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ON

PRISON DISCIPLINE

AND

PENAL LEGISLATION;

With Special Reference to the State of Tennessee.

R. Box 10

Written for the July Number of the Theological Medium. In substance, preached in the First Cumberland Presbyterian Church, of Nashville, August 9 and 16, 1874.

BY J. BERRIEN LINDSLEY, M.D., D.D.

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BY J. BERRIEN LINDSLEY, M.D., D.D., NASHVILLE, TENN.*

"I was in prison, and ye came unto me."
"For he maketh his sun to rise on the evil and on the good."

When Luther, about three and a half centuries before our day, rescued the Bible from the fetters of the cloister and of an unspoken language, and boldly brought the deep questions of philosophy and theology to the tribunal of the intelligent masses of a central and dominating European nation, he became, perhaps unwittingly, the forerunner of the great democratic movement which characterizes the modern era, and also of the humanitarian idea which, in so many channels, has found course and fertility within the current century. When all the people have the Bible, all the people may become intelligent. An intelligent people is capable of self-government. Hence, democracy. As the multitude of individual Christians study, in his own works and words, the character of Christ, the more conspicuous and the more impressive becomes the singularly man-loving nature of his earthly career. He who descended from heaven, that he might redeem man from the penalty of sin, went about doing good, and was constantly employed in alleviating the ills to which flesh is heir, because of the transgression of the law. All modern philan-

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thropy really springs out of the spirit described in, and fostered by, his account—clear, simple, and sublime—of the final judgment: "When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory: and before him shall be gathered all nations: and he shall separate them one from another, as a shepherd divideth his sheep from the goats: and he shall set the sheep on his right hand, but the goats on the left. Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world: for I was a hungered, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me. Then shall the righteous answer him, saying, Lord, when saw we thee a hungered, and fed thee? or thirsty, and gave thee drink? When saw we thee a stranger, and took thee in? or naked, and clothed thee? Or when saw we thee sick, or in prison, and came unto thee? And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." I need not transcribe the awful picture of neglect and condemnation which completes the great transaction.

The topic now in hand has been suggested by chance conversation with fellow-travelers, during a recent railroad ride through the romantic mountains of East Tennessee, and is worked up rather hastily, but not without much laborious investigation, at the instance of the editor of the *Medium*, whose earnest endeavors to keep up a great and ill-paid exponent of the Church certainly claim the sympathy and coöperation of every Cumberland Presbyterian, from the Dominion to the Mexican Republic. Though a special application is made to the writer's own locality, the subject is one of universal interest, and, it is hoped, will meet the attention of many thoughtful readers. Its rank and importance in the great field of Christian philanthropy may be well explained by the following summary, given by F. B. Sanborn, Secretary of the Board of State Charities, of Massachusetts, in the Second

Annual Report, 1866, p. 114: "Since the days of Beccaria and of Howard, few subjects have been more carefully investigated than that of crime and its penalties. It has engaged, among others, the eccentric genius of Bentham, the conscientious attention of Romilly, the keen analysis of Whately, the sympathizing consideration of Elizabeth Fry, Sarah Martin, and Mary Carpenter, the patient research of Recorder Hill, and the practical sagacity of Captain Maconochie and Sir Walter Crofton—in Great Britain. In France, it caught the flash of Mirabeau's rhetoric, claimed the interest of La Fayette and of Napoleon, and has been made a study by Lucas, Tocqueville, Demetz, Berenger, and Bonneville de Marsangy. In Belgium it has enlisted the high abilities of Ducpètiaux; in Holland, those of Suringar, Van der Brugghen, and Grevelink; in Denmark, of David; in Sweden, of the king himself. In the various states of Germany the names of Mittermaier, Julius, and Holtzendorff, of Hoyer, Varrentrapp, Fuesslin, and Obermaier, are a few of those who have discussed it; in Switzerland, Mooser and Vernet; in Italy, Peri, Vegezzi, and Cavour; in Spain, Montesinos; in Portugal, Jordao; in Greece, Costi—have done the same. In the United States, it was early considered by the Society of Friends in Philadelphia; then analyzed and illustrated by the learning and good sense of Edward Livingston, and subsequently discussed by Lieber and Dwight, by Sumner and Eliot, by Howe and Gray. In all countries it has been a constant subject for legislation, as it always must be."*

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*In 1852 it was my good fortune so to time my movements as to be in Manchester on September 2d, the day appointed for the opening of a great free library for the working-classes. The morning assembly was for those who had made large donations to the cause. Upon stating to the door-keeper that I was from an interior State of the Great Republic, and much interested in education, he at once sent in my card. Word was immediately returned to assign me an excellent seat. To an utter stranger this was a pleasant recognition. Among the speakers were the noted philanthropist and statesman, the Earl of Shaftesbury; the great novelists, Bulwer Lytton, Dickens, and Thackeray; Sir James Stevens, the historian; Monckton Milnes and John Bright, of Parliamentary fame; Knight, the great publisher; and others of similar prominence. Time and again, by bishop, by lord, and by commoner, was America commended

As mad ambition has been symbolized by Alexander the Great, pure patriotism by Washington, genius by Homer, eloquence by Demosthenes, so has philanthropy been identified with the name of John Howard. Born in 1726, the son of an humble but successful tradesman, he died in 1790, remote from home, a martyr to zeal in visiting the sick, and lamented by a continent. He is a typical instance of England's true greatness. Inheriting a large fortune, accumulated by the honest industry of his father's life-work, under the protection of just laws, he devoted his own energies, through long years of travel, and toil, and danger, to alleviating the sufferings of the inmates of prisons and hospitals. To this subject his attention had been turned by the chances of travel. He took it up—persistently, patiently, with pertinacity, stuck to it. The pluck and the bull-dog of the Englishman were in him, and, it may be, something of the hobby and crotchet, also. No matter. Truth and righteousness were also with him. The great British heart soon responded. The orator in Parliament, the poet of the fireside, made his name and his work reëcho

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and cited as an example worthy of emulation for good works connected with the elevation of the masses. To an American this, also, was grateful; and none the less so, though in each particular case it was some great achievement of Massachusetts which elicited applause. For years, as a member of the Nashville Board of Education, and hence a student of public-school systems, I found the Massachusetts State Reports recognized authorities, and Horace Mann the acknowledged master of the subject. At a later period, looking into the widely-ramified connections of life insurance, the same is true of the Massachusetts Insurance Reports and Elizur Wright. For many years the Reports of the Prison Discipline Society, of Boston, were the great instrumentalities in gathering and diffusing knowledge, at home and abroad. When a lad, they interested me almost as much as the "Pilgrim's Progress" and "Robinson Crusoe." And now, upon taking up this very difficult topic, the ten octavo volumes of Reports of the Board of State Charities, of Massachusetts, furnish an invaluable fund of theoretical and practical information. What has not the Church, the university, and the common school done for Massachusetts?

Tennessee has the Church, and, through the remarkable combination of Churches, North and South, is destined soon to have the university, complete and full-appointed. Let the common school be added, and then may our children see this splendid State what it ought to be—in education and manufactures, the Massachusetts; in agriculture and mines, the Pennsylvania of the South!

throughout the wide realms of English-speaking people. All Christendom took up the refrain, and, with one accord, placed his name foremost among the benefactors of their race. Imbued with a true Christian faith, he did a true Christian work. Millions of the poor, the disconsolate, the distressed, whose ears never listened to the praises of Cesar or of Napoleon, or even knew of the strains of Shakspeare or of Milton, have been raised from the depths of despair by timely aid administered or sent by hands near or remote, but all using the name of Howard as their common watch-word. Earth has no grander monument.

As showing the deep-seated and ever-widening impression made by the self-sacrificing labors of Howard in behalf of the criminal and outcast, and as a relief to the necessarily dry and heavy character of this article, I cannot avoid giving to the reader the eloquent words of several master-minds of his own and later days.

Robert Hall, the most celebrated British pulpit orator of his day, whose resplendent genius and lovely character will always adorn the annals of the Baptist Church, in reviewing the Essays of John Foster, that master of the English tongue, thus quotes and indorses his eulogium upon Howard, giving it the preference even over the portrait emblazoned by the gorgeous eloquence of Burke: "In this distinction (*decision of character*) no man ever exceeded, for instance, or ever will exceed, the late illustrious Howard. The energy of his determination was so great that if, instead of being habitual, it had been shown only for a short time on particular occasions, it would have appeared a vehement impetuosity; but, by being unintermitted, it had an equability of manner which scarcely appeared to exceed the tone of a calm constancy, it was so totally the reverse of any thing like turbulence or agitation. It was the calmness of an intensity kept uniform by the nature of the human mind forbidding it to be more, and by the character of the individual forbidding it to be less. The habitual passion of his mind was a measure of feeling almost equal to the temporary extremes and paroxysms of common minds—as a great river, in its customary state, is equal to a small or moderate one when swollen to a torrent.

The moment of finishing his plans in deliberation, and commencing them in action, was the same. I wonder what must have been the amount of that bribe, in emolument or pleasure, that would have detained him a week inactive after their final adjustment. The law which carries water down a declivity was not more unconquerable and invariable than the determination of his feelings toward the main object. The importance of this object held his faculties in a state of excitement which was too rigid to be affected by lighter interests, and on which, therefore, the beauties of nature and of art had no power. He had no leisure feeling, which he could spare, to be diverted among the innumerable varieties of the extensive scene which he traversed; all his subordinate feelings lost their separate existence and operation by falling into the grand one. There have not been wanting trivial minds to mark this as a fault in his character. But the mere men of taste ought to be silent respecting such a man as Howard; he is above their sphere of judgment. The invisible spirits who fulfill their commission of philanthropy among mortals do not care about pictures, statues, and sumptuous buildings; and no more did he, when the time in which he must have inspected and admired them would have been taken from the work to which he had consecrated his life. The curiosity which he might feel was reduced to wait till the hour should arrive when its gratification should be presented by conscience, which kept a scrupulous charge of all his time, as the most sacred duty of that hour. If he was still, at every hour, when it came, fated to feel the attractions of the fine arts but the second claim, they might be sure of their revenge; for no other man will ever visit Rome under such a despotic consciousness of duty as to refuse himself time for surveying the magnificence of its ruins. Such a sin against taste is very far beyond the reach of common saintship to commit. It implied an inconceivable severity of conviction that he had *one thing to do*, and that he who would do some great thing in this short life must apply himself to the work with such a concentration of his forces as, to idle spectators who live only to amuse themselves, looks like insanity. His attention was so strongly and tenaciously fixed on his object that, even

at the greatest distance, as the Egyptian Pyramid to travelers, it appeared to him with a luminous distinctness, as if it were nigh, and beguiled the toilsome length of labor and enterprise by which he was to reach it. It was so conspicuous before him that not a step deviated from the direction, and every movement and every day was an approximation. As his method referred every thing he did and thought to the end, and as his exertion did not relax for a moment, he made the trial so seldom made—what is the utmost effect which may be granted to the last possible efforts of a human agent; and, therefore, what he did not accomplish he might conclude to be placed beyond the sphere of mortal activity, and calmly leave to the immediate disposal of Providence."

The almost superhuman singleness of purpose so eloquently delineated above, and the constant self-sacrifice it demanded, will be the better appreciated when it is remembered that Howard was a cultivated man, and in art even an amateur. Robert Hall testifies that his house at Cardington was better filled with paintings and drawings than any other, on a small scale, that he ever saw.

Erasmus Darwin, the philosopher-poet and physician, grandfather of the present eminent and famous poet-philosopher, was a contemporary of Howard. He was a man of highly original turn of mind—unusually well read in the science of his day. "He had a singular aptitude for seizing and illustrating natural analogies, and, above all, he was fully impressed with a sense of the important truths of a universal simplicity and harmony of design throughout the whole creation." As a physician, he was a philanthropist, and hence hailed with enthusiastic delight the heaven-inspired career of his fellow-countryman. His poems were then widely read and extravagantly praised, though now fallen into undeserved neglect. In one of these is found the following tribute:

> From realm to realm, with cross or crescent crowned,
> Where'er mankind and misery are found,
> O'er burning sands, deep waves, or wilds of snow,
> Mild Howard, journeying, seeks the house of woe.
> Down many a winding step to dungeons dank,
> Where anguish wails aloud, and fetters clank,

To caves bestrewed with many a moldering bone,
And cells whose echoes only learn to groan,
Where no kind bars a whispering friend disclose,
No sunbeam enters, and no zephyr blows;
He treads, inemulous of fame or wealth,
Profuse of toil, and prodigal of health;
Leads stern-eyed justice to the dark domains,
If not to sever, to relax the chains;
Gives to her babes the self-devoted wife,
To her fond husband liberty and life—
Onward he moves! disease and death retire,
And murmuring demons hate him and admire!

Jeremy Bentham, who, for nearly sixty years, almost unaided and alone, fought the battle of law-reform in England—whose opinions were but little known and honored until Dumont put his ideas into French; and whose name, to-day, shines throughout Christendom as a light in the law second to none—was also an observer of Howard's deeds, and a reader of his writings. In his "Panopticon," published in 1791, occurs the following critique and panegyric. The latter has been thought, even for eloquence, to challenge competition with that of Burke: "Mr. Howard's publications present no such work (a complete and regular system of prison management). They afford a rich fund of materials; but a quarry is not a house. No leading principles—no order—no connection. Rules, or hints for rules, in places which, unless by reading the book through again, you can never find a second time; recommendations, of which the reason is not very apparent, and for which no reason is given; some, perhaps, for which no sufficient reason, if any, could be given. My venerable friend was much better employed than in arranging words and sentences. Instead of doing what so many could do if they would, what he did for the service of mankind was what scarce any man could have done, and no man would do but himself. In the scale of moral desert, the labors of the legislator and the writer are as far below his as earth is below heaven. His was the truly Christian choice—the lot in which is to be found the least of that which selfish nature covets, and the most of that which it shrinks from. His kingdom was of a better world; he died a martyr, after living an apostle."

The Wesley brothers, his contemporaries, whose sermons and songs then turned old England upside-down, and whose names now fill two continents, also bade him God-speed.

But after all, the reader will doubtless agree with the universal judgment of Anglo-Saxony, that the noblest eulogium upon Howard's character and work was that pronounced early in his career by Edmund Burke, who, "in vastness of comprehension, in depth of research, in extent of information, in exuberance of fancy, in vividness of imagination, in vigor of illustration, in fluency of language, in reach of mind, stands without a rival:" *

"I cannot name this gentleman (Howard) without remarking that his labors and writings have done much to open the eyes and hearts of mankind. He has visited all Europe—not to survey the sumptuousness of palaces, or the stateliness of temples; not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art; not to collect medals, or collate manuscripts—but to dive into the depths of dungeons; to plunge into the infection of hospitals; to survey the mansions of sorrow and pain; to take the gauge and dimensions of misery, depression, and contempt; to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries. His plan is original, and it is as full of genius as it is of humanity. It was a voyage of discovery, a circumnavigation of charity. Already the benefit of his labor is felt, more or less, in every country; I hope he will anticipate his final reward by seeing all its effects fully realized in his own. He will receive, not by detail, but in gross, the reward of those who visit the prisoner; and he has so forestalled and monopolized this branch of charity that there will be, I trust, little room to merit by such acts of benevolence hereafter."

These words cost the all-powerful orator but little effort as they poured from his eloquent tongue and sympathetic heart. Really, they were of more moment in putting forward Howard's great plans in Europe and America than legislative decrees or imperial edicts.

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* John C. Burch—Robertson Association Lecture, Dec. 31, 1858.

It is very questionable whether the many volumes full of practical details, given to the world by the actively-working English philanthropist, would have inaugurated so great a movement, had not the accomplished moral and political philosopher of Italy, the Marquis of Beccaria, been his contemporary. To Italy is conceded the lead in the fine arts; but in letters, philosophy, science, and history, her recent influence and ability have been much underrated. Many first-class names in these departments adorn her annals in the past century. High among them is that of the nobleman just mentioned, who was born at Milan in 1735, and died in the same city, after a long and distinguished professorate, in 1793. In 1764 he published his great work, "*Dei delitti e delle pene.*" A copy is now before me—a wonderful instance of the power of the pen! it being a little octodecimo book of eighty-one pages. Composed for a literary club, and sent forth with great hesitancy, it wrought miracles. Six editions were called for in Italy in less than two years. In three years it was translated into all the languages of Europe, and was known and approved by eminent publicists everywhere. It led to the speedy stop of that outrage upon humanity, inquisitorial torture, and caused Joseph II., the benevolent emperor, to remodel the jurisprudence of Austria.

Since the time of Beccaria the principles of punishment have been much discussed, and much variety of opinion has prevailed, as, indeed, is the case with all fundamental subjects occupying man's attention. The old idea was that the offender against law was an outcast—had no rights that needed respect, and, indeed, could not be too harshly dealt with. This feeling was, to a great degree, extended even to those charged with criminal offenses. Hence resulted a barbarism and cruelty which can be comprehended only by those who have read special narratives a century or two old. The history of Urban Grandier, really a political victim of that great, bad man, Cardinal Richelieu, nominally condemned for witchcraft, in 1634; and of the Huguenots, sentenced to the galleys because they would not change their religion at the command of Louis XIV., falsely flattered as the great, are painful examples. Add to this untoward moral element the

gross ignorance of hygiene prevalent until Priestley's time, and we need not wonder that Howard and his fellow-workers found their hands more than full.

The new system of prison discipline does not ignore the evil of sin, nor does it seek to do away with the stern realities of nature. That the way of the transgressor is hard; that indignation and wrath, tribulation and anguish, abide upon every soul of man that doeth evil; that the wages of sin is death—are terrible truths, recorded alike by the individual and collective experience of the human family, as well as in the pages of Holy Writ. The horrible decree, as Calvin would, in forcible Latin phrase, have termed it, is the existence of evil, moral and physical. This is the insurmountable rock which has compelled all Christian creeds and all Christian hymn-writers to take refuge, in one form or another, in the doctrine of the Divine Sovereignty. This is the prison-wall against which human reason, refusing the light of revelation, struggles in vain; or else, inverting her gaze, and attempting to ignore, saps all the nobler motives of man, and degrades him below the beast that perisheth. The great advocates and efficient promoters of prison reform have been, and are now, mainly to be found in the ranks of Christian philosophers.

The distinction between the old and new may be briefly stated, thus: The new fully recognizes the rights of society, and the obligation of the individual wrong-doer to expiate his offense against the community. Hence, it makes full use of the two principles of secondary punishment solely relied upon by the old. "First, the application of pain, with the intention of proving, to the sufferer and to all who may learn his fate, that the profits of crime are overbalanced by its losses. This is the deterrent principle in action. The second principle is what Bentham calls that of incapacitation. So long as the criminal remains in jail, society is protected from his misconduct, not by the deterrent operation of fear, but because he has for the time lost the power of offending." In conformity with these principles, prisons are not to be palatial hospitals, nor comfortable houses of refuge for the unthrifty criminal. On the contrary, the accommodations and comforts allowed in prisons of right are to be the worst possible, consistently with

proper seclusion, decency, and support of life; and, at the same time, hard and continuous labor is to be required. Confinement, hard labor, separation from family and friends, mortification and disgrace, are great calamities to most of men. These are inseparable from any system of prison discipline.

But while the new, like the old, recognizes the rights of society, in marked contrast with the old, it makes equal recognition of the rights of the individual; and this, emphatically, under the twofold aspect, moral and physical. Hence the distinguishing and grand feature of modern prison discipline, to wit: the attempt to reform the malefactor himself, and thus permanently to protect society; and the endeavor to limit the punishment inflicted to that called for by the sentence of the law. The former brings within the prison-walls the clergyman and the teacher; the latter introduces the scientist and the physician. Thus the aim is to elevate the soul, while not destroying the body.

The practical working out of these pregnant axioms has occupied the intense thought of the American and French authorities, especially. Less so of the English, because their system of penal colonies rendered imprisonment of minor importance. Perhaps, also, the democratic institutions of America and France would tend to this result. For, as any one, through sudden passion, or by ordinary frailty of human nature, or by false witness, may become the inmate of a prison, and as this also may happen to those nearly connected to any one citizen, it is very natural that the individual sovereigns in a republic should take a more lively interest in the matter than the rulers in a monarchy or aristocracy. At all events, such is the fact. The great American republic took the lead, and at an early day attracted the notice of all civilized governments, because of the novel and successful experiments in this direction. As long ago as in 1837 Everett, reviewing ill-natured English criticisms upon American claims in this reform, justly boasted that to America alone had the most enlightened governments of Europe sent commissions to examine prisons. Among these commissions the two sent by France made studies and reports which, without exaggeration, influenced the entire civilized world. De Tocqueville

and Beaumont were members of the first commission—two of the most eloquent French authors of their day—the former being without a rival as a profound thinker in political science. The second commission was composed of Blouet, the distinguished architect, and of Demetz, who left high judicial position in Paris, and founded the reformatory for young criminals at Mettray, which Lord Brougham declared, in full Parliament, to be the "glory of France." To enumerate the reports and treatises published in America, and the exhaustive octavos put forth in France by eminent jurists, economists, physicians, and philanthropists, during the past forty years, would require as much space as is assigned to this article. It would, however, prove the statement made at the outset as to the importance and vitality of the question in hand.

When we turn our attention to practical results, nothing arrests notice so strongly as the inadequate effect produced by Howard's labors among his own countrymen, notwithstanding the speedy apotheosis accorded him. It was not until about 1840, under the influence of America, as reflected by neighboring France, and the stimulating remonstrances of the rapidly-growing Australian colonies, which positively refused any longer to be penal settlements, that the Imperial Parliament fairly addressed itself to the difficult work. The model prison at Pentonville, London; the reformatory at Parkhurst, Isle of Wight; the Irish prison system, and other great establishments and reforms, attest the interest now taken in the subject. As showing how greatly needed such interest was, and also how very far behind backwoods Tennessee of 1829 was our proud English mother in 1838, the following statements concerning certain prisons in or attached to their Australian Transportation System may be adduced. They are given from official documents mainly, in that most accurate work, the *Penny Cyclopedia*, vol. 25, p. 142: "The severity of the discipline which has been pursued at Norfolk Island has varied with the character and feelings of commandants, who are usually intrusted with a limited discretion; but its main features, in detail, have been the same as those of the system pursued at Macquarie Harbor and Port Arthur —a system of hard labor and degrading punishment. Many

instances are known of capital crimes having been committed at Norfolk Island for the sake of release from its severities, even by the sacrifice of life. In reply to a question put by the Transportation Committee, the Chief Justice of New South Wales said that 'he would not hesitate to prefer death, under any form that it could be presented to him, rather than such a state of endurance as that of the convict transported to that island.' Dr. Ullathorne, a Roman Catholic priest, who was sent from Sydney to perform the last services of religion to a number of men under sentence of death for mutiny at Norfolk Island, and who was likewise intrusted with the office of informing eleven of the condemned of their reprieve, has thus described his meeting with the objects of a mission so remarkable: 'I said a few words to induce them to resignation, and then stated the names of those who were to die; and it is a remarkable fact that, as I mentioned the names of those men who were to die, they, one after another, dropped on their knees and thanked God that they were to be delivered from that horrible place, whilst the others remained standing, mute and weeping. It was the most horrible scene I ever witnessed. Those who were condemned to death appeared to be rejoiced.' Of the depravity of Norfolk Island Judge Burton (of the New South Wales Bench) has given this striking testimony, that 'it wrung his heart and drew tears from his eyes, when a Norfolk Island convict, brought before him for sentence, observed: "Let a man be what he will when he comes here, he is soon as bad as the rest; a man's heart is taken from him, and there is given him the heart of a beast."'"

As marking the contrast here alluded to between the imperial legislation at London and that of the then almost frontier State in Nashville, and also as proving how heartily and thoroughly the humane ideas of the modern period were, at that early day, adopted by the brilliant and able men whose names will always give luster to the annals of Tennessee, it would be well to transfer to our pages the entire Act of October 28, 1829, and also the "Penitentiary Discipline," as given in the statute laws of Tennessee—Haywood and Cobb's, vol. 1, 1831. Truly was it said, in the preface to this volume, that a great change was made in the penal laws of the State by the

session of the Legislature in 1829. It is, indeed, an epoch in the history of Tennessee jurisprudence to which we may always refer with honest pride. The "Act to provide for building a public jail and penitentiary house" creates a board of inspectors, with full power and discretion to exercise perfect and efficient supervision. It ordains, as fundamental, that each male at night occupy a separate apartment; that there be no communication between the prisoners while at work, or at other times, and none with the outer world except through the agent; that each prisoner have a Bible; proscribes spirituous or fermented liquors; directs the employment to be adapted to age, sex, and health; that individual cleanliness, as well as that of the premises, be observed; that the diet be sound and wholesome; and, in two admirable sections worthy of being written in golden characters, authorizes moral discipline and such steps as will improve the mind and meliorate the heart. Following this up in 1831, the commissioners were "required to procure from other States the best and most approved plans of building."

But, although Tennessee, some fifty years ago, with a population, mainly rural, of six hundred and eighty-two thousand, was vastly in advance of Britain, or France, or Germany, and quite up to her sister States, in this matter of prison reform, it does not follow that she has kept this relative position. Since then great changes have taken place within her own borders. Her population is now more than a million and a quarter, a large and rapidly-increasing proportion being urban. Hence, the number of offenders, especially juvenile, has greatly increased. Again, very many improvements, both moral and physical, have resulted from the extensive and often costly and futile experiments made by the various American State and European governments. These ought to be incorporated into our own system, and Tennessee restored to her old and true position in the van among the humane as well as the brave states. The force of these remarks will be best understood by a reference, necessarily very brief and imperfect, but, it is hoped, fair and impartial, to the penal institutions at the capital, here in Nashville.

And first, to the State Prison. When Tennessee gave the

name Penitentiary to this institution, she fairly and squarely committed herself to the new idea of prison reform. For, as Everett well remarked in an address before the Prison Discipline Society, in Boston, May 30, 1837, "in this single word *penitentiary*, applied to prisons, a great revolution—a physical and moral revolution—was effected. A physical revolution, because the idea of a reform in the character of the convict required that the place of confinement, instead of being, as it was formerly, a pestiferous den of guilt and shame, not more dangerous to morals than to life and health, should become a comfortable abode for a human being." How far this idea has been carried out by the working of the Penitentiary can be seen only by an elaborate analysis of the reports and statistics since its opening in 1831. Such an analysis the Legislature owes to the people. It is upon the Auburn, or congregate and silent, system, where the convicts work together, but are not allowed to communicate with each other by word or sign, and are confined in separate cells at night. This system has received most favor in the United States. It is especially commended for its economy, as was early shown by the success of the New York penitentiaries at Auburn and Sing Sing. The separate, or Pennsylvania, system seems to find most favor in Europe. It promotes the reform of the prisoner, it is said, far more than the congregate system; and, if more expensive per convict yearly, yet the term is shortened, and thus the difference is more than made up. The relative merits and defects of these rival systems have furnished materials for very many able reports and volumes, and have tested the executive ability of not a few humane and skillful men in Europe and America for over fifty years. The conclusion beginning to be reached is that each presents peculiar advantages, which should be combined in a complete system. Much stress has also lately been placed upon what is called the Mark System, the ground notion in which has been long since anticipated in the Tennessee plan of diminishing the term as a reward for good conduct.

The administration of the wardens, superintendents, inspectors, and directors has, in the main, been characterized by humanity, so far as I can learn from official reports and per-

sonal inquiry. Some marked exceptions occurred during, and soon after, the war. In the report of the agent, dated October 1, 1865 (Appendix, 1865–66, Senate Journal, p. 97), H. G. Scovel, Chairman of Inspectors, thus writes:

"In December, 1864, at the 'Hood' siege of Nashville, twenty-four hundred prisoners permeated every portion of the prison, at which time utensils were burned, destroyed, and stolen.

"The convicts were suffering with scurvy and kindred diseases, for want of a sufficiency and variety of food; and, being without clothing, and in some cases entirely nude, could not be relieved from constant cell-confinement, and withal afflicted with the unmentionable annoyances arising from want of discipline and cleanliness. . . . Suffice it to say that to enter into a more minute detail of the lamentable condition of this institution would shock the finer sensibilities, and arouse a feeling of astonishment that, in Tennessee, within one mile of the State capitol, such a condition of things should exist. The mystery, however, may all be solved in the word *war!*"

The war! This has been a ready excuse for a vast deal of evil-doing, from 1861 to the present time—an excuse which will not avail with posterity, nor, reverently be it spoken, at the bar of God.

In February, 1862, at the instance of Dr. David W. Yandell, then on General A. S. Johnston's staff, the writer took charge of the sick and wounded Confederate soldiers and Federal prisoners just after the fall of Fort Donelson. It was the first great disaster on the one side, and triumph on the other—a time of panic and confusion. Two weeks afterward, he received the Federal medical director's certificate that these sick and wounded were all well cared for. During the whole war-period it was his duty to watch the University of Nashville—all the large buildings, most of the time, being used as hospitals, or for camps. At the battle of Nashville, rifle-pits ran through its campus; yet it lost not a specimen, a book, nor a dollar. Buildings and grounds were injured by use, not by abuse. The Tennessee Penitentiary, it may be safely said, need not have suffered during the war. Very

true it is that the war demonstrated the carelessness, stupidity, and incapacity of the American civilian, while showing in brilliant lines the endurance, patience, good-nature, and valor of the American soldier.

In looking at the recent history of the penitentiary, one is painfully impressed with the fact that it has fallen very far short of fulfilling the humane wishes of the statesmen of 1829. All along, far too little provision has been made for the moral and intellectual improvement of its inmates. The following graphic picture shows its condition in 1868:

"The great majority of the convicts are without any education or trade, merely grown-up children, ignorant, not to say stupid, formerly slaves; and are sentenced, in most cases, for *taking*, as they express it, some article of provision or clothing from their employer, who refuses to pay them; and perhaps, in many instances, with not much more idea of criminality on their part than a dumb beast has that helps himself from his master's crib. It is plainly evident that a school of reformation, or instruction, is much more a fitting place for such *uneducated unfortunates* than a State's prison. It is to be lamented that so little provision has been made for the proper enlightenment of, and inculcation of morality in, this pitiable class as has hitherto characterized the penitentiary. More than forty years have passed since its erection, and to this day no chapel-room invites to religious worship. No Sunday-school library, or other reading matter, save here and there, perhaps, a Testament or Bible, or occasional contributions from the charitable, can be found among the whole five hundred convicts. Such a missionary field is not to be found this side of Abyssinia. One sermon of a Sunday is like a dew-drop upon the Great Desert of Sahara. A chapel, books, papers, and moral teachers, would prove a cheap economy, and one would suppose, under the benign influences of a Christian civilization, would be classed with the necessities of food and raiment.

"A. B. SHANKLAND,
"WM. MILLS,
"*Directors.*

"Nashville, Tenn., January 14, 1864."

In the report dated Nov. 17, 1871, Chaplain W. D. F.

Sawrie speaks encouragingly of moral improvement, but dwells on the want of a chapel, as Wharton, Huntington, Cook, and others, have done. In truth, the commonwealth has done very little in this behalf, while individual benevolence and zeal have done perhaps all that was in their province. As to the five hundred "out" convicts, it does not appear that any effort is made for their reformation. The very name of penitentiary convict, in their case, is a mockery.

If the moral condition of the penitentiary is so utterly unworthy a great Christian commonwealth, the physical is not less so. While the skill and attention of the various medical men who have successively been in charge of the health of its inmates is attested by the result, especially during recent epidemics, yet so great have been the increased demands upon the capacity of the buildings during the last ten years, and so great have been the improvements in the character of prison buildings during the past half century, that it need excite no surprise when it is stated that the Tennessee Penitentiary is altogether behind the age, and requires a complete remodeling in order to become a fit abode for a human being. Let the reader bear in mind that only a hundred years ago, on August 1st, did Priestley discover oxygen—that sanitary science dates from that epoch—and he will readily perceive that this statement, radical as it is, involves blame to no one Tennesseean, but to all Tennessee.

The penitentiary occupies ten acres, immediately adjoining the city limits on the west, in a locality which is being fast built up by both industrious and wealthy citizens. This fact settles its original eligibility, and its present ineligibility. The main building, finished in 1832 at a cost of over fifty thousand dollars, besides a center for offices, hospitals, etc., consists of an east and west wing, each containing one hundred and twenty cells for lodging the convicts when not at work. Each of these is seven feet long by three feet ten inches wide, and six feet high, or a little less than one hundred and seventy feet, cubic measure. There is a new west wing, completed Jan. 1st, 1859, which contains one hundred and twenty cells, each fifty-eight inches wide by eight and a half feet long, and seven and a half feet high, or three hundred

and eighteen feet cubic, measure. These cells are all closed by a thick iron door, with a grating one foot by two feet, equal to half that space as an opening, which again opens into a corridor nearly eleven feet wide, bounded by an outer wall with thirty-six windows for each of the three wings, grated and admitting light and air from without. In the two old wings, these windows are two feet nine inches wide by five feet high; in the new wing, three feet wide by five feet ten inches high. Thus each wing, or block of cells, will have three and a third cells to a window. How grossly deficient these windows are in furnishing light and air is apparent from a comparison with those of the Suffolk county jail, Boston, built in 1851, and regarded as one of the best prisons, in its construction, which can be found in New England. In this jail there is an ample number of great windows, each measuring ten feet in width and thirty-three feet six inches in height, beneath which other windows, ten feet wide and six feet six inches in height, are placed, thus flooding the corridors in front of the cells with sunshine and fresh air. The ventilation of the cells in our penitentiary is altogether by the slow process of diffusion. There are practically no openings, or flues, in the cells for rapid or artificial ventilation.

In the small cells one convict is lodged when off work —that is, for more than half the day. In the cells of the new west wing usually two are lodged, in utter violation of a cardinal principle of the whole penitentiary system, which imperatively forbids the convicts from communion with each other. This comes to pass from the over-crowded condition of the prison, which has four hundred and fifty-five inmates, and only three hundred and sixty cells.*

It will thus appear that the occupants of the old cells have

*Superintendent W. H. Johnson, in his report to the Legislature of 1859–60, complains in strong terms of want of room as causing harm in more ways than one. He says: "We have been forced to an utter violation of the law by sleeping two in a cell, which, I must say, is incompatible with any proper system of discipline, and neither improves the moral condition nor health of the prisoners." This was soon after the addition of one hundred and twenty cells by the new wing; then, as now, "crime was on the increase, keeping pace with the growth and prosperity of the country."

a room of about one hundred and seventy cubic feet, and most of those in the new only one hundred and fifty-nine cubic feet, of space—in each case very poorly ventilated at that. Now, by referring to the works of Tardieu and Lévy on hygiene, recognized authorities in France—a country notable, since the democratic era of 1789, for its admirable application of science to daily life—it will be seen that from eight hundred to one thousand cubic feet is considered full small for a well-ventilated cell upon the separate, or Pennsylvania, system. It follows that more than half of this room is required for a cell upon the Auburn, or Tennessee, plan. The Suffolk county jail allows a cell of eight hundred and eighty cubic feet to each prisoner. The reader will now see at a glance the deficiency in the Tennessee prison-house. The new cells should have but one inmate; the old cells should be made one out of two. Then the whole should be furnished with the usual means of artificial ventilation. In this connection, let it be remembered that the sentence of the law contemplates confinement and labor, but never the deprivation of vital air, of healthy food, or in any way whatever the sapping of health and the shortening of life.

The provision made for the sick is totally defective as to infirmary or hospital, while in medical attendance excellent. Two rooms on the second and third floors of the center building—the lower one thirty-three feet long by twenty-seven wide, and nine feet high; the upper ten feet high, seventeen wide, and thirty-three feet long. One has twelve beds, the other eight, and, if much sickness prevails, even more. This allows only about six hundred cubic feet to a patient, in a room badly ventilated by six small windows, each twenty-four by sixty-six inches; whereas, in perfectly-ventilated hospitals, twelve hundred is a minimum allowance, fifteen and eighteen hundred being more frequently provided. Not to be tedious, I will sum up this very important head in the strong but truthful words of the Inspectors' Report, from March 1st, 1870, to September 1st, 1871, which but reiterates what had been frequently urged upon the attention of the people's representatives in the capital: "Our own hospital accommodations are of the meanest and most despicable character; in

fact, taking in every thing found in modern prison hospitals, even those God-given blessings, light and air—the essential stimulants to vital action—are completely excluded."

The third defect, also a result of too much crowding of buildings, is the danger to the inmates in case of an extensive fire in the work-shops. These contain a large quantity of combustible material. A conflagration would inevitably stifle many of the convicts, or else force their untimely liberation. This may never happen; yet the recent catastrophe in the garden-valley of the Connecticut shows the wisdom, economy, and humanity of avoiding risks. Already two fires have occurred in the penitentiary—one very destructive and alarming, in 1865. One convict was suffocated, and, but for the self-possession and bravery of another, who was rewarded by his freedom, many others would probably have shared the same fate.

By properly reärranging, altering, and adding to the present buildings, at a cost of many thousand dollars, inadequate accommodations may be provided for some four hundred prisoners. Repeated visits, however, and reference to recent authorities, have satisfied me, and will convince any one, that this would in the end prove a penny-wise and pound-foolish course. The true plan is to sell the present establishment, and build a new one commensurate with the present wants of the State, and capable of future extension. A heavy portion of the expense would be met by the sale of the ten acres, now valuable, and by that of the buildings and walls, which, as material, would bring a good price. The commercial value of the whole has been computed at one hundred and fifty thousand dollars. In no other way is it possible to provide a penitentiary worthy the goodly commonwealth of Tennessee, and in accord with the laws of hygiene, as now universally received.

This statement will be much strengthened when we reflect that of the nine hundred and ten prisoners at present working out their terms in the penitentiary, as it is called, more than half are really at coal-mines, upon railroads, and hired to individuals. The objections to this recent modification of our prison code are many. Any one, by carefully inspecting

the tabular returns given in the "Report of the Superintendent of Prisons to the Thirty-eighth General Assembly," will not fail to perceive some which are very cogent. Great temptation is offered for attempts to regain liberty, and consequent liability to be killed or maimed by the guards. There is far greater exposure to all the causes of sickness, and the mortality at some of the stations, as on the Memphis and Paducah railroad, is worthy of note. There is not equal certainty of good food being furnished, nor are the lodgings as good, as at the Nashville prison. Of course the medical and moral treatment cannot be so well provided for in a half-dozen small and temporary, and frequently migrating, quarters as in the permanent, central penitentiary. Taking it altogether, there must be much difference in spending a term of years in the State prison proper, or in one of these new extensions; yet the sentence of the law is in all cases alike. Just here is room for a whole chapter of inequalities and abuses. If these do not yet exist, time will infallibly bring the evil seed to perfection. This new feature in the Tennessee prison administration should be swept away with an unsparing hand. All convicts, under the law, should be treated with a blind impartiality. No one should be mulcted of life, or impaired in health, contrary to the spirit and the letter of the law. On this topic great dissatisfaction has been expressed in various portions of the State, and for various reasons, by no one perhaps more energetically than by Dr. Wm. K. Bowling, the very distinguished President of the American Medical Association: "To Tennessee's eternal shame, our convicts are sold for a price, and, as the ownership is not perpetual, it is the interest of the purchaser to get all he can out of the convict; and to that end he hires him out, or resells him. Many of these poor devils were engaged on a railroad on Wolf River, at a point not far from Memphis. Wolf River is, in many respects, similar to the Chickahominy Valley, made memorable, in 1862, by scorbutic fever, 'change of base,' and the introduction of a hybrid medical term for a hybrid fever—'typho-malarial.' The convicts on Wolf River fared very much like the soldiers on the Chickahominy in 1862. The convicts were on Wolf River in the hot months of 1872, and I treated, in

the autumn of that year, a young man brought here from that place, where he was serving as a guard, in a miserable condition from Chickahominy fever." (See "Cholera in Nashville, 1873," p. 56.) The tyrannical governments of Europe have at times indulged in a custom of getting rid of the always detested class of criminals, political offenders, by sending them to unhealthy penal colonies, nominally to labor, really to die; but surely Christian and democratic Tennessee is guiltless of any such intention toward the poor, short-term convicts, who mainly fill up the "out-prisons."

In the sad category of evils admitting of ready remedy, to which personal visits to the penitentiary and examination of a series of its reports compel attention, perhaps the saddest is the mixing of juvenile offenders, of even so tender an age as twelve and under, with the great body of convicts. Again and again has legislative action been requested on this disgraceful breach of public morality, but in vain. Well might the present resolute, but kind-hearted, warden say "that it grieved him to be compelled to receive bright-looking, ingenuous boys, sentenced for some trivial offense, committed perhaps half in ignorance!" Well may the newspapers of the State copy and indorse the recent article, from the Knoxville *Press and Herald*, giving an account of a boy under thirteen being sentenced to a term of years, and calling for a reform!

In 1824 the first prison for juvenile offenders in the United States was established in New York city, and very soon thereafter other large cities followed the example; and, under the names of houses of refuge, such prisons became well known. In 1833, John Henry Wichern, whose name will ever be associated with one of the most interesting educational and reformatory movements of the age, opened his humble experiment at the Rauhe Haus, four miles from the great commercial emporium, Hamburg. His Christian labors caused a world-wide revolution in the treatment of juvenile offenders. All highly civilized communities now have reformatories for this class. These are made to resemble prisons as little as possible. They are conducted as Christian schools, work of various kinds, as well as the rudiments of letters, being taught. They are the very best class of reform

and preventive measures. All testimony shows the great good they accomplish.

M. D. Hill, Esq., Recorder of Birmingham, thus speaks of a visit to Mettray in 1848: "In the year 1848 I made my way to Mettray, near Tours, in France. I was received with the utmost kindness, and admitted into the fullest confidence, by M. Demetz, the illustrious founder of the institution—a judge, who descended from the bench because he could not endure the pain of consigning children to a prison when he knew that their *future* would be made worse than their *past*. I examined, or rather cross-examined, each department of the institution with all that unamiable incredulity which thirty years' practice at the bar may be supposed to have generated; I began with a sort of prejudice—a determined suspicion—fighting my way backward, step by step, until, as proofs advanced, the conclusion was forced upon me that my position was untenable. I found that at Mettray, where they possess and exercise the power of compulsory retention, and where, for desertion, a boy is sent back to the prison from which he had been withdrawn, the amount of reformation reached to what I at first thought the incredible proportion (but which I fully verified) of eighty-five per cent." (See Barnard's "Reformatory Education," p. 229.) The boys, though sent to Mettray as offenders, become as warmly and as gratefully attached to their school as does our genuine American college-boy to his *alma mater*. Years after leaving it, they revisit teachers and halls, to express a grateful sense of their obligations to the one, and to awaken emotions made sacred by association with the other.

Hon. Horace Mann, in his "Educational Tour," 1843, describes his visit to the Rauhe Haus: "It was opened for the reception of abandoned children of the very lowest class—children brought up in the abodes of infamy, and taught not only by example, but by precept, the vices of sensuality, thieving, and vagabondry—children who had never known the family tie, or who had known it only to see it violated. Hamburg, having been for many years a *commercial* and *free* city, and, of course, open to adventurers and renegados from all parts of the world, has many more of this class of popula-

tion than its own institutions and manners would have bred. The thoughts of Mr. Wichern were strongly turned toward this subject while yet a student at the university; but want of means deterred him from engaging in it until a legacy, left by a Mr. Gercken, enabled him to make a beginning in 1833. He has since devoted his life and all his worldly goods to the work. It is his first aim that the abandoned children, whom he seeks out on the highway and in the haunts of vice, shall know and feel the blessings of *domestic* life—that they shall be introduced into the bosom of a family; for this he regards as a divine institution, and, therefore, the birthright of every human being, and the only atmosphere in which the human affections can be adequately cultivated. His house, then, must not be a prison, or a place of punishment or confinement. The site he had chosen for his experiment was one inclosed within high, strong walls and fences. His first act was to break down these barriers, and to take all the bolts and bars from the doors and windows. He began with three boys of the worst description, and within three months the number increased to twelve. They were taken into the bosom of Mr. Wichern's family; his mother was their mother, and his sister their sister. They were not punished for any past offenses, but were told that all should be forgiven them if they tried to do well in future. The defenseless condition of the premises was referred to, and they were assured that no walls or bolts were to detain them; that one cord only should bind them, and that the cord of love. The effect attested the all but omnipotent power of generosity and affection. Children, from seven or eight to fifteen or sixteen years of age, in many of whom early and loathsome vices had nearly obliterated the stamp of humanity, were transformed not only into useful members of society, but into characters that endeared themselves to all within their sphere of acquaintance." (See Barnard, as above, p. 130.)

It would be an easy matter to fill a volume with testimony corroborating that of the eminent English jurist, and of the renowned American educator, extending from the beginning of the Rauhe Haus to the present day. The truth is that Wichern effected a change in the treatment of juvenile offend-

ers analogous to that brought about by Pestalozzi, of beloved and revered memory, in the management of schools. The illustrious Swiss teacher changed school-houses throughout most Christian nations from being abodes of torment and terror to dwellings of joyous growth in knowledge, and thus conferred a greater boon of happiness, where before misery existed, than ever did any other one man upon the human family, not even Howard himself excepted.

The best testimony to the value of the humble and pious Wichern's labors is the fact that year after year chronicles the foundation of one or more similar establishments by city, State, or nation. A very recent one is that of the rapidly-growing city of Louisville. Its beautiful chapel was dedicated on Sabbath, July 26, 1874; and, from the sermon delivered on that occasion by Stuart Robinson, D.D., the sledge-hammer controversialist, the evangelical preacher, and active worker for his neighbors' good, I quote the following account of its scope and design:

"The theory of the institution, as enunciated in the first report, has ever been, 'Not a work-house, though we demand diligence in business; not a juvenile-convict penal institution, though we punish for crime and wrong-doing to save and reclaim the child.' 'We do not allow ourselves to look upon the child committed to our care as a bundle of falsehoods and dishonesty, a doomed felon, or a law-sentenced vagabond; but as a being whom God has created with tastes, habits, weaknesses, and temptations peculiar to himself, and which, if properly watched, governed, and controlled, may redound to the good of the child and the glory of the Creator. These boys are sent to us not so much for punishment, but for a home.'

"And who will dare say that this is a mere sentimental dream, a utopian abstraction, after the result of eight years of experiment? We point such to the figures and the facts. The whole cost to the city, since the first organization in 1860 to January, 1874, has been, in round numbers, $333,000, including all building improvements and expenses, for eight years' support of the institution. And what has the city to show for this expenditure aside from these excellent buildings

and beautiful grounds? Why, since the opening in July, 1865 (it was taken by the government during the war), some 650 boys have found here a refuge from the temptations to crime that seemed too strong for them. Of these, 500 have been sent back into society; and of these 500 again, one-half, fully reformed in the judgment of the directors, have gone either, those who had them, to their old homes, or, those who had them not, to good homes found for them—to become useful and honored members of society. And that the reformation has been thorough, and the homes found good and pleasant, let the three or four hundred letters published in the annual reports testify. No good man can read those letters without thanksgiving to God, and sometimes tearful joy. While one-half have thus gone forth with the honorable testimony of the institution, I find that one-third have been released simply at the solicitation of parents and friends—a policy which, unless in exceptional cases, I think of very doubtful propriety. Of the other one-sixth of the whole number, no information is given, except the very significant negative information that none who have been regular inmates of this institution have ever been heard of at the penitentiary. But why need I, on this occasion, go around to gather the evidence of the excellent fruit of this work, when here around you to-day you see these numbers of reformed youth gathering in here as to their old home? You may well say, with the inscription on Sir Christopher Wren's monument in St. Paul's, '*Si monumentum quaeris circumspice*'—'If you ask for his monument, look around you.' What nobler or more practical testimony to the greatness of this work than the return of this large company of youth to join in the congratulation at this new step in advance of the House of Refuge that sheltered them and trained them for their present honorable position in society?

"Come on, then, man of the day-book and ledger, and take account of what we have to show for this $333,000, besides this noble property and its present care of some 150 in the male and 30 in the female department. Make some estimate, if you can, of the positive value of these four or five hundred young men, reclaimed from the ways of temptation and re-

stored to honor and usefulness in society. Then count the amount saved, on a fair estimate, in catching, trying, and imprisoning, say even half this number, had there been no such method of prevention or reformation used.

"But who will undertake to play the accountant to make up this balance-sheet for the city of Louisville?" (For entire sermon, see Louisville *Courier-Journal*, Monday, July 27, 1874.)

It was my plan, after calling attention to the great deficiencies of the Tennessee Penitentiary, which has not inaptly been styled the "State University"—because, strange to say, it is the only higher institution of learning upon which this proud commonwealth has ever expended a dollar—to have briefly noticed the lower grade from which it is supplied—namely, the county jails. Space allows me only to ask my readers to take up this study, each in his own county, being satisfied that all who do this will be perfectly amazed that so much needless suffering should be allowed to exist in Christian communities, just one hundred years after Howard first laid before the British Parliament the results of his inquiries into the condition of the jails in England. Two or three curious facts will show how much room for amendment is furnished under this head. In Shelbyville, the county-seat of Bedford—a beautiful, intelligent town, center of a rural population, inferior to none on the globe, type of that in which Tennessee has just cause of honest pride—a handsome jail was recently erected, at a cost of forty thousand dollars. So little use of science was made that the prisoners would have been frosted but for the employment of stoves, which again made escape quite easy.

In Louisville, Kentucky, a great medical center, the abode of wealth and of science, a few years since, about fifty thousand dollars was expended in building some forty-four escape-proof cells, of wrought-iron. As soon as used, it was found that the inmates would suffocate. Scientists were then called in, and the whole new tiers of iron cells condemned and disused.

It is impossible to study any subject like the one now in hand without being impressed with the gross and ruinously expensive ignorance manifested by the different governments which direct the affairs of the American people. There must

be a root-evil somewhere to account for such stupendous stupidity. It may result from the conceit of officials, who have not candor enough to confess ignorance and call in experts. It may result from sheer blindness. In either case, the public school systems of the States should furnish the remedy by initiating the masses into the wide-touching and far-reaching results of the knowledge of nature. Less grammar, less arithmetic, more catechisms of science, will, in the next few decades, save enough waste to pay the public debt.

The *Republican Banner*, of Nashville, and other papers, have, within a few years, called attention to the horrible condition of the jails and poor-houses. Their complaints have been unheeded. How well-grounded, is demonstrated by these three brief but powerful statements. In 1860, Felix Robertson, one of the foremost medical men in the West, at that time physician to the penitentiary, complains of the many who are sent there with broken-down constitutions. He says: "It would almost seem that some are sent there for the sole purpose of being nursed and buried." In 1869, physician J. M. Kercheval, M.D., calls attention to the large per cent. of chronic cases on admittance, as the result of "long confinement and neglect while in the county jails." The present efficient physician, G. P. Henry, M.D., in his report of January 6, 1873, pointedly remarks: "It is due to myself to say that prisoners frequently arrive at this institution in an utterly broken-down condition, produced by long confinement in badly-ventilated and crowded jails, superinducing, in many instances, incurable diseases, such as scrofula and phthisis, and this is particularly the case with the colored prisoners." There are ninety-three county jails in Tennessee, all crowded with prisoners, who often remain four, eight, or twelve months before trial. These jails are becoming every day more and more crowded, and must annually destroy the health of hundreds.

It is impossible to discuss, even in the most cursory way, the subject of prison discipline without at the same time trenching upon that of penal law. The two are inseparable. Reforms and improvements cannot be made in the one unless the other is suitably adjusted. If, in 1829, the eminent jurists and statesmen then guiding the destinies of Tennessee felt

called upon to inaugurate a new era in our penal code, much greater necessity is placed upon those of to-day to undertake the like task. A great social revolution has taken place; population, wealth, and crime have greatly increased; and we have the experience and wisdom of many more sister commonwealths to give us light in the difficult path. Many improvements may be made upon the existing code. One is upon the tongues of individuals in all parts of the State. It looks to the change of the law on petit larceny, and would result in something like the Massachusetts plan of houses of correction in connection with the principal county jails, other counties sending their offenders to these.

In the Report on the Penitentiary, session of 1859–60, I find the following terse statement from William H. Wharton, the well-known physician, divine, and philanthropist, who for several years gave his services to the prison as chaplain:

"Having seen the evil effects of an opposite course, I cannot forbear alluding to the more humane and enlightened policy of other States, regretting that we have not adopted it —the policy of excluding from confinement in the State prisons those who have been guilty, simply, of petit larceny. Neither the offender nor the State is benefited by this mode of punishment; he stays but a short time in prison; his labor is, consequently, unprofitable, while the State incurs a heavy expense in his transportation and in the additional guards required for the safety of the prisoners. The morals of the unfortunate culprit, from the contamination of daily contact with worse criminals, are unavoidably deteriorated and permanently injured, and he is turned out to prey upon society— a worse, instead of being made a better, man."

In the report dated January 14, 1868,* the conclusive argument given below is found, written by Judge William Mills, one of the directors, a man well known, both in Tennessee and Ohio, as eminently able and trustworthy:

"After a careful analysis, examining each individual case of the five hundred and ten convicts now in the prison, the facts and figures show that two hundred and thirty-two commit-

* Appendix House Journal, 1867–8, p. 307.

ments were for petit larceny, not averaging in the aggregate, five dollars in each separate case, making the sum total but a fraction over one thousand dollars, for which accommodation must be made for two hundred and thirty-two convicts in penitentiary walls and cells. It is a matter of documentary proof that many criminals are sent here for offenses ranging from eight cents, the value of a fence-rail, to all intermediate sums not reaching five dollars, from remote counties of the State, entailing directly an expense of over two hundred dollars for the delivery of the prisoner at the penitentiary—as in a recent case, where the offense was stealing an old pair of shoes worth, perhaps, fifty cents, and resulting indirectly in a loss of from three hundred to four hundred dollars to the State before the expiration of his term of service. In the aggregate, then, we are justified in stating that, for the pecuniary loss or damage of one thousand dollars in amount, the State incurs a cash liability, in advance, of between fifty thousand and sixty thousand dollars, to be abated only by whatever of profit she can realize out of the labor of the convict; and all past experience has proven the unreliability from that source. As a general fact, it may be stated that, from a close investigation, it is found that all cases, of both petit and grand larceny, out of the whole number of five hundred and ten convicts, will not foot up to exceed six thousand dollars. That some three hundred and fifty men should be sentenced to the penitentiary, with a life-long disgrace attached to such punishment, for so small a sum in the aggregate, is a marvel upon the justice and wisdom of society, when every man's consciousness tells him that the whole country is teeming with individual thefts and robberies that dwarf the six thousand dollars to an insignificant sum. From the above facts, without going into any further detail, we suggest to your honorable body, whether all cases of petit larceny, or cases involving simple theft, not exceeding say thirty dollars, more or less, shall not be atoned for in the county where the offense shall have originated. If such had been the case, the State would have been saved the constant drain upon her resources for the costly accommodations of some four hundred convicts. Under the present state of affairs, this drain must continue.

During the last twelve months, the number of admissions into the prison have increased two hundred over all releases, either by Executive clemency, expiration of service, death, or escapes. The present commitments average nearly one per day, so that the future numbers are alarming to any arithmetical calculation or economy, unless there shall be some organic change in the minimum amount or character of the offense, for which the State, instead of the county, shall be held responsible for the safe keeping of the criminal."

Judge Mills's view holds with redoubled force to-day, as the number of convicts has doubled since 1868. It is true that the expense has been much decreased, as far as the State is concerned, but it does not follow that the people have been relieved; for this whole system subjects them to an enormous expense before the State Prison seizes its victim. This is a most important consideration, and is best shown by a fact or two—instances of hundreds—taken from a most timely and able address by Gen. W. H. Jackson, President of the National Agricultural Congress, published in the Nashville *Union and American* of July 5, 1874: "It cost the county (Davidson) six hundred dollars to decide the ownership of a sow, valued at twelve dollars, in the case of Martha Reese *v.* W. A. Mathes; and Judge Ferriss, of the County Court, informs me that he watched the case of a negro, charged with stealing a hat worth, probably, two dollars and fifty cents, which cost the county three hundred dollars. When the present law was framed for trial of criminals the negroes were not freed. Now, the proportion of blacks to whites, in such case, is five to one. The law should be so amended as to try all cases of petit larceny, from one to fifty dollars before magistrates; and, upon conviction, they should be sent to a work-house (provided by each county) to work out their fines."

Hon. Nathan Green, Chancellor of Cumberland University, who has, perhaps, trained more legal men than any other person of his years in America, in a letter of July 6, 1874, says: "If each county could, in some way, punish its own offenders, it would be a great relief. Suppose the sheriff, or some other officer, were required to take charge of all convicts, and require them to work on the roads or public works of any kind—

they would be paying the county back for the expenses of their conviction. Instead of being sent off, we would have before our eyes, constantly, the warning and the disgrace of evil-doing; and it would be much severer on the convict to be forced to *work out* his wicked act in the face of his old acquaintances. Besides, this plan would be requiring each county to support its own criminals, instead of taxing *innocent* counties."

This is a topic on which I give no opinion, wishing chiefly to get public attention to the whole wide field, and, if possible, to get our sluggish legislators to awake, and then to realize that they are appointed for far higher and weightier work than that of electing Speakers and Federal Senators. Tennessee, a great community of a million and a quarter of Christian people, demands that the stain of blood-guiltiness should no longer remain upon her escutcheon. Hereafter, mercy must be shown and justice done, in her august and noble name, to the poorest, the meanest, the most humble of her citizens.

The State Prison and the county jails may safely be taken as correct indexes of prison discipline in Tennessee. In the administration of the penal code, in the code itself; in our management of convict labor, and in our treatment, physical and moral, of the convicts; in our ninety or more county jails, and in our work-houses, hospitals, and poor-houses—there is much room for improvement. In some points, as we have seen, reform is imperatively demanded. Shall proud, high-minded Tennessee turn a deaf ear to its own helpless, even though erring, children? To whom shall the poor, depraved convict, often as much sinned against as sinning, look for relief from oppressive tyranny and inflictions not contemplated by the law, unless it be to the whole commonwealth, as represented in the General Assembly? Shall Tennesseeans, heretofore noted for bravery, show themselves devoid of the attribute, humanity, which has ever characterized the truly brave? Let it not so be! When the next Assembly meets, let a commission of three or five be appointed to review our penal code and discipline, and to report amendments where needed. Let this commission report in time for the Legislature to take action before it adjourns. Or, if more time is needed, this

can be provided as the Constitution allows. The Tennessee Bar, made illustrious by the lives and labors of its Catrons, Turleys, Greens, and Reeses, and specially noted for the Christian character and influence of so many eminent names, presents ample material for such a commission. Indeed, in either division of our ribbon-shaped State, it would be very easy to select jurists who, actuated by the spirit of a Demetz, of France, would bring to the work the ability of a Livingston, of Louisiana, and whose labors would speedily place Tennessee preëminent in what, by universal consent, is rightly regarded as the chief and distinguishing function of government—the administration of justice.

It should not be forgotten by a people who, with just cause, honor their ancestors, and who hope to be respected by their children, that Tennessee has hitherto occupied an illustrious position in the sisterhood of States. Among the very first to apply science to the development of natural resources, she became the patron of Troost and of Safford, thus securing to her history two of the most eminent among the State geologists. Very early adopting the then novel and humane mode of treating the insane, she afterward heartily and promptly responded to the appeals of the philanthropic Miss Dix, threw away her old Asylum, and erected a new and costly one, fully equal to any in the land. To this very large additions have been made; and now two new ones are added in different parts of the State. Tennesseeans, unite in commending this humane legislation! The blind, the deaf, and the dumb, are equally well provided with State help. Higher education is coeval with the origin of Tennessee, and, though dependent entirely upon Federal and voluntary support, has been so energetically and admirably sustained as to have secured to this Keystone of the Valley the educational preëminence in a vast region. To-day, the Cumberland Presbyterians of more than one State, the Baptists of a great section, the Episcopalians of the South, the Presbyterians of the South-west, the Methodist Church, South, the Congregational Churches of the East and North, the Friends, the Baptists and the Methodists, North, are all actively engaged in building up great universities in this heaven-gifted land. In clear donations and in patronage,

millions will be poured into our limits as every decade rolls around. Absolutely without excuse is this commonwealth if, in any good work, it now lags behind. Let it study the pattern furnished by the small but grand old democracy of Switzerland, and also the examples set by the six prosperous democracies of New England, and rise to the level of the high estate now within reach. Tennessee is amply able to do her duty to all the ignorant, and helpless, and degraded ones within her borders. Money will be saved, hand over hand, by so doing. Educate the masses. Prevent crime. Reform the criminal. These are truly economical measures. Retrenchment and reform, thorough and unflinching, in every department of the State government will enable it to redeem all obligations to the stranger, and to fulfill all it owes to the citizen.

From the brief outline of principles involved, and from the facts herein given, which could readily be expanded into volumes, it is evident that this subject is one calculated to enlist the attention and sympathy of the Christian pastor; for the work undertaken is peculiarly humane and redeeming in its character. Its great aim is to restore fallen men; its chief instrumentality, the gospel of Christ. Wherever prisons exist their inmates should be systematically and carefully looked after by the pastors in the vicinity. The officers are always ready, in this region of universal suffrage, to extend every facility to the ministry; and persons awaiting trial in jail, or serving out a term in the penitentiary, are sometimes specially desirous of religious instruction and consolation. At all times they come within the gospel field. I know full well how busily employed, intellectually and otherwise, are the pastors in city and town; but that this work of personal visits to the convict's cell has strong claims upon them is apparent from the experience of successful pastors, whose names could be readily given; and also from the fact that what the accused or the criminal needs is the instruction and sympathy of the kind-hearted analyst of human character, who brings the consolations of Christ's gospel.

Prison discipline reform appeals to all Christians for sympathy and countenance, upon the broad principle stated at the

outset: that it is a part of His work who came to seek and to save the lost. Christianity is sometimes, as by Lévy in his work on hygiene, reproached for its indifference to man's every-day wants, and unfavorably contrasted with the Mosaic code. But this is a mistake. For the whole Bible belongs to us, and while under Christ the spiritual and eternal are more clearly made known, yet are the temporal and material fully retained in due proportion. He who, as a private citizen, unawed and unabashed, entered the gorgeous temple, and in the midst of titled dignitaries, resplendent in the robes of office, scourged the money-changers because they profaned God's holy temple, also, on the hill-side slope, and with a prophet's authority, gave the common people precepts which underlie all morality and all civilization—precepts which, to-day, give Europe and America precedence on the earth. No, no! Christianity is not merely for the Sabbath, nor the church for the steeple. Often, of late, in passing the beautiful First Cumberland Presbyterian Church, in Nashville, have I been impressed with the truthfulness of the Gothic architecture as the material symbol of a great spiritual truth. High upward, toward heaven, points the graceful, symmetrical spire. Strong, broad, and wide do the walls of the edifice clasp the solid earth. So the Christian religion takes hold of the individual, and leads him to God and immortality. It also binds him to his family and his State by sacred ties, lasting as life and wide-reaching as human nature. It is a religion for every day, while the Sabbath is its bouquet. It makes pure the body, giving health and long life. It enlarges and cultivates the mind. For the soul, it brings life and immortality to light. It is the only religion which comprehends man as a whole; and not until man fully comprehends it will it reach that high perfection after which mere philosophy vainly seeks, and to which God's sacred word unerringly leads.

NOTE A.—STATISTICS OF TENNESSEE STATE PRISONS, AUGUST 1, 1874.

Crimes of Convicts and Number of Each.

Horse-stealing	83	Manslaughter	3
House-breaking	28	Attempt to kill	14
Larceny (chiefly petit)	500	Buggery with a man	1
Robbery	25	Incest	1
Murder	80	Abduction	1
Against nature	1	Bigamy	3
Felonious assault	5	Mayhem	2
Arson	8	Attempt at arson	1
Rape	11	Intermarriage of negro with white woman	1
Obstructing railroad	2		
Burglary	20	House-breaking and mayhem	1
Malicious stabbing	10	Assault to ravish	1
Malicious shooting	11	Miscegenation	1
Attempt to rape	3	Felony	1
Larceny from person	15	Breach of trust	3
Receiving stolen goods	6	Counterfeiting	8
Mule-stealing	12	Being masked	1
Killing a horse	1	Embezzlement	1
False pretense	12	Violating revenue law	1
Attempt to rob	4		
Perjury	2	Total	897

Of the above number about two-thirds are colored.

Term of Sentence and Number of Each.

Life	21	7 years	12
21 years	22	6 "	28
20 "	22	5 "	115
19 "	1	4 "	55
18 "	8	3½ "	2
15 "	30	3 "	204
13 "	6	2½ "	2
12½ "	1	2 "	74
12 "	17	1½ "	6
10 "	159	1¼ "	1
9 "	5	1 "	92
14 "	1	26 "	1
11¾ "	1	4½ "	1
8 "	12	½ "	1
11 "	4		
		Total	897

Ages of Prisoners, from Eighteen Years and Under.

18 years of age	46	13 years of age	6
17 " " "	33	12 " " "	3
16 " " "	17	10 " " "	1
15 " " "	12		
14 " " "	5	Total	123

NUMBER OF PRISONERS RECEIVED EACH YEAR SINCE COMMENCEMENT, AND YEARLY AVERAGE.

1831	36	1848	59
1832	42	1849	77
1833	33	1850	67
1834	50	1851	87
1835	44	1852	75
1836	52	1853	92
1837	63	1854	74
1838	49	1855	103
1839	36	1856	90
1840	79	1857	121
1841	63	1858	140
1842	66	1859	147
1843	82	1860	132
1844	55	1861	122
1845	83		
1846	72	Total	2,359
1847	68	Average number yearly	76

PRISONERS WORKING AT BRANCH PRISONS.

Sewanee Coal Mines (col.)	142	Paducah Railroad	59
Battle Creek Mines "	49	Cumberland & Ohio Railroad	80
Vulcan Coal Mines "	44		
		Total	374

About two-thirds of the entire number now in prisons are colored.

NOTE B.—HISTORICAL AND BIBLIOGRAPHICAL DATA.

1756. Howard captured by a French privateer; becomes acquainted with prisons.

1764. Beccaria published his work, "On Crimes and Punishments."

1771–75. The *Maison de Force* erected at Ghent, Belgium, now the most celebrated prison in Europe.

1773. Howard, as sheriff of Bedfordshire, has charge of the prisons of the county.

1774, *March.* Howard gave evidence on the state of English prisons before the House of Commons, which led to amendments by law.

1776. The plan of confining offenders on board hulks was adopted in England when the disturbances in America interrupted the transportation system; as an intermediate stage, still continues; a blot upon English prison discipline.

1777. Howard's first work, "The State of the Prisons in

England and Wales, with some Preliminary Observations, and an Account of some Foreign Prisons," 4to, published.

1780. Howard's second work, "An Appendix to the State of the Prisons in England," etc. Burke's Address to the people of Bristol, previous to the election; considered his finest effort; eulogizes Howard.

1781. Robert Raikes, in visiting the bridewell of Gloucester, England, was impressed with number and condition of juvenile offenders, and yet more so upon inspecting the streets, and so conceived the idea of Sunday-schools, which may be regarded as the first great step in the reformatory and preventive direction.

1784. Howard's "Second Appendix," etc.

1786, *Dec.* 6. By two orders in Council, the British Government fixes upon the eastern coast of Australia and the adjacent islands as penal colonies. Transportation to America, under the statutes of George I., lasted from 1718 till the commencement of the War of Independence, 1775. The unprecedented accumulation of prisoners in the common jails of the kingdom during the American war forced upon public attention the question of an improved penal system.

1787. The Philadelphia Society for Alleviating the Miseries of Public Prisons was organized. A society contemplating similar purposes was formed just before the revolutionary war; but its operations were interrupted by the struggle for independence. Its title would imply only the employment of benevolent offices toward the suffering inmates of prisons; but, whilst it has always extended relief to offenders against the laws, this society enjoys the honorable distinction of having successfully labored until it witnessed a reformation in the penal code of Pennsylvania. When it began its work of beneficence, the jails of Pennsylvania presented a melancholy spectacle. Prisoners of both sexes and of all ages—the long-transgressing culprit and the novice in crime, the accused and the convicted—promiscuously associated together. The pillory and whipping-post were resorted to, to degrade rather than to reform offenders found guilty of minor offenses; whilst the awful punishment of death was the penalty of all the higher order of crimes. The reverse of this now distin-

guishes Pennsylvania. This society has had many eminent men in its official positions. The truly apostolic Bishop White was president in 1835. It has been second to none in the world for the value and influence of the reports and publications made under its auspices.

1788. The Philanthropic Society (England) was founded by Arthur Young, and incorporated in 1806, for the prevention of crime, by the reformation of juvenile offenders, and by the industrial education of the destitute offspring of convicted felons.

1789. Howard's last work, "An Account of the Principal Lazarettos in Europe," etc., 4to, published.

1791. Bentham's "Panopticon," an admirable work on prison discipline, published.

1800. John Borgia, an unlettered laboring mason, established a "ragged school," toward the close of the last century, composed of thievish and vagrant children, gathered from the streets and by-ways of Rome. A few years later, John Pounds, an uneducated cobbler, for twenty years, till his death in 1829, gathered into his shop the most destitute and degraded children of Portsmouth, and thus instituted the first ragged school in England. Both wrought miracles among the *gamins* of the street. Great attention has been given these schools by the benevolent. Parliamentary aid is now extended them. (See Chambers's Encyclopedia.)

1805. John Foster's famous "Essays," published; Howard eulogized.

1813. Benjamin Rush died, in the 69th year of his age, the Hippocrates of America. He advocated the abolition of the death-penalty.

1815. Prison Discipline Society owes its existence to the philanthropic labors of Sir T. V. Buxton, M.P., and others; held its first public meeting in 1820. Its objects are the amelioration of jails by the diffusion of information respecting their management, the classification and employment of the prisoners, and the prevention of crime by inspiring a dread of punishment, and by inducing the criminal, on his discharge, to abandon his vicious pursuits.

1817. Convicts first sent to the penitentiary at Auburn,

New York—one of the world-renowned prisons. It was commenced in 1816; occupies the four sides of a hollow square, inclosed by a wall of five hundred feet on each side, and thirty feet high.

1818. Buxton published "An Inquiry whether Crime and Misery are Produced or Prevented by our Present System of Prison Discipline." 8vo. Several editions. Sir Samuel Romilly died, aged 61; eminent for the reform of English criminal law.

1819. Mittermaier published his important work, "Uber die Grundfehler der Behandlung des Criminal-rechts;" completed by three others, 1841–43; also, in 1851, "Das Englische, Schottische, und Nord Americanische Strafvenfahren."

1822. Josiah Quincy, jurist, orator, senator, college-president, historian, delivers a charge to the grand jury of Suffolk, Mass., on the condition of the county and State prisons; produces marked results.

Edward Livingston, the father of legal and penitentiary reform in this country, published "Report made to the General Assembly of the State of Louisiana of the Plan of the Penal Code for the said State;" also, in 1826, "A System of Penal Law for the State of Louisiana." These works are most highly commended and quoted from by the greatest authorities, in Europe as well as in America. In 1803, when mayor of the city of New York, he was deeply impressed with the helpless condition of young offenders.

1825, *Jan.* 1. The New York House of Refuge, the first public reformatory on a large scale in America, opened. Commencing with nine inmates, it has now about one thousand. It was the work of the "Society for the Reformation of Juvenile Delinquents." Boston was the first, in 1826, to follow its example, and Philadelphia, in 1828. Until 1850, but few houses of refuge were opened in the United States. Since then the number has rapidly increased.

1826. The Boston Prison Discipline Society held its first annual meeting in the vestry of Hanover Church, June 2d—William Jenks, D.D., Francis Wayland, Gerard Hallock, Heman Humphrey, and similar men, acting. The society was organized June 30, 1825. Louis Dwight was its eminent sec-

retary. It published annual reports from 1826 to 1854, which are still of great interest and value. The Board of State Charities seems to have taken its place. In 1855 the reports were collected in three volumes, octavo, by T. R. Marvin, Boston. The third volume contains Francis C. Grey's "Essay on Prison Discipline in America."

1829. The noted Eastern Penitentiary, of Pennsylvania, established at Cherry Hill, Philadelphia. John Haviland, a celebrated architect, who developed, upon an extended scale, the principle first carried out under the orders of Pope Clement XI., from 1703 to 1735, to wit: that in each cell every thing is arranged for the constant habitation of prisoners entirely separate, and under efficient supervision of inspectors. The prison is constructed on the radiating form. Commissioners from the governments of England, Russia, France, and Prussia highly commended its plan and details.

Oct. 28. "An act to provide for building a public jail and penitentiary house in this State" passed the General Assembly of Tennessee—Eph. H. Foster, Speaker of the House; Joel Walker, Speaker of the Senate, and Gen. William Carroll, Governor; John Bell, John Blair, David Crockett, Robert Desha, Jacob C. Isaacs, Cave Johnson, Pryor Lea, James K. Polk, James Standifer, Congressmen; Hugh L. White, Felix Grundy, Senators; Robert Whyte, John Catron, Jacob Peck, Supreme Judges; Andrew Jackson and John H. Eaton, of Tennessee, President and Secretary of War, of the United States.

Dec. 14. "An act to reform and amend the penal laws of the State of Tennessee" passed.

1830. Lucas published "Du Système Pénitentiare en Europe et aux États-Unis:" 3 vols., 8vo.; also, in 1848, "De la réforme des Prisons:" 3 vols., 8vo.; and in 1848, "D'une réforme Pénitentiare en France;" also, treatises on the death-penalty, in 1827 and 1830.

Böloni Farkas, a Hungarian traveler, published accounts of the United States penitentiaries, which led to a reform in Hungary.

1831. Richard Whately, one of the most public-spirited of the English Church dignitaries, eminent as a logician, published an "Introduction to Political Economy." From 1831

to 1863, as Archbishop of Dublin, he fostered ragged schools and refuges.

Jan. 21. First convict received into the penitentiary at Nashville, Tennessee. He was a tailor, from Madison county, sentenced for stabbing; term, two years.

Matthew Carey, noted as publicist, philanthropist, and publisher, put forth his influential work, "Thoughts on Penitentiaries and Prison Discipline." 8vo. Philadelphia.

1832. Jeremy Bentham died in his 85th year. Of his works, in 1835 it was computed that not fewer than eighty thousand volumes, chiefly on legislation, had been sold in Europe and America, in the French, Spanish, Italian, German, and Polish languages.

Quetelet, the most eminent publicist of the century, gave to the public his "Statisque criminelle de Belgique." In 1848, his "Sur la statisque morale et les principes qui doivent en former la base."

Tocqueville and Beaumont accepted a commission from the French government to America, to report on the working of the penitentiary system. After remaining a year and a half, they returned. Their report (Du Système Penitentiaire aux États-Unis) modified all the ideas previously entertained in France regarding prison discipline.

Aaron V. Brown, subsequently Governor of Tennessee, and Postmaster-general, published "An Argument against Capital Punishments," 8vo., 56 pp., by order of the Judiciary Committee of the House of Representatives, of which he was Chairman — Dixon T. Allen, Richard Cheatham, Thomas Claiborne, John H. Dew, David W. Dickinson, Samuel Turney, William M. Inge, Richard G. Dunlap, Spearman Holland, being members.

1833. On Michaelmas, Wichern opens the Rauhe Haus, juvenile reformatory, at Horn, near Hamburg.

A Patronage Society, at Paris, for juvenile offenders established under the direction of Berenger. The idea was from Lucas, Inspector-general of Prisons.

1834. Dr. Julius was dispatched to the United States by the government of Prussia, to inquire into and report upon the state of the American prisons.

1835. Col. Montesinos, of the Spanish army, was made governor of the great prison of Valencia, averaging from one thousand to twelve hundred prisoners. The discipline had been one of stern coercion. He governed by humanity instead of cruelty, and, for the fifteen years of his administration, with results cheering and remarkable.

1836. Berenger published his "Rapport sur le Système Penitentiare."

1837–51. Moreau-Christophe published some fifteen works on prison reform, as applied to France. In these he describes the prison systems of Great Britain, of Holland, of Belgium, Switzerland, and the United States. He advocates the separate plan.

1838. Ducpétiaux published "Du Progrès et de l'etat actuel de la réforme Penitentiaire:" 3 vols., 18mo.; also, in 1848, "Des Écoles de Réforme." He was inspector-general of the prisons of Belgium.

Lieber, the famous professor, of Columbia, S. C., and of Columbia College, New York, wrote "An essay on Penal Law and Solitary Confinement at Labor:" 8vo.; published by the Philadelphia Prison Discipline Society.

1840. *Jan.* 22. The agricultural and penitentiary colony of Mettray opened under Demetz and De Courtailles.

Parkhurst Reformatory, Isle of Wight, opened.

Captain Alexander Machonochie took charge of Norfolk Island. It was celebrated as the worst of the prisons under British rule. Captain Machonochie remained four years. He literally wrought wonders in government and reformation. These noble results were accomplished through the judicious use of kindness. He surrounded the prisoners with motives as well as walls. Hence the Mark system. From 1839 to 1859, Captain Machonochie published some fourteen octavo pamphlets, all of high authority.

1842. Professor A. B. Dod, D.D., of Princeton College, in the *Biblical Repertory* for April, published an article in vindication of capital punishment, which was thought to be so conclusive a reply to the popular objections that the entire paper was republished by the Legislature of New York as a public document.

1842. Pentonville (London) model prison completed.

1843, *March* 11. Mr. Barrett, on a prison-inspecting tour for the Prison Discipline Society, of Boston, says: "At Nashville, Tennessee. Visited the penitentiary. First cost, including land, yard-wall, shops, keeper's house, and two hundred cells, etc., about seventy thousand dollars. Health of prisoners good. Earnings, above expenses, more than enough to meet first cost of the penitentiary. In the hospital saw Murrel, the noted 'land-pirate,' as he is called. When he told me he did not think he had repented of his sins, I remarked to him, 'Then you are in bondage in a double sense?' 'Yes, sir,' said he, 'in a threefold sense.' 'How so?' 'From sin, from sickness, and from imprisonment.' This prison seems to be well managed; no punishment by stripes; defective in regard to moral and religious instruction. Examination of one hundred and seventy-seven convicts here shows a close connection between ignorance, intemperance, bad bringing up, and acts of crime. But two individuals, out of the one hundred and seventy-seven, that were temperate, morally brought up, and had good education." At this date, Col. Harry I. Anderson was keeper of the penitentiary.

Sarah Martin died, aged 52; noted for successful efforts in behalf of the prisoners in Yarmouth jail, England.

1845. Mrs. Elizabeth Fry died, aged 65; mother of a large family; author of "Observations on visiting Female Prisoners." Famous for labors in Newgate and other jails.

Miss D. L. Dix, so distinguished by her efforts in behalf of the insane, published "Remarks on Prisons and Prison Discipline."

1845–66. The "Pennsylvania Journal of Prison Discipline and Philanthropy." 11 vols., 8vo. Philadelphia.

1846, *May* 9. The Prison Association, of New York, incorporated. The annual reports of its executive committee are published by the Legislature—voluminous and valuable. The twenty-second (1867) has been specially commended. Contributions from life and honorary members, until 1870, amounted to some fourteen thousand dollars. It has three distinct departments in its benevolent labors—viz.: 1. To visit and aid, as there may be occasion, persons arrested on a charge of

crime, and held for trial or examination—detention department. 2. To encourage and assist released prisoners, who have reformed, or desire to reform—discharged convict department. 3. To suggest modifications in prisons and prison systems—prison discipline department.

Kay's "Education of the Poor in England and Europe," published in London.

1848. The noted Belgian reformatary at Ruysselede established.

1849, *April.* Reform school and farm (one hundred and forty acres) for juvenile criminals, at Red Hill, near Reigate, opened under direction of the Prison Society. (See 1788.)

William Hepworth Dixon's very popular "Howard and the Prison-world of Europe" appeared. Aikin, Taylor, Brown, and Field, have also written biographies.

1851, *Dec.* 9, 10—1853, *Dec.* 20. The reformatory movement in Great Britain received a powerful impulse by the two conferences held in Birmingham.

The Children's Aid Society, of New York, was founded by Rev. Charles L. Brace. Such societies valuable as preventive measures.

Miss Carpenter on "Reformatory Schools" published.

1852, 1853. Two folio volumes, containing 1,093 pages of Reports from the Select Committee (House of Commons) on Criminal and Destitute Juveniles, published. It has been a store-house of information to many writers.

1852—54. Tardieu published his "Dictionnaire d'hygiène publique et de salubrite," 3 vols., 8vo. Subsequent editions in 4 vols. Many valuable articles on topics connected with prison reform.

1853. Samuel Eliot, of Boston, published his remarkable work, "The History of Liberty." 4 vols., 12mo.

1854. Sir Walter Crofton, an English gentleman, who, by universal acclaim, is *facile princeps* of the theory and practice of the most difficult of all arts—that of reforming criminals—was appointed chairman of the directors of convict prisons in Ireland. The state of these prisons was most deplorable. The wonderful character, as well as extraordinary extent, of the change wrought is shown by the fact that on Jan. 1, 1865,

the total number of convicted criminals in the government prisons was only 1,637, an immense decrease since 1854, when their number was 3,933. The germ of the Irish convict system is found in the mark system of Capt. Maconochie. It rests upon two simple principles—the subjection of the convict to adequate tests, prior to his discharge, whereby his reformation can be determined with a reasonable degree of certainty; and the principle of individualization, by which each man's case is separately handled with reference to his antecedents, character, actual state of mind, and the necessities resulting from a combination of all these elements. Hence a progressive classification of three stages. The first has a strongly punitive character; the second is also in a high degree penal; while the third, which affords the principal theater for the reformatory tests, loses the penal element almost wholly. There is a fourth stage, which precedes complete liberation from the grasp of the law, viz.: release on ticket-of-leave—a conditional pardon to those who prove themselves worthy of it—in which there is an entire absence of the punitive element. A full description of the practical workings of this scheme, with the opinions of prison reformers, will be found in Miss Carpenter's work, "Our Convicts."

Lady Byron founds the Red Lodge Girls' Reformatory School at Bristol, under the control of Miss Carpenter.

D. S. G. Howe, of Massachusetts, eminent for philanthropic efforts in many directions, in a "Letter," 36 pp., 8vo., urges the establishment of a "State Reform School for Girls."

1855. At the annual meeting of the Ohio Teachers' Association in Columbus, resolutions demanding legislative action with reference to truancy and vagrancy, and the proper care of juvenile criminals. The legislature in 1856 took steps which led to the establishment of a reform farm and school at Lancaster in 1857.

1856. Henry Barnard, of Hartford, Conn., begins the publication of his *American Journal of Education*. This work is without its equal in the English language. The successive stout octavo volumes constitute an encyclopedia of educational information. Many valuable papers on reformatories are scattered through its numbers. In 1857, a volume was made up

from these as "Papers on Preventive, Correctional, and Reformatory Institutions and Agencies in Different Countries." 361 pp., 8vo. A very convenient manual.

Oct. 17. Elizabeth Barrett Browning, *the poet* of the nineteenth century, gave to the world her *chef d'œuvre*, "Aurora Leigh," the most powerful vindication of the Christian spirit of reform, as contrasted with the "crushing" theory of Carlyle, to be found in any language.

1860. Sneed's History of the Kentucky Penitentiary, 1798–1860, published at Frankfort: John B. Major.

1862. Victor Hugo published his remarkable and popular novel, "Les Miserables," which is in fact a powerful plea against society for the victim of the law.

1863, *Oct.* 1. Massachusetts commissions the Board of State Charities. In 1867, the total valuation of the ten establishments, not including the Charlestown State prison, under their care, to wit: three lunatic hospitals, three pauper establishments, and three juvenile reformatories, was nearly two million of dollars. 1869. State Visiting Agency established to watch over interests of children apprenticed from the reformatories. 1871. It is estimated that during a year there are within the commonwealth about 10,000 paupers fully supported; not less than 4,000 lunatics and idiots, of whom about one-half are found among the paupers; 11,000 convicts under sentence; 2,000 youths subjected to reformatory discipline; 2,500 children to whom the public stands in *loco parentis*, either through State or municipal authorities or benevolent organizations. In 1873, about thirteen hundred children and youth scattered abroad among the people of the commonwealth, each in a house which he calls home, each in a family of which he is a member, each subject to ordinary social influences, each apparently as free from restraint as ordinary children are; and yet all are carefully supervised, their wants are attended to, and their interests guarded by a central board, in an office in the State-house. From 1865 to 1872–3, ten volumes of Annual Reports, containing 5,233 octavo pages have been published. These give a great variety of recent and practical information upon penitentiaries, jails, alms-houses, reformatories, lunatic asylums, and all the questions connected

with crime, pauperism, insanity, and kindred topics. Within six years (1863 to 1869) six other States—New York, Ohio, Illinois, Pennsylvania, North Carolina, and Rhode Island—established systems substantially like that of Massachusetts; the seven States containing fifteen millions of people. Recently, Wisconsin and Michigan, also, have organized State Boards of Public Charities.

1864. Miss Carpenter published "Suggestions on the Management of Reformatories and Industrial Schools."

1865, *October*. The formation of an American Association for the Promotion of Social Science, on the model of the one in Great Britain, whose annual transactions, made up of essays and discussions on all the great problems belonging to the progress of man in society, form a series of volumes which have made themselves felt as a power for good throughout the civilized world, took place. A special meeting was held in Boston in December. The first annual meeting was held in New Haven, Oct. 9, 10, 1866.

1866, *June* 5, 6, 7. Reform School Conference held in Boston. Some forty public reformatories now in Canada and the United States. Twenty-three of these have an average number of upward of 6,000 pupils, supported and instructed at about $2 40 per week. These reformatories are very diverse in extent and character, but most are supported by the public treasury of a State or a large city. The one at Louisville, Ky., in process of establishment. Experts hold that at a boys' reformatory, well organized, the earnings ought to be half as great as the expenses.

Sept. 3. The primary school at Monson, Mass., opened. A State institution for orphans, abandoned children, children of vicious parents. In 1873 pupils were 419.

1867. The special report on the Prisons and Reformatories of the United State and Canada, made to the Legislature of New York, in January, by Messrs. E. C. Wines and T. W. Dwight, is quoted from in the Seventh Massachusetts Report, 1870, as "probably the most comprehensive, as well as the most valuable contribution which has been made in this country to the science of prison discipline." The commissioners visited seventeen States and Canada. The citizens of New

York raised the funds to secure this inquiry, after the Legislature had refused a special grant.

State prison at Charlestown, Mass., nearly self-supporting. 1871, 1872, 1873, more than self-supporting. 1873. Pressure of population and business, etc., induce Gov. Washburn to recommend its removal. The head of this prison, Gideon Haynes, has acquired high reputation, and has held his position for many years.

1868, *Jan.* 1. The Indiana House of Refuge opened, on a farm of 225 acres, 14 miles from Indianapolis. It illustrates Dr. Wichern's paradox, "The strongest wall is no wall," most successfully.

"Psychologie Naturelle," par Dr. Prosper Despine (of Marseilles). Paris: F. Savy. 3 vols. "This comprehensive work of almost 2,000 pages, contains a mass of most interesting observations on criminals and insane persons. It treats of the general questions of criminal lunacy, moral responsibility, intemperance, dishonesty, prostitution, infanticide, murder, suicide, prison discipline, etc., and enters upon a consideration of the difficult problems affecting these departments of human evil." Tallack, p. 613., Trans. N. C. Cincinnati meeting.

June 2. Was submitted to Congress the first "Report of the Commissioner of Education," being for the years 1867–8; volumes for 1870, 1871, 1872 have also appeared; in all 3,168 octavo pages. Much late and useful knowledge on Reformatories and all other topics connected with education.

Henry (Lord) Brougham died, in his 90th year. He will be best remembered as a law-reformer. He took up Romilly's uncompleted task of carrying into practice the ameliorations suggested by Bentham.

1869. "Pictures from Prison Life: an Historical Sketch of the Massachusetts State Prison, with Narratives, Incidents and Suggestions on Discipline," by Gideon Haynes, Warden: published by Lee & Shepard.

Rev. B. K. Pierce, D.D., a veteran in the New York and Massachusetts reformatories, publishes his interesting and instructive work: "A half Century with Juvenile Delinquents."

1870. Miss Florence Nightingale, the personification of womanly loveliness and unselfish devotion, endeared to the millions of Christendom by her labors amid the sick and the dying, has long given the weight of her great influence to the cause of prison reform.

Oct. 12. The National Congress on Penitentiary and Reformatory Discipline, met at Cincinnati. T. A. Atchison, M.D., member Board State Prison Inspectors, represented Tennessee. Its transactions were published, appended to the 26th Annual Report of the Prison Association of New York, an 8vo volume of 642 pages, embracing 49 articles. E. C. Wines, D.D., so distinguished in connection with prison reform in New York, in a paper on "The Present Outlook of Prison Discipline in the United States," gives the following graphic summary: "The first point to which I would ask the attention of this congress is the revived interest felt in the question of prison discipline and prison reform, not only in every State of the American Union, but, I think it may be said with truth, in every country of the civilized world. Let me touch upon two or three proofs of such revival: 1. It is seen in the messages annually communicated by the chief magistrates of our States to their several legislatures. I have had occasion to examine the more recent of these documents, and have been struck with the fact that there is scarcely an American governor who has not referred to the subject, not simply in an incidental and perfunctory way, but with a good will and heartiness, which show a real interest in the subject, either recounting or suggesting reforms inaugurated or contemplated in relation to this important interest of society. 2. The correspondence of the Prison Association of New York affords unmistakable evidence of the newly-awakened interest in prison reform. The area covered by this correspondence has become almost co-extensive with the globe; embracing not only every State in our Union, but nearly every country in Europe, several of the republics of North and South America, the British East Indian Empire, Australia, New Zealand, etc. 3. The wide and increasing demand for the annual reports of the association is a testimony in the same direction. About a thousand copies

are regularly distributed as soon as issued, and within the past year applications for at least five hundred additional copies have been received and answered, many of them from distant continents and islands. 4. The encouragement given to the propositions recently made for both a national and international congress on penitentiary and reformatory discipline is another decisive proof of the interest felt in this subject. 5. The formation of societies looking to the improvement of prison discipline and the care of prisoners, both during their incarceration and after their discharge, is to the same effect. Besides the older organizations of this sort in Philadelphia, New York, and Boston, such societies have been recently formed in California, Maryland, Western Pennsylvania, Delaware, Iowa, New Hampshire, and other States. 6. State governments, as well as individuals, are moving in the same direction. Within the past four years, commissions charged with the duty of studying closely the whole prison question, and of reporting improved prison systems, should such be found to be needed, have been created in Pennsylvania, New Jersey, North Carolina, Maine, Michigan, and Kentucky; and much good has resulted, and more is likely to result, from these measures. 7. A striking proof of the extent and earnestness with which questions connected with penitentiary science are now studied is the creation, by the late Emperor of France, on the report and recommendation of his Minister of the Interior, of a commission of twenty-one citizens, instructed to investigate and report upon the question, 'What duties does society owe to liberated prisoners, and how can these best be secured against a relapse into crime?' In their study of this question, the commission are seeking light from other countries, and have applied to the Prison Association for information as to the principles and practice of America in reference to this grave matter. 8. An additional evidence of the newly-awakened and growing interest in prison reform is found in the public press, that sure index, as well as powerful molder and guide, of public opinion. More has been published in the quarterly, monthly, weekly, and daily journals of the country within the last two years than during the ten years preceding. Nor has what has emanated from

the press on this subject gained more in breadth than it has in quality. Papers of remarkable grasp and thoroughness have appeared in all classes of our journals, from the ponderous quarterly that graces the scholar's table to the lighter and more evanescent daily and weekly that visit every fireside and hearthstone in the land. 9. But what further proof do we need of the profound interest felt in penitentiary and reformatory discipline than this great congress, gathered from Canada, from South America, and from twenty-five States of our own Union; representing fifty-odd prisons and reformatories, and some twenty philanthropic organizations; and numbering between 200 and 300 earnest workers in this cause, more than seventy of whom are officers of penal and reformatory institutions?"

1871. New York system of penal administration very defective. Nearly 3,000 convicts in the three State prisons; 2,500, and upward, in the six county penitentiaries; and in the county and police jails, during the year, nearly 70,000 persons imprisoned. The cost has become burdensome. Even the three State prisons have long since ceased to pay expenses, and cost the State nearly half a million of dollars yearly.

The Albany Penitentiary, under the exclusive jurisdiction of the city and county. It is self-supporting and, in all respects, first-class, owing to the remarkable tact of its veteran and distinguished superindendent, General Amos Pilsbury.

1872, *July* 3–11. Prison Congress held in London. Transactions printed by United States Congress, as a public document, with those of the second [1873] session (Baltimore) of the N. P. A.

Miss Dorothea Lynde Dix died. Born 1794, in Massachusetts. She devoted much time to the work of ameliorating the condition and treatment of prisoners, lunatics, and paupers, for which purpose she visited nearly every State of the Union.

1873, *Jan.* 6. The State Prison system of Tennessee, fully committed to the humane ideas of prison reformers, by Hon. Wm. M. Wright, M.D., Superintendent of Prisons. "The duty of a State to her convicts (the ends of justice having been met)

cannot be too carefully studied. The interest manifested throughout the world on this subject, arresting the attention of every Christian people, cannot fail to meet with a hearty approval in our own State; and we will surely be among the foremost to ameliorate, as far as possible, the condition of the unfortunate convict; punish him as the law directs, but try to teach and educate him for reform; if possible, let him come from the prison-cell a better, not a worse, man." Report to 38th General Assembly.

Jan. 21–24. The National Prison Association of the United States held its second congress at Baltimore. Its transactions, and those of the International Penitentiary Congress held at London in July 3–11, 1872, have been printed by order of Congress as a public document.

Miss Mary Carpenter visited Canada and the United States, as she had previously India, in behalf of better systems of prisons.

In England and Scotland there are reformatory and industrial schools, 65 of the former and 100 of the latter.

Miss Mary Carpenter, one of the founders of the Kingswood Reformatory School for boys, at Bristol.

1874. *May* 13–16. The third Prison Reform Congress met at St. Louis, called by the National Prison Association—the title assumed by the body which grew out of the Cincinnati Congress, 1870. Of this body Horatio Seymour, of New York, is president. Reports were read from the standing committees—on Criminal Law Reform, prepared by Judge Walker; on Police, by Dr. Woolsey, ex-president of Yale College; on Prevention of Crime and Juvenile Reformation, by Messrs. C. L. Brace and B. K. Pierce; on Prison Discipline, by Mr. F. B. Sanborn; and on the Care of Discharged Prisoners, by ex-Gov. Haynes, of New Jersey. Dr. E. C. Wines gave, in his annual report, a comprehensive review of the progress and condition of penal and reformatory discipline in the United States and in foreign countries.

Thomas Carlyle, born in 1795, for many years one of the most celebrated writers of England, has been, doubtless, the most influential adversary of the prison, as well as other, reformers. He is one of those who pull down, but never build

up. His teaching has thus been summarized by a great orator: "The strongest, the educated, the powerful, have the right to have the world to themselves, and to absorb the less privileged in their enjoyable career. Carlyle represents that element in modern literature. *Christianity ignores it in its central principle.*"

The International Prison Congress of 1872 was but a continuation, on a larger scale, of the Cincinnati meeting; and the St. Louis Congress is to be followed, in 1876, by another international meeting at Geneva.

Indiana has no less than three separate prisons for women. New York is the only Eastern State which has even one female prison.

Among recent publications of interest, the following deserve special notice: Miss Florence Hill's "Children of the State;" "Our Criminals," by Miss Carpenter; Leifde's "Romance of Charity;" W. R. Laurence's "Charities of France;" Low's "Charities of London;" Dr. Joseph Parrish, of Philadelphia, "On Professional Criminals;" "The Life of Rev. John Clay, of Preston, England;" *Die Strafrechts Zeitung*, a periodical published at Berlin, edited by Prof. Von Holtzendorff. A. O. Abbott's "Prison Life in the South:" 12mo. New York. 1865.

There is a very large number of reports annually published by States, cities, and institutions, in which much recent and useful information may be found. Most of my readers will find the readiest way of getting a practical insight into this subject the procuring of such reports from neighboring institutions, and the study of one or more of the late standard authorities above pointed out.

The above are, of course, but a few of the interesting dates and instructive publications that could be given. A selection has been made rather with the view of showing the richness and variety of the field, and inviting the reader to explore it for himself, than with the design of logical connection and thorough completeness. The history of this great movement demands more than a volume, and is worthy the descriptive powers of a Prescott, united with the depth of a Hallam.

How much more glorious a subject than the achievements of brigands, or even the deeds of authors and legislators! The dark side of humanity turned to the sunlight, and made bright! The time is in the not far distant future when the highest talents and the most brilliant imaginations will be devoted to the working up these pages of man's history. "Aurora Leigh" is but a harbinger.

To Professor D. Humphreys Storer, M.D., of Harvard University; to the Hon. R. C. Winthrop, LL.D., and to the Hon. F. E. Parker, of Boston; to the Hon. Sidney Andrews, Secretary of the Massachusetts Board of State Charities; to F. W. Christern, Esq., of New York; to Professor John B. Biddle, M.D., of Jefferson Medical College, and to Caspar Wister, M.D., of Philadelphia; and also to the Rev. Dr. Thomas O. Summers, of the Nashville *Christian Advocate*, due acknowledgment is hereby made for valuable publications furnished me. To Gen. Basil W. Duke, of Louisville, and to Professor Van S. Lindsley, of the Nashville and Vanderbilt Universities, I am under obligations for assistance in inspecting prisons. To Mrs. Paralee Haskell, State Librarian, at Nashville, and to W. Matt. Brown, Warden of the Tennessee Penitentiary, I am also very much indebted for facilities afforded in getting up statistics, details, and references.

CHARTER

OF THE

ROBERTSON ASSOCIATION.

NASHVILLE, 22D FEBRUARY, 1856.

Be it farther enacted, That Randal W. McGavock, Joseph W. Walker, B. Frank Cheatham, H. L. Claiborne, Eugene Underwood, J. M. Hawkins, William Stockell, Thomas J. Hough, M. Cheatham, William Cox, John G. Ferguson, G. W. Donigan, James McLaughlin, D. G. Rumsey, Joseph Hutchinson, R. O'Kane, William L. Nance, and F. H. McNairy, and their successors, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "ROBERTSON ASSOCIATION," of the city of Nashville, in honor of the late DUNCAN ROBERTSON, the Howard of Nashville, for the purpose of visiting, taking care of, and providing for, the afflicted and destitute: which, after organization, may sue and be sued, plead and be impleaded; to hold, by purchase or otherwise, and convey and dispose of the same, any real or personal estate which may come into their possession for the purposes of carrying out the objects of its organization; shall have succession of membership; have and use a common seal, alter and destroy the same at pleasure; adopt a constitution, and make by-laws not inconsistent with existing laws; and do and transact all and every business, the object of its creation, as other bodies corporate and politic are empowered to do by the existing laws of the State of Tennessee.

SEC. 2. *Be it enacted*, That said Association shall be organized by the election of a President, Vice-president, Secretary,

and Treasurer—said election to be held annually, on the 22d day of February, by ballot, and the officers to continue in the discharge of their official functions until their successors are duly installed.

SEC. 3. *Be it enacted*, That said Association may hold property of every description whatever, in trust, for the charitable objects for which the corporation is formed; that the above specified property, and all other character of property the corporation are authorized to hold, shall be under the management and control of its officers, as directed by the Association.

SEC. 4. *Be it enacted*, That, in the event of a dissolution of the corporation, the funds on hand, after settlement of all debts due by the Association, and the property owned in fee simple, shall be paid over to the orphan asylums of the city of Nashville.

SEC. 5. *Be it enacted*, That said Association shall have power, under existing laws, and with the sanction of the County Court, to receive orphans, male and female, and bind them out to suitable trades, to see that the indentures are faithfully complied with in detail.

[Extract from the Constitution.]

ARTICLE V.

SEC. 1. The admission fee of this Association shall be five dollars, which sum must be paid to the Secretary before initiation, and subsequently fifty cents in each month, so long as he shall remain a member. The monthly dues may be discharged by paying ten dollars at the time of initiation, and five dollars on the 22d day of February every year thereafter.

SEC. 2. Those admitted into this Association as honorary members shall be required to pay the sum of twenty-five dollars initiation fee, and afterward the sum of ten dollars annually, so long as they remain members.

SEC. 3. Those admitted into the Association as life-members shall be required to pay the sum of one hundred dollars ($100) upon initiation, and be released forever afterward from all charge.

OFFICERS—1874.

DR. J. B. LINDSLEY, - - - - - - *President.*
MAJOR J. M. HAWKINS, - - - - *Vice-President.*
THOMAS S. MARR, - - - - - - *Treasurer.*
T. M. BRENNAN, - - - - - - *Secretary.*

REMINISCENCES.

THE Robertson Association of the city of Nashville—so called in honor of the late Duncan Robertson, the Howard of Nashville—was chartered "for the purpose of visiting, taking care of, and providing for, the afflicted and destitute." On June 19, 1873, when "the cold gripe of death" was upon the heart of the city, a call was issued in the dailies upon its members, and citizens generally. Three, and one citizen, met that afternoon. On the next afternoon the mayor and other citizens responded by their presence. The president was directed to make an appeal to the citizens for material assistance. This appeared in the *Union and American* and the *Republican Banner*, of Saturday, June 21. On Sunday, June 29, in the same papers, appeared an advertisement from the secretary, requesting the people to make no farther donations of money, clothing, or provisions, until notified. No more has yet been called for; but a token of sympathy was soon afterward sent from this fund to our more deeply-stricken neighbors at Shreveport and Memphis. The Robertson Association had then scarce ten working members. It has now nearly one hundred.

Among the very first and heartiest responses to their call was fifty dollars, sent by the prison-workers in the Sewanee

coal-mines, from their scanty savings, and proffering more, should the epidemic continue. Most beautiful, therefore, is the providence that guides the first effort of the Robertson Association, since the epidemic of 1873, in the direction it now takes—that of calling the attention of a great commonwealth to the afflictions and destitutions of those of its citizens confined in prisons.

On returning from a week's educational tour, during which it was my privilege to give the substance of this paper to the piety and intellect of Winchester, Tennessee, on Sabbath, August 23d, I find the next two pages filled by matter which has already met the attentive reader's eye. It is so very appropriate, however, as enforcing the appeal made to the benevolent in Tennessee and elsewhere, in the four closing lines of this pamphlet, that it is allowed to remain. The Robertson Association desires only free-will offerings; and what nobler contribution to education, philanthropy, and religion, could possibly be made than the establishment, by State or by individuals, of a Juvenile Reformatory and Farm School, in the vicinity of beautiful Winchester, so admirably situated on plateau, so romantically begirt by mountain-ridge, so widely and so favorably known for moral and educational worth?

E. C. Wines, D.D., the distinguished Corresponding Secretary of the Prison Association of New York, stated to the National Congress the revived interest felt in the question of prison reform, thus:

"*Proofs of such Revival.*—(1.) It is seen in the messages annually communicated by the chief magistrates of our States to their several Legislatures. I have had occasion to examine the more recent of these documents, and have been struck with the fact that there is scarcely an American Governor who has not referred to the subject, not simply in an incidental and perfunctory way, but with a good will and heartiness which show a real interest in the subject, either recounting or suggesting reforms, inaugurated or contemplated, in relation to this important interest of society. (2.) The correspondence of the Prison Association, of New York, affords unmistakable evidence of the newly-awakened interest in prison reform. The area covered by this correspondence has

become almost coëxtensive with the globe—embracing not only every State in our Union, but nearly every country in Europe, several of the republics of North and South America, the British East Indian empire, Australia, New Zealand, etc. (3.) The wide and increasing demand for the annual reports of the association is a testimony in the same direction. About a thousand copies are regularly distributed as soon as issued, and within the past year applications for at least five hundred additional copies have been received and answered—many of them from distant continents and islands. (4.) The encouragement given to the propositions recently made for both a national and international congress on penitentiary and reformatory discipline is another decisive proof of the interest felt in this subject. (5.) The formation of societies looking to the improvement of prison discipline and the care of prisoners, both during their incarceration and after their discharge, is to the same effect. Besides the older organizations of this sort in Philadelphia, New York, and Boston, such societies have been recently formed in California, Maryland, Western Pennsylvania, Delaware, Iowa, New Hampshire, and other States. (6.) State governments, as well as individuals, are moving in the same direction. Within the past four years commissions charged with the duty of studying closely the whole prison question, and of reporting improved prison systems, should such be found to be needed, have been created in Pennsylvania, New Jersey, North Carolina, Maine, Michigan, and Kentucky; and much good has resulted, and more is likely to result, from these measures. (7.) A striking proof of the extent and earnestness with which questions connected with penitentiary science are now studied is the creation by the late Emperor of France, on the report and recommendation of his minister-of-the-interior, of a commission of twenty-one citizens, instructed to investigate and report upon the question, 'What duties does society owe to liberated prisoners, and how can these best be secured against a relapse into crime?' In their study of this question, the commission are seeking light from other countries, and have applied to the and the Prison Association for information as to the principles practice of America in reference to this grave matter. (8.) An

additional evidence of the newly-awakened and growing interest in prison reform is found in the public press—that sure index, as well as powerful molder and guide, of public opinion. More has been published in the quarterly, monthly, weekly, and daily journals of the country within the last two years than during the ten years preceding. Nor has what has emanated from the press on this subject gained more in breadth than it has in quality. Papers of remarkable grasp and thoroughness have appeared in all classes of our journals, from the ponderous quarterly that graces the scholar's table to the lighter and more evanescent daily and weekly that visit every fireside and hearth-stone in the land. (9.) But what farther proof do we need of the profound interest felt in penitentiary and reformatory discipline than this great congress, gathered from Canada, from South America, and from twenty-five States of our own Union, representing fifty-odd prisons and reformatories, and some twenty philanthropic organizations, and numbering between two hundred and three hundred earnest workers in this cause, more than seventy of whom are officers of penal and reformatory institutions?" (See Transactions, pp. 15, 16.)

The truth is that since 1860 the United States of America has *aged* at least five centuries. Hence the need of the revival above graphically pictured; hence the duty of all Christians and patriots to be alive and diligent, so that the decrepitude and wretchedness of premature age may not overtake us and our children.

All persons wishing to aid the cause of prison reform in Tennessee are invited to send their contributions to the care of "THOMAS S. MARR, Cashier of the Nashville Savings Bank, corner of College and Union streets, Nashville, Tennessee."

ROBERTSON ASSOCIATION LECTURES,

WINTER 1874-75.

Commencing Tuesday, Oct. 27, at 8 P.M., in Masonic Hall.

Season Ticket, Family, for 12 Lectures, one in each week.....	$5 00
Season Ticket, Lady and Gentleman, for 12 Lectures, one in each week	3 00
Season Ticket, Gentleman, for 12 Lectures, one in each week.....	2 00
Single Ticket.....	25

Each Lecture will be preceded by a Musical Entertainment.

Order of the Lecture-Course.

REV. R. A. YOUNG.—Opening Lecture. Subject: "*The Gold and the Gilt of Young America.*"

I. PROF. FRANK SCHALLER, A.M., University of the South.—Subject: "*The Tragedy of Faust by Goethe.*"

II. PROF. HUNTER NICHOLSON, East Tennessee University.—Subject: "*Law of Growth in Cities.*"

III. REV. T. G. JONES.—Subject: "*John Howard.*"

IV. DR. VAN S. LINDSLEY.—Subject: "*The Ear, Hearing, and Phenomena of Sound.*" (Illustrated.)

V. JUDGE J. D. PHELAN.—Subject: "*Robert Burns.*"

VI. PROF. T. H. HAMILTON.—Subject: "*Woman's Rights.*"

VII. REV. T. A. HOYT.—Subject: "*Thoughts on Shakspeare*"

VIII. THOMAS O. SUMMERS, JR., M.D.—Subject: "*Combustion.*" (Illustrated.)

IX. HON. EDWIN H. EWING.—Subject: "*Rambles in the East and Europe.*"

X. PROF. JAMES M. SAFFORD, PH. D., M.D.—Subject: "*The Great Topographical Features of Tennessee; or, A Bird's-eye View of the State.*" (Illustrated.)

XI. REV. WILLIAM GRAHAM.—Subject: "*Tennyson.*"

XII. GEN. E. KIRBY SMITH, Chancellor of the University of Nashville.—Subject: "*Reminiscences of Frontier Life.*"

Form of Bequest to the Robertson Association.

I, A. B., of the county of ———, State of ———, having a high appreciation of the objects and services of the Robertson Association of Nashville, Tenn., do hereby give and bequeath (or devise) unto said Association the following property, to wit:

(Here state the sum of money, or if it be other property, give such description of it as will surely identify it.)

N. B.—Association in no wise responsible for sentiments of individuals.