt or reject. A carefully selected committee of citizens of such State warmly enlisted in carrying it out, and the expected co-operation of the State authorities, if realized, would be likely to secure the trial, when we could present to other States, and the world, a practical demonstration of the wisdom of the plans and principles we hold, but unfortunately now content ourselves with only proclaiming over and over again in our various public documents.

For the committee:

Z. R. BROCKWAY.

#### 4. REPORT OF THE STANDING COMMITTEE ON DISCHARGED PRISONERS.

The committee on discharged prisoners can add but little to the information contained in the report made to the association by the committee of last year, which presented, as far as it was known, what organized effort had been made in the various States of our Union to improve the condition of this class of persons.

It is sad to look over our vast country and see how utterly inadequate are the means put forth for their relief. We are exhorted by the Apostle, "as we have opportunity, to do good unto all men," (Gal. 6: 10;) and it is one of the obvious duties of society, for its own sake and for that of its liberated convicts, to render permanent any beneficial influences resulting from the discipline of the prison. But on the restoration to liberty of many thousands of convicts annually, little care is taken, save in a few favored localities, to give them the hand of Christian sympathy, to encourage them in good resolutions, and to "set them in a plain path because of their enemies." (Ps. 27: 11.)

It is very easy to make general abstract declarations of duty or resolutions of action in the premises. A widely different matter is it to decide wisely what ought to be done in the multiform individual cases as they arise, and *to do it*. Whether his term of imprisonment has produced penitence and resolutions for virtuous living, or whether he is impenitent and prepared with whetted appetite to pursue a course of crime, the time of the release for each convict comes. Perhaps, a harsh keeper\* who has fed and worked, restrained and punished him, who has looked upon him as one who must be resolutely "kept down," a dangerous man, incapable of improvement, now feels that in parting some "good advice" from himself, as the representative of the State, is called for, and he counsels him to industry, sobriety, and honesty. But such counsel from such a source gives him no strength for the stern battle at once upon him. The grave questions: Where shall he go? What shall he do? With whom shall he associate? It may be the sadder inquiry, who will associate with *him*? press for immediate answer. He feels that he is degraded and disgraced. Shall he seek the friends whom he has grieved, perhaps wronged, or shall he go among strangers?

Does any one think that society has no interest in the solution of these questions? Is it beneath the notice of the conservators of the public welfare what influences shall determine the course of a man, despised indeed, but yet possessed of powers which at this critical moment of his

\* Many keepers, it must be said, are not harsh, but gentle and gentlemanly, remembering the golden rule in dealing with those under their care.



life may be directed either to bless or to curse the community? Temptations to robbery, arson, murder run through his mind, but a few words prompted by a kind and loving heart, the offering of a prospect of honorable and useful employment, with a vista of better days temporally and spiritually, may be the means of turning his feet into the paths of virtue. By the rescue of such an one from the toils and penalties of crime and his addition to the ranks of honest industry, society gains by a relief from his depredations, and also from the apprehension of them, as well as by the actual benefit of his labors.

Relief to discharged prisoners, however, requires wise consideration in the individual cases as they occur. It can, perhaps, hardly be accomplished by special homes or manufactories, as has sometimes been proposed. The most hopeful plan appears to be the appointment for each considerable prison of an officer whose duty it should be to make himself acquainted with the prisoners, especially with those whose confinement is near to termination, to win their confidence by kindly ministrations and undissembled interest in their affairs, to learn by delicate inquiry their history, character, capabilities, and desires, and then by outside correspondence to secure, if possible, for each departing convict a comfortable home with employment suited to his needs, to which he can go at once, without being subjected to the temptations of contaminating associates. He should be, if necessary, accompanied to his new domicile.

A mere mercenary laborer is not wanted here. The agent may be a plain man, but he should be possessed of some rare gifts and graces. He must be warm-hearted, generous, and, where it is deserved, confiding, of quick perception of character, of undoubted truthfulness and integrity, and of sound practical common sense, making his counsels valued because they are valuable. He should feel an earnest interest in the spiritual and temporal welfare of his wards, and manifest it by loving watchfulness over their subsequent career, holding them in the bonds of respectful attachment.

Some of the prisoners' aid societies have, happily for their beneficiaries, found such men. Provision for the appointment of one or more agents should be made by law in every State where it cannot be effected by voluntary associations, which, with needful aid from the State, are greatly preferable. To be without some such arrangement seems a folly and a crime, for if society sins by its neglect of duty, it must suffer the penalty. Wardens have reported of some discharged prisoners that they have loitered about the prison for hours, utterly at a loss to decide where to go. Some have been decoyed into vile rum-holes and stripped of the few dollars allowed them on their discharge. Others have been liberated at their own request before the morning light, that they might escape the seductions of old associates whom they knew would be lying in wait for them during the day. Some, refused employment or discharged as soon as their late home was known, or stung by the averted looks and cutting words of old acquaintance, have become utterly disheartened, and, on temptation, have broken sincere resolutions of correct life. The value of the counsel and assistance of a wise and sympathizing agent in such cases need not be shown. This officer should have an office in the prison or contiguous to it, where, by public announcement, he could receive applications for laborers.

It may appear a solecism to say that the care of discharged prisoners should commence on the day of their incarceration, but as the wished-for end is their effectual separation from the criminal classes, it is obvi-

ous that legislative enactments and the discipline of the prison should be such as to promote and, so far as possible, to *secure* that object. The system of marks, and grades, and tests; of religious, moral, and literary instruction combined with labor; of conditionally promised commutation and pecuniary reward—these encourage a prisoner to do right, stimulate him to overcome his evil propensities, and strengthen him in habitual good conduct. Many will thus become worthy of the recommendation of the agent, and will justify it on their complete liberation. Of those who evince no signs of reformation, and who will only return to society to prey upon it, it may not be out of place to express the conviction that they ought not to enter the list of *discharged* prisoners. The victim of some terrible accident is not sent to the hospital for a prescribed time, but until curative treatment restores his bruised body or shattered limbs. An insane patient is retained in the asylum, not for so many weeks, but till returning reason fits him for self-control. In the case of a desperate criminal, a special time-sentence seems equally inappropriate, and should be changed to one conditioned upon his reformation.

For the committee:

SAMUEL ALLINSON.

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### III.—PAPERS COMMUNICATED.

#### 1. THE CRIMINAL.

*By Dr. Prosper Despine, France.*

[Translation.]

The importance of this subject appears from the single fact, eminently rational, that a knowledge of the criminal is an essential guide to a right treatment of him; a knowledge of him, not in his acts, which are but too well known, but in his spirit, in the psychological condition which impels him to commit crime, and to renew the monstrous act as often as circumstances permit.

There must be something abnormal in the disposition of criminals, when they yield, with the utmost facility, to desires which would excite the strongest repugnance and horror in a truly moral man. Does not this abnormal state reveal itself in the clearest manner when, contrary to what poets and moralists have represented, we see the wretch who has committed crime exhibiting no symptoms of remorse, but rather a disposition to repeat the same criminal act? Such is the thought which has prompted me to study, with the greatest care, the psychological condition of criminals, or, if you please, the psychology of criminality, in order to fill a hiatus which, hitherto, has existed in science.

I propose, in this paper, to set forth some of the views suggested by my psychological study of criminals. These views, exhibited at length in a work which I have recently published, will be traced here only in outline. But I hope that, however briefly presented, they may engage others to enter the path which I have opened, and to pursue it with perseverance; a path which I consider the most rational and the most likely to lead to a right treatment of those perverted beings who disturb society so profoundly and with such regularity that both the number and the species of their crimes may be foreseen and predicted with almost unerring

ing precision. Now, just as in order to the rational treatment of a sick man, it is necessary to study the organic disease with which he has been attacked; in the same manner is it essential to know the abnormal psychical condition, or, to speak better, the moral disease which produced the crime; a condition without which, from the study I have made of criminals, great crimes are never committed in cold blood; for I have found, without exception, this abnormal psychical condition in all great criminals.

I have spoken of *moral disease*. This demands a clear and exact definition. Let it not be supposed that I look upon the criminal as diseased in such a sense that, like the insane, he stands in need of medical treatment. If, in certain cases, crime is committed under the influence of a pathological cerebral condition, little apparent to the magistrate, but in general recognized by the physician versed in medical jurisprudence, the ordinary criminal, the criminal who peoples the prisons, is almost always healthy in body. His mental state does not grow worse, like that of the insane patient, in the sense of the gradual destruction of all his faculties. Let us, then, settle this preliminary point, viz, that the criminal is not a patient, and that, in this respect, he must not be likened to the insane.

But, although sound in body, the criminal none the less manifests psychical anomalies of a very grave character. But we must not seek these anomalies in the intellectual faculties, properly so called; in the perception, in the memory, and in the faculty of associating ideas, of reasoning, that is to say, in the reflective powers. Although many criminals are as scantily endowed with intellectual as with moral faculties, it is not the lack of intelligence which is the distinctive character of these dangerous beings; for there are among them persons of great intelligence, capable of forming ingenious combinations, which are the product only of strong reflective faculties. The distinctive anomalies of criminals are found only in the moral faculties, in the instincts of the soul, out of which spring its desires and proclivities, and which constitute our principles of action: for it is these which impel us to act in one direction or in another.

In studying criminals, the first thing which strikes us, and which is obvious to all, is the *perversity*, the criminal thoughts and desires, inspired by the evil inclinations and vices inherent in all mankind, but more emphasized in criminals than in other men. It is the violent passions—hatred, revenge, jealousy, envy; it is also other passions which, without being violent, are no less tenacious in criminals, such as cupidity, the love of pleasure, profound repugnance to a regular life and to labor, and an intense indolence. These two last-named vices impel criminals to seek the means of satisfying the material wants of life and the enjoyments which they crave, not in honest toil, but in readier ways, which are immoral and hateful—in theft, arson, and murder. These qualities in criminals are manifest to the eyes of all. But do these malign passions, these immoral propensities and desires, constitute a really abnormal psychical state? By no means; and the proof is, that these evil tendencies, these wicked passions, these perverse and criminal desires, make themselves felt in the soul of the most upright man, without his ceasing to conduct himself in a virtuous manner, for the reason that he wages a successful warfare against them. There is no need to enlarge upon this point, which is so well known, that persons engaged in the study of the criminal, seeing in him only perversity, vicious inclinations, immoral desires, have considered him, in a moral point of view,

as normally constituted. His moral irregularity, then, is to be looked for somewhere else.

To understand in what this irregularity consists, let us examine what passes in the man recognized as normal in his moral constitution, when he finds himself in presence of a perverse thought, an immoral desire. Every one sees it in a moment. The conscience, that is to say, the right instincts of the soul, the moral faculties, three words which mean the same thing; the conscience, I say, is roused; the moral sentiments, opposed to the vicious instincts, are shocked by these ideas and desires, and, excited by the wound thus inflicted upon them, they react more or less vigorously, according to the degree of power they have in each individual. From this, a moral conflict springs up in the soul between the good and the evil sentiments. In this moral conflict appear, according to the more or less perfect moral nature of the man normally constituted, three orders of sentiments: 1. The good sentiments, which are developed and exert their force on the selfish side—that is to say, the moral sentiments which prompt to virtue and withhold from vice in a well-considered personal interest, but with no other view than some present or future advantage; such for example as the fear of punishment, of public scorn, of the loss of liberty, the dread of being deprived of the enjoyment of one's possessions, of being separated from his family, of leading a wretched life, a life full of privations, &c. 2. The generous sentiments, which lead us to act charitably toward our fellows, under the promptings of a kind heart, and with a view to the contentment of our generous inclinations. 3. The moral sense, the sentiment of right and wrong, accompanied by a feeling of *obligation* to do what is right, not in view of any satisfaction or advantage to be hoped from it, but because it is right; and to abstain from what is wrong, not on account of any suffering to be feared as a consequence, but because it is felt to be wrong. This unselfish and disinterested sentiment is the highest expression of the conscience, and its motive power of action, instead of being some personal interest or satisfaction, is *duty*. It is this lofty moral faculty which makes the man who is so happy as to possess it feel that he must repel a vicious or criminal act, however great the advantage to be gained by it, and however painful the course to be taken. It is this which drew from Kant, the great German philosopher and moralist, the exclamation, profoundly true: "Duty! wonderful idea, which acts neither by insinuation, nor by flattery, nor by menace, but simply by sustaining in the soul thy naked law, thus compelling respect for thyself, if not always securing obedience to thy commands."

Such are the three orders of sentiments, of moral instincts, with which nature has endowed us to combat the perverse instincts which she has also placed in our hearts, thus putting the antidote at the side of the poison.

Let us now glance at mankind as a whole. By the side of men normally constituted, although imperfect because they are men, what do we see? Anomalies, monstrosities. In a physical point of view, by the side of men well-formed, of robust health, of beautiful and noble forms, we find beings sickly, weak, ill-shaped, puny. Viewing men intellectually, what do we see? The same differences. By the side of men of genius, who create sciences, who produce those marvels of the imagination which, in literature and the arts, excite our enthusiasm, we find vulgar intelligences, insensible to the creations of genius and the splendors of nature, incapable of lifting themselves above the direction of their business and the material wants of life. Descending in the

scale, we meet, at last, with the weak-minded, the imbecile, the idiotic. These natural imperfections, these anomalies, these infirmities, these monstrosities, which we see in the physical and intellectual world, exist also in the moral, as marked, as numerous, and as varied.

It is to the reality and the nature of these moral anomalies that I desire to call the attention of this congress, for these anomalies, the saddest, perhaps, of those which affect humanity, are completely ignored, or rather their importance has not been perceived. Just because the man is in health, because he has command of his ideas, because he reasons, because he is *intellectually* intelligent, it has been thought that he must be also *morally* intelligent; that his moral faculties are in a healthy state; that his conscience is capable of feeling and weighing right and wrong, and that he possesses the ability to repress his evil desires without having ever dreamed of studying his moral nature, the state of his conscience; without having once thought of inquiring whether he is really endowed with moral instincts, with the moral faculties directly antagonistic to the depraved instincts.

The infirmities, the moral anomalies, to which your attention has been called, what are they? In what part of the man are they to be sought? Is it in the depraved instincts, in the immoral proclivities, in the criminal desires, even? Not at all; for, as I have already observed, the perverse sentiments, and the depraved ideas and desires which they inspire, are as much inherent in humanity as the virtuous sentiments and their moral inspirations. The presence of perverted sentiments does not, then, of itself constitute an anomaly. Whenever the antidote is found in the heart beside the poison, the moral state of that man is regular. But suppose the antidote represented by the moral sentiments is either too weak or wholly wanting. In that case the anomaly exists incontestably, the moral equilibrium is destroyed, for the virtuous instincts of the soul, and the moral thoughts inspired by them, can alone serve as a counterpoise to the power of evil passions, of perversity. It is this psychic anomaly, this feebleness, this absence of conscience with which criminals are stricken; and it is this alone which makes the criminal; it is this which makes it possible for a man to commit acts that wound profoundly the moral sense. The intellectual faculties are incapable, by themselves, of serving as a counterpoise to depravity; they take part in the combat against it only when they are directed in their activity by the moral faculties. It is a psychological principle which I have demonstrated in the work to which reference was made above, and which shows the supreme importance of the part played by these latter faculties in the battle against crime.

The psychic anomalies now under consideration, the absence of the moral faculties which, connected as it is with the presence of the immoral proclivities, makes criminals, are often hereditary, as are all the other vices which inhere in human nature. How often do descendants inherit from their ancestors the moral anomalies out of which crime, for the most part, springs! Not the slightest doubt can rest upon this point in presence of the numerous examples cited by Dr. Bruce Thompson, physician to the prison of Perth, in the Edinburgh Evening Courant of the 26th November, 1869. The organic condition connected with these grave moral anomalies, without being a real disease, since it co-exists with a healthy state of the body, has, nevertheless, a relationship more or less remote, but indubitable, with the pathological conditions of the brain, which produce the different varieties of insanity. The cases in which the children of the insane become ordinary criminals are

too numerous not to attribute the origin of this fact to an hereditary organic influence.

The extreme feebleness, and still more the absence, of the moral instincts, whether due to the fact that their precious germs, congenitally too weak to exhibit themselves spontaneously, have not been developed by a right moral education, or to the fact that the germs of these faculties are altogether wanting, constitute the saddest of the monstrosities to which the human race is subject. This monstrosity may receive various designations; I have given it, indiscriminately, the name of moral idiocy, moral insensibility, lack of conscience, different terms which give an exact idea of its nature. It differs infinitely in its forms, according as the virtuous sentiments are weak or deficient, and in its intensity, according to the degree of weakness found in these sentiments, a weakness which may reach to an absolute nullity. The sentiments whose feebleness or absence makes the moral idiot may be divided into three classes: 1, the moral sense; 2, the generous sentiments—pity, benevolence, charity, respect; 3, the sentiments of prudence, foresight, fear, and a well-considered personal interest. Let us take a rapid survey of the several kinds of moral idiocy caused by the absence of these various moral sentiments.

1. The absence of the moral sense in criminals may be readily made apparent. The conscience of the man who is so happy as to possess it, is wounded by his depraved thoughts, desires, and acts. It is, therefore, evident that he who experiences no moral repulsion in the presence of his criminal desires, and who, after having satisfied these desires, has no feeling of remorse, is really without a moral sense. This absence of moral recoil from criminal desires and of remorse after the commission of crime is a fact of observation of which I cannot now stay to give the proofs; but they have already been given by many observers.

2. The generous sentiments are wanting in criminals equally with the moral sense. Nature has endowed most men with sentiments of pity, of benevolence, and of charity toward other men. But great criminals are an exception to this rule. Without pity for the victims whom they rob or assassinate, the commencement of the criminal act awakens no kindly sentiment within them; nor does it recall them to moral reason, or arrest them in the execution. They destroy everything which forms an obstacle to their rapacity, and they do not cease to strike till their victim is without life. They never bemoan him; they even insult his corpse, cast ridicule upon it, and eat and drink tranquilly beside it. They have no sense of the value of human life. They murder for the vilest trifles, for a few pieces of money, for a momentary gratification; and not a thought is given to the sorrow they will cause to the family of their victim. If they commit the crime under some violent passion, they boast of the act; they glory in it; and they declare themselves ready to repeat what they have done. If their victim has escaped their rage, they loudly proclaim their regret, and express their determination to be more adroit next time. The reports of the court of assizes are filled with evidences of the cynicism with which criminals make these declarations. Insensible to the evil which they commit, regardless of the sad fate of their victims and of their families, they are equally indifferent to the punishments to which their accomplices may be subjected. It is truly marvelous to observe the facility with which criminals, who have been arrested, denounce their accomplices who are still at liberty, and how willingly they aid in their arrest. They do this either with the selfish aim of transferring to their accomplices the responsibility of the acts whose pressure they feel and of being less

severely treated, or with the wicked purpose of involving them in punishment, and of not suffering alone the chastisement with which they are menaced. The bond which unites these wretched beings is interest alone, and not affection. Thus, the moment this selfish bond is broken, they treat each other as enemies.

3. The sentiments which stand connected with a well considered self-interest are those which are most frequently wanting in these exceptional beings, so abnormally constituted as regards the natural instincts of the soul. The lack of prudence is most conspicuous in individuals destitute of the moral sense, and in whom the selfish fear of punishment is stifled by some violent passion, such as hatred, vengeance, jealousy, and sometimes even avarice. In that case, we see these madmen threaten, publicly or privately, the person who is the object of their passion with the fate to which they have doomed him. These reiterated menaces indicate with certainty a crime on the point of commission, which it would be easy to prevent. There are criminals so devoid of the sentiment of prudence, that they talk coolly of appropriating what belongs to others by brushing aside all the obstacles which they encounter, so that, when the crime has been committed, the author is instantly recognized.

Improvvidence is strongly characteristic of the greater part of criminals. It is owing to this singular trait, which belongs, more or less, to the whole class, that they are entirely absorbed by the desire which possesses them at the moment. One would say that they do not so much as cast a thought toward the future, which, for them, is as though it would never be. The consequences of the crimes which they meditate make no impression upon them; and if they think at all of punishment, it seems to them that they will never be overtaken by it. Their mind is intent solely on satisfying present desires, in regard to which their conscience has no reproaches. In this manner, nearly all pursue the end they have in view, scarcely thinking of punishment, rushing fearlessly after some material good, often of infinitesimal proportions—after miserable pittance of money, madly squandered in a few days, even in a few hours. This extreme improvvidence and this absence of fear give to criminals an audacity and an effrontery truly surprising. Without moral curb, and scarcely held in check by the well-considered self-interest which fear inspires, how should they not be daring, audacious? But this blind audacity is not born of true courage, which foresees danger, which fears it even, and which confronts it under the sole impulse of duty. This stolid audacity is the result of several species of moral insensibility, by which the criminal is characterized.

The man who can sell, at so cheap a rate, everything which a rational regard to his own interest would prompt him to desire, must necessarily be but feebly endowed with the sentiments which that interest inspires, and especially with fear. For trifling and transitory advantages, he exposes himself to the hardest chastisements, to the loss of personal liberty in places of detention, where he will be treated with severity: he exposes himself to be separated from his family, to be scorned, to die a violent and ignominious death, which wounds to the last degree the dignity of man. In a word, he prefers a vagrant and precarious existence to a life tranquil and regular.

In presence of these various sorts of moral insensibility, which are found in different degrees in all criminals, can there remain a doubt that these wretched beings are the subjects of a grave moral anomaly? Can there be a doubt of it, when this absence or deficiency of the moral faculties shows itself so palpably in its effects—first in the absence of all reprobation of the criminal thought, and then in the utter absence

of remorse after the criminal act? If I were not restricted to the narrow limits of a lecture, it would be easy to prove that the absence of these higher faculties causes a rude shock to reason and to moral liberty; but I will confine myself strictly to the question in hand.

The understanding, however great it may be, does not prevent or diminish the shock caused to the reason and the moral liberty of the criminal by his moral insensibility; it does not hold this man back from crime. Far from it. The understanding, when guided exclusively by perverted moral instincts, becomes, on the contrary, a power all the more dangerous in proportion as it is developed. Intent solely on the satisfaction of these instincts, it devises criminal projects and seeks the means of carrying them into effect; it produces, above all, malefactors fertile in criminal inventions, able chiefs of criminal gangs. In men depraved and morally insensible, the understanding is, therefore, a dangerous power.

Mere intellectual knowledge has very little influence in holding back these morally insensible natures from the perpetration of the crimes to which they are urged by their evil instincts; of which let the following fact serve as proof. Criminals know that what they do is forbidden by the laws, and that they are menaced by punishments; they know, generally, even the kind of penalties to which they expose themselves by such or such a crime; for professional criminals are well acquainted with the articles of the penal code which concern themselves. But does this knowledge hinder their attempts against society? Not in the least; society is none the less assailed by them. Laws and punishments are alike powerless, when the moral idiocy of these criminally-inclined beings extends to the imbecility or absence of the sentiment of fear; a thing by no means rare. This fact has long been well known, for it is an old experience: "Laws without good morals profit nothing." Laws, without moral sentiments and the good manners to which they give birth, are powerless and vain. The utter inefficacy of mere head knowledge, of intellectual power, before the depraved instincts of men devoid of moral sentiments, has not escaped the sagacity of the honorable president of the American Prison Association, Mr. Horatio Seymour, who expressed it in the following terms, at a public meeting held in New York, January 26, 1872: "Crime grows in skill with every advance of the arts and sciences. Knowledge is power, but it is not virtue. It is as ready to serve evil as good." At a time when almost everywhere, and especially in France, intellectual culture is proclaimed as the principal barrier against crime; at a time when little importance is attached to moral culture by means of education, the true means nevertheless of preventing this odious act, I am happy to be able to cite, in support of my opinion, a respectable name, and one having a higher authority than mine.

I have spoken only of criminals who commit crime in cold blood. I desire to add a few words concerning criminals who commit such acts under the influence of violent passions, such as hatred, revenge, jealousy, anger. In most of these, we find a moral insensibility as great as in cold-blooded criminals; an insensibility proved by the absence of remorse after the crime. Still, a small number of these persons may possess the moral sentiments to a sufficient degree. Suddenly overborne by some violent passion, which instantly stifles and paralyzes the nobler sentiments, they find themselves for the time morally insensible, and they commit the crime at a moment when all they feel and think pushes them on to it, and when none of their virtuous sentiments has sufficient force to combat the criminal desire. But when once the passion is sat-



ified, it loses its power, and no longer holds complete possession of the soul. Then the moral sentiments, momentarily stifled, resume their activity, and, shocked by the depraved act, they produce a feeling of remorse and at the same time of regret that an act has been done contrary to their own interest; a remorse and regret all the more vivid, because the sentiments which had felt the shock, and which now cause these pangs of repentance, are stronger and more powerful than the passions which had obtained a temporary victory. In some cases, the moral suffering is so violent that it plunges the individual into despair, and impels him to suicide. I can only make a passing reference to these rare cases of genuine remorse after the commission of crime. We never meet with this sentiment in the criminal who has acted in cold blood, and only in a few rare cases do we meet it in one who has committed the crime under the influence of a violent passion. With these latter, amendment is prompt and easy, and relapses do not occur. This fact, which is altogether natural, did not escape Mittermaier. Persons employed in prisons, he says, have remarked that those imprisoned for crimes committed under the influence of violent passions—accidental crimes—sometimes show signs of repentance; that they are more submissive; and that they exhibit a conduct more regular than criminals who have acted in cold blood, and of whom a great number are criminals by profession.

This rapid and very incomplete survey which I have made of the psychical state of criminals, will, I think, be sufficient to convince the members of this congress that account should be taken of it in the treatment to which they are subjected, the study of which treatment is the object for which the congress is convened.

As the criminal offers a serious danger to society, society must defend itself against him; this is an incontestable right. But against whom has society to exercise that right? Is it against a man who has in his conscience, like other men, the necessary means to combat and conquer his immoral desires? According to the very brief description I have given of the abnormal moral state of which all criminals are more or less the subjects, we cannot fail to see that the moral faculties, which are pre-eminently the antagonists of the vicious sentiments, are wanting to them in different degrees. If these men, the subjects of a real moral idiocy, are dangerous, they are also deserving of our pity. To shield ourselves from the danger with which they menace us, we are under a necessity of separating them from society. This separation, with the hard conditions necessarily involved in it, constitutes in itself a punishment. I need not here concern myself with the kind of imprisonment which it is most expedient to adopt in regard to them; that does not belong to the subject which I proposed to consider. Still, I will express, in two words, my thought on this point: I regard all modes of imprisonment as evil and dangerous, as well to society as to the criminal, if their only aim is punishment pure and simple. I think, also, that all modes, provided only that mode is chosen which is best suited to the special character of each criminal, may be good, if they have in view the true interest of society, which is entirely based on the moral regeneration of the criminal, and if also the most effectual means are taken to accomplish that regeneration. The treatment which aims only to punish for the sake of punishing is dangerous both to society and the criminal; it never improves the criminal, and often makes him worse: it produces from 40 to 45 per cent. of recidivists. Let me cite here, as regards the existing prison system in France, some words of a French magistrate, which attest its total want of success. "In vain," says M.

Bonneville de Marsangy, "have our successive governments, in their anxiety for improvement, sent to Switzerland, to Belgium, to Holland, to Spain, to the United States even, citizens of the highest distinction, for the purpose of collecting information on all the experiments which have been tried; in vain have they sought the opinion of the members of the magistracy and of the high functionaries of the administration; in vain have they appealed to the special knowledge of the directors, chaplains, and inspectors of prisons; in vain have the legislative chambers elaborated the bills of 1840, 1844, and 1846; in vain has the Academy of Moral and Political Sciences undertaken the study of this delicate question: we are compelled to confess that, at the very moment in which I speak, all these imposing and multiplied labors and efforts have, so far, wrought no practical result, and the innumerable deliberations had on the penitentiary question, instead of eliciting light, certainty, agreement on certain well-understood points, seem to have produced absolutely nothing but confusion and mistrust, a sort of final impuissance, terminating in the *statu quo*; we are always there." This avowal was made in 1867, in an article published in the *Contemporaneous Review*. And is not this very congress a fresh proof that all is still unsettled in the penitentiary question? If such is the fact, we may rest assured that it is because we have taken a wrong road; it is because, hitherto, having taken as our guides on this question only fear and vengeance, and not scientific *data*, we have ever had in view punishment alone; it is because, never having studied the moral state which leads a man to crime, we have ignored this abnormal condition altogether, and we have not been able to perceive that, in order to arrive at a favorable result, we must aim to bring down to the lowest possible point this anomaly, which is so fruitful a source of crime. I have shown that the criminal is a being apart, that he is different, in a moral point of view, from other men. If this is so, would not the best way to prevent crime and protect society be to cause this difference to cease, if not wholly, since that is impossible, at least approximately, enough to render the criminal a safe member of society. The legislation which takes this point of departure will attain, we may be well assured, a degree of perfection which has no existence at the present moment; for, as Beccaria has said, "All legislation which stops with the punishment of crime, and does not aim to effectually prevent it, is imperfect." Now, to improve the prisoner, to develop in him the germs of whatever good sentiments he may possess, were they but the sentiments of material interest if he has no others, sentiments with which, nevertheless, he will be able to fight his depraved appetites; to give him the habit and the love of labor, by which he will be able to live honestly; and to arrive at these results by humane processes, with a view to teach him by example to act with humanity himself, instead of treating him as we would not treat dumb beasts—is not this the true means of preventing crime?

Reformatory treatment, applied to individuals abnormally organized in a moral point of view, is not a utopia born of my imagination. M. Demetz is the first who practised this treatment in France, which he has done with rare perfection in the juvenile penitentiary of Mettray. While these juvenile delinquents, when thrown into prison pell-mell with adult criminals, showed seventy-five recidivists in every hundred, they show only four per cent. under the strict but paternal direction of M. Demetz. No doubt this system, applied to adults, would require some modifications; but the base would be the same. The reformatory system has been also applied to adults, and, although its application has been but imperfectly applied in their case, it has, nevertheless, yielded

very remarkable results. In my work on criminals I have cited, among other results, those obtained by the director of the penitentiary of Albertville, Savoy, during an administration full of mingled firmness and gentleness. He governed his prisoners by awakening in them virtuous sentiments. By this means he obtained such an ascendancy over them that he did not hesitate to let them go outside of the prison premises, single or in companies, under the surveillance of a keeper, to execute various labors. In this manner he so held them to duty by the bond of gratitude and love, that he was never compromised by a solitary escape; for the prisoners knew that by running away they would compromise the responsibility of their benefactor. Compelled at length by the administration to carry out, in all their rigor, mere official and routine regulations, and that, too, despite the exceptional morality and the habit of work which he had introduced into the prison, this model director preferred rather to resign his position than hold it at the cost of putting in practice a discipline which he knew to be detestable. Nor is this the only example that can be cited in favor of the superiority of moral over physical force in subduing and controlling prisoners. The honorable Dr. Wines, in a report, made at a meeting in New York last January, of the result of his voyage to Europe for the purpose of organizing the International Penitentiary Congress of London, referred to the Irish system devised and carried out by Sir Walter Crofton. "Never have I seen, elsewhere," says Dr. Wines, "anything comparable to the intermediate prison at Lusk. Here is a prison which is not a prison, consisting of two iron tents capable of accommodating a hundred inmates, and a farm of two hundred acres—an establishment without bars, bolts, or inclosing walls; and yet, in fourteen years not a dozen escapes have taken place, thus proving the dictum of Dr. Wichern, that 'the strongest wall is no wall;' in other words, that a wall of influence is stronger than a wall of granite." This is precisely what has been said by M. Vacherot, of the Institute: "Attraction in the realm of mind is the greatest directing force—the surest means of government."

It is not claimed that all criminals are capable of being improved, reformed by moral treatment. This system, although the most rational, will not always succeed. The moral nature of assassins and habitual criminals is so bad that they will sometimes continue rebellious to the end. Nevertheless moral treatment, surrounded by the necessary precautions, ought still to be tried upon them, and may produce marvelous results. However that may be, the criminal ought to re-enter society only when he has given guarantees of safety by his good conduct and industry, either in the prison itself or during a period of provisional liberty, and not at the end of a time fixed in advance by the law, as is the case in the system which makes punishment its sole aim. In a better system, which raises the penitentiary question to the rank of a science, each prisoner should be studied individually and treated according to his character and according to the degree of moral idiocy with which he is affected. To treat all criminals in the same manner is as absurd as would be the proposition to cure all the diseases of the body, diversified as they are, by the same medical agents. It is in making these principles the starting-point—principles based on a conscientious psychological study of criminals—that we shall, little by little, be able to see crime diminish in frequency. I cannot too earnestly recommend this study. The proposal to build any system of criminal treatment whatsoever without giving it a scientific basis is a proposal to rear upon shifting sands a structure that shall be solid and enduring.

Eminent men, inspired by the noblest instincts of the heart, by pity

toward beings morally feeble, have undertaken, by gentle and loving means, to lead them to a regular and virtuous life. In employing a system opposed to official rigor they have succeeded in their attempt. What these benefactors of the human race have essayed under the sole inspiration of their feelings is precisely what is taught by cold, hard science, that is to say, a criminal treatment inspired and guided by a knowledge of the psychical state of criminals and of the laws which govern the moral world. In effect, it is impossible that science should find itself in antagonism with the highest moral teaching, viz, to render good for evil. Science demonstrates that society, in its own interest, should employ toward the man who has injured it a treatment which, though marked by the utmost firmness, shall be, at the same time, humane and charitable.

## 2. ON THE TREATMENT OF LONG-SENTENCED AND LIFE-SENTENCED PRISONERS.

*By Mary Carpenter, England.*

The right treatment of prisoners condemned to confinement for life, or for so long a period as to be virtually tantamount to this, has never yet received special attention in public discussion on prison discipline.

It was thought expedient by those who prepared the programme of the recent Prison Congress at London, that this first meeting of the kind which has ever taken place in the history of the world should not be embarrassed by the introduction of any topics likely to involve considerable differences of principle and practice; it was therefore determined that the subjects of inquiry should be confined to the general objects of prison discipline and the reformatory treatment of offenders, whether adult or juvenile. Thus was obtained from that most important assemblage, which represented the whole civilized world, an acceptance and declaration of principles which will serve as a basis of future legislation in every country. Those persons who are cut off from society for their evil deeds, and who are briefly denominated "convicts," can no longer be ignorantly treated in a manner calculated to produce the most injurious effects on society, as well as on themselves. The public has had light thrown on the whole subject, and it is for them to require that the treatment of those who must be returned to their midst shall be such as to give reasonable ground for hope that they will return better, not worse, for their imprisonment. Such is not, however, the case with respect to life-sentenced prisoners. The public sees these persons, as soon as their sentence is pronounced, removed forever from among them. *They will never again take their place in society.* They may even be regarded, and are so by law in some countries, as absolutely dead to the world. The nature of their subsequent life is quite unknown to the public, who cannot intrude on the secrets of the prison house; they cannot make their voice heard to tell of the misery they endure; they will never go forth to say what they have suffered. But the present age requires that the treatment of such persons should be the subject of very special consideration, for the number of them will be continually increasing, as the barbarous death-penalty disappears from the code of civilization. *It is disappearing, and must continue to do so,* as education brings enlightenment with it, and the public mind comprehends the true ends of punishment. The gibbets placed conspicuously on a high hill to scare evil-doers with the sight of decaying corpses are moldering away, and stand only as beacons to mark the progress of society. In

Great Britain, which unhappily still lingers, the ghastly spectacle of an execution is no longer paraded before the public, but is hidden in a horrible seclusion; in a neighboring country the continual legal massacres which are still appalling distant lands have not yet ceased to render the public mind callous, if it is not anguished, by their frequent occurrence. We shall aid the abolition of this inhuman punishment, if we can point out a way in which the ends of justice can be served without it.

It is, then, the object of the present paper to consider the difference which exists between life-sentenced and ordinary convicts; next, to consider the principles which should guide us in their treatment; and finally we shall endeavor to show how these principles may be practically developed.

For this inquiry we shall not consider separately long-sentenced and life-sentenced prisoners, because when the *certain* term of detention reaches fifteen years, or even less, the uncertainty of life, and the knowledge of the changes which must have taken place in all ties of family and friendship, even if liberty is eventually obtained, renders the dreary future as appalling as if it were certain that death alone will release the unhappy prisoner. We shall therefore here speak only of "life-sentenced prisoners."

Now, when we consider the treatment of ordinary convicts, we regard them generally as habitual criminals, such being usually the persons sentenced to a term of years in a convict prison. The cases in which persons are so sentenced for a first offense are exceptional ones. The ordinary convict may be thus described: The habitual offenders who constitute the largest proportion of the inmates of convict prisons are in a state of absolute antagonism to society and disregard of ordinances, human and divine. They are usually hardened in vice, and they concern themselves with the law only to endeavor to evade it. They dislike labor of all kinds, and to supply their own wants exert themselves only by preying on the property of others. They are self-indulgent, low in their desires, ignorant of all knowledge that would profit them, and skillful only in accomplishing their own wicked purposes. Such is not necessarily the case with life-sentenced prisoners. The crime for which this sentence is inflicted is commonly murder, and this crime involves very different degrees of criminality in the several cases, and does not indicate in itself the type of character usually found in the convict prisons. At the same time it shows a mental and physical condition most dangerous to society.

Now, in the treatment of both classes of these criminals the same grand objects should guide us—the protection of society, the minimizing of crime, and the reformation of the offender. It has been shown in the Crofton system of prison discipline how all these may be harmoniously combined. But it is the great aim of ordinary reformatory prison discipline to restore the offenders to society and to obliterate, if possible, the memory of his crime by the entire change in his future life. In effecting this reformation *hope* forms a most important element of treatment, and the daily effort to attain the desired result of the remission of sentence, with other advantages to be enjoyed, especially the attainment of liberty, constitutes the most valuable part of prison training. But in the case of the life-sentenced prisoner, supposing the crime to be murder or some other horrible offense, the memory of it can never be effaced, though repentance may draw a veil before it; society will *never* receive him again, however penitent; no efforts of his can obtain his release; and hope, the grand spring of human action, is

withdrawn from him. The condition of mind in which he is therefore necessarily plunged is one which must render him a burden to himself and a dangerous associate for others. Then, again, the ordinary convict is probably not in general much tormented by the reproaches of conscience. It is not until he has made considerable progress in reformation that he can see in its true colors the evils of his past life and feel remorse for it. But the crimes which receive the award of confinement for life are usually of a kind at which human nature revolts when not under the *immediate* thralldom of violent passion. The secret anguish of remorse so truly described by our own Shakespeare, in his *Lady Macbeth*, must constitute a source of life-misery.

The first murderer, when informed that his life would be spared, exclaimed in the agony of his spirit, "My punishment is greater than I can bear." And the same has been felt by others who, under commutation of sentence, have found the pangs of a guilty conscience in a convict prison more than they could bear, and have committed suicide. Again, the ordinary condition of habitual criminals may be calculated on, and a system of discipline may be arranged for them accordingly. But the crimes which are followed by a life-sentence are very frequently regarded as symptoms of insanity, either temporary or the result of unbridled passions which have destroyed the mental equilibrium; they require special treatment, and for want of any such provision are placed in a criminal lunatic asylum, though in no other respect than the crime they had committed did they show indications of mental aberration.

It is evident, then, that these two classes of convicts are totally distinct, and require a kind of treatment of a very different nature. The very presence of one class with the other is injurious. Every one conversant with prison management is fully aware that the mixture of short-sentenced prisoners with convicts is detrimental to the discipline and order of a jail; the difficulty is not less which is caused by the presence of life-sentenced prisoners, who require, and who ought to have, very different treatment from ordinary convicts. *There ought to be a separate place, in every country, where life sentenced prisoners can be placed to receive appropriate treatment.*

Let us now consider what are the principles which should guide us in our treatment of them.

First. There must be protection to society from any danger arising from the escape of such prisoners. Security is always a very important element in penal discipline, and in this case especially so. The dreadful tragedy by which India was recently deprived of her illustrious viceroy ought never to have taken place. A known murderer, however mild may have been his general demeanor, should never have had the possibility of escaping from surveillance, and availing himself of deadly weapons, especially at a time of peculiar excitement. No one can tell what are the secret workings in the murderer's heart, or the craft with which he can conceal them. The protection of society is of course an important object in all penal discipline, but in this case especially.

Secondly. The deterrent effect on society of the treatment of these life-sentenced prisoners exists solely in the fact of their removal *forever from the world*. The special treatment must be regulated not only so as to secure the personal safety of the prisoner, but at the same time to promote his reformation, as a primary object.

Thirdly. With a view to this last object, the whole system must be so arranged in its different parts as to infuse the *element of hope* into the prisoner from the very commencement of his incarceration. The awful

sentence, "Who enters here, leaves hope behind," placed by Dante over the entrance to his Inferno, must have no place here. Humble penitence for past evil, with deep sorrow for sin, must be blended not only with hope of pardoning love in another world, but also in this. Hope must be excited of the possibility of regaining some happiness even in this seclusion, and even of making some small restitution to injured society.

In order to make myself better understood, I shall here, before stating what I conceive should be the practical development of a prison for life-sentenced prisoners, mention two cases which came under my own observation in a recent journey on the continent of Europe.

The first case was that of a man who was sentenced to twenty years' imprisonment for murder. He was in a jail where strict discipline on the Crofton system was carried out, as far as it could be in buildings not arranged for the purpose, and without any intermediate stage. An excellent tone pervaded the place, and the associated labor had a very good influence on the prisoners, in whom, generally, there evidently existed a desire to do their duty. The director, a gentleman who devoted himself to the well-being of the prisoners and took a strong personal interest in them, informed me that this man had been there for two years, and had eighteen more to remain; that he labored under deep and morbid depression of mind, from which he could not be roused; the future was dark and dreary before him; it was not probable that he would live to regain his liberty; and if he did, what happiness would he have when all his friends would probably be dead or dispersed? The director had tried to place him in associated labor to relieve the gloomy monotony of his life, but his irritable disposition compelled his removal from it. The director asked me to see him. I went to his cell, and found him as described; skilled labor had been provided for him, but there was deep gloom around him. I addressed to him such religious observations as seemed appropriate to his case, and he seemed comforted. The next time I heard of him he was ill. The director found his presence a great difficulty in the management of the prison, nor could he deal with him as his judgment would direct, under such circumstances.

The other case, in another city, was that of a female poisoner who had been confined already eighteen years. The prison where I saw her was a temporary one, formerly a lunatic asylum, and there did not appear to be any attempt to carry out a system in the management of it. I was accompanied by a gentleman resident in the neighborhood. A male official introduced me to the small room where the poor woman was confined. She was in a nervous, dejected state, and said she could not do the work, which lay untouched on her table, from a weakness which evidently arose from dejection. She seemed thankful for sympathy. She complained that she had often been accused of committing, in the prison, offenses of which she was innocent. She had no friends, or relatives, except one son, of whom she knew nothing. It was difficult to know what to say to her. After I left her, and the official had again confined her in her dreary solitude, we heard her singing in a wild, maniacal manner. My friend and I thought that immediate death would have been a more merciful infliction on her than this protracted mental torture. I did not desire to see another female prisoner in the same jail, who had committed many murders. A gentleman afterward told me that he had visited her, and found that a young woman was confined in the same cell with her. I requested my friend to intercede with the proper authorities for a mitigation of the punishment of the poor woman I had seen. He afterward informed me that this was useless, as she was subject to violent paroxysms of passion, requiring sev-

eral men to hold her. Both had done very malicious bodily injury to female officials.

It will surely be acknowledged by any one who carefully considers these two cases, which probably are not equally painful with many which exist in various countries, that the abolition of capital punishment absolutely requires us to consider what is the true treatment of such persons as those to whom it would formerly have been awarded. The civilized world no longer tolerates the infliction of needless physical pain as punishment. We shudder at the torture chamber of Nuremberg and the instruments of torture exhibited in our own capital, as relics of a barbarous age; yet we forget that, excruciating as was the pain then inflicted on the body of the sufferer, it would gladly have been chosen rather than years of mental anguish. We behold the dungeons of our ancestors, and the dens where were thrust, wholesale, the intended victims of the scaffold; or the now crumbling towers where a criminal was immured for a short time, to be dragged forth to the place of execution. But *our* whitewashed cells, with their dreadful monotony, in which a human being is confined year after year, without hope of release, *are not really more humane.*

Let us now consider what should be the nature of a convict establishment for life-sentenced prisoners:

Selection should in the first place be made of a proper site. The safety of society is a primary consideration, and the more secure is the locality the less need will there be for those irksome restrictions which irritate the prisoner, and constantly remind him of his situation. If possible, an island should be selected, or, better still, two or three islands, sufficiently near to each other to be within one general surveillance. The choice of the locality should not be guided by the desire to make the residence there as unpleasant as possible, but, by adaptation to the object, to secure the reformation of the prisoner. Barren, frozen regions should *not* be selected, as some have proposed, where the spirit would become as chilled and frigid as the physical frame; nor unwholesome, tropical places, where the influences are so depressing that the inhabitants of the temperate zone *must* pine away and die miserably. Nor must we choose a rugged and desolate district, where not even bounteous nature repays, as is her wont, the toil of the husbandman. The loving heavenly Father doeth good even to the unthankful and the evil; He sendeth His sunshine and rain on the just and on the unjust. We are commanded to be perfect even as our Father in heaven is perfect. *We must strive after this,* and it is not for us to deprive our fellow-sinners of a single good and holy influence which nature would bestow on them. There should be abundance of land, which the labor of the convicts could make highly productive. Such a site should be sufficiently isolated, and yet not so remote as to prevent the frequent visits of persons whose influence would be beneficial.

The whole territory should be so arranged as to admit of three distinct stages, as on the Crofton system; prisons for separate confinement, for associated labor, and for partial liberty, as in the Crofton intermediate prisons. Besides these there should be a *fourth stage, corresponding to liberty with the ordinary convict.* Here there should be little, except the actual fact of prohibition to pass a certain boundary, which should remind the reformed convict, who has attained it, that he is still under sentence of law. The space should be sufficiently large for the life-sentenced prisoner to have his family around him. Remunerative labor should be provided, by which he might be able to relieve society from the expense of his support, and even to repay what has been spent



on him. He might also be permitted to make some provision for his family, and prepare them for their free entrance on life.

It will be remembered that in Sir Walter Crofton's development of his system in Ireland, *the only complete illustration of it existing*, each stage was at some distance from the others, while his own mind kept all in unity. This was attended with very beneficial effects, as at each stage the mind of the prisoner received a new stimulus. This is even more desirable in the case under consideration, where every available stimulus and excitement should be used to supply the place of that great object of desire, the anticipation of release which has been withdrawn.

While the general arrangements of the Crofton system should be adopted in these prisons for life-sentenced prisoners, the stages may be passed through more rapidly, and more privileges may be allowed as the result of good conduct, such as communication with friends, and the purchase of small articles which may relieve the monotony of the cell. There should also be very careful and scientific medical superintendence of the whole. The mind and the body have much to do with each other, and in such cases particularly.

At Ahmedabad, in India, I saw a very remarkable lunatic asylum, conducted by Dr. Wyllie, the able superintendent of the jail of that place. Never have I seen a more pleasing spectacle of willing, cheerful out-door labor than among the patients of that institution; they were not only earning money but bringing their physical and mental powers into harmonious action. Among these the doctor pointed out to me a class of murderers who were working in as orderly a way as the others. The doctor observed them carefully and regularly, and when he saw in any one of them a peculiar appearance of the eye, he put him under medical treatment, and the danger of an outbreak was removed.

The development of such a convict system for life and long-sentenced prisoners in the Andaman Islands was regarded as very satisfactory, when I had the opportunity of making inquiries respecting it, six years ago. The fourth stage was on a separate island, where the convicts lived in comparative freedom. Many convict women were sent out at their own request to become their wives, and the settlement appeared fully to realize the object intended.

The best treatment of life-sentenced women is a problem more difficult of solution than that of men. The subject is too perplexing and important to be here briefly discussed. Suffice it to say that Sir Walter Crofton has proved that it can be solved, and it ought to be considered most carefully in every country. I trust it will receive the attention it requires from those women as well as men whose *sound knowledge, large experience, and devoted, loving hearts*, inspire them with a faith which can remove mountains.

If there are persons who have so little belief in the possibility of overcoming evil with good, of touching the divine spirit which exists in every child of the heavenly Father, however perverted and enthralled by the animal nature and passions, we would ask them to turn for confirmation of the views taken in this paper to a convict settlement in the center of India. It is well known that in that country there was a race of natives, the Thugs, whose very religion and social customs were based on professional murder, the secret of which was transmitted from father to son, and the practice was thus perpetuated from one generation to another. To reform them seemed impossible. The practice formed so completely a part of their nature that when suffering under punishment they would declare that, whenever released, they

must resume the horrid practice. Some forty years ago these Thugs, whenever arrested, were subjected to strict imprisonment and industrial training in a place appointed for them. As they appeared reformed they were admitted to greater liberty, and a village was formed round them, where their families live. Breach of regulations was at once punished with return to strict imprisonment. Various branches of skilled labor have been introduced into this Thag village, at Jubbed-poor, which are now of great importance in a commercial point of view. An excellent influence has been diffused around, and some of those who were born and bred in jail are now among the first and wealthiest in the community. Why should not the same be done for our life-sentenced prisoners?

### 3. REMARKS ON SUNDRY TOPICS CONSIDERED IN THE INTERNATIONAL PENITENTIARY CONGRESS OF LONDON:

*By the Right Hon. Sir Walter Crofton, England.*

MY DEAR DR. WINES: I regret very much that it is not in my power to attend the Baltimore Congress. I need scarcely write that I wish it every possible success. I have been ill for several months, and therefore have been unable to attend the Social Science Congress at Plymouth, or to initiate the further discussions which I consider to be necessary with regard to the "International Prison Congress."

It is undeniable that this congress, thanks to your energy, ability, and, allow me to add, *tact*, proved a very great success. It contained elements of discord which might have produced the result of separating without passing any resolutions. It must be our care that those which have been passed should be thoroughly understood.

Already I see indications that the advocates for strict separation until the end of long sentences do not consider that any resolution has been passed by the congress hostile to their opinions. But, if the resolution recommending the adoption of "*progressive classification*" is not opposed to these opinions I am entirely at a loss to conceive its meaning.

To my mind, the tone of the discussions abundantly illustrated that the problem to be solved was not merely the question between "isolation" and "progressive classification," which had been disposed of at an early period,\* but the best mode of preparing a criminal for his release, so that on his liberation he should, by his *prison training*, be made fit for the labor market, and employers of labor be induced to assist him.

You will, I know, agree with me that if our prison training does not attain these ends it has accomplished but a small portion of its real work.

I have listened to many advocates of the system of entire isolation, and have read many of their works; moreover, I have noted its results where carried out for lengthened periods, both in England and in Ireland, but I have entirely failed to realize how it would be possible under any artificial system to attain the all-important ends to which I have alluded.

I fully recognize the value of the isolated system from many points of view. The absence of temptations would reduce the number of prison offenses, and render the management of the establishments much easier, and far more agreeable to the officers. The small number of prison of-

\*In the United Kingdom, after much experience, "isolation" for long periods of time has been condemned for many years.

ficers, and the general good conduct of prisoners, will of course induce the assumption that amendment has taken place, which, without the test of registration and supervision after liberation, it will be impossible to verify.

I have for too many years struggled with the difficulty of rendering criminals fit for the labor market and inducing employers to give them work, to believe that this great object can be attained by any artificial process in the criminal training. In some communities doubtless there will not be the same difficulty as in others, but in all, to a greater or lesser degree, difficulties will exist. In the United Kingdom, I feel perfectly satisfied that any attempt to liberate men *after a long period of isolation*, with the hope of their attaining employment, would result in a most disastrous failure.

But do not let me be supposed to undervalue "isolation" in its place. As the earliest stage of detention, I have the highest opinion of its importance. I believe every system of prison discipline would fail without this preliminary stage for reflection, so specially well adapted as it is for repentance and religious instruction. It should be ever held to be the basis of all prison systems.

You will, I feel sure, agree with me that the great pressure upon the time of the congress, caused principally by the translation of the papers and disussions, precluded the thorough consideration and discussion which some of the subjects imperatively required. Notably there were two subjects, "corporal punishment," introduced by M. Stevens, of Belgium, and "prison labor," by Mr. F. Hill; the arguments concerning which were based upon a complete misunderstanding of the system pursued in this country, and approved by the Government. The names of twelve or fourteen gentlemen were down as desirous of speaking when the discussion was closed by the chairman.

From want of knowledge of the existing practice, the arguments were based on exceptional cases, and went upon a false issue. Under these circumstances, the feeling at the congress was extremely hostile both to the infliction of corporal punishment and to some of the statutory requirements of hard labor, viz, the crank, treadwheel, and shot-drill. Members of the congress spoke as if these were our ordinary forms of punishment and of labor. But what are the facts?

Corporal punishment is retained as a very exceptional and not an ordinary punishment, and is never resorted to save in cases in which a most brutalized nature has been evinced by the offender, and then only by magisterial order accompanied by medical sanction. It is not true that it is in the power of governors of jails to order its infliction, and those conversant with the ordinary practice of the magistracy in these cases will be amazed at some of the opinions expressed in the congress.

There is no person with an opinion carrying weight who would in this country advocate the general use of corporal punishment. At the same time there would be very few of practical experience but would desire the retention of the power under the strictest safeguards, to be applicable only to those exceptional and brutalized natures which will, unfortunately, be sometimes found in all communities. It is believed, and rightly believed, that the retention of the power prevents in many cases the necessity for its use. It has in several instances prevented bloodshed and murder to my knowledge; and you will recollect statements being made to the congress to this effect by Dr. Mouat, (the inspector-general of prisons in Bengal for many years,) and by your own

very able and excellent governor of Albany penitentiary, General Pilsbury.

With regard to "prison labor," there was very much misapprehension also. The prevalent impression of speakers appeared to be that the use of the crank, shot-drill, and the treadwheel is compulsory by statute. This is not true; it is optional with the magistrates either to adopt these forms of labor or others of a character to insure "hard bodily labor." It had been decided by Parliament that before 1865 the sentences of "hard labor" had not been carried out in our prisons, and that so long as we maintained these sentences we must recognize a distinction between "penal" and "industrial" labor.

But the government never contemplated "hard" or "penal" labor to the bitter end. So far from this being the case, the home office transmitted circulars to the "prison authorities," pointing out how it would be possible, under the prisons act, 1865, to establish a prison system which should lead from penal or hard labor, by a progressive classification, to industrial labor and special employments.

Thus, by a well-regulated system, justice would have been satisfied, a strong motive-power to amendment would have been created, and "industrial labor," being associated with privilege in the minds of the criminals, would be followed on liberation with pleasure and with profit.

A large number of "prison authorities" have, unfortunately, not adopted the scheme foreshadowed in the government circular, and allow the infliction of "hard labor" until the end of long sentences. Nothing can be worse than such a course. But it would be entirely wrong to assume that the government approves of such a practice, as many speakers at the congress did assume, and termed it the "English prison system," for we have only to turn to the convict system, which is under the entire control of the government, to learn its views upon the subject of criminal treatment.

What is required is, that the central authority should institute a uniform system of prison treatment, working it out with the co-operation of local action, and we must come to this; as yet, there is not sufficient power.

It is, I maintain, right for the public, and right for the criminal himself, that there should be suffering for sin, that the preliminary period of imprisonment should be one of suffering, not dictated by vengeance, but as an example to others, and a wholesome discipline to the criminal.

Whether this period of suffering had better be one of strict isolation or of "hard labor" is an open question. If hard-labor sentences could be abolished, I should myself prefer isolation. But in either case this treatment must be followed by industrial labor, which must be earned as a privilege. If the whole scope of such a system is explained to the criminal, it is idle to assume that he would consider penal labor as a degradation. He would realize it as a means to an end, and would co-operate with the system. This has been the case in jails which have a progressive system, and it is not right to assume that because aimless penal labor in jails which have no progressive system is felt as a degradation, it must be so under other and very different circumstances. It is important, all-important I would say, to keep penal or hard labor perfectly distinct from "industrial labor" in the mind of the criminal, for it is necessary that he should dislike the one as associated with punishment, and like the other as associated with privilege and amendment. His well-doing, on liberation, depends upon his feeling in this respect; and those who advocate "industrial labor" at the beginning of sentences, without making it the result of privilege, are associating it

in the mind of the criminal with his penal treatment, and giving him a distaste for it on his liberation. Many years' experience has completely satisfied me on this point, and many years' experience should have pointed out the failure of merely industrial labor in England. Before 1865, it was quite an exception to find jails in which *penal labor* was carried out—the results were so bad as to call for an examination by a committee of the House of Lords, the report of which gave rise to the prisons act, 1865. It is notorious that under the former system vagrants used to commit crime to pass the winter in jail, and this has not been the case since penal labor, (which should not be unproductive,) has been made compulsory in all jails.

I am satisfied that any attempt to eliminate suffering from punishment would have such an effect upon public opinion as to very materially damage, if not entirely destroy, our reformatory and progressive system. No one has a greater right to be heard upon this point than myself, because I have carried the progressive system further than any other person, even to a state of semi-freedom. But this would have been impossible, had I not been able to carry public opinion with me, and to show—as Count Cavour expressed it—that punishment and suffering formed a portion of the system. Experience has also shown me that such a course is an essential element in the treatment of the criminal for his own sake.

It is certain that we have much yet to do. Our classification must be perfected and still further extended. Our education in prisons must be rendered more practical, and made to bear more on the future career of the criminal. Above all things, we must have the active intervention of a central authority to compel a uniform system of prison discipline. It is indefensible, that the exercise of an unchecked local authority should be allowed to result in a very different treatment of criminals under the same sentences, for the whole community is affected by this treatment. We cannot confine the action of criminals to their own localities, and, therefore, it is the duty of the state to interfere.

With regard to sentences, also, some reform is needed. It is very generally admitted that short sentences entirely preclude reformatory treatment, for the time is not sufficiently long to develop it. If we could abolish the intermediate sentences between six weeks and six months, it would be far better for the criminal and the public. During six weeks we could inflict isolation and a low diet for the whole term. From six months and upward we could give beneficial effect to a progressive and reformatory system.

Although we have done much of late in establishing Prisoners' Aid Societies,\* we have still much more to do in this direction.

Our "registration of criminals and their supervision after liberation," has not only proved a most efficient check on the criminal classes, but it has enabled us to test, in the only practicable manner, the value of our prison training. Under this test we have the most satisfactory results.

Criminal statistics depend for their value upon the basis on which they are collected.

Any comparison of statistics between different countries, some collected under a stringent system of registration, as in the United Kingdom, and others in a negative form, would be worse than useless as tests of prison system. By turning to my Irish official reports, it will be noted that this was my argument against any comparison of results between England and Ireland, for at that time "supervision and regis-

\* There are now thirty-six in England.

tration of criminals" had not been adopted in England. When I think of those reports, and the papers I had to write, pleading (for it was nothing short of pleading) for the adoption of the "mark" system of classification, for police supervision, for the registration of habitual criminals, for a reduction in the amount of gratuities, which were excessive, and for a better subdivision of large prisons, and realize what has since been done, that is, the adoption of all the improvements mentioned, you will agree with me that I have reason to be thankful. It is cheering also to find that the mark system has been introduced in some of the jails in India and the colonies, and that Germany has introduced a well-considered system of supervising criminals.

We must hope and believe that progressive classification will everywhere culminate in "intermediate establishments." We can make allowance for a certain timidity in its application to men, but they will come in time as a consequence of the progress which has been already attained. Surely Lusk, with its sixteen years of successful results, cannot be ignored by thinking men, and that it will not be so ignored in the United States, I feel most certain.

It cannot be doubted that we have much yet to do. But we must stand fast to the principles which we have proved to be sound, and build upon them; we must not confine our operations to the treatment of criminals, young or old, inside and outside of the prisons; and we must place in industrial schools the children of criminals whose future career cannot otherwise admit of doubt.

With my best wishes for your congress, believe me, dear Dr. Wines, yours, most sincerely,

WALTER CROFTON.

HILLINGDON, UXBRIDGE, *December 24, 1872.*

P. S.—I have just received the Transactions of the Prison Congress. Not having seen a proof of any statement made by me, I already observe an error on a very important point, which I shall feel obliged by your correcting at the Baltimore Congress. At page 476, I am reported as stating that, for certain reasons, viz, the high earnings in *free life* in England, it would be difficult to carry out intermediate prisons in this country. This would be nonsense. What I said was, that I had no doubt the English prison authorities had this difficulty to contend with in establishing intermediate prisons, viz, that several of the prisoners (who are skilled) earn in some of the public works prisons 5s. or 6s. a day, and that if they were removed to agricultural establishments, as at Lusk, they would probably only earn 2s. 6d. a day. But I stated that, to my mind, the moral gain would quite outweigh the financial result, and I shall be glad if you will make this point very clear.

W. C.

4. PREPARATORY SCHOOL FOR THE TRAINING OF OFFICERS CONNECTED WITH THE PENITENTIARY COLONY OF METTRAY, FRANCE:

*By M. De Metz, Director of the Colony.*

[Translation.]

PARIS, *December 31, 1872.*

DEAR SIR: Agreeably to your request, I send you a word in relation to the Preparatory School, (*École Préparatoire*), which I thought it needful to found some time in advance of the reception of the first inmates of the Penitentiary Agricultural Colony of Mettray, for the purpose of training agents who should be competent to the duties of their

high mission. This, from the start, I thought absolutely essential, to the end that I might advance, with firm and sure step, in a path then altogether new and untried.

It is thirty-five years since the preparatory school was founded, and time has but convinced me more and more of the advantages which may be obtained by means of such an institution. Still more recently I have had opportunity to observe how much force and energy this school has given to the sentiments of the young men who have enjoyed its advantages. When our territory was lately invaded by the enemy, many of our under-officers promptly joined the ranks of the army. Those who remained, perceiving the difficult position in which we found ourselves from the insufficiency of our staff, and being fully aware of the exhaustion of our financial resources, resulting from the crushing requisitions of which we had been made the object, sent a deputation to me to say: "We comprehend, sir, how great must be your embarrassment; it will cost us no sacrifice to relieve you from it; pay us half of what we now receive, and we will do double work." I accepted their generous offer, and Mettray came victorious out of a trial so menacing to the future of the colony. Would such devotion have been found in men taken, as it were, hap-hazard, which is but too often the case in penitentiary establishments, and who had not early imbibed the sentiment and formed the habit of duty?

It has been said, with reason, that there is no good penitentiary system without aid to discharged prisoners; so there is no good penitentiary establishment, which does not create a nursery of agents from which to recruit its staff. The men who are needed to implant the love of goodness in vicious natures are not improvised, and moral transformations are obtained only through persevering efforts and an enlightened zeal.

May these considerations, which I venture to lay before you, serve to convince you of my desire to justify a confidence which honors me. Be pleased, sir, to receive, in exchange, the assurance of my high esteem and sincere sympathy.

Yours, from the depth of my heart,

DE METZ.

##### 5. SUSCEPTIBILITY OF CRIMINALS TO REFORMATORY AGENCIES:

*By Henry James Anderson, M. D.*

DEAR SIR: The board of managers of the Protectory desire me to thank you for your invitation to them to participate, through an appropriate delegation, in the good work proposed for the Prison Reform Congress, soon to assemble at Baltimore.

As the Rev. William Quinn, our advisory chaplain, Brother Teliow, our rector and superintendent at Westchester, and the Hon. John E. Develin, our legal adviser, have been delegated to represent us in the congress, they will be prepared to furnish all the detailed information called for by your respective points of inquiry. I venture, however, of my own responsibility, to state the result of some attention to your eleventh point, viz: the susceptibility of criminals to reformatory agencies.

It is essentially necessary in this matter, if we wish to avoid a painful confusion of ideas, to discriminate in the very outset, at least two classes of convicts—those whose crimes have, on the whole, been justly defined by the verdict, and those whose delinquencies, if any, have been very inadequately represented by the finding of the jury or the judge. The penal discipline appropriate to the former class would be hurtful in

the extreme if applied to the latter, whether the verdict overstated, understated, or misstated entirely the nature and magnitude of the offense. I do not mean to say that it would be safe for the prison authorities to question the correctness of the finding; but it is nevertheless true that a severity of treatment, promotive of the ends of justice in the one case, would be totally ineffectual, not to say ruinous, in its results in the other. To save time, I shall therefore confine these remarks to the first class of convicts, those whose crimes shall have been found to conform in the main with the language of their condemnation.

It has been customary to say that the end of punishment is twofold: first, to reform the offender; secondly, to deter from a like offense the thoughtless or the criminally inclined. The treatment of the transgressor should keep a third end in view, the maintenance of a healthy public opinion, not merely in regard to the gravity of the infractions of the law, but equally so with respect to the necessity of fair dealing in enforcing its provisions. All schemes for the reform of the criminal would be more or less incomplete if these considerations are disregarded; but as the eleventh inquiry concerns exclusively the reformation of the criminal, I shall confine myself to this single point.

What constitutes the criminal? Crime implies either a false sense of duty or disobedience to a true one. As against the state, it implies a culpable ignorance of the law or a wilful breach of it. How far there may be crime in obedience to the law or innocence in disobedience, it would perhaps be irrelevant to inquire. To reform the criminal it is at all events necessary that we should reform either his *erroneous* convictions or his proclivity to disobey his *right* ones. Ordinarily speaking, all true reform demands, on the part of the reformer, a disposition and ability to accomplish one or other of these tasks; and on the part of the transgressor a disposition and ability to look to the moral teacher as his counselor and friend. No real amendment can be hoped for where this relation is not substantially established. The criminal must have for his reformer one whom he *actually trusts and respects*, one whom he believes *means well*, even when the treatment seems severe. So true is this that where this condition is wanting, no amount of benevolence or zeal on the part of the instructor can make up for the defect. All the devices of mere physical appliance, so idly relied upon as efficacious and so often invoked as miraculous or infallible in their effects, are worse than nothing where they work upon an *adverse will*. In the great majority of cases they serve only to harden the offender, who is in fact logical in his contempt of such expedients, as they are in no way calculated to remove his *false* beliefs or to inspire him with loyalty to *true* ones. This is the secret of a trusted mother's influence. This, and this alone, can explain the acknowledged failure of so many well-meant schemes of reform, though sustained by the subsidies of the wealthiest states and the cheers of a world of blinded applauders. The unhappy wanderer who has gone far astray must *believe* in his guide, or he will not follow him; he will not even *listen* to him, and if the unwelcome educator resorts to the use of force and comes to grief in the encounter, the sympathy of the stander-by is very sure to be on the side of the unpersuaded one, *whatever be the style of his resistance*.

It would, however, be wrong to say that punishment has not its uses, or to assert that it can never tend to the true correction of the vicious habits of the offender. Even where punishment but confirms the criminal in his perverseness, it may be necessary as a part of penal discipline. Nevertheless, on every occasion of this sort the difference is immense in results between the system of correction which is appre-



hended by its subjects as coming from a *respected authority*, and that more popular off-hand dealing with delinquents which regards the disgust of the refractory impenitent as a pleasing feature in this less scrupulous method of conversion.

Where the punishers (justly or not, makes little difference) are regarded by the punished as belonging to an order, unsympathizing at least, if not absolutely hostile or unfriendly, it is clear that, under such circumstances, the subject of the most necessary discipline will misconstrue the motives and passionately resent the acts of his correctors. And those who are intended to be warned by these corrections will find all sense of their necessity lost in the sense of their injustice. On the contrary, in reformatories where the inmates (whether for offenses committed before or after confinement) are assured, by evidence or tokens with which they have been previously impressed and familiar, that they are in the hands and subject to the discipline of *friends*, they will cheerfully submit to any measure of coercion deemed necessary, either for their individual correction, or for the maintenance of the general order of the house.

In offering these remarks I wish to be understood irrespectively of the special merits of the *class of reformers* which may have previously gained the confidence of the *class to be reformed*. For the same reason which insists that the child is safer, on the whole, with an indiscreet or over-indulgent mother than with a guardian, however gifted, having no acquired or natural affection for her ward, so it may be assumed that the state will fail of securing the proper training of its delinquent children, whether juvenile or adult, if it neglects to see that each class of these unfortunates is committed to the care of their trusted spiritual protectors. Whether this sympathetic tie be one of nationality, or language, or manners, or religious convictions, or even of mere ritual forms, there is more safety in consulting this affinity than in defying its requirements. Of course there is nothing in this statement that would oblige us to extend it to classes sanctioning or seconding the vices designed to be reformed. The state has a right to require that the guardians, while they show how much they love the *persons* of their wards, are the determined enemies of their faults. And to this end, no class or sect of reformators or protectors should ask to be relieved from giving proof that they have ever made war against the special misdemeanors which have consigned these special offenders to their care. Subject to the strictest scrutiny in this regard, the cure of vices or vicious habits of thought might be left (with hopes of success far exceeding what has hitherto been achieved) to those who are prompted by love and enabled by early intimate relations to cure the infirmities and amend the lives of their pupils, and even to eradicate the false maxims and *dangerous theories of right* by which the criminal is ever attempting to justify his fault.

I repeat again, I have no wish in this argument to present any claim of superiority of method on the part of any *school of reform*. I know of none so *admittedly superior* as to justify the placing of disaffected subjects under its control. Least of all do I wish to see all classes of transgressors, widely differing in their early prepossessions, brought, as they often are, indiscriminately under the only prison reform party which aspires to the exclusive favor of the state; I mean that party (professedly against discriminations) which itself discriminates against all influence derived from considerations of superhuman or supernatural control.

Nor am I any more disposed to see violators of the law, with con-

sciences as divergent as their crimes, with inbred convictions, settled maxims, and cherished delusions as various as their faces or their names, driven helplessly to that most hopeless of moral disciplines, the hearing (under constant and angry protest) of the vapid platitudes of any short-creeded and narrow-minded sect that plumes itself upon being no sect, but rather *an enemy of all*. Far better than this expedient (the most distasteful and the most illogical of any yet tried) is the method of classifying, as far as practicable, the erring children of crime, and of bringing daily each separate class, even if in the main they live together, under the influence of the teaching which alone they can profitably understand. To say nothing of the generous rivalry which might thus be kindled and sustained, the real experience of the world is in its favor, for no success has as yet attended the novel experiment of turning religion out of doors, or the other equally novel one of leaving to the state the choice of a prison creed, and the selection of a catechism the best adapted to contradictory beliefs. If the state abandons, as it ought to do, all attempt to discriminate for or against any religious teaching in its reformatory institutions, let it apply the subsidies it now requires in order that "no particular religion" shall be heard by those who need it most, to the support of as many charities as will be raised in its aid, by those who wish to reach the hearts and consciences of the unfortunates of their own special faith.

Protestant or Catholic, Jew or Gentile, followers of a church which knows no change, or adherents of views which have no continuity or rest, let our prisoned children be educated by their own spiritual mothers; and where they are orphaned by the absence of any such maternal influence, in the name of mercy and humanity permit them (if young) to be taught as their natural guardians may prefer, and (if adult) let them freely give their hearing where they give their hearts, without restriction or dictation from the state, which has never ceased to reaffirm the American principle that, in such selections, the civil power has neither competency nor jurisdiction, nor even a desire to interfere.

With great respect, I remain, yours, &c.,

HENRY JAS. ANDERSON,

*President New York Cath.-Prot. Office, 29 Reade street,*

*New York, January 18, 1873.*

Rev. Dr. E. C. WINES,

*No. 194 Broadway.*

#### 6. DUTY OF SOCIETY TO PERSONS ARRESTED BUT NOT YET BROUGHT TO TRIAL:

*By Wm. J. Mullen, prison agent, Philadelphia.*

PHILADELPHIA, *January 11, 1873.*

RESPECTED SIR: Your favor of the circular informing me of the time for the assembling of the Prison Reform Congress at Baltimore, on the 21st instant, has been received, and for which you will please accept my thanks. I am sorry to state that circumstances beyond my control will prevent me from being present at the congress. I heartily approve of the object, and am quite sure that good results will follow the deliberations and action of the congress. It cannot be otherwise. The united efforts of the wise and good, assembled together for such a merciful object, will certainly be attended with divine blessing, that will not only result in accomplishing much good for unfortunate prisoners who may be benefited by the action of the congress, but will also prove benefi-

cial to each member of the congress, who will esteem it a privilege to participate in so benevolent and God-like a work.

There is a subject which, I think, has not received that attention which its importance demanded from the different conventions that have heretofore met on prison reform. It is that of untried prisoners, whose cases should, in every instance, be thoroughly investigated by a competent prison agent before going to trial. Such investigations as have been made by myself in our Philadelphia county prison have prevented the conviction of thousands of persons, who might otherwise have been condemned without such investigations. The friendly interference of an intelligent and disinterested agent, in behalf of the accused, who may be incarcerated, friendless and helpless, and without the means of proving his innocence, in such cases, may result in securing his acquittal, by supplying him with counsel to properly explain his case to the court and have his witnesses present at the time of trial. All well-regulated prisons (in my judgment) should have such an agent, who should make it his special business to do all in his power, in a proper manner, to prevent improper convictions. That has been done effectually in the city of Philadelphia, with the unqualified approval of our highest authorities, from the governor down; and this, too, without impairing the administration of justice; as may be seen in the fact that our criminal judges are united in affording the agent every facility, in his investigations and labors, that is not inconsistent with justice. The court has assigned the agent a position inside the bar, by the side of the district-attorney; and in this way every opportunity is afforded the prisoner to show his innocence. With these facilities, the agent has succeeded in causing the liberation from prison of 32,474 persons within the last nineteen years. Of this number 2,440 persons were liberated through me during the past year. How many of these would have been convicted and caused to undergo unnecessary suffering in prison without this friendly interference of the agent, is a question not easily answered. I have no doubt but that there would have been many thousands convicted out of the whole number, dating from the commencement of the agency. The most of these cases were settled by the agent, with the consent of all parties concerned, before the magistrate, without having been sent to court, the charges having been shown to be so frivolous as to be unworthy of the attention of a jury. The saving in money to the taxpayers of our city, in the release of these prisoners, that would have been required to be paid for food while waiting in prison until the earliest period they could be tried, and what it would have cost to ignore their bills, would have been \$326,112.02. I give this information to show the great amount of good that may be accomplished by the interference of a judicious prison agent. In my judgment, you could not do a better thing than to bring this subject prominently before the prison congress for their consideration. It is a great thing to do all that can be done to ameliorate the condition of convict prisoners; but it is a much greater thing (in my judgment) to prevent an innocent man from becoming a convict and being made to suffer unjust imprisonment. The press of business in our criminal courts, and the hurried manner in which cases are necessarily disposed of in most instances, have been shown to result in the conviction of many innocent persons, whose innocence I have often succeeded in proving to the entire satisfaction of the court, after their conviction. This resulted in the reconsideration of their sentence and their honorable discharge from prison.

The great cause of crime amongst us is intemperance. Nine-tenths of all who are committed to our prison are sent there either through intemper-

ance in the prisoner or the person who caused him to be committed. If the congress would take some action on this subject it would no doubt be attended with good results. Of the half million of persons who have been committed to our county prison within the last twenty years, there have been about 500 committed for murder; 700 additional for attempting to murder; over 40,000 for assault and battery; and over 200,000 for drunkenness. In nearly every case of murder, or where there was an attempt to murder, the parties were intoxicated. Intoxicating liquor is not only a great enemy to the church, but it is the great cause of suffering to humanity. All conventions and all good citizens should speak out against this crying evil, which has done so much toward filling our prisons, almshouses, and lunatic asylums.

In conclusion, I would say that you are at liberty to make what use of this letter you (in your judgment) may think best.

With the hope that the above information may be of some service, I have the honor to be, dear sir, yours, very respectfully,

WILLIAM J. MULLEN.

#### 7. INTEMPERANCE AND CRIME:

*By Aaron M. Powell, of New York.*

Among the various exciting causes of crime unquestionably the most prolific is the use of intoxicating liquors as a beverage. The testimony to this effect is most abundant.

Lord Chief Justice Sir W. Bovill, an eminent English judge, writing to the venerable archdeacon of Coventry on the relations of intemperance to crime in Great Britain, says: "Amongst a large class of our population intemperance in early life is the direct and immediate cause of every kind of immorality, profligacy, and vice, and soon leads to the commission of crime."

Another eminent English jurist, Lord Chief Baron Kelly, says: "I can only express my belief, indeed I may say my conviction, that two-thirds of the crimes which come before the courts of law in this country are occasioned chiefly by intemperance."

Still another, the Right Hon. Sir H. J. Keating, adds his weighty testimony as follows: "I should suppose the testimony of every judge upon the bench would be the same as to the fact that a very large proportion of the crimes of violence brought before us are traceable, either directly or indirectly, to the intemperate use of intoxicating liquors. In my own experience of more than nine years upon the bench, corroborated by a very long experience at the bar, I have no hesitation in saying that such is the case. Some of the saddest cases with which we have to deal are those in which men go into public houses respectable and respected, and come out felons."

Police Magistrate Raffles, for the borough of Liverpool, says: "The truth has been so universally acknowledged by all our judges of the superior courts, and by those who have presided over our sessions courts, that I can add nothing to give weight to what has been taken from them, viz, that drunkenness is the cause of nine-tenths of the crime which exists in this country. I can but confirm the sad conclusion. Perhaps I have seen as much of it during the last nine or ten years as any one."

Lord Chief Justice Bovill adds to his own the following testimony, which I quote from the official presentment of a grand jury of Leeds: "The grand jury having again, as on many previous occasions, had

their attention called to the large number of crimes of a serious character whose origin is traceable to beer-houses, desire to express their strong opinion that some alteration should be made in the existing system of licensing, with a view to place beer-houses under such supervision as would check the evils now so grievously complained of."

An English prison chaplain says: "About five hundred prisoners are annually admitted into this prison, and I consider about four hundred are the victims of intemperance."

Another says: "I have no doubt but that intemperance, directly or indirectly, is the cause of nine-tenths of the committals to prison."

A governor of an English prison, writing of his charge, says: "Since I have been appointed to the charge of this prison I have had under my charge eight hundred and forty-one prisoners, and all the crimes have been committed when under the influence of intoxicating liquors, with the exception of twenty-six."

While in attendance upon the international prison congress, held in London in July, 1872, with this subject then upon my mind, I took occasion to consult distinguished delegates who were present from various countries, as also in journeying and sometimes visiting prisons in a somewhat extended European tour, and the testimony of all showed at least three-fourths, and often a much larger percentage of crime, to be traceable to intoxicating liquors as a primary cause.

I will now cite briefly the testimony of a few competent witnesses as to our experience in this country. And first I will quote from a document published by authority of the legislature of the State of New York, the twentieth annual report of the executive committee of the prison association of New York, the following: "There can be no doubt that of all the proximate sources of crime the use of intoxicating liquors is the most prolific and the most deadly. Of other causes it may be said that they slay their thousands. Of this it must be said that it slays its tens of thousands. The committee asked for the opinion of the jail officers in nearly every county in the State as to the proportion of commitments due either directly or indirectly to strong drink." On a preceding page is the following: "Not less than sixty thousand to seventy thousand human beings, men, women, and children, either guilty or arrested on suspicion of being guilty of crime, pass every year through these institutions. The judgment of these jail officers varied from two-thirds as the lowest estimate to nine-tenths as the highest, and on reducing the several proportions to an average, seven-eighths was the appalling result obtained."

The Rev. William M. Thayer, the secretary of the Massachusetts Temperance Alliance, in his official report for 1872, referring to the House of Industry, and other public institutions of Boston, says: "Of the total commitments to the House of Industry, for the year ending May 1, 1872—amounting to 4,417—all but 305 were for drunkenness, and offenses caused by drink. The records of the public institutions of the city show that 95 *per cent.* of all the arrests, of late, have been for drunkenness, and crimes caused by intoxicating liquors."

Governor Washburne, of Massachusetts, still more recently, in his message at the opening of the legislature now in session, in referring to the beer-shops and the liquor question, says: "If we are to accept the evidence of those who have had the most painful experience of the miseries produced by these places, they are among the greatest obstacles to the social and moral progress of the community. The testimony of criminals of every degree is, that they were drawn, by frequenting beer-houses, into offenses and violations of law of which

they might otherwise have remained innocent. The wise and prudent legislator will not cease his efforts for the diminution of crime till every measure has been adopted which experience proves needful."

I might, if the limits which I propose for this paper permitted, quote voluminously from the official records of the courts, State and municipal, of almost every State in the Union, a mass of testimony, all bearing upon this point, and showing throughout the close connection between intoxicating liquors and crime. I will venture to cite the recent experience of Boston in connection with the late destructive fire. In the great emergency created by the fire, and with a large influx of thieves from New York, every precaution to prevent disorder and riot became necessary. An edict of absolute prohibition was issued by the city authorities against beer and all other intoxicating liquors, which was in force ten days. The chief of police of Boston, E. H. Savage, esq., thus testifies as to the diminution of arrests, even with the greatly increased liability to criminal disorder, during the ten days of prohibition. He says: "For the ten days preceding the order, viz, from November 2 to November 11, inclusive, the records show the whole number of arrests to be 1,169. For the ten days in which the order was in force, viz, from November 12 to November 21, inclusive, the records show the whole number of arrests to be 675."

In Massachusetts, at the present time, the liquor traffic is carried on chiefly in what are called "beer-shops," the towns voting annually upon the proposition whether they will or will not authorize the sale of beer. As the mercury in the thermometer indicates the rising or falling temperature, so do the court-records of these towns as sensitively indicate the state of the liquor traffic. It is understood that those who know how to say beer with the right inflection can obtain almost any kind of liquor desired at these licensed shops. I will cite but a single illustration. "In 1871 the city of Taunton voted 'No beer.' The number of arrests for drunkenness from May 1 to December 31, 1871, was 290. In 1872 the city voted in favor of the sale of beer, &c. The number of arrests for drunkenness from May 1 to December 31, 1872, was 492, being an increase over the previous year of 202, or about 70 per cent."

Governor Dix, of the State of New York, in his recent message to the legislature now in session, calls attention to the alarming prevalence of crime in the city of New York as follows: "The alarming increase in frequency of the crime of murder in the city and its environs demands your most serious consideration. Scarcely a day passes without witnessing a brutal, and in many instances a fatal assault, upon the persons of unoffending individuals, usually in drinking saloons."

Rowland Burr, esq., for nearly twenty years a magistrate at Toronto, stated to the Canadian parliament "that nine-tenths of the male prisoners and nineteen-twentieths of the female are sent to jail by intoxicating liquors. In four years there were 25,000 prisoners in Canadian jails, of whom 22,000 owed their imprisonment to drinking habits."

I will only add in the way of testimony that I understand the very recent message of the mayor of this city of Baltimore enumerates an aggregate of some 10,000 arrests for the past year, about 8,000 of which are to be ascribed, directly or indirectly, to the use of intoxicating liquors.

Do we seek the prevention of crime? Would we extend due protection and encouragement to discharged prisoners? If so, we have a twofold duty: first, to protect the weak from unnecessary temptation by a wise policy of legislation; and, second, to employ the ministrations of genuine, practical religion.

If government may arrest and restrain the criminal, it may interpose its beneficent authority to remove palpably demoralizing agencies; it may close the wide-open doors of temptation. If it may blow up and destroy blocks of magnificent buildings to save a city from conflagration, it may not only organize and sustain a vigorous fire-department, but also prohibit altogether a particularly dangerous fire-inviting architecture. That is a poor type of statesmanship, scarcely deserving the name, which deals only with results, and does not at the same time look at and give due consideration to their producing causes. None should be permitted to prosecute a traffic for the sake of gain by pandering to the vices and inflaming the passions of those who are weak or criminally inclined. As infected ships are quarantined in the interest of the public health, so must be the grog-shops and drinking-places for the protection of the weak against undue temptation, as well as society against the depredations they may be expected otherwise to commit.

Most important of all is the religious obligation imposed by the high ideal of Christianity toward those who have gone astray and who are most exposed to wrong-doing. In the administration of prison discipline it prompts to justice, firmness, and kindness judiciously blended; in caring for discharged prisoners, it prompts to extend the helping hand to those sorely needing assistance in taking the first step aright in returning again to society from their incarceration; but especially does it exact of us all, in the presence of such responsibilities, right precept and example. Is strong drink the besetting sin of the criminal classes? Does it cause our brother or sister to offend? Then is it our religious duty to do what we may, each in our own way and sphere of activity, to discourage the drinking usages of society. How frequent and how sad are the falls from high social position to the deepest depths of misery and crime. How many households with haunting skeletons of the worse than murdered victims of the drink-demon. Especially should there be thoughtful consideration of the young. To them, and to all, we should exemplify and teach temperance, truthfulness, and brotherly kindness, and thus build upon the solid foundation, forestall crime, and inaugurate the era of a true Christian civilization.

#### S. PRISON REFORM IN PENNSYLVANIA.

The board of public charities of Pennsylvania, through its president, the Hon. George L. Harrison, submitted to the congress a summary of views and suggestions contained in its report for 1872. This paper, slightly condensed, is as follows:

It states the opinion that, in dealing with crime, preventive rather than curative measures ought to be mainly relied upon, among which it enumerates the following:

1. A thorough system of universal education.
2. Special and effective agencies for the care of truant, vagrant, neglected, and overtaken children.
3. A much larger provision of reformatory schools and houses of correction for the various grades of juvenile offenders.
4. Provision for the proper care of the helpless and pauper classes.
5. Effective laws for the suppression of intemperance.
6. Adequate provision for the restraint and employment of all idle vagrants.
7. Provision, in the county and municipal prisons, for the separate treatment of vagrants, witnesses, and persons charged with crime, as well as convicts.

The remedial system, or prison discipline proper, should be based on the fundamental principle of reformation through punishment, and not of punishment as an end. Such a system should contain, among others, the following features:

1. Sufficient provision for the separate confinement of each prisoner.  
2. After a suitable period of separate confinement and the performance of certain prescribed tasks, provision should be made for the employment of the convicts in voluntary productive labor, as a means of moral improvement and a preparation for their future self-support.

3. Unless solitary labor should be preferred by the convicts, this labor to be performed in small companies or families, properly selected, the members having free intercourse together, and being mutually responsible for each other's conduct.

4. The proceeds of the labor to be appropriated: *a.* To defray the current expenses of the convict, and to indemnify the State. *b.* To contribute to the support of the convict's family, if necessary. *c.* To the convict himself, to go partly to form a reserve fund against the time of his release, and to be used partly as he may choose for procuring present alleviations and comforts.

5. Instruction should be given to all the convicts as they may need: *a.* In some trade or handicraft. *b.* In the elements of learning and knowledge. *c.* In the principles and practice of morality and religion.

6. Considerate and humane treatment to be emphatically insisted on, using, as far as possible, moral influence instead of physical force, and endeavoring, above all things, to develop the self-respect and manhood of the prisoners.

7. A careful classification of the prisoners to be constantly kept up, and from time to time corrected—a classification based not upon any extraneous or arbitrary considerations, but upon character and conduct.

8. Provision to be made for securing a corps of judicious and, eventually, experienced prison keepers, so as to render the profession of prison-keeper honorable and respected, to which end special schools for their education and training should be established.

9. The substitution of meritorious conduct and probable reformation for mere lapse of time, as the ground of final discharge; that is to say, until convicts have earned their release by such evidence of good conduct and habits as will rationally imply their permanent reformation.

10. There should be, in the case of each convict, a certain time-sentence, graduated according to his offense, but always long enough to give full opportunity for reformatory processes to take effect.

[The board is aware that the ideal perfection of the plan which makes the discharge of every prisoner dependent on his reformation, would require too great a revolution in legal and popular ideas to be as yet expected or asked for.]

11. A system of marks to be instituted which, under fixed rules, may be a guide for classification and rewards, as well as for the final judgment; having a debit as well as a credit side, and providing for loss of standing and class, or even for remanding to the cell, in case of misconduct.

12. Intermediate prisons to be provided, where the prisoners, still remaining undischarged, may be finally tested, by being trusted with a great degree of liberty, and left in large measure to control themselves, under most of the ordinary temptations of free life, yet liable, for unfaithfulness, misconduct, or attempted escape, to be degraded and sent back to begin their work over again.



13. Refuges to be provided for released prisoners, to facilitate their return to society, where they can have, at their own expense, lodging, maintenance, and means of employment, until they can procure employment elsewhere.

The board express the opinion that such a system would, as a matter of course, require unity of control. All the prisons and houses of detention in a State, of whatever kind or class, should be placed under the supervision and general direction of one head or of one board of managers, representing the authority of the State. In respect to all matters of prison construction and prison discipline, the county and municipal authorities should be required to act under direction and control of this central and supreme authority.

#### 9. HOPE THE GREAT REFORMER :

*By Hon. B. F. Butler.*

MY DEAR SIR: I have but this moment got round to the matter of your inquiry among other more urgent duties. You desire me to state to you the method by which I conducted the military prisons and governed the prisoners during my command of the Department of Virginia and North Carolina, in 1864.

First thanking you for the compliment of commendation of the manner of managing prisoners, I grieve that I shall be unable, being entirely without the statistical details of the subject, to give you any exact statistics. I will try, however, to state, in a manner that will be understood, the plan upon which perfect discipline was enforced.

When I took command in November, 1863, at Fortress Monroe, I found a large number of deserters, thieves, and bad criminals of the Army, sentenced by court-martial to hard labor for longer or shorter periods. They were confined in an old naval depot, known as Fort Norfolk, and their hard labor seemed to be, substantially, sleeping all day and playing cards all night; so that the sentence to hard labor at Fort Norfolk was rather a favorite method of passing their term of enlistment by the wicked and perverse of the army; both may be comprehended under the name of "shirks." I looked around for some suitable place for confinement at hard labor, but found none. I have a Yankee horror of what is known as the "chain-gang," and therefore did not like to work these men chained together. It was told that it was impossible to make them work without paying them wages. Upon that I doubted. I agreed that it was impossible to make men work to any effect without fear of the lash or other punishment, or the hope of some reward. I therefore sent to Massachusetts and obtained some of our Massachusetts correction-uniforms, which consist of a gray and black suit, half and half, cut down the center, and a scarlet cap. I clothed my prisoners in this uniform, which, as you see, was very distinctive. I put them under the charge of the proper officer and a superintendent, who had at first some men to guard them, and put them to work in the spring in cleaning up the streets, and alleys, and lanes of the city of Norfolk, much of it very offensive and troublesome work. I gave those that worked in the midst of nauseous effluvia and in unhealthy situations a ration of whisky; I gave all that used it a ration of tobacco. I saw that they were well fed with wholesome and nourishing provisions. They were taken to their cells at night to sleep, and, after a day's work of ten hours, they were quite ready to do so. I then directed the superintendent to keep a roll of merit of the men, of which they were informed, and empowered

him to recommend me to have stricken off from the sentence not exceeding ten days in each month, according to the diligence and steadiness with which men performed their duty; and in cases of great merit a larger portion of the specified time of punishment might be remitted. In case of refractoriness, solitary confinement, loss of the ration of tobacco, and bread and water, were the punishment.

The sequence—and perhaps I may say the consequence—of this was, that a better gang of laborers, more orderly and more quiet, I have never known. I never lost one by running away; I never had but one attempt to get away, and he failed; and after being shut up a week he begged so abjectly and persistently to be allowed to take his place in the working gang again that it was permitted; and he finally got 33½ per cent. of his time of punishment remitted for good conduct. I even took the gang out into the swamps on the Chesapeake and Albemarle Canal to repair a break, and although the country was overflowed, I only lost one there, and am uncertain to this day whether he deserted or was drowned.

The prisoners under this system did work which, at any reasonable price—and an account was kept with the city of Norfolk of what they did do at a price—would have several times compensated for the cost of their keep. I insisted upon three things: perfect cleanliness and purity in their cells and places of sleep during the night; nutritious and wholesome food three times a day, viz, before they went out, at noon, and after they came back; and diligent, industrious, hard labor of ten hours each day, with a reward for labor that was meritorious by remitting a portion of the punishment.

I have long thought that the system of labor in our prisons, where the laborer had no hope and nothing to labor for, was upon a wrong principle. My acquaintance with prisoners as a criminal lawyer taught me so much. I had an opportunity to try a different theory and availed myself of it, and that is all.

Renewing, my dear sir, my assurances of highest regard and respect,  
I am, yours truly,

BENJ. F. BUTLER.

DR. WINES.

## 10. THE FINAL CAUSE OF CRIMINAL LEGISLATION AS AFFECTING MODES OF PUNISHMENT:

*By James Freeman Clarke, D. D.*

I. Whatever may be thought of the study of final causes in science, it is certain that, in regard to all social questions, it is very useful to inquire often: What institutions are for? What is the purpose of such and such customs? What is the end proposed by this or that course of action? These questions are the surest tests to apply to human institutions in order to learn whether they are working well or have fallen into ruts, so that things are done to-day because they were done yesterday. If I wish to apply a sharp test to any social arrangement—to a college, a church, a law, a society, a hospital, &c., the best thing to do is to ask, (1.) What is it for? What is its aim and end? And then, (2.) Is it accomplishing that purpose, or is it not?

II. In regard to criminal legislation, several different objects have been assumed. It is important, therefore, to ask what are the true ones, and, among these, which are the most important purposes? Thus criminal legislation is sometimes regarded as penal or punitive. Its object is supposed to be to punish the criminal for his guilt. Again, it is

thought to be reformatory. Its object, according to this view, is to improve the morals of the man who has committed a crime. Lastly, the purpose of these laws is considered to be to protect the community. They are to prevent crime by making it dangerous and disagreeable in its consequences. Let us consider these three supposed purposes of criminal legislation, and find which is the truest and most important.

III. If the object of criminal legislation is to *punish* crime, we naturally ask, what right has society to punish, and how is it able to do so? "Vengeance is mine, I will repay," says the Almighty. Only God can punish justly, for only God can read the heart.

If God has delegated to society the right to punish, he must also have given the power. But evidently society has not the power to inflict just punishment on guilt, since it cannot discern motives nor allow for circumstances. It is obliged to judge the outward action mainly; and its judgments in a moral sense must always be very imperfect. Therefore, though the notion of a just retribution may enter into the idea of criminal legislation, it cannot be its main object.

The argument for punitive legislation has been stated strongly by Victor Cousin, in his notes to the *Gorgias* of Plato. He says, "Justice is the true foundation of punishment; personal and social utility only a consequence. In the intelligence, the idea of punishment corresponds to that of injustice, and when the injustice has been committed in the social sphere, the punishment ought to be inflicted by society. Punishment is not *just* because it is *useful*, but it is *useful* because it is *just*."

No doubt it is true that punishment expresses the moral indignation of the community against crime, and this is a healthy and useful result of punishment. It is good for the criminal to feel that the punishment he suffers finds an echo in the public conscience. Nevertheless, human punishments are so very imperfectly adapted to degrees of guilt, that if moral retribution were regarded as their main object, they could hardly be sustained. It can only be a secondary purpose.

IV. Is, then, the main object of punishment the reform of the offender? But what right has society to assume to itself the moral education of certain persons and sequester them for that purpose, depriving them of their liberty? Is it because they have shown themselves by their conduct to be in great need of improvement? But others need it also, in a less degree; and those whose outward actions have not been so offensive to society may, in their inward character, need reform much more. If the object of penal legislation is to reform the criminal, why select one class of offenses only? Why not imprison the covetous, selfish, untruthful, proud, vain, licentious? They need reform, surely, as much as do thieves and robbers? It is evident, therefore, that the moral improvement of the criminal can only be a secondary object of punishment.

V. The proper end of all human laws is declared by publicists to be the promotion of the temporal well-being of the community. It is also often stated that the proper end of *criminal* law is the prevention of injuries by the terror of punishment. But since crime may be prevented in other ways, a better statement would be that "The object of criminal law is the prevention of crime." This definition excludes the notion of punishing the criminal, and also that of reforming him, except so far as his punishment or his reformation may conduce to the protection of society. These two purposes become secondary and ancillary. Thus the question is simplified and put on a practical basis.

VI. We assume, then, that the object of the criminal law is the protection of the community, by preventing crime. That the community

has a right to *punish* guilt may be questioned. That it has a right to select some bad people to *reform* may be doubtful. But no one can deny that it has a right to protect itself against injury. If criminal legislation has this for its avowed object, it rests on a perfectly firm foundation.

Now, penalties inflicted on crime may protect the community in several ways. 1. By fear of suffering, which prevents the commission of crime. 2. By the actual restraint of the criminal, which disables him from committing crime. 3. By the education of the conscience through the act of public justice. 4. By the reform of the criminal. We will consider them in order.

VII. Criminal law in its early stages lays most stress on terrific punishments. Its laws are written in blood. The death-penalty is applied to numerous crimes. The prisons are places of torture, and any attempt to alleviate the sufferings of the prisoner is regarded as rose-water sentimentalism. Wright, in his "Homes of Other Days," describes the English prisons after the Norman conquest thus: "Imprisonment, even before trial, was made frightfully cruel; the dungeons were filthy holes, in which loathsome reptiles were bred, and the prisoners were insufficiently fed, and sometimes stripped naked." In the middle ages, he adds: "The gallows and the wheel were so commonly used as to be continually before people's eyes. Every town, every abbey, and almost every manorial lord had the right of hanging, and a gallows or tree, with a man hanging on it, was so frequent as to be almost considered a part of every landscape."

But as society advances these punishments appear shocking to the community, and it is found that severity in punishment leads to impunity. When punishments are more severe than the public sentiment approves, they are not inflicted, and the criminal escapes all punishment. One of the accepted maxims, therefore, of modern criminal jurisprudence is, "Crime is not prevented by the severity but by the certainty of punishment."

VIII. When criminals are in prison they cannot commit crime, and the community is thus protected by any kind of incarceration; but most terms of imprisonment are too short to do much good in this way. Short imprisonments also interfere with the reformation of the prisoner. He is thinking more of getting out than of reform; he has no time in prison to break up bad habits, or form good ones; he has no time to learn a trade, or to get any education, and so he usually goes out as bad as he came in, and is prepared to begin immediately a new career of crime. The protection of the community, therefore, seems to require that instead of short terms there should be substituted a sentence of indefinite confinement, the termination of which should depend on the behavior of the prisoner. An ignorant prisoner might be sentenced until he should have mastered a trade and acquired the rudiments of education. Fixed terms of imprisonment of different duration have probably come from the notion that the chief end of penalty is to punish guilt. Such a crime, it is thought, deserves ten years' imprisonment; such another merits only five; another only six months, &c. But if the purpose of imprisoning criminals is to protect society, they ought not to be set free until they have formed such new habits as will make it probable that they will lead honest and industrious lives.

IX. It is no doubt true that a public trial and conviction, if conducted properly, tends to educate the general conscience. But this result depends on the public belief that the innocent man will be generally acquitted and the guilty condemned. Justice becomes a farce when great

criminals, known of all men to be guilty, can readily escape punishment by the help of able lawyers, skillful bribery, absurd forms of law or iniquitous judges. Hence criminal legislation should aim at embodying the results of the largest experience and wisest study, and hence, also, the pardoning power of the executive should be limited.

X. Society is protected by the reform of the criminal. It is only on this ground that we can properly advocate such measures as will lead to this result. But it is evident that, if no criminal is allowed to leave prison except when he has become an honest man, the most fruitful source of crime would be stopped up. If a man, come from prison unreformed, he comes out hardened, and becomes the most daring leader in outrages on the public peace.

Now the opportunities of reforming a criminal while in prison are very great if they are rightly used. He is absolutely separated from temptation, from evil companions, and bad influences. He is placed in a comparative solitude, where, if ever, he must reflect on himself and his conduct. We have the power of shutting out all bad influences, and letting all good ones in. We can give him the industrial education and intellectual education in which the majority of criminals are deficient. And finally, when he leaves the prison, he comes out ready to pursue some honest trade, and to commence a new mode of life.

XI. All these ends are attained by what is commonly called the "Irish system." Under this plan a prisoner is sentenced for an indefinite period, the duration of which he can greatly determine by his own good conduct. There are graded prisons, rising from those where there are the least liberty and the greatest hardship, to those in which are the most liberty and the least hardship. The prisoner, as his conduct is good, is gradually transferred from the lower to the higher prison, and thus is under the influence of hope no less than that of fear. He cannot leave the prison regularly, except by graduating from the highest class, and so coming out as a man proved to be a reformed man, not by plausible speeches, but by a long course of good behavior. Leaving the prison thus, known to be a reformed man, he has no difficulty in finding employment, and the taint of the prison does not adhere to him, to interfere with his attempts at earning an honest living. He finds work easily, and starts with a good standing in society.

XII. Therefore, if we consider the protection of society as the final cause of prison legislation, we are led directly to this system of "Irish prisons," as best accomplishing the end. Of course we include in this term all the methods which belong to this general plan. We advocate the reform of the prisoner, not in the interest of philanthropy or religion, but in that of society. We reform the prisoner in order to protect society. We abolish cruel punishments in order to protect society. We introduce hope into the prison to protect society. And in doing this, there is no danger that the prison will become too attractive; for this plan does not diminish restraint, but rather increases it; and with this plan naturally belong more certainty of conviction, less hope of pardon, and no prospect of leaving the prison except by genuine and demonstrated repentance and reformation.

## 11. THOUGHTS ON PRISON TREATMENT:

*By Alfred H. Love.*

PHILADELPHIA, *Firstmonth* 20, 1873.

*To the National Prison Association of the United States in convention at Baltimore:*

RESPECTED FRIENDS: I rejoice that you are holding a convention for the consideration of the highly important subjects connected with prison discipline. I thank you for your invitation, and regret that my engagements are such as to prevent my accepting.

For fifteen years I have been a visitor of our Eastern penitentiary, and am satisfied that kind and humane treatment of prisoners is the best.

Treat crime as a disease and the criminal as a patient. Hence, room, light, air, and judicious labor. Banish the idea of mere punishment and a machinery system of treatment. Study dispositions and graduate the penalties and premiums.

Start with the idea that those in prison are not the only criminals, the difference between detected and undetected criminality being very slight. Appeal to the manhood and womanhood of your prisoners, and do nothing to break the spirit of self-respect. Place first the reformation of the criminal; secondly, protection of the community; and, thirdly, opportunity for restitution for the wrong committed. Abolish all time sentences. As we would prescribe for a sick person until he was restored, and cease giving medicine to one who has recovered, so should we release the prisoner when reformed and safe to go abroad, and withhold discharge when not cured and when unsafe to be out. As it is now, the unreformed can claim discharge when the time has expired, and they are almost certain to return to their criminal pursuits; while, on the other hand, the law holds the penitent and reformed long after they may be worthy of another trial.

If it is objected and you say that this will cause hypocrisy, I reply, if the prisoner should be discharged after a committee had watched and tested his conduct, under the plea of reformation, it will be an evidence that it *pays to be good*, and if he go on all his life pretending to be good, the community will be safe and his pretense become a reality.

May you feel drawn to devote some time to the very important work *preceding prison life*. It is not enough to care for the prisoner while in prison, nor, indeed, after his discharge; we must have a constant care to prevent prisoners being made. Take care of the erring before the error leads to prison.

With my kindest regards, yours, cordially,

ALFRED H. LOVE.

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 12. A NOBLE TESTIMONY.

*Letter from Rev. C. C. Foote.*

DETROIT, *January* 11, 1873.

MY DEAR FRIEND AND BROTHER: I am in receipt of your invitation to attend the Prison Reform Congress at Baltimore, for which I thank you.

What a glorious congress we had at Cincinnati. May yours at Baltimore excel it in glory. How happy should I be to be with you. But my labors for this world are apparently finished. For the past nine months I have been a helpless invalid. I put my very life's blood into my four years' chaplaincy in the Detroit house of correction. Blessed years of precious fruit and fatal toil! The field was so constantly whitened for the harvest that it seemed impossible to avoid over-labor. I know of no place so hopeful for winning men and women back to the knowledge and service of God as a properly conducted prison.

May Heaven hasten the day when the *radical reformation* of unfortunate criminals shall be the first and highest aim of our prisons, rather than the saving to the community of a few paltry dollars. "This," said the great Teacher, "ought ye to have done, and not to leave the other undone."

With high esteem and true affection, yours, &c.,

C. C. FOOTL.

Rev. E. C. WINES, D. D.

#### IV.—REPORTS ON THE PENAL, REFORMATORY, AND PREVENTIVE INSTITUTIONS OF STATES AND TERRITORIES.

##### 1. CALIFORNIA.

*By Rev. James Woodworth, corresponding secretary of the California Prison Commission.*

The extreme length of the State of California is about eight hundred miles, and the width from one hundred and fifty to two hundred and forty miles, with a coast of nearly one thousand miles. The number of inhabitants is probably over 600,000. Though young in years, with a small population in proportion to its size, yet having a water-front, with so vast an extent of country lying back of it, and looking out, through the Golden Gate, directly across the sea, to Japan, China, India, and Australia, with its fertile soil, its wondrous climate, and its inexhaustible stores of mineral wealth, California is destined, at no distant day, to equal in importance, commercially and otherwise, the most favored States of the American Union. This importance will extend to social and moral, as well as material, interests.

Such being the position and prospective power of California, her influence will extend over the whole of what is known as the Pacific coast, embracing nearly all the country lying west of the Rocky Mountains. Of this entire territory, California must take the lead. The character of her institutions, including those which look to the prevention and repression of crime, must, to a great extent, impress itself upon the institutions of her neighbors. This is already becoming apparent; unpleasantly so, too, for while endeavoring to pattern after us, a want of due discrimination causes them to copy our defects as well as our excellencies.

This State was at first little more than the mere camping-ground of adventurers, who had come here only for a temporary sojourn. The consequence was that almost everything was temporary in its character, being designed merely to meet the needs of the actual present, with little thought or regard to what should be afterwards. In hardly anything was this more apparent than in the provisions for punishing crime, so that before any regular system had been thought of, the plan adopted had become so expanded that it was difficult to change it.

Nevertheless, important reforms have already been inaugurated. Our criminal laws and judicial system have been greatly improved. Our penal and civil codes, the result of four years' labor by a commission appointed to prepare them, have already received high praise from jurists fully competent to form a judgment of their merits.

Our penal institutions are a state prison, a jail in each of the fifty counties into which the State is divided, a city prison and jail in San Francisco, and station-houses or lock-ups in the principal cities. There is no central or general authority, charged with the administration of our entire prison system. The state prison, the most important of our penal establishments, is managed by a board of directors, consisting of the governor, the lieutenant-governor, and the secretary of state, all constituted directors by their office. The board has no official connection with any other penal or reformatory institution in the State. The members are all elected at the same time for four years; and, as a matter of course, their terms of office expire together. Each receives as state-prison director \$75 per month. The law gives the directors full power to create and fill offices, to fix the salaries of officers, to remove them at pleasure, to let the labor of the convicts to contractors, and, in short, to do whatever they may think necessary or expedient for the good of the institution. These powers are not suffered to rust for want of use. They are exercised to the fullest extent, so that an entire change of the prison staff follows every change in the political complexion of the board.

Though the lieutenant-governor is not made *ex-officio* warden by the statute, yet, as no salary is attached to the office to which he is elected, and as his duties as president of the senate occupy but a fraction of his time, the custom of making him warden, or "resident director," has become a settled one; so that an election to one office is virtually an election to the other. This the law indirectly contemplates by providing that he shall be "paid the sum of ten dollars per day for each day's services rendered for the performance of any duty at the state prison."

In the early history of the State the convicts were, for a short time, kept in a hulk known as the "prison brig." As the number increased and additional accommodations were needed, a prison building was erected. The security of the convicts being at that time considered the main thing, the prison was built between two ranges of hills, affording excellent facilities for guarding the inmates by means of cannon planted upon them, which swept the entire grounds. The only disadvantage of this locality is that it prevents any extension in the direction of the hills, and compels every enlargement to be made on a line parallel to them. With this exception, a more desirable site could hardly have been selected. The prison originally consisted of one stone building, 180 feet long by 28 wide, and one story high. It is said to have contained at first but one room, into which were crowded three hundred prisoners. It has since been divided into rooms and another story added. Other cell-buildings, workshops, offices, &c., have been constructed from time to time, but so irregularly that the additions have made it a mass of patch-work.

The prison is situated at Point San Quentin, twelve miles north of San Francisco, on an indentation of the bay of that name, and within three miles of the popular watering place of San Rafael. The location is both healthy and beautiful. It is surrounded by some of the finest scenery of the coast, forming a panorama of rare magnificence, the value of which, in its elevating and refining influences even upon men who are imprisoned as felons, can hardly be exaggerated. The prison premises embrace about one hundred and thirty acres, most of the land, how-



ever, being of little value except for grazing. The prison grounds proper are surrounded by a wall 25 feet high, forming an inclosure of some six acres. Within this inclosure, besides a great number of other structures, there are three prison buildings, one of which has common dormitories. The other two have an aggregate of four hundred and twenty cells, each 9 feet long, 4 feet wide, and 8 feet high, designed as the dormitory of a single prisoner, but often receiving two. Each cell is supplied with a bunk, a straw bed, two blankets, a night bucket, and such other articles of convenience or luxury as the taste of the occupant may suggest and his ability enable him to buy.

On the hills flanking the prison are immense reservoirs, one of which, now in process of construction, will, when completed, hold 250,000 gallons. Through it the prison will be supplied with pure mountain-water by an incorporated company.

The prison staff consists of sixty-three persons, and their salaries aggregate \$50,340 per annum, over and above the supply of the warden's table and the board of the other officers, making together more than one-third of the entire yearly cost of the establishment.

The industries carried on are the manufacture of furniture, saddles, harness, wagons, and boots and shoes; to which is added, in summer, brick-making. These give employment to about five hundred and forty men, whose labor is let to contractors at 40 cents a day. The average number of prisoners is about 900, two per cent. of whom are women. The chapel will seat five hundred persons. It has a handsome pulpit and sofa, and an excellent cabinet organ, all purchased with money contributed by the prisoners. The organ is played by one of themselves. There is no regular chaplain, and never has been. Public worship, however, is held every Sunday, conducted by ministers of different denominations from San Francisco, who volunteer their services. All the prisoners are permitted, though none compelled, to attend. About three hundred are usually present. The prison choir is composed of convicts, who perform well that part of the service.

After divine service the prison school is convened, in which one hundred and fifty to two hundred prisoners are instructed in the elementary branches of an English education by some of the better educated of their own number. During the first eighteen months of the existence of the school one hundred and eighty prisoners were taught to read and write, and though many of them had been discharged, not one had come back to prison. When the school closes, some twenty of the prisoners, who profess to be striving to serve the Lord, meet for prayer and conference, and an hour is spent in those exercises.

The prison library contains about 3,000 volumes, and is well patronized, 1,600 books being taken out every month. Occasionally the prisoners have an entertainment of their own, which consists of readings, recitations, and compositions prepared by themselves. Once in a while, also, a familiar lecture is delivered to them by some person invited to that service, professors in the State University sometimes visiting the prison for this purpose.

Formerly the principal means of discipline was the lash. This is now not often used. The punishments at present employed are loss of time gained under the commutation law, the dark cell, a reduced diet, and the shower-bath applied by means of a hose and nozzle. The commutation law allows the convict a credit of five days for every month of good behavior for the first two years, and an additional day during each succeeding two years up to ten, after which he gains ten days per month. This law has worked admirably, and has very much reduced the neces-

sity for actual punishment. Aside from this, no rewards are given for good conduct.

Every convict, if without clothing of his own, is supplied, on his discharge, with a suit by the State, consisting of a coarse shirt, a pair of pants, a woolen jacket, a pair of brogans, and a cheap hat; and, in addition, \$5 in money are given to him.

The prisoners' food, though plain, is of good quality and in abundant quantity. On Thanksgiving and Christmas a sumptuous dinner is served to them, which is usually provided by the benevolent citizens of San Francisco through a committee of the California prison commission.

The sanitary state of the prison is good. Only eight deaths occurred last year, being a little less than one per cent.

The expenses of the prison for the past year have been \$166,790, and the earnings \$67,650, leaving a deficiency of \$99,140.

The fees allowed the sheriffs for the transportation of prisoners after conviction are 50 cents per mile for a single prisoner, and 25 cents for each additional prisoner. It thus costs, to get a convict to the prison from some of the more remote counties, \$260. The entire cost of transportation for the twenty-second fiscal year of the prison was \$19,997.50, or about \$72 per prisoner.

The governing authorities of the county jails are the boards of county supervisors, but the sheriffs of the counties, elected for two years, are in immediate charge. These appoint their deputies, so that change is as much the order of the day here as in the state prison.

The prison accommodations of San Francisco are not sufficient for its needs. The city has two prisons—a police prison and a city jail. The police prison is in the basement of the city hall. It is damp, dark, ill-ventilated, and greatly overcrowded. The city jail is a substantial and handsome building, but quite too contracted in dimensions for present necessities. Sixteen Chinamen have been confined in a cell 10 feet by 8, with a ceiling only 8 feet high. The necessity for such cruel overcrowding has been, in some degree, obviated by the erection of a small additional building in the yard of the jail. A house of correction has been resolved upon, which, when built and in operation, will afford all the relief required for the present.

There can be no doubt that our prisons themselves are schools of crime. Many are made confirmed criminals by being sent there, who, in all probability, would not become such if, while undergoing their punishment, they could escape the moral contagion with which these places abound.

There is but one reformatory for juveniles in the State. This bears the name of industrial school, and is situated in the immediate neighborhood of San Francisco. The average number of inmates is two hundred and fifty, all boys. The school has a farm of one hundred acres, which gives employment to quite a number of the children. Others are engaged in shoe-making, tailoring, and household duties. A good many are too young to labor. The forenoon is devoted to work, the afternoon to study, and the evening to music, vocal and instrumental. There is a band composed of thirty boys, one of their number acting as leader. The punishments are severe whipping with a cowhide or leather strap, standing in a stooping posture on a wooden box or iron safe, dark cell, &c. Escapes are frequent. Recently thirteen got away within a fortnight. The history of the institution for some years past has been deplorable; but details would scarcely be to edification.

Of preventive measures in operation among us I place first the earnest, prayerful efforts of Christian men and women; and chief of all the

influence of wise and godly parents. Next are the preaching of the word, the Sunday-school, and other agencies for giving effect to the gospel. Closely following these are public and private schools. Our orphan asylums, where the lack of parental culture is, to a great extent, supplied, are greatly preventive of crime. So is the Ladies' Protective and Relief Society, with its "home," in which one hundred and seventy-three children, though not orphans, are cared for and educated. Temperance societies, young men's Christian associations, and the various other benevolent agencies with which our State, and particularly the city of San Francisco, abound, are all doing their part in this great preventive work.

Little or nothing is done for the aid of discharged prisoners, except by the California prison commission, an institution organized in 1865, with this as its primary object. Its office is in San Francisco. The general agent gives his whole time to the work. He visits regularly the city prison and county jail here, and the state prison at San Quentin. This he does, not only to converse with and counsel their inmates, but also to learn their purposes and necessities, so as to be better prepared to deal with them when, on their release, they call upon him at his office. Having myself occupied the position for nearly five years, and having been ever since familiar with the operations of the association, I am prepared to speak in emphatic terms of the success of the agent's efforts. The number of discharged prisoners variously aided by him during the past year was 462; the number of prisoners aided with legal counsel, 116; aided by mitigation of punishment, 70; discharged through his interposition, 46; aided with board and lodging, 101; helped with small sums of money, 198; supplied with clothing, 8; furnished with means to leave the city, 141. The whole number of prisoners conversed with, counseled, and in some way aided, materially or morally, was 1,387; whole number of interviews had with these, 2,827.

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## 2. CONNECTICUT.

*By Rev. J. K. Fessenden, secretary of the Connecticut Industrial School for Girls.*

**I. Preventive institutions.**—By these are meant institutions designed exclusively for children under eight years of age, who, by the death, abandonment, incompetency, or vices of their parents, are thrown upon society, but in no proper sense to be regarded as criminals. Of these there are four Protestant orphan asylums, open to children of every nationality and faith. The first was established by ladies at New Haven in 1833. Commencing without funds and in a very humble way, its assets now amount to \$36,500, with several large legacies in prospect. There are now one hundred and twenty-six inmates, more than one-half of whom are of American parentage.

Next to this a similar institution was established at Hartford, which has about the same number of inmates, and is already the recipient of large donations and legacies.

Third in order is the Bridgeport asylum, which is of recent origin. It was designed especially for the children rescued from the city almshouse.

The fourth is a small family-home for poor children. This was started by, and is under the control of, a benevolent lady in Danbury.

All these institutions are private charities, under the management of boards of women, and are accomplishing a great amount of good.

There are two Roman Catholic orphan asylums, designed exclusively for the children of Catholics. They are at New Haven and Hartford. Respecting them, I have been able to obtain no definite information.

During the late civil war much interest was excited in behalf of the children of soldiers killed in the service of our country. An association was formed for their care, to which was given a home at Mansfield. Its noble-hearted and Christian donor devoted himself to its superintendence during his brief life, with the sole reserve of a bare maintenance. The school was opened in 1866, and up to 1st of June, 1871, had received one hundred and thirty-two children, of whom sixty-eight were admitted during the past year. It is supported largely by the contributions of the common and Sabbath-schools of the State, aided by donations from other friends, and by an appropriation of \$1.50 per week for each inmate.

A similar, though smaller institution, was established at Darien by the liberality of a wealthy gentleman, who has largely contributed in various ways to its support.

Of late there have been several other charitable institutions started at Hartford and New Haven, which cannot fail to be preventives of crime. I refer to associations for the aid of the poor, under the care of the city missionaries, and also to reading and refreshment rooms for news-boys and laboring men. There has also been established at Hartford a boarding-house for respectable young women, where they can find homes at a moderate cost and enjoy the associations and benefits of a respectable and virtuous home.

*II. Reformatory institutions.*—These are the State Reform School for Boys, at West Meriden; the Connecticut Industrial School for Girls, at Middletown; and the Home for the Friendless, at New Haven.

The State Reform School for boys was established in 1854. It is a State institution, created, owned, and, through a board of eight trustees, controlled by the State. It has a valuable, well-watered farm of one hundred and sixty-three acres, which has become one of the model farms of the State. The institution has ample accommodations for three hundred boys, with model dormitories, school-rooms, workshops, chapel, offices, and all the modern appliances for the proper care and discipline of the inmates.

The barn and other out-buildings are substantial and convenient, and the stock of the farm very choice and valuable.

The system on which the institution is conducted is that known as the congregate, in distinction from the family plan. It is so administered as to be pervaded by a spirit of wisdom and kindness—by the mingling of authority with constant appeals to the intelligence, the best convictions, and the noblest aspirations of the boys who are gathered under its care; every day the family of the superintendent and the boys unite in morning and evening devotions, accompanied with the inspiring singing of hymns and with such advice as its gifted superintendent thinks proper to impart. God's providence and goodness are recognized in the convocations for morning and evening prayer, and at each successive meal. For several hours every one daily attends one of these graded schools of the establishment, under the general care of the assistant superintendent, who from the beginning has managed this department with conscientious devotion and consummate ability, and who has all the assistance needed in his work. Several hours are each day devoted to labor on the farm or in the

workshop, under the direction of skillful overseers, and with all the necessary stimulants to skill and industry. The food and clothing are, both in quantity and quality, all that health and comfort require; cleanliness is exacted, and order and unhesitating submission to authority enforced by special religious services on the Sabbath, and by a constant reference at other times to the laws and claims of God.

More than eighteen hundred boys have been connected with this school during the nineteen years of its existence. The limit of their age is from eight to sixteen. Originally none could be sent to the school who were not convicted by the justices of the peace or some criminal court of an offense punishable by law. But since 1869 many have been committed under the truant law.

The results—financial, moral, and social—of this school are believed to be as favorable as those of any other institution of the kind in the United States. The superintendent believes that three-fourths of the boys become as respectable, virtuous, and useful men as the average of the common classes of society.

The counterpart of the boys' reform school is the Connecticut Industrial School for Girls. This is in the beautiful town of Middletown, on a finely situated farm of forty-five acres, a mile and a half from the center of the city. This site was the generous gift of the town, at a cost of \$11,500.

Unlike the boys' school, this institution is a private charity, incorporated by the State and employed by it to take charge of the viciously-inclined young girls who may be sent there. For this service the State stipulates to pay \$3 per week for each girl thus sent. Unlike the boys' school, too, this is organized upon the family plan, with houses having accommodations each for thirty girls.

The school has been in operation three years, and has received one hundred and sixteen inmates, of whom eighty-one still remain. The distinctive features of this school may be thus concisely stated:

1. Its name is the *industrial*, not the *reform*, school for girls.
2. Its *proper* subjects are *viciously-inclined girls*, between the ages of eight and sixteen years. They are not simply orphans, or the neglected and foundling, nor yet are they those who, as a class, have fully entered upon a course of vice and crime. They are rather neglected and abandoned children, thrown out, from whatever cause, upon the wide world, friendless, ignorant, and under the depraving and debasing influences of abject poverty and vicious associations. Sixty per cent. of them are wholly or in part orphans. More than 75 per cent. are the children of drunkards and criminals—of abandonment and prostitution. Most of them were paupers, beggars, vagrants, petty thieves, and too many of them have already been drawn into the society, if not the practice, of lewdness.
3. They are regarded and treated by the law of the State, not as criminals to be convicted and punished, but as ignorant and exposed children—as sinned against rather than as sinners, and as such to be pitied and educated. The State stands in the place of a common parent, and, as such, cares for them where their parents or other natural guardians are dead, or are incompetent or unwilling properly to train and educate them. Upon due evidence of this fact, the State intrusts these children to the care and guardianship of the directors of the industrial school till they are eighteen years of age, with the power to restore them to their natural parents, to bind them out, or to intrust them to adopting parents, or suitable guardians.
4. At the school the aim is to bring the girl at once under the nearest

possible approach to the influences of a well-regulated Christian family, with its household worship, sweet songs, its motherly watchfulness, and its pious counsels and steady and gentle but firmly authoritative and constant training. All in turn are taught the duties of the household—to wash, to iron, to cook, to sew, and to give to everything a look of tidiness.

5. Careful attention is given to scholastic and religious culture and thrift and training; but it would occupy too much space to go into detail upon these points.

6. A residence at the school is not to be too long protracted—not longer than is needed to fit the girl for a useful residence in a private family, and the almost equally difficult task of finding a family that will be willing to take a friendless and often froward girl, and seek as earnestly to complete the good work begun as to obtain her labor at the lowest possible cost.

7. It is designed to leave the door wide open at all times for the girl's return to the school if, for any cause, such a return is thought best, and to follow those who have gone from it until there is reason to believe that they are beyond the need of its guardian care.

There is promise of the best results, but it is too soon to speak with confidence on this point.

There is a third reformatory institution, viz, the Home for the Friendless, at New Haven. This is designed for friendless, outcast, and neglected women of every age and condition. The Industrial School could not receive those who were far advanced in a life of crime. Hence Christian women sought to provide for all such a refuge whenever they were disposed to turn from their evil courses. Here, they say in one of their reports, "from the hospital the convalescent, from the jail the culprit, from the almshouse the friendless, find a gateway through which they can enter the higher and purer paths to virtue and independence." For this purpose they have purchased and fitted up a comfortable dwelling a few miles from the city. It is under the care of a board of ladies who superintend all its concerns. The charity of the benevolent has thus far abundantly supplied them with the funds needed for their work, and in many cases they have had the joy of knowing that their work of love has not been in vain.

III. *Penal institutions.*—Of these there are three classes, the town work-house or house of correction, the county jail, and the state prison.

The several towns have power to establish work-houses or houses of correction, to erect and provide suitable buildings, with cells or apartments for the confinement of offenders sentenced thereto, and to compel the labor of the inmates. These are under the care of the selectmen, who appoint the keeper and regulate his pay. It is a sad fact that in these town-houses are frequently found, indiscriminately mingled, the virtuous and friendless poor, the demented, the imbecile, and the miserable tramps, vagrants, and drunkards, who infest the streets, and steal their living so long as they are able, and then perhaps apply to the town-officers for a brief shelter. With these, too, are found the refuse of the towns and cities, sentenced there, time after time, for sixty days, for drunkenness, prostitution, and petty thefts. This class of institutions are a disgrace to the State, and will continue to be so, until their true character and their enormity shall be brought to light by a careful official investigation, and remedied by the strong arm of State authority.

The second class of penal institutions is the county jails. Of these there are eleven, or one for each of the county towns. As their names

indicate, they are county institutions, built, owned, and managed exclusively by the counties. The result of this is a great want of uniformity in their construction and management, and as great a difference in their general character. They are used only as places for the detention of persons committed for trial or convicted of minor offenses.

Full returns are made yearly through the county commissioners to the secretary of state of the number, color, sex, age, and nativity of the prisoners, as also of their social condition, habits, education, causes of commitment, method of discharge, and of the receipts and expenditures of each jail, an abstract of which is submitted to the legislature. From this we learn that there were committed to the jails during 1871 two thousand seven hundred and forty-five persons. The average number confined was three hundred and thirty. Of these, five-sixths were males, thirteen-fifteenths of foreign birth, more than half were committed for drunkenness, and only one hundred and forty-seven were strictly temperate. In most cases there is no other separation of the prisoners than that of the sexes. There is no provision made by law for their secular instruction, and but little if any given. The jail in New Haven is of modern construction, and is the only one in the State which is in any respect what it ought to be. In Fairfield and Hartford Counties new buildings are in process of erection on the most approved models.

The character and influence of our jails is thus sketched by the special commission on the state prison in their report to the legislature of 1872:

Many of our jails and houses of detention for the idle and vicious hold about the same relation to the state prison that the common schools do to the colleges. We cannot now enter into the sanitary condition of our jails and work-houses, though we are certain that it is bad enough in most of them. But we call your attention to them as nurseries of crime with regard to the state prison. In the poor-houses the innocent poor are brought into contact with the abandoned and profligate; and those who have only slightly and for the first time, perhaps, departed from the way of decency, associate with those skilled in crime and hardened in shame. In the jails those committed for trial, charged with a first offense and presumed by the law to be innocent till proved guilty, and those young in sin, have opportunities of association with the vilest and most abandoned criminals, and the result in both cases is deplorable. The minor jails are not simply *feeders* of the penal prisons, but they offer *uncommon facilities* for the production of criminals. There are jails in this State which are as wisely and humanely managed as is possible under our prison system, or rather our want of system. But we are convinced that the jails and poor-houses of this State need a thorough examination, and that it is time that we had a comprehensive system for all such institutions.

3. *The State prison.*—From 1773 to 1827, the State prisoners of Connecticut were immured 60 feet under ground in an abandoned copper mine at Simsbury. The prison was known as the Newgate of Connecticut. The history of that long period is one of the saddest proofs of the barbarities then practised by Christian States upon the criminal classes.

In 1826 the present state prison at Wethersfield was built, and in 1827 was placed under the superintendency of Moses Pilsbury, with the assistance of his son Amos Pilsbury, now of Albany. The latter succeeded his father as superintendent in 1830, and remained in that position for fifteen years. There is scarcely to be found in the history of state-prison management a brighter record than that of these years under these remarkable men. The Connecticut state prison became the model institution of the United States, and was assigned the first place in the report to the French government of the distinguished French commissioners on prisons, de Tocqueville and de Beaumont, in 1830.

This pre-eminence, however, has long since passed away. A new order of things in respect to prison discipline has dawned upon the world, and

has greatly modified the systems and management of other States, while in Connecticut they have remained essentially the same.

The very able report of the commissioners of 1872, which has been already cited, makes the following statements:

The commissioners entered on their work in the belief that the present prison might be so repaired and modified as to suit modern ideas, but they were brought to the decided conclusion that the State needs a new prison on a more favorable site, and constructed on an entirely different principle and scale. Among the reasons given for this conclusion are the dilapidated condition and utter inadequacy of the present buildings; that there are no suitable accommodations for the officers; that there is no suitable drainage of the premises; that the cells are too small and admit of no ventilation, and many of them damp and unwholesome; that a proper separation of the sexes even is now impossible, and, indeed, cannot be secured in the same prison. While they would retain the present silent system, they would greatly modify it. They recommend the construction of a new prison which shall admit of a proper grading of the prisoners, the discontinuance of the parti-colored prison-dress, the cropping of the hair, and, indeed, everything which disregards the manhood of the prisoner and extinguishes hope. They would treat him as a man and a brother, though erring and fallen and degraded.

The industries pursued are shoe-making, the manufacture of carpenters' rules, and the burnishing of silver ware. The gross earnings of the last year were \$26,399, and the ordinary expenses were \$23,187, leaving a balance in favor of the State of \$3,212.

Religious and educational agencies are employed to a limited extent in the discipline of the prison. A chaplain is employed, who conducts religious services daily and also upon the Sabbath, in which he reports most of the prisoners manifesting a commendable interest. A Sunday-school is held every Sabbath afternoon, and the men are visited during the week by the chaplain in their cells. Much interest was awakened last year by addresses on temperance, made by members of the Good Samaritan Association, of Hartford. Secular instruction is given in the evening to a few prisoners in their cells.

The commissioners recommend that the new prison shall have every needed facility for the mental and religious instruction of its inmates.

Prisoners have the power of shortening their terms of sentence by good conduct, a measure which has shown itself useful both in a disciplinary and reformatory point of view. No provision for discharged convicts is made beyond that of giving them a suit of clothes and \$10 in money on their liberation. Reform is urgently needed in this direction, either through legislation or private benevolence.

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### 3. ILLINOIS.

*By Rev. Fred. H. Wines, secretary of the Board of State Commissioners of Public Charities.*

The prison system of Illinois may be said, as in all the Western States, to be still in its infancy; and although a new State has one great advantage over those which are older in the opportunity thus afforded of profiting by the experience of those who have trodden the path before us, we cannot in Illinois boast of having improved our opportunity, in so far as relates to the laws and usages of prisons. The reason probably is found in the existence of an almost universal apathy and indifference upon the subject. The reformation of criminals is regarded as a hopeless undertaking. The substitution of district prisons for county jails is resisted by those who depend in part for their income upon the profits



of jail-keeping. The result is, that any intelligent, systematic effort at the introduction of labor into prisons designed for criminals of the lower grade, or at intellectual or moral culture of criminals of this class, is at present impossible. In presenting the following brief sketch of the prisons of the State, therefore, my only object is to state what is, not to depict what should be. For the realization of the desired reform in our prison system we may be compelled to wait many years, until persistent agitation and the advance of popular intelligence have accomplished their work. Reform, at some time, is certain.

### *The county jails.*

There are, in this State, one hundred and two counties. In nearly all of them, at the county-seat, there is a jail, varying in size from a single cell to fifty, and in cost from \$1,000 to \$90,000. A dozen of our jails, at least, have cost over \$20,000 each. Nearly one-fourth of the whole number probably are substantially and handsomely built, commonly of stone, and are furnished more or less fully with approved appliances for heating, ventilation, sewerage, and bathing. Of the remainder, some are under-ground dungeons in the basements of court-houses or of sheriffs' residences; some are old-fashioned block-houses, sheathed on the inside with iron; some are iron cages, set like safes for moneys and valuable papers, in the entry or in the upper story of the jailer's house; some are virtually privies, placed over open vaults, whose noxious gases circulate through the cells and corridors above without let or hinderance. Most of them are very small, and it is a pleasure to be able to add that many of them are nearly always empty. The number of prisoners in confinement at any one time in Illinois is never large, if we except the convicts in the penitentiary.

The following extract from the (unpublished) report of the board of charities will furnish a somewhat fuller account of the jails of this State:

Our deliberate judgment is, that the practical value of jails, whether as means of prevention or of cure of crime, compared with their great cost, is very trifling. We find, upon inquiry, that others have arrived at the same conclusion before us. In fact, this opinion is shared by nearly all who have given the subject any attention. Probably no other equal expenditure of public money is equally unprofitable.

In the first place, the county jails of Illinois, as of other States, are for the most part badly planned, if not badly built. Some of them are very unsafe; and but for the vigilance of the jailers in charge, escapes would be an every-day occurrence. They are unsafe, either through the weakness of some particular portion of the structure; or on account of the facility of communication in them, among the prisoners, and even, in many instances, with the outside community; or because they afford no adequate protection to the turnkey against sudden assault.

Others are as secure as any jail can be made, but are wholly deficient in the essential conditions of life and health. They have ordinarily no sewerage; they are illy ventilated, or not ventilated at all; they are very imperfectly lighted; some of them are destitute of any means of warming the air in winter, and scarcely any of them have proper provision for bathing by the prisoners.

A jail may be safe and comfortable, and yet be so constructed as to render the classification of prisoners impossible. There is not a jail in the State in which the accused are separated from the sentenced. Witnesses are often, but not always, confined in a separate apartment, known as the "debtors' prison." In some of the jails there is no means of separating the sexes; in others, the only separation is by cells, opening into a common corridor; in others, female prisoners are confined in the debtors' prison; in others, a female department has been extemporized in the sheriff's private residence, by sheathing an ordinary window with sheet iron; in a few, the female prison is properly planned and built. The number of witnesses and women, however, in confinement in this State, at any one time, is very small.

As to the internal management and discipline, generally, there is not much occasion for complaint. We are satisfied that where food is so abundant and cheap, the temp-

tation to stint prisoners in their diet is wanting; and in many counties they are fed from the jailer's own table; many counties even furnishing clothing, in extreme cases, at public expense. The jails are not always as neatly kept as they might be, and personal cleanliness on the part of the inmates is not sufficiently insisted upon. In some cases, a little more care to provide reading matter would be commendable. But in all our experience, we have found no evidence or intimation of personal cruelty to prisoners.

There are two particulars, and these of paramount importance, in which the very best jails in the State are as objectionable as the worst. We refer (1) to the hourly intercourse of prisoners with each other, and (2) to their lack of any useful, honorable employment. It is this *association in idleness*, which is the curse and condemnation of our present jail system.

Confinement in separate cells is a partial but very imperfect barrier to association; because communication between the cells is not impossible, and communication in the corridors is generally allowed, to a certain extent. It is also customary to place from two to six prisoners, when necessary, in a single cell, on account of the want of sufficient room in the majority of jails.

The effect of association is to increase the number of criminals, and to develop their criminality. The innocent and the comparatively innocent are corrupted by the example, the conversation, and the direct teaching of more experienced transgressors. The lessons taught in county jails are, contempt for authority, human or divine; hostility to law and to its officers; the delights of vicious indulgence; the duty of revenge upon society for imaginary wrongs; the necessity of violence, of daring, and of sullen submission to punishment; the hopelessness of all effort at amendment; and the best methods of success in criminal undertakings. Past exploits are here recounted; future deeds of darkness are planned. The history and character of noted criminals and of well-known officials are discussed. Lewd songs and conversation, profanity and ribald jests, fill up the day. In many jails card-playing is freely allowed. In a few, liquor is not absolutely prohibited, provided that the prisoner ordering it is able to pay liberally for the indulgence. Every jail is a school of vice. More than one hundred of such schools are maintained in Illinois, at public expense; and the public furnishes an education in crime, at its own cost, annually, to hundreds of criminals, in this State alone. We admit the necessity for prisons; but are we not right in asking whether prisons of this particular class do not work as much harm as good to the community?

But the evils of promiscuous association are enhanced by the universal reign of idleness in county prisons. This idleness is compulsory; it is a necessity of the situation. The State appoints as the presiding *genius loci*, the mother of all villainy, instead of labor, the mother of every virtue. No policy could be more shortsighted.

Idleness, in prison, is a premium upon crime. Multitudes of men commit larceny every autumn, simply to secure, free of cost to themselves, comfortable board and lodging, with agreeable company, through the winter months. They do not dread the confinement, and care nothing for the disgrace.

In enforcing idleness, the State voluntarily relinquishes the most effective means both of the punishment and of the prevention of crime. What makes men criminals? In nine cases out of ten, it is aversion to labor, and the conviction that a life of crime is easier and fuller of enjoyment than a life of industry. Make labor compulsory in all prisons, and the prison at once becomes a terror to evil-doers. Confinement at hard labor is to the majority of criminals the severest possible punishment. But the present system ignores this most obvious truth.

The physical and moral effect of protracted idleness upon individuals is deterioration. The muscles become flaccid, lymph accumulates, the nervous system loses its tone, the will is enfeebled, the moral nature is depraved; and at the expiration of his imprisonment, the offender goes forth, to recommence his criminal career, with his power to earn an honest livelihood and to resist temptation diminished instead of augmented.

These facts are well known to all county officials, and give rise to much lamentation on the part of all sensible men who have the cause of public virtue at all at heart. One of the worst effects of the present system is its influence upon circuit and county judges, in inducing them, against their own inclination, to sentence men for the shortest periods, when justice demands a maximum sentence, instead. But a judge inevitably thinks of the cost to the county of protracted imprisonment; he knows its futility; and he asks himself, what is the use? The consequence is, that crime is not adequately punished; transgressors are emboldened; crime increases; and too often an outraged community takes the administration of justice into its own hands. This is the origin of lynch law, that blot upon American civilization. Lynch law is nature's own remedy for weakness in the criminal administration of any government.

### *The penitentiary.*

The Illinois State penitentiary, at Joliet, is one of the largest and most magnificent structures in the United States. It is constructed on

the plan of a center building with two wings, and the necessary shops are in the yard. The number of prisoners averages about twelve hundred and fifty, of whom, perhaps, twenty are women. The cellular system is followed, in the arrangements for eating and for sleeping, but the labor is on the congregate plan. Solitary confinement during the term of sentence is resorted to in the last extremity as a punishment for the incorrigible refractory. The branches of labor pursued are cigar-making, cooperage, the manufacture of shoes and harness, and also of butts, and stone-cutting. For stone-cutting and quarrying, the immense fields of stratified limestone, at Joliet, afford peculiar facilities. The new state-house now building at Springfield is constructed of this stone, and the cutting is done by the inmates of the penitentiary.

The average sentence of convicts at Joliet is about three years. Seventy criminals have been sentenced to imprisonment for life in Illinois during the past seventeen years, of whom seven died in prison, one was sent to the insane asylum, and twenty-three have been pardoned, after serving for a longer or shorter time, as shown in the following statement :

Three served 1 year; 2 served 2 years; 4 served 3 years; 2 served 4 years; 1 served 5 years; 6 served 6 years; 2 served 7 years; 2 served 8 years; 1 served 10 years—23 served, on an average, less than five years each.

Of the thirty-nine life convicts still in confinement, 2 have served 11 years; 1 has served 8 years; 2 have served 7 years; 5 have served 6 years; 6 have served 4 years; 7 have served 3 years; 6 have served 2 years; 3 have served 1 year; 7 have served less than one year—39 have served, on an average, about three and one-half years each.

About four-fifths of the commitments are for crimes against property, and one-fifth for crimes against the person. About one-fourth of those committed are foreigners. The ratio of foreign convicts to the foreign population of the State is no larger than that of native convicts to the native population, one-fourth of our entire population being foreign-born.

A library of three thousand volumes has been provided for the use of prisoners. A school, numbering two hundred or two hundred and fifty, has been organized, and a teacher employed. Religious services are held in the chapel on the Sabbath, and the chaplain visits the men nightly in their cells.

For many years this penitentiary was leased by the State to the highest and best bidder. A few years ago the system of leasing was abandoned, and the discipline and financial management on behalf of the State were placed in the hands of the warden, subject to the direction of a board of commissioners. On the 1st of December, 1870, the indebtedness of the institution was stated by the warden at \$332,832.18. The general assembly, after making an appropriation for the payment of the existing indebtedness, authorized the leasing of the *labor* of the inmates, retaining the general management and discipline in the hands of the prison officers, and the result is that during the past year, for the first time in its history, the penitentiary has earned \$35,000 or \$40,000 above the actual expenses.

#### *The State reform school.*

At Pontiac, on the Chicago and Saint Louis Railroad, a State reform school has been established, which was opened June 1, 1871. One hundred boys have been received as inmates since that date.

The reform school of Illinois differs from similar institutions in other States, in the light in which it is regarded by the supreme court, namely, as a *prison* for juvenile offenders. No boy can be received except under sentence of a court, nor can any boy be retained during his minority, but all must be discharged on the expiration of the sentence. All the inmates have been committed for high crimes, and for periods varying from one month to ten years. The average sentence is one year and nine months. Under the decision of our supreme court, the institution fails to meet the design of its originators and best friends; but the internal discipline is like that of a reform school, and the authorities are allowed to discharge boys on ticket-of-leave.

#### *Discharged convicts.*

No agency exists in this State for the aid of discharged convicts, nor is there any voluntary society to take the place of a State agency.

#### *Central oversight.*

Illinois has a "board of public charities," charged with the duty of annual visitation and inspection of all county jails and almshouses within her borders, but the commission has no authority or power beyond that of inspection and report.

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#### 4. INDIANA.

*By Charles F. Coffin.*

The State of Indiana was admitted into the Union in 1816. The population was then small, probably not exceeding 20,000. Most of its territory was thickly covered with trees, and the labor of clearing and rendering it habitable was great; hence its progress for several years was slow. Its inhabitants were mostly farmers, crime was rare, and punishment speedy and of a primitive character. By a statute of 1807, horse stealing, treason, murder, and arson were punishable with death. Whipping might be inflicted for burglary, robbery, larceny, hog-stealing, and bigamy, also for striking a parent or master. Provision was made for confinement in jail for some offenses. The first jails erected were merely small buildings of squared logs so arranged as to keep a criminal safely. The writer well remembers one of this kind in which a murderer, who was afterward hung, was confined some time. With the gradual growth of the State these were, in most cases, replaced with small brick buildings, often with but one secure room, having a small grated window, and no other provision for light or ventilation. Into this were put indiscriminately all who violated the statutes of the State and subjected themselves to imprisonment. Food was provided and brought by the jailer, and of course its quality and quantity depended much upon his will, and such attention was paid to the neatness and cleanliness of the cells as he thought proper, subject to an occasional inspection by the grand jury or county commissioners. Courts were but seldom held, and often prisoners remained several months awaiting trial. Many such jails are still found in the agricultural counties where there are no large towns and but little crime exists, and they are much of the time without a tenant. But the State has grown rapidly and now num-

bers about 1,800,000 inhabitants; railroads and turnpikes have been constructed in almost every part of it; vast bodies of coal and other minerals have been found, which have already given it, in many places, the characteristics of a manufacturing and mining community; large towns and cities have grown up, and as a natural consequence crime has increased. In some of the county-seats new jails have been built, in which much more attention has been paid to the laws of health and to the physical comfort of the prisoners, and yet too many of these have been built with iron cells and grated doors, affording little obstruction to free conversation and communication among the prisoners; a mistaken idea of kindness has caused most jailers during the day to allow the prisoners promiscuously to intermingle in the halls and corridors, thus opening the way for the hardened criminal to indoctrinate those less so, and for the younger to take lessons in crime from the older. We believe, however, that as public attention is called to the matter, more care will be taken in the construction and management of jails; and already, in some counties, fine buildings are being erected for prisons. The prisoners are not required to labor in any of these prisons, but are kept in total idleness. Books are sometimes furnished by the benevolent, and religious instruction is given occasionally by those who do it voluntarily.

A system of district prisons, in which several of the agricultural counties are united, for those convicted of minor offenses and for the untried, where the prisoners can be kept at labor and some attention given to their moral, educational, and religious improvement, is much needed, and it is hoped may gradually be introduced. There are ninety-two counties in the State; in many of them the jails are untenanted most of the year.

A state prison was first erected at Jeffersonville, opposite Louisville, Kentucky, on the Ohio River, about the year 1822. As was the case with many of the county jails, the cells were built of hewed logs about fifteen inches square, securely dovetailed together. The doors were of thick oak planks bound with iron bands. A hole in the center of the door three inches square was the only arrangement for ventilation. The first year there were seven convicts; three lessees had charge of them, who received from the State a bonus of \$300, in addition to the proceeds of the labor of the prisoners. In the course of a few years this temporary building was followed by a brick one, which was occupied until the present building was erected, in 1847 and 1848. It is of brick, and is surrounded by a brick wall  $3\frac{1}{2}$  feet thick and 26 feet high, inclosing about four acres of ground, in which are situated the shops as well as cell-houses. The cells are  $7\frac{1}{2}$  feet by 4 and  $6\frac{1}{2}$  feet high, with no light or ventilation except through the grated door. There are now four hundred and six prisoners (about twenty of whom are women) confined in the prison. The building is considered wholly unsuitable, and the directors of the prison and the governor of the State unite in urging its abandonment. The system of leasing was abandoned in 1856, and the present plan adopted, by which the labor of the prisoners is let to contractors at a fixed price per day. Most of them are now employed in the manufacture of railroad-cars, under the direction of foremen and men furnished by the car company.

The management and government of the prison is in the hands of a board of three directors, elected by the legislature. These directors choose a warden, chaplain, physician, and moral instructor. The warden has the appointment of a deputy, clerk, and such number of assistant keepers as the directors may deem necessary. The discipline at present is kind, and the officers efficient and good men. Provision is made

by law for the moral instructor to teach such convicts as the warden may think proper "the art of reading, writing, arithmetic, and geography." It is the duty of the moral instructor to "superintend the mental and moral improvement of the convicts, instruct them once every Sabbath, visit them when sick, have charge of the library, and superintend the distribution and use of the books, and adopt such other means for the reformation of the convicts as himself, the warden, and directors may deem expedient."

The increase of prisoners, together with the fact that the Jeffersonville prison is located at the extreme southern part of the State, led the legislature, in 1859, to pass a law for the erection of another prison, at Michigan City, on Lake Michigan, in the north part of the State. This has been completed and in operation several years, and now contains three hundred and forty-one prisoners. The laws and regulations for the government of the Jeffersonville prison are in force for that at Michigan City, and the same methods of labor, discipline, &c., are used. The building is a good one, cells well ventilated and lighted, and sufficient provision is made for the health and comfort of the prisoners.

The whole number of convicts in both the state prisons at present is seven hundred and twenty-seven men and twenty women. These receive by law \$15 when discharged, "and every article of value which they may have had in their possession when received." No other provision is made by law for discharged convicts, nor are there any associations in existence for the purpose. A bill is now before the Indiana legislature providing for a State board of prison commissioners, which shall have charge of the prisons of the State, with a view of bringing about a classification of prisoners and other useful improvements in the prison system.

The constitution of Indiana (adopted 1851) contains a clause that "the general assembly shall provide houses of refuge for correction and reformation of juvenile offenders." This was not practically carried into effect until 1867, when the legislature passed a law for that purpose, in accordance with which a house of refuge for boys was built at Plainfield, fourteen miles west of Indianapolis. It is upon the family system and has two hundred boys, in four separate family buildings, who are employed at work on the farm of two hundred and twenty acres; also in cane-seating chairs, shoe-making, tailoring, and domestic work. Since the opening of the institution about one hundred and sixty boys have passed through it and been discharged, most of whom are filling useful places in the community, a few only having fallen back into crime. The results on the whole have been highly satisfactory. There is a constant pressure for the admission of boys, and it is hoped that the present session of the legislature will make an appropriation for its enlargement.

A law was passed by the general assembly in 1869, establishing "The Indiana Reformatory Institute for Women and Girls," intended as a state prison for women and a girls' reformatory, in separate departments, under the same management, and a building has been erected, but not yet completed. It is much needed, in order to furnish a place for the few women prisoners now confined at Jeffersonville, as well as for a girls' reformatory.

In four or five of the cities of the State there are "homes for friendless women," supported by private contributions.

## 5. IOWA.

*By Martin Heisey, late warden of the State penitentiary.*

The institutions established in the State of Iowa for the punishment and prevention of crime are a state prison, a state reform school, and county jails in most of the ninety-eight counties of the State.

The state prison is at Fort Madison, in the southeastern part of the State; but another penal institution is in process of construction at Anamosa, near the center. The discipline aims to be at once deterrent and reformatory. Experience has shown that in the great majority of cases kindness and appeals to reason and manhood are efficacious with the most hardened characters. Special attention is given to cleanliness, and the dietary, though plain, is abundant and wholesome. The result is that we have very little sickness, and a death very seldom occurs. The whole number of prisoners last year was two hundred and eighty, of whom only one was a woman.

The prison has a chaplain, who gives his whole time to the moral and religious instruction and reformation of the convicts, preaching to them on the Sabbath, and laboring with them personally during the week. Every convict is provided with a Bible.

There is a flourishing Sunday-school in connection with the penitentiary. The average attendance is about two hundred and thirty. The school is conducted as Sunday-schools generally are. The citizens in the vicinity show their interest by taking part in the instruction. The good effects of the Sunday-school are seen in these noteworthy facts. First, there is less punishment required to preserve the discipline of the prison by more than one-half than before the establishment of the school. Secondly, the men do more work and do it better. Thirdly, alacrity and cheerfulness have taken the place of moroseness and sullen discontent.

The common jail system needs great reforms. Numbers of the jails are deficient in nearly all the requisites for prisons of that sort.

A state reform school was established in 1868, at Salem, the results of which have been highly gratifying.

## 6. KANSAS.

*By Henry Hopkins, warden of the State penitentiary.*

It would be difficult to say what is doing, or has been done, throughout the State, by individuals, outside of the officials immediately connected with the prison. We have to contend with a very general feeling of indifference as to present or future welfare of those committed to or discharged from prison. This is apt to be greater in new than is usually the case in older States. Crime is more prevalent in States newly organized, into which the criminal class has been driven by advanced civilization from other localities.

The principal institution organized for the treatment of criminals is the State penitentiary, at Leavenworth, now only about one-third completed. It is to consist of a main building, composed of two wings of 250 by 60 feet each, with a cell block of four tiers, numbering six hundred and eighty-eight cells in all. Between these wings will be a building 80 feet square and four stories high. A wall 6 feet thick and 24 feet

high incloses a space of ten acres. This inclosure will contain all the necessary out-buildings and workshops.

The discipline is intended to be reformatory in its administration, the prison being conducted on the congregate silent system. Chapel services are held every Sabbath, and all prisoners are required to attend. After the general services a prisoners' meeting is held, at which any who wish may remain and take a part in the exercises. A school is also organized for secular instruction, in which reading, writing, and arithmetic are taught to those who are deficient. The prisoners participate in their earnings to the amount of about \$12 each year, conditioned, however, on obedience to the prison rules. The prison is supplied with a well-selected library. The prisoners are allowed to apply their earnings for the purchase of books and literary papers, or for the benefit of their families.

Commutation, that is, abbreviation of sentence and a restoration to the rights of citizenship, are allowed to all who by good conduct merit these rewards. Permission is given to write letters once each month, and to receive letters once each week from relatives and friends.

The object is to establish such trades as can be followed in this State after discharge, and to every prisoner, whenever possible, is taught either an entire trade or so much of a trade as will enable him to gain a livelihood when discharged. For the general good of the prisoners sedentary trades are excluded as much as possible.

Punishment is avoided in every case where the same result can be obtained by other means. Violations of prison rules are always noticed in some manner, and the punishment of offenders is only administered by the warden or his deputy. Close attention is paid to the physical requirements of the prisoners, and a ready and diligent performance of labor is demanded. The intention is to make the prison pay all expenses, and, if possible, to produce a revenue, because we believe that so the prisoners may be most certainly reformed.

Employment is provided for as many as desire it, on discharge, whenever it can be found. This duty devolves especially on the chaplain, who resides at the prison and devotes his entire time to the duties of his office.

The contract system is not in use here, the industries being carried on by the State, with the exception of twelve men. This I consider far preferable to contracting, as it is seldom that a contractor takes any interest in the reformation of the prisoners, his great aim being to make as much money out of them as possible. The idea of the discipline in this prison is to make better men of those sent to it, and at the same time to so administer it as to deter others from making it necessary to send them here. Make it corrective, and you thereby make it repulsive. Correction is naturally repugnant to the human heart.

We have, as yet, no preventive institution in Kansas under that name, but the Home for Friendless Women, at Leavenworth, subserves that end very effectively, as far as it goes, as the following extract from its first report shows:

Much good has been accomplished by this agency, as it has been the means of saving many from a criminal life.

Two years since the Kansas legislature gave \$10,000 with which to build a "Home." The city of Leavenworth gave lots worth \$2,000, on which to build. The edifice is now completed. It is 13 by 36 feet, composed of four stories, including basement; is of brick, and of tasteful design. It was formally opened October 3, 1871, and has met the needs of the association. With barn, fences, substantial stone walk, and grounds filled with fruit trees and shrubbery, it is an ornament to the city, and stands a perpetual exclamation of the liberality and charity of the State which built, and the towns-



which furnished it. There is no endowment, and no one connected with the institution receives a dollar's pay for time or labor, except its matron. Even our physicians' onerous services are gratuitous. It has extended aid to over two hundred and fifty women. During the last year one hundred and ten have been admitted, and twenty children have been born under its roof. Of these inmates comparatively few have belonged to Leavenworth. The poor and friendless, whom we feed, shelter, and befriend, are not ours alone. They come from other towns and neighborhoods. They comprise respectable women who reach Leavenworth out of money, and needing temporary help, a few meals and lodging, until they can hear from friends. Or they are forsaken wives, who, perhaps, find themselves on the eve of maternity without friends or shelter. Often they are young girls from the country seeking employment, and while doing so come to us for refuge, and if we fail to give it they are easily found of "her whose house inclineth unto death and her paths to the dead." We also have many cases of young girls from other localities, who leave their homes hoping to hide their shame among the crowds of a strange city. Caring for these through the hour of woman's greatest trial—and, when they wish it, adopting their children—we can often save those unpitied mothers from further degradation, and return them to their homes and better lives.

And last, but not least, we wish to keep open a refuge for the only class against which a cold world seems savagely to bar the door of reform—*fallen but repentant women*.

There are two orphan asylums (one Protestant and one Catholic) organized in the State, which are doing much good for the outcast youthful population. Good homes are secured for all when they arrive at suitable ages, and they are watched over after discharge from the institutions.

It is in contemplation to organize a house of refuge at an early day. All these indications show that the *people* are becoming aroused to the necessity of providing for existing wrongs.

Our system of free schools is not excelled by that of any State in the Union, and its fund is inexhaustible. Two State normal schools are now organized, and every school district in the State has its substantial school-building, and is supplied with competent teachers.

Compulsory education is gaining favor throughout the State. This, if properly applied, will act as a great preventive of crime. Would it not be well to re-establish the old Jewish law, and require every boy to learn a trade, as it is seldom, indeed, that a good mechanic is sent to prison from any cause?

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## 7. MAINE.

*By Rev. J. K. Mason, former chaplain of the state prison.*

The State of Maine was formerly a "district of Massachusetts," and, singular as it may seem, presented the phenomenon of a district several times larger than the State to which it belonged. In 1820 it became itself a State.

In regard to penal and reformatory institutions, Maine is behind several of her sister States. This results in part from having given her attention more to the causes than the cure of crime; to what makes criminals of men than to what will make men of criminals. The grand question has been how to preserve her population industrious, sober, and moral, and thus safe and prosperous. Thus reformatory systems and discipline have been somewhat overlooked, until of late. Maine is clear in her conviction that something more is to be done for her fallen ones, but is nevertheless quite as clear that she must look first at the causes of their fall. The so-called Maine law in regard to the sale of intoxicating liquors is one of the results of this conviction, and not a mere fanatical

whim," as some have thought. If it be true, as facts demonstrate, that at least three-fourths of all the convicts in the State penitentiary are there through the influence of intoxicating liquors, it has seemed that *wise* men, and certainly *good* men, could not be at a loss where to apply some State force. The wonder is that any are blind enough, either through prejudice or ignorance, to suffer an evil that is so monstrous to continue its havoc and necessitate these penal institutions everywhere as exponents of its accursed entail.

The State penitentiary is located at Thomaston, and is in a condition of great industrial and financial prosperity. In this respect, the past year has exceeded every other in its history. I think I hazard nothing in saying that it is unexcelled. It is conducted on the congregate plan, and every man who is physically able must work at some trade, which he is stimulated in various ways to become master of, so that he may have resources within himself that will in the future diminish his temptation to crime. His educational and religious wants are so cared for, under the direction of a chaplain, that he has no excuse for further ignorance or wickedness. The amount of instruction, however, in both, might be largely increased by means of additional facilities. The sanitary arrangements are good: food plenty and wholesome; an occasional holiday granted, when a sumptuous dinner is given and opportunity afforded for social intercourse for an hour or two, under the eye of the officers and a few friends. Personal cleanliness is insisted on as a virtue indispensable to both physical and moral health. It is the aim of the government in all its rules and practical applications to inspire courage in the convicts—to lift them into as high a measure of manhood as possible with their present surroundings—and to fit those whose sentences are not perpetual to go forth to society and the world again with habits of patient industry, a remunerative trade, and some educational acquirements; controlled by principles or purposes of integrity and sobriety, and stimulated to a faith and hope that will help them through a great many unavoidable difficulties and discouragements.

The Hon. W. W. Rice, who has been warden for the past nine years, not believing in the policy of the contract system of labor, has held the specific control of the industrial and business matters in his own hands, giving personal attention to the various details. He believes that *that* has been one of the grand secrets of its industrial and financial success. Under a less energetic and able financier, the balance-sheet might show footings not so favorable.

The warden is appointed by the governor and council for the term of four years, and has control and is made responsible for all the subordinate officers, concurrently with the inspectors. One of the inspectors, who are also appointed by the executive of the State, is required to visit the prison at least once each month, and the entire board once in three months, to make careful investigation in regard to all the interests of the prison. There is a commutation law by which the executive may deduct a certain portion from the sentence of every convict for industry and obedience. This operates as a constant incentive to all who are not utterly and hopelessly incorrigible.

The present number of convicts is one hundred and sixty-four, one-fifth of whom are under twenty-one years of age. About two-thirds under twenty-seven.

Our county jails are by no means what they should be, but I forbear a description of them as they are, since they are now undergoing careful study, and the probability is that they will be speedily reconstructed in such manner, as to have connected therewith facilities for vari-

ous industries, and for classifying their inmates; and some of them appointed as places of detention, discipline, industry, and other applications of penal and reformatory treatment for a class of criminals whose antecedents hardly warrant the practice hitherto followed of degrading them as the worst of criminals by commitment to the state prison.

Our State Reform School for Boys is located at Cape Elizabeth, a suburb of the city of Portland, and is at present in charge of the Rev. E. W. Hutchinson as superintendent. It has existed for nineteen years and been attended with somewhat varied success. This school, for certain reasons, does not accomplish all that was hoped from it. One of these is, doubtless, to be found in the statutory provision that, under certain specified circumstances, the several towns or cities patronizing it shall contribute \$1 per week for each inmate they furnish. The result is that they send as few as possible, and the rural towns ignore it almost wholly. Of the fifty-nine commitments the past year nearly one-half were from the single city of Portland. From three other principal cities not a single commitment was recorded. If that provision of the statute were repealed and another substituted requiring the parents to pay such a part of the expense as the town or city assessors might consider them able to do, a demand of justice would be met, a difficulty remedied, and, perhaps, a stimulus created that would operate favorably in regard to home discipline.

This institution is conducted after the congregate system; is under the general direction of a board of trustees, who appoint the superintendent and assistant superintendent, matron, physician, and chaplain, and all the subordinate officers, and assign their position and duties. The whole is under the general supervision of the governor and council. There is a large farm connected therewith, the cultivation of which is carried on by the labor of the boys with a moderate degree of success. The shoe business affords employment for a score or two of the boys, and chair-bottoming for as many more; and a large number of the youngest are employed at knitting, sewing, &c., for the older ones. The various other kinds of work about the institution are done by the inmates, under the direction of departmental overseers. The educational department is in charge of several teachers, selected with reference to the different grades, according to which the inmates are classified. Most of the boys make good proficiency.

The Sabbath-school work is carried on by the voluntary efforts of Christian men and women from the city. Based on the influence of this and on the acquiring of habits of industry, of which, on entering, nearly all are destitute, the friends have learned to recognize their main reliance for reform. At the close of 1871 the school numbered one hundred and thirty-four, twenty-six less than the preceding year. The whole number committed in eighteen years of its history is one thousand two hundred and eighty-one, of ages varying from seven to nineteen years.

Of the whole number, more than one-third had intemperate parents; another third had relatives in prison; two-thirds were habitually idle. More than two-fifths were truants; nearly one half were Sabbath-breakers; more than three-fourths were untruthful, and more than two-thirds were profane: a sad commentary on the places many children are allowed to call "home," and still worse on the character of their parents.

The institution is sustained by the products of its own labor as far as that will go; the residue, about one-half or two-thirds of the expenses.

being provided for by appropriations direct from the State treasury. All its business transactions are conducted on the cash basis.

An industrial school for girls is partially inaugurated, and it is expected that the current year will see it in operation.

Maine believes that penalty should be administered as far as possible in the interest of reform.

## 8. MARYLAND.

*By G. S. Griffith, president of the Maryland Prisoners' Aid Association.*

The prominent penal reformatory and preventive institutions of Maryland are situated in the city of Baltimore and its immediate vicinity.

The prisons, properly so called, are the State penitentiary, the Baltimore jail, and twenty-one other jails in the several counties additional to that of Baltimore.

The State penitentiary is in Baltimore. The whole number in the prison at the close of 1872 was 598; of whom 541 were males, and 57 females; of the males, 371 were colored; of the females, 52. There were received into the prison in 1869, 317 prisoners; in 1870, 280; in 1871, 262; in 1872, 188. This statement would indicate a gradual decrease of crime in Maryland within the last four years.

While the discipline is positively deterrent, it earnestly aims to be reformatory. The agencies employed are *moral suasion, positive discipline, labor, and rewards*. Rewards, however, are more relied upon than punishments, and with the best results.

The general condition of criminals in point of education, on their commitment, is lamentable. Unhappily no systematic effort is made for their mental improvement while in prison. The penitentiary, however, contains a very good library for the use of the convicts.

The labor of the prisoners is let to contractors. It is believed that this institution will be hereafter self-sustaining, the opportunities and organization of labor having been improved by the enlargement of the workshops.

There are no religious agencies officially employed, but the Prisoners' Aid Association, to be hereafter spoken of, takes charge of this work. It has established two flourishing Sunday-schools in the prison, which are taught by ladies and gentlemen who volunteer their services. These religious exercises are much prized by the prisoners, and excite the lively interest of all who witness them. Sacred music is taught to the prisoners as an element of reform. On Sunday afternoons the male and female convicts are assembled in separate chapels for divine service. The officiating ministers are selected from different denominations. It is optional with the prisoners to attend or not. Three hundred and forty-three availed themselves of the privilege last year.

The Baltimore City Jail is a substantial stone building, of striking architectural proportions. In its construction and arrangements it may be regarded as a model institution. Most of the other county jails are defective in all the attributes of a good prison. Under the auspices of the aid association, religious exercises are regularly conducted on Sunday afternoons in the chapel of the Baltimore jail.

The reformatory and preventive institutions of Maryland are the Baltimore House of Refuge, the Maryland Inebriate Asylum, the Home of the Good Shepherd for Women, the Maryland Industrial School for

Girls, the Home for Fallen Women, the Saint Mary's Industrial School for Boys, the Manual Labor School, the Children's Aid Society for Boys and Girls, the Home of the Friendless for Children, and the House of Reformation and Instruction for Colored Children.

The House of Refuge is situated two miles from Baltimore, in a high and healthy location. The building is constructed with a view to develop the physical as well as the moral and mental growth of the inmates. This is the most important reformatory in Maryland for juvenile delinquents. It is designed to receive the youth of our State who become too insubordinate to be governed by their parents or guardians, and for those who are sentenced by the criminal courts and magistrates for committing public offenses. They are sent to the care of this institution until they become of age, unless otherwise provided for by the board of managers in consideration of great moral improvement, which often occurs under the excellent administration of the superintendent, Mr. William R. Lincoln.

Religious instruction is given without any denominational bias. The institution contains a commodious chapel. Divine service is conducted every Sunday afternoon by clergymen invited from various denominations. The congregational singing is led by Mrs. Lincoln, the worthy wife of the superintendent, who presides on all occasions with perfect command of the organ.

The usual exercises of a Sunday-school are regularly observed; the helpers in this good work consist of a faithful corps of teachers, who go out from the city every Sunday morning.

Music is a particular element of education of the boys. They have organized a brass band, which is the source of much pleasure on public days and festive occasions. They are frequently invited to the city, to play at fairs, and other entertainments held for benevolent purposes. The other branches taught are those of a primary common school. The larger boys receive instruction equal in grade to that of the grammar-schools, including the elements of natural philosophy, physiology, algebra, &c. The refuge is at once a benevolent, reformatory, and educational institution. Since it was opened in 1855, 2,159 minors have passed under its control, of whom 1,942 were boys, and 217 were girls. At the present date there remain under care 331, of whom 315 are boys and 16 girls.

Labor is found to be a most desirable adjunct in the effort of reform. The workshop, next to the Sunday-school and secular instruction, is the best corrective of evil habits. Here the boys are employed in the harness shop, shoe shop, tailor's shop, broom and basket shop, in caning chair-seats, &c., and in farming and gardening, besides assisting in the work of the household. The products of the farm and garden last year amounted to \$2,248.28. The institution is in part self-supporting, yielding a profit from the mechanical labor of the inmates.

The Saint Mary's Industrial School for the city of Baltimore is a Roman Catholic institution. Its object is to receive, teach, and train to virtue and industry orphans and other destitute boys. It has an imposing building and a farm of one hundred acres. The boys are committed to this school, not for crime, but on account of destitution and to *prevent* crime. It has received in all two hundred and sixty-nine boys, of whom fifty-one have been apprenticed to farmers.

The Baltimore Manual Labor School, for indigent boys, was established in 1842, and has had an average of forty-five boys. It is neither penal nor reformatory, but preventive. It receives only orphans or half-orphans. It has a farm of one hundred and forty acres. The

boys, on leaving the institution, are apprenticed to some mechanic or farmer.

The Boys' Home is not a reformatory, such as the house of refuge, nor is it a house of correction, where coercion or force can be employed to compel obedience. It is a large household, wherein obedience is recognized as a duty, and love is the incentive to its exercise. Like any well-regulated family circle, it has its daily separations and reunions. After breakfast each member goes out to his appointed labor. The directors find the system of encouraging volunteer labor to work admirably. The boys are assisted to find work, and get fair wages. Most of them are learning mechanical trades. Those who have employment are charged the small board of \$1.75 per week. The balance of their earnings is put into a savings-box until the end of the year, and then returned to them. This arrangement generates feelings of independence and self-respect. Under the genial influences of the Home, they are taught habits of economy, cleanliness, virtue, industry, obedience, and self-reliance. It prevents vagrancy, pauperism, crime, and juvenile delinquency. This is a great saving to taxpayers, and sound political economy.

The Maryland Industrial School for Girls is designed to rescue girls between twelve and eighteen years of age, who have lost their virtue or are in danger of losing it, from vagrancy and exposure to evil influences. Since the opening, in 1868, seventy-two girls have been received. The discipline of the school is that of a Christian family. Its law is kindness. There are no walls or bolts. No corporeal punishment is permitted. Deprivation of privileges and meals, with detention of the refractory in her room until penitent, is sufficient. The ordinary branches of a common-school education are taught, with singing and Bible lessons. Instruction is also given in all branches of household labor, and in canning fruits and vegetables. The improvement of the girls in all respects has been very marked and gratifying while in the institution. Thirty-four have been restored to their friends, twenty-three have been provided with situations, two have died; the rest are either now in the school, or have been discharged for disease or other causes. Religious instruction has been regularly given.

The Children's Aid Society is a recognized temporary asylum for all truant and stray children picked up in the streets by the police, and for children whose parents have been committed to the jail or almshouse for disorderly conduct or vagrancy. In many cases they receive food and shelter until they are found by their parents, or reclaimed by others after they are released from confinement. Since the institution was opened, in 1860, 1,092 children have received its protection. At present 330 are in good homes provided for them either in Maryland or in the neighboring States of Pennsylvania and Virginia. Their foster-parents, or those who take them in charge, are required by the board of managers to make monthly reports concerning their welfare.

The Home for the Friendless is a preventive institution under a board of lady managers. It receives small boys and girls, the neglected, deserted, unhealthy, maimed, crippled, and also the incurably afflicted. The total number of inmates received since it was organized is 1,012. Of these there remain at present date 130, many of whom are under eight years of age.

The House of Reformation and Instruction for Colored Children was incorporated by the general assembly of Maryland at the January session, 1870. Maryland has a large colored population, especially since the emancipation of slaves. This population, which has heretofore been

deprived of the benefits of education, is now thrown upon us in a deplorable state of ignorance. Ignorance, idle habits, and crime generally go hand-in-hand together, and become an element of danger to the community. The board of visitors of the Baltimore city jail report the following commitments of colored persons during the past year: For the violation of the peace and for drunkenness, 1,890; for larceny, 375; for vagrancy, 70; in all, 2,335, many of whom were children between the age of eight and ten years.

A farm, containing 700 acres, in Prince George's County, has been purchased for this institution. Appropriations have been made by the State legislature of \$10,000 for two succeeding years, making a total of \$20,000. Twenty thousand dollars additional have been contributed for this object by Enoch Pratt, esq., and ten thousand dollars more by subscription.

Such is a brief and imperfect sketch of the preventive and reformatory institutions of Maryland.

What is the chief cause of crime? Neglect of the early right training of children. What is the chief preventive of crime? Increase the forces a hundredfold to save the children. The unrestrained boys and girls of our community are the roots of that cancer which grows into public injury. It is a sad, stern truth that some of those who are now boys and girls are to be the paupers and criminals of the future. No one doubts that many noble and useful citizens come from the ranks of the poor. Yet it is no less true that paupers and criminals spring almost entirely from the untrained outcasts of society, such as neglected orphans, children of drunkards, the illegitimate children of prisoners and paupers, and the children of thieves.

The situation of the reformatory and preventive institutions of Maryland is a subject worthy of note. They are located in the most healthy sections of the city or county of Baltimore, on broad streets, wide avenues, or eligible farms, the sanitary advantages having been always considered in selecting a site. The buildings are erected on high grounds, affording spacious yards or areas for exercise during the hours of recreation. They are constructed with large windows, wide passages, and broad stairways, with a view to obtain the unobstructed rays of light from the rising to the setting of the sun, and a free and full circulation of pure air. It is a fact which marks the history of these various institutions, that the inmates are exempt in an extraordinary manner from epidemics or even sporadic diseases. Their list of mortality records fewer deaths than occur in common households among the same number of children and youth.

Experience teaches that the essential elements of health will promote the moral as well as the physical growth of human nature. The genial influences of air and sunshine will penetrate the heart and generate kindly feelings, stimulate bright thoughts, and excite the hands to useful works.

The work of aiding discharged prisoners is well organized in this State. The Maryland Prisoners' Aid Society was established early in 1869, and has been ever since working with zeal, efficiency, and success. The sphere of action of this society begins in the State penitentiary, and extends to all the jails and almshouses throughout the State of Maryland. The officers and wardens seem willing to co-operate in any measures the association may suggest to improve the condition of the inmates under their charge. The principles on which it works, and the work itself, have secured the hearty approval of both the criminal courts and the prison authorities, as the following testimonies abundantly prove.

Judge Gilmor, of the criminal court of Baltimore, says: "I take great interest in the successful operations of this society, which I regard as one of the best and most important of our public charities. It has already accomplished much good, and if the welfare of that large class whose condition it is its aim to relieve, is not deriving all the benefit it should, it is only because enough of our charitable citizens have not as yet come forward to unite in and contribute toward the objects proposed by the association."

In their last annual report the board of visitors of the Baltimore city jail remark: "The Prisoners' Aid Association, of which Rev. Penfield Doll is the agent, and whose benevolent work among the fallen and guilty it has more than once been our pleasure to acknowledge, is continuously at work, and making its influence for good widely felt."

## 9. MASSACHUSETTS.

*By F. B. Sanborn, member of the Massachusetts Board of State Charities.*

Massachusetts, which by the census of 1870 had a population of 1,457,351, now contains more than a million and a half inhabitants, of whom only about 14,000 are colored persons, while nearly 400,000 are of foreign birth, and more than 630,000 of foreign parentage. It has been estimated that from 25,000 to 30,000 of these inhabitants belong to what may be called the criminal class, including drunkards and vagrants, who, under Massachusetts laws, are punishable with imprisonment. The actual number of different persons imprisoned in a single year (exclusive of pupils in reformatories) is now probably about 15,000, and steadily increasing. The number of persons convicted of greater and smaller offenses, in 1872, was about 8,000, probably; but of these only 160 were sent to the state prison at Charlestown. The average number in all the prisons, commonly so-called, including persons waiting trial, or held as witnesses, was 3,218, of whom 543 were in the Charlestown prison, and 298 in the State work-house at Bridgewater, making 841 under direct State control; something less than 2,000 were in houses of correction and other convict prisons under city and county control, and 429 were in the county jails. The whole number in prison in Massachusetts on the 1st of January, 1873, was about 3,280; namely, 576 in the state prison at Charlestown, 228 at the Bridgewater State work-house, 1,440 in thirteen county houses of correction, 582 in the Boston work-house or house of industry, and 454 in seventeen county jails. Add to these the number temporarily imprisoned that day in guard-houses, police-stations, &c., and the aggregate would exceed 3,350. The figures of the census of 1870, in regard to crime in Massachusetts, are very incorrect.

The number in the State, city, and county prisons, exclusive of the guard-houses and station-houses, on the 1st of October, 1872, was reported as 3,461, of whom 562 were at Charlestown, 267 at Bridgewater, 657 in the Boston house of industry, 440 in the South Boston house of correction, 250 in the Boston jail, 266 in the Cambridge house of correction, 152 in the New Bedford house of correction, and 112 in that at Ipswich. The whole number in the jails was then 552; in the houses of correction 1,123; and the aggregate, 3,461, was the largest ever reported in Massachusetts.

In the three large public reformatories of Massachusetts, the State Reform Schools at Westborough and Lancaster, and the Boston House



of Reformation, controlled by the city, the whole number of inmates, January 1, 1873, was 725, namely: 297 boys at Westborough, 128 girls at Lancaster, and 300 (boys 260, girls 40) at Boston. The average number for the year 1872 was something more than this, namely: 267 at Westborough, 122 at Lancaster, 75 at the School Ship, (now discontinued,) and 280 at Boston; in all about 740. The average number confined in prisons and reformatories in Massachusetts may therefore be stated in round numbers at about 4,000, though there are a few small city reform-schools which would bring the aggregate above that amount. In the preventive schools, such as the State Primary School at Monson, with an average last year of 361, the House of the Angel Guardian, (a Roman Catholic school,) in Boston, with an average of 175 pupils, the Boston Farm School, with 100 pupils, and a few other establishments, there were between 700 and 1,000 inmates. Therefore the constant population of the penal, reformatory, and preventive establishments in Massachusetts, public and private, may be taken as not exceeding 5,000, or one in every 300 of the inhabitants.

### *The prisons.*

I. The Charlestown state prison is one of the oldest in the country, having been begun in 1800, and opened in 1804. It has been conducted on the Auburn, or silent congregate system, since 1827, when it was rebuilt, but has since been much enlarged, containing now about 600 cells. A plan has been submitted to the legislature of 1873 for building a new state prison at a greater distance from Boston, and it is probable that the Charlestown site will be abandoned within the next five years.

No women have been sentenced to Charlestown for more than fifty years, or since 1820, and no man is sentenced there for a less period than one year. Of 562 convicts there, October 1, 1872, 62 were sentenced for life, 11 for twenty years and upwards, 50 for ten years, 31 for periods between ten and twenty years, 106 for five years, 84 for periods between five and ten years, 104 for three years, 47 for periods between three and five years, and 65 for less than three years. The number of colored prisoners was 40; 97 were born in Ireland, 30 in Great Britain, 21 in the British-American provinces, and 382 in the United States; of these, however, nearly one-half were probably of foreign parentage. Of the 562, 77 were recommitments, and of 160 convicts received in 1872, 24 were recommitments. The whole number in prison during the year was 703, of whom 19 died, 16 were pardoned, 3 sent to lunatic hospitals, and 1 escaped. The average number in prison being 543, an average of 91 were reported as unfit for contract labor. The other 452 convicts earned by contract labor the sum of \$126,010, or about \$10,000 more than it cost to support the prison. The average price per day for contract labor was 39 cents, which is believed to be 41 cents less than its real value to the contractors. The expenses of the Charlestown prison for the year 1872 were about \$116,000, of which something less than \$800 was paid for the education of prisoners, about \$37,000 for provisions, and \$42,362 for the salaries of officers. A school numbering from 100 to 150 convicts is held about two evenings in the week, and there is a Sunday-school of something more than 100 convicts. The number of volumes in the prison library is 2,236, of which about 100 are daily lent to the convicts.

II. The Bridgewater state workhouse is a new institution, being created in 1866, and opened the same year in the old buildings of the state

almshouse at Bridgewater, near Plymouth. Its inmates are mostly drunkards, vagrants, prostitutes, &c., who apply to the State or to the municipalities for support, and are sentenced to support themselves by labor. A great majority of them are women, and it is proposed by Governor Washburn, in his last message, now before the legislature, to make this workhouse a prison for women exclusively. It is, in fact, a prison of the same grade as the county houses of correction and the Boston House of Industry. The whole number of convicts there in 1872 was 596; the average number was 298, and the cost of their support was \$34,662. Their earnings from labor were \$1,654, and the net cost of their support was about \$33,000.

III. The Boston House of Industry was established about forty years ago, and is the city prison of Boston for vagrants, drunkards, prostitutes, &c., containing more convicts than any other prison in the State. A majority of these are women, as in the state workhouse. The average number of both sexes in 1872 was 576, the cost of supporting them \$76,853, and the earnings from their labor \$13,987, showing a net cost of \$62,866. This prison, like the South Boston House of Correction, is controlled by the city authorities.

IV. The county prisons are numerous and various, there being fourteen counties in Massachusetts, and each being entitled, should it need them, to maintain one or more jails, and as many houses of correction. The distinction between these two classes of prisons in law is simply that in our jails labor is not required, while it is compulsory in houses of correction. But in practice (although a few persons are still sentenced to jails) convicts alone go to houses of correction, and persons awaiting trial, or the execution of sentence, remain in jails. Where the sentence is a fine, as in more than half the cases tried in Massachusetts it probably is, the person fined, if unable or unwilling to pay it, generally goes to jail for a short time. There are, in fact, eighteen jails and sixteen houses of correction in the fourteen counties, which were used as prisons in 1872; but of these only four jails (at Boston, Salem, Lowell, and Newburyport) and two houses of correction (at Ipswich and South Boston) were separate establishments. The other fourteen county prisons contained each a jail and house of correction under the same roof and management, so that there are but twenty distinct county prisons, which are located two at Boston, and one each at Barnstable, Pittsfield, New Bedford, Edgartown, Ipswich, Lawrence, Newburyport, Salem, Greenfield, Springfield, Northampton, Cambridge, Lowell, Nantucket, Dedham, Plymouth, Fitchburgh, and Worcester. At Taunton a new jail is building, to replace an old one. The number of prisoners in these twenty establishments ranges from one to four hundred and fifty in each, and almost every variety of prison architecture and prison management, except the best, may be found in them. The largest jail is in Boston, situated on the Charles River, between the two bridges leading to Cambridge, and containing an average of more than two hundred prisoners, whose support in 1872 cost not far from \$25,000, or nearly \$2.50 a week *per capita*. The largest house of correction is also in Boston, with an average number of convicts, in 1872, of 420, who earned \$7,733 above their expenses. The whole number committed to all the jails was above 6,000, to the houses of correction above 5,000, but many were identical in the two classes of prisons. The average number in all the jails was 429; in all the houses of correction, 1,372; in all the county prisons, 1,801. The cost of all these, above their earnings, was \$454,711. There was paid for officers' salaries in these county prisons, \$82,000; for provisions, \$103,000; for

purposes of education, mostly chaplains' salaries, \$2,709; for clothing and bedding, \$21,500; for fuel and lights, \$40,000. The average net cost for each prisoner was within a fraction of \$86 a year, or nearly \$1.70 a week.

The gross expenditure was \$283,847, and the earnings from labor \$129,136. The difference between these two aggregates represents the net cost, as above given. A little more than one in ten of the jail prisoners are women, and nearly one third of these are in the houses of correction. More than one-half of both sexes were foreign-born, and probably four-fifths were of foreign parentage.

An attempt is now making, in the legislature of 1873, to change materially the management of the county prisons. To show the need of some better system than exists at present, a passage may be quoted from a paper submitted from the United States to the London Prison Congress of last July :

There is no better illustration, probably, of the whimsical lack of all proper centralization of prison authority in the United States, than the present condition of the laws and their administration, as regards prison inspection and management, in Massachusetts—the State which is often considered, and certainly considers itself, as foremost in prison discipline, not only in America, but in the whole world. In some respects, no doubt, Massachusetts holds an advanced position, but whether this is true of her system of prison management may be judged from the facts now to be stated. Within her borders are three distinct classes of prisons—those of the State, of the fourteen counties, and of the cities and towns. There are two state prisons, viz, at Charlestown, near Boston, and at Bridgewater, not far from Plymouth, wholly distinct in their management, except that the board of State charities, which has the power of discharge at Bridgewater, has the general inspection of both, but with no authority to appoint officers or to establish rules in either. The governor and council of the State have also general powers of inspection, and can pardon convicts in the Charlestown prison, as well as appoint the chief officers of both state prisons. But, besides these two boards of inspection, there is also a board of inspectors for Charlestown, and another for Bridgewater, quite independent of each other; and these two boards, in concert with the warden or master of either prison, manage all the details of its affairs, and report both to the governor of the State and to the board of State charities. There is a prison commission also, which has no duties concerning the Charlestown prison, but which may visit and inspect the other; there is an "advisory board" of ladies, to assist the prison commission; and, finally, there is every year a prison committee of the State legislature, which visits and reports upon both state prisons, but has no power to do anything further. Thus there are seven distinct commissions to look after these two prisons, including in all no less than thirty-seven official persons, all more or less charged with the duty of inspection, but without any practical co-operation with, or subordination to, each other. Then there are fourteen counties in the State, each containing one jail, and several containing two or three each, which are under the control of the county sheriffs, chosen by the people, for terms of three years, and of a board of commissioners in each county chosen in the same way. But in the largest county (Suffolk) and the smallest (Nantucket) there are no county commissioners, the municipal governments of Boston and of Nantucket Town taking their place. These jails are also inspected by the board of charities (when it chooses) and by the prison commission, the advisory board, and the prison committee of the legislature; and may be inspected by the governor, who has power to remove the county sheriffs. There are nineteen of these jails, each controlled and inspected by six different boards, including in all about seventy-five official persons. Then there are fifteen other county prisons for convicts, called houses of correction, thirteen of which are managed by the county commissioners above mentioned; one by the "selectmen" of Nantucket Town; and one, the largest of all, by a Boston board, called the directors of public institutions of the city of Boston; which also has under its control another great Boston prison, known as the house of industry. In each county the commissioners appoint another board, called overseers of the house of correction, who are to inspect those prisons and have some control of their management; these number in all about forty, and the Boston board has twelve members, thus adding some fifty more official persons to the long list. All the houses of correction may be visited and inspected by the board of charities, the prison commission, the advisory board, and the prison committee, as well as each by its own overseers and commissioners, or directors, and by the governor and council, who have the pardoning power jointly with the overseers; so that there are eight distinct boards, comprising about 120 persons for these fifteen

prisons. The Boston house of industry, however, is exempt from all inspection save by its own directors and the prison committee of the legislature. Next come the city and town guard houses, or police stations, of which, perhaps, there are one hundred and twenty in the whole State, under the charge of the municipal governments, and rarely inspected by anybody else. The managers of these small prisons probably number about 300, and are annually elected by the people. Finally, there are the city and town work-houses, large and small, numbering, perhaps, a dozen in all, and managed by a few of the same 300 municipal officers. In all, we may count up for the Massachusetts prisons not less than 350 different official persons concerned in their management and inspection; the number of prisoners in them all never exceeding 3,500 at any one time.

From this we might infer that the Massachusetts prisons were thoroughly inspected, however perplexing might be the system under which it was done. But, in fact, there is no municipal inspector who has been in all the municipal prisons; no county inspector who has been in all the county prisons; few State inspectors who have been in all the county prisons or any of the municipal ones; and no one official person in the State who has ever visited half of the prisons it contains. Consequently, there is no proper knowledge anywhere of the relation of one part of the prison system to the rest, and no proper system at all, but only a confusion of laws, rules, boards, and details. There are wheels in plenty, and wheels within wheels, more than the sacred prophet saw in his vision; but there is no "spirit within the wheels" by which they are regulated and made to move harmoniously. Probably no other State enjoys so complicated and various a prison system as Massachusetts, in which are as many devices and contrivances as in the cabinet where the Abbé Sicéyes, in Burke's famous satire, manufactured constitutions for France. Unfortunately these devices, however ingenious, result in neutralizing responsibility, deadening the public vigilance, and opening the door to culpable neglect and to petty corruption. The instruction, the reformation, the discipline, and even the life of poor prisoners may be sacrificed in the medley and delay of so much legal machinery: for each of these important things, like Johnson's hero, is

Condemned, a needy suppliant, to wait  
While ladies interpose and boards debate.

In connection with the Massachusetts prisons, three isolated facts offer themselves to the recollection of the present writer, not connected by any necessary chain of cause and effect with the system just described, but perhaps illustrative of it. During a debate concerning one phase of the prison question in the Massachusetts legislature on the 6th of May last, a Boston member, who had probably never seen the inside of ten among the 150 prisons of his State remarked complacently, and evidently with the approval of the house, that "Massachusetts had the best prison system in the world." A few weeks previous—in consequence of the acceptance of a gift by the highest prison superintendent in the State, at the hands of a contractor, who gave it for the manifest purpose of securing a favorable bargain for himself from the prison government—the last touch had been given to this perfect system, in the same legislature, by the passage of a law forbidding any prison officer to take bribes. And just a week after the speech above cited, that is on the 13th of May, the grandson of one of the most illustrious statesmen of Massachusetts in former years, a youth of amiable character, but unfortunate habits, was fatally burned in a Boston guard house, through the neglect of the policeman who had locked him up there, alone and helpless, and in the midst of combustible materials. Thus, on one side of the official eulogist is corruption in the chief officer of the highest prison, long undetected and still unpunished; while on the other side is a horrible casualty in the lowest prison, of which official negligence was the direct cause. It may not be unjust to consider these events as a commentary on the intricate prison system of Massachusetts, itself the successive growth of many years spent in trying to avoid what can alone govern prisons well, a central, simple, and vigilant method of control and inspection.

In the above statement some repetitions of what had before been said may be noticed; and also some additional facts and some discrepancies as to the number of county prisons. The latter result from the varying use of these prison buildings in successive years, and are only apparent discrepancies. In the main the passage quoted is still true to the facts; but should the recommendations of Governor Washburn and of the prison commission be accepted by the legislature, much of this ridiculous jumble of petty authorities would be done away with. The plan is to bring all the county prisons and the Boston House of Industry under State control, by establishing a system of district prisons, the details of which are set forth in the report of the Massachusetts prison commission.

ers for 1872, lately submitted to the legislature. The districts proposed are seven in number, of very unequal population and criminal conditions, but arranged with reference to the present county lines, and to the prison buildings, which will continue to be occupied, though with a different classification of prisoners, if the new plan is adopted. The districts proposed are Suffolk and Norfolk, with a population, in 1870, of 360,245, but now increased to 380,000, and containing four prisons, three in Boston and one in Dedham; Middlesex, with a population, in 1870, of 274,353, now increased to nearly 300,000, with two prisons, at Cambridge and at Lowell; Essex, with a population of 200,843 in 1870, now increased to 210,000, with two prisons, at Lawrence and at Salem; Worcester, with a population, in 1870, of 192,716, now increased to more than 200,000, and containing two prisons, at Worcester and at Fitchburgh; Southern Massachusetts, including the five counties of Barnstable, Bristol, Plymouth, Dukes, and Nantucket, with a population, in 1870, of 208,905, now increased to 215,000; the Connecticut Valley, including the three counties of Hampden, Hampshire, and Franklin, with a population, in 1870, of 155,432, now increased to 160,000; and Berkshire, the seventh and last district, with a population, in 1870, of 64,827, now increased to 68,000. The prison population of these seven districts, October 1, 1872, was 1,406 in the Suffolk district, 358 in Middlesex, 306 in Essex, 180 in Southern Massachusetts, (exclusive of 267 at Bridgewater,) 172 in Worcester, 136 in the Connecticut Valley, and 74 in Berkshire, in all 2,632, exclusive of the 829 at Charlestown and Bridgewater, under State control.

The Southern Massachusetts district will have two chief prisons, at New Bedford and at Taunton, with small jails at Plymouth, Barnstable, Edgartown, and Nantucket; the Connecticut Valley district two chief prisons, at Springfield and at Northampton, with a jail at Greenfield; and the Berkshire district one prison, comprising jail, work-house, and house of correction, under a single roof. In each of the six larger districts there is to be, by this plan, a work-house and a house of correction in separate buildings, and generally in different cities, the former for vagrants, drunkards, &c., who now make up more than half our convicts, and the latter for more heinous offenders. In each prison will be jail-cells, to be used as the jails now are, except that in Suffolk County the Boston jail will receive all such prisoners. Each of the seven houses of correction is to be governed by a resident master, appointed by the governor and council, and each master is to appoint a resident deputy to govern the work-house in his district. The jails are to remain in part under the control of the county sheriffs, as at present.

The new scheme is by no means free from complications and inconsistencies, and is probably too extensive to be carried as a whole; but it is a great improvement on the present system, and some part of it will probably soon be adopted. Gradually the superior advantages of district prisons over county prisons will be seen, and the so much needed classification of prisoners, now almost wholly neglected in Massachusetts, can in time be attained. With that will come better prison schools, a better-organized system of labor, and more thorough and therefore more successful efforts to make our prisons truly reformatory. At present they are so only to a very slight degree; nor do they perceptibly check crime, which, since 1864, has apparently increased in a much greater ratio than our population. In 1865 there were less than 2,000 inmates of all the Massachusetts prisons; five years later, October 1, 1870, there were 3,121; at the same date in 1871 there were 3,224; in 1872, 3,461; and at the beginning of 1873 about 3,280, as has been said. The average

prison population in 1870, was 2,971; in 1871, 3,145½; and in 1872, 3,218. There has, therefore, been in seven years an apparent increase of more than 60 per cent. in the number of criminals, while the population has not gained more than 25 per cent.

#### *Prisons for women.*

There is not in Massachusetts, nor has there ever been, a distinct prison for women, though the average number of women in prison here has been from 600 to 800 for the last eight years. Of the prisoners in confinement October 1, 1870, 754 were women; at the same date in 1871, 758 were women; October 1, 1872, there were 770 women in prison. The recommendations of Governor Washburn, seconded by the prison commission, include the conversion of the State work-house at Bridgewater into a State prison for women alone, to which those now in the county and city prisons would be sent. It is probable that this plan, which meets with much popular favor, will be put in practice the present year.

#### *Prison schools.*

Little has yet been done in Massachusetts to give school instruction to prisoners. The importance of this branch of prison discipline has been urged upon the legislature and the prison officers by the board of State charities ever since 1865, and, in consequence, a few prison schools have been opened. That at Charlestown is the largest and the most useful, but is far from equaling, either in plan or management, the excellent schools of Mr. Brockway, at Detroit. In the county prisons and at the Bridgewater work-house a few prisoners have received instruction. But the officers, as a rule, do not understand the necessity for prison schools, and the contractors are practically opposed to them. Should the proposed changes in our prison system be made, the education of prisoners could and probably would be much better cared for.

#### *Cost of our prisons.*

The cost of the present prison buildings and lands, incurred during the last seventy-three years, cannot have been less than \$3,000,000, although an exact computation is impossible. About a third part of this sum has been paid for construction, enlargement, &c., at the Charlestown prison alone; and the estimated cost of a reconstruction of that prison at Newton, or in some other convenient locality near Boston, is a million of dollars, to be re-imbursed in great part by the sale of the estate at Charlestown. The annual interest on \$3,000,000 is \$180,000, or an average for each prisoner of more than \$50 a year, or about a dollar a week. The actual current expenses of the prisons above named, for the year ending October 1, 1872, were about \$511,000, to which, if we add the cost of maintaining the one hundred and thirty town and city prisons for temporary detention or occasional sentence of petty offenders, we shall have a total of about \$550,000. From this should be deducted the earnings from labor of convicts, fees of visitors, and petty sales, amounting, in the year 1872, to about \$275,000; leaving, as the net cost of maintaining some 3,300 prisoners, (the constant average,) about \$275,000, or more than \$80 each. This is a larger net cost and a greater number of prisoners than for several years past, but the prison earnings are also greater than in any year before. In the county prisons these earnings have very much increased since

the close of the war. In 1865, with an average number of 1,050, the county prison earnings were but \$34,694; in 1868 they had more than doubled, being \$69,625 for 1,554 prisoners; and now they have almost doubled again, being \$129,186 for 1,850 prisoners. Yet even now they are from \$50,000 to \$100,000 less than they might be if the county prisons were properly classified, and the most thorough labor system employed. We see that 543 convicts at Charlestown have earned almost as much as 1,850 in the county prisons; or to be more exact, as much as 1,370 convicts in 16 houses of correction, for the jail prisoners, mostly waiting trial, are not compelled to labor. There is no good reason why, with the exception of these jail prisoners, averaging from 400 to 500, and costing from \$75,000 to \$100,000 a year for their support, the whole annual cost of our prisons should not be paid by the labor of the convicts, who would thus become self-supporting. Few of them are too feeble to do any work, more than two-thirds of them are men, and the demand for such work as they can do is constant and remunerative. The largest contractors for prison labor in the State, the Tucker Manufacturing Company, who grumbled because the authorities made them pay \$1 a day for skilled mechanics, have lately paid to another contractor \$15,000 for the right to use his 100 men at 90 cents a day, for a single year. This is about 50 cents a day additional, or \$1.40 for each man, which the state prison inspectors say is a fair contract price for them. Probably they earn for the contractor at least \$2 a day. In the county prisons the labor is not so well trained nor so valuable, but at the South Boston house of correction the whole number, some 450, both men and women, earn their support, and something more; and the surplus that might be earned by the strong and more skillful would make good the deficit on the weaker and worse trained workmen in the county prisons. At the same time, such a classification of the convicts as would make their labor most profitable would render it easier to give them school instruction, religious discipline, sanitary advantages, and all that tends to make prison life reformatory.

#### *The reformatories.*

If an examination of the Massachusetts prisons is far from satisfactory, and shows that they need immediate and thorough re-organization, this is by no means the case with the reformatories for young offenders. These were never in so bad a condition as our prisons, and they have been for several years growing better, and doing their work more thoroughly. The nautical reformatory, or school-ship, which had outlived its usefulness, and become a burden instead of a help to the reformatory work of the State, was finally abolished in July, 1872; the preventive institution at Monson, known as the State Primary School, established by law in 1866, has gone steadily forward in a very useful work; while the "Visiting Agency," providing homes in families for young delinquents, and neglected or orphan children, has almost revolutionized the old policy of the State and of the courts. All these changes may be said to have grown out of the action taken by the board of charities, which first established a visiting agency in 1866, in connection with the Monson Primary School, and first called attention to the defective condition of the nautical reformatory in the same year. In the six years that have since gone by, such changes have taken place as would scarcely be credited but for the unimpeachable evidence of statistics. In 1867, when the new policy first began to take effect, the average number of pupils at the State reformatories was 752, and the

sum drawn from the State for their support was more than \$140,000; in 1872, the average number of pupils was but 464, including 75 on board the school-ship, and the sum drawn from the treasury for their support was but \$96,695, including \$23,703 for the school-ship, now abolished. During the current year, 1873, the average number of pupils will scarcely equal 400, and the sum drawn from the treasury will be but little more than \$70,000, or half what it was six years ago. In the mean time our population has increased about 200,000, while juvenile crime has decreased. Especially since 1870, when the existing visiting agency was established by statute, and had its powers greatly enlarged, this decrease has been manifest. On the 1st of October, 1869, there were 97 children under seventeen in the county prisons; a year later there were but 54; in October, 1871, but 33, and on the 1st of last October only 25. At the same time there is at least twice the personal attention given by public officers to the circumstances and temptations of young offenders and neglected children; the moral condition of the whole class from which these culprits come receives more consideration, both from the authorities and the community in general; and the result, as we now see it, is eminently gratifying. The reports of the State Visiting Agent, Mr. Tufts, may well be consulted for further information in regard to the new policy in Massachusetts, and its good effects. This policy is based upon the belief that much of the vice and crime among the young comes from a lack of attention to their individual circumstances, and the want of a good home; and the main object of the State, in its dealings with neglected and culpable children, is to find them good homes. This is done to a much greater extent than formerly, and the persons who receive these children are so held to such a constant responsibility, that the abuse of children placed out from the public establishments is much less than it used to be. The State pays less money, the community is better protected from juvenile crime, the children themselves are better cared for, and their employers are kept from injustice and the oppression which "maketh a wise man mad"—much more a child who has little chance to learn wisdom. While there are still many evils to be corrected, and some that may have come in with the new policy, its general results are everywhere acknowledged to be happy.

#### *The State reformatories.*

There are now but two of these: the reform school for boys at Westborough, founded by the late Theodore Lyman, in 1848, and still aided by a portion of his endowment, but mainly supported by the State; and the industrial school for girls, at Lancaster, founded in 1856. The school-ship, or nautical reformatory, established in 1850, was closed in July, 1872, and a few of its boys are still held in confinement at Westborough. The limit of age for admission at Westborough, which used to be fourteen years, is now seventeen, and, on the other hand, fewer young boys are sent thither. The consequence is that the average age of the inmates is considerably increased, and when the board of charities last visited Westborough, (January 14, 1873,) more than three-fifths of the 303 boys present were over fifteen years old. The average age of admission would seem to be now about thirteen and one-half years, or from one to two years greater than formerly. During the year ending October 1, 1872, the whole number at any time in the school was 474; but of these only 90 were new commitments, 43 were received from the school-ship and from Monson, and 69 were returned to the school from various places. The average number during the year was 267; the number



October 1, 1872, was 254; and January 1, 1873, it was 297. The establishment, as for several years past, has a main building where about 200 boys are kept together, under lock and key, and three family houses, in which about 75 boys are generally kept and trusted with greater freedom. There are seven school-rooms, and during most of the year seven schools are kept up. The labor of the boys is about equally divided between the farm of 263 acres and the mechanical work of chair-seating. The cash earnings from labor in 1872 were \$8,113, or about \$30 for each boy. For the current year they are likely to be \$10,000, being \$2,600 for the first quarter of the official year, from October, 1872, to January, 1873. The whole expenditures in 1872 were \$50,534, including \$1,369 paid from the income of the Lyman fund, now amounting to more than \$30,000. From this should be deducted the earnings from labor and sales, amounting to \$8,488, leaving the net cost of supporting 267 boys \$42,046, or about \$3 a week for each boy. Of this net cost, however, the State treasury paid but \$33,375, the sum of \$7,302 being paid by cities and towns for the partial support of their boys, and \$1,369 coming from an invested fund.

The girls' industrial school at Lancaster is conducted wholly on the family system; the 122 girls, making up the average number for 1872, residing in five family houses, each under the charge of a matron, and each containing a school and school-teacher. The whole number at Lancaster during the year was 171; the number, October 1, 1872, was 121; and January 1, 1873, it was 128. Much attention is paid to the school exercises and to religious instruction, less to labor, especially to productive earnings. The age of the pupils increases, as at Westborough, and for similar reasons. In both schools the difficulty of managing and reforming the pupils is thereby increased. A majority of the girls at Lancaster are now persons who have lost their chastity, and a considerable number of them have been prostitutes. In this respect the school has changed for the worse; but it probably renders as great a service as ever to the community. The average age of girls when committed is about fourteen, and they remain for about two years at Lancaster, on an average. A farm of 185 acres is connected with the school, but the girls do little in horticulture or the care of the dairy. For their support in 1872, \$23,987 was drawn from the State treasury, and may be assumed as the cost of the school for the year. The earnings from labor were \$543.63, or nearly \$4.50 for each girl; the net cost for the year was about \$22,776, or \$3.60 a week for each girl. The towns and cities paid \$3,280, however, so that the net cost to the State treasury was about \$19,500. During the present year the net cost of both the State reformatories to the State treasury will probably be but little more than \$50,000, while the cities and towns, which now pay about a sixth part of the expense of the children sent from them, will contribute some \$10,000 more, and the income of invested funds will add \$1,500 more.

Both the State reformatories are managed by boards of trustees, seven at Westborough, and five at Lancaster, appointed by the governor of the State. The other large public reformatory, the Boston house of reformation, which dates back to 1826, is controlled by the city "board of directors for public institutions," who also manage the city prisons. With one of these prisons the house of reformation is connected, being situated on Deer Island, in Boston harbor. The boys in this reformatory are under the same roof with the house-of-industry convicts, but the girls are in a smaller house close by. The

whole number of pupils in a year is about 500, of whom about one-eighth are girls.

The average number in 1872 was 312; and the number January 1, 1873, was about 300 of both sexes. No earnings are separately reported in this reformatory, nor is its annual cost very exactly given; it is probably about \$35,000, or somewhat less than at Westborough. The number of pupils in these three reformatories at the present time is not far from 720; a few years ago it was more than 1,000 in the four large public reformatories then existing. At Lowell and several of the other cities there are small municipal reformatories or truant-schools, to which juvenile offenders are sentenced; the average number of such sentenced children in the whole State is perhaps 100; making above 800 children now held in public reformatories. The "House of the Angel Guardian" is a private Catholic reformatory, with, perhaps, 175 boys in it, but they are not under sentence. It is located at Roxbury, within the city limits of Boston.

#### *Preventive agencies.*

The most important means of prevention furnished by the State to check juvenile crime are the State primary school at Monson and the State visiting agency, both dating from 1866, but the latter established by special law only since 1869. This has already been spoken of, and any further information concerning it that may be needed will be found in the annual reports of the board of charities, of which it is a department. The Monson school holds a place of its own among the public establishments of Massachusetts, and, since last June, when it was separated from the almshouse with which it had been joined, to its great disadvantage, has a special claim upon the consideration of persons who have at heart or on their hands the care of poor children. The Monson school is filled with sons and daughters of the poor—children who, if neglected, would grow up to be paupers and criminals, as many of their relatives have. Formerly such children were themselves esteemed paupers and treated as such; now they are by law, and will soon become by custom, the State's wards and pupils, free from any stigma of pauperism, and often outgrowing their hereditary tendencies and the unfortunate associations of their early childhood. The school now occupies exclusively the premises of the former State almshouse, and has a farm of 230 acres. The buildings have been thoroughly repaired and greatly improved; they are now warmed by steam, lighted by gas, supplied with a new laundry, bath-rooms, and other conveniences—none of them too good for the use of these poor children. The number of different pupils during the year 1872 was about 570; the average number 361, the number remaining October 1, 1872, 341, and on January 1, 1873, 357. A little more than a fourth of these pupils are girls. Their average age is between nine and ten, and few are allowed to remain beyond the age of sixteen. They are sent to Monson from the State almshouse, or placed there by the visiting agent, when he believes they do not need the restraints of Westborough or Lancaster, and has no family on his list suitable to receive them. The average attendance in the six school-rooms during the year was 344; the cost of supporting the pupils of the primary school was something more than \$40,000, which was paid wholly from the State treasury. The labor of the pupils does something to diminish the cost of their maintenance, which is about \$2.50 a week for each child; but their cash earnings have been small and are not likely to increase greatly. The superintendent is now about to introduce the

same employment that is pursued at Westborough—chair-seating. It is the rule of the establishment to place the pupils in families, as soon as they can be provided with suitable places, which prevents the long continuance in school of any except the very young or the less desirable children.

The Boston farm school is a private charity, receiving and supporting about one hundred poor children at a time. It has existed nearly forty years in its present form and location, Thompson's Island, near South Boston, and exercises a good influence, so far as its means extend. Its pupils are not under sentence, nor are they boys who have committed offenses, generally speaking. In this respect they resemble the pupils at Monson; but the farm-school boys are of a better stock, physically, mentally, and morally, than those at Monson. There are other private charities, orphan homes, &c., which do in a less degree, and for younger children, what the farm school does.

#### *Discharged prisoners.*

There are two societies in Massachusetts which aid discharged prisoners; and both have in former years received State appropriations. The older is the "Prisoners' Aid Society" or "Agency for Discharged Convicts," to which the State in 1871 made an appropriation of \$3,000, the greater part of which went to pay the salary of the agent. The other is a society in aid of women discharged from prison, and maintains the "Temporary Asylum for Discharged Female Prisoners" at Dedham. Both societies are doing a good work on rather a small scale, but more and more each year. Could these agencies be connected, as they are in Ireland, with the government and the school-instruction of the main prisons, more could be done by them to assist the convict in regaining by an honest course the good opinion of society.

Few general remarks have been made in this report, because the whole subject of our penal and reformatory establishments has been frequently discussed in the reports of the board of charities and the prison commissioners. Mr. Edward L. Pierce, secretary of the board, who conveys this paper to the congress, has made himself familiar both with the principles and the details of the subject-matter, and will doubtless answer any questions or make any explanations which may be desired.

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## 10. MICHIGAN.

*By Hon. C. I. Walker, chairman of the board of commissioners for the general supervision of penal, pauper, charitable, and reformatory institutions of the State of Michigan.*

The State of Michigan ranks eleventh in population of the States of the American Union. It is rapidly growing, having increased the number of its inhabitants more than one-third within the last ten years. It has a fertile soil, is rich in agricultural and mineral wealth, is traversed by a net-work of railroads, and nearly encircled by inland seas, giving it commercial advantages which but few States possess. Its laws are liberal, and bespeak an advanced public sentiment, many of the old forms of jurisprudence, like capital punishment and the grand-jury system, having been abolished, and with favorable results. Its institutions are established upon a broad basis, and wisely adapted for such improvements as time and experience may prove worthy of adoption.

Within the last year crime has decreased within its limits, a result, perhaps, in a great measure due to the increased efficiency of these institutions, and to the use of more effective means for the proper discipline of offenders.

The preventive and penal system of the State for the repression of crime may be summed up in brief as follows :

First. Prevention of the increase of criminals, by provision, through a State institution, for the training and education of truant, vagrant, and dependent children ; they being the great source from whence crime draws recruits to its ranks.

Second. The reform school for juveniles of tender years, who have actually committed crime, and whose guilt has been duly proven.

Third. The jail for the detention of prisoners, arrested and charged with the commission of crime, until they can be tried ; and for the safe keeping of such as have been tried and found guilty, until they can be conveyed to the place of punishment ; and for the imprisonment of petty offenders.

Fourth. The Detroit house of correction, as an intermediate prison or work-house for persons convicted of minor offenses or of grave charges, who give hope of reformation.

Fifth. The state prison for confirmed or dangerous criminals, convicted of high crimes.

[N. B.—At this point, the report goes at some length into a statement of the character and objects of the first of the above-named institutions. A special report on the same subject was also handed in by the Hon. C. D. Randall, secretary and treasurer of the commissioners in charge of the institution, who, as chairman of the joint legislative committee of 1871, on penal, reformatory, and charitable institutions, was chiefly instrumental in originating this very important agency in the prevention of crime. But, as Mr. Brockway, reporting for the committee on prison discipline, (see p. 332,) has fully explained this institution, both statements are omitted here for economy of space.—E. C. W.]

The reform school receives boys between the ages of ten and sixteen years who have been convicted of the commission of crime. They are sent to the school until they reach the age of twenty-one years, but most of them are discharged long before they arrive at their majority, being retained in the institution only an average period of about three years.

Farming has received a large share of attention, and many of the larger boys are mainly employed at it.

The institution is designed to reform rather than to punish those committed to its charge, and religious and secular instruction, as well as labor, are relied upon as prominent agencies in the work of reclamation. Every boy is required to attend school a stated number of hours each week day. Excellent progress is made. There is a fair library and picture gallery attached.

This institution is conducted on the congregate and family system combined. In addition to the large buildings occupied by most of the boys, two "family houses" receive the better class, who are graded into them, and there have more freedom and nearly all the privileges of a good home. They eat at the same table with the family, have large bedrooms, and are treated quite as well as boys generally are on a good farm. The school is doing an excellent work in saving numbers from a life of crime.

The State of Michigan is divided into seventy counties, most of which have jails. The jails contain an average population of about three hundred persons, and for their superintendence and care employ a force of

about one hundred and fifty persons. In construction and appearance they are very unlike. They vary from the cheap log pen to expensive, showy, and imposing edifices, some costing less than one hundred dollars, others fifty or sixty thousand. In the majority of them the safe-keeping of prisoners seems to have been the principal object in their construction, yet most are insecure for the detention of skillful and dangerous criminals. Breaking jail is of frequent occurrence, and without a great deal of watching, the adroit rogue is quite apt to find his way out.

A small cell, destitute of furniture or decent bedding, fronting on a hall or corridor five or six feet in width, without much light or proper means of ventilation, and so constructed as to deprive the occupant of a full supply of that necessity to health, pure air, constitutes the apartment generally provided for a prisoner. In some of them two, and even three, persons are lodged in bunks, one above the other. The air in these cells is frequently foul from the odors of the privy, and the supply of light in many of them is so insufficient that those confined therein can only with difficulty see to read in the day-time. In some of the jails prisoners are locked up in the cells (many of which are damp and musty) all the time, but in the most of them they mingle together promiscuously in the corridor during the day, and are only locked in separate cells at night.

The prisoners have no work, no instruction, nothing to do but to amuse themselves as best they can. Here are to be found in intimate association the old offender and the wayward youth, the former relating his exploits, glorying in his crimes, and inspiring the latter with a desire for similar adventures. The novice is thus made familiar with the "tricks of the trade," and goes forth prepared to operate with all the skill of the accomplished rascal, save experience.

In the best and most expensive jails, as well as in the poorest, this association is of daily occurrence. In the most costly, during the present year, we have witnessed wayward little girls caged up with notorious prostitutes, and truant boys made the companions of degraded and desperate characters. In the very nature of things, imprisonment without labor, and the unrestrained association of offenders of different grades, must have the effect to increase rather than diminish the number of criminals.

While most of our jails are tolerably clean, some of them scrupulously so, there are others that are in a filthy condition—dirt, vermin, and disorder reigning supreme. Scarcely any have bathing facilities, and in some, water for the ordinary purpose of washing the hands and face is not always to be had.

In not a few of the jails prisoners are required to wash and iron their own under garments, or go without clean clothes; and some under such circumstances have gone for months without clean shirts. The effect of confinement under these circumstances is to make men filthy and degraded.

Persons violently insane may frequently be found in our jails for the want of other places for their safe-keeping; and in some of them there is no provision for a separation of the sexes.

Witnesses and debtors, guilty of no crime whatever, are sometimes for months shut up with the vilest felons, and the innocent and the guilty are thus mixed together. Instead of presuming every man innocent until he is duly tried and his guilt proven, our manner of treating men in jail who are awaiting trial seems to presume them guilty and sent to the jail for punishment instead of detention. A large proportion of those commit-

ted are, on examination or trial, acquitted, and thus innocent men merely suspected of crime are thrown into these jails, and caged and cared for in a manner disgraceful to our civilization.

These statements briefly present the true condition of many of our jails, and we think an examination of them must satisfy any fair-minded man that, as generally conducted, they are simply training schools to make adepts in crime. We have yet to learn a single instance where a person has been bettered or reformed by a committal to jail, while, on the other hand, we can point to numbers who we believe have been made worse thereby.

The Detroit house of correction, although a municipal prison, owned and controlled by the city of Detroit, in which the State has no direct interest of ownership, is nevertheless entitled to be ranked among the foremost of our State penal institutions, for the reason that it receives annually from all parts of the State, as well as from the city of Detroit, criminals convicted of misdemeanors, and forms one of the most important links in our whole prison system, being especially adapted for that class of offenders who ought not to be committed to the jails or to the state penitentiary. Besides, this is the only prison that receives to any considerable extent the female convicts of the State. It has acquired an extended reputation, and is recognized throughout the country as a model institution of its kind. With a superintendent who has made the management of prisons not only a study but the practical business of years, devoting all his best energies to the work, this prison has been in many respects a remarkable success.

The house of correction has not only proved self-sustaining, but during its nine years' existence has earned \$103,000 over and above current expenses of every kind.

Prisoners in this institution are principally employed in the manufacture of chairs and cigars. The contract system is not adopted. The superintendent purchases stock, causes it to be made up, and, when manufactured, disposes of the goods.

The discipline is very simple. Obedience, order, and cleanliness are strictly enforced. There are no grades in the male department, and none, unless it be a transfer to the house of shelter, in the female department. Rewards for good conduct are used only to a very limited extent, the privilege of over-work, or a chair, or some other little article of cell-furniture, being about the only stimulus of this kind given to the prisoners. The prison dress is not in use, and flogging with the lash or otherwise has been abolished.

The educational training which this institution gives to its inmates is one of its most distinguishing and excellent features.

The house of shelter, established in connection with the house of correction, to which female prisoners from the latter are transferred for good conduct, is a commodious and well-furnished home, provided with all the comforts and conveniences of a well-to-do family. Here is a company of wayward girls taken from bad influences, forming a little society of their own, and by industry, education, and refining associations, fitting themselves for lives of respectability and usefulness. Each inmate is provided with an ordinary-sized bedroom, fitted with the furniture usually found in a room of this kind. They take their meals together at a table in the dining-hall, covered with a neat table cloth, and furnished with excellent table ware and napkins. Most of the day is devoted to work, mainly sewing and making linen coats and pantaloons. Singing, music on a parlor organ, evening school and reading, with a weekly evening gathering for conversation and social entertain-

ment, constitute the principal exercises. Culture of this kind, amid such surroundings, cannot fail to be productive of great good in preparing those who receive it for useful home life, and we cannot but regard the house of shelter as one of the best agencies for saving those likely to fall that it has been our province to find.

The success of the Detroit house of correction seems to us not so much due to the adoption of any particular system for the government of its inmates, unless it be the extraordinary efforts in the direction of education, as to the zeal and efficiency of the superintendent. Mr. Brockway is, emphatically, the head of the institution, and every department of it is pervaded with his enthusiasm and inspiration. He has shown himself one of the most active, intelligent, and zealous of the prison men of the country, being among the foremost in the great work of prison reform, and it is matter of deep regret that he is about to sever his connection with the establishment.

The state prison is the principal penal institution of the State, and is nearly as old as the State government, having been established in 1839, three years after the admission of Michigan into the Federal Union. Located at the city of Jackson, in the central part of the State, amid a net-work of railroads, it is convenient and easy of access. The prison grounds embrace some thirty acres of land within the corporate limits of the city, and the prison walls, which have recently been reconstructed in a good and substantial manner, inclose about ten and a half acres.

The system of imprisonment is that known as the congregate or Auburn. The prisoners work in association by day, under the rule of silence, and at night are locked up in cells, some of which have been carpeted and ornamented with pictures in a very tasty manner by the convicts occupying them, thus showing that even behind prison bars men still appreciate and enjoy order and beauty.

The prisoners labor about an average of nine hours each week-day during the year, in workshops within the inclosure. The principal business carried on is the manufacture of furniture, wagons, agricultural implements, cigars, boots and shoes. The labor of the convicts is let to contractors, who, at fixed periods, of which due notice is given, bid and compete for it. The present rates paid for this labor range from 50 to 76 cents per day for each man.

Tasks are assigned to many of the men, which they accomplish before the close of working hours. The remainder of the time they generally spend in idleness.

In their last report the inspectors of the prison say: "The discipline of the prison has been greatly modified and improved within the past year. Kind but decided and firm treatment has been employed as the principal means of control, and we think with decided success. Infractions of the rules have been less frequent, and there has been a gratifying decrease of the necessity for severe punishment. Good order has been maintained and punishment seldom required. No class of men appreciate kindness and humane treatment more than convicts do. Shut out from the world, and deprived of the ordinary privileges of life, they carefully note and remember every little kindness, and we believe are more easily and better governed thereby than by the use of harsher means. We have heard discharged convicts, about to go from the prison, recount the little kindnesses that have been extended to them, and seen them with tears of gratitude in their eyes thank the officers for the interest they had manifested in their welfare. We have made it a point, as far as possible, to ascertain what we could with respect to the conduct of

such as have gone out of the prison, and we are happy to be able to state that the great majority have so conducted themselves as to give the assurance that they will in the future lead better lives. Only a very few have returned to their former practices."

The ordinary and most frequent punishment is the bare cell and short rations; for more flagrant offenses an addition of tying the hands behind the body and fastening them to the cell door. As a last resort, for personal violence or a deliberate outrage, the lash is still held in reserve, although the instances for its use are seldom found necessary. Whenever convicts have, or conceive that they have, cause of complaint against officers or any free men, they are always at liberty to bring their complaint to the agent.

A system of rewards has been devised and partly put in effect, so that now, at the end of each month, the convict who has conformed to the rules of the prison receives a card, as evidence of good behavior. Officers say that it is astonishing to see how the men prize these cards, treasuring them up, or sending them away to their families; and that the effect of these little rewards is excellent in controlling the prisoners and stimulating them to good conduct. Again, some of the old features of prison life, tending to destroy the self-respect of the imprisoned, have been removed, and the change seems to work well. Thus the rule requiring the men to labor with their eyes constantly upon their work has been modified, and there is no longer that downcast, "hang-dog" expression which formerly seemed to be peculiar to each convict.

There has also been greater infusion of educational agencies. An hour on each Sabbath is now devoted to secular instruction, and numbers of convicts who came into the prison unable to read or write, through the training of this school, have acquired these primary elements of education. Interesting lectures and readings are more frequent than formerly, and many of the men, stimulated by the desire thus created for good reading, have voluntarily given up the use of tobacco for the privilege of becoming regular subscribers to some one of our leading monthly magazines. Twice a week, after dinner, the agent selects and reads for fifteen minutes to the prisoners in the dining-hall some interesting and instructive piece.

The prison continues the practice which it some years ago inaugurated, of giving special privileges to its prisoners on public holidays. The custom is believed to be beneficial, making the convict more cheerful, and impressing him with a conviction that an interest is still felt in his welfare. An excellent dinner and short addresses constitute the order of the day on these occasions. Of the effect of the observance of these holidays the agent says: "I am satisfied that in the manner we have conducted them they have in no way impaired or relaxed the general discipline, while, on the contrary, the presence of good men and women, reading, talking, and singing, assures them they are not entirely cut off from all human sympathy. The whole tendency of these hospitalities is to engender and enliven the kindlier feelings and sympathies." For several years the prison has been self-supporting, paying by its earnings all its current expenses.

The public mind of the State is beginning to manifest more interest in the work for which this congress has assembled. Men and women within our borders are helping to create an improved system of prison discipline, worthy of our civilization. We have reason to anticipate favorable legislation in relation to many of the topics suggested. And it is an especial cause of congratulation that our efficient governor is in full and hearty sympathy with us in the cause of prison reform, and in



the improved care demanded for all the wards of the State, and we have strong faith that the good work will go on until these desirable results are fully accomplished.

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## 11. MINNESOTA.

*By Professor William F. Phelps, President of the State Normal School.*

Minnesota was admitted into the Union in May, 1858. Hence, its institutions of every kind must be regarded as yet in their infancy. None but those who have participated in the struggle can have any adequate conception of the difficulties and embarrassments attending the efforts to build up these institutions on just principles in frontier States, composed of heterogeneous elements gathered from almost every quarter of the globe. Of course it is expected that in new communities man's earliest efforts must be put forth for the supply of his material wants, and for his protection against the destructive tendencies of natural forces. But he also soon finds himself compelled to guard against the ravages of the rapacious and vindictive passions of his fellow-men. Hence penal institutions are, unfortunately, among the *prime necessities* of a State, while yet its resources are undeveloped and the views of its people are as diverse as their origin and the circumstances under which their opinions have been formed. These conditions inevitably lead to inadequate, conflicting, and unwise legislation, rendering it quite impossible to provide those comprehensive and far-sighted arrangements so necessary to secure the reformation as well as the proper restraint of the vicious and the criminal at a time when, above all others, such measures would prove the most potent in tempering the spirit and shaping the policy of the institutions, which are to be as enduring as the State, and which are, indeed, to become a part of the State itself.

### *Population and commanding position.*

The population of Minnesota at the present time is 527,500, or more than three times as great as in 1860. It is situated on that central line which is nearly equidistant from the two great oceans. The head of the "unsalted sea," which is also the beginning of the chain of lakes reaching through the Saint Lawrence to the Atlantic, and the source of the Father of Waters, connecting it with the Mexican Gulf, are alike within its boundaries. Through the Mississippi it stretches forth its hands to the tropical, while through the Red River of the North and its connections it reaches to the Arctic zone. The Northern Pacific Railroad, opening up the shortest and easiest pathway "across the continent," has its eastern terminus, with its numerous branches, within the borders of the State, whose area is more than 83,000 square miles, and whose ample domain is capable of sustaining a population equal to that of half of the entire United States at the present time. The Canadian Pacific Railway, whose construction will undoubtedly be commenced near our northern frontier, and be vigorously prosecuted during the present year, will have its connections with the vast system already spreading its iron net-work over our prairies, and thus making our territory teem with the commercial life of two hemispheres. These facts have a tendency to give to the State a prominence and an importance that are keenly appreciated by its leading minds, and by those who,

while struggling to shape the policy of its institutions, are laying the foundations of a future whose influence must be little short of illimitable.

*The institutions of Minnesota.*

The institutions at present existing, which bear upon crime and are under the immediate care of the State, are: I. The educational, or preventive. II. The benevolent, or humane. III. The penal and reformatory.

I. *The Educational Institutions* consist: 1. Of the State University at Saint Anthony, with 250 pupils, and maintained at a cost to the State during the past year of \$21,000. 2. Of three State normal schools for the special training of teachers, located respectively at Winona, Mankato, and Saint Cloud, and giving instruction during the year 1872 to more than 500 embryo teachers. The current expenses of these seminaries defrayed by the State last year were \$25,000. For the present year they will amount to \$30,000. The amount expended upon buildings already erected and in progress is more than \$200,000. 3. Of 3,000 common schools, scattered throughout all the organized townships, including numerous high schools in the cities, which have already attained a standard of commanding excellence. The number instructed in these schools during the past year was 120,352, at a cost of about \$1,000,000; while the number totally uninstructed and left to recruit the "ignoble army" of illiterates in the State, was 59,668. The productive school fund now amounts to \$2,780,559, being the fifth in magnitude in this country, with six-sevenths of the "school-lands" from which the fund is derived are yet unsold. The increase in the number of common schools last year was about 200.

These facts are brought here on account of the vital relations which exist between education and crime, between the preventive and the penal institutions of a State—relations which, in all our discussions of the latter, should be distinctly recognized. A *true education* is the surest preventive of crime, and no *reformation* can be effective or permanent which does not address itself to the *enduring soul* of the fallen being.

II. *The Benevolent Institutions.*—These comprise the hospital for the insane at Saint Peter, the institute for the deaf and dumb and the blind at Faribault, and the soldiers' orphans' home at Winona. These institutions are all projected and supported on the most liberal scale, and are conducted according to the latest developments in the medical and educational sciences.

III. *The Penal and Reformatory Institutions*, comprising: 1. The state prison at Stillwater, on Lake Saint Croix. 2. The State reform school for both sexes, near Saint Paul. 3. The jails established and supported under county supervision.

1. *The state prison.*

*Location.*—The buildings for this institution are located at the mouth of a short ravine, between two high and deep bluffs fronting on the lake, and running back to a point of junction with the main ridge of which the bluffs are spurs. This ravine comprises about four acres of ground. The foundations of the buildings rest upon piles driven into the marshy soil beneath. The sum of \$125,000 has been expended upon the build-

ings, and \$40,000 more will be used during the coming year in improvements.

*History.*—This prison was established and located in 1858, the year in which the State emerged from its territorial condition. There were at that time but three “prominent points” in the State—Saint Paul, Saint Anthony, and Stillwater. Saint Paul had the capital; Saint Anthony secured the university, and Stillwater the state prison. In those early days the location of State institutions was controlled less by public than by private considerations. The selection of the grounds for the state prison was singularly unfortunate.

*Buildings and grounds.*—There are but two permanent buildings occupied by the prison. They are located on opposite sides of the inclosed space near the base of the bluffs forming the ravine. The main prison building is on the left of the space inclosed, and is about 210 feet long by 40 in width. This contains the cells, (a portion of which extend to the third story,) the domestic department of the institution, the officers’ quarters, and the family of the steward; the cells themselves being in the rear. It is built of limestone, and is very substantial and neat in appearance. The other building, which is on the right, and further to the rear, is also of stone, and two stories high, with basement. This contains the workshops, store-rooms, and engine and boiler rooms. There is a wall along the front of the premises, and the three other sides are inclosed by a plank fence some 12 or 15 feet high, flanked by a walk for the sentries, and surmounted by guard-houses for those officers when on duty. A sewer, as yet quite inadequate to meet the necessities of the prison, passes through the grounds and discharges into the lake in front. The cells are ventilated by small tubes connecting with shafts passing through the roof.

*System of management.*—The associate system of labor is employed. The convicts work in groups in the several shops under the supervision of an overseer or foreman, and a guard. In all other respects the cellular system is adopted. The food is taken exclusively in the cells, and the men are constantly confined, excepting during the hours allotted to labor.

*General administration.*—The prison is under the general supervision of a board of three inspectors appointed by the governor, by and with the advice and consent of the senate, for three years, one member retiring each year. The warden is appointed in the same manner. All the subordinate officers are appointed by the warden, excepting the chaplain and the physician, who are selected by the inspectors. As is usual in such cases, political considerations influence more or less the selection of these officers. It is but just, however, to say that all the officers of the institution have been chosen with excellent discrimination and good judgment.

*System of labor.*—The contract system of labor prevails in the prison. The existing contract extends through a period of nine years, the price being 45 cents per day for each man employed. Ten per cent. of the convicts are reserved for the uses of the institution in its domestic department. The branches of industry pursued are few and simple, being limited principally to the production of wooden ware, barrels, window-sashes, doors, and a small amount of cabinet and carpenter work. The average duration of a day’s work is ten and one-half hours throughout the year, although in the winter season only eight and one-half hours are occupied. In cases of over-work, which are, however, rare, the convict is allowed to participate in his earnings.

*Discipline.*—The discipline is firm yet mild and eminently humane.

As a general rule, talking is prohibited among the convicts, except in cases where it is necessary in carrying forward the work. The officers exercise a kind and paternal influence over the unfortunate men under their charge. Cheerfulness prevails to a remarkable degree among the convicts. They appear in this respect more like laborers working for wages and enjoying the fruits of their toil than like men convicted of crime and undergoing the deprivations of penal servitude. There seems to be an entire absence of that feeling of sullen depression so characteristic of convicts submitting to the rigors of an iron rule.

*Punishments.*—Corporal inflictions are never resorted to. For the graver offenses, confinement on bread and water until penitence is secured is the principal reliance. The ball and chain, as a penalty for attempts to escape, is imposed upon the more incorrigible. But all those forms of punishment calculated to inflict bodily torture or create a sense of indignity are entirely discountenanced and avoided.

*Incentives to good conduct.*—Under a law of the legislature, passed in 1867, a convict may abridge the term of his sentence by exemplary conduct. By the terms of this act two days may be deducted for the first month of good behavior, four days for the second, and six days for each succeeding month, provided that the right to such deductions is not forfeited by subsequent misconduct. Restoration to citizenship through the pardoning power follows a continuous course of unexceptional behavior.

*Pardons.*—The governor of the State has the authority to pardon a criminal before the expiration of his term of sentence. This power is sometimes exercised on the recommendation of the warden for good conduct, sometimes through petitions of influential citizens, pleading mitigating circumstances, and the like. The commanding general of the department of Dakota has occasionally pardoned prisoners incarcerated for military offenses, and the President of the United States exercises the same power in behalf of offenders against the laws of the General Government.

*Instruction.*—No systematic instruction, either secular or religious, is imparted to the prisoners as a whole, except during one hour on Sunday, when services are held in the chapel of the institution. A small library is provided for the men, and they use it freely, being encouraged to do so by their thoughtful and humane officers, who manifest the warmest interest in the welfare of their charge.

*Sanitary condition.*—Considering the location of the prison, its peculiar surroundings, and the many inconveniences to which it is compelled to submit, the health of the convicts is quite remarkable. This is no doubt accounted for by the extreme care of their officers in preserving the utmost cleanliness in every part of the buildings occupied. The food is of the best quality, carefully cooked, and regularly served, with an abundance for every man according to his necessities. The variety observed in providing the meals through the week is very judicious and well calculated to preserve a healthful tone in the digestive organs. Bathing is required as a regular duty, and everything that conduces to health is carefully regarded in the administration of the affairs of the prison. The Fourth of July, Thanksgiving day, and Christmas, are "legal holidays" in this institution. On these days the convicts are served with as good a dinner as any first class hotel can provide. They are allowed the freedom of the prison. They visit each other in their cells, converse, sing, and enjoy a wholesome social reunion. Considering the serious lack of material aids and of the ordinary conveniences of such places, this prison is, in a generous sense, a model of wise,

humane, and efficient management. Time and a better appreciation of the true ends of penal discipline will do much, it is to be hoped, to mitigate the evils arising from the unfortunate circumstances of its location and earlier history.

The total cost of maintaining the prison, in 1872, was \$30,485; the earnings from convict labor were \$14,973; excess of expenditure over earnings, \$15,512; cost per prisoner, \$168.81.

II. *State Reform School.*—This institution was established and opened under State auspices, in January, 1863. It occupies sixty-three acres of ground about three miles from the business portion of Saint Paul, on the main road to Minneapolis. It is about seven miles from the latter city and is located on a commanding eminence overlooking a large extent of country, in an eminently healthful situation.

The total cost of buildings to the present time has been \$30,000; the total number of boys committed to the institution, 180; the total number of girls, 15. The sexes are entirely separated from each other. The annual current expenses are about \$20,000.

As far as possible the "family plan" has been adopted in the management of the institution. As only the main building has yet been erected, this plan cannot be fully carried out in practice. The inmates of the institution are brought under such influences as prevail in a well-governed and well-regulated home, with good instruction and a firm though kind and paternal discipline. The rewards and punishments are of the *natural kind* in use in all well-managed homes. The "lock-up" has never been used; all the professional appliances of prison discipline are scrupulously avoided.

The inmates are well fed, well clothed, well instructed, and well disciplined. They are allowed an abundance of play, and yet they are required to work systematically and to study attentively. In the words of the very efficient superintendent, Rev. J. G. Riheldaffer, "*school-room instruction is the first great work of the institution.* We do not hold these children for the present pecuniary advantage of the State, but for *compulsory education*, and for a preparation for the work of life." These are noble words, and they should form the key-note to the management of every reformatory and penal institution.

A large garden of fruits and vegetables is cultivated, and many of the boys are required to labor in it during the summer. A considerable number are employed in the domestic department of the institution. In addition to these employments, there is a tin-shop in which the boys in squads of twelve are learning the tinner's trade; a shoe-shop, with every facility for learning that trade; and a tailor's shop, in which they learn to make and repair their own clothing.

To these educational, domestic, and industrial means are superadded religious instruction in which our obligations to God and to our fellow-men, and our accountability to God together with the noble rewards which attend a life of virtue and the fearful penalties of a life of vice and crime, are held up as the incentives to a patient continuance in well-doing.

Considering the youth of this institution and of the State which fosters it, with the yet stunted means at its disposal, it is a decided success. The boys who have been discharged from it are for the most part conducting themselves in such a manner as fully to vindicate the wisdom of the means employed to save them from a life of crime, and make them honest, upright, worthy citizens.

III. *County jails.*—With very few exceptions these institutions in this State are of the most primitive sort and scarcely fit for the accom-

modation of the beasts of the field. This is an apparently inevitable consequence of the peculiar state of things existing in a new country, with a yet meager population, and with resources only partially developed.

In several of the larger cities—Saint Paul, Stillwater, Winona, Hastings, and Rochester—very creditable buildings have been erected for the uses of the jails in their respective counties. In many cases, however, the jail is but a meager appendage to a splendid court-house, a single room being supplied with cells for the confinement of persons accused of crime and awaiting trial.

At Winona, however, a large and commodious building has been erected for the exclusive occupancy of the county jail, the sheriff, and his under-officers. This building is of stone, is finely located, and is really a model of its kind. The cell-block is two stories in height, and the cells are entirely of wrought iron placed back to back in the center of the prison, and are surrounded by a spacious and airy corridor, paved with heavy boiler-iron. It is kept scrupulously neat in all respects, while escape from it seems a physical impossibility.

## 12. MISSISSIPPI.

*By General B. B. Eggleston, president of the board of inspectors of the state prison.*

The management of the state prison has, under the provisions of an act passed by the legislature entitled "An act for the regulation, control and support of the penitentiary," approved March 28, 1872, undergone a marked change for the better in almost every respect, and notably has this been the case in the treatment of the convicts. Hitherto these unfortunate outcasts have not received that care and attention for which humanitarians in this country and in Europe (whose efforts are now happily about to be crowned with success) have so long and persistently labored. Up to the 3d day of last May, when the present superintendent, Mr. C. W. Loomis, took charge of the prison, unnecessarily cruel punishments, which might justly be termed the relics of a barbarous age, still prevailed. But the people of our State have not been unmoved spectators of the universal movement in the direction of prison reform, and the public sentiment was significantly expressed by the legislature in the act above referred to, whereby corporal and every other species of punishment, not tending to enforce the rules and regulations necessary to prison government, were abolished. And this is better shown by reference to the thirteenth section of the act, which reads as follows:

That hereafter the head of no female convict shall be shorn, and no punishment by *blows or stripes* shall be inflicted, under any circumstances whatever, upon convicts of either sex; but it shall be the duty of the inspector to prescribe such punishment, in the form of solitary confinement in a dark cell, or such other mode as they may deem fit and expedient; and it shall be the duty of the superintendent to keep a merit and demerit roll of the conduct of the convicts, and he shall, from time to time, report the same to the governor, who shall shorten the term of service of any convict at the rate of three days for each month of said term, whenever said merit-roll shall indicate that said convict has been guilty of no violation of the rules of the penitentiary.

Under the above and other provisions of law, and in the exercise of a wise discretion, the superintendent has succeeded in transforming the convicts, who came under his supervision morose and discontented, into a remarkably orderly class of men.

They seem now to feel something of that self-respect which is so invaluable in law-abiding communities. Every encouragement consistent with prison regulations is afforded to develop the best qualities of their nature, and to cultivate in them moral principles which will hereafter tend to make them better and more useful citizens.

The superintendent has, as far as possible, caused them to feel that they are governing themselves, rather than being slavishly governed, and the result is apparent in the remarkable fact that, out of over four hundred convicts, he has found it necessary, under the present regulations, to punish only two.

Religious instruction is regularly administered to them, and they attend divine worship in their chapel every Sabbath with apparent willingness, and some show of devotion; they also attend a well-managed Sabbath-school, established for them within the prison; they have the advantage of literary recreation in the use of a library, maintained by a fee of 25 cents for admission of visitors to the institution; and once a year, on Christmas day, they are allowed the use of the prison hall, and free communication with one another.

The superintendent has also shown a very commendable zeal in another important direction, viz, in the distribution and apportionment of labor. Making himself thoroughly acquainted with the habits and dispositions of the convicts, he assigned to them that kind of labor to which, from their mental and physical capacities, they were best adapted; and in no case has an undue amount of labor been given to a man as a punishment, the superintendent humanely claiming the object of a criminal's incarceration to be a reformation of his character rather than a vindictive punishment of his crime.

By these means he has acquired an influence over the heads and hearts of these unfortunates, which has enabled him in his first annual report to the board of inspectors to exhibit a greater amount and better quality of work in every department of labor than has marked the close of any previous year. He has encouraged among them a spirit of emulation, and the result has been most satisfactory. To use his own words, "The most contented and cheerful prisoners we have are those who evince the greatest interest in their work, and endeavor to complete what they have to do in the most expeditious and workmanlike manner."

The above remarks apply only to prisoners within the walls of the penitentiary, and who are, consequently, under the immediate personal supervision of the superintendent. There is another class of prisoners referred to in his report as "prisoners working on railroads." Owing to want of accommodation for all the prisoners in the present building, it has been, for the past few years, found necessary, under the authority of law, to lease the labor of the surplus convicts without the prison walls.

They have been employed on plantations and in the construction of railroads. For their protection, the most jealous restrictions have been placed upon the lessees; nevertheless, the position of this particular class has been a source of much public uneasiness. The legislature, during its last session, though it inaugurated many wholesome reforms and abolished many objectionable features in the prison management, did not feel that it could make any changes for the better in this direction, except prospectively. It made provision for the purchase of a site for, and the construction of, a new building, which will, when completed, afford ample accommodation for all our convicts within its walls. The board of inspectors show a keen appreciation of this unsatisfactory

mode of employing convicts' labor, as will be seen by reference to their first annual report to the governor. The superintendent himself, in his report to the inspectors, in which he describes at length the condition of this class of convicts and their removal from the ameliorating influences which he is enabled to throw around those within the walls, thus gives expression to his very great anxiety on this subject :

But I submit that it is prejudicial to the best interests of the prisoners ; and that the very intent of the law itself is defeated when they are thus employed. The object in sending a prisoner to the penitentiary is, first, to prevent crime ; and, secondly, the reformation of the criminal. It is the imperative duty of those having prisoners in charge to labor to effect this reformation ; and it is a matter of impossibility to enforce the same discipline outside the prison walls which is enforced within.

No doubt these earnest appeals in behalf of this class of convicts will have their legitimate effect in inducing the legislature to hasten the work of completing the new prison building. It is believed that the legislature will, at the same time, testify its appreciation of the results of partial improvement by the adoption, at the earliest possible moment, of a thorough and complete system of prison reform.

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### 13. MISSOURI.

[No formal report was received from this State, but the two delegates, Mr. Miller and General Miner, commissioned by the governor to represent Missouri in the Congress of Baltimore, learning this fact, handed in the following memorandum :]

Having heard from the corresponding secretary of the National Prison Association that he had received no report on the penal institutions of Missouri, we, who are delegates from that State to this congress, beg leave to submit the following on the present condition of such institutions, with the regret that it must, of necessity, be so meager and incomplete.

Missouri has only one penitentiary, which is located at Jefferson City. It now contains some nine hundred convicts, of whom about twenty-five are women. The inspectors are State officers, consisting of the auditor, treasurer, and attorney-general, who hold their position *ex-officio*.

Under the earnest recommendations of the governor and the board of guardians, we are confident that our penitentiary will be placed, by the legislature now in session, on a higher ground of reform to the convict and of usefulness to the State. This institution has been made, since its erection in 1836, the theater of experiments of almost every modern system of management. The State itself has undertaken the management of its labor as well as its discipline. It has been leased out for a term of years to a company, with full control given to them over the prisoners. At present the labor of the men is hired to various individuals and for varied industrial pursuits. Under all these modes of management, the institution has been a source of heavy expense to the State ; it has never been self-sustaining.

The system of management is the congregate, and every privilege is allowed to the inmates consistent with the public safety. The principle of kindness, as far as possible, is the present rule of action. The lash is abolished and the striped garments will be only retained, it is hoped, until some exterior walls now in process of construction shall be finished. The labor of the convicts is hired at 10 cents a day.

The education of the convicts is at present utterly neglected. Yet we



anticipate, among the coming improvements, a system of instruction that will provide for a teacher-in-chief, with the power of taking from the convicts a suitable number of competent assistants; and that ample time will be given to impart to all illiterate convicts a fair common-school education.

From the experiments made, we are convinced that, for the class of convicts now in the Missouri penitentiary, the congregate system is by far the best. We cannot commend the adoption of any plan of management that, by a coercive system of silence and unceasing labor, for hours, on one branch of industry, in one position, and with downcast eye, tends to crush out the manhood of the convict, and which, by forcing his thoughts continually in the direction of his own sufferings, is calculated to breed feelings of revenge toward the State, and of hatred toward his keepers. Our observation and experience confirm us in the belief that the social nature of the prisoner should be exercised and developed under proper guidance, and that, so far from any evil resulting, this plan may be made a powerful element of individual reformation.

The system of county jails in our State is one that requires many changes. We except the new jail of Saint Louis, which, in all the elements of a good prison, has scarcely its superior in the United States.

The city of Saint Louis has a house of refuge and a work-house; but the State itself has no reformatory institutions, no industrial schools, no houses of industry and correction. We earnestly hope and believe that the question of organizing these essential agencies in a system for the prevention and repression of crime will receive the early attention and favorable action of the legislature.

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#### 14. NEBRASKA.

*By Rev. J. W. Snowden, Missionary A. S. S. Union, and acting chaplain of the State penitentiary.*

The great aim here is to educate the head and heart, reform and elevate, making the prisoners feel that they can regain what they have lost, and be prepared, socially, morally, and religiously, to assume citizenship, and enter anew upon the honorable duties of free life.

The discipline, though firm, has been tempered with much mildness. The Bible has been publicly opened and studied, the word of God is preached every Sabbath. From the prison vaults songs of Zion ascend daily. Three nights in the week a common school is conducted with marked success, in which Indians, Africans, and whites are taught to read and write. Instructive lectures are, from time to time, delivered to the prisoners. A literary society has been formed and meets weekly. The convicts are also supplied with books, and with religious and literary papers. Of forty-eight prisoners discharged within the past eighteen months, only one was unable to read and write. Several have given unmistakable evidence that they have passed from death unto life, and their reformation is complete.

Mr. Henry C. Campbell, the present warden, is a humane and efficient officer. May God more abundantly bless the great work of reclaiming and reforming the fallen and guilty.

## 15. NEW HAMPSHIRE.

*Eg. Rec. Wm. Clark, D. D., formerly chairman of the joint legislative committee on prisons.*

New Hampshire contains a population of 313,300 souls; an area of 9,280 square miles. Its inhabitants are mainly Americans by birth, and descendants of the Puritans. In late years the enlargement of manufacturing enterprises, and the development of our extensive water-power have brought in a considerable foreign element. In general education, morals, good order, obedience to law, and industry, the State will compare favorably with any of her sister States.

Our penal institutions are the state prison at Concord, and our ten county jails, one in each county.

Refractory prisoners are generally subdued and brought to obedience by kind, yet firm, moral treatment; where this fails, confinement in dark cells, with diminution of food, is generally effective. Prison inmates are men, notwithstanding their violation of law and incarceration; self-respect they have still, to which, if appeal be generously made, their dormant manhood will re-appear, and they often show themselves possessed of noble qualities. This is the kind of discipline which, in the main, characterizes the government of the New Hampshire state prison, and which, its officers testify, renders its management comparatively easy. The commutation law, which enables prisoners by good conduct to shorten their terms of imprisonment, has proved an effective agent of discipline and reformation.

One of the results of our system of universal education in New Hampshire is, that but a comparatively small number of the inmates of our state prison are unable, on committal, to read and write. Of the eighty prisoners confined April 30, 1872, seventy-two could read and write; six could read, but not write; two only could neither read nor write. The chaplain maintains a school for such notwithstanding the smallness of the number.

There is a good library belonging to the prison containing about fifteen hundred volumes, mostly valuable books, which are much read by the prisoners. The legislature appropriates \$100 per annum to keep up and increase the library.

The prison enjoys the constant labors of a faithful and experienced chaplain. At 9 a. m. on the Sabbath he preaches in the chapel of the prison building, when all the male prisoners are required to be present. At 10 he holds religious services with the female convicts, which are followed by a service in the hospital. At 1.30 p. m. a Sabbath-school is held in the female department. At 3.45 a similar service is conducted in the male division by prison officers, assisted by Christian gentlemen of different religious denominations, who volunteer their services for this work. The remainder of the Sabbath the chaplain devotes to private conversation with the prisoners in their cells. Attendance on the Sabbath-school is not compulsory; but more than half the prisoners attend voluntarily. A convicts' prayer-meeting is held every Wednesday evening, which is well attended by the prisoners, who take part in the exercises of prayer and singing, with propriety of demeanor, and with much apparent, and it may be hoped sincere, devotion. At any rate, its influence upon the tone of the conduct of the prisoners is indubitably and decidedly good.

The only industry carried on at present is that of the manufacture of cabinet-ware. The labor is let to a contractor at 95 cents a day per man. The annual profit exceeds the expenses. The expenditures for

the year ending April 30, 1872, were \$14,429.85; the earnings \$19,930.88; a net gain to the State of \$5,501.03.

The system is that of congregate, as distinguished from cellular, imprisonment.

Perfect silence is maintained among the prisoners while at work, and, indeed, at all other times; nor are they permitted to communicate by signs more than by words.

The prison is well ventilated and kept clean and wholesome. The cells and halls are swept daily, and often thoroughly washed. The clothing and bedding are comfortable. The food is ample, varied, well prepared, palatable, and nourishing, as the generally hale appearance of the prisoners clearly shows. The physician daily visits the prison, taking a kindly care of the sick and of chronic invalids. Mortality among prisoners is probably greater than among the same number of law-abiding persons, for the reason that many convicts enter prison with constitutions impaired by vice and crime. The deaths among the 1,522 inmates of the prison during the sixty years of its existence have been 102, or at the rate of  $1\frac{1}{3}$  per year on the average.

On the whole, the government and management of our state prison, in its several departments, will compare, I think, favorably with most institutions of the kind in our country. The prison building might be improved; the dormitories are too small; and other architectural deficiencies are patent. But considering that the prison was erected two generations back, its arrangements and conveniences are quite tolerable. Its government is firm, but humane. The physical and moral welfare of its unfortunate inmates is kindly regarded and, to a good degree, promoted. The institution is creditable to the character of the State.

Our county jails are very far from being models. The jail system stands in need of radical reforms.

The reform school, established by the State some fifteen years ago, near the city of Manchester, was designed as a home and school for idle, vagrant, and vicious children. There was found to be a rapidly increasing number of children of both sexes in our manufacturing towns, especially the children of foreigners, who were growing up in idleness, immorality, vice, and crime, and who, unless checked and reformed, would become dangerous members of the community, and soon be candidates for the state prison. To save the children and train them to honest industry, the reform school was established, and it has, in some good degree, accomplished the hoped-for objects.

The inmates of the school make good, many of them rapid, improvement in the ordinary branches of common education; but their moral improvement is not so encouraging. This should not be cause of surprise, as most of them had previously lived under evil influences and formed vicious habits. Still, the larger part leave the school improved in character and become useful members of society.

A farm is connected with the school, on which all the boys work, more or less. In the winter they are employed to some extent in caning chair-seats. The girls are taught sewing, house-work, &c. The managers feel that there should be introduced into the establishment some of the usual trades, believing that such a measure would be for the best good of the inmates.

A great desideratum in the reform school is a chaplain, who would devote himself wholly to the moral and religious instruction and training of the scholars.

A society to aid discharged convicts was formed a few years since in

the State, but as yet is small in membership and means, and has not acquired a large influence, or accomplished very important results.

## 16. NEW JERSEY.

*By John F. Hageman, Esq.*

The State of New Jersey is giving increased attention to the science of penal law and prison reform. It has made more advance within the last ten years than in the preceding half century. It is, however, only a follower and not a leader in this noble cause, which is attracting the attention of civilized nations as the most inviting field of Christian philanthropy—the most important branch of social science. It is not that the people of New Jersey are less philanthropic and humane than their fellow-citizens of other States that they have given such a tardy support to this great movement; nor is it that they occupy a lower grade than others in education, religion, and public wealth.

The State claims now to be ranked among the foremost States of the Union in its system of public schools. In addition to this and its prosperous normal school, it is distinguished for its several colleges and seminaries, literary, scientific, and theological, of world-wide fame and influence, and for its large number of Christian churches and charitable institutions, all creating an enlightened and Christian public sentiment throughout the State. And no State is in a better financial condition and better able to respond to the calls of reform measures than New Jersey.

If our people have been apathetic, and have lagged behind in this reform movement, it may have been due, in some measure, to their strong confidence in the unsullied character of the judiciary of the State, to which they have intrusted the enforcement of its penal laws for the repression of crime. With no corrupt connivance between the courts and criminals, they have been assured that the machinery of their legal tribunals are in the hands of pure, honest, and learned officials. It may be that with such confidence in the bench and bar of the State, for the due punishment of crime, they may have become too indifferent to that feature of punishment which relates to the reformation of the convict, as well as toward juvenile reformatories for the prevention of crime.

But the philanthropic heart and conscience of New Jersey have been touched by the appeals and labors of prison-discipline associations of other States, and it is hoped that henceforth vigorous and co-operative efforts will be made to win the prisoner back to virtue, which is not a hopeless work. The late Dr. Benjamin Rush of Philadelphia, before the Society for Promoting Political Inquiries, convened at the house of Benjamin Franklin, in 1787, in speaking of the effects of public punishment, said: "I have no more doubt of every crime having its cure in moral and physical influence than I have of the efficacy of the Peruvian bark in curing the intermittent fever. The only difficulty is to find out the proper remedy or remedies for particular vices."

The public institutions of the State which are strictly penal are: 1. The state prison; 2. The county jail. And those which are chiefly reformatory and preventive are: 3. The State Reform School for Juvenile Offenders; 4. The State Industrial School for Girls.

1.—*The state prison.*

This is situated near the Delaware, in South Trenton. It was built in 1836, in place of the old Lambertton prison. It was designed to carry out the solitary system, which was then approved, but which has been since abandoned as injurious to health and mind, expensive and ill-adapted to the reformation of the prisoners. The building has been enlarged from time to time by additional wings, one of which, known as the east wing, has just been completed, with 170 cells, constructed and finished upon modern, reformatory principles, as to light, ventilation, cleanliness, and security. The whole number of cells in the prison is 522; all are lighted with gas at night, as are also the public rooms and halls. The whole building is warmed by steam, and under its present careful management it is not subject to the charge of being utterly unfit for a prison, but it really contains all the elements of a suitable building for such purpose. The average number of prisoners during the past year was 527.

*General administration.*—By recent legislation the government of the prison has been improved. In 1869 the prison act was revised and amended, and the office of supervisor was created, the appointment to be made by the governor, chancellor, chief justice, and attorney-general of the State, for the term of three years, with a salary of \$4,000 a year. This officer, and the comptroller and treasurer of the State, constitute a board of supervisors. The keeper and the five inspectors are chosen annually by the legislature; the constitution requires this; the keeper receives a salary of \$4,000, and appoints his deputies. The judges of the supreme court and court of errors, and the members of the legislature, constitute a board of visitors. The annual election of the keeper and inspectors by the legislature destroys the stability of the prison administration. Politics will, in this way, interfere with the appointment, and frequent and uncertain changes in the offices of keeper and inspectors are hurtful to the good management of the institution. There is no central power supervising and directing the entire penal system of the State. Such a power, having charge of all the penal and reformatory institutions of the Commonwealth, with a new classification of crimes and the establishment of intermediate prisons, would be of great utility.

*Prison industries.*—The present law requires every convict to be kept at hard labor every day except Sundays, if able to work. The original plan of private labor in cells has been superseded by ample workshops, erected in connection with the prison, where the prisoners work together in silence, and take their meals at a common table, also in silence, having teachers and overseers in their work. Their labor is done by contract, which is not favorable to the labors of the moral instructor. But the system works well financially thus far. The convicts are happier and more obedient, under such a system of labor, than the former one, and their earnings amount to more than enough to maintain them in prison. The State has received this year about \$28,000 from the surplus of their earnings after taking out the cost of their maintenance. Their earnings the past year amounted to \$80,892.99, and their expenses were \$52,414.52, exclusive of the salaries of officers. It may soon become wholly self-sustaining.

*Discipline.*—The treatment of prisoners has become kind and humane. No corporal punishment is allowed by law. The use of the parti-colored dress is retained to prevent the escape of prisoners from the workshops, which are not yet as secure as they should be. The order among

the prisoners is improved by the system of work and the reformatory efforts bearing upon them. Kind treatment is not lost upon them.

*Religious and secular instruction.*—This is an important department of duty. As far back as 1827, in the old Lamberton prison, the students of the Princeton Theological Seminary, under the inspiration of the Boston Prison Discipline Society, visited that prison every Sunday to teach the Bible and to preach to the prisoners, and the legislature favored it and directed rooms to be provided in the prison for that purpose. The law has, for a great many years, authorized a supply of the Bible and other books to the prisoners, and also a suitable person to give them religious instruction. The moral instructor is now appointed by the governor and supervisors, with a salary of \$1,000 a year, and he is required to devote all his time to his office. He preaches every Sabbath in each of the four halls of the prison and recites the Moral Law, the Apostolic Creed, and the Lord's Prayer. The Bible and religious papers and books are distributed among the convicts, and are gladly received and read by many of them.

The moral instructor and the other officers of the prison concur in an appeal for a chapel for religious services on Sundays. At present the prisoners are in their cells unseen, while the preaching is done in the hall in their hearing. It is urged, we think with good reason, that the prisoners should all be allowed to meet together, in a chapel where they could see the preacher, and he see them, eye to eye; where they could sing together, and feel all the glow which social public worship excites. What a congregation five hundred prisoners would make! How an earnest and eloquent minister would be quickened by such an inspiring company of hearers! What marvelous conversions might be expected among such a class of men, many of whom have broken and sorrowful hearts! Such preaching is the divinely-prescribed means of reforming and regenerating men, and no men are more in need of such means than prisoners, for whom the gospel was designed and sent.

The legislature has appropriated \$10,000 for the erection of a chapel, and it may be hoped that this great desideratum will soon be supplied.

There ought to be a person employed as a secular teacher, especially for those prisoners who cannot read and write. At present there is no provision for secular instruction in the prison. This we hope will soon be provided. The hours of labor need not be encroached upon, for this instruction could be given in the evening.

*The library.*—The prison library now numbers 2,500 volumes, which are read with interest by the prisoners. It exerts a good influence in the prison.

*Commutation and rewards.*—The principle of remitting a part of the term of the sentence for good conduct, so universally commended by experienced prison keepers, has been adopted in a small degree in New Jersey. The moral instructor, supervisor, and keeper, all testify to its happy influence on the order and good behavior of the prisoners. The number of those who received a remission during the last year was 215.

The giving *rewards*, by allowing the prisoner to retain a portion of his earnings for his own use when discharged, or for the use of his family, has not yet been adopted in this prison. The legislature will probably authorize it when they next amend the prison law.

*Pardons.*—This power could not be lodged in safer hands than in the court of pardons, which is composed of the governor, chancellor, and the six lay judges of the court of errors, or a majority of them. The number pardoned last year was 63. It is usual to extend a pardon to a certain class of prisoners, a little before their term expires, so as to save

their citizenship, since a pardon operates as a rehabilitation of the prisoner in his civil rights.

*Discharged prisoners.*—We have no adequate provision by law for aiding prisoners upon their discharge. The statute allows \$5 to be paid to each convict when discharged; and the lack of State aid is not supplied by voluntary charitable associations. The same motives which would prompt efforts to reform convicts in prison ought to prompt efforts to save them when they go out from relapsing into a criminal life. This subject is receiving special attention, which will result probably in the organization of an aid association, and of additional legislation, perhaps a State commission to take charge of the matter.

*Reformation of prisoners.*—The principle which underlies all these prison-reform measures rests upon the conviction that punishment, whose chief end is to prevent crime, is effected not merely by depriving the offender of the power to repeat his offense, nor by intimidating others from the commission of a like offense, but by reforming the character of the prisoner (where he has not forfeited his life) and restoring him to society a better man. Superadded to these ideas of punishment is that one of preventing crime by training wayward and neglected children from the paths of vice into those of virtue. Hence our reform schools. New Jersey is making progress in this direction. It is not possible to determine how many prisoners have been reformed, nor to what extent they have been benefited by the efforts made for that purpose, for we have only just begun to make our prison a place where human beings might be improved in character. But we have certain knowledge that much good has been accomplished, and we have faith that in the future much more efficiency will attend the reformatory efforts. The number of recidivists must grow less and less.

## II.—*County jails.*

There are twenty-one counties in the State, and a jail in every county, and in a few instances a workhouse connected with the jail. These county prisons are for punishment as well as for detention. As a general thing, they are insecure, filthy, unhealthy, and utterly destitute of reformatory power. There is no system of discipline by which they are governed. The care of them is rather incidentally committed to the sheriff; but he is under the direction of the chosen freeholders, who are elected more with reference to the building of bridges, &c., than to their qualifications to discipline prisoners and regulate prisons. In structure and government, with perhaps one or two exceptions, they are all a miserable failure. The number of convicts confined in them is too small to justify the expenditure of money necessary to maintain reformatory provisions.

Within a few years past, a sentiment in favor of attaching a workhouse to the jails has resulted in the experiment in three or four counties, but such a policy is not fully vindicated by the trial, especially in the rural counties. The number of prisoners is too few and fluctuating to warrant the outlay involved in conducting a system of prison labor. The character of our jails is such that our courts feel constrained to send too many convicts, guilty of trivial misdemeanors only, to the state prison. There is really no classification of prisoners in the prison system of the State. The jail prison laws need thorough revision. A county jail should be fitted and used only for the detention of persons awaiting trial. If several counties could unite in sustaining a penal prison, to be made reformatory by work and other proper appliances to

that end, it would be an improvement upon the present plan; or if a system of intermediate prisons by the State could be adopted, these penal jails might be dispensed with. We are glad to believe that the present system cannot much longer withstand public opinion.

### III.—*The State Reform School for juvenile offenders.*

In 1850 an act establishing a house of refuge was passed, and a building was commenced on a beautiful site at Kingston, but through the freaks of party politics the act was repealed and the work abandoned, the State treasury paying for the loss and damage. Fifteen years were lost to the cause of this reform. But the blunder has been corrected by the act of 1865, which established the State reform school for juvenile offenders. This institution has been organized on a farm of 490 acres near Jamesburgh, in Middlesex County, a central and eligible situation. Suitable buildings have been erected, to carry out the plan of an open farm system, for the reformation of boys between eight and sixteen years of age, who shall have committed some crime other than murder or manslaughter, or shall be habitually disorderly, vagrant, or incorrigible, or otherwise fit subjects for such an institution. Its object is to prevent rather than to punish crime. The boys are taught to work on the farm, and are instructed in secular and religious learning. The number of boys now in the institution is about 140. All the appliances for reformation are employed in this school. It is well governed. The board of control consists of the governor, chancellor, and chief justice of the State, by whom six trustees are appointed, and they exercise a supervision. The approval of a justice of the supreme court is required in every case of committing a boy to the school. It is not a prison governed by physical force, but "the Christian idea of a well-regulated family, with the steady pressure of kind, moral, and social influence governing all its discipline." The family system, in contradistinction to the congregate, is the one here employed. The boys show their appreciation of it by not running away, even when unrestrained. A new family building has just been erected near the main building. There have been 300 boys in the institution since 1867.

It is a success, and a great preventive of crime in the State. It is well managed and liberally supported by the State.

### IV.—*The State Industrial School for girls.*

This school has been in operation for a year. It is held in a rented house at Pine Grove, on the Delaware, a little below Trenton. The site and appropriate buildings, though authorized by the legislature, have not yet been procured. There are seventeen young girls in the school, who are employed in making their own clothing, and in helping to make clothes for the boys' reform school. The same provisions which control the admission of boys in the reform school, and the same supervision and control which the governor and other officers exercise in governing the reform school, are applied in this institution for girls. The justices of the supreme court in their circular say:

The institution is not a home for merely destitute or orphan children, but is the offspring of a growing conviction that young females who have violated the law should have some other refuge assigned them than our vile common jails, where there are not only no barriers to constant contact with every class of criminals, but an entire absence of all appliances of a reformatory character.

There are six lady managers appointed, besides the trustees, to supervise and manage the institution.



V.—*Private preventive institutions.*

There are private orphan asylums, children's homes, &c., in the State, which are not state institutions, but are sustained by churches, or private charity, some incorporated and some not, which are germane to those preventive schools of the State above mentioned, in training destitute and neglected children. But we deem it unnecessary to inumber our paper with further details.

*General conclusions.*

1. The penal laws need revising. The number of *mala prohibita* offenses have been so multiplied that many persons are indicted, convicted, and sent to the state prisons, where they fare precisely as the manslayer and highway robber do, for offenses which are trivial, hardly to be called criminal. There are too many men sent to the state prison.

2. There should be *intermediate prison houses of correction* for those who are convicted only of misdemeanors, and for those who have been in a measure reformed in the state prison, to whom more privileges can be safely accorded of a reformatory character than a state prison can allow. This would, at the same time, greatly relieve the state prison.

3. A classification of crimes, punishments, and prisons should be made by law, and the whole system of jails and prisons in the State should be administered by some central unit power, withdrawing from county jails their penal character, and making them only places of detention, with their structure and government thoroughly changed.

4. Larger rewards should be given to prisoners from their earnings, for good behavior; and more aid should be rendered to the discharged convict either by the State, or, what is better, perhaps, by associated private charity, with state aid.

Toward this high standard New Jersey is gradually progressing.

## 17. NEW YORK.

By Elisha Harris, M. D., corresponding secretary of the Prison Association of New York.

The penal and reformatory institutions of the State of New York are reported upon by the author of this paper from the stand-point of recent searching personal examination and nearly two years of study and official intercourse with them. If the view presented in the report is not flattering to our State pride, the facts are certainly adapted to awaken inquiry and incite to the efforts needed for the improvement of these institutions and the increased efficiency of the penal and reformatory work to be done by them.

The State of New York has a much greater burden of criminal population than the well-ordered and law-abiding classes of society are aware of. We have three state prisons; six local prisons, under county administration, named penitentiaries; sixty-seven county-jails in our sixty counties; and something more than one hundred police stations, or lock-ups, in the various cities and large towns of the State. Most of the institutions embraced in these several classes suffer from over-crowding, including many even of the county jails, which last are, for the most part, in a condition not to be commended. The number of prisoners confined in the police prisons, where the detention is often only for a

few hours, and never for more than a few days, is not known to the writer. The population of the other prisons named above, in the autumn of 1872, was as follows: State prisons, 2,924; penitentiaries, 2,435; county jails, 1,600; making an aggregate of 6,959. The number of children and youths confined in the five reformatories, viz, the two houses of refuge, the asylum for juvenile delinquents, and the Catholic protectories, (male and female,) was 4,000. This gives a total number of persons under restraint and in custody for violations of law, not including those in police jails, of 10,959.

The total annual number of convictions for felonies by courts of record is less than 2,500, and by lower courts, ranking as courts of sessions, the number is about 80,000.

The law which allows a prisoner to shorten his term of sentence by good conduct and industry is the most effective instrument of discipline at present known to our prison administration. The dark cell, reduced diet, perforated paddle, and all other forms of punishment in use, bear no comparison in their deterring influence and moral power to that of the fear of losing the small gain of time in their sentence allowed by the commutation law.

A perfect understanding now exists between the board of inspectors of the state prisons and the New York Prison Association as to their mutual relations and the rights of the association as regards admission into the prisons and the use of agencies for the salvation of the convicts after their liberation. In each of the three state prisons the corresponding secretary is provided with an office, where he is permitted to send for and converse with any and all prisoners whom he may desire to see, and to counsel and aid with reference particularly to employment after their discharge. The prison wardens, chaplains, and clerks have been officially instructed by the board to give all the information and aid desired by the association for the furtherance of this end, so that it may be enabled to render all the service possible, both to the convicts on their release and to the interests of society and humanity, on whose behalf the service is performed. Lists of the prisoners to be discharged each month are sent to the association in advance, and the secretary visits regularly all the prisons, and has an interview with every such prisoner, to ascertain his physical condition, ability, wishes, purposes, and whatever else may be helpful to him in enabling him to procure work the instant he becomes a free man, if his intention is to pursue an honest way of life. The key to the success that has followed this effort is the employment register, which contains classified lists of more than three hundred employers in thirty different occupations and trades of the best-organized industries all over the State. The private interviews with each convict during the few weeks immediately preceding liberation constitute the first essential step in the whole effort. Great pains are taken in these interviews to reach the convict's judgment, conscience, and heart, and to give him definite instruction and advice concerning common duties and the personal safeguards and care which he will most need when liberated. Care is taken also, on the other hand, to secure in each chosen employer a true and earnest co-worker in the effort to save these men, who are struggling toward a return to honest industry and respectability. As no intermediate stage of testing or preparation is possible, under existing circumstances, in dealing with convicts discharged from the New York prisons, and as it is all-important that they be usefully employed from the day of liberation, and that, as far as possible, they be dissuaded from going into the large cities, except under rare circumstances and definite stipulations

concerning suitable and constant employment, it is not too much to say concerning the helpful interest and efforts of the employers who have lent us their aid in this work, that theirs is the noblest share in it. Modify and improve the present method of this duty as we may, and, indeed, as events and progress in it must require, still the employer who continues to offer to the liberated convict the means for honorable and self-supporting industry and a replacement in the ranks of honest citizenship, will continue to be a chief dependence in all this difficult task.

Each state prison and most of the penitentiaries and larger jails make monthly returns to the New York Prison Association, showing the date of report; the name, nativity, age, and crime of the prisoner; from what county and by what court sentenced; term of sentence; reduction of sentence by good conduct; former habits and occupation; his employment in prison; his social relations and residence of nearest friends; present physical condition as regards ability to labor; amount of money ready for him on liberation; together with such general remarks as the authorities may see fit to append. A card is given to each liberated prisoner, on his entering upon the situation provided for him, containing sundry counsels, of which the following may serve as a specimen: Form the habit of depositing in a savings bank from 25 to 75 per cent. of your wages every pay day. Keep clear of all bad associates. Maintain a habit of useful reading; with other like maxims. It is expected by the association and the employer that the person thus aided will promise, 1, to live prudently and honorably; 2, to labor faithfully and punctually; 3, to abstain from intoxicating drinks; 4, to maintain self-respect; 5, to deserve the respect of others; 6, to agree with his employer concerning the proportion of monthly or weekly savings.

The Houses of Refuge, the Asylum for Juvenile Delinquents, the Catholic Protectories, the House of the Good Shepherd, the Children's Aid Society, the Truant Homes, and other like agencies, in the metropolis and other large towns, are continually snatching multitudes of children and youth from destruction as "brands from the burning." They are adding at least 10,000 good, useful, and happy lives every year to the population of the country, while subtracting the same number from the crowded ranks of the vicious and the criminal.

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## 18. NORTH CAROLINA.

*By Rev. G. William Welker, former member of the board of directors.*

The object that the National Prison Association sets before itself, in seeking reports from the several States, it may safely be assumed, is not merely to learn the number, character, and adequacy of their penal, reformatory, and preventive institutions, nor what may already have been accomplished in the direction of the work undertaken by the association, but also to seek data from which to learn what is yet to be done, to discover what hinderances are in the way of this work, and the peculiar condition or character of their populations that have a bearing on the question, if any such exist. It is proposed, in this report, to offer such facts, in regard to our State, as may present the nature and condition of the field for penal discipline and reformatory effort as it now exists; to present explanations that may account, partially at least, for the inadequacy of institutions for the prevention of crime and the little

interest felt in the welfare of our criminal population; and to indicate the difficulties to be encountered in the prosecution of the great work of the reformation of prison discipline and in the efforts to prevent the formation of a criminal class.

There needs, perhaps, a glance at the topography of the State to enable the reader to comprehend some facts to be stated in this report. One of the original thirteen States, the territory of North Carolina began to be settled at an early date. Its area is 50,704 square miles, which is more than that of New York; and yet the population is only 1,071,361. Of this population 678,470 are white and 391,650 colored. Of the entire population only 3,029 are of foreign birth. The territorial extent and homogeneity of population will have a bearing on the statistics of crime in this State and on the character of its penal institutions. North Carolina never has become a refuge for the vicious populations of other States and countries. Its reputation for obedience to law and its freedom from crime, before the rebellion, were known to the whole country. Commerce has never much flourished in this State. Its coast, though extended, bars ingress to its rivers by shifting sand-bars and maddened storms, which seem to keep guard against the outside world. There are no large cities into which the shipping of the world, in bringing its products, brings also its crimes. Wilmington, the largest city in the State, has a population that does not exceed 15,000, while no other reaches 10,000.

North Carolina was a slave State until 1865; manufactures were never encouraged; and hence its streams are not lined with manufacturing villages that give employment in their mills to a floating population, in which are commonly found those who swell the calendar of crime. A very large proportion of the million of its population is and has ever been engaged in planting and farming. While the farms were valued at \$143,301,065, the capital invested in manufactures and trades was only \$9,693,703. So the population is largely rural, and thinly scattered over a wide domain, having no populous and wealthy centers. In such population capital crime is unusual. Vagrants are not tolerated, and hence soil is wanting for the vicious classes. This may account, in part, for the fact that the attention of the State was not at an earlier day directed to the question of penal discipline.

That a State should grow as old as North Carolina, and yet have done so little in the way of preventing crime and reforming its vicious classes, may be owing to the fact that general intelligence has not been diffused among the people; that public schools are not appreciated, and that those who will not voluntarily tax themselves to organize schools and build school-houses for their own children, would naturally refuse to submit to taxation for the creation of institutions to prevent crime or reform criminals. The legislature of the State is mostly controlled by the tax payers; their influence is seen in the practical denial of the axiom that "an ounce of prevention is worth a pound of cure." Although the constitution of the State, formed in 1868 by men of liberal and progressive views, provided for the creation of a board of "public charities," yet to this hour the general assembly, under its narrow and obsolete views, has denied that board all means for its work, even to the publishing of its annual reports. While the constitution provides for the erection of juvenile asylums, reformatories, &c., nothing has been done in this direction, and the fear of taxation paralyzes every effort at saving the large number of youths that are left to criminal associations. The recent political and social revolution has created a necessity of this kind, which is not felt as its pressing character demands. A pop-

ulation now requires the care of the State which, under the *régime* of slavery, rarely had its misdeeds brought to the notice of the courts. The slave being a chattel, most of his petty crimes were punished by the master, the patrol, or by a magistrate having summary jurisdiction. This state of affairs kept a large part of the crimes against society, not of the most serious character, from public view and knowledge, and relieved the State from direct concern. Slaves of every age being property, and, by the law, the owners being, in some degree, made liable for their conduct, the former could not conveniently be made objects of such legislative care as would express itself in reformatories and work-houses, where criminal propensity could be cured, and progress in crime arrested. These facts should be allowed their just force when we come to learn the position of the State in making provision for her existing criminal population.

The constitution of the courts, the forms of legal procedure, and the penalties against crime were, in their main features, down to the era of emancipation, those of the colonial days of the State; and the progress in criminal jurisprudence made by other States had hardly left its impress upon our statutes or our courts. In all the statutory laws of many years is seen and felt the presence of slavery. No care was had for the prevention of crime but such as grew out of the deterrent power of severe punishments. While the law visited condign punishment on all convicted offenders, there was no wise or kind forethought in its provisions by which to prevent or reclaim any class of citizens from becoming or continuing criminals. Every person convicted of a felony was looked upon as degraded beyond the regard or sympathy of society. He was subjected to the tortures of the whipping-post, the branding-iron, or, still worse, the loathsome companionship of the county prisons. It never came into mind that the lowly, the unfortunate, or the fallen still retained sensibilities which could be outraged, or that they were worth an effort of the State to reform and save them. Deep-rooted prejudice still holds the public mind to barbarous modes of punishment and counts offenders as outcasts, hopelessly lost to all the claims of humanity and religion. When in 1848 the question was submitted to the vote of the electors of the State, "penitentiary" or "*no penitentiary*," it was voted "No" with a perfect frenzy, not a single county, probably, voting in favor of such an institution. So until the revolution of 1861-65, the only place of confinement for the convicted and those awaiting trial was the county jail.

There is a jail in each of the ninety or more counties of the State. Among all these prisons there is not one that would be a proper place in which to confine a human being under any circumstances. In their structure no regard is had for proper ventilation. Many of them have no means of being warmed even in the coldest season. Very often there is found in them a most offensive uncleanness. In these loathsome places all whose misfortune or crime makes them liable to imprisonment are huddled together, young and old, the guilty and the innocent, the hardened criminal and the youth arrested for his first offense. Here they are kept without work, without instruction, without occupation of any kind, except to recite and listen to recitals of robbery and crime. Thus the jail becomes a school of crime, in which its inmates are prepared for a life of resistance to the laws of God and man.

The framers of the constitution adopted by the people of North Carolina in 1868 made provision for the future of this State as regards reformatory and penal institutions. Had the intentions of that body been realized, the State would now have a secure and comfortable state

prison. The site selected is on a fine and healthy elevation, west of the city of Raleigh, on the line of the North Carolina Railroad, with a side-track running into the prison yard. At present only the foundation of the prison has been completed, its further progress being hindered by partisan legislation. The convicts are confined in temporary wooden huts, and are mainly employed in grading the grounds, in quarrying stone, and in building the exterior wall surrounding the prison yard.

The number confined in the penitentiary during the year ending November 1, 1872, was 493. Of these, 102 were whites and 391 colored; 352 could neither read nor write; 335 were natives of the State; 4 only were foreigners; and 112 were under twenty years of age. Nearly three-fourths of the convictions were for larceny, and almost all for crimes against property.

Of the 493 convicts, 33 died during the year, one in every 15, or nearly 7 per cent. This is a fearful mortality. The cell-huts are overcrowded; they cannot be ventilated; and they cannot be heated in the coldest weather. There may be other causes, but no State can be justified in such waste of human life by refusing to provide well ventilated and comfortable cells with wholesome food and plenty of it.

The penitentiary is managed by a board of five directors, appointed by the legislature, who name the warden, steward, and other officers.

The rules, originally adopted by those whose duty it was made to organize it, forbid all harsh and degrading treatment. The treatment was intended to be such as to win to a better life by kindness. Respect was had to the manhood of the prisoner, who was to be treated as one who might create for himself an honorable future. How far the philanthropic spirit of these regulations is carried out at present, the writer has no means of knowing.

In the existing condition of the prison building it is not possible to classify the convicts. No effort is made to keep them separate for any moral or reformatory end. Youthful transgressors, unused to the dark ways of crime, are put into a hut-cell with hardened villains who have reached the utmost bound of human wickedness. The boy of eighteen who took a piece of bread to satisfy hunger, or in a momentary passion committed an assault upon a fellow, is placed under the immediate training of those who are guilty of murder and robbery, finished adepts in crime. So, too, the prisoner who is repentant and tries to amend his life, who is industrious, obedient, and docile, is put in daily contact with the obstinate and ungovernable, who plot escapes and plan schemes of mischief. While the State provides no instructors in letters or morality, it nevertheless has teaching done, and sustains a school for crime, in which graduated villains teach the uninitiated all its secrets.

No provision, as just intimated, is made for scholastic or religious instruction. The great mass of ignorance has not a ray of light to pierce and enlighten its darkness during all the years of incarceration. From the statement previously made in regard to the illiteracy of the convicts, it clearly appears how much ignorance has had to do with sending them to state prison, and how much it is both the duty and interest of the State, while these neglected creatures are its wards, to educate them at least so as to fit them for common business life. A neat and comfortable chapel has been erected, but there is no chaplain, no Bible-class, no Sunday-school. An occasional sermon is preached to the prisoners, as some clergyman may be had to do it; that is all.

It is a sad lot, indeed, for youths, and those new to crime, that they should not be brought under the teachings of the Christian religion. It is matter of astonishment that, while the State fails in this

work, it is not taken up by the private effort of the Christian people and churches of the city of Raleigh. Here is work for a "Young Men's Christian Association" that will, in some measure, make amends for the neglect of a Christian State.

No abbreviation of sentence is allowed under the laws of the State. Good behavior or proof of reformation goes for nothing. There is no difference between being an obedient, docile, and industrious convict and an obdurate and obstinate one; both go forth free when their whole term of sentence is completed, and not till then. Even in a penitentiary there should be some recognition of right-doing, and such convicts as demean themselves well should redeem time from the term of their sentence. A measure of this kind is no novelty. It has become an element in prison discipline of many of our States and not a few foreign countries, and everywhere its good results have made themselves abundantly manifest. No provision is made either by the State or by private charity to aid and encourage, on their discharge, such prisoners as show some disposition to change their course and lead an honest life.

It was the purpose of the legislature which made the original appointment of directors, to relieve the penitentiary of all partisan character in its management, but events overruled their purpose, and now, as in most institutions belonging to the State, not only the directors but all the subordinate officials are appointed in view of their partisan relations. It is to be hoped that time will teach a better way.

There are no reformatory or preventive institutions in the State. The constitution makes provision for their creation, but so far it has remained a dead-letter.

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## 19. OREGON.

No formal report was received from this State, but in a private letter received by the secretary of the National Prison Association from the Rev. Dr. Atkinson, he states that, as regards prison reform, things are moving on hopefully there. He says that new and greatly improved prison constructions for the State penitentiary are in progress, with ample grounds; that the system of scholastic, moral, and religious education has been much enlarged and placed on a better footing; that the prison dietary is excellent; that whipping has been abolished, and more humane and rational disciplinary treatment has been substituted, not only without loss, but rather gain, to the good order and obedience of the prisoners; that a kindly and hopeful feeling as regards the reformation of the prisoners begins to be entertained quite extensively by the people of the State; that, upon the whole, the state prison of Oregon may be said to be in a good condition, and to be doing well; that the chief city of the State last year completed a fine police court-room and prison, in which the rooms are well lighted and ventilated, and every way comfortable; that the county jail in the same place is in the basement of the court-house, and consequently rather damp, but that effort is making to improve the ventilation, and make it at once safe for health and more comfortable for its inmates; that a law has been enacted to establish a reform school for boys and girls, and trustees appointed to carry it into effect; and that the abundant efforts of late put forth in this and other countries, through congresses, public meetings, the pulpit, and the press, in the great work of prison reform.

have borne their legitimate fruit in Oregon, in awakening in the good people of that State, thought, interest, and exertion.

## 20. RHODE ISLAND.

*By Rev. Augustus Woodbury, chairman of inspectors of Rhode Island state prison.*

The State of Rhode Island is divided into five counties, and in 1870 had a population of 217,353.

The penal and reformatory institutions of the State consist of the town bridewells, the city station houses, the county jails, the state prison, the Providence reform school, and the state farm. The bridewells and station houses are under the care of their respective municipal governments. The county jails, with the exception of the jail for Providence county, are in the charge of the sheriffs of the counties, who are elected annually by the general assembly. The state prison and the Providence county jail, together with the house of correction, all within the same inclosure and beneath one roof, are administered by a board of seven inspectors appointed annually by the governor. The Providence reform school is under the direction of a board of trustees, six in number, elected annually by the city council, to whom is added the mayor *ex-officio*. The management of the state farm is placed in the hands of the board of State charities and corrections, consisting of six members, appointed by the governor, with a term of service for six years, one of the board retiring every year. The board elect a secretary, who thus becomes a member *ex-officio*. In addition to the several boards of management there is a visiting board of ladies, whose duty it is to visit and inspect all places where females are imprisoned. All these boards make annual reports to the general assembly, with the exception of the trustees of the Providence reform school, who report to the city council.

### *The county jails.*

The county jails outside of Providence are inspected by the justices of the supreme court at the commencement of each term. The jails are reported to be at present in good condition and secure. The number of commitments, except in Providence, is very small. During the past year there have been only 192 persons committed. On the 31st of December, 1872, there were in jail 9 prisoners in the whole State. In Providence county there have been 1,749 commitments during the year, 169 of whom were women; and on the 31st of December there were 113 prisoners, 104 males and 9 females, in jail; average number, 99<sup>43</sup>/<sub>366</sub>. By the statute all prisoners punishable by fine of not less than \$5, or a term of imprisonment of not less than thirty days, are to be sentenced to the Providence county jail.

### *The state prison.*

In the year 1797 the general assembly ordered the erection of a state prison, in connection with a new jail for the county of Providence, but in the following year the order was rescinded, and it was not until 1835 that measures were adopted looking to the project of building a prison for the State's convicts. The general assembly, in January of



that year, referred the matter to the freemen of the State, to be decided by a popular vote. In April the vote was taken, resulting in 4,433 votes in favor of building the prison, and 502 against it. The general assembly, upon ascertaining the will of the people, and after examining the merits of the Pennsylvania and Auburn systems, gave the preference to the former, and directed that a prison should be built accordingly. The building was completed in 1838, and in November of that year was opened, with three convicts as the total number of its inmates. Before the end of the month two more were added. At the expiration of the first year of the prison, September 30, 1839, the number had increased to ten. On the 30th of September, 1840, there were sixteen convicts in prison, fifteen males and one female. At this time the population of the State was 108,830.

Four years' trial of the Pennsylvania system convinced the inspectors and the immediate officers of the prison that the mode of separate confinement with labor was harmful in its effects. Workshops were erected in 1843. At a later period the necessity of a new and better constructed prison became evident, and in 1852 a new building, containing eighty-eight cells, was erected, at a cost of \$17,632 37. This was constructed as an addition or wing to the former prison, which was thenceforward used as a jail for the county. The constantly increasing number of jail prisoners compelled a larger provision for their accommodation, and in 1855-56 another wing was added to the prison, containing seventy-two cells and two hospitals; a new wall was built and a new workshop erected, at a cost of \$47,143 37. One-half of this wing was used for the imprisonment of female convicts. Ten years later the county jail was relieved of most of its female inmates, and at present a single corridor of cells, entirely separated by heavy flooring and partitions from the remainder of the building, suffices for the restraint of female prisoners. On the 31st of December, 1872, there were in the state prison two and in the jail nine females. In the state prison there were at the same date seventy-one convicts; in the jail one hundred and thirteen prisoners. For the internal administration of the prison and jail there are required a warden, deputy warden, and eight assistant male officers, and a matron, chaplain, and physician. The warden, chaplain, and physician are appointed by the inspectors. The other officers are appointed by the warden, subject to the approval of the inspectors. In the internal administration of the prison a system of classification has been adopted by which the prisoners have been divided into five grades: 1. Excellent; 2. good; 3. tolerably good; 4. unsatisfactory; 5. bad. In 1872 the following results appeared: First grade, 33; second, 10; third, 10; fourth, 34; fifth, 4. The schedule is prepared monthly and submitted to the inspectors at every monthly meeting of the board. The inspectors, to whom the entire control of the state prison is committed, have full power and authority, according to the statute, to enlarge the confinement of the convicts and regulate their labor and exercise within the limits of the prison yard or of any of the prison buildings. They hold monthly meetings, audit all the accounts of the warden, make contracts for the labor of the prisoners, by one of their number visit the prison at least twice every month for purposes of inspection or for hearing the complaints of the prisoners, and have, in general, the complete oversight of the institution. The prison is divided into six departments, of general management, of labor and finance, of religious and other instruction, of sanitary condition, of repairs and of supplies. The first department is under the charge of two inspectors, one of whom is the chairman of the board; the other departments are under the charge

each of one inspector. The service of the board is rendered without any remuneration of any kind, except exemption from jury and military service. The prison at the present time is self-supporting. For the year 1872 the profits of both prison and jail amounted to \$4,518.90; in 1871 the income above expenses was \$3,018.46. The labor of the prisoners, shoe-making, is performed under contract, at the rate of 70 cents per day for state prisoners, 35 cents for jail prisoners, 17½ cents for prisoners who work less than thirty days. The whole number of convicts committed to the state prison since its opening, in 1838, is 692. The expense of maintenance *per capita*, for 1872, was \$110.75.

### *The Providence Reform School.*

In May, 1847, the Providence Association of Mechanics and Manufacturers memorialized the city council of Providence for the establishment of a house of reformation. In 1850 an act was passed by the general assembly authorizing the city to establish a "school for the confinement, instruction, and reformation of juvenile offenders and of young persons of idle, vicious, or vagrant habits," the government of which was to be vested, as already stated, in a board of seven trustees. The trustees are empowered to receive into the school thus established all such children, under the age of eighteen years, who shall be convicted, before any court sitting within the city limits, as vagrants or disorderly persons, or of criminal offenses, or of offenses against the city ordinances, and such children as shall be convicted of criminal offenses before any court in the State, or of the United States sitting within the state limits. They may also admit any child above the age of five years, at the request of parents or guardian. Children thus sentenced or admitted shall be held under restraint for a term not longer than during their minority or less than two years, the trustees having the power of discharging such children as are considered reformed, before the expiration of their sentence, or of binding out the children as apprentices, or, in cases of incorrigibility, of remanding them to the county jail, house of correction, or state prison. They are, while inmates of the school, to be taught in virtue and morality, and in such branches of useful knowledge as shall be suited to their age and capacity. They are also to be instructed in regular courses of labor. The expense of maintaining the school is divided between the State and the city, the former paying the actual cost of supporting the children who have been sentenced by the courts, the latter paying for buildings, grounds, salaries, instructors, and the like. The cost of maintaining, deducting the earnings of the children, is estimated at the rate of \$110.87 for each inmate; without such deduction, \$218.60.

A large hotel in the south part of the city, overlooking a very beautiful prospect of Narragansett Bay and the adjacent shores, known to the traveling public of former days as the Tockwotton House, was purchased by the city of Providence, and the school was formally opened November 1, 1850. In January, 1854, the Hon. W. R. Staples, an eminent jurist of Rhode Island, delivered a charge to the grand jury, at the opening of his court, in which he speaks thus of the school: "It was opposed in the beginning by some of the citizens of Providence as not being within the range of objects properly belonging to a municipal corporation. On the trustees and other officers it imposed duties and responsibilities, every part of which to them was new and untried. They had gleaned some information from other similar institutions, but that knowledge was, of course, only theoretical. The buildings where

it is established were erected for very different objects, and of course are not so convenient or well adapted for its present use as one built expressly for such a school would be. Many are the disadvantages under which it has had to labor. Still, it has been more successful in its results than its friends anticipated, and promises to give effectual aid in diminishing the number of prisoners in our county jail and state prison." \* \* \* \* Its inmates, he goes on to say, within its walls "are secluded from all the associations which tend further to corrupt them. There, habits of industry, sobriety, and sober reflection are substituted for idleness, profanity, intemperance, and folly. There, all the deficiencies of their early moral culture may be supplied, and they have the benefit of good example, wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, and useful members of society." Since the time at which this charge was delivered the school has been improved by the addition of new buildings, the extension of its grounds, and an enlargement of its means of instruction.

Within the last three years an addition has been made to the north wing of the main building—for the accommodation of the boys belonging to the school—furnishing accommodations for thirty-six dormitories, each 4 feet 6 inches by 8 feet, neatly furnished and amply ventilated; a large finely lighted school-room, 35 feet by 47 feet, and 12 feet high, furnished with desks for one hundred pupils, supplied with blackboards and all the necessary appliances for thorough instruction, and connecting with a large room—19 feet by 12 feet—for the library and class recitations; and a fine bath-room, with a tank 12 feet by 17 feet, and 3½ feet deep, with closets for clothes, &c. The building is of three stories—37 feet 6 inches by 62 feet 6 inches—with a slated French roof and a dry, large basement, under two-thirds, the other third forming a covered arcade for the protection of the boys from the weather while engaged in recreation in the yard. It is hoped that, before long, a similar building will be erected for the girls. It is very greatly needed, and has been earnestly recommended.

The number of inmates from the opening of the school to November 30, 1872, is 1,616 boys and 433 girls. The average number of months in the institution of those discharged has been, for all committed, 16.9 for boys, 22.2 for girls. Inmates have been received from every town and city in the State, except New Shoreham, and from one or two places beyond the territorial limits of Rhode Island. Instruction is given in reading, writing, geography, arithmetic, sewing, and other domestic labors. Gardening and fruit-culture have also received considerable attention, and the labor performed in the workshop amounts to a sum not far from \$20,000 annually. For the year 1872, the amount received from labor, \$21,977.46. The number of inmates committed during the year ending November 30, 1872, has been 103 boys and 10 girls; number discharged, 107 boys and 24 girls. The number in the school November 30, 1872, was 156 boys and 37 girls. The superintendent estimates that the system pursued is beneficial to the extent of reforming and saving to society about 75 per cent. of the boys and 50 per cent. of the girls. The institution is under the charge of a superintendent, an assistant superintendent, a matron, an assistant matron and nurse, physician, steward, two male and two female teachers, four male and five female overseers. Religious services are held every Sunday afternoon, conducted by members of the board of trustees, or by gentlemen invited by them for the purpose. A Sunday-school is held every Sunday in the forenoon, 9½ to 11. The trustees hold quarterly meetings in

March, June, September, and December. A committee of the trustees meet twice each month for visitation and other necessary business. They perform their duties gratuitously. They declare, in their last printed report, that "the general condition of the institution is entirely satisfactory to the trustees, and its prospects of usefulness in the future highly encouraging." The system of management, discipline, &c., is the "congregate." The lady visitors are of the opinion that, for the girls at least, the family-system would be preferable.

#### *The state farm.*

At the January session of the general assembly in the year 1867, a committee was appointed to "inquire into the expediency of erecting a state asylum for the insane." At the January session in the year 1868, the committee reported favorably upon the subject, and a new committee was appointed for the purpose of selecting a suitable place for such an institution—it being understood that a tract of land containing not less than 200 acres should be purchased. In the view of this committee, a necessity existed for a new house of correction, as well as an asylum for the insane. In 1869, at the January session, a third committee was appointed, with power to buy a suitable farm for the two institutions and "for such other purposes as the general assembly may direct." The committee was also instructed to report a "plan for the organization and establishment of a house of correction and state pauper system." A tract of land, containing 398 acres, finely situated, in the town of Cranston, was purchased for the sum of \$27,500, and soon after the 1st of June, 1869, came into possession of the State. On the 28th of May of the same year, an act was passed establishing a board of state charities and corrections. This board consists of six persons appointed for six years, two from the county of Providence, and one from each of the other counties in the State, with power to choose a secretary, who, by virtue of his office, becomes an associate member. The board was also directed to appoint a superintendent of state charities and corrections, to whom was to be committed the duty of overseeing the general business of the board, of examining paupers and lunatics, and of removing them to their proper "places of settlement." The act contemplated the erection of a state workhouse, a house of correction, a state asylum for the incurable insane, and a state almshouse. The inmates of the state workhouse were to consist of persons who had abandoned, neglected, or refused to aid in the support of their families; idle persons, of doubtful reputation, and having no visible means of support; sturdy beggars, vagrants, prostitutes, common drunkards, night-walkers, lewd and lascivious persons, frequenters of places of ill-repute, cheats and disorderly persons—and these were to be sentenced for a term not less than six months nor more than three years. The board can require any steamship or railroad company to make returns of the names, sex, ages, and nativity of any class of passengers brought into Rhode Island, and the company is liable for the support of any pauper thus introduced into the State for the period of twelve months, or for his return to the place whence he was brought. The cities and towns in the State may send to the state almshouse all paupers not having a legal settlement within their respective limits. Any lunatic having no legal settlement in the State, but supported by any town or city, if incurably insane, may be sent to the state asylum, to be supported at the expense of the State. The incurably insane who have a legal settlement are to be sent to the asylum, to be supported by the town or city to which they respectively

belong. Any inmate of the reform school who may be considered incorrigible, or unfit to remain in said school, may be transferred to the state work-house. The board of state charities and corrections have the power of discharging any of the inmates of the institutions upon the farm, and of binding them out for service with suitable and trustworthy persons.

The board, immediately upon taking possession of the farm—increased by subsequent purchase to 417.7 acres—began the erection of buildings suitable for the reception of the expected inmates. Two workhouses and two buildings for the insane were erected during the year 1869; an additional building, for the accommodation of the violent insane, and a chapel were erected in 1870. In 1871 measures were adopted for building a strong workhouse, which could also be used for a house of correction, which, it is expected, will soon be completed and occupied. It is constructed of stone, and will provide for the accommodation of “two hundred male and one hundred female inmates, properly graded, with complete separation of the sexes.” Religious services have been held from time to time, conducted by different gentlemen and ladies, and a Sunday-school was in successful operation during the years 1870 and 1871. A fire at the farm in April, 1872, destroyed the chapel and interrupted both the school and Sunday services.

The amount expended for all purposes at the farm from June 1, 1869, to January 1, 1873, has been \$371,444.15. The property is valued at \$212,227.07. It is believed that the amount has really been more than saved to the State by the removal of paupers not belonging to the State to their proper places of settlement and abode. The whole number of inmates received at the state workhouse from the beginning to January 1, 1873, is 1,271, of whom 359 were females and 912 were males; of these 695 were of foreign parentage. The whole number of insane persons received at the farm is 239; the number remaining January 1, 1873, was 153—70 males, 83 females. The board of state charities is organized with a chairman and secretary and five standing committees: 1, on the farm; 2, on supplies; 3, on buildings and repairs; 4, on labor and discipline; 5, on finance and audit of accounts. The executive officers are a superintendent of state charities and corrections, a superintendent of the state farm, a deputy superintendent of the workhouse, a deputy superintendent of the insane asylum, and a physician. Under-officers, matrons, &c., are appointed according to the needs of the institution. The board serve gratuitously, except that their necessary expenses for traveling and attendance upon their meetings are paid by the State.

The objects proposed by the establishment of the state farm were, 1. The removal of paupers, not domiciled in the State, to the places where they really belonged. 2. An improvement in the care of paupers and the insane poor, which was greatly needed in Rhode Island. 3. The reformation of vagrants, drunkards, abandoned women, and the like. The first two of these objects have been fully attained. In the years 1870 and 1871, 465, in 1872, 125 paupers were removed from the State. The insane department is regarded with peculiar satisfaction. “The unfortunate persons in that department,” says the secretary of the board, “are made comfortable and as happy as is possible for them to be. It is certain that the condition of those brought from town poor-houses is greatly improved, and even those brought from our best hospitals profess to be pleased with the change.” In regard to the third object proposed, results have not been so satisfactory as was anticipated. It was hoped that absence from temptation, the benefit of pure air and simple food, regular habits, out-of-door work, surrounded by scenes of natural

beauty, and wise and careful instruction and oversight, would materially aid in reclaiming those unfortunate persons who are overcome by appetite and lust. Sentences were made, in a measure, indeterminate, the board having power to discharge those who are considered as having been benefited by their restraint. It is estimated that but very few persons have thus far been reclaimed from dissipation and vice. The board believe that a larger number than ever before has been benefited during the last year. The secretary, in his report for 1871, regards the moral and reformatory agencies as a failure. He attributes the poor results in this direction to three causes: 1. "The depravity of the human heart when educated in a course of dissipation." 2. "The situation and circumstances of the workhouse itself, the crowded halls and dormitories rendering all privacy impossible." The building used as a workhouse is evidently unfit for the purposes of its erection. 3. The shortness of the time of sentence. Half a year, which is frequently the term of sentence, is too brief for weaning these men and women from the habits of nearly a lifetime. He suggests as remedies, 1. Longer sentences. 2. A complete change in the internal arrangement of the workhouse, which he hopes will be effected in the new building. 3. Greater efforts to awaken the minds of the inmates, and to give them proper instruction in evening and other schools, and by familiar lectures and addresses and religious exercises on Sundays. The board, however, feel assured that better and more encouraging results have appeared within the past year, and they look forward hopefully to the future. Still it must be borne in mind that our state farm is of very recent establishment, and is yet to be regarded somewhat in the light of an experiment. The buildings were hastily erected, and were at once crowded with occupants. An imperfect system of organization prevailed, and affairs became somewhat chaotic. Such is always the case with a new enterprise which is hurriedly undertaken, for the supply of an immediate and pressing need. As more suitable buildings shall be erected and a more thorough system of government come into operation, there can be no doubt of beneficial results. A judicious and persevering effort to treat the whole subject of reformatory and punitive discipline with practical sagacity, with scientific method, and a humane spirit, cannot fail of success.

#### *Board of female visitors.*

The board of female visitors to institutions where women are imprisoned was constituted in the year 1870. It consists of seven ladies, appointed annually by the governor. These ladies visit the different penal and reformatory institutions in the State, and are organized with a president, secretary, and three committees: 1. To visit the state prison. 2. To visit the Providence reform school. 3. To visit the state farm. Their duty is to visit and inspect these places, converse with the women and girls there under restraint, and offer such suggestions as they think are necessary in the cases which come to their knowledge. It is believed that their work has been efficient and valuable, and it is hoped that ere long separate prisons and reformatories for women will be established, to be wholly under the control of persons of their own sex.

#### *Commutation.*

In order to complete the view here given of our treatment of the criminal class under sentence, I would say, in addition, that a system

of commutation prevails in the state prison, allowing to convicts for good behavior one day in each month for every year of sentence below five years; and that it is in contemplation to allow convicts a certain portion of their earnings. Capital punishment was abolished in Rhode Island in January, 1852, and imprisonment for life substituted for the penalty of what had been known as capital crimes. In December, 1872, death by hanging was declared to be the penalty for murder committed while in prison by a person under life-sentence.

#### *Discharged prisoners.*

A society for the aid of discharged prisoners was organized in Providence, in March, 1872. Its officers are a president, vice-president, secretary, and treasurer, and an executive committee, composed of one person from each of the boards which have been mentioned. The society, having had but a brief existence and a small membership as yet, has not been able to accomplish much more than a preparatory work. But few applications have been made for aid, as the state prison authorities have an arrangement with the contractors at the prison to furnish employment in their outside shops to such discharged convicts as have proved themselves good workmen, and have earned a certificate of good behavior. As the means of this society increase, it is expected that more complete study of the subject of prison discipline will be entered upon, with a view to ascertain the best methods for working out the desirable result of the reformation of the criminal. The society has the sympathy of the best members of our community, and a future of prosperity and usefulness is confidently anticipated.

#### *Main features of Rhode Island prison system.*

The main features of the Rhode Island system of prison discipline are: 1. The authority given to the several boards of trustees and inspectors to direct and control the management of the several institutions without interference from any quarter, to appoint the officers, to manage the finances, to arrange for the labor and instruction of the inmates, and, in some instances, to discharge the prisoners. 2. The entirely gratuitous services of such boards of direction. 3. The freedom from political bias in making the appointments. 4. The existence of a board of female visitors. 5. The abolition of the death penalty, except in cases of murder committed in prison by a prisoner under life-sentence. 6. A system of commutation. 7. A partial system of classification of prisoners.

## 21. SOUTH CAROLINA.

*By General J. C. Stolbrand, superintendent of the state penitentiary.*

Liberally as the people of the State have heretofore contributed to build up and maintain charitable institutions for lunatics, orphans, deaf-mutes, and other classes of unfortunates, there were in the State, previous to the termination of the late war, no penal or reformatory institutions of any kind.

The district county jails were then, even more than now, of the roughest and most primitive kind.

This state of things was probably owing to the severity of the then criminal laws, (now much modified and milder,) under which were inflicted capital punishment upon such criminals as now, in almost every State of the Union, receive sentences of from two to ten years imprisonment with hard labor.

In 1866 Governor James L. Orr, with admirable tact and foresight, succeeded in securing from an unwilling legislature a small sum of money for the purpose of constructing, temporarily, a place of safety for such offenders as might prove, under the new order of things (emancipation having become of effect) too dangerous to the community, and upon whom the death penalty, according to then existing statute, seemed too severe.

From this action on the part of Governor Orr originated what is now known as the South Carolina penitentiary.

In 1868, after the reconstructed government of the State had come into operation, under the new constitution, it was decreed by the legislature that the penitentiary at Columbia should be the general penitentiary and prison of the State, for the reformation as well as the punishment of all offenders. Ground was broken for the institution, November 17, 1866, but no convicts were received until April 18, 1867. Since then the institution, for want of means, has advanced but slowly in the way of erecting and completing the necessary buildings.

Since the last-named date no hired labor (except foremen in the different branches) has been employed. The quarrying and cutting of the granite for the buildings, the weaving of the cloth and making it up into garments, the cooking, washing, shoemaking, &c., have all been done by the convicts.

The plan of the prison provides for the erection of five hundred cells, divided into two wings, which are to be united by a central building for the administration. There are now three hundred and forty cells mostly ready for occupancy under a temporary roof, which serves for shelter until the inclosing wall shall have been completed and permanently roofed.

A school has been organized, under a competent teacher, which promises good results. Religious service is regularly maintained on the Sabbath, and a Sunday-school has been in operation for about two years.

The first official report of the institution was dated January 1, 1868, and states that the inmates then numbered 187; in 1869 the number was 222; in 1870, 317; in 1871, 309; and in 1872, 300. The number of whites has not varied materially from 10 per cent. of the whole number. Considering that this is the only penal institution in a State of 720,000 inhabitants, it is believed that the number of criminals compares not unfavorably with other States.

Theft is the besetting sin in this commonwealth. More than five-sevenths of our criminals have become such under that designation. About one-seventh have committed offenses against the person by violence, while the remaining seventh comprises offenders of all grades and descriptions.

It is to be hoped that a proposition now before our legislature to establish a reform school for boys may result in the consummation of so needful and desirable an end.

Any one giving even a casual glance at our social condition and development will be struck with the illiteracy and ignorance of a great majority of the people. That this is owing to our former system of slavery is not doubted. The only remedy lies in the gradual extension



of the common school, whose widening and beneficent influence is, even at this early period, felt in every part of the State.

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## 22. TENNESSEE.

*By W. M. Wright, M. D., superintendent of prisons.*

In the absence of my annual report, made last week to the legislature, but not yet published, I beg leave to submit the following brief statement of facts with regard to the state prison of Tennessee: There are now in the penitentiary at Nashville, and its branches throughout the State, 744 convicts. Of this number about 400 are colored; 35 are females, only one of whom is white. In December, 1871, the legislature leased the state-prison, including its branches, to a private company, at \$33,000 a year for five years, the lessees paying all expenses. By a stipulation in the contract the State retained entire control of the treatment of the convicts. For four years preceding the lease, the prisons cost the State \$114,000 annually. The legislature, to get rid of this heavy burden, and at the same time do exact justice to the criminals, according to the enlightened philanthropy of the age, entered into the above-mentioned contract, with the necessary restraining provisions to guard the moral interests of the convicts. The legislature believed, and their wisdom has been justified, that they could lease out the prisons and at the same time introduce and carry into effective operation all the reformatory measures consistent with the good government of penal institutions and the well-being of society. The measures adopted for the reformation of criminals are the commutation or good-time law, the regular employment of chaplains, who have service every Sunday morning and Sabbath-school in the evening, the distribution of good books, periodicals, &c. I can see very little difference in the means used in Tennessee for the reformation of criminals and those employed in other States whose reports have been read to this body. I only consented to make these few remarks that the congress might know that Tennessee is not an idle or indifferent spectator of the grand reformatory revolution in the management of criminals, which is engaging the best minds of our country and enlisting the active sympathy and intelligent study of every civilized country throughout the world. The plan adopted in Tennessee works well and is satisfactory.

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## 23. TEXAS.

*By Rev. Benjamin A. Rogers, commissioner to the International Penitentiary Congress of London, and president of the prison reform association of Texas.*

The State of Texas has an area of 338,000 square miles, with 136 organized counties, and a population of nearly 900,000 souls; of which a fraction over two-fifths are colored. In territorial extent it is the largest State in the American Union, having also the greatest diversity of climate, soil, and productions. With its vast sea-coast, its navigable rivers, its rapidly extending railroads, and its swelling tide of immigration, it may perhaps be allowed to count itself among the most prosperous of States; and it is utterly without excuse if it fails to enter, with vigorous step, into every reform that tends to the safety, progress, and

happiness of a people. But notwithstanding the flood of light that the last fifty years have thrown upon the subject under consideration in this report, Texas is to day wholly without public reformatory institutions (usually so denominated) of any kind. Its barrenness in this regard is not without, at least, one advantage: its field of operations is an open one; where nothing exists, there are no errors to be corrected, no strong prejudices to overcome; and much may be hoped from time and effort.

The State has but one penitentiary, or state prison, which is located at Huntsville. Nearly every county has its jail. As to the number, sex, and ages of prisoners, whether in the penitentiary or jails, I cannot speak with any degree of accuracy, as I have been unable to obtain answers to my questions addressed to the penitentiary contractors, though strongly seconded in my efforts by the governor of the State. I suppose the penitentiary convicts number from 600 to 800 persons, and the inmates of the jails as many more.

There is no central authority charged with the administration of the prison system of the State. Each county has charge of its own jail affairs. The consequence is, that the jails are mere filthy pens, or horrible dungeons, where, in many instances, all sorts of criminals, all ages, and both sexes, are herded together, like cattle; often with little air, little light, and no cleanliness. The county courts are responsible.

The penitentiary being in the hands of contractors, the administration of its discipline is very largely in their hands also. The discipline is simply deterrent; or at least it is so intended. The agencies adopted are labor, the dungeon, and the stocks—the last too liberally used.

There is no provision of law for instruction of the convicts, except in labor; and what is not provided for by law is not likely to be furnished by contractors, whose business it is to make all that can be made out of the convicts' labor, regardless of higher ends.

In the penitentiary itself, various kinds of manufacturing are carried on. But much convict work is performed outside, as the contractors are allowed to put the convicts upon the railroads of the State, where they work under an armed guard. This, while it sometimes ameliorates the immediate condition of the prisoner, is really a pernicious system. It encourages attempts to escape—sometimes resulting in success, and thus cheating society of its security; sometimes issuing in capture and punishment, thus subjecting prisoners to unnecessary suffering; and sometimes leading to the shooting down of the convict, a waste of life without necessity, and so without right.

Larceny, burglary, and injuries to the person, particularly the first, are the most common forms of crime; ignorance, intemperance, idleness, poverty, and want of early training, are the predominant causes.

Two years ago Governor Davis, in his annual message to the legislature, urged a thorough reform of the prison system of the State, but no legislative action was obtained. Within a few weeks past great public interest has been aroused by a thorough exposure, in a public lecture, delivered at the State capital, of the enormities of the existing systems, both jail and penitentiary, from which has resulted the formation of a "prison reform association of the State of Texas," one of the avowed and leading purposes of which is "promoting such legislation as shall reform the present prison system and discipline of the State."

The membership of this association embraces some of the best and most influential men of all parties in the State, among whom are its highest officials, the governor, the secretary of state, the State treasurer, the attorney-general, the comptroller, and the judges of the supreme court;

also, some of the most influential members of the bar from different parts of the State. The newspapers of the State, without regard to party, are also earnest in the advocacy of reform, and much of hope lies in the future of this association.

This association has already prepared and proposed to the legislature the passage of three separate bills. One of these bills provides for a complete re-organization of the county jail system of the State; another provides for the erection of a new penitentiary, to be conducted substantially on the Crofton system; and the third proposes for each county in the State a "county farm," with poor-house, house of correction, and reform school. All the above bills were referred to committees. Favorable action is hoped upon some of them at once, and upon all in time. The urgent need of reform in all these points may be inferred from the statements made in this report, and also from those contained in the following extracts from a communication made to the legislature by the writer of the report, and which is hereto appended as a part of his statement:

It is believed that no other civilized State upon the earth has so terrible a jail system as ours. The hundred jails in this State are to-day a hundred dens of suffering, crime, and infamy: a hundred schools of poverty, vice, and shame; a hundred plaguespots upon the body politic, and a hundred sources of disgrace to morality, to religion, to the State. And it were well if this were all. But, with nearly a thousand penitentiary convicts, we have to-day accommodations for only two hundred and eighty-eight; and, again, with thousands of suffering paupers there is not a poor-house in the State. Again, with thousands of children, orphans, and outcasts falling into crime, we have not one single house of correction or reform.

Why is this? It is a well-established law of political economy that humanity itself is of the greatest value to a State, and that a careful regard for it is a State's first duty.

What is being done for humanity here? Where does Texas look for her future prosperity? Is she willing to risk the experiment of letting poverty and suffering, the very parents of degradation, go on unnoticed and unchecked?

All these things are in your hands, gentlemen, and may not the good citizens of the State hope that, among the four hundred bills before you, the two or three looking to the suppression of suffering and crime may be deemed worthy of notice?

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## 24. VERMONT.

*By Rev. Franklin Butler, chaplain of the state prison.*

Vermont is an inland, agricultural State, containing an area of only 9,056 $\frac{1}{4}$  square miles, or 5,795,960 acres, and having a population of 330,551 in 1870. The Green Mountains extend through the entire length of the State, dividing it from north to south into two nearly equal portions. It has only two incorporated cities, and but few towns in which the number of inhabitants exceeds five thousand or even two thousand souls. It is eminently a rural commonwealth, in which there are no great centers of influence of a social, moral, or political nature.

Vermont has three colleges and an academical and common-school system, of which, although perfection is not claimed, her sons are never ashamed to make mention.

In Christian churches she abounds, and in her men and women trained up in her mountain homes, she, if any State, may glory. But, despite these advantages, here, as elsewhere, vice and crime exist; and the demand for earnest attention to the prevention and cure of the same is most imperative and urgent upon Christian patriots and philanthropists.

In attention to this latter point, Vermont has not much whereof to

boast; and, indeed, it may as well be plainly confessed that, herein, she is considerably in the rear of some of her younger sisters.

The penal and reformatory institutions of the State are: I. The state prison; II. The county jails; III. The State reform school. To these may be added, as institutions bearing directly upon the prevention of crime: IV. The home for destitute children, at Burlington V. Other preventive institutions.

#### I.—*The state prison.*

This is situated at Windsor, and is the first and only one ever built in Vermont. It was completed and occupied in 1809, eighteen years after the admission of the State to the Union. Previous to that time, such temporary expedients for the public safety and the punishment of offenders were adopted as were deemed practicable for the unsettled civil and political condition of the people. The building, 84 feet long by 36 feet wide, three stories high, was constructed of granite, the outside walls being 3 feet thick, and the partitions of apartments into which it was divided being 18 inches in thickness. The rooms were made for the occupation of several convicts at a time; and they were lighted, in the first and second stories, only by a small aperture in each for the admission of light and air. This building was considered large enough for 170 inmates. Adjoining it, a building 54 by 24 feet, and four stories high, of stone and brick, was erected for the use of the keepers and guards. Walls of hammered stone and brick, 20 feet high and 4 feet thick at the base, inclosing a yard 16 by 12 rods square, were also raised. Within the yard was a workshop, 100 by 24 feet, and three stories high.

In 1832 a new cell building was constructed, containing 136 cells, each designed for one prisoner. It has, however, been since re-arranged, and the cells so enlarged as to reduce the number to 104. This building is appropriated to the men, while the upper part of the old structure is used for the confinement of women.

From 1809 to 1872, 2,101 persons have been committed to this prison, averaging a little more than 33 per year, the commitments of 1809 being 24, and those of 1872 being 32, and the population of the State being respectively 217,895 and 330,551. The highest average term of sentences, less than life, during this period is six and two-third years, in 1809, and the lowest is two years, in 1867, while the general average is a little over three years. Nineteen have been sentenced for life. The pardons number 724, the greatest number having been in 1821, when it equaled the number of commitments, viz, 27. The least number was zero, for neither in 1809 nor in 1842 were any pardons granted. The escapes, in the sixty-three years, amount to 26, being less than one in two years. The death rate on the whole number has been a little more than one-third of one per cent.; on the average number about one and one third per cent.

The practice of industrial labor has always been regarded as of primary importance, as well to the interests of the inmates themselves as to those of the State. Various kinds of labor have been pursued, both on contract and under the management of the officers. At present the work is exclusively ladies' gaiters, on contract, at 70 cents per day, which yielded to the State, in 1872, an excess of income above expenditures, amounting to \$3,654.31, and there is a fair prospect that the excess will exceed that amount for some time to come.

The discipline is in the hands of the warden, who administers it with

mingled kindness, firmness, and justice. Solitary confinement in a darkened cell generally suffices for correction, although the block and chain are in rare cases found necessary. As an inducement to good behavior, a commutation law has been enacted by the legislature, by which an abatement from the sentence for good conduct may be made, by the governor, on recommendation of the superintendent. This law has had a most benign effect upon the inmates.

Secular instruction to the inmates is not required by law. More or less, however, according to the circumstances, is given in some form, by the chaplain or other officers. A library of nearly 500 volumes is provided, and an annual appropriation is made for its maintenance and increase. To this, all who can read have access.

Religious instruction is provided for in the chaplaincy, the duties of which are those usually appertaining to the office of the minister of the gospel in preaching the word, visiting the sick, instructing, counseling, encouraging, and helping, with the truths of religion, the erring and fallen, to self-respect and self-conquest. He holds regular religious services every Sabbath, and performs such other labors as the varying circumstances require. Music being regarded an important aid to reformation, its use in worship and its practice for that end are encouraged in all who have any aptitude for it.

No provision is made, either by the State or by organized private benevolence, for aiding convicts to employment and usefulness on their discharge. The superintendent, in accordance with established custom, provides a decent suit of clothes for them, and gives them a small sum of money to help them to leave the place, but nothing more is usually done in the name of the State. Individuals, in a quiet way, often help them to employment, or afford other aid.

## II.—*The county jails.*

There are fourteen counties in Vermont, with a jail in each. They generally consist of one or two large rooms and a few cells, designed for transient safe-keeping of persons arrested, and for the punishment of those convicted of minor offenses, and sentenced to a few days or a few months of imprisonment.

In some of the jails religious meetings on the Sabbath are regularly held by Young Men's Christian Associations or other organizations, but this is by no means the case in all.

Some effort has been made to induce the legislature to make careful inquest into the condition and administration of the jail system, or rather want of system; but, as yet, no practical results have appeared. They are still mere tarrying places for the guilty or the innocent, as the case may be, in which a brief confinement often proves, through association with hardened criminals, the introduction to life-long crime. Governors have called attention to the subject, editors have discussed it, and intelligent citizens have expressed their opinions; but no steps have yet been taken toward improvement.

## III.—*The State reform school.*

In 1865 an act was passed, establishing a State reform school. It was organized on the family system, but has been changed to the congregate. None are admitted who have passed the age of sixteen. Both sexes were at first received; but that plan was not found to work well,

and at present only boys are received. Originally the law allowed sentences ranging from six months to "during minority." Experience demonstrated the inexpediency of this provision, and now the latter is the only sentence; but the authorities have power to discharge conditionally whenever, in their judgment, it may be wise to do so. It is essentially a *preventive* institution, being designed rather for vicious and neglected children than for those actually criminal. Although, from the shortness of the time during which it has been in operation, large results have not yet appeared, enough has been accomplished to justify the outlay of labor and money expended, and to give promise of a rich harvest in the coming years.

#### IV.—*The home for destitute children.*

The home for destitute children, at Burlington, was founded in 1865, mainly through the efforts of Miss Lucia T. Wheeler, daughter of the late President Wheeler, of the Vermont University. During the first six months twelve children were received. It was opened in a private house; but as the number of applicants soon exceeded the means of accommodation the marine hospital building was purchased, in 1866, and devoted to the uses of the institution. A permanent fund of \$50,000 for the home is nearly completed. Originally the institution was designed chiefly for destitute children of Burlington, but it is now open to those of all parts of the State. It has been in successful operation for seven years, under the efficient management of an association of benevolent ladies. During this period, it has received 170 children; of whom 79 have been provided with homes in private families, chiefly in this State. Some of them have been legally adopted, and others bound out until eighteen years of age.

The working force of the "Home" is composed of a matron, a teacher, a seamstress, and a cook. The school is regarded as equal to any public school of like grade. During the year 1872, twenty-eight have been received; nineteen have been provided with homes; and several, having reached their majority, have been discharged. The present number in the home is thirty-five. The value of this institution, as a preventive of evil and an agent for good, can scarcely be computed, and its friends may well rejoice in the success of their noble work.

#### V.—*Other preventive institutions.*

There are one or two other institutions or schools in the State for the young, similar in nature and object to the home at Burlington, originated and sustained by Roman Catholics; but, having no definite information concerning them, I am unable to do more than state the mere fact of their existence.

#### *Conclusion.*

Such is an imperfect sketch of the penal and reformatory institutions in this State. The facts are submitted in the belief that if, in some things, Vermont falls in the rear of some States in the great enterprise of true prison reform, it is not by reason of the lack either of eyes to perceive her deficiencies, or of head to find the remedy, or of heart to press the application. Vermont may be in the rear, but she is not asleep.

## 25. WISCONSIN.

*By Samuel D. Hastings, secretary state board of charities and reform.*

The State of Wisconsin contains a population, according to the United States census of 1870, of 1,054,970, of which number 690,471 were native and 364,499 foreign-born.

The State is divided into fifty-eight counties, forty-nine of which have jails, in which persons awaiting trial charged with crime and those convicted of minor offenses are confined.

In most of the counties the jails are small and insecure, deficient in ventilation, with no facilities for bathing, with no arrangements for a proper classification of their inmates by which the young lad, confined for some petty misdemeanor—his first offense—can be separated from the old and hardened offender, and are so managed that the prisoners are compelled to pass their time with no employment other than to corrupt each other and to devise plans for future depredations upon society, and with nothing done with a view to the reformation or the intellectual or moral improvement of the prisoners. Within the past few years a few good buildings have been erected, free from some of the defects alluded to above. The buildings have been made comparatively secure; good ventilation has been attained; in one or two cases bathing facilities have been provided, and better arrangements for classification have been made; but, after all, glaring defects still remain.

The aggregate number confined in the forty-nine jails of the State during the year 1870 was 1,502; the aggregate number in 1871 was 1,456; and the number in the jails on the 1st day of August, 1872, 166. The time of confinement varies from a single day to a year or more.

Of the number in the jails on the 1st day of August, 1872, 60 were insane, confined there for the lack of a better and more appropriate place in which to put them. A second state hospital for the insane is now nearly completed, and, when opened, the insane will all be removed from the jails.

The most important reformatory institution in the State is the Industrial School for Boys. The following interesting account of this institution has been kindly prepared by Mr. A. D. Hendrickson, the superintendent:

This institution was opened at Waukesha in July, 1860. In his opening address Mr. Cogswell appropriately said: "Wisconsin inaugurates to-day the noblest of her institutions—penal, reformatory, educational, or charitable." This institution was first known as the house of refuge, but the legislature changed its name to reform school, and still later, in 1871, to Wisconsin industrial school for boys. Girls were originally admitted. Recently an act has been passed to exclude them.

The number of boys, from the commencement to January 1, 1873, covering a period of twelve and one-half years, is 832; total number of inmates of both sexes, 905.

The control of the institution is in the hands of a board of five managers, appointed by the governor for a term of three years. The board elects the superintendent and matron, who hold their office at its pleasure. The superintendent names all the assistants, subject to the approval of the board.

Boys are committed to the school between the ages of eight and sixteen years, as vagrants, or on conviction of any criminal offense, or for incorrigible or vicious conduct.

The managers have power to return any inmate to the care of his parents or guardian, or provide a home elsewhere, whenever in their judgment such disposition would be most for his future benefit; but unless he has reached his majority, his discharge is conditional, and, in case of misconduct, he is returned to the institution. Such returns will not average more than 5 to 7 per cent. This watchful supervision of the boys after leaving the school is of very great value. It is a kind of parental oversight, which operates as a constant restraint.

The average stay in the school is between two and three years. While a few are

discharged within three or four months, some remain six or seven years. The latter are generally those who have no homes outside, and, as a rule, they are the best fruits of our work.

The total current expenses of the school for 1872 were \$36,588.70. Of this sum the earnings of the boys amounted to \$6,351.06, two-thirds of which were the product of a farm of 233 acres, and one-third was the result of work in the shops.

This institution was first organized on the congregate system, and so continued until the main building was destroyed by fire, January 10, 1866. The institution was rebuilt on the family plan the same year. We have now a main building, containing school-room and residence of superintendent, and six family buildings. Each of these latter is designed to accommodate thirty-six boys, but want of room sometimes compels us to crowd forty or more into them. There are two stories above the basement. Each is provided with a boys' sitting-room, bath-room, and storage-room on basement floor; dining-room, library-room, and officers' sitting-room on first floor; and dormitory, dressing-room, and officers' lodging-room on second floor.

We have now been working under the family system for more than five years, and there is no wish to return to the congregate plan. Then the boys were locked in separate cells at night, confined within close yards by day, and strictly guarded at all times. Now each family lodges in a common dormitory, which is well lighted and well ventilated, with no more bolts and bars than are needed in common dwellings. Our grounds and surroundings are open, pleasant, and homelike.

From eight to nine hours of each day are devoted to active employment, about equally divided between labor and school. Our employments are farming, gardening, shoe-making, tailoring, broom-making, willow-ware making, cane-seating, knitting, and domestic work. A principal and four assistant teachers are employed in giving scholastic instruction to the boys. The common English branches are taught; also history, physiology, and occasionally other branches of natural science and mathematics. Religious instruction is regularly imparted, but without denominational bias. No regular chaplain is provided. Ministers of different denominations officiate. In the absence of such, the superintendent conducts the religious services. Besides public worship on the Sabbath, a Sunday-school is regularly maintained. All the inmates assemble daily in the chapel for public prayer. A library of 200 to 900 volumes, and a generous supply of magazines and papers, adapted to the ages and capacities of our boys, constitute the reading matter provided.

Vocal music is cultivated with very satisfactory results. For the past four years we have maintained a brass band, which has been a source of much gratification, and is found useful as well as ornamental.

The most serious difficulty which this reform work has to contend with is the lack of the whole-souled earnest men and women to take the position of house-fathers and mothers, to educate and train up these young wayward sons of the west in the way in which they should go.

The State is doing its part in this noble work, but there is a part that the State, unaided by individual effort, cannot do. Here is work for the Christian and the philanthropist. The missionary may here find a field of labor without crossing the seas; a field of labor that will prove remunerative to both the teacher and the taught. Here he can snatch a fellow-being from the brink of crime and infamy, and send him out into society a good man, an honest citizen. He may save a soul from death, and hide a multitude of sins.

The following report on the state prison has been kindly furnished by the Hon. George F. Wheeler, state prison commissioner:

The Wisconsin State prison, at Waupun, was opened to receive convicts in the spring of 1852. The whole number imprisoned here since the opening has been 1,718. The average number at present is something less than 200.

The administration of the prison is in the hands of a commissioner, who is elected by popular suffrage biennially. He appoints all subordinate officers, and has full control of the business and discipline of the institution.

The conduct of the prisoners is, with few exceptions, good. It is the aim to maintain the discipline by kind measures rather than by harshness, and a resort to the severest punishment (confinement in a dark cell) is rarely necessary. A strong incentive to good conduct is the shortening of the term of service as a reward to good behavior.

The governor has the power of pardon, but in order to its exercise he must have a certificate from the prison commissioner stating that the conduct of the applicant has been good during confinement; and, in case the convict has been sentenced for murder, he must also have the recommendation of the judge who tried the case.

A school is maintained by the chaplain of the prison, in which from one-fourth to one-third of the convicts receive instruction on Sunday afternoon in the common-school branches. Although a large proportion of the prisoners are recorded on entrance as able to read and write, yet their knowledge of even these rudimentary branches is very slight, and the school has wonderfully improved very many of them. In addi-



tion to the school, there is, as a means of instruction and amusement, a library of about five hundred volumes.

The convicts are employed, under the management of the administration, in several kinds of mechanical work. They cut stone, manufacture cabinet-work, and make chairs. For this last work, which is carried on to even a large extent, the prison has very complete shops and machinery. Shoemaking and tailoring are also carried on in the prison. Besides this, the prisoners do all the necessary work of the establishment.

The sanitary state of the prison is good. Notwithstanding the fact that many of the convicts are received in a more or less diseased condition, incident to a vicious life, or are debilitated by close confinement in jails, the average health is as good as it is outside.

The most common cause of crime is drunkenness, which often, perhaps usually, accompanies idleness.

The State employs a Protestant chaplain, who gives his time entirely to the institution; and there is also a Catholic chaplain, who makes monthly visits for the benefit of the adherents of that faith. In addition to the duties proper of the regular chaplain, he has the direction of the school and is in charge of the library. In his efforts for the moral and spiritual improvement of the prisoners, the chaplain has the assistance of volunteer laborers from among the philanthropic citizens of the village.

In addition to the state prison, jails, and the industrial school for boys, we have an institution in the city of Milwaukee, known as the Milwaukee house of correction. This prison is for the reception and treatment of vagrants, disorderly persons, able-bodied paupers, and persons convicted of minor offenses. The inmates of the house of correction are kept at work in association by day under the rule of silence, and sleep in separate cells at night. The whole number imprisoned in 1872 was 647, and the average number during the year was 68. The number discharged was 579, of whom 514 were men and 65 women; 177 were natives, and 402 foreigners.

With a population of over twelve hundred thousand, the average number of inmates in the State prison was during the past year but .....	260
The number of persons confined in the jails of the State on the 1st day of August last, deducting the insane, (which is probably a fair average for the year,) was.....	106
The average number in the Milwaukee house of correction during the year was.....	68
Making a total of .....	374

Is there any State in the Union that can show a better record in proportion to its population?

The following extract from the recent message of Governor Washburn to the legislature will be interesting in this connection:

There is no subject more worthy of the careful attention of the legislature than that of our penal institutions. The best of men have been divided in opinion as to the best methods of treatment for the vicious and criminal portions of society. For some years past more attention has been given to the reformation of our criminal classes than formerly, and punishments have assumed a less vindictive character.

In July next twenty years will have elapsed since the death penalty was abolished in this State. The experiment met with strong opposition from a large portion of the people of the State who predicted that a large increase of crime would result from the change. That prediction happily has not been verified, and the facts which I am about to state conclusively show that no State in this Union can boast greater exemption from crime than Wisconsin. With a population of 1,200,000, representing almost every nationality, and two-fifths of foreign birth, statistics show that crime, instead of increasing with the growth of the State, has actually diminished. This is in a great degree due to a high-toned public sentiment, which causes the violated laws to be promptly vindicated.

Since the abolition of the death penalty, there have been tried, convicted, and sentenced to the penitentiary for life, 71 person in all. Of that number, 36 now remain, the rest having either died, been pardoned, or discharged by proper authority. There can be no doubt that the change in the law has rendered punishment much more certain, and I but express the opinion of those who have most carefully consid-

ered the question, as well as my own, when I state that but for that change in the law, at least one-half of those heretofore convicted would have escaped all punishment, so difficult is conviction when the penalty is death. In the five years that elapsed from 1848 to 1853, I have no knowledge of more than one person having suffered the extreme penalty of the law. This was not because of lack of offenses, but of the extreme difficulty of conviction.

In the year 1854, the number of convictions for the crime of murder was three; in 1855, three; in 1856, three; in 1857, three; in 1858, five; in 1859, none; in 1860, two; in 1861, none; in 1862, two; in 1863, eight; in 1864, none; in 1865, five; in 1866, one; in 1867, four; in 1868, five; in 1869, two; in 1870, four; in 1871, three; in 1872, one. I have taken some pains to learn what the conduct has been, since discharged from prison, of those convicted of the crime of murder who have been pardoned, and I have failed to learn of any instance where the party had rendered himself amenable to the law. On the contrary, so far as known, they have proved honest and peaceable citizens—extremely careful and circumspect in their intercourse with their fellow-men.

#### TERRITORY OF UTAH.

*By A. P. Rockwood, warden of the Territorial penitentiary.*

For about sixteen years my attention has been officially called to the manner of executing the sentence of the court on convicts committed to the Utah penitentiary. My experience has been five years as inspector and eleven years as warden.

Laws are supposed to be made to fit the circumstances under which they are to be administered; the laws applicable under one set of circumstances may not be under another. In Utah we have no intermediate prison or house of correction created by the territorial statutes; consequently, the law endows the warden with large discretionary power. Under its provisions he is authorized, with the approval of the directors, to hire out any or all of the convicts on any public or private works. As we have no house of correction for juveniles, all persons convicted of high crimes or misdemeanors are sent to the penitentiary. Under the provisions of the law, I exercised my discretion in the classification of the convicts.

The first class consists of old offenders or desperadoes, who may be generally considered past reclaiming. These, however, as well as all others, I endeavor to govern by kindness, and to create within them the sentiment of hope, without which the heart faints. I cannot better illustrate this point than by relating a circumstance that occurred some years since. Two of this class were arrested for horse-stealing, and, for want of bail, were committed to the county jail to await trial. While there they boasted, in presence and hearing of the keepers, of what they would and would not do when they were committed to the penitentiary, all of which soon came to my ears. This enabled me to prepare for them. In the early part of June they were delivered into my hands. I bade them make themselves comfortable and contented, and they would be properly cared for. When supper-time drew nigh, I asked them if they were fond of bread and milk. They made answer that they were very fond of it, but had not had the luxury for several years, adding that it would remind them of their childhood home, when mother used to serve it out. Soon I went in with the coveted meal, and with it a bowl of strawberries. They fairly laughed for joy. Next morning beefsteak, vegetables, bread, and milk were served for breakfast, the sight of which made their hearts again leap for joy. Next came the assignment of the labor which they had sworn not to do; nevertheless they receded from their vow, and quietly commenced. When all was suitably arranged, and I was about to withdraw, I cautioned the superintendent, in their hearing, not to work these men too hard, as they had been shut up in the county jail for several weeks, and were not used to the

scorching rays of the sun, and their hands were tender and not recently accustomed to the handling of rough tools, like our picks and shovels. I then stepped into my carriage and drove off. In the evening the superintendent reported that the day had passed off quietly, and that the work had progressed well. At the close of the day these convicts inquired of the others if this was the way they were treated all the time. They were answered in the affirmative, and assured that the warden would be as kind to them as a father. The next day being Sunday, I went in and inquired after the welfare of each convict. At length I came to the two in question, and spoke a few kind words to them. They commenced sobbing, which was followed by a flood of tears, and a voluntary confession of what they had said when in jail. They promised that I should have no trouble with them. Kindness had melted and subdued them. If men so hardened can be conquered by kindness, who shall be despaired of?

The second class consists of prisoners of mature age, who, under the baneful influence of liquor or momentary passion or sudden temptation, have, in an unguarded hour, committed some criminal act. Criminals of this class are frequently reclaimed, and are sometimes hired out, as those are who are immediately to be mentioned as belonging to the next class.

The third class includes the youth, who are not hardened in crime, nor have their hearts yet been seared so that they are not subjects of reform. To this class my attention has been particularly directed, and, as authorized by law, I frequently hire them out to a parent, brother, or friend. When application is made for a convict of this class, I must have three guaranties before hiring him out. I must be convinced first that the convict is safe from assault by persons who would seek revenge for past offenses; secondly, that the person offering to hire him may be safely intrusted with the execution of the sentence; and, thirdly, that the convict's word of honor can be confided in. If satisfied on all these points, I lay the matter before the board of directors. If they approve, the contract is entered into; if not, all remains in *statu quo*. One condition of the contract is that the employer shall suitably feed, clothe, guard, and meet all other charges that may be incurred in the execution of the sentence, and pay to the warden the amount set forth in the agreement. A second condition is that he shall see that the convict abide under the rules of the institution, as far as they may be applicable. A further condition is that the convict shall be returned on the order of the warden, without the necessity of assigning any reason therefor. All these stipulations and some others having been entered into, the employer is appointed deputy warden, and files a bond with security for the faithful performance of his duties in the execution of the sentence on the convict committed to his custody. Under this mode of procedure the convict is placed, so to speak, under the care of a father, brother, or friend, besides remaining still under the watchful protection of the warden, who has power to order him returned at pleasure.

Now for the practical working of this system. About four per cent. have proved recreant to their trust; ninety-six per cent. have been in a measure reclaimed; fully one-half have settled down to be good citizens; and the balance have passed off to parts to me unknown. Suffice it to say that not one of this class has been committed to my custody for a second offense.

Having said this much on the subject of discipline and reform, I now proceed to the preventive measures employed in Utah. First, our license law is nearly tantamount to prohibition, especially in small or thinly

inhabited settlements. Secondly, the Territory is subdivided into about one hundred and seventy wards, or precincts, nearly all of which have an organized female relief society, whose business it is to look after and supply the needs of the poor and the children that are not suitably cared for. These societies are exclusively managed by the ladies; all aid rendered is by voluntary donation. The higher aim of the society is to prevent children being brought up under demoralizing influences, and to direct the juveniles in the paths of virtue. Parents and guardians, not willing to accept the proffered aid, are free to take their own course, so far as the society is concerned. Thirdly, by an act passed by the legislative assembly in 1853, the probate court of each county is authorized (on complaint that there are in the county minor children who are not properly brought up) to issue an order to a proper officer requiring him to bring said child or children before the court, and summon the parents or guardian, as the case may be, to appear and show cause, if any they have, why said children should not be bound out to suitable persons under the provisions of the statute.

Most of the citizens of Utah are partial to large families; consequently there is not much trouble in procuring suitable places for children in the most respectable families, with little or no cost to the county.

The salutary effects of these preventive measures are visible in the streets of our cities by the absence of prostitutes walking, mincing, and tinkling as they go, designing to lead the unsuspecting youth from the path of virtue. As yet no female convict has been committed to my custody, nor to the custody of my predecessors in office.

## V.—PROCEEDINGS AND DISCUSSIONS.

[Reported by Rev. William H. Tiffany.]

The proceedings of the first day consisted simply of what was done at the opening session, which has been already reported in a former part of these transactions.

### SECOND DAY—MORNING SESSION.

WEDNESDAY, *January 22, 1873.*

The congress re-assembled at 10 a. m. in Raine's Hall.

In the absence of the president, the Rev. Dr. Bellows, of New York, one of the vice-presidents, called the meeting to order.

Prayer was offered by the Rev. Thomas K. Fessenden, of Connecticut.

Judge Walker, of Michigan, chairman of the business committee, moved that the congress hold two daily sessions, viz, from 10 to 3 in the morning, and from 7 to 9.30 in the evening. Carried.

The annual report of the standing committee on prison discipline was read by Dr. Wines, in the absence of Z. R. Brockway, of Michigan, chairman, detained by sickness. (For the report see page 331.)

The report of the standing committee on discharged prisoners was read by Mr. Allinson, of New Jersey, chairman. (For the report see page 336.)

Governor Seymour, who had assumed the chair during the reading of Mr. Brockway's paper, said he hoped that the report, able and satisfactory as it was in most respects, would not go out without some qualification. He feared that it favored restraint too strongly. There was a class of offenders, called "rotary men," appearing often before the courts and

in prison, who needed to be sharply dealt by; but he was afraid of police supervision. Virtue could not be made by coercion. He had an abiding belief that there was good in every man, and that this should be sought out, encouraged, and developed. The number of pardons granted by him during his four years' administration as governor of New York had been made matter of reproach. With him it was rather an occasion of gratulation and pride. He believed that very many reformations had been thus effected. He had witnessed many touching instances of gratitude, and one which, though perfectly sincere, had an air somewhat ludicrous. He had extended clemency to a poor fellow who, in expressing his thanks for the favor, said: "Governor, I hope to be able to do as much for you some time." Another consideration: he thought there was too prevalent a desire to make our prisons not only self-supporting but sources of revenue, and that the report gave too much countenance to this feeling. He believed in making prisoners work and earn money; but he believed also in giving them a share in their earnings, and a pretty large share too. Labor so performed would be far more valuable to the prisoner, for it would be willing, cheerful, and hearty; and it would tend to beget a love for work and to form the habit of industry. What he wanted was the reformation of the criminal, and he believed that this would be better effected by kindly care than by excessive coercion and restraint. But he would not close without saying that, despite these criticisms, he regarded the report as an excellent one, and thought it contained many valuable suggestions.

Dr. Wines agreed, in the main, with what had fallen from the president, but thought he had attached too strong a meaning to some expressions in the report. He was quite sure that there was no man in this congress who felt more strongly for the prisoner, or acted more wisely on his behalf, than Mr. Brockway in the management of his prison at Detroit. As regarded police supervision after discharge, it was not much known in this country, and doubtless there was a strong feeling against it; but it was a question worthy of being studied. It was discussed in the London Congress. The continental delegates opposed it as harsh and injurious as practised among them, but approved of it where, as in England, it was of a friendly character and designed to shield and help the convict. When so practised, they thought it wholesome and beneficial. It was, however, applied in England only to "habitual criminals," whom Governor Seymour had described as "revolvers," and in reference to whom he had admitted that "restraint" might be salutary.

Mr. H. Thane Miller, of Ohio, heartily indorsed what the president had said, and thought the congress would do the same. The diamond sentiment of his address last night was, that criminals "needed a spirit to guide, and a Saviour to atone." That was true. The only hope for the criminal was in a change of heart; and therefore, officers having them in charge should be men of God. More care should be had in the instruction of convicts, in setting them good examples, and in pointing them to the Saviour and the Holy Spirit for salvation and sanctification. The reading of the convicts was also important. He believed in the idea expressed in Mr. Brockway's report, that there should be a compulsory law to have the children of the convict and all children sent to school.

As regarded the second report, read by Mr. Allinson, on discharged prisoners, he believed that great good would be accomplished by the practical application of its suggestions. Convicts must be helped when they come out of prison, not only with good advice, but money or its equivalent. They must be aided in getting work. More than fifty discharged from the Ohio state prison last year had had employment

furnished them, to the equal benefit of themselves and the community. He hoped that all would carry the spirit of that report to their homes.

Mr. Albree, of Pennsylvania, had visited Mr. Brockway's prison, and spoke of it in terms of warm commendation. He thought terms of imprisonment should be made longer, so that there might be time for reformation, and for the successive steps which that work required. Prisoners needed sympathy and love, and these should be shown in person, not by proxy. He was a director in the Allegheny County workhouse, of which Mr. H. Cordier was warden. The institution was started only a few years ago. It was conducted on reformatory principles, and promised great success.

Dr. Wright, of Tennessee, expressed warm approval of both reports, and thought the congress would indorse them.

Colonel Burr, of Ohio, did not desire to occupy the time of the congress. He only wished to say a word on one or two points. He had been in charge of a prison having an average of a thousand men, and knew something of the matters discussed here. The idea had been thrown out that officers looked down upon prisoners as a lower order of beings. This might be so in some cases, but it was different from his own experience and practice. He forgot that they were prisoners, and looked upon them as brothers. There was but one thing that would really and radically reform criminals, and that was the Christian religion, the regenerating power of the Holy Spirit, and salvation through the blood of Jesus. He thought that police supervision would not do in this country, nor had he much faith in the idea of indefinite sentences, as suggested in both reports. The great difficulty with discharged prisoners was the idea of their having been *convicts*. If they tried to conceal the fact, they were sure to be found out and *crushed*. Police supervision he thought would add to this load. Put some trust in the prisoner, and thus beget in him the desire to lead a better life; this will inspire hope and prompt effort to deserve your confidence.

Dr. Bellows, of New York, was sorry to see any conflict introduced here. He was much struck with the independence of Mr. Brockway. Independent men are men of strength. They often combine opposite traits, and are capable of high thought and great action. He regretted also to see a conflict between theory and practice. This was illogical and unnatural. All right practice is based on sound theory, and all just theory is the child of correct practice. A war between theory and practice was therefore an interecine war. Let us put heads and hearts and hands together, and make a perfect man. Another thing he was sorry to see, namely, a conflict between prison reformers and society at large, as if society was not in favor of true reform. Society was reformatory; and the whole prison system did not begin to compare in conservative and reformatory power with the great natural laws of society itself. Men were stayed up by public opinion, by a sense of decency, by the desire to stand well in the community, and the like.

Rev. Mr. Milligan, of Pennsylvania, was opposed to police supervision of discharged prisoners. What we wanted for prisoners as well as others, was the atonement of Christ and the spirit of love. He had helped a great many discharged prisoners, spending hundreds of dollars this way; and only one man, thus aided, had ever proved false to the trust reposed in him.

The Rev. Mr. Woodbury, of Rhode Island, read a paper by Dr. Clarke, of Massachusetts, who was unable to be present, on "The final cause of criminal legislation as affecting modes of punishment." (For this paper see p. 370.)

Dr. Wines, of New York, read a "Summary of the views and suggestions contained in the report for 1872 of the Board of Public Charities of Pennsylvania," sent by Mr. George W. Harrison, president of the board. (For this paper see p. 367.)

Dr. Wines said that one fact had struck him forcibly, viz, that all the four papers read this morning—Mr. Brockway's, Mr. Allinson's, Dr. Clarke's, and Mr. Harrison's—had contained approving references to the idea that criminals should not be restored to liberty till they gave evidence of being better fitted for citizenship than they were on entering the prison; and a paper would be read this evening, communicated by Dr. Despine, of France, which embodied the same sentiment. Dr. Despine went further, and expressed the opinion that when prisons became real reformatories, as this was their avowed aim, the incorporation of the principle of indefinite sentences in the penitentiary system would be an absolute necessity. All must admit that this principle was just; the only difficulty was in finding a right way to apply it. But he believed the problem capable of solution, for he held that God never made a truth into which he did not put a power which, sooner or later, would cause it to prevail. When the reformation of criminals was sought in *dead earnest*, difficulties would disappear, and our way would be made plain.

General Miner, of Missouri, expressed his opposition to the principles both of indefinite sentences and police supervision.

Mr. Hageman, of New Jersey, expressed concurrence in these views.

Mr. Richard Vaux, of Pennsylvania, advocated the same side of both these questions with the last two speakers. He had the greatest possible respect for Mr. Brockway. He was behind no man in admiration of his ability and success as a prison officer. Possibly his views might be applicable to the locality where he lived and worked. But what might be true in Michigan would not be true in Philadelphia or New York. Police supervision extended the prison beyond its walls. He would say, with entire respect, that New York had, in its prison at Sing Sing, a gigantic manufactory of crime. Criminals were there educated to go out and rob with greater skill and success. In the city of New York the rogues were stronger than the whole power exerted to keep them in subjection. Hence there was failure in the courts, judges and juries often conniving or winking at wrong. Mr. Brockway's plan would vastly increase the police force in New York, requiring a cordon of policemen around each block in the city. What was applicable in England would not be permitted in this country. The prolongation of the prison, after the prisoner has gone forth from its walls, would not be tolerated among us. The most important suggestion was that we hold out hope to the prisoner. Reform should be the end in view; and hope should be held out from the beginning.

Mr. Bradford, of Connecticut, said that he took square issue with the last speaker; he believed that we should have supervision of the discharged prisoner, if it was of the right kind. None could object to the continued supervision of a kind father after his son had left the paternal roof. This was the kind of supervision that discharged convicts needed.

Mr. Coates, of Pennsylvania, was against the idea of indefinite sentences, and denied the right of society to exercise supervision after the prisoner had served out his time.

The Rev. Mr. Fessenden, of Connecticut, read a report on the preventive, reformatory, and penal institutions in that State. (For this report, see p. 379.)

Dr. Wines read a report on the prison question in California, which

had been prepared and forwarded by the Rev. James Woodworth, secretary of the prison commission of that State, who was unable to attend in person. (For this paper, see p. 375.)

Dr. Bellows, of New York, asked for information as to the training of the girls mentioned in the report of Mr. Fessenden, whether the causes of crime in their cases were inquired into, and whether the treatment was specially adapted to each case. He spoke in strong commendation of Dr. Carpenter's essay on unconscious cerebration, and wished to ascertain whether the treatment of the girls referred to was based upon the truths contained in that book.

Mr. Fessenden explained that the points presented in the inquiry of Dr. Bellows were made matters of examination, and the treatment was controlled by the result. But they found that clean clothes, good water, and plenty of soap made a wonderful change. One of the girls, after she had shed her coat of filth, came out as handsome as a "picture." A police officer said to him of another of the girls, "If you can make anything of that girl, you can reform any one." Yet she is a good girl. Our success is very cheering in this work.

Mr. Janney, of Maryland, referring to statements made in the two reports read, said he rejoiced that temperance was making some progress. The fact that nine-tenths of the crime committed could be traced to intemperance, showed that effort should be made to promulgate the principles of temperance and to secure their general practical adoption. The offspring of intemperate parents, when they fell into crime, were more to be pitied than blamed.

Hon. Henry Barnard, of Connecticut, said that there was now organizing, in his State, a farm-school, based on the will of Mr. Watkinson, the funds for the support of which amounted to about \$100,000. Mr. Watkinson had also left a small sum to aid discharged prisoners. He quite agreed with the president (Governor Seymour) that a portion of the funds arising from the labor of the convicts should be set aside for their use when discharged.

Mr. White, of Pennsylvania, said that they had established a work-house, a few years ago, in Allegheny County, and that the earnings of the convicts had exceeded their expectations. They made oil-barrels. They gave three cents a barrel to the convicts, who made, on an average, twenty-two barrels a day. A man, committed for two years for petty offense, had earned \$250 for himself.

Colonel Burr, of Ohio, said that in his State they were authorized by the board of directors to place to the credit of each convict, as a reward for good conduct, such sum as they thought fit, not exceeding 10 per cent. of his earnings.

Mr. P. T. Miller, of Missouri, said that his experience as a prison officer had given him some knowledge of this matter. It was no argument to say that a bad man, because he was bad, should make no more money than a better man, because he was better. We should cultivate and encourage industrial skill as well as morality. We should change *coerced* into *free* labor. Money is mighty to move men even in a right direction.

Letters were here received from a number of penal, reformatory, and charitable institutions of Baltimore, inviting the members of the congress to visit such institutions during their stay in the city. The invitations were accepted with thanks.

A recess was taken till 7 o'clock p. m.



## EVENING SESSION.

The congress re-assembled at 7 p. m.

The minutes of the previous meeting were read and approved.

The president, with complimentary remarks, introduced Miss Linda Gilbert, of Illinois, who gave an account of her extensive visitation of prisons in different States, in which she communicated a great amount of interesting statistical information. She said that 90 per cent. of all the prisoners in the country were more or less intemperate. The number of county jails in all the States was 2,197, and the average number of prisoners in each jail was about 8. The average number of prisoners in all the prisons in the country did not fall much, if any, below 40,000. Seventy-seven per cent. of the inmates of our prisons never learned a trade. Forty per cent. were illiterate. Thirty-eight per cent. lived out of the family relation, and had no home influences. She said that only parts of trades were usually learned in prisons; hardly anywhere was a full trade imparted. Some thought that criminals could not be reformed; but Mary Magdalene had seven devils cast out of her. There was much mechanical ingenuity shut up within prison walls. She knew of one prisoner whose skill had brought thousands of dollars into the treasury of the State. Her own special work had been to provide libraries for county jails, and she was now engaged in collecting books for the new jail of Saint Louis. Books were the photographed souls that have brightened, and yet brighten, the world. Her belief was that mercy should be mingled with justice, and reform with punishment.

Dr. Wines read a paper on "The Criminal," which had been communicated by Dr. Despina, of France. (For this paper, see page 338.)

Judge Walker, of Michigan, read a report on the preventive, reformatory, and penal institutions of his State. (For said report, see page 411.)

Hon. John F. Hageman, of New Jersey, read a similar report for that State. (For his report, see page 428.)

The president (Governor Seymour) said that the papers just read were now open for discussion. He declared himself in favor of providing discharged convicts with a certificate, engrossed on parchment, with seal, &c., attesting their good conduct during their term of imprisonment. He thought that such a testimonial would be a stimulus to a virtuous life. The first impulse of nearly all men is to turn away from the convict and leave him to his fate. But such a certificate might influence some to throw aside their prejudice, and to aid him in again becoming a good citizen.

Mr. Pierce, of Massachusetts, remarked that something had been said of the demoralizing influence of jails on boys and girls. Many had been struck with horror at seeing small children at such places, intermingled with hardened criminals, who took pleasure in corrupting them, and in preparing them to corrupt society on their release. They had a visiting agency established by law in Massachusetts. The agent and his assistants interested themselves in children charged with violating the law, aided them on trial, and secured them homes. Boys were restless, uneasy, fickle. They needed some friend to guide and guard them; some one whom they could call upon, and from whom they could obtain counsel and aid. It might be asked, How do these boys get to prison? He answered: By the lower courts, which hurried them off to jail, when only accused and not proved guilty of crime, and often not guilty in fact. There was some friction in the system, but it worked the best of

any plan yet devised. Some of the courts sought to break up the agency. But the people had confidence in it, and kept it in motion. It was doing great good.

Mr. Vaux, of Pennsylvania, commented on the paper of Dr. Despine, regarding it as marked by profound thought, keen analysis, and a thoroughly scientific cast, though he could not accept all its views, particularly the part relating to indefinite sentences.

Dr. Wines, of New York, concurred in the judgment just expressed of the ability and value of Dr. Despine's essay. He thought it contained seeds of thought which could not fail to spring up and bear, in the end, a rich harvest.

The congress adjourned till to-morrow at 10 a. m.

### THIRD DAY—MORNING SESSION.

THURSDAY, *January 23, 1873.*

The congress met at 10 a. m., Governor Seymour presiding, and was opened with prayer by the Rev. Dr. Smith, of Maryland.

The minutes of yesterday were read and approved. Dr. Wines announced that, through funds proffered for this express purpose, the National Prison Association had been able to issue the complete works of Edward Livingston on criminal jurisprudence, and they offered these incomparable volumes to every person who, by an annual subscription of \$10, became a member of the association.

Dr. Bellows, of New York, said that this congress ought not to separate without an expression of its sense of obligation to that great man to whom penal science owed so much. He therefore moved, and the congress unanimously adopted, the following resolution:

*Resolved*, That prison science owes an inextinguishable debt of gratitude and commemoration to the great American expounder of the humane principles which have since been acknowledged as the true guide to reformers of penal law and administration; that Mr. Livingston, by his genius and moral elevation, anticipated by half a century the ideas which are now just beginning to prevail among students of criminal and penitentiary science; and that his work is a monument of learning, largeness of thought, nobility of feeling, and practical sagacity—an honor to the country of which he was so distinguished a citizen, and to humanity, to which he was so noble an example.

Governor Seymour said that the resolution of Dr. Bellows did no more than justice to Mr. Livingston in saying that he was the greatest man of our country in so far as penal science was concerned. He believed that he was also the foremost statesman that this country had produced. He had received a copy of an edition in French of Mr. Livingston's work, recently issued in Paris. He therefore moved, as additional to that of Dr. Bellows, the following resolution:

*Resolved*, That this congress learns with great satisfaction that M. Charles Lucas, a distinguished member of the Institute of France, has published, under the auspices of the Institute, an exposition of the penal code for Louisiana and for the United States, by Edward Livingston, and we are gratified that this work of our illustrious countryman is thus brought to the attention of European countries.

On motion of Dr. Wines, it was ordered that a committee of five be appointed to consider the expediency of making application to the Congress of the United States for aid to the National Prison Association, and to report to this convention.

The chair named for the committee Judge Walker, R. K. White, Edward Earle, Dr. Bellows, and Dr. Wines.

Dr. Bellows presented and read the annual report of the executive committee of the National Prison Association. (For this report see page 321.)

A paper on "Untried Prisoners," communicated to the congress by William J. Mullen, of Pennsylvania, was then read. (For this paper see page 362.)

The chair announced that the two papers just read were open for discussion.

Mr. Powell, of New York, desired to express the great pleasure which, in the main, he had felt in listening to the report read by Dr. Bellows. He, however, took exception to the moral value attached by the report to the dress of women. There was a vast amount of waste, and worse than waste, in this direction. He had lately seen a lady in Washington the flounces of whose dress alone cost \$1,000, and the rest of the dress corresponded in style and expensiveness. This matter of dress was becoming one of the strongest temptations to crime. He favored the dress of Quaker ladies, which was neat and economical, and instanced Elizabeth Fry and Lucretia Mott as illustrations.

Dr. Bellows accepted the criticism, saying that his remarks on the subject of dress were not in the report, but were thrown off extemporaneously in the reading. He took back all that he had said, except the principle underlying his remarks, which he believed to be just and true.

Governor Seymour hoped that the doctor would not surrender too much. He thought the principle involved a powerful means of cultivating and refining the sensibilities. We had better seek to quicken these in prisoners, rather than conquer or crush them.

Mr. Pritchard, of Kentucky, said that for three years past he had had opportunity to witness the working of prisons. They had a most objectionable system in Kentucky. One feature of the system was the leasing out not simply the labor of the prisoners, but the prisoners themselves, to contractors. The system placed the inmates of the prison completely under the control of the contractors. They worked the men for money only, and were sometimes harsh and merciless. Kentucky had lavished millions on other charities, but nothing on the improvement of prison discipline. They needed the warden system, so as to have matters under the control of the State and not that of contractors. He was willing to trust the people, the great mass of whom were right on this subject. With a warden at the head of the prison, and the discipline placed in his hands, they would escape some of the worst features of their present system. It was unwise for the States to *rent* the convicts. He offered a resolution on the subject, which was referred to the business committee.

Colonel Burr, of Ohio, expressed his thanks to Dr. Bellows for his report. We should not only keep alive the sensibilities of prisoners, but, what was kindred to that, we should exercise the spirit and power of kindness instead of mere force. All that Dr. Bellows had said had been verified over and over again in his experience and observation. He had a thousand prisoners under his charge, and his great source of power over them lay in the fact that he was their friend. A single and even a trivial act of kindness would produce great effect.

At this point Governor Seymour called the Hon. Mr. Vaux, of Pennsylvania, one of the vice-presidents, to the chair.

Colonel Burr continued: He said that where force had proved of scarcely any avail, a kind word had accomplished wonders. A Prussian

engraver had been in his prison; he was a very fine workman and much desired by counterfeiters, who would have given thousands of dollars to get him for their work. They provided him with means of escape, drills, &c., and \$5,000, and he readily succeeded, but was caught. He was placed in a cell and expected severe punishment. But when he (Colonel Burr) went to see him, he simply said, "Charlie, put on your coat and go to the shop, to work." The man started, surprised, and said, with tears in his eyes, "Warden, I did not expect this." He walked away, and turned again and said, "Warden, I will never try this again." Again he started, and after going a few paces he stopped a third time, and added, "Warden, you will never have any more trouble with me as long as I am with you." And he was true to his word. That man loved him to-day as one of his own children.

Dr. Wines, of New York, was afraid that the enthusiasm excited by the magnificent paper of Dr. Bellows would draw away the attention of the congress from the modest but very valuable paper of Mr. Mullen, read immediately after it. He hoped that that document would receive the attention which it so well deserved. It set forth, clearly and strongly, the duty of society to persons under arrest, but not yet brought to trial. It showed how much they stood in need of some friendly intervention, and how much suffering and wrong might be prevented by timely and judicious action on their behalf.

Mr. Merrefield, of Maryland, emphasized the remarks of Dr. Wines, and moved that Mr. Mullen's paper be referred to the business committee. Carried.

Mr. Rockwood, of Utah, agreed to all that had been said on the power of kindness. He had in his prison three of the worst "roughs" in that Territory. When first committed, they threatened vengeance, and declared their purpose to escape. He gave them bread and milk, with strawberries, for their breakfast, and took them out on the road to work. On leaving them he instructed the overseer not to work them too hard, as their hands were soft and would blister. The other prisoners told them that if they behaved well they would be kindly treated. Next Sunday morning they confessed that their intention had been to destroy their keepers and escape. Kindness had conquered them, and they wept like children. They had been, and continued to be, among the best men in the prison. He had found it important to separate the old from the young. Ninety per cent. of the prisoners were better men on their release than they had been on their commitment. That was his experience. Kindness gave power. Hope should be held out to prisoners.

Mr. Bigham, of Pennsylvania, said that under the leadership of the great founder, William Penn, his State had been a pioneer in prison discipline, and she intended to maintain her pre-eminence.

General Eggleston, of Mississippi, said that he was from the South, and wished to say a few words respecting that section of the country. He claimed that his State was in advance of some of the older States. She had forbidden the use of the lash in punishing prisoners. They had adopted the commutation system, shortening the term of imprisonment for good conduct three days each month. They had religious service, Sunday-school, a fine melodeon played by a convict, and excellent singers among the prisoners. They found music a power in moral training. On Christmas they gave the convicts an extra dinner, and full freedom within the prison premises to converse and amuse themselves as they pleased. They found no harm, but rather benefit, to be the result of this indulgence. On his release they took from the pris-

owner every mark of his convict service, gave him a complete outfit of clothing, and ten dollars in money.

A report from New Hampshire, by the Rev. Dr. Clark, was read. (See page 426.)

A report from South Carolina, prepared by General C. J. Stolbrand, was read by Judge Walker. (See page 447.)

The Rev. Mr. Woodbury, of Rhode Island, read a report from that State. (See page 440.)

Dr. Wines, of New York, read a paper contributed by Sir Walter Crofton, of England, on sundry points discussed at the Congress of London, with a view of correcting certain errors into which he considered members of that body had fallen regarding the state of things in his country. (See page 359.)

Dr. Wines said that it gave him pain to differ from a gentleman whom he so much respected, admired, and loved, both on account of his personal qualities and his great services to the cause of prison reform as he did with the author of that paper. Still, he could not accept his views on penal labor as an instrument of reformation, or the lash as a disciplinary punishment in prisons. These were the only points, he believed; certainly they were the principal ones, on which he dissented from the opinions of his distinguished friend, to whom the world is so much indebted for his labors in the cause of prison reform.

Mr. Poyell, of New York, read a paper on "Intemperance and Crime." (See page 364.)

Mr. Pierce, of Massachusetts, said that the paper just read treated intemperance as the chief cause of criminality. But mere statistics would not show what produced crime. Intemperance was often an incident of low life. He referred to the separate system, the Crofton system, and the Maconochie system of prison discipline, and condemned them all as "weighed in the balance and found wanting." He did not come there to boast of his own State; there were things there that ought to be different; but the worst thing they had to contend with was the indifference of the people on this question of prison reform. The administration of county prisons in Massachusetts was very objectionable; you could not work into them any regular system.

Mr. Coates, of Pennsylvania, admitted that intemperance was not the only cause of crime, but it was one of the greatest, in his view the very greatest, of these causes, and should be distinctly so set forth. In this matter, he that was not with us was against us. Let no man tell him that they had not the power to crush this giant enemy to the order and welfare of society. They had the power if they would but use it. He appealed, in conclusion, to the members of the congress, as men and as Christians, to aid in the suppression of this great evil.

Mr. Vaux, of Pennsylvania, said that he fully indorsed the views of the gentleman from Massachusetts (Mr. Pierce) on this subject. He did not believe that intemperance was *the great cause* of crime; there were others greater. He objected to sweeping accusations. The worst murder in New York, that of the policy-dealer, was not caused by intemperance; and so in the Stokes case. He hoped temperance would succeed, and he would do what he could to help its success; but, said he, let us be wise, and not by the mere use of terms, by dreams, increase the catalogue of crimes.

Mr. Folger, of New Hampshire, said that the rule laid down by the Savior was, "by their fruits ye shall know them." It was by that rule that intemperance should be judged in its relation to crime. He was glad the question had been brought before us. He was sorry it had been ignored at London. Despite the silence maintained there, the

governor of an English prison had informed him that drink brought most of his prisoners there. As to what had been stigmatized as *police espionage*, we might judge that by its fruits also. It had been tried and worked well in England. So it might be in this country. There it was a kind care, and not an *espionage* at all.

Dr. Parish, of Pennsylvania, had desired to hear the paper on intemperance, but had not been in at the reading. He concurred in the views of Mr. Vaux. He once asked the chaplain of the Eastern penitentiary how many inebriates they had there. He replied, "not one; inebriates are not the kind of persons who become convicts." He protested against the use of sweeping declarations—against ultraism. Drunkenness was not, *per se*, a crime.

Mr. Powell, of New York, replying to Dr. Parish, said that he had visited the Eastern penitentiary, and was informed by the warden that nine-tenths of the inmates had been addicted to the use of intoxicating liquors. As to the murderer, Foster, it was in evidence that he had spent the evening in drinking, and Stokes was of the same character; he had been assured that he was under the influence of liquor when he committed the act. The paper he had read did not undertake to fix the status of drunkenness; the laws and the courts had done that.

The Rev. Mr. Woodbury, of Rhode Island, said that we were very apt to consider things that seemed to be connected as cause and effect. We might possibly err in this. None of us would consider drunkenness as a crime of *itself*; but we all agreed that intemperance and intoxication were indicative of a want of self-control, in which state all crimes became possible; and a lack or neglect of possible self-control was sin. The appetite for drink was sometimes inherited; and the desire for gratification came upon its subjects periodically, say, every six or twelve months, and was then uncontrollable. He once roomed in a theological school with a young gentleman whose appetite came upon him so strongly that he shut himself up for several days and secretly indulged in drink. And then, after an interval of soberness, he would have another surrender of himself to drink. The *habit* of intemperance was formed by indulgence, not inherited, or caused by disease. This habit was indicative of a want of self-command, a lack of full manhood, that we should endeavor to develop and strengthen. Persons without this self-command were often shown by facts and confession to have been suddenly assailed with temptation, without any previous intention, to commit crime. Convicts very frequently stated that they had no thought of doing the wrong until they became intoxicated.

Recess until 7 o'clock p. m.

#### EVENING SESSION.

The congress re-assembled at the appointed hour, Governor Seymour in the chair.

Mr. Develin, of New York, read a paper on the susceptibility of criminals to reformatory influences, communicated by Dr. Anderson, president of the New York Catholic Protectory, who was unable to be present himself. (For Dr. Anderson's paper see page 359.)

Dr. Wines said that it would be impossible for him to present his annual report in full, unless the congress was prepared to devote a day to hearing it read. As this evening was to be given up to a consideration of reformatory work, he would read what his report contained on the reformatory system of Great Britain. (See Part I of his report, pp. 116-122.)

Dr. Wines read a communication from Mr. Demetz, founder and director of the penitentiary colony of Mettray, France, on the preparatory school, connected with the colony, for the training of sub-officers to be employed in the institution. (For the letter of Mr. Demetz, see page 358.)

The Rev. Mr. Woodbury, of Rhode Island, read an exceedingly interesting paper on preventive and reformatory work in Massachusetts, prepared by Mr. F. B. Sanborn, a member of the board of public charities in that State. (For Mr. Sanborn's paper see page 400.)

Mr. Develin then addressed the congress in regard to the Catholic Protectory of New York City. He said that the institution was founded and commenced operations in 1863. It had since aided 7,000 children. The present number of inmates was 1,250, 360 of whom were girls. It was in no sense a prison, with bars and massive walls to encompass the children, but an institution where the children were made to feel that the managers and officers were their true friends, and where the rule was maintained almost wholly by moral forces. The boys all learned trades, becoming type-setters, stereotypers, machinists, shoe-makers, tailors, carpenters, chair-makers, bakers, farmers, and gardeners. An account was kept with each boy and girl in the institution. The officers were careful to inculcate the idea that labor is a duty, and that it is ennobling, not degrading. They allowed inmates so much per month or week, according to their diligence. One boy had earned enough to bring his mother, three brothers, and a sister from Ireland to this country. Another had saved and invested \$300 in land near the school, and the indications were that by the time the lad had reached his majority, his investment would yield him sufficient capital to enable him to start in business. Many other boys in the school had accumulated larger or smaller sums of money by their industry. In the shoe-making business, the institution was a small Lynn. The boys did jobs of printing for people outside, and the same with other trades carried on in the protectory. They had pigeon-holes, into which were put checks or tokens of good conduct; and the scholars, according to the number of these tokens, received small gifts; to the younger children were given toys; to the older, money. They allowed the well-behaved to roam in the adjoining woods, to bathe in the river, to row in boats, and to fish. In this way they endeavored to show the boys that they were their friends. They endeavored to bend the twig aright, so that when the boy became a man, he would prove a good and useful citizen. The boys felt that their institution was a home. The protectory was a Roman Catholic institution, but it received Protestant boys and girls, and no restriction was placed upon their attending Protestant churches and Sunday schools, nor were any attempts made to induce them to embrace the Catholic faith.

Mr. Develin said that there were more causes than one for congratulation on the meeting of this congress, but a principal cause was the common ground on which we could all stand, compare views, and work in harmony. It had been so in the Cincinnati and London congresses, and it was so in this. Dr. Wines, an eminent American Protestant, and Dr. Manning, an eminent Catholic prelate of England, united in the one great and noble work of assisting the prisoner in his efforts to reform. We had hoped for the presence of the Catholic archbishop of this city, who had been invited to open one of the sessions of this congress with prayer; but he had been prevented by sickness, which had caused him to seek a healthier clime.

Mr. Develin closed by inviting the members of the congress to visit

the protectory. If they would come to the office, No. 29 Reade street, they would be conveyed to the institution by carriages.

Mr. Pritchard, of Kentucky, in consideration of his being obliged to leave the city to-night, asked that the discussion on reformatory institutions might be suspended at this point to enable him to introduce, and the congress to pass, a resolution condemning the system of leasing prisons to contractors. It was a question in which he felt a very deep interest, and he would be glad to be present when it was discussed. It was explained by the president that when the subject came up for consideration to-morrow, the colleagues of Mr. Pritchard would be present, and would, no doubt, represent the public opinion of Kentucky on this subject. After further conversation, Mr. Pritchard withdrew his request, and the discussion on reformatories was resumed.

Mr. Talcott, of Rhode Island, said that he was from a small State, and was at the head of one of the smallest institutions for reform in the country. The work was a great one, and how to do it wisely and well was the question. To learn this he had come here; and while willing to give his own views, he hoped to hear from others who had had greater experience. He had two hundred children and youths in his institution, and thirty more placed in families in different parts of the State, whose names were on the roll. They were boarded out at \$2 a week, and must be reported upon at least monthly. From one to two dollars a week were paid for their education. If the children staid three or four months in a family, arrangements were made for continuing them there. The discipline of the institution was parental, as much so as they knew how to make it. Some correction was occasionally necessary, and a little chastisement, administered in a right spirit, had a good effect. The special feature of the institution was that of a family-home.

The Rev. Father Quinn, of New York, asked: "Do you have walls surrounding your reformatory?"

Mr. Talcott replied that they had.

Father Quinn. "Is there any special feature in your institution wherein it differs from other reformatories?"

Mr. Talcott. "No, it is very much like other institutions, having the same end in view."

Rev. Mr. Sheldon, of New Jersey, superintendent of the reform school for boys at Jamesburgh, said that their plan embodied the family system as far as possible. Boys were sent to them up to twenty-one years of age. They had power to release any inmate at the end of a year, if they judged it expedient. They sought to infuse the stimulus of hope into the minds of the boys. They had no encircling wall. They sought to get into the heart of the boy; they sympathized with him in his troubles, and so endeavored to hold him by the power of kindness. For the encouragement of fellow-laborers in this work, he would say that kindness had wrought wonders for them. It was the great power with which to mold these young hearts to virtue. It won their confidence and restored their self-respect, both of which were great elements in effecting their reformation.

Mr. Shipley, of Ohio, thought that prevention was the great thing. He believed in compulsory education as an effective means to this end. There were parents who would not educate their children, but would sooner train them for crime and ruin. They had a law in Ohio by which they could take a child away from such parents, to the benefit of society and the salvation of the child.



Judge Walker, of Michigan, asked: "How long have you had this law, and what have been its results?"

Mr. Shipley answered: "We have had the law four years, and it has worked well; many children have been rescued and placed in good homes with farmers."

Judge WALKER: "Can children be taken away from parents without their consent?"

Mr. SHIPLEY: "Yes. Our institution is 'the house of refuge' for those worse than orphan children."

Mr. Milligan, of Western Pennsylvania, said that they had adopted in their prison almost all the reformatory measures that had been advocated in this congress, and they looked forward to a bright future of successful reformatory work. But he would like to hear discussed in this congress the criminal codes of the several States and their administration. He believed that there was more crime produced by defective laws and bad administration than was prevented or punished by them. Criminal laws and courts seemed to him a mighty machine for the manufacture of criminals. He favored indefinite sentences and graded prisons. Would they turn a person infected with the small-pox loose to spread the contagion? That seemed to him quite as reasonable as it would be to release a prisoner infected with the leprosy of crime, which was worse than that of small-pox.

Mr. Ames, of Massachusetts, desired to emphasize the views expressed by Mr. Shipley in favor of preventive measures. They had a law in Massachusetts like that of Ohio, by which children exposed to want and in danger of falling into crime could be taken from their parents, and thus preserved from matured criminality. That was prevention, which was better than cure. The lovers of humanity should awake and put forth every effort to save the crowds rushing to ruin, young women especially. Seventy-five per cent. of those rescued by this law from the criminal example and teaching of their parents, and from association with the vile, were saved. They should retain a supervision over such during their minority, kindly watching over them, getting them into good family-homes, and thus preparing them for the highest position that woman could occupy—that of wife and mother. He might be an enthusiast, but he believed that hundreds and thousands of girls, now just commencing a course of crime and infamy, might be saved. A far greater number of institutions than now existed should be established in every State, both preventive and reformatory.

Mr. Rockwood, of Utah, said that in 1853 an act was passed in that Territory, authorizing the probate judge to take any child, on presentation of proper evidence that it needed care, and bind it out, at the discretion of the court. He had known children who had been thus saved as brands from the burning. They could also bind out juvenile offenders that were found drunk on the streets; if claimed by responsible persons, they were surrendered; but if there were no such to care for them, they bound them out.

Dr. Wright, of Tennessee, read a report on the penitentiary system of his State. (For his report see p. 449.)

No report having been sent in from Missouri, General Miner and Mr. Miller submitted a report prepared during the sessions of the congress, which, without being read, was placed on file. (For this report see p. 424.)

General Miner, on behalf of the Missouri delegation, invited the congress to hold its next meeting in Saint Louis, and assured them of a hearty welcome.

Adjourned till 10 to-morrow morning.

## FOURTH DAY—MORNING SESSION.

FRIDAY, *January 24, 1873.*

The congress re-assembled at 10 a. m., pursuant to adjournment.

In the absence of the president, Judge Walker, of Michigan, one of the vice-presidents, on invitation, took the chair.

The Rev. J. L. Milligan, of Pennsylvania, opened the session with prayer.

Mr. Miller, of Missouri, renewed the invitation to the congress to hold its next meeting in Saint Louis, repeating the assurance of cordial welcome by the city and the State, and adding, "You need to see our people and our city; and we need to see and hear you, to receive the lessons you will give us, and to feel the quickening of your presence."

On motion, the invitation was accepted, with thanks. Subsequently in the day, a telegram was read from the Hon. Joseph Brown, mayor of Saint Louis, repeating the invitation, and promising the congress the heartiest of Missouri welcomes, which was received with much applause.

Dr. Wines stated that the board of directors of the National Prison Association, at a meeting held in this city yesterday, had resolved to have these annual congresses in the spring, during the month of May or June, the exact date to be fixed according to circumstances, by the board, or its executive committee, and that the next meeting would, as a matter of course, take place in the spring of 1874.

Dr. Wines further stated that the constitution of the national association provided that committees of correspondence should be formed in all the States at the earliest practicable moment, to co-operate with the association in pushing the work of prison reform in all its departments, but especially in the gathering of criminal, penitentiary, and reformatory statistics, and that he had been instructed by the board of directors to invite the delegations from the several States to hand in to him the names of such persons as they judged competent and suitable to be placed upon the proposed committees. He further said that it was the judgment of the board that where boards of State charities or prison associations exist, instead of forming new organizations they should be invited to co-operate with the national association in the manner and for the purpose indicated.

On motion, it was ordered that the further reading of reports from States be dispensed with, and that reports not hitherto read be referred to the executive committee of the association for publication, either in full or epitomized form, in the transactions of this congress.

Dr. Wines read a paper by Miss Carpenter, of England, on life-sentenced prisoners, at the conclusion of which he said that he much regretted that the pressure of business on this last day of the sessions of the congress was such as to forbid an extended consideration of the very important question treated by Miss Carpenter. The paper was able and suggestive, like everything that came from the pen of that distinguished philanthropist and writer. It presented many very striking views, and though there was no time at present to consider and discuss them, the essay would be printed as a part of the proceedings, and would be as seed cast into the public mind and thought of the country and the world. (For Miss Carpenter's paper see page 318.)

Mr. Shipley, of Ohio, chairman of the finance committee, and treasurer of the congress, reported that \$211 had been received, that all bills had been paid, and that there remained a surplus of \$73.85. On motion of Mr. Griffith, of Maryland, it was ordered that the balance in the hands of treasurer be appropriated to the National Prison Association,

and it was accordingly handed over to the secretary, for transmission to the treasurer of the association.

In the absence of Mr. Monfort and the other secretaries of the congress, General James L. Miner, of Missouri, was, by vote of the congress, invited to act as secretary in their place.

Dr. Wines, on behalf of the special committee appointed to consider the expediency of petitioning Congress to make an appropriation in aid of the work of the National Prison Association, reported the draught of a memorial addressed to that body.

General Eggleston, of Mississippi, and Mr. Vaux, of Pennsylvania, doubted the propriety of the action proposed.

Governor Seymour, of New York, said that he was what was called a "States' rights" man, and that upon that point he agreed with the gentlemen who had preceded him. But there was one aspect of this case which took it out of the scope of their criticisms. The movement in which we were engaged was national, and even international. We were in fact a part of the congress which met in London last year. We acted, therefore, in a national relation. Criminal administration and prison discipline belonged to the National Government, as well as to the governments of the States, for the United States, equally with the individual States, had its courts and its convicts. Besides, the District of Columbia and the Territories were within our purview, and these were under the immediate jurisdiction of the National Government. And then, as he had said, this work was international, as well as national. The London Congress formed a permanent international commission, charged with the duty of organizing a plan for the collection of international penitentiary statistics upon common principles, and according to common formulas; and it was expected that all nations would cooperate in this work. Would the United States Government alone stand aloof from it? He thought that the Government should not and would not decline co operation in an object at once so catholic and so important.

The discussion was continued for some time, a number of delegates taking part therein.

Governor Seymour resumed the chair, and Judge Walker moved that the report of the committee be adopted; that the president and secretary be authorized to sign the memorial; and that a committee of thirteen, of which the president should be chairman, be appointed to present the memorial to Congress.

The motion passed, and the following gentlemen were appointed on the committee: Hon. Horatio Seymour, of New York, chairman; Hon. Richard Vaux, of Pennsylvania; General J. L. Miner, of Missouri; General B. B. Eggleston, of Mississippi; Hon. C. I. Walker, of Michigan; Governor F. Smyth, of New Hampshire; Hon. Edward Earle, of Massachusetts; Hon. R. K. White, of Kentucky; Hon. Isaac D. Jones, of Maryland; Murray Shipley, Esq., of Ohio; Professor W. F. Phelps, of Minnesota; Rev. H. W. Bellows, D. D., of New York; and Dr. E. C. Wines, of New York.

Mrs. Richardson, of Missouri, through Judge Walker, offered the following resolution, which was unanimously carried, viz:

*Resolved*, That the friends of prison reform be earnestly invited to show their interest in the cause by becoming members of the National Prison Association, and thus promote its usefulness and at the same time aid in the circulation of the works of that great statesman, jurist, and prison reformer, Edward Livingston.

Mrs. Richardson sent up \$10 to constitute herself a member of the association, thus proving her faith by her works.

Judge Walker, of the business committee, reported six resolutions on points which had been, in some form, referred to the said committee.

For these propositions see further on, under the heading "Resolutions adopted by the congress."

The first resolution, relating to the connection between intemperance and crime, the subject having been fully discussed yesterday, was carried unanimously.

The second resolution, relating to the leasing of prisons, gave rise to an extended discussion.

General Eggleston, of Mississippi, said that the "leasing system" prevailed in his State, but worked badly. They found themselves imposed upon by the lessees. The men were overworked. There was constant friction between the State authorities and the lessees. The authorities insisted that the men should have wholesome and sufficient rations, and be suitably clad, kindly treated, and not overtasked. The lessees complained that such interference curtailed their profits, and would compel them to surrender their contract. He thought that when their new prison building was completed and they had room for all their convicts to work within the prison premises, the system would be definitely abandoned.

Dr. Wright, of Tennessee, defended the system, as practised in his State. They retained control of the discipline and management of the prison. They did not for a moment lose sight of the interests of the convicts, whose reformation they earnestly sought.

Mr. South, of Kentucky, said that he did not quite agree with the views of his colleague, Mr. Pritchard. He defended the system in part, and commended the humanity of the late lessee, Captain Todd.

Judge Walker, of Michigan, said that there seemed to be some difficulty or misunderstanding, which he thought grew out of the term "leasing." He thought the word "contracting" would be preferable. There was a prejudice against leasing, but in all the States there was something of the contract principle and practice. The term "leasing" conveyed different ideas to different minds.

Governor Seymour supposed leasing and contracting to be very much the same thing.

Dr. Wines, of New York, said that, with all deference to the two eminent gentlemen who had last addressed the congress, he conceived that there was a material difference between the leasing system and the contract system, and, although he did not like the latter, he considered the former greatly more objectionable. Under the contract system, the labor only of the convict was hired out; while the whole care of the prisoners, the discipline, the clothing, the bedding, the food, the medical attendance, the religious and secular instruction, the hours of labor, &c., were retained in the hands of the authorities. But, under the leasing system, all this was changed. The whole control and management of the prison, including the material and moral interests of the prisoners, were turned over to the lessee, who was sometimes an individual and sometimes a business company; but always a party whose sole object was to grow rich, first out of what the convicts could earn, and next out of what could be saved from the cost of feeding, clothing, and housing them. The prison was let, as he understood it, for a term of years, to the party who offered the highest bonus to the State, over and above the keep and care of the prisoners. Other considerations might possibly come in, but this was the main and controlling one. He

looked upon it as a system objectionable to the last degree. It was the same system against which John Howard, a hundred years ago, lifted up his voice and employed his pen. That was the English system of his day. He had had some opportunity of learning the state of public opinion in some of the States where the system had been tried in this country. He first met the system in Illinois in 1865, where he found public sentiment unanimous, or nearly so, against it; and a year or two later it was crushed out. He next went to Missouri, where the system had previously existed, but public opinion had destroyed it. He then passed over to Kentucky, where the system was then and is still in vogue. But even there those most closely connected with it—the prison inspectors, for example—were against it. One of them pronounced it, in his judgment, the worst system that human ingenuity could devise. He admitted, and was glad to admit, that Captain Todd, who was at that time the lessee, was a humane and just man, and he had proved his disinterestedness, as well as the breadth of his views and the elevation of his character, by advocating a policy which no doubt would have taken thousands of dollars annually out of his pocket, that is to say, the creation of a prison for juvenile offenders, which would have removed fifty to a hundred young men from his institution, and deprived him of the profit of their labor. He believed that Captain Todd had acted justly and honorably by the convicts, but the account he had received of the conduct of previous lessees—some, not all—was quite different. It was the *principle* of the plan to which he objected. It was too liable to abuse, and the temptation to abuse was too strong. In the millennium it might do, if there were any prisons then; but in the present condition of human nature, he believed the system radically and incurably vicious.

Mr. White, of Kentucky, agreed with Dr. Wines. He did not ask the congress to pass judgment upon his State, but he wanted to settle a principle of prison treatment. Indiana had once tried this system; but she found that while it enriched the contractor it robbed the people and demoralized the prisoner.

Colonel Burr, of Ohio, said that though they contracted the labor of their prisoners, they retained complete control of them. A contractor could not even *speak* to a prisoner, except to tell him what to do, and he (Colonel B.) had the power, on the least interference of a contractor, to dismiss him and forbid his return to the prison; and more than once he had exercised that power. But leasing a penitentiary, with the power of control over the convicts vested in the lessee, was a different matter. That was going back to the dark ages of prison discipline.

The Rev. Mr. Woodbury, of Rhode Island, said that public opinion controlled prison systems as it did everything else. As a congress we could only suggest reforms and then leave the States to decide for themselves.

Dr. Wines asked Mr. Woodbury whether the contractor in the Rhode Island prison did not agree to employ discharged convicts in his factory outside.

Mr. Woodbury replied that there was no stipulation of that kind in the contract; but there was an understanding to that effect and an obligation of honor for them to do so.

Colonel Burr said that this was, to a considerable extent, the case in Ohio.

Mr. Miller, of Missouri, expressed his detestation of the leasing system where the lessee had control of the prisoners. Where the State had control it was better; but he would prefer to have the State work

the men. It might do so through a competent agent as well as a contractor could. Mere money-making should not be a consideration. It was wrong to put prisoners into the hands of men whose sole aim was to enrich themselves out of their toil. It was the worst kind of slavery.

Mr. Woodbury said that a practical difficulty would be the capital. Where should that be obtained?

Mr. Griffith, of Maryland, without at all favoring the system of leasing, claimed that that of letting the labor on contract worked well in the Maryland penitentiary. The board had entire control.

The resolution was then adopted.

Judge Walker read the third resolution, relating to accused but untried prisoners; and the fourth relating to the aiding of discharged convicts, which were considered together.

The Rev. Mr. Doll, of Maryland, agent of the Prisoners' Aid Society, said that his society did something in the way of looking after the arrested, as well as in aid of those released from prison. Their association was but three years old, yet 581 prisoners had been discharged by the courts through his intervention. The facts collected by his investigations had convinced the judges either that they were innocent or that the charges against them were too trivial for grave, judicial proceedings. Eleven hundred and sixty-five had been aided with money; three hundred and forty-nine had had steady places provided for them, and two hundred and eighty-eight had been furnished with temporary employment. His own house had been for the last twelve months turned into a refuge for discharged female prisoners, and he would soon have to ask the people of Baltimore to provide a home for such, for the number was becoming too great for his limited accommodations. God had given him a large-hearted, noble helpmate in his wife. Fifteen poor creatures were then in his house, who but a short time ago were within the walls of the penitentiary. Fourteen of them were colored girls. And these poor creatures had made his house a *banking house* for their savings. He begged pardon for his warmth in this matter. I feel (said he) that I have a greater responsibility resting upon me than when I was ordained by the bishop, in the Methodist Episcopal Church, to what would be called a higher order of the ministry. O! sir, we want a *prison* ministry. I say to my brethren in the ministry, we must come down from our pulpits and minister to them that are in prison. A poor girl rescued from the whirlpool of prostitution and received into our home until we found her a place of employment has visited us a dozen times since, bringing small presents to testify her gratitude. She has recently been restored to her father's house, in Virginia. No prisoners' aid association is complete without a prison agent connected with it. We took charge of three poor girls a short time since that but for our aid society would have speedily rushed to ruin. Now they are saved, and are in membership with the church. We are but doing the Master's work when we thus *go down* and seek to save the lost. Mr. President, I suppose that my time is very limited; but I wish to use it all in pleading especially for the poor children needing our sympathy and aid. For them I could stand and plead until the going down of the sun.

Mr. Merrefield said that prison reform in Baltimore owed much to Mrs. Doll for the success attained through the labors of her husband.

Mr. Griffith related several telling incidents connected with this work in Baltimore. He said that the most faithful porter he ever had in his store was a discharged convict.

The resolutions were carried.

Judge Walker next read the fifth resolution, relating to the necessity of vigorous effort to improve the administration of existing prison systems.

In doing so, he said that the States did not, as a general thing, pay salary enough to secure and retain good men as wardens and keepers. The very best men were needed for the duties required.

The Rev. Mr. Milligan, of Pennsylvania, thought the resolution a very wise one. The idea was not to interfere with special systems, but to stir up all to work, on their own plans, in the best and most effective manner.

Mr. Coates, of Pennsylvania, said that that was the true idea. Let each follow his own chosen and well considered way, and "by their fruits shall ye know them."

The resolution was adopted.

· Recess until 7 p. m.

#### EVENING SESSION.

The congress re-assembled at the hour named, Mr. Vaux in the chair.

Judge Walker read a letter from Alfred H. Love, of Philadelphia, apologizing for his absence from the meeting, expressing his sympathy in its objects, and giving his views at some length on the subject of prison discipline. (For Mr. Love's paper see page 374.)

Dr. Wines submitted a similar though shorter letter from Dr. Aiken, of Wilmington, Delaware, apologizing for his absence. He had lost his wife, and the funeral took place during the meeting of the congress.

Dr. Wines also read a short letter from Rev. C. C. Foote, late chaplain of the Detroit House of Correction. (For Mr. Foote's letter see page 374.)

He further submitted a letter received sometime ago from Hon. B. F. Butler. (For said letter see p. 369.)

Governor Seymour took the chair at this point, and announced the committee of thirteen on the memorial to be presented to Congress. The names of the gentlemen constituting the committee have already been given.

Judge Walker read the sixth resolution, relating to reformatories.

Dr. Hatch, of Connecticut, said that we had the boys, and the question was, What kind of citizens shall they be? We needed good citizens, and such came from good homes. He approved of compulsory education, and hoped for its general adoption. If the children were rightly educated, we would not need either penal or reformatory institutions. He questioned the necessity of such a resolution; it was but the alphabet; we were beyond that. Let us have warm hearts to receive the children kindly. Of course we would pass the resolution; but we were already getting beyond it.

Dr. Wines reminded Dr. Hatch that if Connecticut was beyond it, Texas was not; nor Arkansas; nor Oregon; nor a half score of other States.

Mr. Bigham, of Western Pennsylvania, said that since the Cincinnati Congress they had been considering the question of changing their institution—the Western House of Refuge—and had concluded to adopt the family plan instead of the congregate, formerly in use. They were going out some miles into the country. It would take them two years, probably, to complete their new buildings, and then they meant to have the model reform school of the country.

Mr. Coates favored teaching these boys trades. Skilled workmen

were becoming scarce, and were greatly needed. The reformatories might aid in supplying this want.

Mr. Shipley, of Ohio, said that the members of the convention sometimes lost sight of the main point. It was not so much, how can we cure the convicts and have them become good men, as how can we prevent the children from becoming convicts? Compulsory education was good, but it alone would not keep boys from growing up into criminals. We must adapt our schools to the circumstances and wants of the children. There were a great many agencies. Among them he was pleased to see the feature in the New York Catholic Protectors, referred to by Mr. Develin, that of giving rewards to little boys. He admired that plan. They had established a school in Cincinnati, and they provided a warm dinner for the needy children that attended it. They took 150 children from the street, and fed, taught, and saved them. They had their private visitor, whose business it was to find and bring them to the school; and after they had interested them in learning, they transferred them, if possible, to the public schools. They tried to act on the principle of the patriarch Job: "The cause which I knew not, I searched out."

Mr. Vaux, of Pennsylvania, believed that the old Greeks used to pray that the gods would endow us with the eloquence of silence. He felt the need of that prayer. He had been appealed to, quoted, unkindly criticised, and kindly laughed at, by some of the members of that congress. He had tried to bear it all as well as he could, and kept on praying as did the Greeks. But the time had come when it became necessary for him to say a single word in defense of his views. It had been said, "there is no partisanship in what is spoken here. We are all met to devise means to advance the cause of reform." However that might be, he would say, *God bless the work*. They should lay down *general principles*, and not go too much into particular measures. Some had praised Christianity. That was right; but they had given a slap at the individual system of treating convicts.

The Pennsylvania system had been discussed, while it was not understood by five gentlemen out of the State. The phrase "*solitary confinement*" had been used and applied to it. Miss Gilbert so characterized it, and asked, "Would you hang a Christian?" Yes, he would hang *forty* "Christians," if they broke the law and were found guilty. The Pennsylvania system should be spoken of as the separate or individual system. Howard did not commence visiting British prisons until long after Pennsylvania had reformed abuses in the indiscriminate, or rather *no* system, which then prevailed. To Pennsylvania belonged the praise of moving first in this reform. The best paper read in that congress on the prison question was that of Dr. Despinae, of France. Until you elevate this reform to a science, you are running after vagaries. You must study and know the criminal himself. Such knowledge was the basis of all right prison treatment. You cannot reform criminals by merely putting them into prison, nor prevent crime by putting boys into reformatories. You must find out what are the causes, and adapt your treatment to *them*. That is the problem; that strikes at the root of the matter. All else is but playing with the surface. You must look at principles, not mere details. You must look at the question as statesmen, not as politicians. Politics must be eliminated from prisons and prison management.

The president asked Mr. Vaux whether in Pennsylvania the prisoners were kept separate, or were allowed to receive visits.

Mr. Vaux said that they were separated from each other, but not from the world.



The Rev. Mr. Bradford, of Connecticut, said that the great question was how to care for the young in the reformatory, how to save them from becoming criminals. They should take care of the girls in peril of falling. Save them, and society was saved. They had in Connecticut the model school. They were ahead of Massachusetts. They had had remarkable instances of reformation, of which he gave several interesting illustrations. They had no bars and bolts more than in private houses. As regarded labor, the girls were engaged in making paper boxes, and ten per cent. of the money earned belonged to themselves. Some had saved \$75 or \$100. This was a great stimulus; it put hope into them, without which none of us could accomplish much.

The resolution was then agreed to unanimously.

On motion, the cordial thanks of the congress were tendered to the Prisoners' Aid Association of Maryland for the abundant labor expended in preparation for this meeting; to the citizens of Baltimore, for courtesies and hospitalities; to the band of the House of Refuge for the excellent music with which they entertained the congress at its opening session; to Mr. Raine for a liberal reduction on the rent of his beautiful and commodious hall; to railroad companies and proprietors of hotels for reduction of fares and board; to the reporters of the associated press and the Baltimore journals for their services in making known the doings of the congress; to the Rev. Wm. H. Tiffany, who kindly rendered his service as official reporter to the body without charge; to the Young Men's Christian Association and the managers of the numerous penal, reformatory, and charitable institutions of Baltimore and vicinity for invitations to visit and inspect the establishments under their care; and to the Hon. Michael C. Kerr, a member of the Congress of the United States from the State of Indiana, and of this body by appointment of the executive of that State, for his eloquent and instructive address, delivered on the evening of the 21st instant.

Dr. Wines moved the following:

This congress, while expressing its gratitude for the valuable reports and papers furnished by writers, at home and abroad, cannot assume responsibility for every sentiment and utterance contained in them. It holds itself responsible only for the principles and acts sanctioned by a formal vote.

Dr. Hatch rose and said: The business of this congress is concluded. I hope we shall now, for a few moments, resolve ourselves into a mutual admiration society, have a good time, and shake hands all round. I love sharp men, [looking at Mr. Vaux;] they bring out points more distinctly.

Mr. Vaux reciprocated the kindly feeling.

Dr. Hatch continued: We shall go home refreshed, prepared to work with warmer hearts and a more earnest zeal. We are satisfied that the great thing is, to have the right kind of men in charge of our prisons and reformatories. It is not the separate, or the associated, or the family system that will do the work; but good men, earnest men, men working in the right spirit. Thus acting, we shall advance in our great reform; and when we meet next year, in Saint Louis, brothers Vaux and Milligan and all being there, we will renew friendships, compare notes, exchange congratulations, and move onward with equal tread in the march of improvement.

Mr. White, of Kentucky, expressed his pleasure at seeing his own opinion so fully represented in this congress. Once the cry was, save the criminal; now the better idea is, to preserve from crime. The friends of this movement will hear of our doings, and take courage.

Mr. Talcott expressed much satisfaction with what he had seen, heard, and felt since he came to Baltimore. He believed that in this warfare upon crime we should prevail, relying for the victory on Him "to whom belong the kingdom, and the power, and the glory."

Dr. Wines said: I do not rise, Mr. President, to make a speech, but to give, in few words, an account of my stewardship. It is just twenty-seven months since the Cincinnati congress met, at which meeting it was voted, with absolute unanimity, that an international congress should be convened. Cincinnati asked me to undertake the organization of that movement. It was impossible to answer so grave a proposition on the spur of the moment. All I could then do was to promise to consider it, venturing, however, to add, that in case I concluded to accept the honor and the labor, if there did not, in 1872, assemble in London a congress composed of five hundred delegates, coming from the very ends of the earth, it should not be for the want of work put forth to accomplish that result. Well, the congress met in London last July. More than four hundred delegates were present. Every state in Europe, except Portugal, was officially represented. Our own Government, Mexico, several of the South American States, the West India Islands, Bengal, Ceylon, Australia, Japan, Hong-Kong, and most of the States of our own Union, had delegates there. It was an able body, equipped and ripe for the work in hand. And notwithstanding these four hundred and odd representative men and women came from so many and such widely distant regions, differing in nationalities, speech, institutions, usages, ideas, and manners, yet, after ten days of mutual conference and consultation, they were able to agree, unanimously, upon a declaration of principles of prison discipline, which was substantially an echo of the declaration made at Cincinnati. Surely, "the Divinity that shapes our ends" never stood more conspicuously revealed than in such an issue under such circumstances. I have been permitted to see all this, and to return to commit the result of the work which you gave into my hands to your judgment and kindness.

Colonel BURR, of Ohio. The congress can only say, "Well done, good and faithful servant."

Judge Walker moved a special vote of thanks to the Hon. Horatio Seymour for the ability, dignity, and courtesy with which he has performed the duties of the chair; and to Dr. Wines for his faithful, devoted, and successful services in the cause of prison reform.

In making this motion, Mr. Walker said: Ladies and gentlemen, we have all been charmed by the dignity, urbanity, and wisdom of our president in his official relations to this body, and with the clearness, power, and eloquence of his utterances, whenever he has favored the congress by taking part in its discussions. As to the corresponding secretary, we are so much indebted to his labors that language utterly fails in attempting to express our obligations to him. Except for his labors, the Cincinnati congress would not have assembled; nor the international congress have been held in London; nor the present congress have convened in Baltimore; nor the work of prison reform have gained such an impetus in this and other countries. If any man living, he surely may be congratulated on having accomplished something for the amelioration of his race.

A few words in relation to this gathering: I came here not as an expert; I had had a little experience, and had given some attention to the subject. But I came to learn, not to teach. I have enjoyed this congress; have felt it to be good to be here, among men so unselfish. It does us all good to meet with such men. I have known something of Baltimore,

but I was not prepared to see its advanced condition in relation to the great works of Christian charity. Brother Doll, to-day, indicated something very promising. God speed you in this great work for truth and humanity. Another thing: we have no *Friends* in my neighborhood in Michigan. But I have Quaker blood in my veins, and have attended many a silent meeting. I am glad to see some of the "Friends" here, aiding the good cause, in the spirit of the great Master.

He called for the vote on the resolution of thanks to the president and corresponding secretary.

Carried by acclamation.

Mr. Merfield thanked Mr. Walker for his kindly greetings to his Quaker "Friends," and heartily reciprocated them in their name as well as his own.

Dr. Wines bowed his thanks, simply remarking that this more than paid for all the service he had rendered.

Governor Seymour said: I am deeply grateful for this kind expression of your feeling. My claims to your gratitude are light indeed compared to those of Dr. Wines. There have been features connected with this convention very peculiar. Generally men meet to carry out their special views. We met as strangers, with all shades of sentiment. Yet, with abundant sources of difference, we have gone through our deliberations in harmony. We have received the ideas of others with respect; we have advanced our own without arrogance or dogmatism. I think we may say that there is something in the very cause we are engaged in which has produced this concord and consideration for each other. We may not have accomplished all we desired and hoped for the good of those within prison walls; but we part with kinder feelings than those with which we came together. It is sad to think that many of us have met for the last time. It is my wish and hope that we may all go to our homes in safety; and that we may be successful in doing something to advance virtue, wisdom, reform, and happiness in society.

The president then declared this congress dissolved, and announced that another congress, similar in character, would convene in the city of Saint Louis in the spring of 1874.

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## VI.—RESOLUTIONS ADOPTED BY THE CONGRESS.

As the National Congress of Cincinnati, in 1870, adopted a comprehensive declaration of principles of prison discipline, and the International Congress of London, in 1872, re-affirmed, substantially, though in a condensed form, the same platform, it was judged by the Congress of Baltimore unnecessary to formally go over the ground again in 1873. Nevertheless, in the course of the proceedings, several members introduced resolutions relating to special points connected with penitentiary or reformatory work. These were referred, as introduced, to the business committee, which, on the last day of the session, reported them back, in a form more or less modified, for the action of the congress. The greater part of the last day's session was devoted to a consideration of the questions raised by the resolutions, which, after having been variously amended, were adopted, and are as follows:

I. *Whereas*, it is fully established by incontestable facts that intemperance in the use of intoxicating liquors is one of the principal incitements to crime, as well as a chief cause of pauperism; and *whereas*, it

follows that in proportion as intemperance is suppressed, crime and its terrible consequences will be prevented: Therefore,

*Resolved*, That this congress will welcome and encourage any wise and efficient measures for the suppression of this great evil, whether by an appeal to moral and religious principle, by voluntary effort, by legislative action, or by the enforcement of existing laws.

II. *Resolved*, That the best interests of prison discipline demand that the governments controlling prisons, whether state or municipal, should, through their officers, have the entire control of the prisoners, both as to their hours of work and their treatment; and that any system of leasing or of contract that does not secure this, can but be injurious to the best interests of both the prisoners and the public.

III. *Resolved*, That prisoners' aid societies and other like associations to befriend discharged prisoners and to assist them in procuring homes and employment, have proved most effective as an auxiliary in the reformatory work, and that the organization of such societies, where they do not exist, is most cordially recommended, and urged as a duty upon the friends of prison reform.

IV. *Resolved*, That the great success which has attended the effort wherever made, and especially in Philadelphia, as shown by the paper of Mr. Mullen, for the protection of persons charged with a violation of law, by a careful investigation in each case before trial by a disinterested agent appointed for that purpose, fully authorizes this congress to recommend the establishment of such an agency in each State, and especially in each large city, where, from the great number of such charges and the haste with which many of them are disposed of, there is danger that innocent persons may often be convicted of offenses wrongfully charged upon them.

V. *Whereas*, in the present state of prison reform it is impossible to determine, either with precision or unanimity, upon an ideal system of prison discipline; and *whereas*, if that were possible, radical changes in existing institutions and their mode of administration would require much time and great effort in their accomplishment: Therefore,

*Resolved*, That it becomes a matter of vital importance that the friends of prison reform should make prompt, vigorous, and steadily persistent efforts for the improvement of prisons as they actually exist and are administered, and especially that they should seek to educate the public mind as to the importance of elevating the character of the service engaged in their administration, and the great necessity of securing for each service men of the highest moral and intellectual character, by providing a liberal compensation therefor, and by making the employment entirely independent of partisan influence, and also that they should, by every wise and practicable effort, seek to show both the importance and the possibility of making our prisons thoroughly reformatory in their character.

VI. *Resolved*, That experience has demonstrated that juvenile reformatories, houses of refuge and protection, and industrial schools for the training of neglected, vagrant, erring, and viciously inclined youths are among the most effective means yet devised for the saving of such youths from a life of crime; and that it is essential to the highest success of such institutions that they should not, either in theory or in fact, be or be considered as penal in their character, but rather as temporary homes for their inmates, whose treatment should approximate as nearly as possible to the parental system.

## VII.—THE NATIONAL PRISON ASSOCIATION OF THE UNITED STATES OF AMERICA.

## I.—OFFICERS OF THE ASSOCIATION FOR 1873.

*President.*—Hon. Horatio Seymour, Utica, New York.

*Vice-Presidents.*—Hon. James G. Blaine, Speaker United States House of Representatives, Augusta, Maine; Hon. Daniel Haines, Hamburg, New Jersey; Henry W. Bellows, D. D., 232 East Fifteenth street, New York; General Amos Pilsbury, Superintendent Albany Penitentiary, Albany, New York; Hon. Conrad Baker, Indianapolis, Indiana.

*Treasurer.*—Salem H. Wales, 520 Fifth avenue, New York.

*Corresponding Secretary.*—E. C. Wines, D. D., LL.D.; office 320 Broadway; residence, Irvington, New York.

*Recording Secretary.*—Bradford K. Peirce, D. D., Editor Zion's Herald, Boston, Massachusetts.

## 2.—BOARD OF DIRECTORS.

Samuel Allison, Yardville, New Jersey.

William H. Aspinwall, 33 University Place, New York.

Hon. Conrad Baker, Indianapolis, Indiana.

Henry W. Bellows, D. D., 232 East Fifteenth street, New York.

Hon. James G. Blaine, Speaker United States House of Representatives, Augusta, Maine.

Rev. Charles L. Brace, secretary Children's Aid Society, 19 East Fourth street, New York.

Z. R. Brockway, Superintendent Detroit House of Correction, Detroit, Michigan.

James Brown, esq., 38 East Thirty-seventh street, New York.

Charles F. Coffin, president board of directors, House of Refuge, Richmond, Indiana.

Hon. John E. Develin, New York.

Hon. Theodore W. Dwight, LL.D., President Columbia College Law School, 37 Lafayette Place, New York.

G. S. Griffith, Baltimore, Maryland.

Hon. Daniel Haines, Hamburg, New Jersey.

E. W. Hatch, M. D., Superintendent State Reform School, West Meriden, Connecticut.

Hon. R. B. Hays, Cincinnati, Ohio.

Morris K. Jesup, 59 Liberty street, New York.

John Taylor Johnston, 119 Liberty street, New York.

A. J. Ourt, M. D., corresponding secretary board of public charities, 737 Walnut street, Philadelphia, Pennsylvania.

B. K. Peirce, D. D., Editor Zion's Herald, Boston, Massachusetts.

General Amos Pilsbury, Superintendent Albany Penitentiary, Albany, New York.

F. B. Sanborn, Editor, Concord, Massachusetts.

Hon. Horatio Seymour, Utica, New York.

Hon. L. Stanford, Sacramento, California.

Oliver S. Strong, president board of managers New York House of Refuge, 61 Bible House, New York.

Salem H. Wales, 520 Fifth avenue.

Hon. and Rev. G. William Welker, Goldsborough, North Carolina.

A. R. Wetmore, president board of managers New York Juvenile Asylum, 365 Greenwich street, New York.

Hon. R. K. White, Louisville, Kentucky.

John E. Williams, President Metropolitan National Bank, 108 Broadway, New York.

E. C. Wines, D. D., LL. D., 320 Broadway, New York.

### 3.—STANDING COMMITTEES.

1. *Executive committee*.—The president, H. Seymour; treasurer, S. H. Wales, and secretary, E. C. Wines, *ex officio*; H. W. Bellows, Rev. Charles L. Brace, John E. Develin, and James Brown.

2. *Committee on criminal-law reform*.—H. Seymour, Daniel Haines, Conrad Baker, James G. Blaine, Theodore W. Dwight, R. B. Hayes.

3. *Committee on prison discipline*.—F. B. Sanborn, Z. R. Brockway, Amos Pilsbury, A. J. Ourt, G. William Welker.

4. *Committee on juvenile delinquency*.—B. K. Peirce, C. L. Brace, O. S. Strong, E. W. Hatch, A. R. Wetmore.

5. *Committee on discharged prisoners*.—Daniel Haines, Samuel Allinson, Charles Coffin, R. K. White, G. S. Griffith.

### 4.—CORRESPONDING MEMBERS.

Miss Mary Carpenter, Red Lodge Reformatory, Bristol, England.

Miss Florence Nightingale, South street, London, England.

Right Hon. Sir Walter Crofton, C. B., Hillingdon, Uxbridge, England.

Frederic Hill, esq., 27 Thurlow Road, Hampstead, London, England.

Edwin Hill, esq., No. 1 Saint Mark's Square, Regent's Park, London, England.

Miss Florence Hill, Bristol, England.

Miss Joanna Margaret Hill, Birmingham, England.

Alfred Aspland, esq., Dukenfield, Ashton-under-Lyne, England.

William Tallack, esq., No. 5 Bishopsgate street, Without, London, England.

Charles Ford, esq., 24 New street, Spring Gardens, London, England.

Rev. Sydney Turner, inspector of reformatories, 15 Parliament street, London, England.

W. L. Sargant, esq., Birmingham, England.

Edwin Chadwick, esq., C. B. Mortlake, England.

A. Angus Croll, esq., Granard Park, Putney, England.

Miss Frances Power Cobbe, 26 Hereford Square, London, England.

George W. Hastings, esq., 1 Adam street, Adelphi, London, England.

T. B. Ll. Baker, Hardwicke Court, Gloucester, England.

T. L. Murray Browne, esq., No. 4 Old Square, Lincoln's Inn, London, England.

Edwin Pears, esq., Secretary of British Social Science Association, No. 1 Adam street, Adelphi, London, England.

Major E. F. DuCane, surveyor-general of prisons, No. 44 Parliament street, London, England.

John Lentaigue, esq., inspector of county and borough jails, Dublin, Ireland.

Captain J. Barlow, director of convict prisons, Dublin, Ireland.

M. Bonneville de Marsangy, 7 rue Penthievre, Paris, France.

M. Victor Bournat, 20 rue Jacob, Paris, France.

M. Robin, (pasteur.) 21 rue Piat, Belleville, Paris, France.

M. J. Jaillant, director of prisoners, ministry of the interior, Paris, France.

M. Jules de Lamarque, chief of bureau, direction of prisons, Paris, France.

Dr. Prosper Despine, 12 rue du Loisir, Marseilles, France.

M. Charles Lucas, member of the Institute, Paris, France.

M. le Vicompt d'Haussonville, member of the national assembly, rue St. Dominique, Paris, France.

M. Auguste Demetz, 92 rue de la Victoire, Paris, France.

M. Berden, administrator of prisons, Brussels, Belgium.

M. J. Stevens, inspector-general of prisons, Brussels, Belgium.

M. Auguste Vissechers, 106 rue Royale, Brussels, Belgium.

Mr. Alstorpius Grevelink, the Hague, Netherlands.

Rev. Dr. Laurillard, secretary of the Netherlands Prison Society, Amsterdam, Netherlands.

Mr. B. J. Ploos Von Amstel, Amsterdam, Netherlands.

Dr. Guillaume, director of the penitentiary, Neuchâtel, Switzerland.

Mr. Max Wirth, chief of the statistical bureau, Berne, Switzerland.

Signor F. Cardon, director-general of prisons, Rome, Italy.

Signor Mar. Bettrami-Scalia, inspector-general of prisons, Rome, Italy.

Baron Franz von Holtzendorff, professor of law in the University of Berlin, Berlin, Prussia.

Rev. Dr. Wiehern, director of the Rauhe Haus, Horn, near Hamburg, Germany.

Mr. Fr. Bruün, director of prisons, Copenhagen, Denmark.

Senhor André Fleury, secretary of the committee of inspection of the house of correction, Rio de Janeiro, Brazil.

5.—LIFE DIRECTORS BY THE CONTRIBUTION OF TWO HUNDRED DOLLARS OR UPWARD, AT ONE TIME, TO THE FUNDS OF THE ASSOCIATION.

Timothy M. Allyn, Hartford, Connecticut.

James Brown, New York.

Morris K. Jesup, New York.

W. Soldatenkoff, St. Petersburg, Russia.

E. C. Wines, New York.

6.—LIFE MEMBERS BY THE CONTRIBUTION OF ONE HUNDRED DOLLARS OR UPWARD AT ONE TIME.

Horatio Seymour, Utica, New York.

William H. Aspinwall, New York.

W. Amory, Boston, Massachusetts.

H. K. Corning, New York.

D. Denny, Boston, Massachusetts.

Edward Earle, Worcester, Massachusetts.

George B. Emerson, Boston, Massachusetts.

Mrs. Mary A. Holden, Providence, Rhode Island.

Joseph Howland, Matteawan, New York.

John Taylor Johnston, New York.

Amos Pilsbury, Albany, New York.

Jonathan Sturges, New York.

N. Thayer, Boston, Massachusetts.

C. H. Shipman, Brooklyn, New York.

B. G. Clarke, New York.

Miss M. W. Wills, Hartford, Connecticut.

## 7.—TREASURER'S REPORT FOR TWO YEARS.

*The National Prison Association in account with S. H. Wales, treasurer*

Cr.

April 30, 1873. By amount of donations from May, 1871, to May, 1873.....	\$7,068 85
amount of appropriation by United States Congress.....	5,000 00
loan .....	4,925 00
	<hr/>
	16,993 85
	<hr/> <hr/>

Dr.

April 30, 1873. To cash paid for expenses connected with the International Penitentiary Congress and for salaries.....	\$15,000 00
office expenses, including rent, fuel, light, attendance, &c.	898 00
cash paid for printing and expenses connected with two annual reports.....	594 26
cash paid for stationery.....	64 04
cash paid for postage, telegraphing, and expressage....	264 43
cash paid for office-furniture .....	141 97
cash paid for traveling expenses .....	105 25
cash paid miscellaneous expenses .....	14 80
balance to new account.....	85
	<hr/>
	16,993 85
	<hr/> <hr/>

E. E.

## 8.—CONTRIBUTIONS TO THE NATIONAL PRISON ASSOCIATION FROM MAY, 1871, TO MAY, 1873.

<i>California.</i>	
Mrs. L. Hutchison, Bishop Creek .....	\$10
<i>Connecticut.</i>	
Timothy M. Allyn, Hartford .....	\$500
James E. English, New Haven .....	25
R. S. Fellowes, New Haven .....	20
Rev. Thos. K. Fessenden, Farmington .....	20
Miss M. W. Wells, Hartford .....	125
Rev. Geo. Wooding, Wethersfield .....	10
	<hr/>
	700
<i>Illinois.</i>	
George W. Perkins, Pontiac.....	10
Charles E. Felton, Chicago.....	10
	<hr/>
	20
<i>Indiana.</i>	
Charles F. Coffin, Richmond.....	20
<i>Iowa.</i>	
James McCartney, Salem.....	10
<i>Kentucky.</i>	
Cyrus Mendenhall, Covington.....	10
P. Caldwell, Louisville.....	10
	<hr/>
	20
<i>Maryland.</i>	
W. R. Lincoln, Baltimore.....	10
G. S. Griffith .....	10
	<hr/>
	20
<i>Massachusetts.</i>	
W. Amory, Boston.....	100
William J. Bowditch, Boston .....	10
Gridley J. F. Bryant, Boston.....	20
John W. Candler, Boston .....	50
Cash, Boston .....	10
D. Denny, Boston .....	100
Mrs. Henry F. Durant, Boston.....	50



Edward Earle, Worcester .....	\$100	
Geo. B. Emerson, Boston .....	100	
Charles O. Foster, Boston .....	25	
A. Hardy, Boston .....	25	
S. G. Howe, Boston .....	10	
Mrs. Julia Ward Howe, Boston .....	10	
Samuel Johnson, Boston .....	10	
H. P. Kidder, Boston .....	50	
O. W. Peabody, Boston .....	50	
Avery Plumer, Boston .....	10	
M. S. Scudder, Boston .....	20	
E. S. Tobey, Boston .....	50	
Nathaniel Thayer, Boston .....	100	
J. C. Tyler, Boston .....	10	
Samuel D. Warren, Boston .....	50	
Mrs. Elizabeth Farnsworth, Groton .....	10	
		\$970
<i>Michigan.</i>		
O. Goldsmith, Detroit .....	10	
H. V. N. Lothrop, Detroit .....	10	
R. McLelland, Detroit .....	10	
James McMillen, Detroit .....	10	
John S. Newberry, Detroit .....	10	
C. I. Walker, Detroit .....	20	
Rev. Charles Johnson, Lausing .....	10	
		80
<i>Minnesota.</i>		
F. W. Phelps, Winona .....		10
<i>Missouri.</i>		
Mrs. A. W. Richardson .....		10
<i>Nebraska.</i>		
H. C. Campbell, Lincoln .....		10
<i>New Hampshire.</i>		
Rev. William Clark, D. D., Andover .....		10
<i>New Jersey.</i>		
D. Haines .....		10
<i>New York.</i>		
Brother Teliow .....	10	
William H. Aspinwall, New York .....	200	
James Brown, New York .....	600	
Stewart Brown, New York .....	150	
B. G. Clarke .....	175	
H. K. Corning, New York .....	150	
Erastus Corning, Albany .....	200	
Cash .....	10	
Winthrop S. Gilman, New York .....	150	
Bishop E. S. James, D. D. .....	10	
Joseph Howland, Matteawan .....	200	
James Hunter, New York .....	20	
Richard Irvin .....	75	
Morris K. Jesup, New York .....	250	
W. R. Jaueway .....	25	
John Taylor Johnston, New York .....	200	
Henry T. Morgan, New York .....	75	
A. S. McDonald .....	20	
W. C. Palmer .....	20	
Amos Pillsbury, Albany .....	100	
H. F. Phinney, Cooperstown .....	25	
Rev. George L. Prentiss, D. D. .....	10	
Guy Richards, New York .....	65	
George Sterry .....	25	
Horatio Seymour, Utica .....	100	

Jonathan Sturges, New York .....	\$150	
Rev. William M. Paxton, D. D. ....	10	
E. C. Wines, New York .....	400	
Rt. Rev. Horatio Potter, D. D. ....	10	
John David Wolfe, New York .....	200	
Weston & Gray, New York .....	100	
Salem H. Wales, New York .....	150	
R. W. Weston .....	50	
John E. Williams, New York .....	50	
C. H. Shipman, Brooklyn .....	200	
		— \$4,185 00
<i>Ohio.</i>		
Murray Shipley, Cincinnati .....	10	
G. E. Howe, Lancaster .....	10	
Mrs. R. A. S. Janney, Columbus .....	10	
R. B. Hayes, Cincinnati .....	10	
A. H. Moufort .....	10	
		— 50 00
<i>Pennsylvania.</i>		
Henry Cordier, Claremont, Allegheny County .....	50	
T. H. Nevin, Allegheny .....	10	
		— 60 00
<i>Rhode Island.</i>		
A. E. Burnside, Providence .....	10	
A. C. Barstow, Providence .....	20	
Jacob Dunnell, Pawtucket .....	20	
W. W. Hoppin, Providence .....	10	
Mrs. Mary A. Holden, Providence .....	100	
Robert H. Ives, Providence .....	60	
William J. King, Providence .....	40	
Mrs. Henry Lippitt, Providence .....	20	
Jesse Metcalf, Providence .....	10	
Seth Padelford, Providence .....	10	
Mrs. G. M. Richmond, Providence .....	30	
Miss Caroline Richmond, Providence .....	20	
A. & W. Spragne, Providence .....	100	
James Y. Smith & Nichol, Providence .....	40	
Amos D. Smith, Providence .....	10	
H. J. Steere, Providence .....	10	
James Tillinghast, Providence .....	20	
Royal C. Taft, Providence .....	20	
Rev. Augustus Woodbury, Providence .....	20	
		— 570 00
<i>West Virginia.</i>		
Thomas P. Shallcross, Moundsville .....		10 00
<i>Wisconsin.</i>		
Edwin Hurlbut, Oconomowoc .....		10 00
<i>United States.</i>		
Appropriation by Congress .....	5,000 00	
Surplus after paying expenses of Baltimore Congress .....	73 85	
<i>Russia.</i>		
W. Soldatenkoff, St. Petersburg .....		200 00
Total contributions for the two years .....		<u>7,068 85</u>

#### 9.—ACT OF INCORPORATION.

*The people of the State of New York, represented in senate and assembly,  
do enact as follows :*

SECTION 1. Horatio Seymour, Theodore W. Dwight, Francis Lieber,  
Amos Pillsbury, James Brown, William H. Aspinwall, John Taylor  
Johnston, John E. Williams, Theodore Roosevelt, Morris K. Jesup,

Isaac Bell, James G. Blaine, Conrad Baker, Rutherford B. Hayes, Daniel Haines, Enoch C. Wines, Oliver S. Strong, Bradford K. Peirce, Charles L. Brace, Charles F. Coffin, Howard Potter, Henry S. Terbell, Z. R. Brockway, Frank B. Sanborn, Edward W. Hatch, and their associates and successors in office, are hereby constituted a body corporate and politic, by the name of "The National Prison Association of the United States of America," whose duty it shall be to consider and recommend plans for the promotion of the objects following; that is to say—

1. The amelioration of the laws in relation to public offenses and offenders, and the modes of procedure by which such laws are enforced.

2. The improvement of the penal, correctional, and reformatory institutions throughout the country, and the government, management, and discipline thereof, including the appointment of boards of control and of other officers.

3. The care of, and providing suitable and remunerative employment for, discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

SEC. 2. The principal place of business of the said corporation shall be in city of New York; and the management and disposition of its affairs, property, and funds shall be vested in the persons named in the first section of this act, and their associates and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others to be elected at the times and in the manner prescribed by the by-laws. The number of members to constitute a quorum shall be fixed by the by-laws.

SEC. 3. The said corporation shall have power to purchase or take by gift, grant, devise, or bequest, real and personal property to an amount not exceeding three hundred thousand dollars, subject to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty.

SEC. 4. The said corporation shall have and possess all the general powers, and be subject to all the liabilities, contained in the third title of chapter eighteen of the first part of the Revised Statutes.

SEC. 5. This act shall take effect immediately.

STATE OF NEW YORK,

*Office of the Secretary of State, ss :*

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

Given under my hand and seal of office at the city of Albany, this twenty-ninth day of April, in the year one thousand eight hundred and seventy-one.

DEIDRICH WILLERS,

*Deputy Secretary of State.*

## 10.—CONSTITUTION.

ARTICLE I. This Association shall be called the National Prison Association of the United States of America, and its objects shall be—

1. The amelioration of the laws in relation to public offenses and offenders, and the modes of procedure by which such laws are enforced.

2. The improvement of the penal, correctional, and reformatory institutions throughout the country, and of the government, management, and

discipline thereof, including the appointment of boards of control and of other officers.

3. The care of, and providing suitable and remunerative employment for, discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

ART. II. The officers of the association shall be a president, five vice-presidents, a corresponding secretary, a recording secretary, a treasurer, and a board of directors, not exceeding thirty in number, of which the officers above named shall be *ex officio* members.

ART. III. There shall be the following standing committees, namely: An executive committee, of which the president shall be *ex officio* chairman, the recording secretary *ex officio* secretary, and the corresponding secretary and treasurer *ex officio* members; a committee on criminal law reform; a committee on prison discipline; a committee on juvenile delinquency; and a committee on discharged prisoners.

ART. IV. The board of directors, of whom any five members shall constitute a quorum—two of said members being officers of the association—shall meet semi-annually, and in the interval of its meetings its powers shall be exercised by the executive committee, which shall fix its own time of meeting.

ART. V. Committees of correspondence shall be organized in the several States, as may be found practicable; and the formation of State associations shall be encouraged.

ART. VI. Any person contributing annually to the funds of the association not less than ten dollars shall be a member thereof; a contribution of one hundred dollars at any one time shall constitute the contributor a life member; and a contribution of two hundred dollars at any one time shall entitle the contributor to be a life director. Corresponding members may be appointed by the board of directors or by the executive committee. The power of electing officers shall be confined to the corporate members of the association.

ART. VII. The association shall hold an annual meeting at such time and place as the executive committee shall appoint, on which occasion the several standing committees, the corresponding secretary, and the treasurer shall submit annual reports. Special meetings may be called by the president in his discretion, and shall be called by him whenever he is requested to do so by any three members of the board.

ART. VIII. All officers of the association shall be elected at the annual meeting or some adjournment thereof; but vacancies occurring after the annual meeting may be filled by the board of directors, who shall also appoint all committees not chosen at the annual meeting; and all officers shall hold over till their successors are chosen.

ART. IX. The executive committee shall consist of seven members of the board of directors—the president, the recording secretary, the corresponding secretary, and the treasurer being *ex officio* members—any three of whom shall constitute a quorum for the transaction of business.

ART. X. This constitution may be amended by vote of a majority of the members of the association at any meeting thereof: *Provided*, That notice of the proposed amendment shall have been given at the next preceding meeting.

## 11.—BY-LAWS.

I. The order of business at each stated meeting of the board shall be as follows:

1. Reading of the minutes.
2. Report of the treasurer.
3. Report of the corresponding secretary.
4. Reports from standing committees.
5. Reports from special committees.
6. Miscellaneous business.

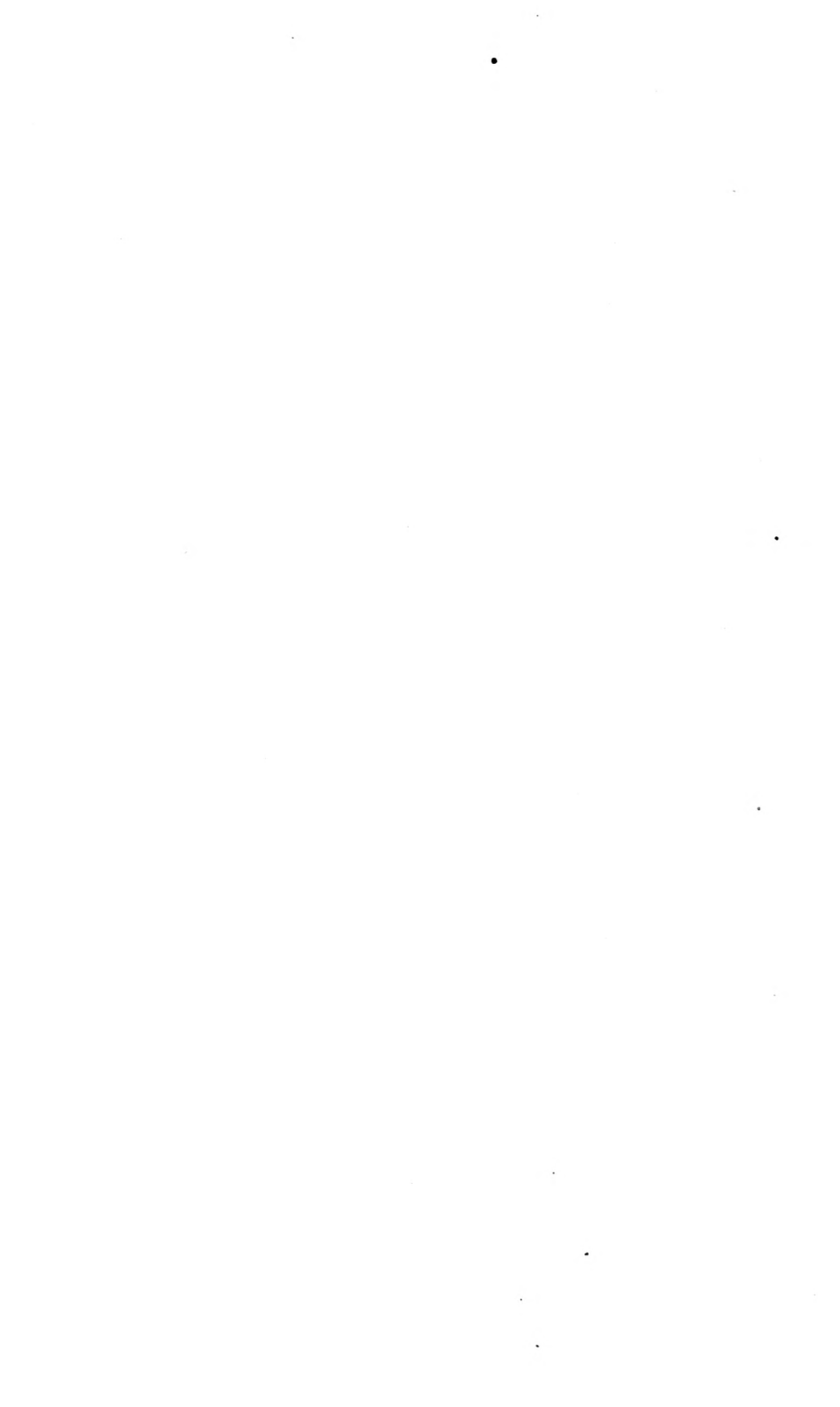
II. The president, corresponding secretary, recording secretary, and treasurer shall perform the customary duties of their respective offices.

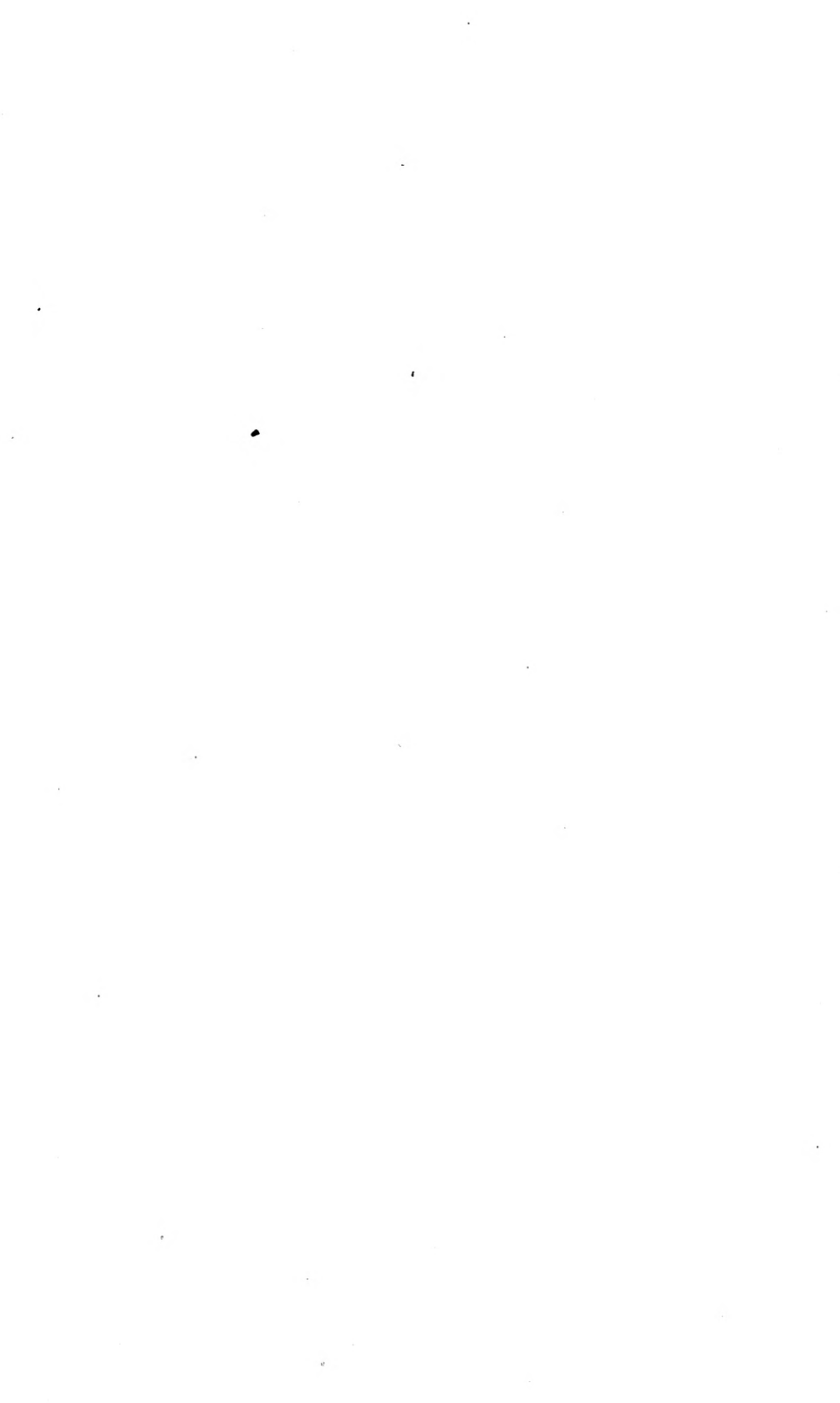
III. The president shall appoint the committees, unless otherwise ordered by the association.

IV. The president shall decide questions of order, subject to an appeal; and the rules of order shall be those in Cushing's Manual, so far as they may be applicable.

V. No bills shall be paid by the treasurer unless approved and signed by the chairman of the executive committee, or by some other member of said committee designated by him.

VI. No alteration shall be made in these by-laws, except on notice of the proposed amendment given at a previous meeting of the board.





1953

REC'D LD-URL

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MAY 2 8 1967

LD URL FEB 22 1971

RENEWAL  
LD URL

MAR 7 1977

OCT 2 3 1990  
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