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OF THE

# COMMISSIONERS

TO EXAMINE THE VARIOUS SYSTEMS OF

# PRISON DISCIPLINE,

AND

PROPOSE AN IMPROVED PLAN,

APPOINTED BY JOINT RESOLUTION APPROVED APRIL 9, 1868

TRENTON, N. J.:

PRINTED AT THE TRUE AMERICAN OFFICE.

1869.

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## REPORT.

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*To the Honorable the Senate and General Assembly of the State of New Jersey :*

The subscribers, Commissioners appointed by the joint resolution of your honorable bodies approved April 9, 1868, "to examine into the system existing in the State Prison of this State and similar institutions of other States, and to report to the Legislature at its next regular session, by bill or otherwise, an improved plan for the government and discipline of the said prison, having special regard to economy and the reformation of criminals; and also to report such suggestions or measures bearing upon the subject as to them shall seem fit and proper," beg leave respectfully to report :

That soon after their appointment, the Commissioners entered upon the duties with which they were charged, and together made several visits to the State Prison of this State and carefully inspected its arrangements, plan, system and government, receiving from its officers all the facilities desired and all the information in their power to give. They also visited the Eastern Penitentiary of Pennsylvania, and the Philadelphia County Prison. In Massachusetts they examined the State Prison at Charlestown, the House of Correction and the County Prison at Boston, and the several corrective institutions on Deer Island; and also the Female Reformatory at Lancaster, in that state. In Connecticut they saw the State Prison at Wethersfield; in New York the Albany Penitentiary, the State Prison at Sing Sing, the several corrective and charitable institutions on Blackwell's and Randall's Islands, and the City Prison, known as the Tombs. And they take great pleasure in expressing their grateful acknowledgments of the signal courtesy and kindness received from all the officers of those institutions.

Their thanks are especially due to Dr. Samuel G. Howe, the President, and Edwin Morton, Esq., Secretary of the Board of State Charities of Massachusetts, who kindly accompanied them to the prisons at and near the city of Boston; and to the Hon. Judge Russell, the Collector, and to Gen. Underwood, the Surveyor of the port of Boston, who put at their command a revenue cutter, and politely joined them in a

delightful excursion to Deer Island, passing through the Boston Har-  
 bot, with its scenery of such historic and classic interest. Thanks  
 are due, also, to Frederick B. Sanborn, Esq., late Secretary of the  
 State Board of Charities, for many valuable documents and commu-  
 nications; and to Gen. Amos Pilsbury, of the Albany Penitentiary,  
 for communications and suggestions, which his long and successful  
 experience render exceedingly valuable. To Gen. James Bowen and  
 Isaac Bell, Esq., officers of the Board of Corrections and Charities of  
 New York, who politely attended them to the institutions under their  
 charge, and fully explained the object and conduct of them, many  
 thanks are due.

The Commissioners take pleasure also in acknowledging their in-  
 debtedness to the Hon. Theodore W. Dwight, Chairman of the Execu-  
 tive Committee, and the Rev. Dr. Wines, Secretary of the Prison  
 Association of New York, for much valuable information, and espe-  
 cially for copies of their very able, interesting and exhaustive report  
 on Prisons and Reformatories, made to the Legislature of New York  
 in 1867, of which liberal use has been made in the preparation of this  
 report.

To John S. Halloway, Esq., Warden, and Thomas H. Powell, Esq.,  
 Secretary of the Board of Inspectors of the Eastern Penitentiary of  
 Pennsylvania, and to the Hon. Joseph R. Chandler, Inspector of the  
 Moyamensing Prison, for their politeness and valuable information  
 given, we are greatly indebted.

Under the comprehensive resolution requiring a report of an im-  
 proved plan of discipline, the Commissioners deemed it proper to visit  
 the several county jails of the State, some account of which will be  
 found in the appendix to the report.

To suggest an improved system of government and discipline, is a  
 work of no difficulty; for painful as it is to affirm, yet true it is, that  
 almost any change in the present system would be an improvement.  
 But to report such a system as will be approved, which in the conflict  
 of opinions shall meet the general view, and supply what is requisite  
 to the wants of the State, having reference to economy and reforma-  
 tion, this is labor, this is work indeed. Yet from the information  
 derived from the inspection of the prisons of our own and of other  
 States, from the knowledge gathered from the numerous volumes of  
 reports and treatises submitted, and the valuable communications  
 made by so many experienced officers and patrons of corrective insti-  
 tutions, the Commissioners entertain the hope that their conclusions  
 may be received with some degree of favor, if not with entire appro-  
 bation.

The great rule of legislation is, the consideration of the old law,  
 the mischief, and the remedy. So on a question of reformation, it is  
 proper to examine the existing system, its evils, and the remedy for  
 them. Such will be the order of this report.

Forty years ago what is now the State Arsenal was the New Jersey

Penitentiary, where prisoners labored in association. The results  
 were unsatisfactory, and a conviction pervaded the public mind, that  
 the convicts went out more hardened criminals than they entered.  
 The philanthropists of a neighboring State having, after careful con-  
 sideration, arrived at the conclusion that convicts should be separately  
 confined, induced their Legislature to establish a State prison with  
 that fundamental idea. The advantages claimed for the system were,  
 that evil communication was prevented; that the prisoner could not  
 in after life recognize the voice or features of even those who for  
 years, had been separated from him by only a few inches of wall, and  
 moreover, that from the meditations of his solitude, and the good in-  
 fluences brought to bear upon him, penitence would follow, and refor-  
 mation be effected. Approval of this system seemed almost universal.

Dissatisfied with her own system, New Jersey resolved to adopt  
 that of Pennsylvania.

And the State Penitentiary of this State was constructed "on the  
 principle of separate confinement at hard labor, with the capacity of  
 holding one hundred and fifty prisoners." It was commenced in 1833  
 and completed in 1838, with one hundred and ninety-two cells. For some  
 years it was found adequate to all the objects for which it was de-  
 signed, and seemed to confirm the views of the advocates of the  
 separate system, and was self-sustaining.

But afterwards when, with the increasing population, the number of  
 convicts multiplied, the accommodations became too limited, and the  
 officers were compelled from time to time to depart from that system,  
 and the departure was sanctioned by an act of 1859, which author-  
 ized the employment of the men in work-shops.

Notwithstanding the one hundred and thirty-two cells since con-  
 structed, all the cells that can be used for the purpose, are occupied—  
 many by two, some by three, and others by four and even five in-  
 mates. The cells of the north and south wings are seven and a half  
 feet by twelve feet in size, with twelve feet ceiling. The cells of the  
 centre wing, four feet by seven, sufficient under any circumstances  
 for one prisoner only.

There were in prison several times during the past year, and are  
 now, more than six hundred. Of these, one hundred and thirty-two  
 occupy the smaller cells, leaving at least four hundred and sixty-  
 eight for the remainder. As sixteen of these remaining cells are re-  
 quired for other purposes than the ordinary confinement of prisoners,  
 there remain but one hundred and seventy-six cells for four hun-  
 dred and sixty-eight prisoners, and some of course are crowded.

There having been heretofore no separate cells for females, they  
 had to be confined in the same range with the males, and communi-  
 cations through the pipes and windows were maintained between them  
 of the most corrupt and corrupting character. The want of good  
 morals was exhibited in the person of a mulatto child eight months  
 old, born of a colored woman who had been in the prison for several

years. This is hoped and believed to be an exceptional case. But the Commissioners could learn of no investigation of the matter, nor of the punishment of any prisoner, nor removal of officer on account of it; showing a want of vigilance to detect, or an absence of a sense of the iniquity of the offence.

The cells for female convicts now nearly completed are designed to accommodate sixty, and are so arranged as to separate them entirely from the other parts of the prison, and to exclude all communication therewith, and so as to afford the means of exercise in the open air without exposure, by sight or sound, to the other prisoners. For the judicious arrangement and the construction of this range of cells, almost entirely by the labor of prisoners, much credit is due to the Keeper and Inspectors who had the charge of it.

The government of the prison is committed to a Keeper and five Inspectors, who, by the constitution of the State are required to be appointed by the Legislature in joint meeting, to hold their offices for one year, and until their successors shall be qualified into office. The Keeper is authorized to appoint as many assistants and deputies as the Inspectors shall deem necessary and proper to enable him to execute the duties of his office.

The Inspectors appoint the physician annually. The Governor of the State, with the Inspectors, is authorized to employ a suitable person as a teacher and moral instructor, whose whole time is to be employed in that service. He instructs the prisoners in their cells in the primary branches of education, and in morals and religion; and preaches in each corridor, unseen by his audience, who are in their cells and out of his sight.

The library, as represented by its catalogue, consists of sixteen hundred and fifty volumes, a very large proportion of which have been lost or mutilated, and many destroyed by the recent fire. The appearance of those remaining gives evidence of having been much handled, if not carefully read. What effect upon the minds and morals of the readers they have had, is uncertain. It is to be feared not so much for good, as the influence for evil of the pictures of an exciting, inflammatory and, in some instances, of a low character which were exhibited on the walls of many of the cells and of the more public apartments. The presence of these demoralizing cuts from sensational periodicals, seems to have escaped the notice of all the officers, or failed to impress them with the sense of their impropriety. On the suggestion of the Commissioners to the late Keeper many of them were removed.

The prisoners work in shops, associated under the silent system, and take their meals in the cells, and are supplied with an abundance of plain and wholesome food.

The Commissioners have investigated and considered the subject of punishment of convicts both in our State Prison and County Jails, as well as in the penal institutions of other States.

Punishment of convicts, is thus provided for by law in this State, "If any Deputy Keeper shall report that any prisoner has violated any of the rules and regulations for the government of the Prison, the Keeper shall have before him said prisoner and Deputy Keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with a chain on the leg, or handcuffs, or both, for six days; and if in his opinion the convict should receive further punishment, he shall refer the case to the acting Inspectors, who shall order such further punishment as they shall think proper; provided, that corporal punishment shall in no case be inflicted." By this provision it will be perceived that severe or other forms of punishment than such as are herein defined are permitted in obstinate cases of disobedience to be inflicted by order of the acting Inspectors and according to their will, with a saving clause in reference to "corporal punishment." The inference is that punishment in its nature as severe, cruel and painful as corporal punishment, in the meaning of that term, shall not be prescribed. The observations made in the prisons of other States satisfied the Commissioners that the kind and degree of punishment defined by our statute, without discretionary power of further inflictions by either Keeper or Inspectors, is amply sufficient to control and subdue all refractory cases, unless there is defective management in the Prison.

Mr. Brockway, the Superintendent of Detroit, Michigan, House of Correction, says: "Coercive measures are only resorted to by unqualified officers." Where such institutions are properly managed, deprivation of privileges and such retributive punishments as it may be expedient to inflict are usually sufficient. General A. Pilsbury, the able, efficient and distinguished Chief of the Albany Penitentiary, who has for 40 years, or more, presided most successfully over penal institutions in New Hampshire, Connecticut and New York, assured the Commissioners that corporal or painful punishment was never necessary in a well regulated Prison, and that seventy-five per cent. of his men passed through their term without a harsh word. Mr. Haynes, the Warden of Massachusetts Prison, at Charlestown, Capt. Robbins of the House of Correction of South Boston, and others, were equally explicit on that point and agreed fully with General Pilsbury.

Such, the Commissioners regret to remark, has not been the practice in New Jersey. In one of their visits to our State Prison they found five men fastened in separate cells, prostrate and in a prone position, straps of strong leather passing around both wrists of each convict, and secured to iron rings in the floor, allowing very little movement of the person, obliging the condemned to void his excrements in his clothing and rendering the air of the cell nauseatingly offensive. One case, it was stated, required such punishment to be continued twenty-two, another ten, and a third six days. In some cases sus-

pension by the hands or wrists is resorted to, tying culprits up with arms elevated above the head and allowing the feet scarcely to touch the floor. This is a painful infliction, and but few can bear it without danger. The cold shower bath is occasionally used at Sing Sing Prison, New York, but is considered so dangerous to life that it is only imposed under the supervision of the Prison Physician. Punishment by douche bath was formerly inflicted in our prison, but discontinued in 1848, by direction of the Governor then in office. It gratifies the Commissioners to state that Governor Ward has recently protested against the modes of punishment herein disclosed, and that they have been abandoned by the present Keeper and Inspectors. These practices of fastening down and tying up, to which females also have been subjected are obvious deviations from the letter and spirit of our statute upon the subject; for while it allows *other* punishments than those defined to be inflicted in *certain cases*, it disallows, in *all cases*, "corporal punishment." If the practices named are not *corporal punishments*, to what species of punishment would they belong? The executive officers referred to very properly forbade their further continuance, in pursuance of their duty to see the laws faithfully executed.

The inquiry may very properly be made, what is the effect upon the personal health of the subject of such punishments?

Confining the body for a long time in the same posture tends to weaken the whole system and unfits it to perform its proper functions by impairing vital action. The injurious effect upon the brain and lungs from such inflictions is patent. The protracted inhalation of foul and noxious gases in a close and imperfectly ventilated room, without attention to personal cleanliness, is of itself highly injurious and might be in certain cases positively and rapidly fatal. Carbonic acid and sulphuretted hydrogen gases with other impure exhalations soon fill the atmosphere of the prisoner's cell, and being inhaled during respiration, deprive the blood of its due supply of oxygen and speedily renders it unfit for the support of animal life. It is a question whether deaths occurring in prisons may not be traceable, in many cases, to such methods of subduing refractory convicts. Humanity even to criminals is characteristic of the present age, and human life is too sacred to be subjected to an *experimentum crucis* by incompetent officials to rectify their own mismanagement. Suspending the body in the manner stated with the arms elevated, if long continued, produces a congested condition of the blood-vessels of the lungs, which is highly injurious to health and is promotive of fatal diseases both of the heart and lungs.

Permanent injury to health is not the object of criminal punishment. The public security and the reformation of the convict should be kept steadily in view in all controlling measures which may be instituted by the government in his case. With a qualified Keeper or Warden, and proper Assistants to carry out the regulations of discipline, punishments of any kind would rarely be needed. Deprivation of

privileges, confinement to a dark cell, or a restricted diet would be entirely effectual.

The industries of the Prison have been boot and shoe making, under contractors at forty cents per day for long days, and thirty cents for the short days of the three winter months, and the manufacture of chains, also under contractors, and the making and seating cane chair bottoms, cordwaining and weaving under the management of the Keeper. There are now unemployed three hundred prisoners.

The destruction by fire of the workshops for chains in July last, has interrupted that branch of business, and swelled the number of those not employed. The other branches continue, but not with sufficiently remunerating results.

The Prison for many years has not been self-sustaining, the salaries of the officers and per diem of the Inspectors has always, except the first few years after its erection, been charged on the State Treasury. Latterly large appropriations have also been made to meet the current expenses; In March, 1863, there was appropriated to pay its indebtedness the sum of \$5,000; in February, 1866, \$20,000; in March, 1867, \$75,000, and in April, 1868, the further sum of \$75,000, being for the last three years an average expense to the State by direct appropriation of over \$56,000. Add to this sum \$36,495 for the salaries of officers and per diem of the Inspectors, together with the charges for repairs, and it will be found to be an annual charge upon the State Treasury of more than \$100,000.

The report of the Keeper and Inspectors for the year just past, exhibits about the same financial result, showing that the Prison in the last four years has cost the State more than four hundred thousand dollars.

Such being the present system of the Prison, the evils of it are quite obvious.

And the first to be noticed is the short term of office of the Keeper and inspectors. Their annual appointment almost necessarily implies an annual change. In practice, it is a change with every change of political party power in the State. From long usage, these offices have been regarded as the spoils of victory. They are consequently bestowed as the rewards of party. Proper qualifications may be sought for, but they are frequently subordinated to the capacity in party tactics and success in controlling votes. Political influences secure the appointment of the Keeper, and on the principle of "like master like man," his deputies are often selected for like qualifications. Hence, it is not surprising that pot-house heroes should sometimes be found in the capacity of Assistant Keepers; and that where the strictest rules of sobriety ought to prevail, the excited manner and fetid breath of the officer should betray the use of the bottle.

The annual appointment, should it fall upon the best of men, diminishes if not destroys, by the shortness of the term, the hope of success.

A man must possess extraordinary talents, and unusual fitness for the place, and have, indeed, the gift of "discerning spirits" who in one year could fully comprehend the duties of the office and become familiar with the workings of such an institution, and the art of governing such a class of men. It is safe to affirm that very few men could, in one year become fitted fully for the station. As a poet must, so a Keeper may, be born; but in this department, especially, is it generally found that practice alone can make perfect.

The policy of other States seems to be based on this principle, and proves its truth conclusively.

In Massachusetts, the Warden of the State Prison at Charlestown, holds his office during good behaviour, and with the experience of eleven years service, has become an adept in his profession.

The Master of the House of Correction, in South Boston, has been an officer of that institution for forty-four years, and its Master for thirty-five years.

The Superintendent of the Albany Penitentiary has been connected with the government of prisoners for more than forty-four years; and although his office is triennial, the Mayor and Recorder of the city, and Supervisors of the county of Albany, who in joint meeting constitute the appointing power, have so esteemed the thorough practical experience and eminent success of General Pilsbury, that his reappointment is regarded as indispensable to the welfare of the Prison. Excepting one term, in which he was voluntarily in another field, he has held the position since 1845.

The Wardens and Keepers of the Prisons of Pennsylvania hold their office during good behavior; and a change is seldom made, and is always regarded as undesirable.

As an almost necessary consequence of the frequent change of officers, another evil is found in the want of discipline. Every new officer is subjected to a severe ordeal. The prisoners are ever ready and quick to test his capacity to govern, his patience to endure annoyances, his power to resist temptation to passion, his firmness and ability to restrain insubordination. If on such trial he is found wanting, disorder follows, work is neglected, materials spoiled; and as in a recent instance, the authority of the officers is defied and insurrection threatened.

Such insubordination is seriously felt in the demoralization of the prisoners, and the interruption of the government of the whole Prison.

A revolt, if only partially successful, necessarily diminishes the authority of the Keeper and his Assistants. Reformation, one of the great objects of imprisonment, becomes a failure.

Another mischief, resulting, chiefly, from the short term and inexperience of the Keeper, is the small earnings of the prisoners.

The continual change of officers almost necessarily requires the resort to the contract system.

Should a Keeper, quite competent to his station, arrange for work-

ing the prisoners under his own management, and be successful in the effort; his successor may be wholly incompetent, and cause great loss to the State. If the labor is let to others, and there is no unfair combination of bidders to lessen the price, yet the contractor will insist upon a large margin of profits to meet the fluctuations of trade. The wages allowed for any one year may be very excessive or very inadequate for the year following.

Few manufacturers would be willing to contract for labor outside of the Prison for four or five years in advance, unless at a very low rate.

The mode of giving moral instruction is clearly defective. In the personal private interviews of the Moral Instructor with the prisoner, it would be proper, and as it should be, were there but one prisoner in a cell; but when two or three are together there can be but little private conference and counsel.

The labor in preaching is multiplied by the number of corridors. As only one can be used at a time, the sermon or lecture must be preached in each. The power of sympathy between the speaker and his audience is greatly diminished, if not wholly lost, by reason of being hidden the one from the other.

What might be expected as the result of the efforts of the best of preachers who should be concealed from his hearers?

If a screen were stretched before every pulpit, how many converts might be expected? How much attention from the audience? What zeal would animate the speaker? In such case it might well be asked, Is not this a mockery of religious service?

Yet in the prison, the preaching in the corridors promises little more. Little benefit can be reasonably hoped for to men out of sight of the speaker and of all the officers, some of whom in the cells more remote, are beyond the reach of his voice. It is not surprising, therefore, that some amuse themselves with games; that some disturb the speaker by loud laughing and talking; that others scoff, and many are listless.

Were they in separate confinement, in pursuance of the original plan, a prisoner, being alone, might, for the sake of variety listen to the sacred admonitions, but associated as they are now, very little benefit is to be expected, and less is realized.

The remaining, and more important inquiry is, What remedy is to be found for these evils?

In seeking a solution of the question, we must remember that the great object of imprisoning men is the protection of society from their depredations. By confinement, they are deprived of the power—by reformation, of the will, to injure others. Confinement is usually temporary, reformation permanent, and when thorough, continues through life. Hence, while imprisonment is a present necessity, it may be made the instrument of greater good; the means of convincing the convict of the folly as well as the iniquity of his course,

and of returning to society an honest and useful citizen, in the person of one who before was distrusted and feared because of his power and disposition to do evil.

But imprisonment does not necessarily produce reformation. It may and often has the effect of hardening and exasperating, rendering the bad worse, the novice in crime a confirmed villain.

Through a system of reformatory agencies, planned in wisdom and maintained with consistent, uniform patience and forbearance, great good has been done to the prisoner and to the public.

Of these agencies, the first in importance and in power, is the thorough inculcation of the principles of morals and religion. If the heart and conscience are not affected, all measures of reformation are unreliable. Penitence may be sincere, but temporary, and such as will be repented of. With the temptation renewed, the habit and disposition to evil may return. Hence the necessity and value of moral and religious instruction by the use of the Scriptures, and of religious books and tracts, the preaching of the Gospel and the counsels of the Moral Instructor.

Next to moral and religious training, comes secular education. As Dr. Wines properly remarks: "Education quickens the intellect, gives new ideas, supplies food for thought, inspires self-respect, supports pride of character, excites ambition, opens new fields of labor, and offers opportunities for social and personal improvement."

Another agency is the formation of habits of industry. Idleness is the parent of vice. To it may be traced much of the crime for which convicts suffer. Labor, honorable, systematic and persistent, is a means of support not only, but an auxiliary to virtue as well.

It is therefore of primary importance that a habit of patient, persevering industry be inculcated.

Without such habit, the discharged convict will naturally seek the haunts of vice, and soon become again involved in crime, and with increased desire and power for evil continue his depredations on society.

But with such habit, rendered agreeable by continuance, the means of support are supplied, self-reliance and self-respect are fostered and the temptations to evil diminished.

With the habit of industry and as the means of insuring the certainty of self-support, some useful trade should be taught. With the capacity to engage in skilled labor, to compete with a toiling multitude outside, he is inspired with hope, and, with the consciousness of his ability to provide against want; and if he have the desire to live honestly, he has the power so to do.

Without such habit and such capacity, whatever may be the purposes of his mind, he will probably return to his former course of iniquity.

Most convicts are without trade or any regular business. Many without any certain means of support, some from disability, or the

want of instruction, some from idleness. Yet these, with proper training, may become industrious, self-supporting citizens.

The highest order of charity, is that which enables one to provide for himself. Benevolence, therefore, as well as economy demands such instruction. If the labor of the prisoner should be entirely unproductive of pecuniary profits, it is nevertheless indispensable as th means of reformation.

Another efficient instrument in the process of reformation, is hope. If a convict is without this, if he feels that there is a warfare between him and the public, that they are his enemies, and that he has the right to quarter upon them when he can; if his feelings are those of the lad recently arraigned, who, when asked, "Whose boy are you?" in the bitterness of his soul, and with tears coming down his cheeks, replied, "I'm nobody's boy," then there is no hope for him, and but little hope of him. But if he can be convinced that he is the victim, not of the law, but of his own folly; that the officers of justice are seeking his reformation as well as the safety of the public; that while he will be required to observe all the rules of the prison, he will be treated with kindness, hope will, dawn upon him and he will soon see that good conduct will secure kind treatment, and he may enter upon a course of reform.

With most men kindness will do more to subdue than severity. "A soft word turneth away wrath," but angry words excite enmity and a spirit of resistance. While every rule should be strictly enforced, and implicit obedience required, the mode of enforcing may be so gentle as to win a ready obedience.

A system of rewards properly devised and sustained, will also be found a great power for good.

Attendance on some of the religious services and at the Sabbath School may be made a privilege.

Lectures or instruction on interesting subjects or connected with the simpler branches of science and arts, may be made rewards of good conduct—the privation of the privilege of hearing them, a punishment.

A pecuniary allowance for good conduct and faithful labor would tend to secure order and industry. If, for example, an account be kept with each convict of his expenses and his earnings, and he allowed a per centage of the profits, to be paid to his family, if he desire, or to himself when discharged, and some part of it for proper articles during his confinement, it would be a great incentive to good conduct, and his increased industry would be profitable to the institution. An allowance for overwork, if properly arranged, would induce industry, and if made to depend on proper deportment, would have its influence in restraining from disorder.

The commutation system, where it has been fairly tried, has been found to be a very efficient auxiliary in the reformation of prisoners. Our act of 1868, was designed to provide for it. But either from

some defects of its provisions, or misapprehension of them, it has failed. The statement in the appendix exhibits the time earned by the prisoners under the incentive of the act, and the hope of an earlier discharge. The disappointment arising from the failure to give effect to that law was very great, and very discouraging to those who had resolved to merit its reward.

The great heart of the community has no vengeance to wreak upon its prostrate criminals. Its object is to protect the public and reform the offender. Toward the latter point a wise prison keeper will make all the appliances at his command concentrate. His first object will be to secure the hearty co-operation of the convicts, which can only be done by winning their affectionate respect and confidence. To recognize and encourage their efforts at self-control and reformation will be among his most delightful duties. The system which does not acknowledge these efforts by appropriate rewards is radically unjust and doomed to failure. In every prison, offences of various kinds will occur which must be noticed. It is an important question how they are to be noticed. Severe punishments have been fully tried. The lash, the thumb-screw, the underground dungeon, and other brutal exercises of power, have had their day. And what a day! Who ever was softened or reformed through their ministrations? They have passed. But the same animus which prompted them may show itself in the frequency and severity of allowed punishments, or in those of a degrading character, or in harsh, stinging words. These, too, should give place to Christian kindness, and to wise, moral agencies, and results will be attained impossible to brute force, or harsh, unloving treatment. The moral of the fable of Phœbus and Æolus is true to-day; the warmth of the sun effects what the rude blasts cannot do.

The course adopted in the best regulated prisons is to encourage good behavior by appropriate rewards, and to discourage misconduct by deprivation of privileges.

First, and most effective in the class of rewards, is the abatement of a certain portion of the term of sentence of each convict whose deportment shall, by an impartial daily record, be shown to be satisfactory. Under the appellation of "Commutation acts," this system has been adopted in eighteen States, (see Appendix B,) and the results, wherever it has been fairly tried, have proved beneficial. Gideon Haynes, the admirable Warden of the State Prison at Charlestown, says of it: "I think it the most important step in prison discipline that has been taken in this country in the last forty years." A warden of the Michigan State Prison says: "Of prisoners discharged last year, more than ninety per cent. conducted themselves with such propriety as to secure the whole of their 'good time.'"

This system places within the power of the prisoner a means of shortening his term of confinement by the adoption of a line of conduct which his own best judgment approves. If he enters upon and

continues this course, his labor will be steady and of better quality, and the standard character of the prison products will be raised. A contractor can well afford to pay more for his time; or, if employed for the State, its interests are advanced. The expense of keeping him is lessened, for the needless waste of food, of implements and of materials ceases, and he keeps himself by adhering to the prison rules. The habit of good conduct, in its various phases, strengthened by continuance through months or years of confinement, and enforced by the moral and religious instruction he will receive, we may trust, with some degree of confidence, will not be abandoned on his release. As the object of this whole arrangement is the reformation of the convict, it is believed that if that end is not attained, the time he has passed should, in whole or in part, be forfeited by subsequent misconduct.

In the last printed report of the State Prison, being for 1867, we find the following statement, under the head of "Statistics of Prisoners." "There have been discharged as follows: By expiration of sentence, 132; pardoned one day off to restore to citizenship, 7; pardoned for other reasons, 188." Notwithstanding this great exodus, the number remaining in confinement the 30th of November, 1867, was 550, being about 240 more than the cells in use can properly accommodate. During the last year upwards of 130 were pardoned; yet there are now in the prison 607 convicts. With such an overflowing prison, a liberal use of the pardoning power must have seemed to the excellent members of our Court of Pardons as an indispensable act of humanity. But for these liberations the number now confined would probably have exceeded 700. And yet this relief produces a feverish excitement in every cell, where each man longs for freedom, and labors for a continual presentation of his case to the court with urgent reasons for his release. Crimes are covered up; falsehood and deceit take the place of penitence and frank confession. That hopes thus fostered are a hindrance to any valid reformation, reason and experience alike demonstrate. Can we not give a new and better direction to the convict's hopes and efforts by opening to him a path by which he can *earn* his liberation? Lord Brougham well observes: "Every mitigation of a convict's sentence, in treatment, diet included, or duration of punishment, must be earned by the convict himself." When, after trial and conviction by an impartial jury, a sentence, in accordance with the requirements of law and the principles of justice, is solemnly pronounced in open court by the judge, we think a belief should impress the mind, not only of the culprit, but of the community, that the *sentence will be carried out*. This execution of judgment is essential to the maintenance of the proper respect and dignity of the tribunal. But courts, as individuals, are fallible, and erroneous testimony, or a misconception of facts, may consign an innocent man to prison. Circumstances may come to light after a trial which will extenuate the offence, or show an absence of criminal

intent. To save the State, therefore, from the stigma of inflicting unjust punishment, all governments lodge, *somewhere*, the power of pardon. It is a grave error, however, to suppose that this merciful and wise provision is designed to enable the pardoning power, in whomsoever vested, to sit as a court of general jail delivery, and try the criminal's case anew, upon his own statement, without the introduction of any opposing testimony, or the argument of adverse counsel. The difficulties, we may say the *dangers*, of our position, claim the earnest attention of the Legislature. Except under the influence of those reasons which prompted the establishment of the pardoning power, crime, it seems to us, should be repressed by giving stability to the administration of justice. To this end a large increase of our prison accommodations seems necessary.

An agency, either official or voluntary, for providing employment and giving counsel and encouragement to discharged convicts would contribute greatly to their reformation.

As in this State there is no Prison Association or other voluntary organization for such purpose, we greatly need a State agent for discharged prisoners. Such agent should have an office in the Prison, and should visit in their cells those convicts whose term of sentence have nearly expired; should make himself acquainted with their character and capabilities and learn their wishes as to their future employment.

It should be his duty to acquire knowledge of individuals and establishments where laborers are wanted; and not only aid the released prisoner in procuring employment, but also awaken a sympathetic interest on the part of the employer, which will prompt to efforts for the permanent reformation of his previously erring fellow man.

Such agents are employed in Philadelphia and New York, and their influence is of a most beneficent character. Of the varied and important services of the agent in Dublin, mention is made in an article on Irish convict system. (Appendix D.) Here however, as well as elsewhere in connection with prisoners, the officers' heart must be in his work.

In our own State it is doubtless true, as in others, which we visited, that a large proportion of the convicts have come to their present position through the influence more or less direct, of intemperate appetites and habits. The experience of centuries, demonstrates the fact, that violations of laws human and divine, are closely connected with the use of intoxicating drinks.

Such is the uniform testimony of all the prison officers to whom we spoke on the subject. As it is wiser and easier to prevent than to punish crime, it seems to the Commissioners, that the serious consideration of the Legislature ought earnestly to be directed to the best means of repressing intemperance.

In considering the remedy to be applied, the first, and in the judg-

ment of the Commissioners, the most important and the most efficient, means of establishing an improved plan will be found in the extension of the term of office of the Keeper and Inspectors.

This can be effectually done only by an amendment of the Constitution of the State. Yet if the political parties would agree upon some mode of selecting persons best qualified for the places, without regard to their political creed and continue in office during good behavior, those who prove themselves to be worthy, there would be some hope of reformation. Without some such arrangement generously made, and faithfully adhered to, there is little hope of improvement.

It is of no consequence how perfect may be the system, if there is a want of proper officers to sustain it. "*Principia non homines*" may be the correct rule in civil polity; but "*Principia nec non homines*" is the true rule in morals and reform.

This evil of continual change is not the fault of the mode of appointment, but of the usage of party discipline. Under the first Constitution of the State, the Legislature, in joint meeting, appointed all the State officers, executive and judicial.

The experience of more than sixty years proved their ability and their desire to exercise the power to the best interests of the State, and to the satisfaction of their constituents, and that success usually attended their efforts.

It may not be inappropriate here to suggest that the Inspectors of the State Prison should be selected from the first and best class of citizens; men of the highest character for intelligence and integrity, and who like the Managers of the Lunatic Asylum, and Trustees of the Reform School, would give their time and influence and discharge the duty for the love of it, and for the cause of justice and humanity.

Under the government of competent officers, proper discipline may be maintained, the earnings of the prison increased, and the reformation of the prisoners promoted. And while the contract system is continued, proper persons will be sought in the contractors and in their instructors; men, who, while properly striving to make due profits for themselves, will do justice to the State, and learn and act upon the principle that their own interest can be better promoted by the maintenance of good order and by aiding in the reformation of the prisoners.

But it is to be hoped that the contract system will not long be continued.

It is prejudicial to the management of the Prison. Its tendency is to create disorder, and hinder reformation. It militates directly against the financial prosperity of the institution, as well as against its discipline.

In some of the prisons we visited, this system is regarded with favor. Under the management of their experienced and accomplished officers, and a happy selection of contractors it has been comparatively successful. But in the judgment of the Commissioners it is to

be resorted to in this State, only as a necessity, and should be discontinued when that necessity is removed.

The direct consequence of that system is, to place the prisoners during hours of labor almost entirely under the control of men, who are not officially responsible; men who see in the convicts only so much machinery for making money; men whose only recommendation to the positions they hold, is that they were the lowest bidders.

The instructors employed by the contractors are equally irresponsible; not usually selected with reference to their moral character, and with no desire to aid in reformation; men often so devoid of principle as to smuggle into the shops contraband articles for sale, at exorbitant prices, or to bestow upon their favorites causing jealousy and discontent.

It is not unusual with such men, while favoring some, to wreak their vengeance upon other prisoners, by causing unmerited punishment.

The transmission of mischievous messages from one part of the prison to another, and to and from persons outside is no uncommon occurrence.

The contractors in making their bargains claim consideration for every contingency, and especially for the disadvantages arising from want of proper discipline, and the consequent imperfection of the work; and in this State, and in this condition of the prison, they will not contract for such prices as will be remunerative. The truth of this is seen in the existing contracts 40 cents for long days, 30 cents for short.

Whilst in the prison at Charlestown, the price is from 75 cents to 107 cents, averaging 93 cents per day for each man.

In New Hampshire, the contract price for one quarter of the men at boots and shoes is 70 cents; three-fourths at manufacturing bedsteads, 90 cents per day.

The earnings of those prisons and of others are a surplus of all expenses.

In that at Wethersfield, although the contract price for labor was fixed several years since, when the prices of labor and supplies were much lower than during the last year or two, yet the earnings paid all the expenses of the prison, including the salaries of officers, and the wages of the Watchmen and Assistants, with a balance of net gain of \$1,706.33.

In the Albany Penitentiary, for the year ending December, 1867, the earnings exceeded all expenses of the institution, including salary and wages by \$21,346.04.

In the Massachusetts State Prison at Charlestown, for the same year, the net gain was \$22,346.16.

Notwithstanding the low price of labor in our prison, large claims are made and allowed for lost time of the convicts, by reason of absence from sickness or under punishment, and also for defective work,

and injured materials. Besides this, the contractors are furnished without charge, with yard room, and sometimes with shop-room, and with other appliances for their work.

The history of prisons shows that contractors who understand their business, and will conduct it properly, have usually reaped large, and, in many instances, immense profits from the labor. They are expected, of course, to make the best bargains they can for themselves, but it is not unusual for competing tradesmen to combine in securing the contracts on their own terms, and to the great prejudice of the State.

It is urged in favor of this system that no one man is competent to the government of the prison, the employment of the prisoners, the purchase of materials, and the sale of the products. But experience proves this position to be untenable.

In Wethersfield, General Pilsbury, when acting as warden there, during a part of the time managed the entire labor of the prison.

During another part of the time, about half the labor was let to contractors. In his testimony before the commissioners of New York he said: "In a financial point of view, the management of the labor by myself was most successful." In the Clinton Prison of New York the system of contracts was abolished, and the labor performed under the officers. The result was that, instead of being an annual charge on the State treasury of \$30,000, its income exceeded all expenses by about \$3000.

In Thomaston, Maine, under the management of the warden, the profits of the prison labor exceeded all expenses, including salaries and wages.

Mr. Cordier, of the Wisconsin State Prison, says: "Our average number of convicts was 110, of whom only 63 could be employed on productive labor. Their earnings amounted to \$25,727.54, showing that the 63 men earned \$1.36 per day each." He adds, "If the labor of the convicts had been let to contractors, at say sixty cents a day (a high figure), they would have earned only \$11,340, supposing them to have lost no time from sickness or other causes; and the State would have sacrificed in one year, \$14,387.34."

In Illinois, where the plan is to lease the labor of the prison at a bonus, or annual rent, the lessee, in a few years, amassed a very large fortune.

In Kentucky, the keeper, instead of a salary, had for compensation one half of the net profits; and a large sum of money was annually paid into the treasury of the State. In one year, with an average of less than 150 prisoners, the clear profits were \$30,000.

In our own prison the labor on chair bottoms, under the management of the officers, averaged 50 cents per day to each man, while in the shoe department 40 cents and 30 cents were agreed for.

If the evidence of such men and such statistics are of any value, it is evident that one man may accomplish even all this. With the

aid of competent assistants, and, if need be, of a commercial agent for purchase and sale, there is no reason, why the industries of the prison may not be conducted on State account. If by reason of the fluctuations of trade loss is to be incurred, the State is as able to sustain it as an individual contractor; if gain is the consequence, the State will have the benefit of it. If there is a loss under the contract system, the State usually is the loser, either by allowance made to the contractor, or by failure to fulfil.

Another and a serious objection to the contract system is that under it a prisoner is seldom instructed in all the branches of a trade. He can sooner be taught one branch and become more perfect in it, and the interest of the contractor is to continue him in that branch as a specialty. In the shoe department, for example, the man who is kept at driving pegs can never learn to fit the sole. He who is wholly employed in stitching uppers, can never learn to put on the heel. This, it is true, may be stipulated against in the contract, and the competent prisoner be permitted to go through several or all the branches. But it is found to be difficult to enforce such contract, and it is always embarrassing.

Without such knowledge of the trade the discharged convict must seek employment where laborers are needed for his special branch, and his chances of employment are diminished proportionately.

To remove the disadvantages of the present mode of giving moral and religious instruction, a chapel is requisite. In it the prisoners could be assembled on the Sabbath for regular religious services, and for Sabbath School instruction, and during the week for daily worship. There, lectures of a religious, moral, and intellectual character could be delivered to the improvement of the prisoners, and to the advantage of the prison, by the effects upon their conduct and efforts to reform.

If it be objected that it will not be safe to assemble the convicts in such a place, it may be replied, that there is less danger from men so collected, without offensive instruments, than from half this number in the shops armed with hammers, sledges and knives, &c.

The same rule of silence may be enforced more effectually in a chapel, where silence is the order of the hearers than in the shops where the hum and clatter of tools and machinery drown the noise of talking, and give opportunity of indulgence.

In the erection of a chapel, arrangements could be made for a mess room. By this, much labor in serving the meals in the cells, would be saved; less provisions would be wasted, the noisome odors and accumulation of dirt incident to that mode would be prevented, and the cells and prison less infested with vermin. It is proper to state, that the mode of serving food to prisoners is a debatable question among experienced Keepers.

But the prison is overcharged with convicts, there being an average

of about six hundred, with accommodations for only about three hundred, besides those who will soon occupy the new cells for females.

The only remedy for this evil is the addition of more wings to the present building, or the construction of an entire new one.

On due reflection and careful examination of the subject, the Commissioners respectfully recommend the construction of a new prison in such part of the State as will furnish most of the requisites of such an institution. The chief of such requisites are ease of access, facilities of transportation, sources of supply at reasonable rates of materials for construction, and articles of consumption. There should be salubrity of situation, an absence of stagnant water, and of sources of miasma, with means of furnishing healthful and remunerative employment for the prisoners. Such a site may be found on Snake Hill in the county of Hudson, where the Chosen Freeholders of that county are erecting a County Work House. This is on the east bank of the Hackensack river, where materials and supplies can, except during a few weeks in winter, be furnished by vessels. Here is a great mass of trap rock, the supply of which seems to be inexhaustible, and its demand for paving unlimited.

This will afford employment to all who have any degree of muscular force; heavy work for the strong, light work for the feeble, requiring but little experience in the work, yet yielding the profits of skilled labor.

It is quite possible that an arrangement can be made with the authorities of that county to place the work-house now in construction and its grounds under the control of the State. Other sites, it is thought, may be obtained on the Hudson river, in the county of Bergen, accessible to craft of almost any size at all seasons of the year.

There the palisades afford salubrious sites, with an ample supply of trap rock, and all the advantages of the vicinity of a large city for sales and purchases.

In the construction of a building sufficient to accommodate three or four hundred prisoners, with each a cell at night, plain and neat, without unnecessary ornament, and with sufficient strength to prevent escapes, will be found a remedy for the crowded condition of the State Prison.

To this building may be given the name of the "House of Correction," for the reason among others, that many, who through the waywardness of youth or want of experience, have been betrayed into crime, may be saved from the stigma of having been an inmate of the State Prison, and thereby encouraged to efforts of reformation; and that it is intermediate between the place of detention and the penitentiary.

To this House of Correction may be committed males, convicted of offences of lesser turpitude. To classify such offences by the names by which they are known in the law, would not be expedient, nor meet the thing desired. To provide that all guilty of felony shall be

committed to the State Prison, would require the punishment there of petit larceny, a felony at common law. To declare that all guilty of misdemeanor be committed to the House of Correction would be to punish there, those convicted of perjuries, libels, conspiracies and atrocious assaults, which are misdemeanors at common law. Homicide may be committed under circumstances of less turpitude than attend some cases of larceny. To say, that all guilty of Homicide must be punished in the State Prison, and all of larceny in the House of Correction would not meet the exigencies of the case.

It is deemed better to classify the convicts by the terms of their sentence, leaving it with the Courts, as it is now, to fix the term. Or to submit it to the discretion of the Courts to commit to the State Prison or to the House of Correction, as in their judgment may be expedient.

If all whose term of imprisonment shall be for three years or less were committed to the House of Correction it would reduce the number to be punished in the State Prison about one half, and give a cell to each prisoner at night, and when not in the workshops or on other duty.

The plan of associated labor with solitary confinement at night, which seems at this time to be most adapted to the wants and circumstances of this State may be continued.

The House of Correction may be under the government of a Warden and Board of Managers, to be appointed as are the Trustees of the Reform School for juvenile delinquents, by the Board of Control, consisting of the Governor, Chancellor and Chief Justice.

It is indispensable to the reformation of prisoners that there should be an entire separation of the sexes, that they be kept beyond the sight and hearing of each other, and it is eminently proper that the females should be under the charge of the matron and her female assistants. The new range of cells now about completed, will furnish room for all females who may be convicted of offences for which the punishment must be by imprisonment. If with the increase of population, and the consequent increase of crime, more room will be required for this class, additions can be made to it, or a work-house be constructed or procured from one of the counties for that purpose.

It may be of interest for us here to state, that in the female department of the House of Correction, at South Boston, we saw forty-two sewing machines in active operation, at clothier's work, and tended by as many women. About an equal number were employed at finishing work with the needle. Capt. Robbins assured us that their average earnings were from 75 to 80 cents per day. Six years ago the average earnings of the females were but about *five cents* per day. If Massachusetts can thus improve, why may not New Jersey? Truly muscle may be turned to some account if there be but brains to work it.

With the establishment of a Reformatory for girls, it is believed

that no further provision will be required for females at present. Such Reformatory Institution is greatly needed, and the want of it has been painfully felt for some time past, and the Commissioners respectfully recommend it as a part of their system of discipline and reform.

Under the plan proposed, the county jails may and should be kept as places of detention only, for persons awaiting trial or transportation after conviction; but (excepting for vagrants and disorderly persons) never as places of punishment.

Vagrants and disorderly persons who are usually committed for short terms may be confined in those jails, for the first and second offence. The greater number of this class are the victims of intemperance, and with many of them, the routine is, commitment for ten or twenty days,\* just long enough to recover from the effects of their debauch; then a discharge, with increased appetite, then a "glorious treat," and another commitment.

After the warning of a second conviction such persons should, as in Massachusetts, be sent to the House of Correction, where by a longer term, they may be enabled with the aid of proper appliances, to conquer their taste for strong drink, or other evil propensity, and by their labor, do something towards reimbursing the counties or cities for the charges incurred on their behalf.

In the county jails accommodations should be provided for each person in a separate apartment. These apartments, and all apartments and cells of every prison should be clean, well ventilated and healthful. The objects of imprisonment are threefold, the security of the public from further depredations, the deterring from crime, and the reformation of offenders. Apartments, cold and damp, with fetid atmosphere may accomplish the first two of these objects by shortening life, but will not tend to reformation. The law demands justice, but not cruelty, and its officers have no right to employ machinery or provide apartments which become implements of torture. Yet nothing can be more cruel or unjust than the impairing of the Constitution and the destruction of life by means of the foul air of a damp, narrow, ill ventilated cell.

To the county jails, to which persons are committed before indictment, while they are presumed by law to be innocent; persons detained as witnesses or for some other cause are these remarks especially applicable. The purest man in the community may be charged with crime, and for want of friends at hand to become his bail, or for the want or neglect of a magistrate to take it, he must be committed.

To thrust any such into a cell, in darkness and dirt, infested with

\*We found one woman had been committed to prison in Boston thirty-seven times. One in New York more than a hundred times. On third offence a term of two or three years, under proper discipline, might have benefited the individual. It would have saved trouble, and expense to the community.

vermin and with fetid atmosphere, is repugnant to every feeling of humanity.

To require such to associate with convicted felons, with depraved and disgusting criminals, inexperienced youth with hardened rogues is a violation not only of law but of the dearest rights of the citizen.

Some of the county jails, as will be seen by the report of them in the Appendix, need reform, and all need supervision. In many of them abuses occur of which the public are ignorant. Those who cause the abuses endeavor to conceal them. The complaint of those who suffer are seldom heard or heeded. Whether such abuses arise from ignorance or wilfulness, there should be a more efficient power to correct them. To wait till the Court shall assemble and the Grand Jury make presentment, and then till the Board of Freeholders take action on the subject, in many instances will afford no relief. There should be an official Inspector of the Jails, with power to suggest improvements, and to report the defects of the prisons and of their management, and to call a meeting of the Board of Chosen Freeholders for prompt relief, and to report annually to the Governor or Legislature.\*

To recapitulate : The system of prison discipline recommended is the State Prison under a proper and efficient government for the punishment of those convicted of the higher crimes. The House of Correction as an intermediate prison for those found guilty of offences of lesser turpitude ; The Boys State Reform School ; a State Reformatory for Girls, and the county and municipal jails as places of detention.

All of which is respectfully submitted.

DAN. HAINES,  
GEO. F. FORT,  
SAMUEL ALLINSON.

TRENTON, Jan. 22, 1869.

\*To these duties might be added, at least for a single year, a thorough investigation and report upon the county and township poor houses, or arrangements for the poor. Should the care of the destitute be humane and considerate, as it is in many cases, it would be a satisfaction to the Legislature and the people of the State to know it. Should deficiencies appear they could meet their appropriate remedy.

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## APPENDIX.

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## APPENDIX A.

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Our visits to the various county prisons were necessarily brief, and the reports are often imperfect from the absence of the sheriff or other officer to give correct information. We found a great deficiency in proper prison records. We had no statements of accounts, &c., equal to the admirable records of Union county.

In a large proportion of the prisons no employment is furnished to the prisoner. His entire support therefore is a burden upon the community, whilst the idleness which is forced upon him and the associates with whom he is compelled to mingle, will *not probably* train him to a life of active virtue. Is it not a crime in the leading men of such counties to allow evils of this grave character to go uncorrected from year to year—from decade to decade? They would be ashamed of the prayer,

“God bless me and my wife,  
My son John and his wife,  
Us four—and no more.”

yet they evince a spirit which cares little for evils which come not to their own homes.

In a county which has had long experience of a prison disgraceful to humanity, it is easy for the Chosen Freeholders who have charge of the erection of a new jail to make great improvements. Unfamiliar with the subject of prison architecture, they fancy they are erecting a *model place of confinement*, when perhaps some most important requisites have not even been thought of. There are educated architects who have given special attention to the construction of prisons, and whom it would be wise economy to employ in the preparation of plans, or at least to submit digested plans to them before commencing to build. Many sad mistakes in relation to drainage, ventilation, security of prisoners, &c., would thus be prevented.

REPORT OF VISITATION OF THE COUNTY JAILS ASSIGNED TO DANIEL HAINES.

June 6, 1868.—Hudson County Jail, at Hudson City, W. D. W. C. Jones, Jailer. Built 184 .

This Prison is under the charge of the Freeholders, who appoint the Jailer and Watchmen.

The Jailer provides subsistence for the prisoners at twenty-five cents each per day. Diet, one quart of soup, three-quarters of a pound of fresh meat, sufficiency of excellent wheat bread. Vegetables in soup.

There is a work-house, but no employment is given to the prisoners at present.

There are separate apartments for females, for adult male prisoners, for the boys, and for witnesses and debtors.

The halls are so situated that the boys and females may converse across the vestibule at the end of their halls, but without seeing each other.

There are cells nine feet by seven feet; ceiling eight feet high; forty cells below for male adults; above, twenty-two cells for females and twenty-two for boys (in a block).

The debtors and witnesses' prison consists of a hall and six cells. Ventilation imperfect, heat by furnace.

The accused and convicted occupy the same halls.

No instruction, religious, moral or intellectual, is given.

The average number of prisoners is 87.

A new work-house is being erected on Snake Hill which gives promise of a new era of prison discipline in this county.

June 11.—Essex County Jail, at Newark. Under charge of the Freeholders who appoint the Warden, now ——— Johnson, who appoints the Deputy Warden and Matron, two Overseers of the Workshops and Engineers.

They have a Physician and Chaplain, appointed by the Freeholders.

The cells for males are in a block of three tiers; on one side, fifty-two cells, six feet by nine feet, and eight feet high; on the other side sixty-five cells, five feet by nine, eight feet high.

The female department is a large hall with cells on one side six feet by nine feet, and eight feet high, thirty in number, in three tiers, separated from the male department by a partition wall four feet thick and without means of other communication.

For ventilation there is a small aperture near the ceiling of each cell and grated doors; large windows in the surrounding halls; heated by steam.

There is a workshop, sixty feet by forty feet, where convicts work by contract at dog muzzles, skates and skate straps, scissors, mail bags, belts and straps. They also tan and curry hides. The contract price for labor varies according to the term of sentence, averaging thirty-five cents per day. No arrangement for over-work. Ten hours a day are occupied in summer; all the time of daylight in winter. Machinery, furnished by contractors, driven by steam furnished by Freeholders.

Persons detained for trial have no communication with convicts except at time of washing. There is otherwise no arrangement for separation of the young and old, of accused and convicts, or of debtors.

At night the cells are guarded by watchmen, aided by two large reflectors in each-hall, by means of which every part of the hall is visible; the prisoners locked in separate cells.

The average number of prisoners is 106. In the year from April 1867 to April 1868, there were 1263 commitments of which

88	were under the age of	15	years.
125	between	15	and 20 "
434	"	20	" 30 "
316	"	30	" 40 "
193	"	40	" 50 "
82	"	50	" 60 "
23	"	60	" 70 "
2	"	70	" 80 "

1263

Witnesses and debtors may at their pleasure occupy a room where they are locked in at night; at other times they have the liberty of the hall.

The salary of the Warden is \$100 per month, with house rent, fuel and lights and prisoners' rations.

The Deputy Warden has \$65 per month, with like subsistence.

Overseers, \$50 per month, without board.

Engineer, \$30 per month, with prison rations.

Machinists, \$15 and found; board, prison rations.

Night Watch, \$46 per month, without board.

Chaplain, \$300 per year.

Religious services every Sabbath afternoon; no other instruction given; no Sabbath School nor library.

Subsistence is furnished by Freeholders, and consists of rye bread, meat hash, soup, coffee made of rye, sweetened with molasses, for breakfast.

On Monday, a slice of boiled meat, with potatoes, for dinner.

Tuesday, bean soup.

Wednesday, beef soup.

Thursday, meat and potatoes.

Friday, boiled fish with potatoes.

Saturday, beef soup.

For supper, mush and molasses.

The cost of diet is nineteen cents per day for each prisoner.

Necessary clothing is furnished by Freeholders.

*September 15*—Passaic Jail at Paterson built in 1854, under charge of the freeholders who appoint the Warden, now, Nathaniel J. Green, at a salary of \$400, with house rent, fuel and light.

The male department has thirty-eight cells in three tiers on one side and end of a hall thirty by thirty-six feet; the cells are six feet by eight feet, and seven and a half feet high. There is no employment or instruction given, no library, no means of separation of young from old, accused from convicts, or debtors, all are kept in one common hall, and locked in the cells at night. At the time of this visit there were in prison twenty-four males from fourteen to fifty-five, nearly all awaiting trial, or the action of the grand jury. Ventilation by small apertures in the cells and large grated windows in the hall.

The female department is entirely separate from that of the males, without means of communication. It is a hall thirty feet by fifteen feet, with two tiers of cells, six by eight feet, and seven and a half feet high. Ventilation by small apertures in each cell, and large windows in the halls. The heat is by stoves.

Subsistence is furnished at the expense of the freeholders by the Warden, who purchases as cheap as he can. The average cost is in proportion to the number of prisoners, and varies from one dollar and forty-five cents to two dollars and twenty-two cents and a half per week, for each prisoner, or from twenty and five-sevenths cents to thirty-one and eleven fourteenths cents per day. The prison kept as clean as practicable.

*September 16*.—Bergen Jail, at Hackensack, built in 1819, on the lower floor of the Court House. It consists of four cells twelve feet by twelve feet, and ten feet high. Ventilation by triple grated windows and doors, three of the doors are of iron grating, one of thick plank with a wicket or grief hole seven by nine inches. Heated by furnace.

The sheriff has the charge of the jail and custody of the prisoners, and furnishes their board at fifty cents each per day, paid for by the freeholders. Necessary clothing is also provided in the same way. No employment is furnished, nor instructions given. No library. No means of classification except the four apartments mentioned. The average number of prisoners is twelve.

The cells being in the same building with the court room, and the

ventilation so imperfect, the vitiated air in warm weather reaches every part of the building, and even the court room, greatly to the annoyance of the court and its visitors.

The citizens of the county are impressed with the defects of their prison, and are now taking measures to construct a new one.

No waste pipes; buckets are used.

*September 18*.—Morris Jail, at Morristown, built 1826. In charge of the sheriff, who supplies subsistence at thirty-five cents per day each.

The male department has twenty cells in two tiers on one side of a hall or workshop. They are five feet by ten, and six feet nine inches high, with grated doors, no other ventilation except by large windows of the hall. Heated by stoves.

There is a workshop built in 1846, in which prisoners are employed at caning and flaging chairs, and making hoops, and baskets, sometimes at a profit. There is a water closet in the workshop, otherwise buckets are used.

The old jail has two apartments for females twelve by fourteen and twelve by fifteen feet.

One apartment for males twelve by twelve, and in the cellar two cells twelve by fifteen feet, and seven by fourteen feet, and a dungeon seven by eleven and a half feet.

Average number of prisoners, male and female, twenty-four.

The keeper of the workshop is employed by the freeholders, at forty-five dollars per month, with house rent, fuel, and light.

Punishment is by chain, and confinement on bread and water in the dungeon.

The Keeper is John McGowan, Sheriff, James W. Briant.

The prison is kept with neatness and cleanliness.

*June 11*.—Sussex Jail, at Newton, built in 1846. In charge of the sheriff, who feeds the prisoners at fifty cents per day each. There are three apartments in the basement of the court house, mostly under ground, damp, cold and unhealthy, with very imperfect ventilation, &c. Without means of classification. No employment furnished or instruction given. Average prisoners committed, 30, detained on sentence 5.

The freeholders are constructing a new prison on an approved plan, with means of ample drainage and ventilation.

REPORT OF VISITATION OF THE COUNTY JAILS ASSIGNED TO GEORGE F. FORT.

The Monmouth County Jail is located at Freehold, and is a portion of the Court House proper, the prison department being in the north section of the building, which is also occupied by the sheriff or jailor and his family. It is a substantial brick structure, and was erected some twelve or fourteen years since.

The prison cells are nine feet long, five and a half feet wide, and about seven feet high, built of stone, with iron doors, which can be securely fastened. The ground floor of the prison is *five* feet below the surface, one tier of cells being on the same level, and one tier above these, with a roomy area in front, paved with brick, and a well with pump near the centre. The whole is quite damp, and ventilation imperfect. There are *twenty-one* cells, with cots in each. The sexes are kept separate, though they can readily communicate with each other, the part of the prison occupied by males being separated from the cells for females by an open lattice. The number of commitments at the time of inspection (September 2d) was *nineteen*, all males, *five* of them colored and two *boys*, aged respectively eighteen and nineteen years. This is near the usual average of the prison, the annual number of commitments being over *one hundred*. They perform no labor, either convicts or others, there being no convenient place for the purpose. The cells are not crowded.

The Sheriff is allowed *forty cents* per day for the board of each prisoner. The whole annual cost of crime to the county was estimated by the Sheriff at \$11,000 or \$12,000. William B. Sutphen, Esq., the Sheriff, was very courteous and communicative during the inspection; keeps the cells cleanly and in order. The prison record is also kept carefully.

This prison has a library of some fifty volumes, and the inmates are furnished with newspapers and tracts. Independent of this, they have not usually had any literary or religious instruction. Quite recently they have been visited occasionally by a Methodist clergyman in the place.

Bad conduct is punished by solitary confinement and stopping allowance for one day. The Sheriff is the sole officer of the prison, and employs no assistants, except temporarily, in bad cases, and during the terms of Court. There is no separation between old and young offenders, or between convicts and those awaiting trial.

The Burlington County Jail is located at Mount Holly, the county seat, and is entirely separate from the Court House. From the best information obtainable, it was built in 1810, of stone from the vicinity. It is occupied by the Sheriff and his family.

There are a variety of cells, which are placed without regard to system, size, location or convenience about the building. Some are eight feet long, five feet wide and ten feet high, others six and a half feet wide, twelve feet long and nine feet high, with variations. Each cell has usually *two* prisoners, while some of the larger cells are occupied by *six* or more. They are above ground, the first story being ten feet above the surface, the second twenty-two feet. Though some are damp, they are all freely ventilated, kept very clean and in prime order. White-washing is attended to monthly, water washing twice a week in the cells for males, and daily in those for females. Wood or coal stoves are used for heating on women's side, and a large cellar heater is used for the men. The women have plenty of room in their cells.

The number of commitments at the period of our visit, (September 12th,) was *twenty-six*, of whom *two* were negro men and *seven* white females. The annual number, or from May 6, 1867 to May 6, 1868, was *four hundred and eighty-five*. Many of these were vagrants and drunkards; the cities of Burlington and Bordentown and the county town furnishing the chief supply. These persons are thoroughly washed, shaved, and have pediculous remedies applied before their admission, which operations are repeated in a week. The prisoners are usually healthy.

The sheriff is allowed forty-five cents a day for boarding each inmate. He estimates the cost of crime to the county at \$13,000 per annum. The prison record is well kept. He has observed no special punishment for misbehaviour except to confine the offender in a cell, and put him on bread and water diet if necessary. Allows the prisoners to read all they desire, though there is no library or regular supply of books or tracts. Instruction is occasionally given to the prisoners by religious persons. The only labor they perform is in keeping their rooms clean and at times working in the prison garden. The sexes are kept wholly separated. Old and young offenders are usually together, though some discretion is used by the sheriff in this respect, and convicts are always kept separate from others. A stone wall twenty-five feet high encloses the prison area.

The sheriff, John B. Hankinson, Esq., is the only officer. He was courteous, and gave evidence of being faithful and efficient. He is however, obliged to occupy quarters in that antiquated edifice of a very uncomfortable and repugnant character. His kitchen is a small basement room, very inconveniently placed, and is used as a cooking, dining and common room. The other rooms are damp, close and unpleasant, the whole establishment being very unsuitable for a

good officer to reside in, especially in a county of the wealth and respectability of old Burlington.

The Ocean county jail was inspected October 27th. It is located at the village of Toms River, the county seat, and is separate from the Court House. Was erected A. D. 1851.

There are some eight or ten cells, with iron doors, a small cot in each, sufficiently ventilated; the floor of prison on level with surface; stone walls and floors. The cells are nine feet long, of same height, five feet wide and damp. The number of commitments was *two*, which is equal to the average, the yearly number being *twelve*. From January to July of the present year the jail had no occupant. Prisoners perform no labor. Books are furnished them occasionally.

The sheriff, Charles H. Wardell, Esq., afforded us every facility for examination. The cells are kept clean, except the one used for excremental deposits, which is very offensive and used in common. The sexes use the same corridor, and are only kept separate at night, when locked in their cells. The old and young, convicts and charged, are all together. No prison record has ever been kept, except by Sheriff W., to the best of his knowledge. He is allowed fifty cents a day for meals, which are furnished from his own table. He estimates the cost of crime to the county at \$1,000 per annum.

The jail proper is a section of the sheriff's residence, and usually occupied by him. It is not very secure. Several burglars have made their escape from it; two by loosening the stones in the wall under the window in the night. Another took up a flag stone near the wall, under which he dug his way out with a wash basin. The flags are easily raised, and the wall only twelve to fifteen inches under ground. The cell door lock was picked by wire passed through the slats, the lock and bolt disengaged by hand, and door opened. Being free in the corridor egress from the prison was not difficult.

The Atlantic county jail is at May's Landing, the county town, and is separate from the court house. Was built in 1838, and is occupied by the jailer and his family. Is occasionally visited by the sheriff. At the time of our visit both were absent. Mr. Risley, the County Clerk, gave us every attention, and assisted us in the examination. It is a stone structure of moderate dimensions.

The number of commitments, November 12th, was *three*, which is above the average. The yearly number is about *twenty*. There are three large cells, twelve by fifteen feet, all above ground, two in the second story. They are dry, well ventilated, clean and healthful. Prisoners are fed the same as the jailer's family—perform no labor—read but little, and have no regular religious instruction. They are punished for bad conduct by chain and confinement in cell. The sexes are kept separate, also the old from young, and convicts from charged. The sheriff is allowed *three dollars* per week for the board

of each prisoner. The cost of crime to the county annually is estimated at \$800 to \$1,000. A prison record is kept, but could not be produced.

Prisoners have escaped by taking up the floor boards of their cells, letting themselves down into the room below, and making their exit from the outer doors by picking the locks.

REPORT OF VISITATION OF THE COUNTY JAILS ASSIGNED TO SAMUEL ALLINSON.

Camden County Prison at Camden. Sheriff absent. Twenty-three prisoners—eighteen men, three boys, two women; twenty-one awaiting trial, two convicts. On a subsequent visit thirty-six prisoners. Sheriff allowed \$2.25 per week for each prisoner's board. Two hundred and sixty-five committals in 1867. A central block of twelve cells, half opening into a southern and half into a northern hall; it is the basement of the Court House, and is four feet below the level of the ground. Cells twelve feet three inches by seven and a half feet, and eight feet nine inches high, calculated for six persons each, and some months ago they had more than seventy inmates. A small ventilating flue in each cell; also a water sink and hydrant. Men and boys on north side have free range of that hall in morning; in afternoon the women confined there use the hall, and the men are locked up, the grated doors only separating them. When at some distance from southern hall loud and profane language was heard and boisterous laughter. On a blanket on the floor of hall several young men were playing cards. No occupation is provided nor any reading; no religious or other instruction, and the corruption of all that are corruptible seems the inevitable result.

Many convicts are not sentenced. A workhouse, the deputy thinks, is much needed. Prisoners of easy access for conversation, &c., from outside; liquor passed in through windows. Officers, Sheriff, Deputy and colored doorkeeper. One convict detained since last Court for fines; a woman committed to jail three months since for stealing a tin kettle, valued at twenty-five cents!

Prison not well ventilated; hot air thrown into cells; straw beds thrown on stone floors; not nice. Bibles are presented and destroyed. A boy sentenced to the Reform School kept for months in prison. Prison insecure, numbers of escapes having occurred.

Warren county prison, at Belvidere. Seven male prisoners "bound over" for murder, rape or burglary; one boy under fourteen years old; they are sometimes committed by magistrates for twenty-four or thirty-six hours. No labor, no literary instruction. Bibles and newspapers in the prison. A Methodist clergyman has lately been visiting and praying with prisoners.

The cells are eleven by fourteen feet, and nine feet high, four in

number, and open on a narrow entry, which is secured at each end by a grated door. Two eastern cells with grated doors have privies dug in the ground a little way, and are quite offensive. Board floor close to the ground, and cells often damp; all the appointments are shabby and uncomfortable. When women are imprisoned, they are kept in cells separated from men by a plank door, and communicating with the kitchen. There is no ventilation but by a door and window under the Court House. No employment—some are card playing and others at other games. The prison was built in 1825. The outside windows are of easy access, and liquor is sometimes passed in. The dungeon is a cell like the others, with plank door and darkened window, and is rarely used; one man was put in for attempting to dig out of his cell. Two boys had been in prison for months; an old offender was committed; he broke the padlock from the back-door of the entry, put the door against the yard wall, and the three escaped, walking through the town at midday.

Allowance to Sheriff for board, \$5 each per week, and twenty-five cents for washing. The Sheriff was absent, but information was courteously given by his youthful deputy.

Somerset County Prison is situated at Somerville, the county seat. The sheriff was absent. His wife showed us the prison, which is under the court house, a little below the level of the ground. There are two cells ten feet by nine feet, with arched ceiling nine feet high in the apex, with doors of thick planks ironed, which open into an entry three feet four inches wide. There is no ventilation but window and feeding hole. The locks were so rusty the lady could not unlock the doors to let us in. There are two other cells nine feet square, with arched ceiling of mason work—one with a window two-and-a-half feet square, nearly closed by three sets of grating and old cobwebs. This window opened under the broad steps of the court house, and the room was always dark and damp. There being but one woman in prison, she was confined there at night, and allowed the range of the entry by day, whilst the better—or rather the less bad cells, had two or three men respectively. The cell of similar size opposite, used as a dungeon, has no opening but the plank door, and is a noisy hole. A sink hole in each cell is connected with a pipe or conduit, not often cleaned and quite offensive. A coal stove is used in each cell in winter. Outside communication is not allowed, but is quite easy at night through the grated windows. The prisoners complain of the damp cells, of vermin and the food. The sheriff's wife said there was at times considerable sickness. There are wooden bedsteads (with second tier) for four persons. There have been confined at one time in these cells, two women and fourteen men. No prison record is kept. Sixty cents per day is allowed for board. A Bible and newspapers are furnished for reading. A Presbyterian clergyman preaches to the prisoners on Sabbath.

The prison seems to have improved in no respect since it was denounced in burning language by Abraham Messler and Thomas A. Hartwell to the New Jersey Prison Reform Association in 1850. That society promised great usefulness. If still living, it is in *retirement*. Let it arouse from its lethargy.

Middlesex County Prison, at New Brunswick—J. Manning Clarkson, Sheriff. There are thirty-two prisoners, twenty-four men, two boys, six women, all awaiting trial. The boys ought to be in the Reform School.\* A noisy drunken woman was in one of the dungeons, which are under the floor of the hall, brought in from the street. The jail is used as a station-house for the city of New Brunswick. The Recorder comes each morning, examines cases and commits or discharges those arrested. An account is kept of vagrants and drunkards, which is settled by the city. One woman has been in seven times this year. The prison is in a brick building, erected in 1848, with accommodation for the Sheriff's family. An open hall, nine or ten feet wide, runs through the prison, lighted and ventilated by windows at one end, and from two lanterns on the roof. This arrangement prevents communication with the outside world, as the windows open in an enclosed yard. There are ten cells on the first floor, seven feet ten inches by nine feet ten inches, and twelve feet high; eight cells in the upper tier, ten feet high, two of double size, one of which is used by the Keeper. An iron grate and wooden door to each cell. The whole prison was clean and comfortable; formerly each cell had a sink, but being unsatisfactory, it was removed, and a covered pail substituted. The water closet is in the bath room for those having range of the hall through the day. In clear weather the air is pure, but in close, damp weather, ventilation is insufficient. Care is taken to keep the prisoners clean. The prison is entirely above ground and dry; floors are of board. Cells are designed for four prisoners, but have had thirteen in a cell for a night. For misbehavior, prisoners are punished by bread and water—confinement to cell or in the dungeon. There is but little need of punishment. The dungeon has not been used for three months till to-day. A drunkard, fresh from the street, could not be controlled, and was put below to sober. Having women confined in the prison is of evil influence, and the Keeper deploras it.

Salem County Prison. Sheriff absent. The Prison is in a very handsome brick building, with Sheriff's house in front, built in 1866, at a cost of \$40,000, and occupied for more than a year. (Plan of the Union County Jail.) There are six cells in the female de-

\*They have since been sent there, but *after* trial. The law provides for boys under sixteen, an avoidance of the exposure of trial, and the corruption and degradation of prison life. The needless expense to the county should prompt prosecutors and magistrates to take the humane course.

partment, five feet nine by seven feet nine inches, and seven feet high; flagstone top and bottom. Each cell is supplied with a sink, hydrant, gas light, and ventilating flue near the top; door, an iron grate. The hospital for females is an upper room, well ventilated, twenty by twenty-eight feet, and ten feet high.

In the male department there is a block of twenty-four cells in the midst of the hall; four feet seven inches by seven feet six inches, and seven feet high, the size of the cells; flagstone top and bottom. There are two dark cells, lined with iron and iron door, used for punishment. Common water closet in the hall. There are two tiers of cells in both divisions, occupied by seven men and boys, and two women; boys more trouble than men. One little fellow was put in the dark cell for misconduct—whistled or sang all day. He has since, under a different system, behaved well at the Jamesburg School. Iron bedsteads, may be turned up against the wall. Prison cleanly, dry, and above ground; outside communication difficult, save to *experts*. They could readily remove the wire-screen outside of the grated windows, and pass in liquor or burglars' tools. The Sheriff is allowed fifty cents per day for board of each prisoner. No clear prison record. A clergyman has paid special attention to a prisoner who robbed him. The prison is heated by stoves in the halls. Information of annual cost, number of committals, &c., promised, but not furnished.

Cape May County Prison. Sheriff absent. The prison is a stone building; the walls of the first story is three-and-a-half feet thick, and the second story three feet; double grated windows and doors; the lower room is twenty-two feet square, except the corner dungeon, which is about eight feet square. There is a room above for females, but rarely occupied. Each apartment has closed water closet.

There was one man in prison; ten were committed during the past year. For three months this summer the jail was unoccupied; one was sent to the State Prison this year; natives of the county very rarely sent to the State Prison. Of the vast number of visitors at Cape Island, none have been sent to the County Jail this year!

The prison is entirely above ground, and dry, but not nice; occupant careless. Outside communication easy, except when the shutters are closed. Thomas Grace has kept jail for thirteen years, being allowed the adjoining house, rent free, and \$2.75 per week for each prisoner's board; no labor, no religious care.

Gloucester County Prison. John Clarke, keeper, lives in the Prison—an old stone jail, remodelled fifteen years ago. The hall is twelve feet wide and twenty-three feet long, and opens into a yard, surrounded by a high wall. There are ten cells (in two tiers) on one side of the hall, five feet wide, nine feet long, and eight feet nine inches high. The prisoners are allowed the use of the yard for half an hour in the morning. They use buckets in the cells; privy in the

yard. Cells dry, but odor impure. Some of the men are bad. There is no separate provision for females. When committed they are locked in the cell at night and associate with the men in the hall through the day. There were twenty-four committals during the past year, six young men are now in jail. A girl, some time since, tied two iron bedsteads together, and with the previously arranged help of her lover outside, scaled the wall, and has not since been heard from. Letters were written and passed out of the window. The keeper is allowed forty-five cents per day for the board of prisoners. The cost of the prison during the past year was \$578.95. No religious instruction or labor.

The Cumberland County Prison is a new brick building, with Sheriff's house attached, built in 1867. There were three male and one female prisoners; sixty-four were committed during the past year. There are twenty cells in a block of two tiers, ten of them opening into the eastern and ten into the western hall. On the female side four cells separated from the rest by a wall, which admits of the others being used for males if needful. Iron bedstead to shut against the wall. The cells are four-and-a-half feet by seven-and-a-half, and seven-and-a-half feet high, with large flagstone floor and ceiling; comfortable, but not cleanly. One prisoner escaped three times from the old jail and twice from this, and is now secured by a weight chained to his ankle. Judge Elmer wished the authorities of Salem and Cumberland counties reprimanded for building fine costly jails out of which a prisoner can dig with a pen-knife. The building was erected by contract, and mortar poor. Communication from the street not invitingly easy, as in some cases, but quite possible. Samuel Peacock, Sheriff, and Henry D. Lupton, County Collector, gave needed information courteously. Fifty cents per day is allowed for board. Expenses of the prison for the past year was \$937.24; no labor or instruction.

Hunterdon County Prison. Joseph Lake, Sheriff. The prison is back of the Sheriff's apartments, under the Court rooms, but is entirely above the ground; it was built in 1828. The hall is eight feet wide, and runs through the prison to a yard, perhaps fifty feet square, surrounded by a wall twenty-four feet high. Considerable privilege in the yard is allowed the prisoners. On each side of the hall is a room, eighteen by twenty feet, with one window—formerly debtor's apartments—it is now used for well-behaved prisoners. There are several wooden bunks, and a stove for warming. There is also on each side of the hall, a range of three cells, opening into an entry. The cells are fifteen feet long, six feet wide, and with arched ceilings, eight feet high. A sink with a water-pipe attached is in each cell; the largest cells we have ever seen designed for one prisoner. A small grated window is in each cell for ventilation and light, open-

ing into the prison yard, but the windows in the entry and large rooms, open outside, and communication is easy, as we witnessed.

Testaments and tracts are sent in by ladies, but torn up. The prison is so arranged that some separation and classification of inmates is easy. Females are confined in one of the debtor's rooms, and dangerous prisoners kept in cells. Two committed and two convicted prisoners are now in jail. There were fifty-three committals during the past year, and fifteen convicts sentenced to the County Jail. The Sheriff is allowed \$60 per annum for washing, &c., with fuel, and forty-five cents per day for each prisoner. The Sheriff's kind care of the prisoners is satisfactory to them, and to the citizens. The prison expenses are about \$700 per annum. A burglar worked his way through the wall of his cell, and then by his bed clothing and a piece of iron, scaled the high yard wall. Being retaken, he escaped again through the ceiling of his room, then between the joists and through the floor into the Court room, and again let himself down by bed clothing. On re-arrest, being sent to the new Mercer Jail *for safe keeping*, he was nearly successful in escaping with several prisoners, digging out of his cell one night in ninety minutes with a pocket knife.

The intelligent looking young men, being wholly unoccupied, a school was suggested for their mutual improvement in arithmetic. They seemed pleased with the idea of slates being furnished them, and the Sheriff kindly agreeing to procure suitable books, they promised to use them as proposed.

Mercer County Prison. The old jail is under the court room, and below the surface of the ground, was damp, ill ventilated, noisome, unhealthy and insecure. One prisoner died in consequence of disease contracted there, and Jackaloo, the Japanese murderer, when undergoing his trial before the United States Court, failing in health, his removal to a less inhuman prison was directed. Protests were repeatedly made by the County Court, and numerous presentments were made by the Grand Jury, without effect. The evil had become so great that legal proceedings were in contemplation to compel a change. In 1867 the Board of Freeholders erected a separate brick building, ninety feet by forty-five. The men's cells, thirty-two in number, open into a large hall, warmed by stoves. Cells seven-and-a-half by four-and-a-half feet, and seven feet high. The floor and the ceiling of each a single stone; partition walls, brick; doors of iron grating. As in the old prison the hall windows were becoming the regular place of communication with the outside world, and liquor or implements of escape could be passed in. This evil has been remedied by a wall twenty or thirty feet north of the windows. The hall is supplied with water, bath tub and water closet; the cells with close pails. The female apartment is entirely separate, contains eight cells and a commodious hall. Cost of new jail, &c., \$20,000. Last year's ex-

penses \$5,000. Committals from Oct. 1, 1867, to Oct. 1, 1868, 330. There were twenty-eight prisoners, two of whom are females, and three little boys, two of nine and one of twelve years of age, were in the female department, and were being instructed in reading by a colored girl, of whose care of them the Sheriff spoke in strong terms of approval. They were all suitable subjects for the Reform School, but its crowded condition forbidding their admission, they were awaiting trial. What shall be done with them if convicted? Religious tracts are sometimes distributed by citizens; there is no library and no arrangement for labor. The custody of a practiced burglar is not insured in the new jail.

## APPENDIX B.

## COMMUTATION LAWS.

The very efficient Secretary of the Prison Association of New York, Dr. E. C. Wines, furnished the Commissioners, at considerable trouble to himself, with his manuscript containing the text of the commutation laws of the different States, so far as he had been able to obtain them, and his comments thereon. Our thanks are due to him for his kind permission to use it in whole or in part. The following brief synopsis of them may interest the Legislature.

## CALIFORNIA.

No copy of law.

## CONNECTICUT.

A record to be kept of offences, of punishment and conduct of each prisoner, and for each month of observance of rules, and *no punishment*, three days by consent of directors, shall be deducted from his term; and for each month that the conduct of a prisoner has been positively good, rendering prompt and cheerful obedience to the requirements, five days.

## ILLINOIS.

Warden shall keep a record of every infraction of the published rules and the punishment therefor, and every convict against whom, at the end of a month, there shall be no infraction recorded, shall be entitled to a diminution of one day, for the second month two days, for the third month three days, and for each subsequent month five days. And if any convict shall so pass the whole term of his sentence he shall be entitled to a certificate thereof from the warden, and upon presentation to the governor, he shall be entitled to a certificate of restoration to all his rights of citizenship; provided, that on a violation of rules he shall forfeit time gained. 1863.

## IOWA.

Similar to Illinois except that after three months *four* days are allowed, and that a portion or all "good time" may be forfeited, "according to the flagrance of the violation of discipline." 1857.

## KANSAS.

A deduction of one day per month for obedience to all prison rules during first year, two days per month for the second year, and four days per month for each subsequent year. Misconduct may cause forfeiture of the whole or a part of the time earned, by order of the directors.

## MAINE.

Warden to keep record of conduct and to recommend to governor to deduct for good conduct of prisoners, sentenced for two years or less, one day per month; from two to three years, two days per month; four years, three days per month; five years, four days; five to seven years, five days; seven to nine years, six days; ten to fifteen years, seven days; fifteen to twenty years, eight days, and over twenty years, except life convicts, ten days per month.

## MASSACHUSETTS.

Warden shall keep record of conduct and for each month that a convict appears faithfully to have observed the rules and requirements of the prison and not to have been subjected to punishment, there shall be deducted, with the consent of governor and council, from a term of less than three years, one day; from three to seven years, two days; from seven to ten years, four days; ten or more, five days.

## MICHIGAN.

Agent to keep record of infraction of rules, &c., to be laid before inspectors, and each convict whose name does not appear on such record shall be entitled to a deduction of five days for each month he shall obey all the rules. Misconduct works forfeiture of a part or all of time earned. 1861.

## MISSOURI.

1. When a convict shall have behaved according to the rules of the prison during the whole time of his or her imprisonment, the inspectors, on the expiration of three-fourths of the term of sentence, shall write and sign a recommendation to the governor for a pardon.

2. That the same be done in regard to persons imprisoned for life at the end of fifteen years.

## NEW HAMPSHIRE.

Law similar to that of Maine, passed 1867.

## NEW JERSEY.

Record of conduct to be impartially kept and forwarded to each regular session of the court of pardons. The court may remit for every month of faithful performance of labor, two days; for every month of continuous orderly deportment, two days; and for every month of manifest effort at intellectual improvement and self control, one day.

## NEW YORK.

An allowance of one month on each of the first two years for good conduct; of two months on each succeeding year to the fifth year; of three months on each year following to the tenth, and of four months on each remaining year of their imprisonment.

## TENNESSEE.

It shall be the duty of the governor, for each and every month that, from the weekly report of the agent and keeper, it shall appear that the conduct of a prisoner has been exemplary for a whole month, to commute two days of his term of imprisonment. 1836.

## WISCONSIN.

Warden to keep a record of conduct. If a convict obeys rules and requirements and goes unpunished, a majority of inspectors may recommend and governor consenting, warden may remit for each month, as many days as there are years in his sentence; provided, that when the sentence is for more than five years only five days per month shall be deducted; provided further, that for every day a convict shall be shut up or punished for bad conduct, one day shall be deducted from the time gained by good conduct.

## UNITED STATES.

Convicts against whom no charge of misconduct can be sustained shall be allowed a deduction of one month from each year of their sentence. March 2nd, 1867.

APPENDIX C.

COMMUTATION IN NEW JERSEY.

The officer charged with the duty of keeping a daily record of the conduct of the prisoners, a copy of which is directed to be furnished to the Court of Pardons, has furnished to the Commissioners a statement of the daily department of four hundred and seventeen prisoners, from which the following summary has been made:

	Previous to June 1st.	In June.	July.	August.	September.	October.
Number of Convicts who earned the whole time.....	345	364	362	361	358	363
Number who earned a part of the time.....	60	27	19	33	40	35
Number who earned no part of the time.....	4	26	22	23	20	18

Two hundred and sixty-two Convicts earned from the commencement of the record, the whole time to which they were entitled, being thirty-two days. One hundred and fifty-five earned only a part of the time.

APPENDIX D.

A VIEW OF THE IRISH CONVICT SYSTEM.

Tests of a prison system :

- " 1. Does it secure the *custody* of the convict ?
- " 2. Does it pay its own expenses ?
- " 3. Does it check and diminish crime ?
- " 4. Does it reform the criminal ?"

[F. B. Sanborn.

Great Britain, for a long course of years, appears to have considered the character of her convicts as fixed for life, and pursued the policy of ridding herself of them. The gallows was the remedy for a vast number of offences, even for some of a trivial character, and when the bloody code was gradually relaxed in accordance with the growing Christian sentiment of the country, transportation to some distant colony was adopted, with little consideration of its effects. Dr. Franklin, in his day, sending a present of rattlesnakes to an English *savant*, humorously suggested their liberation in His Majesty's gardens at Kew, where he thought they would doubtless prove as beneficial as the convicts sent to the American colonies were to them.

This country being closed, from the time of the Revolution, to such transports, fears were felt that England would be overrun with criminals, but in 1787 a great relief was acknowledged when the penal colony at Botany Bay was established. For many years, though thousands of convicts annually were thus sent out of the country, *crime was on the increase.*

The inhumanity of the practice was at length forcibly presented to the government, and the Colonial Governments, in an address, said : "The inundating of feeble and dependent colonies with the criminals of the parent State, is opposed to that arrangement of Providence by which the virtue of each community is destined to combat with its own vice."

The Australasian colonies refusing longer to receive such corrupting emigrants, the whole system was, to a great extent, abandoned in 1840, Western Australia only, consenting to receive a few annually.

The subject had become of national importance, and the question, "What shall be done with the convicts?" occupied earnestly the minds of statesmen and philanthropists. As a consequence of measures adopted, crime, it is said, was diminished at the end of twenty years from thirty-three to fifty per cent. This gratifying result, though doubtless attributable in part to various social ameliorations improving the condition of the poor, was yet more owing to a change in the treatment of criminals and the establishment of efficient police regulations. Juvenile offenders were placed in reformatory institutions and thence absorbed into the honest laboring population. Ragged and other schools for poor children growing up in ignorance, and Children's Homes for the utterly destitute, ere they lapsed into crime, were sustained by public or private charity. These varied efforts though often failing in individual cases were abundantly blessed.

In Ireland, in 1854, under the Lord Lieutenancy of the the Earl of Carlisle, Captain, now Sir Walter Crofton, one of the Directors of the Irish Prisons, was allowed to put to the test of experience, a plan which he had devised for improving the condition of the Irish prisons and the reformation of their inmates. Though under the same general statutes as the English prisons, the discretionary liberty of action allowed the government enabled it to give him the requisite power. The result has been what is popularly called "The Irish System."

It was concluded to treat the Irish prisoners after conviction in four successive stages. The first stage in the Mountjoy Prison in Dublin, in separate cellular confinement on a low diet, (half the term being without meat) and with no instruction in labor, which for three months is simply oakum picking. During the remainder of this stage, shoemakers and tailors are allowed to work at their trades. Others mend sheets or clothing, close boots, &c., occupations which do not require much supervision. Their treatment is designed to be strictly penal and of a deterrent character. Hence, their seclusion is absolute, except during the times allotted to exercise, religious worship and evening school, when communication with other prisoners is strictly prevented. They are specially instructed in their duties and privileges as convicts, and the design of the progressive stages of their imprisonment, and that their future advancement is placed within their own power. Nine months is the allotted period of this confinement, but a convict whose whole deportment is satisfactory is released from it at the end of the eighth month. *Second Stage.*—The convict is now advanced to labor in a congregate prison, where more liberty is allowed, and better diet to fit him for active employments. He occupies a solitary cell at night. If a common laborer, he is sent to Spike Island, near Queenstown, and employed on the fortifications; if a mechanic, he is sent to Philipsburg, forty miles west of Dublin. In this stage "the mark system" is practiced, by the records of which

his standing is shown. In whichever prison he is placed he enters the third class, where he is credited with one penny per week for good work. The highest number of marks he can attain per month is nine; of which three are for orderly demeanor; three for effort at improvement in school, and three for industry at work. If diligent and tractable, he may readily earn eighteen marks in two months, and promotion to the second class, or he may by misconduct be delayed and even sent back to the cell. In the second class he earns two-pence per week, and if in six months he obtains fifty-four marks he enters the first class. Here he earns from 3d. to 4d. per week, and if in twelve months he obtains one hundred and eight marks, he is entitled to a place in the advanced or A class, and has earned an aggregate credit of two hundred and fifty-two pence, or £1 1s.

To reach this point, it will be observed, requires twenty-eight months of unintermitted attention to his various duties. If he indulges in days of misconduct, he very justly delays his progress. It will be noticed also, that the earnings and the promotions of the second grade seem small. Still they are *earnings and promotions*, and are the recognition by the officers of good conduct and improvement. Hence they are highly valued, and jealously noted by the convict. This slow up-hill progress is an essential part of his training.

Gaylord B. Hubbell, formerly the excellent warden of Sing Sing and now a manager of the New York prison association, visited Europe in 1866. Prompted by his own interest in the subject and the request of his colleagues in the board, he devoted much time to the prisons and reformatories of England and Ireland, and made a most admirable report upon them. We would commend its perusal to those interested in the subject. It is contained in twenty-second annual report of the association. From the portion on the second stage in the Irish prisons we quote p. 156.

"When the convicts enter the second class with a report of 'very good' they are eligible for promotion in three months by the acquisition of twenty-seven marks; if 'good,' in four months on gaining thirty-six marks; and if 'indifferent,' in six months by earning fifty-six marks."

G. B. H. also says, the conduct of prisoners is recorded in several books, as follows:

1. DISCIPLINE CONDUCT BOOK.
2. SCHOOL CONDUCT BOOK.
3. INDUSTRY CONDUCT BOOK.

In each of the above books a record is made every month for each prisoner, as follows: V. G. (very good); G. (good); O. (ordinary); B. (bad); V. B. (very bad). For each V. G. obtained by a prisoner he is entitled to three good conduct marks; for each G., to two; and for each O., to one. The value of these marks and their effect in hastening a convict's liberation has already been explained.

4. THE PRISONERS' MISCONDUCT REPORT BOOK, in which are recorded all misconduct and offences, together with a brief summary of

the evidence, the representation of the prisoner in defence or extenuation, and the decision of the governor in the case. Reports of misconduct are classed under the heads of slight; or misconduct of first, second, or third degree. All reports of misconduct not proved or satisfactorily explained away are classed under the head of "Nil" (nothing). No punishments are inflicted other than admonition, deprivation of a meal, close confinement with bread and water diet, forfeiture of gratuities or other privilege, alteration of badge and degradation to a lower class.

5. THE PRISONERS' GENERAL CHARACTER BOOK, in which are recorded the crime and sentence of each prisoner, information relative to his previous character, any former conviction and character as reported from the prison or prisons of his confinement, a list of the reports of misconduct recorded against him, with the punishment awarded, a register of the conduct badges given to him from time to time, and any additional observations the governor may think proper to make relative to conduct, disposition, &c.

These books are all kept under the direction of the governor of the prison, who, at the close of each month, must make a careful examination of the entries for that month and, according to the records therein contained, appoint the badges to be worn by each prisoner for the ensuing month.

The several classes of prisoners are distinguished by such dresses and badges as are appointed by the directors. (See page 164 &c., 22d report New York prison association.)

When the A class is reached, the convict parts with his companions of the lower class, and is removed to a separate building. He is employed on special works, and earns from 7*d.* to 9*d.* per week. Each month that he earns his nine marks he has a number added to his letter, as A 1, A 2, &c. His continuance in the A or advanced class is in proportion to the length of his sentence. Thus, a four year convict remains six months, one of ten years forty-four months; of fifteen years sixty-eight months. A failure in any month to attain the full complement of marks, delays his progress, and keeps him another month from the intermediate prison. It should be remarked that whilst in the two prisons of this grade, sedulous care is taken for the instruction of the prisoners in school; whilst evening lectures, associated intercourse for improvement and library books, which they are allowed lights to read, give them a range of knowledge and of thought to which most of them have been wholly unaccustomed.

*Third Stage.*—The Intermediate Prisons. The principal of these is Smithfield, in Dublin. Two others have been established at Forts Camden and Carlisle, on the Southern coast, and a number of iron huts or tents have been constructed, each capable of accommodating fifty men with their officers. The design being to individualize the men, that number is considered preferable to a larger one. These iron tents, lined with boards, and costing about three hundred and twenty

pounds sterling, as they can be readily taken down and put up, are admirably adapted for a temporary local demand of the government for labor, as the reclaiming of waste land, the quarrying of stone or the erection of public buildings.

The prisoner has now gained a position in the Intermediate Prison, but it has been by a pains-taking, ladder like ascent, which has required, according to the length of his sentence, from two and a half to eight or more years. The steady discipline to which he has been subjected, he has *felt* to be administered in a spirit of Christian kindness, which desired and earnestly sought his welfare. It *tells* upon him. He would not be human if it did not. The violent man, whose outbreaks endangered society has learned to curb his temper. The robber is convinced that "honesty is the best policy." The haughty contemner of moral obligations, now knows that "the way of the transgressor is hard." An inspection of the photograph of the convict taken on the day he entered the cell, shows his very countenance to be changed. He is at length to be rewarded for his years of toil by breathing a freer atmosphere. He is trusted, and that trust ennobles him. The system of marks, so useful in the past, is discontinued. His weekly allowance is now two shillings and sixpence, and of this, he is allowed to spend sixpence in such articles as he may desire, intoxicating drinks being forbidden. He often prefers to add it to his credit, that it may aid him in starting life anew. He is sent away on errands occasionally to make purchases for the prison, or he may be deputed to buy the sixpence worth of goods desired by his fellows. If a mechanic, he is sometimes sent to execute a job, perhaps miles from the prison, returning every night. He may be tempted, but he *passes* his old drinking haunts. The cases have been *very* few in which confidence has been violated. The days being devoted to labor, school and lectures occupy the evenings. The teacher of Smithfield, J. P. Organ, has for many years sustained a most important part in fitting the intermediate men for the freedom they are soon to receive, in procuring them good situations on leaving the prison, and in his subsequent parental watchfulness over them. It is cheering to observe how much good one earnest, wise, self-sacrificing man may accomplish by filling the measure of his duties. Mary Carpenter, to whose admirable work "Our Convicts," we are much indebted, gives the following list of the subjects of his lectures for a single week:

*Monday, Aug. 12, 1861.*—The Sun. What it is, and what it does.

*Tuesday.*—Labor. Its dignity and rewards.

*Wednesday.*—Emigration. Its advantages and disadvantages.

*Thursday.*—Crime. Its profit and loss.

*Friday.*—Irish Intermediate Prisons. Their rise, progress and results.

*Saturday.*—Competitive examination.

Debates sometimes occupy an evening, and much acuteness, knowledge and correct sentiment is often evinced.

The same lady describes a competitive examination which she witnessed. "The men arranged themselves into two parties and one of each was selected to propose a question to the other. The first being satisfactorily answered, the challenge was returned, and each side seemed stimulated by a friendly rivalry to surpass the other."

We take the liberty here to quote at some length from the admirable report of G. B. Hubbell, before referred to. Being from the pen of a well known and experienced American penologist, it will command attention :

"There is a prison lecturer, whose duty it is to give lectures five afternoons each week, to the prisoners at Lusk, and as many evenings to those at Smithfield. Mr. James P. Organ now holds, and has held ever since the origin of the system, that office ; a position for which he is, in every way, pre-eminently qualified. He also holds another office—that of inspector of released prisoners—whose functions will be described bye and bye. Mr. Organ appoints each Saturday night, for a species of competitive examination of the prisoners, upon the subjects on which he has addressed them during the preceding five days. The results of this plan were quickly evident. The men were anxious to show their attention and memory, whilst their perceptive and reasoning powers were fully evidenced in the nature of the queries addressed to each other. Those who are able to write, make notes of the lectures in blank books, and it is most interesting to remark the quickness with which they detect errors in the answers, referring to their notes in case of any dispute as to accuracy.

"It was my privilege to be present at one of their Saturday evening exercises. The exercises were held in the chapel, which is situated in the prison yard. It is an old structure, built upon the gothic order, with groined roof, and in its somewhat dilapidated appearance presents no very attractive object. When I arrived there, in company with Mr. Organ, we found the prisoners arranged on seats in an oblong circle around the chapel, with a table in the centre, for the use of the lecturer.

"Mr. Organ introduced the exercises of the evening by numbering the men, they counting themselves from 1 to 60. He then called on No. 1 to propose a question. It is proper to state here that no person is allowed to propound a question that he is unable to answer himself. When the interrogator puts his question, all who think they can answer rise and remain standing. The first answers briefly, then the second, third, fourth, and so on until all are done. If the question has not been fully or properly answered, the interrogator is requested by Mr. Organ to give his views. Should the answer still be unsatisfactory to the lecturer, he comes to the rescue, and goes into a more detailed explanation of the subject. Brief discussions are also

allowed. One prisoner will call for the recitation of a poem by some celebrated author ; another for some passage of History ; a third for a passage of Scripture, &c., &c. As a specimen, one question and the answers and discussions growing out of the same, will be given here as nearly as possible in the very words of the speakers. The question was, 'Who is benefited most by strikes among workmen?' The first speaker replied, 'The pawnbroker, rag dealer and rum seller.' The second said, 'I think the mechanic and laboring man has a right to get the most he can for his labor, that being his only capital, and he has a perfect right to strike for higher wages.' The third answered, 'I can see no good resulting from strikes. It is true I may strike for higher wages, but then I may, in consequence, be long out of employment, and during that time may indulge in bad habits and injure my reputation, so that I can get work only occasionally in very brisk times.' A fourth said, 'There can be no doubt but I have a right to try and get the highest market price for my labor, provided I do it fairly. Therefore, if I am not satisfied with my wages, I have a right to quietly leave one employer and go to another, but I have no right to interfere with other workmen of my class to prevent them from working because I am dissatisfied with the amount of pay I get. This, as I understand it, is the nature and operation of strikes. Now take a case by way of illustration. Suppose I am a builder, and, as such, I contract to build a house. Of course I base my estimates on the present price of materials and on the ruling rate of labor (say twenty shillings per week). I go on with the job till the building is half done ; then you, as one of my workmen, say to me, "Sir, I can no longer work for twenty shillings, I must have thirty." This you have a right to do, and if I say I can't afford to give it, and you quietly leave me, this is just and proper. But if you not only quit my employ yourself, but induce my other men to join you in a strike, with a view to coerce me to pay the increased wages demanded, or else my work cannot go on, you place me in a position where nothing but ruin awaits me. If I do not finish the job, I am liable for damages for breach of contract, and, on the other hand, if I pay you and all my other men the increased wages demanded by your strike, I must lose money by the job. The effect, then, of the strike is to ruin me, and I ask is this just? As for yourself, you have probably been out of employment so much, as the effect of your strike, that you have really earned no more money than you would have done at the lower wages." At the conclusion of the discussion, the general verdict was, that strikes produce nothing but evil.

"At this point the scene changed somewhat. Three men, just received from Spike Island, were introduced in the chapel. The first, a tall, lank, bony, red-haired fellow was called up. He came forward, body stooping, head hanging down, limbs shuffling, and, in all respects, a striking specimen of an awkward person. The lecturer

made several attempts to induce him to hold up his head, and stand erect. The scene was ludicrous in the extreme, the performance being conducted in a way peculiar to the Irish character. After getting the man fixed in somewhat of a stately posture, he quaintly said (and this was done in a way that the other prisoners seemed to understand and enjoy very much), 'Now, sir, did you ever laugh while you were in the other prison?' 'No,' replied the prisoner, in the most sedate manner possible. The lecturer then, in a very amusing manner, asked him, 'Will you not *plase* to laugh for us once?' This seemed to be the signal for a regular outburst, and for a moment all indulged in a hearty guffaw. This, Mr. Organ remarked, was done to break the monotony of prison life, and to cause the prisoners to give free play to their faculties during the exercises. No prisoner, he assured me, ever attempts to take undue advantage of these indulgences. The three prisoners who had just been received from Spike Island, were then questioned on various subjects, with three others of like natural capacity, who had been in the intermediate prison three months; and the contrast, in point of intelligence, readiness and manly demeanor, was truly astonishing. Mr. Organ remarked that these were quite as stolid and awkward as the others, when they were first admitted into Smithfield. The following list embraces only in part the subjects debated, questions answered, and pieces recited, on the occasion of my attendance. The poems and other pieces were rendered with excellent effect, and the debates were conducted with no little dignity and ability, a specimen of which has been given in the report of the discussion on strikes:

- " 1. The destruction of Sennacherib's host, by Lord Byron.
- " 2. The effect of strikes.
- " 3. Name the principal seaports in the Mediterranean.
- " 4. Define sincerity.
- " 5. What are taxes, and why paid?
- " 6. Why are workmen paid higher in a new country than in an old?
- " 7. What is capital, and how many kinds are there?
- " 8. What led to the French revolution?
- " 9. Name the six mechanical powers.
- " 10. Repeat Mr. Organ's lines upon crime and industry.
- " 11. Recite the burial of Sir John More, by Wolfe.
- " 12. Name the miracles and parables of the Redeemer.
- " 13. Who chiefly aided Columbus to discover America?
- " 14. Repeat the late Earl of Calisle's lines upon a jessamine tree, and give the character of the late Earl himself.
- " 15. Box the compass.
- " 16. Recite the lines upon passion and revenge.
- " 17. Repeat the lines on the Spread of the Gospel, by Bishop Heber.
- " 18. The difference between a fit and unfit emigrant.

" 19. To whom are we indebted for the steam engine?

" 20. The character of George Washington.

" 21. The services of Washington to his country and mankind."

" In addition to such exercises as are described above, one of the best subjects for instruction has been provided in the form of a small, full-rigged ship, the hull of which is about six feet long. It is fitted with masts, spars, halyards, sails, and, in fact, is made as complete as so small a vessel could be. It is placed upon wheels, and can be moved about on the chapel floor, when used for purposes of instruction, and when not in use, it is hoisted up to the rafters of the chapel, entirely out of reach. I had the pleasure of seeing the ship lowered down, and one of the prisoners, a seaman by profession, was called out, and the exercise of the evening went on as follows:

" Mr. Organ. 'Well, now, Captain, I want you to name the sails of that ship, and do it in such a way that all can understand.' Prisoner. 'Aye, aye, sir.' He then began, and, seamanlike, proceeded to name them so fast that none but regular sailors could follow him.

" Mr. Organ. 'Stop, Captain, you go too fast; no one can tell what you mean; begin again and proceed more slowly.'

" Prisoner. 'Aye, aye, sir.' Then, deliberately, with a cane, he pointed to each sail, called it by name, and mentioned its uses; then the spars; then the standing rigging; then the halyards; and so on, till all had been explained in a way that the most stupid prisoner could understand. These exercises are repeated time and again, and in this way a large proportion of the inmates of Smithfield, who never before saw a ship, are so far instructed in seamanship that, on their discharge, they often at once take to the sea, and some of them become skillful sailors; while others work their passage, some to Australia, some to Canada, some to California, and others to other parts of the world.

The exercises of the evening were closed by several prisoners (all good singers) manning the rope, preparatory to hoisting the little ship up to its place. When all were ready, the captain led off, singing the words of one of the seaman's songs, and all the men, having hold of the rope, joined in singing the chorus. The hauling went on, just keeping time with the singing, so that the song was finished at the moment the ship was up amid the chapel rafters. The prisoners were now (about nine o'clock in the evening) dismissed. All resorted to the yard, lighted their pipes, had a social chat, and prepared for the repose of the night."

The most interesting, in some respects, of the intermediate establishments (it seems a misnomer to call it a prison) is that at Lusk common, twelve or fourteen miles out of Dublin. Here is a large tract of open heath land, which the government undertook to reclaim and which required a great deal of rough hard work. The men labor at underdraining

the wet portions, at digging the land, and at general garden and farm-work. A visitor perceives no difference between them and ordinary hired laborers in dress or in earnest attention to their work, though he may be struck with the difference in one point, the entire absence of profanity on the part of the prisoners. The men live in two of the iron huts spoken of—one of which is used for kitchen and eating room, the other as a sitting and school room, lecture room and library. Each of them by night is converted into a dormitory by the slinging of hammocks. The evenings are devoted to mental improvement. On the sabbath the men attend public worship in the neighboring village. A magistrate, a neighboring land holder, says he has heard no complaint of misconduct against the prisoners.

*Of more than a thousand convicts who have passed through this establishment it is asserted but two have attempted to escape.* What holds these men? Not physical force, for having charge of the hundred prisoners, are but five or six unarmed overseers, who labor with and direct them. Not an impassible wall, for there is no barrier but the ordinary fence. The truth is there is a public sentiment among the men, harmonizing with their individual convictions, that *continued obedience is right.* More than this, the almost freed convict has attained his present position by long continued and now habitual good conduct. He will not wantonly throw away the character he has gained and the accumulated gratuities standing to his credit, for the sake of a very doubtful freedom. An unquestioned freedom is in the near future and "he bides his time."

*Fourth Stage.*—Liberty—on condition of continued good behavior.

The convict having made the required progress in the three lower stages, there is a remission of his confinement on the following scale :

From a penal sentence of three years,	one sixth is deducted.
“ “ four to six years,	one fifth “
“ “ six to fifteen years,	one fourth “
“ “ fifteen years and upwards,	one third “

Care is taken to secure for the freed prisoner, the preservative influence of suitable employment. He sometimes places his prison earnings with his new employer as a pledge of faithfulness, or he buys the implements of his trade, or his passage to some foreign country. He is bound to report himself to the police station of the district in which he may reside on the first of every month during the remainder of his sentence, and also to give notice if he changes his residence. Should he fail to do so, or lead an irregular life, his license, as Sir Walter Crofton testifies, is uniformly revoked and the man arrested.

An essential element in the success of Irish prisons is the care taken in the appointment of those who take charge of the convicts. The late Earl of Carlisle, better known here as Lord Morpeth, when viceroy of Ireland, encouraged the officers in their labors, frequently attending the evening lectures, and took an individual interest in many of the men. Sir Walter Crofton watched over the working of the system

with parental interest. The warders, being carefully selected, are placed on probation for six months, during which time monthly reports are made to the director of their temper, ability, &c. If on this trial they prove satisfactory, they are appointed and their promotion depends upon their own desert. Baron Holtzendorff says of them, "an electric current seemed to pervade the officers." He who is to act on behalf of the state in reforming fallen men, should be impressed with the dignity and importance of his mission. He should be a christian gentleman, not a scowling turnkey.

The attorney-general for Ireland, in an address before the social science convention in Dublin, says, "in very many cases as part of the intermediate prisoner's penal probation, he is employed at large in this city and its neighborhood on such service as the convict directors deem suitable for him, or at Lusk where you will find him discharging the ordinary duties of an agricultural laborer, without enclosure or confinement of any kind, and it is found that he can be so trusted safely, and that neither the city messenger nor the Lusk workman ever dreams of escaping from a control which has no apparatus of bolts and bars to make it effectual. And so the man passes from the prison to his place in society, not his old place, but a higher and better place."

The system of Prison Discipline adopted in Ireland, and its very remarkable results in the reformation of prisoners and the diminution of crime, naturally invited the attention of thoughtful men. It was thoroughly canvassed in social science conventions and in the press. Satisfied that it was a movement in the right direction, England has established similar regulations in her own prisons, and contemplates extending them to those of India.

The late Count Cavour, having received the report of a special commissioner, sent to Ireland to examine the working of the prisons, wrote, "that he approved the Irish convict system because it enlisted the co-operation of the prisoner in his own amendment, without withholding from him the punishment due to his crime."

Baron Holtzendorff, of Berlin, who has twice made the tour of the Irish prisons, has published several works in relation to them which have awakened the mind of Germany. Whilst he does not advocate all the details, and suggests some amendments, he gives the most unequivocal approval of the fundamental principles of the system. Marsangy, of France, who at the opening of the civil tribunal at Rheims in 1846, gave utterance to thoughts which have been called "the germ and prophecy of the Irish system;" Beltrani Scalia, inspector-general of the prisons of Italy; Dr. Julius, of Prussia, and other eminent publicists of Europe, even the late Dr. Mittermaier, of Heidelberg, once the earnest advocate of separate confinement, have fully endorsed the penal stage and the intermediate prison, with the conditional liberation of well tested convicts. The ablest minds devoted to prison discipline in the United States, with remarkable unanimity, have

adopted similar views, if we except the friends of separate confinement in Pennsylvania who do not relinquish their favorite theory.

Our apology for the presentation of so detailed a statement, respecting the Irish prisons, is, our belief that the system there established is founded upon correct principles and that in its essential features it might be readily adopted with signal advantage in our own.

## APPENDIX E.

### SUGGESTIONS FOR IMPROVED DISCIPLINE OF STATE PRISON.

The details of prison management, as to the mode of confinement, diet, labor, instruction, privileges, shortening of confinement in different classes by good marks, &c., &c., should be determined, under the control of general statute laws, by the Keeper and Board of Inspectors. Of course such large powers should be committed only to men of tried integrity, of practical ability and wise humanity, who protecting on the one hand the interests of the community, would labor on the other to bless the hundreds of immortal beings entrusted to their charge. The following plan, substantially the Irish system, is therefore merely proposed for consideration. If approved, its essential features might be adopted in the House or Houses of Correction, the establishment of which has been urged as a relief to both State and County Prisons.

*First, or Penal Stage for Male Convicts.* Eight months of close cellular confinement, except one or two hours of school, in successive classes each day, and an opportunity of Scripture reading or worship. These privileges to be withheld if abused. The first four months on as low diet as is consistent with good health and at oakum picking, or some analagous employment. This moiety to be shortened to three months by good conduct and industry. The last four months (also reducible to three months) to be at other cell labor, the convict may understand or readily be taught.

*Second Stage.*—Associate confinement during the day, in cells at night. The "mark system" to be adopted, being three marks each for satisfactory conduct, school and labor, nine marks per month. Enter in third class. In two months if eighteen marks are attained, advance to the second class. Here six months are spent, and fifty four marks are required before reaching the first class. Each advance to be marked by some added privilege in diet or liberty, and by an increase of gratuity to be placed to their credit, say in third class five cents per week, in second class ten cents, and in first class twenty cents. In the first class those with a sentence of three years might remain for six months, and till they get fifty-four marks; five

to ten years men nine months, eighty marks being required; those over ten years, twelve months and one hundred and eight marks. The prisoner is now passed on to the advanced or A class, where it is proposed that the principal part of long sentences shall be spent. As the men by their proper deportment have earned their way up, their privileges should be greater than those ordinarily allowed in our prison, and a gratuity of forty cents per week might be credited to them. The mark system being still enforced, his gaining month by month, the requisite nine marks will entitle him to the register of A 1, A 2, A 3, &c. His continuance here to be in proportion to his length of sentence and his register. Misconduct, in any stage to arrest progress, or cause degradation.

*Third Stage.*—Intermediate Class. The convicts, by the steady discipline to which they have been subjected, and to which they have yielded their assent, will have now attained a far more hopeful standing than that generally reached by our prisoners at the time of their unconditional discharge.

It is proposed to test their fitness for freedom, before conferring upon them that great boon. An appropriate plan for this would be to furnish some kind of employment in workshops under steady control and surveillance. Shops might be erected on ground adjoining the prison. There should be a "moral confinement" to the place, but very little, if any, prison restraint of bolts and bars. The men should feel that they are trusted and the community that they are worthy of trust. An agricultural or horticultural colony might doubtless be established by the Inspectors with advantage when a suitable class is prepared. A gratuity of one dollar per week might be allowed the men in this class, with permission to spend one fourth for themselves or one half for their families.

*Fourth Stage.*—Conditional liberty. For the convicts who have earned all the requisite marks and advances it is now proposed to remit as follows:

From a three years' sentence, remit, one-sixth.

From a four to six years' sentence, remit, one-fifth.

From a six to fifteen years' sentence, remit, one-fourth.

From fifteen and upwards, one-third.

The conditions of the liberation might be a monthly report by the convict, in person or by letter to the Keeper of the State Prison or an Agent for discharged prisoners, stating his residence and mode of life. Should this report be regularly made, and the Keeper or Agent be satisfied of his own knowledge, or on suitable evidence that the man has lived an orderly life from his discharge until the expiration of his full term, the fact should be stated to the Governor, who might be authorized to grant a certificate and restore his right of citizenship. The gratuities standing to his credit might be paid to him on the expiration of his sentence, or at the time of his discharge, if the

Keeper or Inspectors are satisfied it will be to his benefit or that of his family.

A plan for the discipline of female prisoners might be adopted similar in its aims and suited to their needs, the intermediate stage to be passed in a Refuge, from whence they might be restored to society.

Whilst the Commissioners have no special desire for the adoption of the various details above suggested, they do feel a strong conviction that the principle which underlies them is correct, and that an increase of the privileges of a convict, or the shortening of his sentence, should be by some fixed rule and dependent upon his observance of the prison rules, and the faithful performance of assigned duty.

APPENDIX F.

Table showing number, date, location, number of prisoners, and annual cost of the State Prisons in twenty-one States, 1866-67. Prepared by F. B. Sanborn, for fourth Report of Board of State Charities of Massachusetts.

STATES.	Prisons Established	Location of Prisons.	Average number of Prisoners, 1866.	Deficit of Earnings 1866.	Excess of Earnings 1866.	Number in Prison at latest dates, 1867.
Maine .....	1824	Thomaston .....	114	.....	\$288 57	154
New Hampshire.....	1812	Concord .....	114	.....	646 89	119
Vermont .....	1808	Windsor .....	78	\$7,308 98	.....	90
Massachusetts .....	1805	Charlestown .....	470	6,104 65	.....	528
Rhode Island.....	1838	Providence.....	55	*1,500 00	.....	56
Connecticut .....	1827	Wethersfield .....	201	.....	1,078 85	194
New York.....	1821	Auburn .....	688	30,444 93	.....	944
New York.....	1825	Sing-Sing.....	1,339	94,555 04	.....	1,420
New York.....	1845	Dannemora, Cl'tn Co.	410	.....	1,735 66	500
New Jersey.....	1835	Trenton.....	475	*45,000 00	.....	520
Pennsylvania .....	1826	Pittsburg .....	330	19,037 58	.....	424
Pennsylvania .....	1829	Philadelphia.....	510	*50,000 00	.....	589
Maryland .....	1815	Baltimore.....	541	*13,000 00	.....	661
Ohio.....	1834	Columbus.....	799	16,239 86	.....	1,029
Michigan.....	1838	Jackson .....	412	*60,000 00	.....	528
Illinois .....	1857	Joliet .....	960	* 7,000 00	.....	1,004
Indiana.....	1846	Jeffersonville.....	*350	*20,000 00	.....	417
Indiana.....	1859	Michigan City.....	*150	*25,000 00	.....	272
Iowa .....	1852	Fort Madison.....	* 90	*25,000 00	.....	120
Wisconsin .....	1849	Waupun .....	133	1,256 88	.....	200
Minnesota .....	1859	Stillwater.....	* 27	*12 000 00	.....	44
Missouri .....	.....	Jeffer-on City.....	500	*50,000 00	.....	700
Kansas .....	1863	Leavenworth.....	* 75	*20,000 00	.....	123
Kentucky.....	1798	Frankfort.....	*400	.....	14,000 00	524
California.....	1851	San Quentin.....	*700	*50,000 00	.....	800
Totals.....	.....	.....	*9,951	*\$335,697 95	.....	11,960

\*Approximate.

APPENDIX I.

Table showing number, date, location, number of prisoners, and annual cost of the State Prisons in twenty-one States, 1898-99. Reported by F. L. Gardner, for fourth Report of Board of State Charities of Massachusetts.

1900 Number of Prisoners in Prison	1899 Excess of Prisoners	Date of Prison	Location of Prison	1898-99 Annual Cost	State
124	528 57	.....	.....	111	Massachusetts
119	610 80	.....	.....	112	Massachusetts
50	8,308 28	.....	.....	113	Massachusetts
328	6,041 62	.....	.....	114	Massachusetts
26	27,300 00	.....	.....	115	Massachusetts
101	1,075 83	.....	.....	116	Massachusetts
411	30,444 00	.....	.....	117	Massachusetts
1,430	61,553 01	.....	.....	118	Massachusetts
310	1,733 63	.....	.....	119	Massachusetts
820	40,000 00	.....	.....	120	Massachusetts
434	8,000 00	.....	.....	121	Massachusetts
861	10,000 00	.....	.....	122	Massachusetts
601	10,000 00	.....	.....	123	Massachusetts
1,050	10,000 00	.....	.....	124	Massachusetts
228	10,000 00	.....	.....	125	Massachusetts
1,001	10,000 00	.....	.....	126	Massachusetts
117	10,000 00	.....	.....	127	Massachusetts
222	10,000 00	.....	.....	128	Massachusetts
130	10,000 00	.....	.....	129	Massachusetts
200	10,000 00	.....	.....	130	Massachusetts
41	10,000 00	.....	.....	131	Massachusetts
700	10,000 00	.....	.....	132	Massachusetts
133	10,000 00	.....	.....	133	Massachusetts
321	10,000 00	.....	.....	134	Massachusetts
200	10,000 00	.....	.....	135	Massachusetts
11,000	10,000 00	.....	.....	136	Massachusetts
11,000	10,000 00	.....	.....	137	Massachusetts

