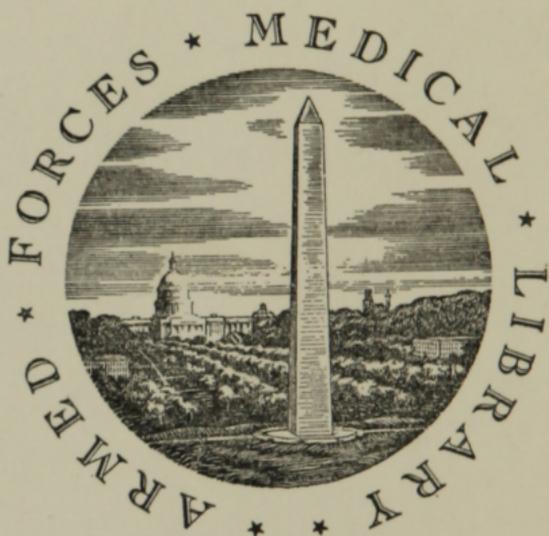


UNITED STATES OF AMERICA

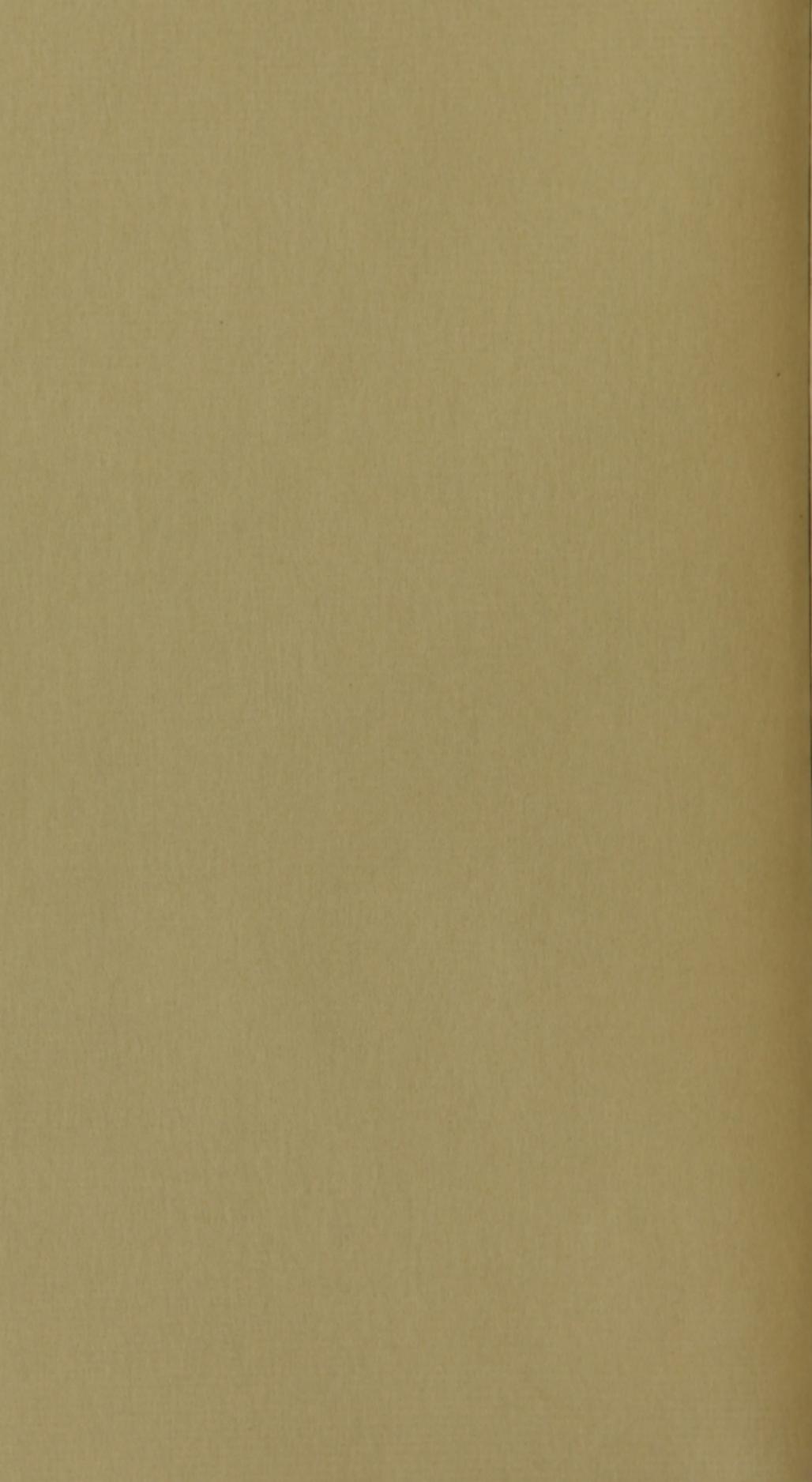


FOUNDED 1836

WITHDRAWN FOR EXCHANGE

N.L.M.

WASHINGTON, D.C.



W. G. Williamson

SOME ACCOUNT
OF THE
STATE PRISON
OR
Penitentiary House,
IN THE
CITY OF NEW-YORK.



—o†o—

BY ONE OF THE INSPECTORS OF THE PRISON.

—o†o—

“ A punishment, to be just, should have only that degree of severity,
which is sufficient to deter others....Perpetual labour will have this
effect, more than the punishment of death.”

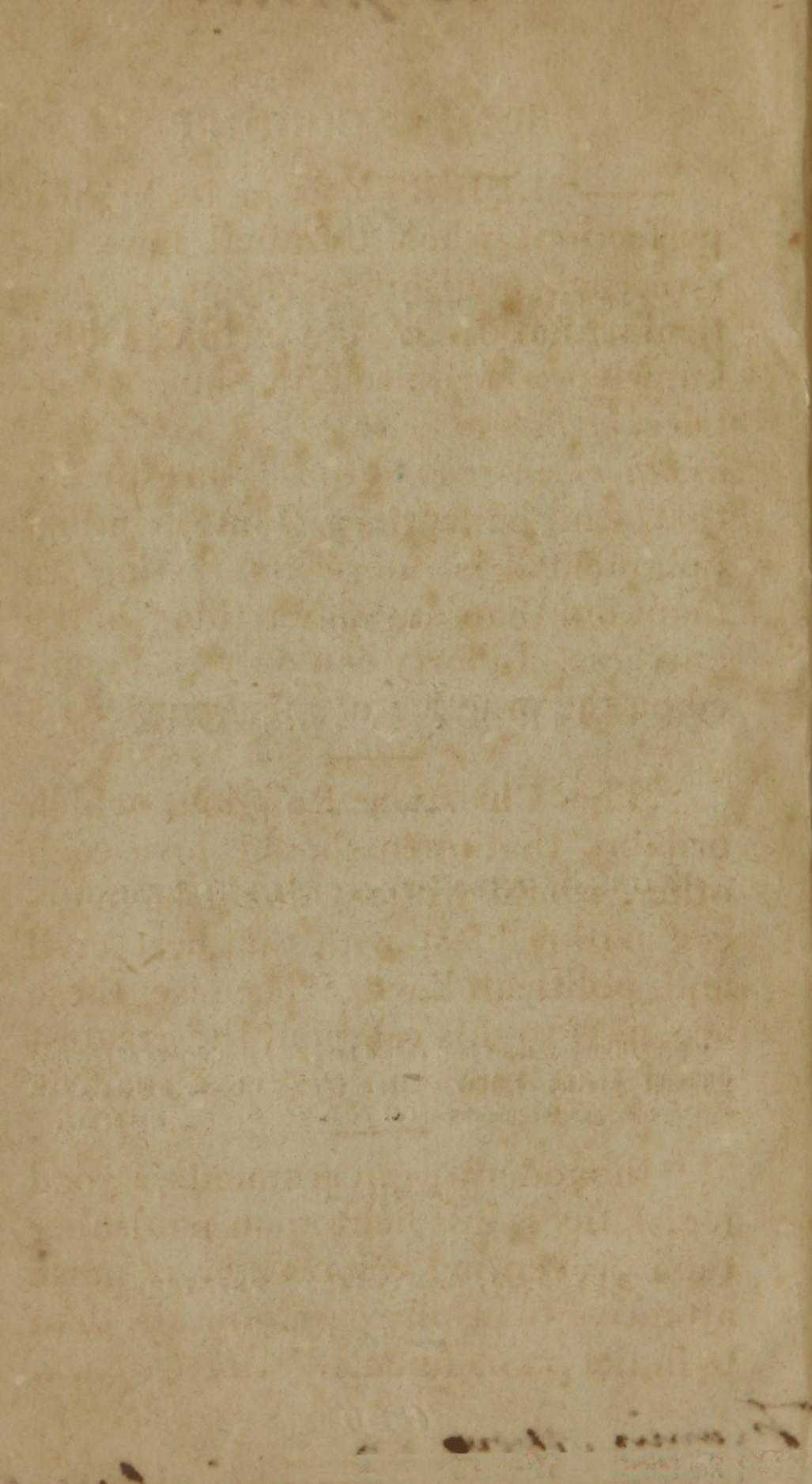
BECCARIA.

—o†o—

DOVER—J. B. WOOTTEN—PRINTER.

—o†o—

Francis Moore 1809
Capias Case on



——“LIBERTY is in its highest perfection, when criminal laws derive each punishment from the particular nature of the crime. The knowledge acquired in some countries, *or that may hereafter be obtained in others*, in regard to the surest rules that can be observed in criminal judgments, is more interesting to mankind than any other thing in the universe. Liberty can only be founded on the practice of this knowledge.

——
“The Christian Religion, which ordains that men should love each other, would without doubt have every nation blest with the best civil and political laws; because these are, next to this religion, the greatest good that men can give and receive.

——
“In moderate governments, a good legislator is less bent upon punishing than preventing crimes; he is more attentive to inspire good morals, than to inflict punishments.” *Montesquieu.*

~~WITHDRAWN FOR EXCHANGE~~

N.L.M.

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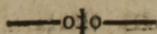
INTRODUCTION

The following is a list of the contents of the book, arranged in the order in which they are presented in the text. The list is intended to give a general idea of the scope and extent of the work, and to indicate the relative importance of the various parts. The list is not intended to be a complete index, but rather a guide to the reader's attention.

The book is divided into three main parts: the first part contains the general principles of the subject, the second part contains the details of the theory, and the third part contains the applications of the theory to various cases. The first part is the most important, as it contains the fundamental ideas which are necessary for a full understanding of the subject. The second part is also important, as it contains the details of the theory which are necessary for a full understanding of the subject. The third part is the least important, as it contains the applications of the theory to various cases, which are of interest only to those who are already familiar with the theory.

The book is written in a clear and concise style, and is intended for the use of students and teachers alike. It is hoped that it will be found to be a valuable addition to the literature of the subject.

INTRODUCTION.



THAT branch of jurisprudence which treats of crimes and their punishment, is the most interesting and momentous in the whole code of laws. The peace, security and happiness of society depend on the wisdom and justice of the means devised for the *prevention* of crimes. In no nation have legislators bestowed that profound attention on this subject which its importance demands.

While civilization and refinement were changing the condition and manners of social life, the criminal codes of the nations of Europe retained a vindictive and sanguinary spirit, the growth of a rude and barbarous age. Benevolent and virtuous men saw and deplored the evils produced and perpetuated by unequal and cruel punishments; but the mild voice of reason and humanity reached not the thrones of princes or the halls of legislators. While the STATE was aggrandized by conquest, enriched by commerce, or ornamented by the productions of art, they thought not of unhappy beings who suffered under the numerous oppressions of tyrannical laws.—While every object which encompassed *them* wore the aspect of splendour and felicity, their dazzled eyes were not turned to those gloomy abodes where the victims of injustice languished in misery and despair.

The art of printing, by which one man, however private and obscure, is enabled to make himself heard by a whole people, prepared the way for reformation. MONTESQUIEU exposed the errors of legislators, and unfolded sounder principles of jurisprudence. The eloquent BECCARIA roused the attention of civilized Europe, and by his unanswerable appeal to reason and humanity, produced those successive efforts to meliorate the systems of penal laws which constitute the greatest glory of the present age. HOWARD,* the active and indefatigable friend of man, by exploring the prisons and dungeons of Europe, and, from their dark and unvisited recesses, bringing to light the enormous abuses and dreadful miseries produced by cruel laws and their corrupt administration, more powerfully awakened the feelings of humanity and justice, by which the legislator is enabled to complete the great work of *correction*.

But while the names of MONTESQUIEU, BECCARIA and HOWARD, are repeated with gratitude and

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

[Speech at Bristol, previous to the election in 1780.]

admiration, the legislators and philanthropists of our own country deserve not to be forgotten. The History of Pennsylvania presents to our view a man who claims the praise of being the *first* to frame and propose a criminal code from which the punishment of death was excluded, except in the single case of premeditated murder, and by which each crime received a punishment equitably proportioned to the degree of its enormity.

In England, where secret accusations, secret and mock trials, torture, and all the cruel contrivances of superstition and despotism to confound and destroy alike the innocent and the guilty, were unknown; where the excellent institution of a trial by jury, and humane and wise forms of legal proceedings were established for the protection of the accused; where liberty was defended by law, and cherished by the spirit and manners of the people: even in that enlightened country there existed a scale of punishments as sanguinary and unjust as any in Europe. The criminal delivered to imprisonment was often forgotten by the laws, and suffered an aggravation of his chastisement in the loathsome horrors of his prison, and the extortions and oppression of his keepers. No adequate distinction was made, in the distribution of punishments, between a poacher and a parricide, between him who filched a loaf to satisfy the cravings of hunger, and him who first robbed and then murdered his benefactor.* The colonies of England adopted in general the civil and criminal laws of the parent state. In some,

* Blackstone's Commentaries, vol. 4. *passim*, and page 18. "It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than *one hundred and sixty* have been declared, by act of parliament, to be felony without benefit of clergy; or, in other words, to be *worthy of instant death.*" The number of capital punishments has been considerably augmented since the publication of the commentaries,

the spirit of freedom which animated the first adventurers, fugitives from civil and religious tyranny, produced changes, and the gradual formation of a milder and more equitable system of penal laws.

WILLIAM PENN, † actuated by the pure principles of a Christian and a philosopher, listening to the simple suggestions of humanity and justice, constructed the equitable code just mentioned, which he boldly enacted and transmitted to England to receive the royal assent, although the charter for the establishment of his colony expressly enjoined the introduction of the English laws. Assent to the new system was refused by the king, yet it was continued in force by the colonial legislature for thirty-five years. Disputes took place between the crown and the governor of Pennsylvania concerning the ordinance requiring the officers of the government to take an oath instead of an affirmation. This contest, which kept the colony in a ferment for many years, was at length terminated by the legislature, who consented to exchange their favourite plan of penal laws for that of the mother country. In return for this concession, the crown yielded the right of affirmation to such as conscientiously refused to take an oath.

Though restrained for a time, the spirit of reform revived with the revolution; and, strengthened by the discussions of the general principles of freedom, and the writings of BECCARIA and others, at length produced that system of punishment for crimes, which reflects so much honour on that State.

When NEW-YORK became an English colony, the laws and institutions of England were introdu-

† See Proud's History of Pennsylvania, Bradford's Inquiry, &c.

ced and continued in their full extent and rigour. This favourite child of the crown reflected more strongly than any other the image of its parent. Even after the revolution, when the spirit of liberty led to inquiries favourable to principles of moderation and justice, the criminal code of this State was distinguished for its severity. It was not to be expected, that a people enamoured of freedom and a republic, should long acquiesce in a system of laws, many of them the product of barbarous usages, corrupt society, and monarchical principles, and imperfectly adapted to a new country, simple manners, and a popular form of government.

Before giving an account of the changes that have been made in that system, it will be proper to exhibit, briefly, the several punishments as they existed antecedent to the year 1796. By a law, which bears date February 1788, the following crimes are declared punishable with death: 1. Treason; 2. Misprision of treason; 3. Murder; 4. Rape; 5. Sodomy; 6. Burglary; 7. Feloniously taking goods and chattels out of any church or place of public worship; 8. Feloniously breaking any house, by day or by night, any person being in the house, and thereby put in fear; 9. Robbing any person in the dwelling-house or place of such person, the owner, dweller, his wife, children, or servants being in the same, or within the precincts thereof, sleeping or waking; 10. Robbing any person; 11. Feloniously taking away goods or chattels from a dwelling house, the owner or any other person being therein, and put in fear; 12. Robbing any dwelling-house in the day-time, and persons being therein; 13. Robbing any person or persons in or about the highway; 14. Arson, or the wilful burning any house or barn; 15. Malicious maiming and wounding another; 16. Forge-

ry, or counterfeiting any record, charter, deed, writing, sealed will, testament, bond, bill of exchange, promissory note for the payment of money, indorsement or assignment thereof, acquittance or receipt for money or goods, any bill of credit or public securities issued by congress or any of the United States, or any gold or silver coin current in the State.—The conviction of all which felonies was accompanied with a forfeiture of the goods and chattels, lands, tenements and hereditaments of the felon. All other felonies were for the *first* offence punishable by fine, imprisonment, or corporal punishment, or all or either of them at the discretion of the court. For the *second* offence the offender was to suffer death. These felonies consisted of various thefts not of the preceding description, amounting to *Grand Larceny*, that is, above the sum of five pounds; Stealing any record, process, &c. out of the office of the Secretary of State, or of any of the Courts of Record; Levying a fine, suffering a recovery, or acknowledging any deed, recognizance, bail or judgment, in the name of another not privy or consenting thereto; Embezzlement of his masters goods by a servant or apprentice above eighteen years old to the amount of twenty shillings; Forcible abduction, marrying or defiling a woman; Carnal knowledge or abuse of any child under ten years of age, &c.

In 1794, one of our citizens who was well acquainted with the plan and economy of the new penitentiary house in Philadelphia, convinced of the beneficent effects of a system which, fixing a just proportion between crimes and punishments, afforded room for the exercise of benevolence in the work of reformation, became solicitous to extend the benefits of such a scheme. He procured a number of copies of a report on the criminal code

of Pennsylvania, * with an account of the penitentiary there, and transmitted them to two of the members of the legislature of New-York, then sitting in Albany, with a request that they might be distributed among the members, who, on their return home to their respective counties, might communicate them to the people, whose attention would thus be called to a similar reformation in their own laws. The same citizen, in 1795, made several visits to the prisons in Philadelphia, for the purpose of obtaining complete and satisfactory information of the operation and effects of the new system of punishment established, in which he received ample assistance from his worthy and intelligent friend, CALEB LOWNES.

The result of these inquiries was communicated by him to General SCHUYLER, a distinguished member of the Senate of this State. This public-spirited senator, perceiving the great importance of the subject, and the wisdom of an experiment so loudly demanded by humanity, visited, in company with the same person, the Philadelphia penitentiary, and witnessed, with surprise and satisfaction the spirit of wisdom and benevolence which presided in that institution; the cleanliness, decency, order and tranquil industry which prevailed in every part. With minds deeply impressed with what they had seen and heard, they returned to the city of New-York, where the legislature were then convened. A few citizens, actuated by the same sentiments were consulted, and a plan of reform, in a bill “for making alterations in the criminal laws of the State, and the erecting of state-prisons,” was prepared by General Schuyler, and in four

* By William Bradford, Esq. one of the Judges of the Supreme Court of Pennsylvania.

days after his return, was presented to the Senate. The bill was introduced by an able and animated speech of the mover; and after being powerfully supported by several members,* was carried, with only one dissenting voice; and in the house of assembly with but nine opposing votes. This bill, after passing the usual forms, became a law on the 26th of March, 1796.†

Corporal punishment is wholly abolished; and no conviction or attainder for any crime, except treason, can work any *forfeiture* of goods, chattels, lands, tenements, or hereditaments, or any right therein; and all forfeitures in nature of *deadlands*, and in cases of suicide, or flight from justice, are done away.

To prevent escapes, by a law in alteration of the first law, persons sentenced for life, who break out and escape from the prison, and commit any felony above the degree of *petit larceny*, are punishable with death. Convicts, sentenced to imprisonment for a term of years, who break out of prison, and are afterwards retaken, are to undergo imprisonment for a period double the time specified in the original judgment, to commence from the time of the last conviction, though at the time of being retaken, the original term had expired; and as often as any person, not adjudged to imprisonment for life, shall escape from prison, the period for which he was sentenced shall commence anew from the time of his escape.

* Among these, AMBROSE SPENCER, esquire, particularly distinguished himself as a most zealous friend to the proposed reform.

† By this law, two state-prisons were directed to be built; one at New-York, and the other at Albany. The plan of a prison at Albany was afterwards relinquished, and the whole of the money appropriated for both prisons was directed to be applied to the one in New-York. JOHN WATTS, MATTHEW CLARKSON, THOMAS EDDY, JOHN MURRAY, jun. and ISAAC STOUTENBURGH, were appointed Commissioners for building the prison.

The friends of reform were sensible that the new law was imperfect. The substituting of imprisonment for life for the punishment of death in certain cases, did not alter the relative proportion of punishment for crimes of different degrees of malignity;* and if guilty a *second* time of the same offence, though in degree inferior to the highest crime, the criminal is subjected to the highest penalty. Great changes, however, in matters so deeply interesting to the community, should not be too suddenly made. The work of reformation is slow, and must encounter many and strong prejudices, and the force of long-established opinions. It was prudent to listen to the voice of those who advised a forbearance of further change till experience had fully ascertained the advantages and defects of the new system. These will be gradually developed in the progress of the experiment; but many years are necessary to its completion. A slight acquaintance with the nature of man and the history of society is sufficient to convince the considerate and dispassionate observer, that the full effects of an institution of this kind cannot be felt, nor the trial of its wisdom and efficacy be fairly and satisfactorily made, until after a long and persevering attention to its management and operations.

It is to be lamented, that many good citizens, feeling a just abhorrence at crimes, consulting the suggestions of virtuous indignation, rather than the

* In the criminal code of Joseph II. Emperor of Germany, signed January, 1787, the punishment of death is not to be found. High treason is punished by thirty years imprisonment, confiscation of property and branding. *Murder* and other offences against human life and bodily safety, are punished by imprisonment for thirty fifteen, twelve, eight and five years, according to the different degrees of turpitude.

“If an equal punishment be ordained for two crimes that injure society in different degrees, there is nothing to deter men from committing the greater, as often as it is attended with greater advantage.”

principles of justice, become impatient that the alteration of the penal code has not yet produced greater and more decided effects, and diminished the number of the guilty. They, sometimes, even express a regret at the change which has been wrought in our laws, and returning to a system of accumulated severity and terror, wish to see every offence against life and property punished with death; as if crimes would cease with the extermination of the criminal. But let such turn their eyes inward upon their own hearts, and analyze the source from whence such measures arise. Let them consider the effects produced on society and manners by the rapid increase of wealth and luxury, natural population, and emigration, which consequently augment the number of crimes, whether the laws be mild or sanguinary. Let them consult reason, and the experience of the most enlightened nations, which prove beyond all contradiction, that crimes are most frequent where the laws are most rigorous; that punishments *mild* and *certain* more effectually prevent crimes, than those which are sanguinary and severe. Let them at least examine, before they condemn, a system sanctioned by different legislatures, prudent and enlightened, and applauded by the wisest and best men in all civilized countries.

SOME ACCOUNT
OF THE
STATE PRISON,

&c.

—oio—

SECTION I.

Of the Inspectors.

THERE are *seven* Inspectors of the prison, appointed, who are required by law to meet once at least in every month. They meet once in each week to consult on the affairs of the prison; and, monthly, two of their number are selected as *visitors*. The persons thus designated must visit the prison once in each week, during the recess of the board of inspectors. It is their duty to inquire into and inspect the general state of the prison; to see that the keepers are attentive and faithful in the discharge of their several duties; that cleanliness, decency, and order are every where maintained; that the prisoners are treated with justice and humanity; to listen to their complaints and communications; to admonish the bad, applaud the good, and encourage all to amendment and reformation; and to give them such advice as may awaken virtuous sensibility, and promote their moral and religious improvement.

This occasional intercourse, in which the prisoners discover in their visitors the features of benevolence, not the contemptuous frowns of an unfeeling tyrant, has a tendency to encourage the well-disposed, and soften the hearts of such as are grown obdurate by reiterated crimes. While it represses the ferocious insolence of the hardened offender, it tranquilizes the tumultuous feelings of despair; and instead of gloomy indifference, depression, and contempt, excites emotions of hope and fear, attention and respect, which prepare the mind to receive impressions favourable to future amendment.

With this system of visitation and inspection, it is hardly possible that abuses and corruptions should creep into the administration of the prison, or should they arise, they cannot be long unnoticed or unreformed.

No salaries are paid to the inspectors. Actuated by principles of benevolence, and a love of justice and humanity, they have offered the voluntary contribution of their services. They have sought no other recompence than those feelings which accompany the exertions of good men for the benefit of society.

When a prisoner is dismissed from confinement, his account is made out and laid before the Inspectors; and his name, with a description of his person, and the mode of life he intends to pursue, is transmitted to the police magistrates.

The entire *custody* of the prison and the convicts is committed by law to the Inspectors, who are authorized to appoint and remove the *keepers* at their pleasure.

SECTION II.

Of the Keeper and Assistants.

A keeper should be a person of sound understanding, quick discernment, and ready apprehension; of a temper cool, equitable and dispassionate; with a heart warmed by the feelings of benevolence, but firm and resolute; of manners dignified and commanding, yet mild and conciliating; a lover of temperance, decency, and order; neither resentful, talkative, or familiar; but patient, persevering, and discreet in all his conduct. While the unbappy wretches committed to his care and subjected to his power are regarded as susceptible of being influenced by their fellow men, and capable of reformation, he should never treat them with harshness, cruelty, or caprice, nor thwart or irritate them in trivial matters; but, on all occasions, while he makes himself feared, he should, by a mild and temperate behaviour, by visiting the sick, inquiring into their wants, and occasionally supplying them with little comforts, and speaking kindly to those at work, endeavour to gain their affection and respect. Though, in order that he may be on his guard against their machinations, he should consider them as wicked and depraved, capable of every atrocity, and ever plotting some means of violence and escape; yet he should always be convinced of the possibility of their amendment, and exert himself in every way to promote it.

No keeper or assistant-keeper is permitted to strike a prisoner. If he is a person of good understanding, he will perceive how much his influence must be diminished by any indulgence of anger,

The well behaved are allowed once in three months to see their wives and connections in presence of a keeper.

The keeper is empowered to punish the convicts for assaults, profane cursing and swearing, indecent behaviour, idleness, or negligence in work, wilful mismanagement, or disobedience to lawful orders. This punishment consists in the confinement of the offender to one of the solitary cells, and feeding him on bread and water only, for such time as any two of the inspectors may think necessary and reasonable. The form of these cells has already been described. The convict who is sent to them for misbehaviour or contumacy is allowed neither bed nor seat; and the window is so high that he can neither see nor converse with any person. Surrounded with naked walls, he is left in solitude to ruminate at leisure, without any external object to engage his attention, or amuse his senses. In this situation, with his thoughts continually directed to his present condition and past conduct, he may sooner or later perceive the wickedness and folly of his former course of life, feel the bitter pangs of remorse, and be disposed to future amendment. At first, the judges, in some instances, exercised the power given them by law, of sentencing the convicts to solitary confinement as a punishment for the crimes they had committed; but afterwards this was thought to be needlessly severe; and as the state was thereby deprived of the benefit of their labour, that punishment, though it may make a part of the sentence which follows conviction, is not now inflicted of course, but is left to be imposed by the inspectors on such only as are otherwise refractory and incorrigible.

EMPLOYMENT.—Two years elapsed after the prison was opened for the reception of convicts,

before the outer walls were built, and the workshops completed, so as employment could be found for all. The first kind of labour introduced was the manufacture of shoes and boots. Under the instruction of a prisoner sentenced for life, who was a skilful shoemaker, it was matter of surprise to observe with how much rapidity those who were before wholly ignorant of the trade, learned to become excellent workmen. On account of their sedentary occupation, they are allowed occasionally to walk in the court-yard for the benefit of air; and if their health is materially affected by sitting at their work-bench, they are transferred to some more active employment.

Working in iron, as blacksmiths, and cutting nails, afford employment to a considerable number. These, with the carpenters, weavers, coopers, taylor, &c. perform their several labours in the shops, in the rear of the great court, which are erected for that purpose. One of the convicts, of the best character and well qualified, is elected to superintend each of those manufactures.

The branches of industry at present established, and the number of men employed, are,

Shoemakers	96	
Cutting out shoes	5	
Binding do.	8	
	—	109
Cutting nails	14	
Heading do.	40	
	—	54
Blacksmiths	6	
Attending nail dies	3	
Filing do.	2	
Grinding do.	6	
Drilling do.	2	

Carpenters.....	6
Taylors	6
Stocking-weavers	2
Making needles for do.....	1
Spinning, &c.....	15
Weavers.....	5
Gardeners	2
Common labourers	8
Cooks,	7
Waiters	4
Do. in the halls	8
Superintend'ts of kitchen, &c	4
Barber	1

— 251

All the linen and woollen cloth and stockings, for the use of the convicts, are manufactured by them.

It is highly necessary that the convicts should be kept sufficiently close to their work, so as to fulfil the end of their punishment, which subjects them to *hard* labour. It is to this they are sentenced, and if rigorously enforced, it will tend to prevent those who are discharged, as well as others, from the commission of crimes. For while one object is pursued, another must not be forgotten.— While the punishment operates towards the amendment of the criminal, it should by its example produce a salutary dread on the minds of others.

Each convict is charged with the clothes furnished him, the expense of his transportation from the county in which he was convicted, and fifteen cents a day for his maintenance. A clerk, who is one of the convicts, keeps a daily account of each man's labour, and makes a weekly return thereof to the clerk of the prison, who enters the same to

the credit of the prisoner. When the convict is discharged, his account is made out by the clerk of the prison, and laid before the inspectors, who are authorized by law to make him such allowance as may, in their opinion, be proper. In estimating the justice or expediency of this compensation, the inspectors take into consideration the character of the person before his conviction, his behaviour during confinement, the general disposition he has manifested, and the quantity of labour he has performed. If, on the whole, it appears probable that he may make a bad use of the money, they give him one or two dollars only, though he may have earned a considerable sum. If, on the contrary, his habits appear to be such as to induce a belief that he will make a good use of money, a larger sum is allowed him.

The inspectors having, in several instances, been deceived in the subsequent conduct of those who promised to do well, have, of late, adopted in some cases the following rule: on the discharge of a prisoner who appears meritorious, a trifling sum is given him, and a promise in writing by the inspectors to pay him the residue of such sum as is agreed upon; provided, that at the expiration of three months after his discharge, he shall produce a certificate, signed by creditable citizens, to the satisfaction of the inspectors, that he has, during that period, behaved orderly, soberly, and industriously; otherwise the promise to be void.

Some of the assistant-keepers oversee the different work-shops, and take care that the men are not remiss or inattentive to their work. All swearing, singing, whistling, idle or indecent conversation, are strictly prohibited; nor are they permitted to leave the work-shop where they are placed. In

each work-shop or room these rules, written in conspicuous and legible characters, are hung up that no person may pretend ignorance of them.

At sun-rise all the convicts are called up by the assistant-keepers. Each room is supplied with a pail of fresh water and a coarse towel, and each prisoner is obliged to wash his hands and face.— At six o'clock, in summer,* they are summoned to their respective occupations. Two assistant-keepers are constantly within the prison with the shoemakers; and one with the women who are employed in washing, spinning, sewing, &c. At the hour of eight, at the sound of the bell, the assistant-keeper conducts the men to their breakfast, prepared in one of the spacious *corridors*; and those who work in the court-yard are led to a large dining room above the kitchen. To prevent any noise or confusion about places, each man sits in the same place every day. After being seated a short time, they commence their meal at a signal given by the keeper. These meals are taken in silence, and when all are observed to have finished, they are conducted by the keepers to their respective stations. The same order is observed at dinner and supper; after which they are locked up in their several apartments. When day-light disappears, a small lamp is lighted in each room and in the halls; and then the assistant keepers go on watch, in the halls, and corridors, which command a view through grated doors of each apartment: they walk to and fro during the night, dividing the watch between them.

Two watch-houses are erected adjoining to, and on the outside of the walls on the north and south

* On account of the distance of the prison from the city, it was not thought prudent to permit the prisoners to leave their rooms at an earlier hour.

sides, which overlook the whole interior court and work-shops, and in which assistant keepers are stationed while the men are at work.

The rooms in which the prisoners remain during the night, and when they are not at work, have each a grated window which looks into the outer court-yard, and an iron grated door opening into the corridor, in which are other windows towards the interior court, so that a free circulation of air can be maintained through each apartment. Eight persons are confined in each room, and are allowed four beds, so that two sleep in one bed. Their beds are made of tow cloth stuffed with straw, which is changed once in six or eight weeks, and are inclosed in a kind of wooden boxes which fold up during the day. This mode of lodging appears objectionable; each prisoner ought to have a separate bed, consisting of a bedstead of iron, a mattress of hair, or of some other durable and elastic materials. Such beds would be more expensive at first, but they would last long, and be more conducive to health. If practicable, a less number of convicts should be put into one room. Indeed the separation of the criminals from each other during the night is a matter of so great importance, that it is desirable that an immediate improvement should be made in this respect. The rooms are swept every day, and washed once a week, as is every other part of the prison, which vies, in cleanliness, with any private dwelling under the management of the most noted housewife. All the rooms in the prison are whitewashed with lime and water twice every year; and during the summer season the rooms are frequently white-washed round the walls about four feet high. Each apartment is furnished with a bible, some religious books, a night-ta-

ble and a box of sand; no prisoner is allowed to spit on the floor.

DRESS.—The summer dress of the convicts consists of a jacket and trowsers made of linen cloth of a brown colour. The dress worn in winter is of the same form and colour, and made of woollen and linen cloth. These clothes are all made in the prison. A clean shirt and trowsers, and in the winter, stockings, are given to each prisoner the last day in every week. Flannel shirts are generally furnished them, particularly to such as are of a weak constitution. If a convict is imprisoned a second time, he is distinguished by a dress one half red and the other half blue.

DIET.—The food of the prisoners usually consists of a *breakfast*, made of rye burnt and prepared like coffee, sweetened with molasses; and bread made of equal portions of rye and Indian meal; a *dinner* of soup composed of ox-heads and offals, with potatoes and bread; and a *supper* consisting of *mush* (hasty pudding) and molasses, or of Indian pudding and molasses. The soup sometimes consists of pork and peas. From the tenth to the sixth month they are furnished with potatoes. In the seventh, eighth, and ninth months, soup made of clams, or codfish and potatoes, are given them every other day; as it has been found that a constant diet of fresh provisions produces several disorders during the warm season.*

The composition and cost of these daily meals may be seen in the following tables.

* For the same reason the quantity of molasses is diminished during the warm summer and fall months.

No. I.

BREAKFAST, 8th month (August) 3rd, 1800, for 235 persons.

<i>Ingredients.</i>	<i>Cost.</i>		
	Dolls.	C.	M.
1 peck of rye.....	0	25	
6½ quarts of molasses	1	2	
130lb. bread of rye and Indian, 1		95	
Fuel used in cooking.....	0	8	
		<hr/>	
<i>Total</i>	3	30	
		<hr/>	

One cent, 4 mills for each person.

No. II.

DINNER, 7th month (July) 29th, 1800, for 225 persons.

<i>Ingredients,</i>	<i>Cost.</i>		
	Dolls.	C.	M.
17 ox hearts.....	0	93	5
7 ox heads.	1	9	
6 lambs plucks	0	19	
1 peck of potatoes	0	15	
3 lb. Indian meal.....	0	4	5
3 lb. salt	0	4	5
¼ lb. pepper.....	0	10	5
110 lb. bread.....	1	65	
Fuel expended in cooking	0	24	
Sundry herbs from the garden.			
		<hr/>	
<i>Total</i>	4	45	0
		<hr/>	

Nearly 2 cents for each person.

The ox heads, &c. were first boiled, then taken out of the boiler, separated from the bones, and cut into small pieces and put into the *same water*; and the whole kept over the fire until fully done.— This dinner was very palatable, and much liked by the prisoners.

No. III.

SUPPER, 8th month (August) 6th, 1800, for 218 persons.

<i>Ingredients.</i>	<i>Cost.</i>		
	Dolls.	C.	M.
36½ lb. Indian meal for mush, (hasty pudding)	0	54	7½
1½ lb. salt	0	3	
61 lb. bread	0	91	5
2 gall. 3 qts. and 7 gs. molasses	1	79	
Fuel	0	8	
		<hr/>	<hr/>
<i>Total</i>	3	36	2½

1 cent, 5⁹²/₂₁₈ mills each person. Bread was served to several, on account of its being preferred by some Europeans.

No. IV.

DINNER, 8th month (August) 3rd, 1800, for 215 persons.

<i>Ingredients.</i>	<i>Cost.</i>		
	Dolls.	C.	M.
56 lb. salt pork	4	8	
2¾ bushels of potatoes	1	72	
10.3½ lb. bread	1	55	
Fuel	0	24	
		<hr/>	<hr/>
<i>Total</i>	7	59	

3½ cents each person,

No. V.

DINNER, 8th month (August) 8th, 1800, for 218 persons.

<i>Ingredients.</i>	<i>Cost.</i>	
	Dolls.	c.
16 ox heads	2	50
2lb. salt... .. .	0	2
125 lb. bread.....	1	87
$\frac{1}{4}$ lb. pepper.....	0	10
Fuel.	0	24
<i>Total</i>	<u>4</u>	<u>73</u>

nearly 2 cents, 2 mills each person.

RECAPITULATION.

	Dolls.	c.
Breakfast, rye, coffee and bread... .	3	30
Dinner, ox-head soup, (<i>no potatoes</i>)	4	73
Supper, mush, molasses and bread	3	36
<i>Total</i>	<u>11</u>	<u>39</u>

or 5 cents and 2 mills each person.

No. VI.

SUPPER, 8th month (August) 6th 1800, for 235 persons—Indian pudding.

<i>Ingredients,</i>	<i>Cost.</i>	
	Dolls.	c.
78 lb. Indian meal.....	1	17
19 $\frac{1}{4}$ lb. or 7 quarts of molasses... .	1	9
5 $\frac{1}{2}$ lb. suet	0	69
2 lb. salt	0	2
Fuel.	0	8
16 gall. water.		
<i>Total</i>	<u>3</u>	<u>5</u>

The above was boiled six hours, and made 255lb.

each person.

FUEL.—For near two years after the prison was first opened for the reception of convicts, their food was cooked in kettles made of cast iron, with round bottoms, and fitted up in the ordinary form. The wood expended in that mode of cooking for 125 persons cost 2 dollars and 75 cents a day. The last year, a person having been found who could construct a kitchen on the plan recommended by Count RUMFORD, copper kettles with flat bottoms were put up in the manner directed by the *Count*. By this alteration, and the use of coals instead of wood, the expense of fuel and cooking for 315 persons was reduced to 50 cents a day; or from 22 mills to $1\frac{85}{315}$ mill each person per day. A further saving has been made by using fine coals, or pulverizing them and mixing them with clay in the form of balls, as recommended by Rumford; by which means the fine coal which falls through the grate, and is usually lost with the ashes, is now wholly consumed.

Many of those who came into the prison with constitutions greatly impaired by excessive drinking, debauchery, and vicious habits, after being some time used to the system of temperance, order, and industry established in the prison, have become healthy and vigorous.

REFORMATION.—The end of human punishments is the prevention of crimes. In the endeavour to attain this end, three things are to be considered; the amendment of the offender; the deterring of others by his example; reparation to society and the party injured. Of these objects, the first without doubt is of the highest importance. Society cannot be better secured against crimes, than by eradicating the evil passions and corrupt habits which are the sources of guilt. The opera-

tion of punishment as a terror to others, is generally considered as momentary and uncertain in its effects; for men are often found so regardless of the future, as to perpetrate crimes at the instant they are witnessing the most dreadful execution of a criminal for a similar offence. The punishment of death precludes the possibility of the amendment of the criminal by any human means. Every hope of reformation is at once cut off without a single effort to accomplish so just and benevolent a purpose. Society and the injured party are indeed, in the strictest sense, avenged on the head of the guilty offender. Justice, however, not revenge, is the true foundation of the right of punishment. But it is not the design of the present work to discuss the principles of a code of criminal law, or to point out the errors which have been perpetuated by the passions or ignorance of legislators.

If society is effectually secured against future mischief by the imprisonment of the offender, it is that mode of punishment also which affords the only chance of reclaiming him from evil. It is by confinement to hard labour in a penitentiary house, that the primary and legitimate purpose of human punishment is to be effected. The characters of men are endlessly diversified, and their motives and actions assume a thousand different hues. In considering convicts, we may, in general, distinguish them into three classes:—Men grown old in habits of profligacy and violence, unfeeling and desperate offenders, who discover no signs of contrition, and yield little hope of amendment; those who in early life have received a moral and religious education, and, though afterwards led by passion and evil example into the commission of crimes, still retain some sense of virtue; those, who having sustained a fair reputation, are arrested for the

first public offence, before they have become familiar with vice; who wished, perhaps, to return to the path of virtue, but had not energy enough to retrace their steps.

In forming an opinion of the depravity of convicts, nothing can be more unjust than to confound these different classes in the same judgment. All were once innocent; but, blinded by passion, allured by present temptation, they have mistaken their true interest, and been gradually led into the depths of vice and criminality. In designating punishments for various offences, the legislator can regard only the tendency of actions to injure society, and distribute those punishments according to the comparative degrees of harm such actions may produce. He cannot foresee those circumstances in the moral condition of the agent which may justly lessen or aggravate his guilt; and, by the wise constitution and jealous policy of our laws, judges are not vested with any discretionary power to apportion the punishment according to a greater or less criminality of intention in the offender. It is in a penitentiary-house, that an opportunity is afforded of distinguishing the shades of guilt in different offenders, and of correcting that error and injustice, in some degree inseparable from the best system of laws, by which persons, whose guilt admits of different degrees, are subjected to the same punishment. It is for those to whom the superintendance of such an institution is intrusted, to effect, as far as possible, the amendment of the delinquent, and thus to fulfil the highest duty of humanity. And, it is with no small pleasure that the inspectors have observed, that a number of those who have been discharged from the prison confided to their care, have continued in habits of industry and sobriety, and bid fair to become good

members of society. It would, no doubt, be interesting to the philanthropist, to be informed of the particular incidents in the lives of such men, and the circumstances which have furnished ground to predict the rectitude of their future conduct. But this would, in some degree, lead the writer beyond his immediate object; and motives of prudence and charity ought, perhaps, to induce him, for the present, to forbear such a recital.

Care is taken as far as possible to separate the less vicious from the more hardened and daring offenders. About twenty-two of the most obdurate criminals are kept confined and at work in separate apartments, and are not suffered to come out, or to have communication with other prisoners, but are constantly watched by keepers day and night. Experience will evince, that among any given number of convicts, one tenth part may be fairly considered as desperate and hardened villains, who appear incorrigible; and it is of importance that such should be carefully selected and separated from the rest, as it is more probable they may, by proper management, be reformed.

As another means of reformation, attention is paid to their religious and moral instruction.

Connected with this scheme of punishment and reformation, is another object, which, though of inferior importance in a moral view, is yet deserving of attention. This is, indemnity to the community for the expense of the conviction and maintenance of the offender. It is highly probable that, with due management and economy, the profit of the labour of the convicts may be rendered equal to their support. Such a result, however, has not been anticipated by the zealous friends of reform.

in penal law in Europe. They have regarded it as the indispensable duty of legislators, to meliorate the laws and correct the abuses of prisons, without counting the cost of their justice or humanity. In PENNSYLVANIA, we are assured, that the experiment has been attended with success;—and when the improved system of the penitentiary house of this State has had time to operate fully, there can be no doubt of a result equally favourable. It ought to have fair scope, and not be thwarted in its infancy, by distrust, or the selfish views of individuals or particular classes of men. A wise legislature will extend its concern to the whole community, and regardless of private interest steadily pursue a plan the best calculated to promote the general good.

The corruption of morals engenders those crimes which polute society, and undermine the security of life and property. It is the duty of government to begin at the source, and to endeavour, by every rational and practicable expedient, to prevent crimes rather than to apply the painful and uncertain remedy of punishment to evils grown formidable by negligence. It is in vain, under the best devised plan of punishment, to expect that crimes should be diminished or exterminated, if laws are not framed to check the progress of vice, and to arrest the first steps of guilt.

It is well known, that the greater number of crimes originate in the irregular and vicious habits produced by intoxication, and by the idle, low, and dissipated practices encouraged in taverns and tippling houses. There are few criminals whose gradual depravation cannot be traced to this source. It is well ascertained, that in this city there are more than 1200 taverns or shops, where spirituous

liquors are retailed in drams or in the form of grog. In eight or ten considerable streets, one fourth part of the whole number of houses are *taverns and groceries*, or, in other words, *dram-shops*.

Before concluding this *account*, it may be proper to make a few remarks, the result of some observation and experience, on a subject which may have an essential influence on the present scheme of punishments.

It has been observed by BECCARIA, whose opinions have the force of axioms in the science of penal law, that “as punishments become more mild, clemency and PARDON become less necessary;”—that “clemency belongs to the legislator, and not to the executor of the laws; a virtue which ought to shine in the code, not in private judgments. To show mankind that crimes may be pardoned, or that punishment is not the necessary consequence, is to nourish the flattering hope of impunity.”—“Let then the executor of the law be inexorable, but let the legislator be tender, indulgent and humane.”

Though very considerable exertions have been made to obtain an account of the number of crimes and convicts, for several years preceding the erection of the State-Prison, it has not been in our power to make an accurate list; and an imperfect one would not afford a just ground of deduction as to the influence of the new system. This defect much to be regretted, as such a comparison between the two periods would, population, state of society and other things being duly considered, enable us to form a more satisfactory judgment of the effect produced by the alteration of our penitentiary system.

Of 349 prisoners who have been discharged by expiration of sentence and pardon, 29 only, or one twelfth part, have been convicted of second offences, and of these 16 were foreigners. Of 86 pardoned, 8 have been recommitted for second offences, and 5 of these were foreigners.

In any view which may be taken of the number of crimes, or the system of punishment, in this State, compared with those which exist in Europe, there is reason to approve the general wisdom and humanity of our laws and institutions, and to be induced to persevere in our exertions to improve and maintain the excellent system we have adopted.

In the *metropolis* of Great-Britain, as it comprehends London and a part of Middlesex and Surry,* during one year, ending October, 1795, there were 7137 prisoners discharged from the several prisons. Of this number, 2675 were tried, convicted and punished; and 4462 discharged by proclamation of gaol delivery, for want of proof, by acquittal, pardon, or bail. Of the convicts, 61 were sentenced to capital punishment, and 16 executed; 22 died in prison, 174 were sentenced to transportation, 1282 sent to the different parishes, 216 sent to the army and navy, and the residue distributed in prisons and hospitals. Above 2000 persons are annually brought to trial in the superior courts of judicature, exclusive of a much larger number at the general and quarter sessions of the peace, in the different counties.

Besides all the expenses of trial and conviction, the cost of maintaining 8000 convicts, sentenced, during 22 years, to labour in the HULKS at Wool-

* The population of this portion of the Kingdom is not more than double that of the State and city of New-York.

wich, Portsmouth, &c. amounted to £693,000 sterling, or more than \$3,063,600; and the expense of transportation of 5858 convicts and 93 children to *New-South-Wales*, during six years, amounted to £1,037,230 sterling, or more than \$4,605,300. To this must be added the annual average expense of £50,000, (\$222,222) for the county prisons and criminal police; making in the whole, an amount of two millions sterling, or more than \$8,888,888, expended during 20 years; or an annual average expenditure for the maintenance and subsistence of convicts, of £100,000 sterling, or more than \$444,444.

Such is a very slight sketch of the enormous mischiefs and burden to society, resulting from the severe, unequal, and imperfect system of punishments in England. For several years it has been the labour of enlightened and benevolent men, in and out of parliament, to devise some adequate remedies for the evils of that system, and the general police of the capital. These remedies are principally combined in a plan of *national penitentiary-houses*, similar in most respects to the one adopted in the establishment and economy of New-York State-Prison. Whether this plan is yet carried into execution there, is not known.

Those who wish to obtain further information on this interesting subject of liberal inquiry, are referred to "*A treatise on the police of the Metropolis*," by P. Colquhoun, L. L. D. a magistrate of Middlesex, (6th Edit. Lond. 1800,) which, for its numerous facts, details, and observations, is one of the most valuable books to the legislator that was ever published.

REMARKS.

The legislature, from time to time, appropriated monies for the payment of all expenditures for the support and maintenance of the convicts during the years 1797, 1798 and 1799. In the year 1800, the sum of \$ 8000 was appropriated for the purchase of raw materials and for carrying on the various manufactures in the prison; for clothing and maintaining the convicts, maintaining the keepers, defraying the expense of bringing convicts from the different counties, and all other incidental expenses. Any person, who has the least acquaintance with the nature of manufactures, and with the concerns of any extensive establishment of them, will perceive, that to keep near 300 men continually at hard labour, a large quantity of raw materials must be constantly on hand, ready to supply the workmen. This stock must be purchased on the credit of the agent or the inspectors, unless the legislature appropriate a sufficient sum for that purpose. At the close of year 1800, the agent was in advance the sum of \$ 15079 and 99 cents. Of this sum, only \$ 12000 were directed to be repaid by the legislature, as it was hoped that the residue would be reimbursed out of the sales of manufactured articles then on hand, amounting to \$ 15228 and 83 cents, after meeting the demands of the current year. Very early, however, in the year 1801, it was perceived, that the proceeds of the manufactured articles were inadequate to defray the ordinary expenses of the prison, and at the same time to purchase materials sufficient to keep the convicts employed. The agent therefore was induced, on his own credit, for short periods, to purchase all the raw materials and articles wanted to maintain the system in full operation; so that, at the close of this year, he is in advance the sum of \$ 22066 and 16 cents.

This statement will shew the zeal with which the inspectors have been animated to promote the objects of the institution. Had they declined making the necessary advances, from time to time, the raw materials on hand would have been soon consumed, the convicts would have been left idle, an increased expense created, and the great end of the establishment frustrated. Such exertions have been rendered the more necessary, as, not having sufficient experience to determine the probable proceeds of the business in the course of a year, it was not possible for them to state, with certainty, the exact sum which might be wanted for stock; and they were disposed to name a sum too little rather than too great. But, however strong their attachment to the public good, and to those principles of benevolence, which induced them to engage in so arduous an undertaking, it cannot be expected that the inspectors should continue to make further advances. The legislature being now possessed of sufficient facts, by which to calculate with tolerable accuracy, the benefits to be derived from the establishment, and how far it may be maintained with advantage to the State, will, it is believed, grant a sufficient sum to pay the balance of the present year, and appropriate a sum, adequate to the purchase of a competent stock, in raw materials, and for defraying other expenses, beyond what the net profits of the labour of the convicts, for the current year, may be sufficient to discharge. There will then remain at the commencement of the new year, a clear capital to this State of 20679 dollars and 17 cents, in raw materials, tools, and manufactured goods on hand, besides household furniture, fuel, oil, and other articles, amounting to the sum of 9,745 dollars and 69 cents.

The *net profit* of the labour of the convicts in the year 1799 and 1800. was 6,599 dollars and 70 cents,

and in the year 1801, 7,941 dollars and 83 cents, produced from a capital employed, not exceeding the amount of 20,000 dollars. This product, in the first three years of an establishment, in which the hands employed were ignorant and inexperienced, and therefore necessarily less productive, will be regarded as no unfavourable result. As the convicts have now become more skilful workmen, and can perform more labour, and to greater advantage than heretofore; as the cost of many articles of food will be diminished nearly one half, in consequence of the fall of the market, produced by the peace in Europe; and as several sources of expense arising from inexperience in the first commencement of the business, will be diminished or dried up, there is reason to conclude, should the balance due the agent be now paid, that the profits of the labour of the convicts during the year 1802, may be rendered adequate to their maintenance.

The actual advance for the last three years, towards the *maintenance*, &c. of the convicts, will stand thus:

Advance in 1800,	8,000	00	
1801,	12,000	60	
say 1802,	22,066	16	
			42,066 16
Amount of goods on hand,	20,769	17	
Houshold furniture, &c.	9,749	63	
			30,518 80
Allow for wear, &c. 10 per cent.	3,051	8	
			27,467 72

leaves \$14,598 44 for 3 years, or 4866 dollars and 15 cents, a year. Should this sum be raised out of the profits of the ensuing year, there will then remain only the annual expense of the salaries of the keepers and of the external guard, to be paid out of the public treasury; as the actual cost of keeping and supporting all the convicts in this populous, flourishing and extensive state.

Med. Hist.
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