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SKETCH

OF THE

PRINCIPAL TRANSACTIONS

OF THE

See ✓
 "Philadelphia Society for Alleviating the Miseries
 of Public Prisons,"

FROM ITS ORIGIN TO THE PRESENT TIME,

PHILADELPHIA:

MERRIHEW & THOMPSON, PRINTERS,

1859.

S K E T C H.

First Organization.—On the 2d day of February, 1776, a Society was formed in this city under the name of “The Philadelphia Society for Assisting Distressed Prisoners.” The following named persons were at the same time elected managers till the ensuing September, viz: *Joseph Allen, Christopher Marshall, Christopher Ludwick, Isaac Howell, Richard Wells, Benjamin Shoemaker, Joseph Paschall, Benjamin Marshall, Joseph Stansbury, Benjamin Poultney, Richard Humphreys, and Samuel Sansom*; and for Treasurer, *Thomas Moore*. Many persons became members by an annual contribution of ten shillings, and many prisoners received seasonable relief; but in September of the following year, the British army entered the city and took possession of the gaol, and, after an existence of nineteen months, the Society was dissolved. The abuses which prompted such an organization at that time were probably of the same character with those which were stirring up the sympathies of HOWARD on the other side of the Atlantic; for although the criminal laws of England, (under which an average of two thousand thieves were hung annually, and the bodies of twenty were to be seen suspended on one gibbet,) had been essentially modified, there were still revolting cruelties practised, and enormous abuses of judicial power tolerated.

Second Organization.—Peace being restored, public attention was re-called to the condition of prisoners, and on Tuesday, the 8th day of May, 1787, a number of the citizens* of Philadelphia assembled and agreed to form themselves into a Society, to be called “The Philadelphia Society for Alleviating the Miseries of Public Prisons.”

* The meeting was composed of the following persons, only one of whom, (*Richard Wells*,) was connected as Manager with the earlier effort, viz: *Benjamin Rush, John Swanwick, John Morrison, Thomas Harrison, Tench Coxe, Zachariah Poulson, Thomas Lloyd, Joseph*

Its Object.—The reasons for such an organization are simply but eloquently set forth in the preamble to the Constitution:—“When we consider that the obligations of benevolence, which are founded on the principles and example of the Author of Christianity, are not cancelled by the follies or crimes of our fellow-creatures; and when we reflect upon the miseries which penury, hunger, and unnecessary severity, unwholesome apartments and guilt (the usual attendants of prisons) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of these miseries. By the aid of humanity their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all circumstances, be preserved, and such degrees and modes of punishment discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow-creatures to virtue and happiness.”

The wisdom and humanity of these principles have received daily confirmation during the intervening period, and they control the plans and efforts of the Society at the present time.

Early Action.—The late venerable *William White* was elected the first President of the new Society, and held the office until his death; and so promptly was its benevolent hand extended to the relief of unjust suffering, that at the very first meeting a member reported, that although an order had been issued three days before, from the Supreme Executive Council, that *Barrach Martin*, who had received a sentence of death but had been pardoned, should be released from his irons,—they still remained on him. The subject was referred to an appropriate committee, who took instant and successful measures to relieve the prisoner of his irons and to liberate him from confinement.

A more favorable juncture for the beneficent labors of such a

Moore, William Rogers, John Kaighn, James Whitall, Richard Wells, Thomas Wistar, Jacob Shoemaker, Isaac Parrish, William Zane, Thomas Rogers, Samuel P. Griffiths, Francis Bailey, Joseph James, Charles Marshall, John Olden, Caleb Lownes, Thomas Parkinson, and John Morris, but with these original members are to be reckoned: *Dr. William White, Dr. Henry Helmuth, Dr. John Jones, Dr. William Shippen, Dr. Gerardus Clarkson, Jonathan Penrose, Lawrence Sickle, John Baker, James Reynolds, Dr. George Duffield, Benjamin Wynkoop, and George Krebs.*

Society could not have occurred, for it was just when the eyes of the civilized world were opened to the horrible abuses of prisons, and Legislatures were disposed to lend an ear to the suggestions of a wiser, because a more humane policy.

Cause and Cure.—It is not probable that either (certainly not the first) of these organizations contemplated any general change in the principles of discipline then prevailing; but in the investigation of the obvious miseries of prisoners, it was clearly revealed that they were attributable in a great degree to remediable defects in the structure and discipline of the prisons. That crimes increased in number and boldness could not be denied, and no adequate cause could be assigned for it, except the ASSOCIATION of convicts. This being the *evil*, SEPARATION was the obvious remedy; and on this, therefore, as we shall soon see, they ultimately fixed, as the grand point to be aimed at. Thenceforth separation and employment were felt to be the cardinal features of convict discipline; and even at that day it was maintained, that though the strictures which this principle demanded might be somewhat more expensive at the outset, they would, nevertheless, in the end pay for themselves with large interest. In saving in police force; in the avoidance of conspiracies and insurrections; in the dispensing with violent and exciting modes of punishment; in the power to adapt the means of improvement and reformation to individual character and circumstances; in the exemption of the discharged prisoner from recognition by prison acquaintances, and in the moral and disciplinary virtue of seclusion in itself considered,—were to be found a generous compensation for any extraordinary outlay.

Extraordinary Transformation.—Perhaps a more thorough transformation in the character of a penal code, by peaceful legislation, is not recorded in the world's history than that which took place in Pennsylvania during the eighteen years immediately succeeding the Declaration of Independence. When the Revolution commenced, nearly a score of crimes were capital.* In 1794 it

* High treason, petit treason, murder, robbery, burglary, rape, sodomy, malicious maiming, manslaughter by stabbing, witchcraft, arson, and a second conviction of any crime except larceny, counterfeiting, or passing counterfeit money, or bills of credit, current gold or silver coin, were all punished with death.

was ordained that no crime should be punishable with death except murder in the first degree.

The old code was not more severe in its penalties than in its definition of offences. The malicious and voluntary burning of a building or place of public worship, or of an academy, or school-house, or library, belonging to any body politic or corporate, was punishable with death. If the birth of an illegitimate child was concealed by the mother, the presumption of law was declared to be that it was born alive and that she murdered it.

In the administration of the old code, too, the exposure of the offender to the gaze and taunts of the rabble with every external mark of degradation,—the clog and chain upon the neck or leg, or both,—subjection to the cropping and branding iron, the pillory and the whipping-post, were conspicuous features. Ten short years pass, and it is decreed that these badges of barbarity shall be abolished, and punishments adopted better fitted to reclaim the transgressor, and not less effective in penal suffering.

It was one of these odious provisions that attracted the attention of the new Society. As early as August, 1787, a Committee was appointed to “inquire into the effects produced upon convicts, then at work in the streets, and also its influence on society, and to collect such observations as might assist in correcting any abuses suffered therein.”

Secluded Labor Suggested.—Their inquiries led to the adoption of a memorial to the Legislature in January following, praying that for hard labor, publicly and disgracefully imposed, private and even secluded labor should be substituted. The mingling of the sexes and the use of intoxicating drink in the prisons were also suggested as evils requiring legislative remedy.

Abuses indicated.—In the autumn of 1788 a minute of the Supreme Executive Council engaged the attention of the Society, and the following defects and abuses were indicated in the treatment of prisoners:

1. Insufficient clothing for the untried. Complaint was made that the clothes which the Society had supplied to poor prisoners had been exchanged for rum.

2. The daily allowance to persons committed for trial was only a half of a four-penny loaf, while those detained as witnesses had no allowance at all.

A stranger accidentally present at the commission of a crime, without friends to enter security for his appearance, was committed to gaol for the benefit of the community, and suffered more than the actual criminal; and what added greatly to this grievance, he was afterwards detained until he paid the gaol fees! The Society earnestly protested against this practice, and against detaining any prisoners for any such cause after acquittal. This was one of the abuses which Howard ranked among "enormities."

3. No provision was made for decent lodging,—the inmates of the gaol lying indiscriminately upon the floor, unless supplied with something better by their friends. It will scarcely be believed that, in the memory of persons now living, the male and female prisoners in the goals of this city were allowed a promiscuous association, and were even locked up together in the rooms at night.* The new Society remonstrated loudly, and the men and women were soon after confined in separate apartments. Almost equally incredible is the fact, that prisoners complained that they were not allowed to buy intoxicating drinks where they could get them cheapest, but were compelled to buy them in the gaol at a considerable advance. To obtain them they not only stripped themselves, but when new prisoners were brought in, they took their clothing from them by force and exchanged it for rum.

4. The indiscriminate intermingling of criminals, untried prisoners and debtors, was another monstrous abuse, and led, in many instances, to the conversion of debtors and innocent parties into criminals.

5. Parents were allowed to have their children with them in gaol, and young offenders were exposed to all the corrupting influences of association with confirmed and reckless villains.

6. It was presented as a radical evil that a large proportion of the prisoners were unemployed; and farther, it was maintained that labor, even in the public streets, was preferable to sheer idleness within the walls.

Two Essential Elements of Reform.—In view of these several considerations, and as the result of careful observation, the Society resolved that "labor in seclusion, and the interdiction of all intoxi-

* It is affirmed that such a practice is not unknown in some of the County gaols in this State at this day.

cating drinks," were the two principal elements of the desired reform.

Publications.—At an early period the aid of the press was invoked in behalf of the Society's objects. Memorials and addresses had been issued before, but in April, 1790, a pamphlet was published entitled, "Extracts and Remarks on the Subject of Punishment and the Reformation of Criminals," and five hundred copies were distributed through the General Assembly, and among the chief functionaries of the government.

Reform of Penal Code.—On the 5th day of April, 1790, an act was passed to reform the penal code of the State. By this act the principle of individual separation was recognized, though applied strictly only to "more hardened and atrocious offenders, who are sentenced for a term of years," while the introduction of intoxicating drinks was prohibited under severe penalties.

Early Fruits of Separation.—Under the act of 1794, not only the more hardened and atrocious offenders were subjected to seclusion, but ALL convicts. There being but thirty cells, however, and an average of one hundred convicts, the Inspectors were obliged to exercise their discretion. In some instances, the prisoner, immediately on his admission, was conducted to his cell, and remained in it until his discharge; and we have on record the remarkable fact, that *the cases thus treated were the only instances of reformation which continued throughout the lives of the individuals*, so far as they could be traced, or their condition ascertained by diligent inquiry.*

Gaolors' Fees.—Towards the close of the year 1796 another sore evil was taken in hand, and one so radical and stubborn that even to this day it has a reproachful name and place among us. It was the *practice of exacting fees as a condition of liberation from imprisonment*. A competent salary to the keeper was suggested as the best remedy, so that he should have no interest in any question affecting the liberty of his prisoner. It is to be regretted that this wholesome suggestion did not then receive all the consideration to which it was entitled.

Poor Debtors.—Imprisonment for debt and its appendages came up for distinct investigation by the Society in January, 1798, and an act of the Legislature passed that year ameliorating some of the provisions of existing laws.

* Robert Vaux's letter to Wm. Roscoe, Sept. 21, 1827, p. 7.

Instruction.—Little, if any attention, had been given to the prisons of this country or of Europe to the *instruction of ignorant prisoners in useful knowledge*. But in the summer of 1798, our Society expressed a warm sympathy in such efforts, and agreed to allow compensation for services rendered in that behalf.

Vagrants.—Two years later, *the employment of vagrants and convicts*, and the expense of their support, were made a subject of inquiry, and it is a matter of some interest to know that the number of vagrants committed during the four years preceding November, 1798, was 3,698, and of convicts in the same time, 490. The former were in prison on an average thirty-six days, and cost fifteen pence per day for their maintenance. The balance against the county at the end of the four years was £15,587, or less than \$10,000 per annum. The appropriation to our County Prison last year was \$61,000.

Pardons.—At this early stage in the progress of reform, the Philadelphia Society adjudged it to be unwise to abate any part of a sentence passed on a prisoner, either by lessening the term of his sentence or seeking a pardon from the Executive.

It seems passing strange that so protracted an experiment was needful to satisfy any intelligent community that this position is as wholesome for the prisoner as for the State, and yet up to this time the abuse of this high prerogative is among the most formidable mischiefs with which we have to contend. The decided language used by the Executive of Massachusetts, (not the least offending of our States in this point,) in his late message, leads us to hope that a more just view of the subject is about to prevail. He denies the right of the Executive to interfere with any stage of a judicial process, except facts are proved which, had they been known, would have prevented the law being so framed or so applied. He maintains that the efficiency of discipline is seriously impaired by the prevalence of the impression that a pardon is obtainable, and that weak persons have been induced to confess crimes for the protection of the guilty, under the assurance that it was only *a form*, and that a pardon would at once be secured for them.

Prison Library.—The next prominent measure which is particularly noticeable, is the establishment of a *prison library*. The Inspectors agreed to be at the expense of a case, and a Committee of the Society was appointed to select proper books, and pre-

scribe rules for their circulation. At the same time a list of books was reported, with the prices; among them were "Pilgrim's Progress," "Mason on Self-Knowledge," "Law's Serious Call," Young's Night Thoughts," "Blair's Sermons," and "Hervey's Meditations,"—a selection which, however intrinsically good, might, in these palmy days of book-making, be considerably extended without finding an equal number of works so comparatively inappropriate to the object.* It was also agreed to supply convicts and other prisoners with Bibles and Testaments, and a Committee was appointed to report on their distribution and its results.

Digest of Penal Laws.—In 1810, a movement was made towards a general improvement of prison discipline throughout the State, and a committee was appointed to prepare a memorial on the subject; but not long after the Legislature commissioned Jared Ingersoll, then Attorney General of the State, to prepare a digest of its penal laws, and the suggestions of the Society were made to him.

Sundry prison abuses revealed.—In January, 1814, the Grand Jury of Bucks County presented the scanty allowance to poor debtors as a subject deserving the attention of the public authorities. Fourteen cents a day only were allowed for provisions, clothing, bedding and fuel, and even this niggardly allowance was withheld from the debtor until the creditor received notice of his commitment. For some days, therefore, they might be exposed to extreme suffering, unless the gaoler or some kind friend afforded them relief. The rations of convicts were one pound of bread a day, and six cents worth of fuel, and one extra blanket in extreme weather. The subjection of persons committed for

* There are, perhaps, few tasks more perplexing than that of selecting books for a prison library. To induce most prisoners to read at all, they must be supplied with something attractive to them, and to combine with such attraction what is needful and profitable for their mental and moral improvement, is a talent which few authors possess. The Library of the Eastern Penitentiary now contains several hundred volumes, and the following are reported as most in demand:—Chambers' Information for the People, Daguerreotype and Foreign Miscellany, Arthur's Sketches of Life and Character, Cyclopædia of Useful Knowledge, Pictorial Geography, Lights and Shadows of Real Life, Museum of Foreign Literature, Land and Sea, Sea and Sailor, Deck and Port, Irish Tales, and Diary of a Physician, 3 vols.

trial to the same fare with convicts, was also presented as a reproach to the community. It was, moreover, urged that the manner and amount of the gaoler's compensation should be such as to remove from him all temptation to benefit himself at the expense of his prisoners. This position, which the Society assumed many years before, is one which the most obvious principles of justice warrant. It extends to magistrates and arresting officers, as well as gaolers. To none of them should there be offered the slightest temptation to distress or annoy those in custody, for the sake of profit to themselves.

Measures to obviate them.—The Society was not indifferent to these suggestions. Measures were soon adopted to ascertain the condition of penal institutions in other States, and a committee was appointed to memorialize our own Legislature in behalf of desired improvements; but various circumstances prevented definite action on the subject until January, 1818, when a memorial was adopted, representing the crowded state of the Philadelphia Prison, and the impracticability of reaching the true end of all penal discipline therein, and urging the erection of penitentiaries in suitable parts of the Commonwealth, for the more effectual separation and employment of prisoners, and so proving the superiority of that system.

Western Penitentiary.—Notwithstanding the impediments to a full trial of separation, the good results were sufficiently manifest to justify the Society in calling public attention to the importance of extending it throughout the State. This was now done, and in the same year the act was passed authorizing the erection of the Western State Penitentiary “on the principle of the solitary confinement of the convicts as the same is or hereafter may be established by law.”

At the same time a letter was received from Dr. Lushington, in behalf of the London Society for improving the discipline of prisons, which had been established in 1817, requesting information as to the results of the melioration of our penal code. To this it was replied that the construction of the gaol in this city, (then used as a penitentiary for the whole State,) would not allow the fundamental principle of separation to be observed, except to a very limited extent, while the necessity of discharging prisoners received from remote parts of the State, to be at once exposed to

the severe temptations of a thronged city, was felt to be a great hindrance to their restoration to honest ways. Reference was made to the new penitentiary then in progress at Pittsburg, and to the determination to build another in this city, and strong confidence expressed in the full success of the system when these structures were completed.

Abuse of authority by Committing Magistrates.—The crying abuse of authority in committing persons to gaol for trivial offences, which so shamefully prevails at this day, is not of recent origin. It was among the outrages which arrested the attention of JOHN HOWARD, and in 1820, our Society instituted a specific inquiry into the extent of the evil, and the practicability of remedying it.

Inquiries from New York.—In September of the same year, a committee of the citizens of New York addressed a series of inquiries to us, touching the effects of our more lenient treatment of convicts. The reply bears emphatic testimony to its efficacy, so far as facilities to employ it had been afforded. Were a penitentiary established, they say, sufficiently large and so constructed as to keep the prisoners separated from each other during work, meals, and sleep, (in other words, perpetual separation,) and if no pardons were granted except in extraordinary cases, its efficacy would soon be self-evident.

The difficulty of procuring employment, the frequency of pardons, and the forlorn condition of discharged prisoners, were then, as they are now, grave but not necessary evils. To adopt capital punishment to a greater extent than was already allowed, or to resort to transportation, (each of which changes had been suggested,) was regarded as clearly inexpedient.

The chain was also repudiated, and a fair trial of labor in seclusion from other convicts, with moderate diet, under suitable agents, was urged as the *wisest, safest, most humane, most efficient*, and, in the end, *most economical* mode of dealing with criminals.

New Penitentiary in Eastern Pennsylvania.—Impressed with these views, a memorial was addressed to the Legislature, in Jan., 1821, in which notice is first taken of the tendency of the degrading and sanguinary punishments formerly inflicted, to excite the malignant passions of offenders, instead of bringing them to a better mind, and thus frustrating the great ends of law,—and

then of the various modifications of the system designed to obviate existing evils. These modifications, it is alleged, had proved quite as valuable as was anticipated, and clearly demonstrated the superiority of the new system if it were fairly tried. They therefore urged the erection of a new penitentiary for the Eastern District of the State, so constructed as to admit of the constant separation and healthful labor of the convicts; and within four months afterwards the act was passed for building the Eastern Penitentiary—that noble monument of the liberal, humane, and economical policy of the Commonwealth.

Abuse of Power by Magistrates.—Again was the illegal exercise of power by magistrates, to the great oppression of the poor and helpless, a subject of inquiry, and in 1822 a committee was appointed to confer with the Executive of the Commonwealth on the subject. It was afterwards (in July, 1822,) made the subject of a memorial to the Legislature.

Asylum for Discharged Convicts.—In November of the same year, the project of an asylum for such discharged convicts as may be unable to obtain employment, was referred to a committee, but the impracticability of securing a suitable building for the purpose seems to have discouraged farther efforts in that direction.

Juvenile Offenders.—At a meeting of the Society, January 28, 1823, a committee was instructed to inquire into the condition of juvenile offenders, and what relief is needed in their case. These inquiries were prosecuted from time to time, but did not result in any definite measure till January 21, 1826; when the committee reported warmly in favor of an institution, for their reception, but expressed doubts whether the Society had the needful means to establish it, or the legal powers that would be required for its management. At the same time a resolution was passed, proposing a meeting of citizens on the 1st day of February then ensuing, and an address was agreed upon to be submitted, in which a brief history was given of the melioration of the penal institutions of the State, to be still further improved upon a completion of the two penitentiaries. But as our true policy, as well as our manifest duty, consists not less in preventing crime and checking the tendency to it, than in punishing and reclaiming the overt offender, the restraint and reformation of children and youth exposed to

riminal habits becomes an imperative obligation. The new project was therefore earnestly commended to the citizens, and a committee appointed to make arrangements for the meeting.

House of Refuge.—A House of Refuge for juvenile delinquents was forthwith commenced and opened for inmates on the 1st of December, 1828, and the benefits that institution has already conferred on this community abundantly prove its necessity and value.

Suggestions for Improving Criminal Proceedings.—When the Eastern Penitentiary was approaching its completion, (July, 1827,) the Society appointed a Committee to prepare a memorial to the Legislature, setting forth the importance of carrying into full effect the *principle of separation*, &c. July, 1829, another memorial was forwarded embracing the two following suggestions: 1. That the criminal courts be so organized as that the prisons may be speedily delivered of all persons held to answer for offences, &c. 2. That provision be made for the complete separation of all persons committed for trial or as vagrants, as well as those under sentence.

Laws in Public Schools.—In July, 1828,¹ a Committee was raised to report a digest of the most important criminal laws of the State for gratuitous circulation in the public schools.

Publications.—Much interest now began to be exhibited on the subject of the mode of discipline in the new Penitentiary,* and a large edition of a pamphlet clearly vindicating what was known as the Pennsylvania system, showing its humane and reformatory tendencies, was published and circulated.

Opening of the Penitentiary.—The penitentiary was opened Oct. 25, 1829, and the principles of discipline which the Society had steadily advocated for the preceding forty years were now to be tested. Whatever defects in the structure or mode of discipline were revealed by experience, (and that such defects existed no one denies,) were remedied, as far as practicable, and its subsequent annual reports afford most satisfactory evidence of the soundness of the principles recognized in its discipline.

The abuse of the Magistrate's office by the illegal commitment and discharge of vagrants and others so often and loudly

* Some of the conflicting views entertained on the subject at that time may be understood by referring to No. 1, vol. i. of the Pennsylvania Journal of Prison Discipline, p. 8.

complained of, seems not to have been corrected; for in Oct. 1830, it was again presented to the Society as a flagrant wrong, and a Committee was appointed to devise a remedy.

County Prison called for.—In 1831 a bill was reported to the Legislature for the erection of four hundred cells within the walls of the Eastern Penitentiary, and for the sale of the Walnut St. prison. The Society, apprehensive that the reception of so large a number of prisoners might interfere with the fundamental principle of separation, again memorialized the Legislature, expressing those fears, and suggesting the expediency of creating another prison on the same principle, for the use of the County.

Defects of County Gaols.—The receptions at the Eastern Penitentiary during two or three years brought constantly to view the miserable condition of the County prisons. Before the salutary discipline of seclusion was brought to bear upon the convict, his residence for weeks, and perhaps months, in a county goal had worked out of him what was most valuable as an element of reform, and prepared him for any thing and every thing but a docile submission to the regulations of the penitentiary. To give consistency to the system or to secure its legitimate results, it was indispensable that county prisons shall adopt the principle of separation for all classes of commitments.

County Prison ordered for Philadelphia.—In March, 1831, the act was passed authorizing the erection of a prison for the City and County of Philadelphia, capable of holding at least three hundred persons, on the principle of separate confinement; and in April, 1832, a Committee was appointed to investigate the condition of county prisons throughout the State.

Matrons.—The propriety of appointing matrons to have charge of female prisoners was made a subject of conference between a Committee of the Society and the Inspectors of the prison in April, 1833, and in the succeeding July the condition of the county gaol was again discussed, and a circular was addressed to various persons in the different counties soliciting information, especially in regard to plans of building, discipline, employment, means of separation, &c.

Much interest was excited at this juncture by the publication

* Chiefly those of Francis Leiber, Esq., and Dr. Julius of Prussia.

of various documents* on the subject of penitentiary punishment and the connection of education with crime.

Public Executions.—In April, 1834, an important act was passed requiring all sentences of death to be executed within the walls or yard of the gaol, limiting the number and character of witnesses allowed to be present, and forbidding the attendance of any person under age. It is to be regretted that so wise and humane a law should be so often evaded or violated.

Early in the year 1835, the system of discipline to be adopted in the new county prison, then nearly ready to be occupied, became a matter of deep interest to the Society; for though individual separation was expressly recognized in the act, it was feared the character of the prisoners might lead to a relaxation of the principle. A committee was appointed to have the subject in charge.

Plans of County Gaols.—In 1836 the Acting Committee was instructed to have prepared the best plans for County Gaols on the separate system, and on their report made October 8, 1838, a memorial was forwarded praying the Legislature to appoint Commissioners to investigate the condition of the County gaols.

Annual Returns of Crime—In October, 1839, the Acting Committee was charged with the duty of calling the attention of the Executive to the condition of the county gaols, and in furtherance of this important measure they were also specially charged in January, 1840, with the duty of procuring the passage of a law requiring an annual return to the Secretary of State from the clerk of each county, of the cases presented to the grand jury, and how many were found true billss and how many were ignored; together with the number of convictions and acquittals; and from Sheriffs and Gaolers a return of all persons received into their custody, and the time and manner of their discharge, and the number in custody at the date of the return; also, an account of the receipts and expenditures of the year; an abstract of which returns was to be presented to the Legislature.* Such an account of the stewardship of these important functionaries of the government, is no more than a commercial

*The effort to secure such returns was renewed by the Society in February, 1847. A memorial to the Legislature was adopted, and the draft of a law submitted and enacted, Feb. 27, 1847, but its provisions are thus far inoperative.

house or a manufacturing corporation would require of its agents ; yet, strange to say, the nearest approximation to a compliance with the law, gave returns from less than half the counties, and these so meagre and imperfect, that the Secretary of State, in despair of any intelligible abstract of them, submitted them in their crude form to the disposal of the Legislature! Had the returns required been made, our State would this day possess an invaluable basis, not only for improvement in her own legislation, but as a contribution to the enlightenment and guidance of other States and nations. It is scarcely credible, that information of so much practical value and obtainable with so little pains or expense, should be still lacking.

Moral and Religious Instruction.—From the first introduction of the separate mode of discipline, the necessity of religious influences, as a constituent part of the process, has been uniformly recognized. The expediency of committing this branch of instruction to a special officer was referred to a committee in 1841, and in 1843 the appointment of such an officer for the Philadelphia County Prison was reported,—his salary being paid by private subscription. A similar office was established in the Eastern Penitentiary in 1838.

New Quarterly Journal.—Although the Society had expended considerable sums of money in printing and distributing occasional pamphlets, calculated to awaken and enlighten the public mind, it seemed desirable to embody in a more permanent form the results of observation, inquiry and experience ; and in October, 1844, the Acting Committee submitted to the Society the project of establishing a Quarterly Journal, to be devoted to this and kindred subjects. It was favorably received, and on the first day of January following, the first number of the "Pennsylvania Journal of Prison Discipline and Philanthropy" was issued, and has been continued (with the exception of a year) until the present time, the 14th volume commencing with 1859.

The New York Prison Association was founded near the close of 1844, and has done the State and the country very important service.

Prison for Juvenile Convicts.—The general House of Refuge had now been in successful progress for about twenty years. Of-

tentimes boys of a larger growth and precocious habits were sent thither, though proper subjects of a very different discipline. To meet such cases, the want of a prison on the separate plan, but modified in some of its features to adapt it to the peculiar circumstances of youthful culprits, was urged upon the Society in November, 1845, and discussed from time to time. Its establishment would require a considerable outlay, but nothing like what it costs to repair the mischief which one very young head can plot and one very young hand perpetrate. We cannot dismiss the hope, that this want may be made so obvious that our public authorities will take measures to supply it.

Reformation of County Prisons.—In the autumn of 1846, a voluminous report was made to the Society by one of its officers, on the condition of several county gaols which he had personally visited and inspected. The entire neglect of wholesome discipline,—the intermingling of prisoners of both sexes, and all ages, and every grade of crime from murder to misdemeanor, and the idle and vicious habits in which the prisoners were allowed to live, made it almost a matter of doubt whether the public would not, in the end, gain by abandoning most of the gaols. Cases were mentioned in which men had escaped and found honest employment, who, if they had stayed their time out in gaol, would probably have sunk irreclaimably through the influence of such associations as they must have encountered there. Strange as it may seem, there are many county gaols in this State, of whose condition at the present time this is an unexaggerated report.

Vindication of our System.—In 1847, a volume was published in Boston, under the title of "*Prison Discipline in America.*" Its author was a gentleman of standing, and his opinions (so far as they were formed upon a knowledge of facts,) were entitled to much consideration. The work was reviewed with much favor in two of the principal quarterly periodicals published in that city, but both the author and his reviewers were in the position of a lawyer who takes his case as his client makes it out, in the absence of the opposite party and his witnesses. The plausible but erroneous views propagated in this way, have had no little influence in confirming prejudices which had been previously engendered on the same question against the system in vogue here. To remove them as far as possible, and to correct the popu-

lar misapprehensions from which they sprang, a pamphlet was published in 1849 by our Society entitled, "*An Inquiry into the Alleged Tendency of the Separation of Convicts one from the other to produce Disease and Derangement.* By a citizen of Pennsylvania: 160 pp. 8vo." It has had a wide circulation, and we trust has accomplished, in a good degree, its design.

Colored Criminals.—In April, 1849, the attention of the Society was called to what was alleged to be a marked difference between the length of sentences passed on colored convicts compared with those passed on whites, and also the comparative mortality of the two classes. The interesting results of the investigation which ensued, will be found in the first number of our Journal, Vol. V., January 1850.

It is probable that this inquiry opened the way for a general examination of the hygienic arrangements of some of our prisons, and for the introduction of improvements in them, the value of which is satisfactorily proved by the reduced mortality of the last few years.*

House of Correction.—It was not possible for the visiting committee of the County Prison to shut their eyes to the fact that of the vast multitude sent thither for vagrancy, intoxication and disorderly conduct, numbers were sufficiently able of body to earn their own support, but as long as they could find food and lodging, either in the almshouse or gaol, so long they would continue in their idle and dissolute habits. To mitigate, if possible, this evil, and to relieve the community to some extent of the burden it imposes, the Society adopted a resolution in 1851, to inquire as to the expediency of establishing a house of correction or probation, intermediate to the almshouse and prison, for the reception and employment of this large class of persons; and such measures were adopted by the parties interested, as led to the passage of an act in 1854, establishing such an house. The appropriation for the object was sufficient for an ample experiment, though the details of the bill might be open to some grave objections. It is to be regretted, that a measure so important to the well being of our community should be frustrated by a conflict of opinions or

* Valuable suggestions on this subject will be found in the successive reports of the medical department of the Eastern State Penitentiary from 1844, when the physician became a resident officer.

interests; though it is by no means the first time that a useful project has been delayed or defeated, either through a want of the proper adaptation of means to ends, or through a spasm of economy that comes over representative bodies when their constituents are to be served, but passes off when private or party ends are to be answered.

A well constructed and well administered house of correction, combining strict restraint with coercive labor, for a length of time amply sufficient to eradicate idle, vagrant and intemperate habits, would pay for itself by instalments of at least \$30,000 per annum, in the immediate or indirect reduction of the pauper and criminal tax on the community; but the details of such an institution can be conceived and carried out only by those who have surveyed the gigantic evils which it is intended to remedy, and who have faith in this method of cure. To entrust its administration to those whose political affinities constitute their chief recommendation would only be to ensure its perversion or failure.

Separate County Prisons.—Though not properly within the scope of the present sketch, it is not foreign to the purpose of it to mention, that since the Philadelphia County prison was erected, the following counties in our State have done themselves the credit, and the community the service, of erecting prisons on the separate principle, in accordance with the wholesome law which imposes the like duty on every county. They are placed in chronological order:—Dauphin, Chester, Berks, Lancaster, Montgomery, Schuylkill, Cumberland and York.*

* The law is as imperative as words can make it:

“*Whereas* it has long been the policy of this government to combine the separation of convicts one from another, with instruction and suitable manual labor as the best means of discipline and reformation:

“*And whereas* it is necessary, to the equality of penal justice, that the administration of the county prisons shall be uniform, as has been heretofore declared: therefore

“*Be it enacted, &c.* That every county prison which shall be hereafter erected within this commonwealth, shall be so constructed that every person committed thereto, whether upon conviction or otherwise, may be confined separate and apart from every other person committed thereto, due regard being had in the plan of construction to the health of the persons to be so confined; and that before any county prison shall be erected within this commonwealth, the plan of construction of such prison,

Last Year's Work.—We are now brought so near to the present period, that memory will supply a record of the prominent transactions of the Society. The committee on the Eastern Penitentiary made not less than 4,000 visits to the convicts during the last twelve months. The number of commitments to the County Prison during the same period was 14,913. Of these, 1,270 were released on application,—most of them on the ground of insufficient cause of imprisonment; a representation by the prison agent to the committing magistrate or court being sufficient for this purpose. The aggregate of costs in these cases, was less than \$130. If a true history were to be given of the uses to which the law has been put in this county during the last twelve months, through the ignorance or cupidity of those appointed to execute it, the most credulous would be slow to believe it. Not less surprising would be an exhibit of the offences,—palpable and rank,—that have escaped detection, or if detected, have evaded retribution. Of 4,700 bills presented for the action of the Grand Jury during the year, 2,468 only were found true, leaving 2,333, or nearly half, unsustained; and even of the number returned as true, only 538, or less than one in five, were convicted and sentenced!

If the release of so many persons causelessly imprisoned, is to the credit of humanity, the fact that they could be thus unjustly dealt with under the forms of law, is not less reproachful to the magistracy, or to those who invest them with such power.

We have thus taken a cursory glance over the transactions of of the Society, during a period of seventy years, noting only such as are of prominent and permanent interest. Most of them, indeed, are incorporated into our present laws and institutions. Though it has not been prolific of annual reports, it has not been

drawn sufficiently in detail for the clear comprehension thereof, shall be submitted by the commissioners of the county in which the same is to be built, to the Secretary of the Commonwealth, and shall be inspected and approved by him, and so certified by him upon the plan, a copy of which shall be furnished by the commissioners aforesaid at the time of their submitting the original as aforesaid, and shall be signed by the said Secretary, and be filed and remain in his office.—(*Act of April 8, 1851, Pamphlet Laws, page 353.*)

barren of useful endeavours. If it has not accomplished *all* its purposes, it has failed in but few.

Extent of Reform illustrated.—Could a stranger step from the court-yard of the old Walnut Street Prison, and from the midst of the congregated hundreds of desperate men that jostled each other in those dreary, sickening avenues, into the centre building of the Eastern Penitentiary, where all is quiet except the click of the weavers' shuttle, or some other token of industrial occupation;—if he could come out from a dense mass of scowling, revengeful thieves and vagabonds that there intermingled their corrupt and corrupting breath, or were assembled to hear the gospel at the mouth of a cannon, all charged and primed, to riddle their ranks at the first token of insubordination, and pass from cell to cell in the Eastern or Western Penitentiary during a religious service, witnessing the subdued and respectful attention given to the voice of instruction, or the cheerful and healthful labor of the inmates on other days of the week;—in a word, if he could compare the influences under which men came to that prison and went from it, with those which bear upon a convict in either of our penitentiaries, or of the county gaols above enumerated, whether they respect physical, intellectual, or moral condition, he would be prepared to form a safe judgment of what the lapse of fifty years has accomplished in behalf of prison reform. We have not the arrogance to ascribe these results to the efforts of our Society exclusively. The thoughts and energies and sympathies of some of the wisest and best men and women of the age, throughout Christendom have been given without stint, not only to the improvement of penal laws, but to the construction of edifices for the merciful enforcement of their functions, and to the methods of discipline best fitted to make them efficacious.

No Distrust of Principles.—At no period during this long interval, has there been the slightest distrust of, or divergence from the great principle which was at first espoused—INDIVIDUAL SEPARATION AND EMPLOYMENT FOR ALL PRISONERS AND ALL GRADES OF PRISONS. There have doubtless been honest opponents of our system. Some have regarded it as prejudicial to the health of both body and mind; others, and by far the most numerous class, have objected to it on the score of expense. These opinions, groundless as they are, have served to influence the

minds of legislators and commissioners, in many instances, and thus to retard the more general introduction of the system in other States. The recent exposition of the affairs of the New York prisons (conducted on the opposite principle), will probably aid in removing these prejudices. Their returns of mortality and insanity far exceed those of our penitentiaries; and when we are officially informed that the expenses of the three New York State prisons in the last ten years, have exceeded their receipts by the enormous sum of more than a million and a half, we are prepared to present separation as clearly entitled to preference *on the score of cheapness*, and we cannot but indulge the hope that the legislature of our sister State will avail itself of the present call for reform in the discipline and management of its prisons, to adopt that principle as its only reliable basis.

General Results.—In the brief survey we have taken, it will be noticed how naturally and almost necessarily one effort for the correction of social evils has paved the way for another. To give the convict a chance to recover himself, or at least, to escape further degradation and guilt, we secluded him from convict society; instructed him in good learning, and when possible, in a good trade, and encouraged and aided his purposes of amendment. To expose the untried and (as the law presumes) innocent party to contamination, while we protected the convict from it, was too glaring an inconsistency, and hence we advocated the application of the separate principle to all prisons and all prisoners. This individualizing process disclosed more minutely the incipient stages of crime, and showed to how large an extent parental neglect and the vicious associations of childhood were responsible for it. Then came those most timely and benevolent institutions—Houses of Refuge, Reform Schools, &c., which have won their way to universal favor, and which, in their legitimate use, are among the wisest and most economical institutions of the age. To bring them into disrepute and distrust, it is only needful to use them as juvenile prisons.

Early Processes of Reform.—But why not embrace a still earlier opportunity to rescue children and youth from the exposures and temptations of neglect and abject poverty? To this inquiry, an enlightened philanthropy replied by the opening of Homes, Asylums, and Aid Societies for friendless and forlorn little

ones; while the spirit of Christian love and self-denial simultaneously prompted the establishment of Ragged or Mission schools, News-boys and Shoe-black societies, and various other organizations, combining religious and moral influences and sometimes bodily sustenance, with the inculcation of correct personal and social habits; and teaching them that *their* life, not less than *ours*, may have a bright prospect, and must have a momentous end.

Leading features of Reform.—Our survey, brief as it is, will suffice to show the leading features of the prison reform of the last half-century. They are found in the construction of prison edifices, in their sanitary regulations, including ventilation, temperature, clothing, diet, exercise, &c., and provision for the instruction of the ignorant to work and read, and the vicious and wayward to see and pursue a better path; but chiefly, in the effort to *circumscribe and counteract the influence of evil association*. This effort has been attended with various success in the higher and more important grade of penitentiaries. In all prisons, however, except such as adopt the principle of individual separation, it is not only imperfectly accomplished, but is attended with serious disadvantages. The introduction into many prisons of a better class of men as inspectors and resident officers, the specific attention to the moral and religious interests of prisoners, the larger share of sympathy which is manifested in their welfare during their confinement and upon their discharge, and the greater sensitiveness of the public mind to any alleged abuse, are all changes for the better.

Among the the topics which deserve early and earnest attention *in the future*, may be mentioned—

1. A careful revision of our criminal laws, and a more perfect adaptation of them to the existing state of society. Few crimes have a stereotype character. Some of them are incident to a particular period in the growth of a country, or to a particular locality or condition of society, and after a time become obsolete. Others, to times of great public prosperity and advanced civilization, when they suddenly assume a startling prominence and seem to defy any check. No legislation can be perfectly adapted to this shifting phase of crime. Partial provision is made for it in the *maximum* and *minimum* of sentences, but in the pressure and distraction of business in some of our courts of criminal jurisdiction, and the almost unavoidable

state of mind which is engendered by familiarity with the scenes and characters which are prominent there, there is little opportunity, even for intelligent and considerate magistrates to adapt the sanctions of the law to the nature and aggravation of each offence. Indeed, it may be said that it is, in most cases, an arbitrary rule which determines the extremes of punishment for various offences, and it would be difficult, in many of them, to assign a reason for what, *to the condemned*, is a terrific difference in their severity. It is to be hoped, the commission recently appointed to revise the penal laws of our State, will be able, not only to correct many defects and inequalities in their provisions, but greatly to improve the administration of this important branch of the government.

2. *Jurors*.—The office and duties of a juror require grave attention, or the errors and abuses which have insensibly grown up in that province of our Courts, will become too formidable for correction. For many purposes the utility of the jury is unquestionable. But almost from its origin it has demanded unceasing watchfulness to prevent its becoming an engine of monstrous injustice and oppression. The ancient, not less than the modern, difficulty has been to find intelligent and incorruptible men to serve. The great English dramatist tells us that

“The jury, passing on the prisoner’s life,
May, in the sworn twelve, have a thief or two
Guiltier than him they try.”

The manner of selecting jurors, the methods of adjusting differences of opinion by lot or compromise, the power of an individual juror to control a verdict, and the disposition to overstep the limits of their authority, are present subjects of animadversion. So strangely do they sometimes mistake the province which is assigned to them, that to protect an offender from what one or more of them may regard as too severe a penalty, they render a false verdict—trampling under their feet, not only the law and the evidence, but their own solemn oaths. In the late message of the Executive of Ohio to the legislature of that State, it is mentioned as indicative of a serious defect in the administration of justice, that so many offenders escape merited punishment from this reprehensible practice of juries. It is never to be forgotten that in all our attempts to effect amendments in a convict’s char-

acter and life, we have a great advantage if his trial, conviction and sentence are in strict accordance with law.

3. *Uncertainty of Punishment.*—The uncertainty of conviction and punishment neutralizes in a great degree the wholesome terror of the law—and often operates as an incentive to crime. Some men pursue a lawless career for years without detection, and almost without suspicion. This impunity generally emboldens them at last to attempt some flagrant act with an incautiousness that betrays them. To make the issue of a criminal act doubtful, is to provoke its commission—and hence every failure to detect crime and every evasion of merited punishment, must be regarded as a sore social evil.

4. *Officers to be above Suspicion.*—The vast disproportion between arrests and convictions, in our cities and principal towns, must have impressed the most superficial observer. The first and most important step towards the radical cure of this evil, is to divest all officers concerned in the apprehension, trial and custody of offenders, of the remotest pecuniary interest in their official acts. If magistrates and police officers gain but a dollar or two by every exercise of their authority, they lay themselves open to the suspicion of mercenary motives, even when they are above any such temptation. If personal liberty is the privilege of an honest citizen, government should be slow to interfere with it on any doubtful pretence; otherwise the privation of it will lose all its virtue as an element in the punishment of the guilty. If the sword of justice is brandished in vain threats, or used in random thrusts, those who bear it will cease to be a terror to evil doers, or a praise to them that do well.

5. *County Gaols.*—The frequent efforts of our Society to put our county gaols on a better footing, have been already noticed; but we regret to say, that the condition of many, nay, most of them, is a deep reproach to the Commonwealth. With the world-wide renown of our benevolent and humane institutions, and especially our lauded improvements in prison discipline, it is to our burning shame that any one of these first receptacles of accused, as well as of convicted offenders, should be justly charged with gross neglects and abuses. Remember, says that enlightened statesman, the late Edward Livingston,* that in Philadelphia, as

* Letter to Roberts Vaux, Oct. 25, 1858.

well as in New York, "not one-fourth of those committed are found guilty; so that of every 8000 committed, 6000 (presumed to be innocent) are introduced into a school where every vice and every crime is taught by the ablest masters; and yet we shut our eyes to this enormous evil, and inconsistently go on preaching the necessity of seclusion and labor *after conviction*, as if Penitentiaries were the only places where the evils of contamination were to be dreaded." Measures are now in train, which, if they do not lead to the amelioration of the miseries of these prisons, will, we hope, result in such an exposure of abuses as shall excite the attention of our public authorities, and thus bring about their radical improvement.

To confirm the views we have expressed of the indispensableness of separation in our county gaols, we have the very recent testimony of the Ordinary of New Gate, where this principle has been introduced. The period of detention in that prison is but sixteen days on an average; and the Ordinary declares that the moral effect of the change will much more than compensate for the additional expense. He gives the grounds of this opinion at large, and they sustain it impregably.

6. *Mal-Administration of Criminal Laws.*—In the future of our Society there lies a work of no ordinary interest. No one can read our newspapers, or frequent our courts, without a deep conviction that there are weaknesses and failures in the administration of criminal law, which, if they do not encourage and protect crime, suffer it to grow and spread with fearful rapidity. We need only advert to the loose and contradictory decisions of courts respecting the responsibility of accused parties, who, at the time of the act done, are alleged to have been in a state of voluntary or involuntary alienation of mind, and to the facility with which new trials are obtained because of the merest technical informalities. In a recent case of murder in New York, four trials of the guilty party were had, and two or three convictions. On one of these trials, not less than 1000 jurors were summoned, in order to secure twelve triers.

Were we required to set in order the topics to which primary attention is at this moment due, they would be in substance these:

1. *Offences distinguished.*—To distinguish more broadly between

offences involving violence or fraud, and those which involve neither. Vagrants, street beggars, and disorderly persons are all violators of wholesome laws and should be punished. But as there is a wide difference between these offences and cheating, larceny, burglary, robbery, &c., and between the guilt of the persons who commit them, so there should be a corresponding difference in the methods of dealing with them. Though a vagrant is sentenced for thirty days only, and a thief for three hundred, this difference of *time* (both being in the same *place*) does not express the difference in the character of their offences. Vagrants, beggars and drunkards need a totally different management from forgers, counterfeiters and incendiaries,—whether the end be to punish or reform them. The hostility of the latter to the vital interests of the community, justifies the restraint, privation and suffering of imprisonment, and all its consequences to their social position and prospects. The miserable condition of the former justifies all the restraint which is needful to cut off the indulgence of a diseased appetite for strong drink, or inveterate habits of idleness. To this end, a year or two in a well managed work-house or house of correction is their appropriate destination. There they could have a taste of the sweets of industry and regular habits, with the stimulus which a small share in the avails of their labor would supply. To put them in gaol for safe custody is no object, for they are not given to absconding. It entirely fails as a punishment, and serves rather as an accommodation, especially at seasons of the year when the rewards of vagrancy are meagre. This discrimination would lead

2. To the establishment of suitable institutions for the confinement to constant and useful labor, of persons able of body to earn their own support, wholly or partially, but who, through aversion to labor, are a burden to their families and the community. The double saving which such establishments, efficiently managed, would produce in diminishing the burden of idleness and increasing the avails of industry, (to say nothing of moral considerations,) should commend them to large public favor.

3. *Official Visitors to Penitentiaries.*—Though the condition of our penitentiaries is, on the whole, satisfactory and creditable to the Commonwealth, they are susceptible of improvement, both in structure and discipline. The hygienic arrangements introduced

of late years, and the increased attention to the moral and intellectual instruction of prisoners, are sensibly felt. The full value of the system will not be seen, however, till a much larger measure of seasonable and discreet sympathy is expressed by the personal intercourse of judicious official visitors. The integrity of the separate principle can be preserved only by constant vigilance. Upon the officers and inspectors it must, in a great measure, depend whether the rules on this subject are inviolably maintained or insensibly relaxed.

4. *Officers of Penitentiaries.*—It should be a subject of ceaseless concern with us to seek the improvement of the resident officers of our public prisons. Like other men, they are liable to become inured to a round of duties, and to forget that those they have to do with are men of like passions with themselves, and though guilty and degraded, are not without claims to sympathy and tenderness. A single sharp word, inconsiderately uttered, may rouse resentments in a prisoner's mind which his very helplessness and degradation will aggravate and keep alive,—no one knows how long,—and thus defeat some of the most important ends of his imprisonment; while, on the contrary, a gentle and humane, yet exact treatment, such as individual separation allows and invites, though it may seem to be wasted on some, finds its way in an auspicious moment to a desolate and depraved, but not utterly callous heart, and begins a hopeful process of reformation. The moral instructor, the distributor of books, the teacher of a trade, and the official visitor, have each a sphere of most important influence, and on that very account requiring of those who occupy it, good judgment and a large knowledge of the character of the class of men with whom they have to do.

5. *Discharged Convicts.*—The mode of caring for discharged convicts, with safety to the interests of the public and due regard to the moral and social welfare of the prisoner, is a problem yet to be solved. It has ever been among the chief concerns of our Society, and will continue to receive their earnest consideration.

6. *Witnesses.*—Suitable provision for the safe custody of witnesses, without any degradation or annoyance, except such as is inseparable from necessary personal restraint, should be made, apart from the receptacle for convicts or accused persons.

By virtue of the New York Police Law of 1857, a house of

detention has been opened in that city, under the control of the Police Commissioners. Two five-story brick houses have been thrown into one; one portion being assigned to male and the other to female inmates. The windows are securely fastened, but the free range of the premises is allowed, together with good substantial food, warm rooms and beds, with all needful medical attendance. There is a resident warden, and also a surgeon. We do not know that each inmate has a separate apartment, and in the absence of this, we can conceive that the evils against which such an institution is designed to provide, are but partially obviated. The house was opened February 10th, 1858, and two hundred and ninety-one persons were received during the year.*

7. *Causes of Crime.*—Ninety-nine hundredths of the crimes committed in our community are the fruit of one or more of the following six causes, ranged in the order of their productiveness: 1, intemperance; 2, idleness, (including want of a trade); 3, ignorance; 4, vicious associations, (including improvident marriages); 5, irreligion; and 6, poverty. Every facility and temptation to the indulgence of an appetite for strong drinks is, in effect, a provocative to crime. Every boy and girl not brought up to some steady, appropriate employment is a fair candidate for the prison or poor-house. Children suffered to neglect school, whether through the cupidity or indifference of parents, or by their own folly and perverseness, afford the most common instances of juvenile delinquency. Hasty, improvident and of course unhappy marriages, and acquaintances formed in the street, or at places of questionable amusement, are, directly or indirectly, prolific of crime. To the contempt of religion and its offices, exhibited in the profane oath, the blasphemous jest, or the open desecration of the first day of the week, may be traced a large share of the more daring offences; while poverty, in its extreme pressure, sometimes prompts to dishonest acts, which, growing bolder by impunity, ripen into crimes of graver guilt.

Mission of our Society.—Hence our Society is fulfilling its

* A Bill has been recently reported to the Legislature of New York, prohibiting the imprisonment of witnesses, and authorizing their examination to be taken in writing, with notice to the opposite party, and opportunity for cross-examination; the witness to be discharged on his or her own recognizance.

mission by giving countenance and encouragement to the suppression of street begging; by promoting discrimination in the bestowment of charity through systematic and responsible channels; by insisting on the training of all children in good learning and industrial pursuits; by all judicious efforts to abridge, and, if possible, suppress the use of intoxicating drinks as a beverage; and by promoting the intellectual, moral and religious culture of all classes of the community, but especially of the least and the lowest. In this, we include the improvement of their social habits, their dwellings, and their household economy.

Conclusion.—Thus we come to the conclusion which was reached many years ago, by one of the most enlightened jurists and philanthropists of our country, to whom we have already referred; that no patchwork legislation will reach our wants. It is better to force education upon the people than to force them into prisons to expiate crimes, which through ignorance or neglect they are left to commit. Hence, whatever obstacle bigotry or sect jealousy may present, deep and broad foundations of moral and religious as well as of intellectual character, must be laid in our elementary schools, and the children of the people must be there, to be so trained. Temptations and excitements to crime must be removed. If pawnbrokers and receivers of stolen goods (now almost as numerous as thieves), if all gambling houses and lottery offices,* all dealers in obscene prints, all seducers and violators of marriage promises, were dealt with according to their intrinsic deserts, their punishment would be severer than that to which their dupes are doomed. Is the manslayer, whose brain has been set on fire in a drinkinghouse † and who makes a fatal lunge alike towards friend or foe, the only guilty or guiltiest party? Is it right that the miserable woman who, stifling the emotions of

* A very recent Grand Jury (Feb. 1st) presented "gambling and policy vending" as "sadly on the increase" in the city. They represent, very justly we believe, "that its rapid spread, its ensnaring allurements, and contaminating influence, are being felt at many a fireside, where, but for its blasting power, peace plenty and happiness would grace those homes, now made desolate by the wiles of the gambler and the tricks and robbery of policy venders."

† An official report to the Mayor of Cincinnati, made a few days since, shows the number of drinking saloons in that city to be SIXTEEN HUNDRED AND SEVENTY FIVE.

nature, casts from her into the cesspool or the river the evidence of her shame, should bear her sin alone? Shall he who spreads the snare for the adventurer at a faro table or in a lottery scheme go "unwhipt of justice," while his unwary victim is overwhelmed with infamy and despair? However moralists and legislators may adjust the proportions of guilt in these and like cases, there is a judgment and a voice in humanity, that will sooner or later be heard and heeded.

Needful Improvement in Criminal Processes.—The processes for the detection and punishment of crime must be plain and easily accessible. One or more officers of the government, raised by character and compensation above the suspicion of sinister motives, should have exclusive charge of this branch of public law. Private prosecutions, or public prosecutions at private instigation or expense, should be discountenanced; and in cases where parties are held to answer, for trifling or insufficient cause, the magistrates or officers concerned in the arrest and binding over should lose their costs. "Charges involving the loss of personal liberty and reputation are too momentous for adjudication by those who have not been fitted therefor by legal training."

At all events, the guilt or innocence of accused parties should be determined as promptly as possible, especially if they are imprisoned during the interval. In case of conviction, the punishment should be equal, certain and inevitable, and in case of acquittal the accused should be restored to his rights with as complete an indemnification as possible for his wrongs.

A Great Work.—Finally, the vast influx of the most reckless and desperate subjects of the old governments of Europe, paupers and criminals, is likely to test the adequacy of our mild and lenient modes of dealing with these classes. A popular journal* says, "we are bound by the laws of ethical, physical and geographical necessity to become the educators and reformers of a world of vice and crime." If such a responsibility is indeed laid upon us, we need a measure of public virtue, intelligence and energy from which it is to be feared, we are at present far removed, and which we are not likely to attain while those who make and administer the laws are among the first and foremost to violate them, or wink at their violation by others.

*The Cincinnati Times, Jan. 18, 1859.