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ing to derive power from an insurrectionary mob—even though that mob might pretend to be the majority?

But it is objected that the Federal Government, by presidential proclamations and congressional action, has admitted an abrogation of the State constitution of Louisiana, in allowing a re-construction of State government under a *new* constitution submitted to and adopted by a tenth of the loyal voters of Louisiana. It is also held, or may be held, that Congress recognized an abrogation *de facto* of the State constitution of Virginia, and testified its recognition of that fact by constructing a new State out of Virginia territory set apart for the purpose. But, in the case of Louisiana, it is understood that the voters, who took part in the election of a loyal legislature, were acknowledged to be legal voters of the State, acting under the prescribed forms of the Louisiana State constitution—which had never ceased to be operative. It matters not, therefore, whether these loyal voters constituted one-tenth or nine-tenths of all the persons entitled to vote; because, if the non-voters took no part in the election, it was clearly through their own laches or default, and the *actual voters* thereby became *rightfully* the law-making power of the State. And as regards the peculiar features of this Louisiana election—as differing from previous ones—we must recognize that Congress possessed the right under the Federal Constitution, and “at any time, by law,” to “make or alter (State) regulations” prescribing “the times, places, and manner of holding elections for senators and representatives,” at least, if not for local State officials.

But, in the matter of erecting the State of Western Virginia, was Congress also mindful of the constitutional inhibition (Art. iv. Sec. 1.) that “no new State shall be formed or erected

within the jurisdiction of any other State” “without the consent of the legislature of the State concerned?” We answer that, by and under our view of the unceasing sovereignty of the State constitution of Virginia over her internal affairs, Congress was enabled to act, and did act, in strict accordance with the above-quoted constitutional provision. It is true that the voters of West Virginia only (acting through their delegates legislatively assembled) took part in the act of erecting that portion of the “Old Dominion” into a new State. But, it must be recollected that the voters of West Virginia, at that time—exercising their right of suffrage under the old State constitution which had never been legally abrogated—did constitute *de facto* the legal as well as loyal voters of the entire State. Eastern Virginia had *outlawed* itself by illegal secession, and the masses of its voters, in disabling themselves from taking part in a vote upon the question of State division, clearly permitted the voters of Western Virginia to decide the result at the ballot-box. Consequently, as in the case of Louisiana, it was the *laches* and *default* of rebellious and self-disfranchised men, which yielded the legal rule of Virginia, under her constitution, into the hands of a minority of voters who had remained faithful to that constitution, and had refused to disfranchise themselves. The acts of State government and sovereignty actually performed by minorities in Louisiana and Virginia, unite to prove the existence of an unabrogated constitution in every rebel State, and to demonstrate the soundness of President Johnson’s position in reference to the unbroken validity of State constitutions during, and notwithstanding, the stress of rebellious forces against them. “*Inter arma silent leges.*” But though laws and constitutions were dumb under duress

Health (the) Question

THE

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Free in Opinion. . . . Liberal in Discussion.



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THE HEALTH QUESTION.

FROM the body of evidence produced by the labors of skilled physicians, acting as medical inspectors for the Citizens' Association, and from a mass of testimony arrayed during the last session before Legislative Committees, the public must have become familiar with the sanitary wants of our city. They have learned that numberless abodes of human beings in our midst are the nurseries of disease, as well as the centers of misery. They know that we have alleys, squares and streets, in which sickness is ever present; that there are dwellings which can be fitly described only by the suggestive title of "fever-nests;" and that there is a process of moral and physical decay among our poorer population which can only be classified as "tenant-house rot." Facts of the most stubborn kind demonstrate the existence in our community of barbarism which shames civilization, and of degradation that accuses Christianity. We have learned that our preventable deaths are numbered by tens of thousands; that fevers have become epidemics within a hundred precincts; that multitudes are poisoned by putrid effluvia; that squalor, filth, and physical sufferings are the daily concomitants of half our social life.

Medical theorists may dispute as to

the contagious principle of our common low nervous and bilious fevers. We need not enter into entangling discussions regarding the comparative prevalence of typhus, synochus, or other more arbitrary distinctions of febris. It is enough to realize that, in numberless blocks of houses in New York City, we can trace a death-trail of SOMETHING—call it by whatever name you please—which prostrates as quickly, and overcomes as surely, as any malignant type of spotted pestilence. Passing from individual to individual, from apartment to apartment; alternately afflicting every member of a family, and every family residing under the same roof; we can identify its characteristics, whether we classify it or not. We shall never fail to remark its appearance where circumstances lead to its introduction; and we must inevitably chronicle its establishment wherever those circumstances concur to afford it proper *nidus* and support. It is observed by naturalists that, where all things tend to the disclosure and sustenance of any production, in that place—no matter how the *germen* may be conveyed—we are sure to find developed the peculiar species, which, by habit and sympathy, accords with the local surroundings. The same, undoubtedly, is true

of disease. If abject poverty, scanty food and clothing, filthy habitation, dejection of mind, and debility of body, be latent causes that engender contagious or infectious diseases in one district, we may be certain that "like will beget like" in other districts, however remote.

It is sufficiently frightful to contemplate the ravages of a pestilence from some safe scientific stand-point of observation. It becomes more alarming when the visitation depopulates a neighborhood of ours; and when the death-rates of a city in which we reside reveal the presence of fatal infection every side of us. But what will the community, as yet unawakened to peril, reply to our assertion, based on medical statistics, that fevers comparatively light among the *poorer classes*, wax to malignant fatality when introduced to the quarters of luxury and refinement? Typhus, for instance, comparatively mild in its attacks upon the lower strata of society, becomes virulent when transferred to the mansions of wealth and apparent exclusiveness. Originating in the same specific contagion, and developed through the same malarious influences, as an endemic, it no sooner becomes liberated upon the wings of ammonia, than it assumes directly a mortal character, changing, as it were, its very essence, as it passes from poor to rich. Among the habitants of gregarious localities, abandoned to filth and neglect, and becoming actual *purveyors* of disease, the mortality in cases of fever will be found to average less than one in thirty; but among the affluent and comfortable the deaths are as one to five cases. So, then, the chances to survive, attacked by typhus or other local fever—apart from putrid hospital types—are against our "better classes" in the proportion of six to one, as compared with the poorer. A poor denizen of the crowded tenant-house, attacked by low ty-

phus in his dark abode, may be prostrated, and speedily recover; while the dweller in Madison Square, after succumbing to sequent symptoms of stupor, headache, convulsions, muscular contractions, and deliriums, may perish miserably, at last, under the true, malignant typhus.

The labors of Hercules, as recited in classic story, were types, it has been said, of successive reforms or ameliorations introduced by wise monarchs into ancient society. However that may be, it is certain that we have in modern communities the equivalents of many such monsters as were destroyed by Aemena's son. Not to apply the threadbare simile of Augean stable to New York streets, we may aptly liken the tenant-house nuisance to that other imbodiment of malarious poison which the strong man encountered in Lernean morasses. We have, in fact, a domestic Lernean marsh in the filthy and feculent "back-slums" of our city, and a local hydra in the many-headed evils of that horrible excrescence—the tenant-house.

To recognize this abominable packing-box arrangement as a dwelling-system for human beings is to scandalize civilization. To declare it a "laboratory of poisons"—whose emanations vitiate health and morals—whose agencies corrupt body and soul—is to utter only simple truth. To assert that its endemic influences add forty per cent. to our bills of mortality, sixty per cent. to our pauperism, seventy per cent. to our local crime, would be but the iteration of truisms. To describe it as a gangrene of the social membrane, as a "goitre" (so to speak) upon our community's body, would be but a suggestion of superficial venom and hideousness. For our tenant-house cancer is not merely protrusive; in fact, it does not protrude enough, therefore we lose sight of it; but it is a polypus, secretly and

constantly renewing its virus—fatally expansive for mischief, and accretive of all mischievous elements. “It doth make the meat it feeds on.”

We do not propose to deal rhetorically with our tenant-house, its incubations, or its progenies. Here it is, in our midst; quite equal to the task of telling its own story eloquently, in mortality bills, crime dockets, and the records of pauperism. We are content to marshal facts and array statistics; letting them fight their own battle against prejudice or indifference. Beginning at the social base, we encounter twenty-three thousand dwellers in cellars, six feet or more underground; cellars that are not simply dark, impure abodes, but clammy, moldy, obscene abysses, invaded periodically by tide-water, or submerged by drainage of the soil. Life rots in them. Seventy per cent. of children born in their gloom perish within five years; many of the residue survive only as victims to future typhoid, rheumatism, hip, or bowel affections. These cellar-born children have pallid skins, rickety limbs, watery blood. Hygrometric scrutiny of the holes they inhabit shows a condition of atmosphere actively destructive by night and by day. Day, indeed, with its air-currents and sunshine, is unknown to our city troglodytes. Crawling out of their burrows, into narrow lanes or wells, close-pent by high walls, they may catch occasional glimpses of the blue sky, just as the cretins and cagots of sunless Alpine chasms may get sight of a heaven far above them. Indeed, our cellar-dwellers have much in common with the cretins. They are not yet afflicted with goitre or elephantiasis; they do not, as yet, transmit leprosy and idiocy; but they exhibit the incipient effects of the same destitution of sunlight and proper air which engenders cretinism and its revolting monstrosities. How long before we

shall behold elephantiasis thrusting its horrid features from the rags of our beggars may be suggested by comparing the progress of such diseases in South American and East Indian cities, where chronic filth and malaria have made them hereditary endemics. Darkness, moisture, and squalor in our subterrene tenements are constantly operative; producing cachexy, or scrofula, rickets, ophthalmia and erysipelas. We need no subtler agent of disease than darkness alone. All foul or loathsome forms of life or decay multiply under its curtain. Where heaven's sunbeams enter not, health cannot survive. Epidemics are sure to fasten, with deadliest gripe, on the inhabitants of dark, close localities. The sunny side of a street has been known to escape a pestilential visitation which decimated the population opposite. As we find the Negro and Indian drinking strength from the solar rays which they delight to bask in, so surely may we discover our cellar-dwellers emasculated by the dank and putrid emanations of their living tombs.

A traveller visiting Lyons, in France, will notice long lines of stumps bordering on the river—remains of giant trees, which formerly adorned the landscape. Their naked, blasted appearance might indicate the locality of a great conflagration, or the scene of conflict during war. But on inquiry, it is found that the fumes of a neighboring vitriol factory have silently, stealthily, but with deadly influence, destroyed the grand forest trees, as effectually as if a cannonade had levelled them to the ground.

We know that in nearly every populous neighborhood within the limits of New York city, there exist FACTORIES OF POISON more malignant than the fumes of vitriol; and their tendency, nay, their constant effect, is to dwarf, stunt, and kill—not trees—but

human beings. More actively destructive than the Lyons laboratory—and operating every hour of day and night—the POISON FACTORIES of New York city attack the health, corrupt the habits, and shorten the life of our population.

In many localities it appears as if no supervision were ever contemplated. Entire squares seem to be given over to the dominion of dirt. "Fever-nests," where typhoid infection is bred by miasmatic sewers, and "small-pox circles," where loathsome contagion riots on foul house gases and decomposed garbage, horrify the explorer in all quarters. A *single physician* has attended *one hundred and fifty-four* cases of typhus fever, and *sixty-two* cases of small-pox, in his tenement-house rounds during less than six months. Ninety thousand cases of small-pox are estimated to have occurred during forty years; all engendered by filth. Not less than nine or ten thousand human lives are sacrificed annually to a neglect of municipal sanitary regulations. Filth destroys each year ten thousand men, women, and children in our city, as surely as vitriol killed those trees in Lyons. Thirty per cent. of our whole mortality rises from PREVENTIBLE DISEASE. Thirty persons are slain daily in our midst, by guerrilla-shots from pickets of death, lurking about us in malaria, miasma, dirt, and dampness. How can we expect to escape camp and prison disorders, when six hundred thousand people are *packed* in less than fifteen thousand tenant-houses, and nearly twenty-four thousand burrow underground in cellars? What army, even in an open country, and well fed, would not be ravaged by disease, under such conditions? But we have numberless aggravations of the *packing* process. All descriptions of noxious surroundings besiege our tenant-house population. They are located like prisoners

encamped in Southern swamps, without power to escape from the plagues which beset them. Three hundred slaughter houses, fat-boiling concerns, and similar nuisances, are scattered through our populous neighborhoods. Vegetable decay, animal putrefaction, quite as deleterious as swamp exhalations, are heaped before every door through miles of our streets and back-areas. There are no vigilant camp police to remove them; no officer of the day responsible for their extirpation. As Mr. Carr, late Superintendent of Sanitary Inspection in the City Inspector's Department, says, "We have no Sanitary Department in the city at all commensurate with what the name implies." "For the last six months not a sanitary measure has received attention." "It had been as well if no Sanitary Department were in existence."

We are, with good reason, alarmed at the occasional encroachments upon local health and comfort by the erection of chemical works, furnaces, glue-factories, and kindred nuisances near our private dwellings. We feel properly aggrieved when one of the two hundred and twenty-three slaughter-houses distributed through densely populated neighborhoods casts forth its noisome stench "betwixt the wind and our nobility." We can trace a fatal connection between the slow fever which robbed us of a darling child or a dear wife, and that sickening effluvia of which our beloved one had so often complained, as invading the windows. We have a right to complain of the official neglect which allows compost-grounds and dumping-places to be permanently located within a few hundred yards of our decent and respectable squares. But, though all these nuisances are intolerable, and, in their measure, deadly foes to public health, they cannot be compared, for a moment, with the incessantly-active,

ever-malignant forces of death that are ejected constantly from those "laboratories of poison," the tenement-houses. Not isolated, like factories, but agglomerated by blocks in every district, these building-anomalies not only compress, torture, and murder their wretched inmates, but actually have power to make those inmates the involuntary murderers of their innocent fellow-citizens who dwell elsewhere. Through the potent chemistry of stagnant air, darkness, damp, and filth, these terrible structures are able to create miasmatic poisons that beleaguer both the daily and nightly existence of their unhappy occupants. Entering every pore, fastening on every sense, clinging to every tissue, these tenement-house poisons, thus chemically combined, become prolific agents of disease; developing whatsoever morbid germs may already lurk in the human system. The germs, in their turn, become a portion of the local poison. Disease multiplies its agencies. Corruption, decay, mortality give out their atoms. All these forces, concentrating under tenement-house roofs, working latently within the precincts of narrow cells, which the sun enters not, where the air cannot circulate; constituting, in their combination, a battery of subtle gases; does it require a scientific disquisition to demonstrate what must be their natural effects upon all surroundings? Let our death-rates, our local epidemics, our chronic diseases answer.

It is a fact, pregnant with interest at the present time, that long and bloody national conflicts are usually precursors of virulent and fatal visitations of disease. Epidemics encamp behind armies. Pestilence is the rear-guard of war. In the pages of Thucydides we find harrowing pictures of that dread infection which clung to the skirts of Athens during her Peloponnesian War, fulfilling the oracular prediction that

"A Doric war shall fall,
And a great plague withal."

Calvisius writes in Latin of a terrible plague that scourged the Roman world for fifteen years, about the period when Gallus reigned; a period marked by savage intestinal conflicts, resulting in the elevation, successively, of fifty usurpers to the imperial throne. Still later, Procopius describes a pestilential visitation which traversed the Eastern Empire, just after the Persian War of Justinian, and the sanguinary popular quarrels of Red and Green factions in Byzantium—an epidemic so fatal that ten thousand deaths are reported to have occurred daily in Constantinople alone. Following the Roman invasion of Britain, a plague broke out, in Vortigern's reign, of so fierce a type as to sweep off more victims than the survivors could bury. In 1347 began the "six-year plague"—known through the pages of Boccaccio as the "Plague of Florence"—which "so wasted Europe," says Calvisius, "that not the third part of men were left alive." One church-yard alone, in London, received more than fifty thousand bodies in twelve months of the disease. Boccaccio ascribes its origin to India; but, like other epidemics, we find it following a previous great conflict. Bloody civil wars in France and Italy, a fierce struggle in Flanders, the battle of Crecy, the siege of Calais, were all immediate forerunners of the great plague. And nearly two centuries after this, in the middle of the Thirty-years' War, another plague arose. Still another succeeded the wars of the Fronde, in France. Then came the great plague of 1664, when there perished, in London and its parishes, 68,000 between April and October. This awful infliction followed the English civil war, which had been ended by the Restoration.

And the cholera! how closely its shrouded form glided after revolution! how its ghastly death-dance attended the red carnival of war! Its birth may have been Asiatic, but its funeral foot-prints traced the map of European battle-fields—from Jemappes to Moscow. Are these facts only curious coincidences, or is there an appalling connection between war and pestilence? Is there a mysterious *lex talionis* in Nature, revisiting on man the plagues which he inflicts upon earth through his bloody contentions? Are battle-plains, with their reeking dead, hospitals, with their fecund exhalations, camps, and their contagions, so many voltaic piles, charged with the subtle fluid of latent pestilence? Do wasted fields, abandoned of husbandry, nurse the germs of a future corruption, which floods shall liberate and winds disseminate broadcast over the land? We care not to speculate concerning agencies like these; but if they exist, are we secure against the *innoculation of their deadly principle*?

It is an inquiry fraught with vital significance. At this very hour, the "cloud no bigger than a man's hand" may be densifying over some aceldama of carnage, or some fever den of the war; the cloud which, imbosoming malarious infection, shall hereafter launch its viewless bolts into the reservoirs of carbonic-acid gas; the storehouses of sulphureted hydrogen; the magazines of putrescent exuvia, that, in our crowded cities, await but a communicating *virus*, to become death-dealing batteries of pestilence.

Have we not, then, a somewhat vital interest in the consideration of disease, in its aspect as a sequence of war? Here—at the commercial gate of the nation, a point to which converge the most diverse business highways, and from which radiate the most extended lines of human intercourse—here must pestilence, should it arise,

find pivot and fulcrum. We have built up here our warehouses, and piled them with flour and meats; but we have here, likewise, constructed our tenant-houses, and stored them with pabulum for death. We fill our public squares with gay equipages, and our walks with refined and brilliant strangers and citizens; but we crowd our narrow lanes and hidden courts with diseased, stifled, and stunted outcasts. We allot fifty streets to our magnificent Central Park; but we compress more than half-a-million of our population into a limit of earth-space hardly sufficient to allow each individual the breadth and length of a grave. We appropriate miles of marble and brown-stone palaces to luxurious occupancy, in the ratio of a dozen sumptuous *salons* to a single person; but we confine twenty-three thousand souls under ground in cellars, and we pack four hundred and fifty thousand in ten thousand houses, obliging them to dwell in airless dens and sunless cells, there to sin, there to suffer, there to rot, and there to die, unregarded.

In the city of York (England), the cholera of 1832 broke out in a crowded court, known as the "Hagworm's Nest." In that locality raged the plague of 1664. In the same court first appeared the pestilence of 1551. During nearly three centuries, that horrid "Nest" had kept intact its eggs of pest. Generation after generation dwelt around it, heedlessly, as we dwell around our "fever-nests" of New York city.

In following the track of pestilence through different climes and ages, we encounter coincidences which establish the fact that epidemics have an affinity for endemics; or, rather, that the former usurp the dominion of the latter, claiming the localities wherein they flourished, and the subjects which they swayed. Thus, in the passage of the great plague of 1346 over Europe,

and in subsequent visitations of similar diseases, the small town of Aigne Morte, in Languedoc, was repeatedly made a centre, or *point d'appui*, whence the distemper radiated to surrounding districts. This town has always been noted for its local disorders, arising from the malaria which overhangs, and the stagnant water that encompasses it. Milan and the healthful mountain ranges were notably as exempt from this plague as the coasts and marsh-lands of Italy were ravaged by it. And, as in plague, so in cholera and typhus, the crowded purlieus of great cities have ever been the seats of infection.

When low fevers and their concomitants become naturalized in certain localities, they serve as nuclei for the sporadic propagation of kindred diseases, whenever season and material combine to feed it. The distinctive type of the endemic may merge and be lost in its more virulent successor, but it will have performed its mission; it will have absorbed and given out the principle of poison which constitutes its affinity with plague or cholera. "It appears," says Dr. Southwood Smith, of London, "that in many parts of Bethnal Green and White Chapel fever of a malignant and fatal character is always more or less prevalent. In some streets it has prevailed in almost every house; in some courts, in every house; and in some few instances, in every room in every house. Cases are recorded in which every member of a family has been attacked in succession, of whom, in every such case, several have died. Some whole families have been swept away. Six persons have been found lying ill of fever in one small room."

Here we have the *point d'appui* of a pestilence movement. It was said that early plagues might be traced to fetid exhalations from dead locusts; and Dr. Smith, above quoted, says

that "the room of a fever-patient in a small, heated apartment in London, with no perflation of fresh air, is perfectly analagous to a standing pool in Ethiopia full of bodies of dead locusts. The poison generated in both cases is the same; the difference is merely in the degree of its potency. Nature, with her burning sun, her stilled and pent-up wind, her stagnant and teeming marsh, manufactures plague on a large and fearful scale. Poverty, in her hut, covered with rags, surrounded with her filth, striving with all her might to keep out the pure air and to increase the heat, imitates nature but too successfully; the process and the product are the same; the only difference is in the magnitude of results."

To this testimony, a hundred authorities add weight. Another English medical man says that he has encountered localities from which fever is seldom absent. "We find spots where spasmodic cholera located itself are also the chosen resorts of continued fever." "In damp, dark, and chilly cellars," says Dr. Griscom, of our city, "fevers, rheumatism, contagious and inflammatory disorders, affections of the lungs, skin, and eyes, too often successfully combat the skill of the physicians." Again, he says: "The degraded habits of life, the degenerate morals, the confined and crowded apartments, and insufficient food, of those who live in more elevated rooms, comparatively beyond the reach of the exhalations of the soil, engender a different train of diseases, sufficiently distressing to contemplate; but the addition to all these causes of the foul influence of the incessant moisture and more confined air of underground rooms, is productive of evils which humanity cannot regard without shuddering."

Now, the death-rate in New York City has increased since 1810 from 1

in 46½ to 1 in 35. To every death, in a populous district like Manhattan Island, there will be about thirty cases of sickness. This gives an annual rate of between two and three hundred thousand sick cases; more than a quarter of our entire population. Paris is healthier than New York. If we reduce our death-rate to that of the French capital, we shall save four hundred thousand lives annually; reduce it to the average of London, and we shall save more than nine thousand human lives each year. This is the calculation under ordinary circumstances. But how would our "fever-nests" and "cholera-holes" be quarantined should the "pestilence that walketh at noon-day" fling his yellow shadow over this great metropolis? What charmed circle around the "tenant-house" neighborhood shall *taboo* its deadly gases, its subtle infections, from contact with the palaces of luxury?

Here, under our nostrils, the *virus* of small-pox continually eats into society. More than ten thousand persons have died of this disease in our city during forty years, and more than one hundred thousand persons have been attacked by it. It is at this time fearfully on the increase, and its dreadful emanations daily penetrate to the rural districts. They cling to cars and steamboats; they are dispensed through personal contagion; they lie-in-wait among second-hand garments sold in our slop-shops; they nestle in bed-clothes so plenty after periodical clearances of hospitals. But small-pox is only one of the myriad agencies of death in our midst.

Now, it is better for us, as Christian men and good citizens, to hear sober truth occasionally, though it be unpalatable, than to listen always to "the voice of the charmer, charm he ever so wisely." We may ignore the fact of there being latent and horrible evils

in our midst, or we may, for a season, shirk our responsibility regarding them; but, sooner or later, we shall invoke, and must abide, the consequences of their protracted existence. There is an oriental story, which relates that a certain tyrant used to clothe his fierce soldiers in the skins of tigers, wolves, and other wild beasts, and set them to hunting poor people out of their beds at night, and driving them into the highways and fields, to worry and tear them, while the old king rode behind, enjoying the sport. But in punishment of this cruelty, as the legend runs, the disguised soldiers were suddenly changed into real wild beasts, and made to turn on the wicked monarch himself, who perished miserably under their teeth and claws. We are pursuing a like atrocious chase in the city of New York at this day; hunting not only the bodies but the souls of human beings out of the pale of comfort, repose, and decency, to the highways of pauperism and the commons of crimes. We are making practical the oriental legend, in our heathen neglect of the rights, claims, and sore necessities of four hundred thousand of the poor inhabitants of this mighty emporium of Traffic.

Traffic, did we say? And must we repeat that it is Traffic, and Traffic only, which has become rule and gauge for our action as members of a great community? We traffic not only in silks, and cloths, and jewels, and spices, but in the health, honor, and life of men, women, and children. We traffic not only in bricks and mortar, but in the light of heaven, the sweetness of air, and the purity of earth. We huxter the free sunshine, doling it to human cravings as grudgingly as misers dole out their gold. We compute the minimum of air and space wherein mortal existence may linger, and make our calculation the basis for

money-making out of mortal suffering. All this we do in a spirit of traffic which invests its lucre, not in the broad, noble fields of mercantile adventure, that builds up States and plants colonies, but in a narrow, muck-worm track of speculation, wherefrom arise those cells and dens of mason-work that brood over our filthy streets and foul alleys like unclean buzzards over some loathsome lazar-yard. With our billions of eager capital—that fulcrum on which the lever of enterprise, rightly adjusted, can move the world—we exhibit no commensurate expansion of generous public spirit such as made the Medici of Florence princes as well as merchants, and the Van Horns and Egmonts of Holland sovereigns as well as traders. We emulate not those grand old traffickers of Tyre, who reared colossal cities whenever they halted their caravans or anchored their galleys; cities whose very ruins astonish the beholder; but we rather imitate the grovelling Egyptians, who worshipped that creeping thing, the beetle, which ever toils to accumulate a muck-ball, to roll before it, as its wealth. Hence, we never ask if there be relationships connecting spacious streets with public health, or if there be affinities between decent homes and popular morals. We are satisfied to roll up our individual muck-balls to the proportions of marble warehouses and brown stone mansions, and are equally content to let other human scarabei enlarge their own filthy piles to the bulk of tenant-houses filled with all uncleanness. So, then, our gorgeous marts, our splendid churches, our stately public edifices, tower above brilliant thoroughfares, while leagues of shipping line our piers, and untold treasures are borne, as on triumphal cars, over the iron roads of our commercial prosperity. But, all the while, we have mildew at the heart, consuming flame under regal garments, a

“carriion death” in the golden casket of our seeming.

Under Paris and Rome are catacombs, where the *debris* of mortality was allowed to accumulate for ages, and where, at different epochs, bands of thieves and outlaws sought hiding-places, and thence emerged to plunder and kill the inhabitants above. Happily, in our day, science and progress have converted these subterranean crypts into viaducts for sewer-drains, gas and water-pipes. The ancient golgothas are now become media of benefits to society, instead of remaining vaults of corruption, sheltering disease and crime. We New Yorkers, also, have our catacombs, not underground, but on the surface of Manhattan Island, as distinct and loathsome as were the old tombs beneath Seine and Tiber. Our back-streets, alleys, and confined areas, over-populated with decaying humanity, and fecund with all foul things bred from slime and malaria, are nothing more or less than social graveyards in our midst, harboring death and sheltering evils that are actually worse than death. We cannot deny this. Facts are palpable. Figures will not lie. It needs but a short turn from civilized Broadway to stumble upon barbarous and savage districts, given over to society's deadly enemies—squalor and reckless poverty. Is it not time to do something with our catacombs? If capital can erect its miles of massive store-houses and palaces, can it not build, likewise, miles of renovated, comfortable, christianized dwellings for the people who bear all social and political burthens—that mighty mass who are the substructure of our city, our state, and our republic? If capital can call navies, and armies, and governments, and colonies into being, can it not also create HOMES? The field is broad in our city. A million of people are interested directly in the result.

OUR STATE PRISON SYSTEM.*

THE traveller, westward bound, on entering that beautiful miniature city, formerly the

“Loveliest village of the plain,”

finds his attention arrested by cold, gray limestone walls, softened somewhat by the red sandstone belts, the coping of the turrets, the quoins, and surroundings of the black, iron-grated windows, of the Auburn State Prison. Surmounting the cupola he sees the effigy of a soldier on guard, and the tocsin in full view beneath his feet. By this time the cars have halted within the railway station, whence, after the lapse of a few minutes, at the twain blast of the locomotive they will emerge running along, not far from the prison, presenting another view of its gray walls and grim windows. In its western enclosure may be seen the unattractive rear of the new State Asylum for insane convicts.

As a philoponist, a lover of punishment to evil doers, it may not be out of place, partly for information and partly as warning, to present a rough sketch of this extensive institution. The main edifice stretches round three sides of a square, and consists of a front central portion, three stories high, with two two-story wings having deep extensions; the whole standing on a high basement. The extensions are interrupted midway by central sections rising one story higher, so that the three sides, with the exception of the cupolas, present the same general appearance. This, the original archi-

tectural design, has lately been modified by a continuation of the south wing to the outer wall on that side. The central front building is occupied by the Warden and Agent as a residence, excepting, however, offices for himself, the clerk and State Inspectors. In the basement of the south wing, the kitchen and mess-room are located, which, with the chapel in the second and the hospital in the upper story, occupy about one-half its capacity. The remainder, and the entire north wing, contain the cells, and are the great dormitories of the prison. The building measures in front three hundred and eighty-eight feet, and is two hundred and sixty-six feet deep. The dormitories consist of blocks of cells five tiers high, reached by galleries from corridors, which surround the entire block. These corridors are lighted by large grated windows fronting the cells. The cells, nine hundred and ninety-two in number, exclusive of the dungeons, receive their light and air from the corridors through grated doors. The dormitories are nearly fire-proof, being composed of stone and iron, having only the narrow gallery floors laid with wood. The new cells are seven feet by three feet and four inches on the floor, and seven feet and six inches high. An iron turn-up, sack-bottom bedstead and bedding; a Bible with three or four additional books and a night-tub, comprise their furniture. In the rear of the main building are several extensive workshops, built mostly of brick, generally two stories high, but with no greater strength of construction than ordinary buildings for mechanical purposes. To render the surveillance complete, one side of each working apartment was formerly provided with a dark avenue

* Seventeenth Annual Report of the Inspectors of State Prisons of the State of New York. January 31, A. D. 1865. Senate Document No. 30, and other Legislative documents and reports pertaining thereto.

from which, through horizontal crevices, an unobserved view of both keepers and convicts could be obtained. But this right arm of the discipline has recently been abolished. The whole is surrounded by a wall from three to four feet thick, measuring five hundred feet front by fifteen hundred deep, enclosing about seventeen superficial acres. This area is divided by the building and cross-walls into front, centre and garden yards. The height of the front yard wall is fifteen feet, having a main entrance and two side gates. That of the centre yard, surrounding the workshops, is thirty feet, and of the garden, the locality of the new asylum, twelve feet. The wall is furnished with a hand-rail and sentry-boxes, for the protection of the infantry-armed sentinels. The general appearance of the prison is cold and repulsive, rendered peculiarly so by the material used in its construction, but does not strike the spectator on first beholding it with the heavy gloom that pervades the Eastern Penitentiary of Pennsylvania; and the feelings usually associated with a great prison are soon lost in the manifestations of life and activity.

Should the traveller chance to halt in his pursuit of health, of pleasure or of wealth, and take an internal look at this earthly pandemonium, he may, by possibility, go on convinced, like a wise Assembly committee, who, after "taking testimony" in regard to grave charges upon its officers, ["made a rigid examination into the condition of the Prison, the manner in which its affairs are conducted; *** also a thorough examination of the Asylum building, so far as it had progressed; and examined the accounts of moneys" (about forty thousand dollars,) "expended upon it,"] were, upon an investigation, embracing a period of less than *twelve hours*, into the most subtle, the most complicated of human institutions, con-

tent to report "that the present system of inspection and management is a good and valuable one, and requires no change at the hands of the Legislature." (Assembly Doc. 143—A. D. 1858.) But the Auburn Prison, which proposes to prevent as well as punish crime—involving social power and individual liability—is too far-reaching to be comprehended by the curious in a casual visit, or analyzed by partial or incompetent committees of investigation.

The Auburn Prison, being the ensample of those at Sing Sing and Clinton, will in these remarks be the chief object; while the latter, conducted on like principles and with similar results, are introduced in elucidation of the subject generally.

Social security and retributive justice are primary ideas imbodyed in incarceration for crime. Self-support and convict reformation are modern additions to ancient practices. The original ideas, with their late affixes, ostensibly embrace the object of the prisons of this State. To secure society and punish offenders are axiomatic rights. Strong, high walls, with fearless, determined sentinels, are about all the appliances necessary, and the arrangement and material of construction of the Auburn Prison, show it to be ample for that purpose. But self-support and convict reformation require a more complicated material arrangement, and involve a higher degree of intellectual and moral capacity. To accomplish, in addition to a secure incarceration, so great an undertaking, a profitable system of labor must be devised; contamination from evil association be prevented, and a moral culture instituted whereby the perverse tendencies of humanity can be transformed. The object presupposes intelligent moral managers, with an especial adaptation to the task. To present the approximation of the New York

State Prisons to the proposed end, defines our present undertaking.

In approaching a subject so important in its social and individual relations as that of *prison discipline*, it behooves us to look well at the abstract on which it is founded, with the practices thence arising; and to examine critically their results, that a comprehensive view may be presented for the judgment of mankind.

The Auburn system of prison discipline is peculiar in feature and unmistakable in character. It is also the type of a majority of the State prisons of civilized nations, and the competitor for public favor of a system having principles and practices radically diverse. In the abstract, it is a system of physical coercion, in which the idea of moral government enters not at all. The reason and the passions are overlooked, and the uncontrollable emotions, save one, are disregarded in its administration. Fear is the element toward which its entire police regulation is directed. Upon this theory was its government originally founded, and every departure from it is a departure from its elementary principle.

In the early history of the Auburn Prison, when the convicts were employed on its own construction, working together with little restraint towards each other during the day, and at night huddled promiscuously in apartments, each accommodating fifteen or more individuals, without method or any settled plan of discipline, John D. Cray—an Englishman by birth, a retired soldier of the British army, and a coppersmith by trade, assumed its police regulation. To this remarkable personage, endowed with wonderful physical endurance—making little difference between day and night in prosecuting his arduous labors; possessed of uncommon energy and decision of character, as portrayed

in the result of his undertaking; and who, though unaided except by the work of his own hands, possessed a fund of knowledge seldom equalled even by those on whom wealth and station had showered their favors—belongs the fame, whether it be good or whether it be evil, of defining and executing a system of prison polity which has arrested the attention of civilized man.

The peculiar features of this system are, associated labor by day, entire isolation by night, and at all times perfect non-intercourse between the convicts. It has no reference to a reformation of the criminal; nor to the product of his labor being more than incidentally the means of his support, but is calculated for him solely as an offender against society and under sentence of imprisonment at hard labor, as the penalty of his crime.

Now, to carry out a system apparently so incompatible with the inherent nature of man, penalties commensurate to its obstacles must be instituted, and corporeal punishment was resorted to as the means of its attainment. This punishment was of various kinds, but that usually employed was the *cat*. So long as it was the ordinary instrument of coercing obedience, a visitor might pass through the working apartments without being observed by any, or at least very few of the inmates; and communication between the convicts by either sign or speech was almost wholly suppressed. The constant fear of the lash kept them in as constant subjugation to the rules, but the ceaseless strife thus waged between the will and the instincts could not long exist without, in some degree, inducing indifference to the penalty, or injury to the mental faculties. Every sound that vibrates on the ear is a call to some other sense to assist in its relief, and each emotion has its demand upon some other fac-

ulty to relieve or help in its manifestation.

This means of enforcing obedience was for many years comparatively successful; but its demoralizing influence on him who inflicted it, and the moral and physical danger to him who bore it, became alike abhorrent to public sentiment. To illustrate: Rachel Welch, while laboring under the primal curse pronounced against her sex for disobedience in Eden, became refractory, for which she was terribly whipped by the keeper in charge. The occurrence was made the subject of a grand jury inquest, and resulted in a condemnation by the court. A legislative investigation was also instituted, and a statute passed December 10, A. D. 1827, that "no female convict, confined in any prison, shall be punished by whipping, for any misconduct in such prison." Again: Dan Smith became insane and refused to work. Instead of an asylum to restore the unfortunate being, the *cat* was applied to cure the "crazy man." He was whipped and sent to his cell. In the excited state of his mind he rent to shreds his wearing apparel. On the following morning he was whipped for destroying his clothes. On the succeeding night he not only destroyed the clothes on his body, but his bedding shared the same fate. Again the *cat* was applied as the sole panacea for his malady, but with as little success as before. This course was pursued at intervals for months, until at last, after having suffered more than loss of life, he was, through executive clemency, turned upon the community, disabled in body and ruined in mind, a living monument to the barbarity of this mode of prison punishment. Again: The lifeless body of Charles S. Plumb became, February, A. D. 1846, the subject of a coroner's inquest. The facts were these: The warden testified that the convict, previous to being whipped,

went above and broke out some window glass, and threw out a jug of oil, with some other property; that, at another time, when making a noise in his cell, and being asked for his name, he replied "steamboat," the only answer he would make; at another time he tore the books and bedding of his cell, and his own clothes. The preceding warden testified that Plumb was a "wayward boy, but not malicious; his conduct was strange, but did not indicate insanity; his strangeness was a violation of rules without any apparent motive, when he was liable to be punished." Now, it requires but little reflection to perceive that the testimony of both these wardens is nearly, if not quite, sufficient to establish his mental alienation. The commission of those petty acts without motive, for which he had been repeatedly whipped, and knew he would again be, should have sufficed to prevent further inflictions. But his insanity escaped their observation, notwithstanding it was shown by a former employer of Plumb to have existed previous to his conviction, and it was proved to be the opinion of many in the prison that he was of unsound mind.

On the post-mortem examination, the posterior surface of the trunk appeared so lacerated that the number of stripes could not be determined, but that there were not less than between three hundred and sixty and six hundred was shown by testimony. During the chastisement the constitutional irritation commenced in involuntary serous evacuations. This was soon followed by prostration, succeeded by rigors with only a slight reaction. Then came high delirium, which soon degenerated into stupor, gradually becoming comatose, and finally, after less than four days' sickness, terminating in dissolution. The cutaneous is, perhaps, the most sensitive and exten-

sively diffused portion of the nervous system, and its sympathies are with the whole economy. The enervation commenced with the diarrhœa; the relation of parts was broken, and the physical stamina proved inadequate to sustain the shock, although the convict was in good health at the time of punishment. Thus, under the lash perished a human being, from whose mind God had removed the light of reason, possibly to set in stronger light before the eyes of men the inhumanity and the danger of this means of enforcing discipline.

The Board of Inspectors shortly after superceded the warden, and the succeeding Legislature passed an act—December 14th, A. D. 1847—“prohibiting the infliction of any blows whatever upon any convict except in self-defence.” But with the loss of the cat came also the loss of that discipline which had rendered famous this prison, both at home and abroad.

The shower bath, the yoke, and the dungeon, with some minor appliances, then became the means of maintaining order, and although in appearance they seem less severe, yet every agency by which the refractory can be subdued requires critical investigation.

To convey an adequate idea of the force of the *bath*, when used as a corrective would be difficult indeed; for while the culprit may exhibit no signs of extraordinary suffering, portions of the internal organization, both in function and structure, may have succumbed to its incomprehensible power. Phrenitis, amurosis, epilepsy, insanity and death are among its darker phases, while those delicate shades of mental injury, seen only in occasional aberrations, must be of frequent occurrence. To illustrate:—Convict No. 4958, in the Auburn Prison, said that “while in the stocks his head ached as though it would certainly split open, when all at once it stopped and there was no

more pain.” He came out an insane man, hopelessly incurable, though at times he conversed understandingly about it. He was subsequently transferred to the State Lunatic Asylum. Convict No. 5669 was showered with six pails of water discharged through a half-inch jet. Shortly after he fell into convulsions from which he emerged with a mind totally destroyed. The executive, in consequence of the injury, bestowed upon him a pardon, but he did not long survive. Convict No. 4565, aged thirty-eight years, in good health, was showered with three pails of iced water discharged through a cribriform plate. He was taken from the stocks in convulsions which continued about thirty minutes. He had congestion of the brain, followed by severe cephalgia and mental derangement. He was bled and ultimately recovered. Another convict was struck with blindness in the stocks, and over two years elapsed before his sight returned. On a coronor’s inquest, held at the Auburn Prison, the jury found “That Samuel Moore—a convict—came to his death in the State Prison at Auburn on the second day of December, A. D. 1858, from a cause which we are unable to determine positively, yet we believe, from the evidence, that it was hastened by the punishment which had been inflicted upon him; but we have no reason to believe that said punishment was unusual in such case, or that any of the officers of said prison were at fault in the matter” notwithstanding every witness concurred in the fact of the soundness of the convicts health at the time of his punishment. It was also proved that three barrels of iced water were showered upon him at intervals during a period of forty-five minutes; that the water ran into his mouth; that during the death struggles which were so fierce that, wrenching his hands from their firm fasten-

ings he slipped from his seat and was actually hung by his neck in the stocks, and that he expired in five minutes after reaching the hospital.

On the happening of this occurrence the inspectors "Resolved that after this date the use of the shower bath as a means of punishment in any of the State Prisons of this State, be and the same is hereby prohibited." But from the shifting, unstable management of them, it is again in full operation.

Dangerous and destructive as these instances were, and difficult of intelligent application as this means of punishment is, other cases, where neither injury nor even punishment were inflicted, tell with much force against a mode so difficult of comprehension. Convict No. 5446, seventeen years old, was showered with three barrels of water with little or no unpleasant effects, as he himself confessed.

Notwithstanding its severity in the generality of cases, the uncertainty of its results renders it a doubtful means of enforcing discipline. The fear it excites in the officers generally, and a knowledge of the existence of that fear emboldens the convicts in multiplied arts of petty disobediences until the officer, wearied with his own fears and their insubordination, too often recklessly subjects the offender to the full measure of his displeasure. Thus by it the discipline is impaired, the officers irritated and the convict endangered. On interrogating a keeper of the Auburn Prison who had applied this instrument of punishment for several years in succession, and had witnessed its effects in perhaps more cases than any other individual connected with it, he replied "that all the information he had acquired as a guide to its use was, that the oftener a convict was showered, the less able he was to bear it." This conclusion, the result of careful observation, shows

that accumulative injury was the effect of its repetition.

The yoke is formed of a flat bar of iron, four or five inches broad, from five to six feet long, and varies from thirty to forty pound in weight. It is furnished with an iron staple in the centre to receive the convict's neck, and one at each end for encircling the wrists so arranged with screws on the back as to admit of fastening the arms stretched to their full extent. The centre staples rests on the lower cervical vertebra, and the bar crosses the chest in front. The severity of its application when it falls upon a convict of indomitable disposition, with a powerful physical organization and ungovernable passions, was sadly portrayed by convict No. 5904. He wore the yoke six hours and twenty minutes—two hours being the full average time. His passions were so excessively excited that he made no confession of fault nor promise of future improvement, but breathed forth threats of ultimate vengeance. The yoke was removed and he sent to the dungeon. When brought to the hospital on the next morning, his face and eyes were inflamed; the surface of the chest and abdomen was mottled, inflamed and excessively tender; pulse sixty; tongue coated; appetite lost; sight indistinct; hearing acute; intellect deranged, and memory impaired. Occasionally his countenance expressed great emotion—momentarily bursting into tears. To relieve the heat of the head, cold water was applied. This, however, was soon relinquished, for on each application he declared that it scalded his head—so much were his sensations perverted.

This punishment is usually inflicted in presence of the convicts of the shop to which the offender belongs. During its application he is a butt of the sly jeers and ridicule of his fellows in crime, and should he be endowed with

considerable powers of endurance, his suffering is proportionally increased. His pride is aroused, and nothing short of exhausted energy comes to his relief; while the more sanguine, but less persistent, show earlier signs of repentance, and obtain an earlier release.

Thus far the punishments examined are all physical in their application and tendencies. The next, however, varies from them materially. The dungeon—silent, solitary and dark—with its concomitant bread and water diet, is regarded second only in importance in the series of prison coercives. Here again the spirit of opposition and revenge is rife. With the convict it is merely a question of endurance, but to the State, the loss of service, in the self-sustaining system, is of primary consideration. The period of confinement is usually short, and, therefore, all hope of improving the convict through it is annihilated.

That these means of enforcing obedience are injurious to the moral and physical being of the convict—engendering hatred toward his fellow-man, or inducing irreparable mental imbecility—often rendering him a hopeless object of public charity; that their infliction meets with instinctive opposition from prison officers, and does not accomplish the desired obedience; that they are cruel to the convict and expensive to the State, none conversant with them can truthfully deny. To remedy this imperfection in the management of these prisons, a judicious combination of the Auburn congregate with the Pennsylvania solitary system, it is believed would be adequate. Indeed, the Legislature perceiving the necessity for some change in their internal government, enacted in eighteen hundred and forty-seven, laws looking to such a modification for partial relief. But they are so imperfectly digested; so much at the discretion of prison officials; so wanting in unity of design,

and so at variance with the existing plan of support by contract labor, that they are little more than a dead letter. So long as the present financial policy is persisted in, it is clearly evident that no radical reformatory change can be effected.

Without an intimate knowledge of convict character, no successful system of prison government can be devised. Subject to like motives as other men, the mass of convicts are unlike them in being the slaves of particular motives, and unlike other men because they care not to restrain the propensity to gratify those motives. Below mediocrity in intellectual power, artful in low cunning devices, wanting in moral sensibility and moral courage, with preponderating animal desires and no habits of reflection, they lack that steady, considerate, self-control which makes man the master of his appetites and passions. To this unbalanced though normal condition, must be attributed many of the petty disobediences so common in the prisons. Many infractions are merely emotional impulses, and to punish inherent frailties with the severity belonging to deliberate offences is manifestly wrong. There is, probably, no portion of mankind so easily controlled, as that, whose destiny it is to occupy a prison home. Individual exceptions, however, are surely to be encountered. Lawless, desperate and depraved; at large, they respect no law, and in incarceration defy restraint. These individuals are to be subdued, and experience proves it no common task. To resist all physical coercion is the very life of their being; and in inflicting punishment, serious injuries occur to both keepers and convicts. To this class of criminals the just, the appropriate, the humane means of discipline is permanent solitary confinement. In it no conflicts arise. All is quiet, enforcing meditation, from which alone reforma-

tion, as a legitimate result of punishment, can reasonably be expected. Solitary confinement excites more dread in the convict mind than physical liability. A disciplinary code, in which each offence should have a definite period of seclusion, accompanied with instruments for voluntary labor, and judicious restraints in diet, such seclusion to be increased in duration with each additional infraction, would rapidly decrease the minor offences, and ultimate

in the permanent separation of the hopelessly-incorrigible. Such a combination of prison polities would prove less injurious, more just and more effective than either one alone. In it, the *congregate system* would represent the penalty of crime against society, and the *solitary system* the penalty against prison regulations. The two, effectually conjoined, would present emphatically an American System of Prison Discipline.

PAUL GRANGER'S CHOICE.

CHAPTER TWO.

“Think you if Laura had been Petrarch's wife,
He would have sung her sonnets all his life?”
Byron.

At last they are in their new home. The wedding,—the parting from dear ones—the long journey are over. The pretty cottage, with all its tasteful adornings, looks still lovelier now that approaching summer is adding her finishing touches.

The piazza, before quite an unimportant feature, is charming with its tender green vines, deepening every day into richer drapery; while the interior has lost the expectant air it had the last time we looked upon it, and wears instead a pleasant occupied look.

Very pleasant had it seemed to Laura when she came; and she would have loved to throw her arms about her young husband's neck and thank him for taking such pains to please her. But she simply said how pretty she thought it. “Even a piano,” said she; “what a pity I play so little. But when Agnes comes, it will be charming. You remember how you enjoyed her music when you came last fall.” Happily she did not look in her

husband's face as she inflicted this blow.

An ordinary observer would have said she ought to be happy. Her husband was uniformly courteous and kind; that is, so far as a husband can be kind when he makes his wife feel that she lives merely upon the surface of his life; but that in his innermost thoughts and feelings she has no share, and is never permitted to enter.

Laura tried for a few weeks to believe she was content; that this twilight happiness, in the first year of her marriage, would satisfy her in the stead of that noon-day fulness she had expected. But she came gradually to the consciousness that she was wretched; that what she had tried to believe was content, was utter desolation of heart. Still, she must hide from him her misery. It was the very thing against which he had warned her. And so the wall of reserve grew daily deeper and higher. She never failed to meet him with a smile. No delicate housewife care was spared to make his home attractive. She was ever ready with bright cheering conversation upon the subject he loved, to make his evenings pass pleasantly. Her little songs even, although she felt very

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