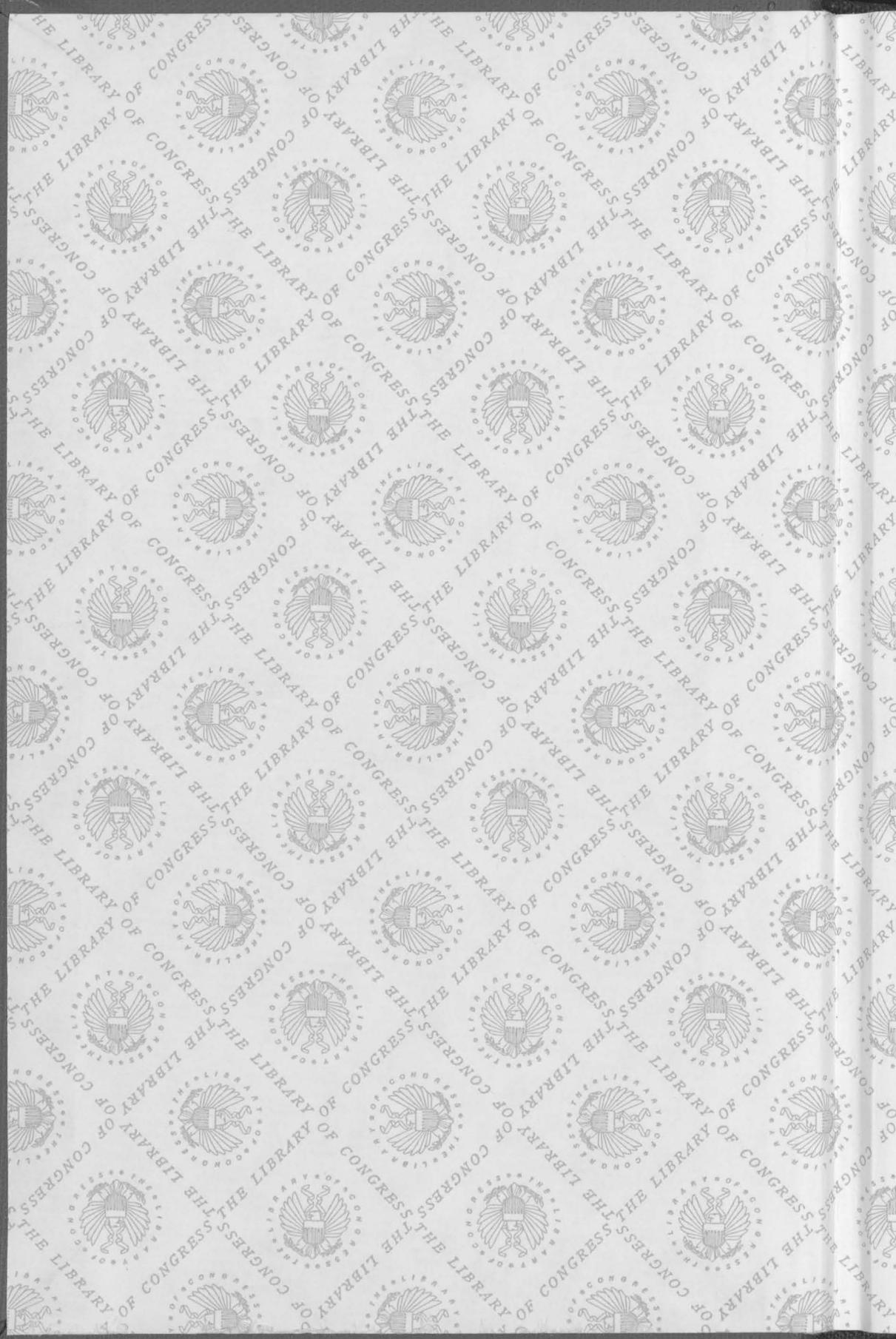


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Front View of the Eastern State Penitentiary.

BRIEF SKETCH

OF THE

ORIGIN AND HISTORY

OF THE

STATE PENITENTIARY

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA,

AT PHILADELPHIA.

"The prison, as we now know it, is as entirely an institution of modern Europe as the church, the school and the poor-house. Words occur, connected with events and customs in the ancient world, which we can only translate into modern language or thought by the use of the word 'prison;' but the thing, as we now know it, in the shape of the county jail or the convict-prison, was then either unknown or anticipated."—*Encyclopædia Britannica*, vol. xviii., page 564.

BY

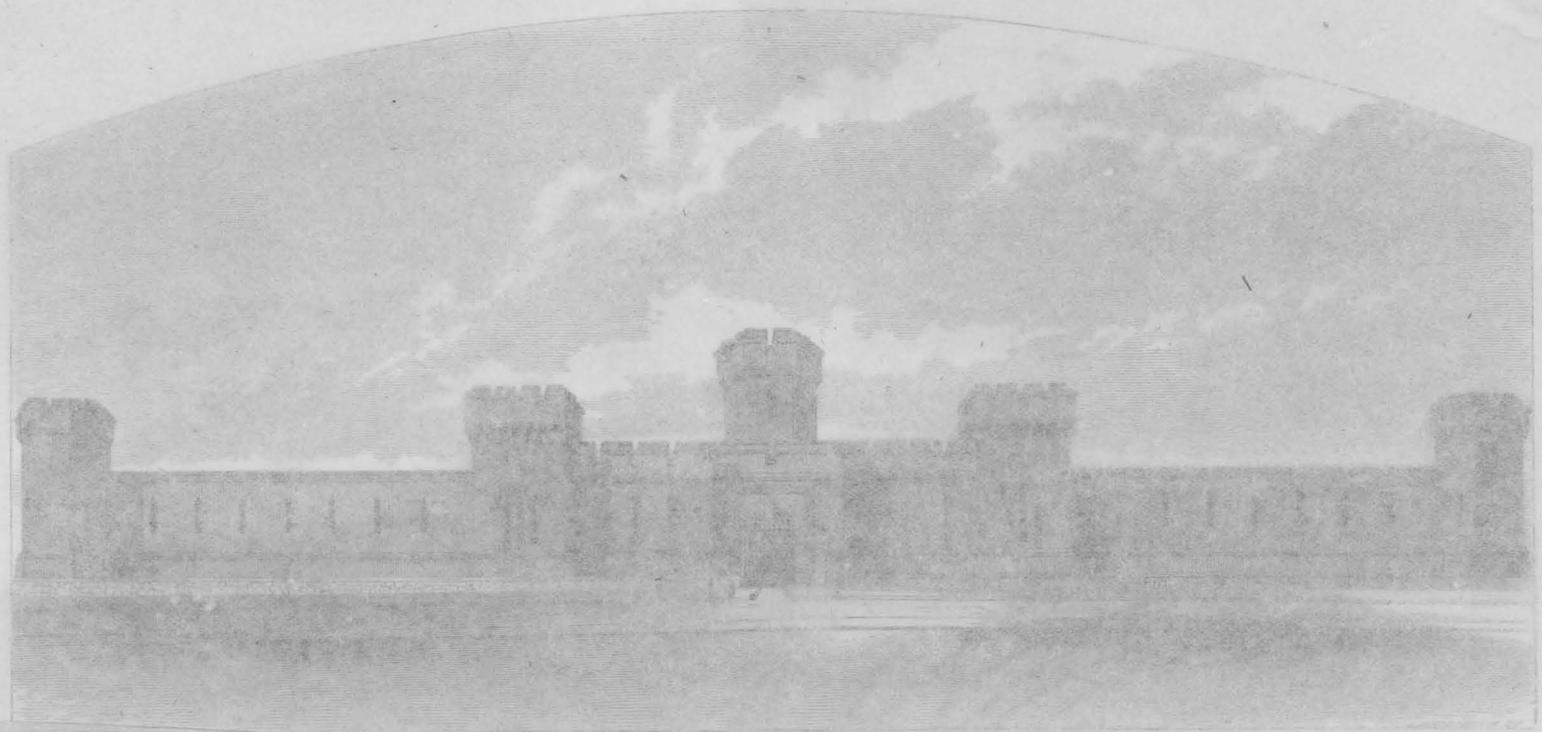
RICHARD VAUX,

PRESIDENT OF THE BOARD OF INSPECTORS.

PHILADELPHIA:

WELLS, GILMAN BROTHERS, PRINTERS, NOS. 113 AND 115 SOUTH THIRD STREET.

1872.



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PREFACE.

Within the past few years public meetings have been held in the United States, convened for the purpose of considering the subject of penal jurisprudence and the various plans of prison discipline for the punishment of offenders against the law. Whatever of merit these meetings may have promised, it has become a question, if the energy which marked the efforts of many of the participants therein was not more prominently exerted in discussing collateral questions, than in investigating the direct issues between the separation of convicts and their congregation, while undergoing punishment for their crimes. It may be doubted if the Pennsylvania, or the "separate" and individual-treatment system of Penitentiary discipline, has received at any of these conventions, that unbiased and calm investigation, which a liberal spirit of disinterested inquiry should have prompted.

In order, therefore, that the meeting proposed to be held in London in July next, should be informed of the present condition of the State Penitentiary at Philadelphia, in which this separate and individual-treatment of prisoners is now in effective and successful operation; the following brief sketch of the origin of the system and its history has been prepared.

Those who are earnestly enquiring after the best system of punishment for criminals will find that the vital question to be determined, is to ascertain that system which best secures punishment, reforms the individual, protects society, and prevents the existence of a crime-class, educated and organized during imprisonment. This is the serious, the primary question which is paramount to "cost," "support" and "profit making," those minor subjects, which too frequently receive undue attention in discussing systems of punishment.

The Board of Inspectors of the State Penitentiary at Philadelphia, at its meeting, March, 1872, directed the President to prepare a brief sketch of the origin and history of this Penitentiary, to be forwarded to the meeting in London, in July.

The Inspectors believe that the "separate system of Pennsylvania" will receive that thoughtful consideration which its history, the statement of its progress and present developments, and the results of its trial in this Institution for now nearly half a century, undoubtedly demand.

The Statistical Tables here presented, are especially called to the attention of students of penal science.

The illustrated portions of the Penitentiary buildings, the corridors and the cells, and "bird's-eye" view, were photographed in order that they may present the exact and true character of the objects, without being liable to the suggestion that artistic skill has been invoked to embellish or unduly represent them.

During the preparation of this sketch it was deemed a proper opportunity to add to it such information as would make it valuable to our own citizens, who take an interest, and a praiseworthy pride, in this noble Institution which the State of Pennsylvania nearly a century ago made the first effort to establish.

R. V.

Philadelphia, May, 1872.

EXPLANATION OF THE ILLUSTRATIONS.

The front view of the Penitentiary was taken from the opposite side of the street on which it is located, and shows the whole front.

The "Bird's-Eye" view was taken from the tower directly over the gateway or entrance, and it includes all the buildings inside the walls, the centre building, the corridors, the "first block," on the right of the picture, one story in height, and the "seventh block," on the left, two stories in height. The cell-yards are shown as attached to both "blocks." In the distance, beyond the north wall, may be seen a Reservoir of the City Water-Works, Girard College, &c. (*See page 64.*)

The view of the "first block corridor," one story high, the cell-doors, skylights, ventilators, and, at the farther end, the new cells, was taken from the centre building, looking down the corridor towards the east. (*See page 69.*)

The "fifth block corridor" was taken from the centre building, looking west, and shows a corridor in which the cells are two stories high, with the platform of the second story on which the cells of the second story open. (*See page 71.*)

The interior view of the cell is taken both from the door into the cell yard, and from the door into the cell from the corridor. These two views exhibit a cell as it is, with a prisoner at work caning a chair bottom; his bed, gas light, table, chair, water-closet, fresh water spigot, and other furniture may also be seen. The light is shown exactly as it comes into the cell from the skylight and door. The ventilation is produced by openings on the side of the cell yard door for fresh air; and the impure air goes out through an opening at the top of the cell over the corridor door, into a flue which is carried to the end of the corridor into a chimney. (*See page 99.*)

NOTE.—The Photographs were taken by NEWELL & Co., of Philadelphia; the Frontispiece was engraved by JAMES W. LAUDERBACH, of Philadelphia; and the Typographical Execution of the book is by McLAUGHLIN BROTHERS, of Philadelphia.

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President of the Board:

RICHARD VAUX.

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FURMAN SHEPPARD.

Secretary of the Board:

JOHN M. MARIS.



Introduction.

THE STATE PENITENTIARY FOR THE EASTERN DISTRICT OF PENNSYLVANIA, at Philadelphia, is the only penal institution in the United States in which the separate imprisonment of prisoners is now administered. The peculiar character of this system of punishment is so little understood, and the progress from the worst of all plans for the treatment of prisoners to the most philosophic, is so little known, that the following short history of this Penitentiary and of the system of punishment to which it is devoted, is presented for the information of those who are engaged in the study of penal science and of penitentiary discipline. It will be found from this narration that the City of Philadelphia has the honor of laying the foundation on which all the subsequent efforts at penitentiary reform, in Europe and America, have been based. It is to a few, very few citizens of the city of Penn, that the merit belongs of originating and stimulating the movement that has since spread over Christendom, for the amelioration of the miseries of prisoners, the mitigation of prison discipline, and the philosophic investigation of that science which relates to the causes of crimes and their prevention, the reformation

of the convict, the welfare of society, and the punishment of the guilty.

It is beyond question that there exists a principle—a law comprehending many subordinate truths—which must determine the best system for the penitentiary punishment of individuals guilty of offences against society. It is equally certain that the punishment of these offenders is a paramount necessity. To ascertain what is essential in punishment is not difficult, for it is obvious that its purpose should be prevention by example, protection by inflicting penalties, and reformation by the agencies of the system in accordance with which the penalty is administered.

The problem to be solved is to determine what system of punishment most certainly secures all these purposes. Mere imprisonment, as the penalty, does not necessarily accomplish any of these aims; on the contrary, it may destroy all possibility of attaining them.

From the common jail, where all offenders accused or convicted, of both sexes and all ages were indiscriminately congregated, to the penitentiary, in which each individual is separately treated as his case demands, was a vast progress in improvement, benevolence and philanthropy, costing those few persons who were interested in effecting this change, years of patient labor and of controversy not yet concluded.

EARLIEST REFORM.

“It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than

a hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death." Blackstone's Commentaries, Book IV., page 18 [published A. D. 1765.] This was the code which existed in the middle of the last century, and the punishment for the great body of minor offences was incarceration in a common jail; both sexes and all colors, ages, and conditions, convicted and accused, were congregated in almost hopeless misery.

FIRST EFFORTS.

The first citizen of Philadelphia, who, from authentic information, appears to have been interested in the occupants of the then common jail of the city, located at the corner of Market and Third Streets, was RICHARD WISTAR, who, residing near by, had his attention called to the horrible condition of the prison, and the real miseries of its inhabitants. The condition of affairs as he found it was the first incentive to a more general interest in the institution.

FORMATION OF PRISON SOCIETY.

On the 7th of February, 1776, a Society was formed in this city under the title of "The Philadelphia Society for Assisting Distressed Prisoners."*

A small number of citizens united in this Association, and what good it did or how it was employed is not known, for in less than two years the British Army took

* This was one year prior to the publication of Howard's work, "The State of Prisons in England and Wales," which embodied the results of his labors for three or four years, and was the means of first directing the attention of the English people to this subject.

possession of Philadelphia and ended for a time the labor of the Society. It is known, however, that the members contributed "ten shillings" annually, so that the fund from its amount was not available for very large efforts.

The following record is all that has been found of the proceedings of this Society:

"The British Army having entered the city of Philadelphia in "September, 1777, and possessed themselves of the public jails, no "further service could be rendered, nor was any election held this "month for the appointment of new managers, so that the Philadelphia "Society for Assisting Distressed Prisoners was dissolved during this "remarkable period.

"Signed,

"RICHARD WELLS,

"Secretary."

EARLY LEGISLATION.

In 1786, September 15th, an Act of Assembly was passed enacting the first modification of the criminal code of the province which existed before the Revolutionary war. By this modification the code was ameliorated by the punishment of imprisonment at hard labor instead of death, for robbery, burglary, and the "crime against nature." This was amended by the Act of March 27, 1789. Both were repealed by the Act of April 5, 1790.

In the year 1787, a meeting was held at the "German School House on Cherry Street," at which a number of citizens assembled and formed a society which has ever since been most conspicuous and eminently serviceable in efforts for the reform of criminal codes and systems of punishment for convicts.

The Society then established was called "The Philadelphia Society for Alleviating the Miseries of Public

Prisons." The real objects of the members of this remarkable and ancient society may best be explained by a quotation from the preamble and constitution which was the basis of its organization.

"I was in prison and ye came unto me, * * * and the king shall answer and say unto them, verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."—MATTHEW XXV. 36-40.

"When we consider that the obligations of benevolence which are founded on the precepts and example of the author of Christianity are not cancelled by the follies or crimes of our fellow creatures; and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments and guilt (the usual attendants of prisons,) involve with them, it becomes us to extend our compassion to that part of mankind who are the subjects of these miseries. By the aid of humanity these undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together under all circumstances be preserved unbroken, and such degrees and modes of punishment may be discovered and suggested as may instead of continuing habits of vice become the means of restoring our fellow creatures to virtue and happiness. From a conviction and obligation of these principles the subscribers associate themselves."

The Society elected a President, two Vice Presidents, two Secretaries, a Treasurer, four Physicians, and two Standing Committees, one for electing members, and one called "The Acting Committee." The annual contribution from the members was ten shillings, (reduced in 1792 to a dollar a year.) The duties of the Acting Committee were to visit the prisons every week, inquire into the circumstances of persons therein confined, report all abuses, and investigate the influences of the system of treatment on the prisoners.

DESCRIPTION OF THE FIRST CITY PRISON.

The principal prison at this time was at the corner of Market and Third Streets. It is described as a small building two stories in height, with underground dungeons for convicts sentenced to death. "What a spectacle must this abode of guilt and wretchedness have presented, when in one common herd were kept by day and by night prisoners of all ages, colors and sexes! No separation was made of the most flagrant offender and convict, from the prisoner who might, perhaps, be falsely suspected of some trifling misdemeanor; none of the old and hardened culprits from the youthful, trembling novice in crime; none even of the fraudulent swindler from the unfortunate and possibly the most estimable debtor; and when intermingled with all these, in one corrupt and corrupting assemblage were to be found the disgusting object of popular contempt, besmeared with filth from the pillory—the unhappy victim of the lash, streaming with blood from the whipping post—the half naked vagrant—the loathsome drunkard—the sick, suffering with various bodily pains, and too often the unaneled malefactor, whose precious hours of probation had been numbered by his earthly judge."*

This describes sufficiently the origin of the Society and the condition of a common jail. Enough is here shown to satisfy the most incredulous of a need existing for efforts such as the Society was engaged to perform.

* Notices of the original and successive efforts to improve the discipline of the prison at Philadelphia, and to reform the criminal code of Pennsylvania, with a few observations on the Penitentiary system.—*Roberts Vaux, Philadelphia, 1826.*

But it will be observed that it was benevolence that actuated the members. They had not yet observed, nor had they been led to comprehend that beyond "alleviating the miseries of the public prisons," and softening the cruel hardness of the penalties inflicted on humanity for offences against the Commonwealth, there was a vast field for intelligent labor and discovery of scientific truth. This society on the 16th of August, 1787, first appealed to the public for aid, and the address, of singular propriety, was "signed by order, William White, President."

Bishop White, the first Bishop of the Protestant Episcopal Church of Pennsylvania, was the first president of the Society, over which he presided for forty years, and his character gave to the early labors of this organization a purity of purpose and a high Christian benevolence that it even to this day retains.

HOW THE PRISONERS WERE TREATED IN 1787.

By the law as it then existed, it was directed that certain prisoners were to be employed in cleaning the streets of the city and repairing the roads, and these prisoners, with heads shaved, and a distinguishing infamous dress, and chain and ball at the leg, were at work before the gaze of the people. The idle and the bad would insult these poor wretches, and sometimes conflicts would occur to the scandal of order and decency. The keepers were armed, and the sight of such a degrading occupation for the vicious or the unfortunate excited the public attention, and first instigated the Society to efforts to reform this offensive and horrible abuse of human penalties for human punishment.

The result was that a memorial was addressed "To the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met."

This memorial represented that punishment by "more PRIVATE or even SOLITARY labor would more successfully tend to redeem the unhappy objects;" and it recommended for consideration "the very great importance of a separation of the sexes in public prisons," and invoked legislation to these ends.

It is thus here first appears the idea of separation of prisoners, and labor in solitude rather than in public. This was the seed of the separate system as afterwards established in this State. It will be observed that "solitary confinement with labor" was the opposite of the congregation of both sexes and all ages, the convict and accused, and of labor on the public streets, and in the sight of the people. It was this horrible condition of the prisoners that evoked reform; and to the minds of the Society it was plain that to improve the then state of the law and the penalty, the best and simplest means was to adopt the method which was the opposite of that which produced the evils to be remedied. It was not reason, but revolt, excited by the enormity of the prisoners' treatment, that demanded the substitution of the very opposite method.

ACTION OF THE LEGISLATURE.

The Supreme Executive Council, on the 20th of November, 1788, adopted a resolution which the memorial of the Society induced, asking for information on its subject matter. This was referred to a com-

mittee, and a full reply was given to the legislative body. The reply to the Council enumerates the most glaring abuses in the treatment of the prisoners, and indicates remedies.

It is not a very remarkable paper, except in its suggestion, that spirituous liquors should not be given to the prisoners. It reports "that twenty gallons of spirits had been introduced" into the prison "in one day," and that the debtors complain that they could not have liberty to buy liquors at any other place, but were obliged to pay in the jail, half a dollar for a quart, and eight pence for a gill. To get the money they sold their clothes or obtained it by "forcibly stripping others on their first admission in jail." The committee of the Society remark in the reply to the Council, "that there are three great evils which call for attention, viz.: the mixture of the sexes, the use of spirituous liquors, and the indiscriminate confinement of debtors and persons committed for criminal offences." Respecting the employment of the convicts, the committee report "on the whole as a matter of the utmost moment to the well-being, safety and peace of society, as well as of the greatest importance to the criminals, the committee think it their duty to declare that from a long and steady attention to the real practical state, as well as the theory of prisons, they are unanimously of the opinion that solitary confinement to hard labor, and a total abstinence from spirituous liquors, will prove the most effectual means of reforming these unhappy creatures." This paper was signed: "William White, R. Wells, B. Wynkoop, Thomas Wistar, S. P.

Griffiths, John Kaighn, William Rogers, C. Marshall, John Connelly, James Cooper, Caleb Lownes, Benjamin Shaw, T. Harrison, William Lippincott, George Duffield; and was dated at Philadelphia, on the 15th of September, 1788." "On the 16th, the next day, it was delivered to the Council Chamber, present Samuel Miles and R. Willing."

FIRST IDEA OF SOLITARY CONFINEMENT.

Here we find the first formal, official recommendation to the legislative power of the province or government of Pennsylvania, of "SOLITARY CONFINEMENT TO HARD LABOR," and to the Society for Alleviating the Miseries of Public Prisons, is due the acknowledgment for originating the present system of Pennsylvania Penitentiary discipline.

In 1789, the Society followed up the suggestions of reform which were contained in the reply to the Supreme Executive Council, and devised a plan for the permanent improvement of prison discipline.

In the following year, 1790, these propositions were enacted into a law, which empowered the Mayor and Aldermen of the City of Philadelphia, to appoint "Inspectors of the prison," the important office created by this law. The prison at the South-East corner of Walnut and Sixth Streets, the building of which was commenced in 1773, was put into a condition to test the reforms established by Act of 1790. In 1792, the Legislature began an entire revision of the penal laws. In 1793, the changes made were carefully observed by the Society.

ACT OF APRIL 5, 1790, TO REFORM THE PENAL LAWS OF THIS STATE AND
TRY THE SEPARATE CONFINEMENT PRINCIPLE OF IMPRISONMENT.

* * * * *

And whereas the laws heretofore made for the purpose of carrying the said provisions of the Constitution into effect have in some degree failed of success, from the exposure of the offenders employed at hard labor to public view, and from the communication with each other not being sufficiently restrained within the places of confinement; and it is hoped that the addition of unremitted solitude to laborious employment, as far as it can be effected, will contribute as much to reform as to deter :

SECTION VIII. *Be it enacted by the authority aforesaid,* that the Commissioners for the County of Philadelphia, with the approbation of the Mayor and two of the Aldermen of the City of Philadelphia, and two of the Justices of the Court of Quarter Sessions, for the County of Philadelphia, shall, as soon as conveniently may be, cause a suitable number of cells to be constructed in the yard of the gaol of the said county, each of which cells shall be six feet in width, eight feet in length, and nine feet in heighth, and shall be constructed with brick or stone, upon such plan as will best prevent danger from fire; and the said cells shall be separated from the common yard by walls of such height, as, without unnecessary exclusion of air and light, will prevent all external communication, for the purpose of confining therein the more hardened and atrocious offenders, who, by the act, entitled "An Act for amending the penal laws of this State," have been sentenced to hard labour for a term of years, or who shall be sentenced thereto by virtue of this act.

SECTION IX. *Be it enacted by the authority aforesaid,* that, for the purpose of defraying a proportionable part of the expense of erecting such cells and walls, the President and Supreme Executive Council shall be, and they are hereby, authorised to draw orders on the State Treasurer for the sum of five hundred pounds, to be paid out of the funds especially appropriated for claims and improvements, when the same shall be sufficiently productive; and for defraying the residue of the expense, it shall be lawful for the Commissioners of the said county or a majority of them, to assess, levy and collect, within the said county, so much money, as they, with the concurrence and approbation of the said Mayor, Aldermen and Justices, shall judge necessary, provided the same does not exceed the sum of one thousand pounds.

SECTION X. *Be it enacted by the authority aforesaid,* that the said cells shall be, and are hereby declared to be part of the gaol of the city

and county of Philadelphia; and the residue of the said gaol shall be appropriated to the purposes of confining as well such male convicts sentenced to hard labour, as cannot be accommodated in the said cells, as female convicts sentenced in like manner, persons convicted of capital offences, vagrants, and disorderly persons committed as such, and persons charged with misdemeanors only, all which persons are hereby required to be kept separate and apart from each other, as much as the convenience of the building will admit, and to be subject to the visitation and superintendence of the Inspectors, hereinafter appointed.

In the year 1801, the Society again addressed the Legislature of the State. The memorial refers to the pleasure the progress made by former legislatures in preventing crimes and reforming criminals had given, and encouraged thereby, the memorialists state that they are emboldened to call to the notice of the legislature the present state of our prisons. "When," says the memorial, "the reform was made in our penal laws in the year 1790, although the principles were plainly laid down, yet it was not expected that the practical part could be suddenly or completely effected. It was then in some degree a matter of experiment. An experiment, however, though imperfectly made, which has not only increased our internal security, but has been so far approved of as to be adopted in several of our sister States."

"Being, ourselves fully convinced of the propriety both of these principles and this practice, we now wish briefly to solicit your attention to a most essential part of this humane and rational plan for preventing crimes and reforming criminals. Ever since the present establishment of the prisons, we have wished to make the fair experiment of solitude and labor on the convicts." This memorial is dated Philadelphia, 12 mo. 14, 1801.

It soon became apparent that a new prison must be erected, in order to carry out all the reforms which the reason and the experience of the Society had too plainly indicated as essential.

Again in 1803, the Society addressed another memorial to the Legislature. It concludes in the following words: "Placed as we are in a situation to observe the salutary effects of solitude and labor in preventing crimes and reforming criminals, we trust you will as heretofore receive our application with indulgence, and therefore, again respectfully submit to your consideration, the propriety of granting another building for the purpose of making such separation amongst the prisoners as the nature and wants of this truly benevolent system require."

In the year 1818, the Society presented to the Legislature another memorial. The committee on behalf of the Society expressed their satisfaction at the progress in prison management, and conclude thus: "They, therefore, respectfully request the Legislature to consider the propriety and expediency of erecting penitentiaries in suitable parts of the State, for the more effectual employment and separation of the prisoners, and of proving the efficacy of solitude on the morals of those unhappy objects."

LAST EFFORT TO HAVE THE STATE PENITENTIARY ERECTED.

In 1821, the last effort was made to induce the Legislature to erect a penitentiary for the Eastern District of Pennsylvania, at Philadelphia. The Society again ad-

dressed a memorial to the Legislature. This memorial is as follows :

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met :

The memorial of the Philadelphia Society for Alleviating the Miseries of Public Prisons respectfully represents :

That it is now nearly forty years since some of your memorialists associated for the purpose of alleviating the miseries of public prisons, as well as for procuring the melioration of the penal code of Pennsylvania, as far as these effects might be produced through their influence.

In the performance of the duties which they believed to be required of them by the dictates of Christian benevolence and the obligations of humanity, they investigated the conduct and regulations of the jail, and likewise the effects of those degrading and sanguinary punishments which were at that period inflicted by the laws of this Commonwealth. The result of these examinations was a full conviction that not only the police of the prison was faulty, but the penalties of the law were such as to frustrate the great ends of punishment by rendering offenders inimical instead of restoring them to usefulness in society.

With these impressions, alterations in the modes of punishment and improvements in prison discipline, were from time to time recommended to the legislature, by whose authority many changes were adopted and many defects remedied.

These reforms from the nature of existing circumstances were, however, of comparatively limited extent, but as far as the trial could be made beneficial consequences were experienced.

Neighboring States and remote nations directed their attention to these efforts, and, in many instances adopted the principle which had influenced the conduct of Pennsylvania.

At the time of making the change in our penal code, substituting solitude and hard labour for sanguinary punishments, the experiment was begun in the county jail of Philadelphia, rather than the execution of the laws should be deferred to a distant period, when a suitable prison might be erected. Under all the inconveniences then subsisting, the effects produced were such as to warrant a belief that the plan would answer the most sanguine wishes of its friends, if it could be properly tried. But the construction of that prison and its crowded condition, being the only penitentiary used for all the convicts of the State, leave but slender hopes of the accomplishment of the humane intentions of the Legislature.

Your memorialists believe that they discover in the recent measures of the Commonwealth, a promise which will fulfil the designs of benevolence in this respect. The edifice now in progress at Pittsburg for the reception of prisoners, constructed upon a plan adapted to strict solitary confinement, will go far towards accomplishing this great purpose; and your memorialists are induced to hope that the same enlightened policy which dictated the erection of a State prison in the Western, will provide for the establishment of a similar one in the Eastern part of the State.

Reasons of the most serious and substantial nature might be urged to show the absolute necessity which exists for a penitentiary in the city and county of Philadelphia, whether we regard the security of society, or the restoration of the offenders against its laws. It will not be necessary here to recite the alarming proofs which might be adduced in support of their opinions, but refer to the documents herewith furnished which exhibit the actual condition of the prison.

Your memorialists, therefore, respectfully request that you will be pleased to take the subject under your serious consideration, and if you judge it right, to pass a law for the erection of a penitentiary for the Eastern District of the State, in which the benefits of solitude and hard labor may be fairly and effectually proved. Signed by order and on behalf of the Society.

WILLIAM WHITE,
President.

WILLIAM ROGERS,
Vice-President.

THOMAS WISTAR,
Vice-President.

NICHOLAS COLLIN,
SAMUEL POWEL GRIFFITTS,
JOSEPH REED,
ROBERTS VAUX.

Attest:—CALEB CRESSON,
Secretary.

From this brief history it will be seen that from the year 1776 until 1821, when the above memorial was sent to the Legislature of the State, the subject of reform in penal laws and in prison discipline had engaged the attention of a few of the citizens of Philadelphia, who, from time to time, gave to the public, and to the Legis-

lature, their views and experience on both these questions. It will also be observed that solitude and hard labor were the opposites of that treatment of prisoners which congregated them in one common herd, and kept many in idleness, while others were degraded by being forced to work on the public streets. The outrage of thus treating individuals whose misfortune it was to be guilty of crimes, by exposing them to labor with chains on their limbs on the public highways, excited the liveliest emotions of the philanthropic men, who were interested in the relief of the miseries of prisoners, and who were animated with the hope that their efforts might effect reforms and meliorations in the plan of treating offenders which at that time prevailed. This was the origin of the Society whose efforts we have referred to; and out of these efforts came knowledge and experience which were not to be limited to those minor details in practical benevolence which had suggested them.

It is most interesting to trace the elimination out of these sources, of the broad and comprehensive views which at last were enunciated by the members of the Society, as to the merits, objects and means, necessary for reform in prison discipline.

So soon as the experiment of solitude with hard labor for convicts was tried, rather than congregation of all offenders and work in public, it is evident from the history of the Society as already given, that the change adopted induced such a marked influence on the convicts as to, at last, excite an examination into the principles which governed its operation and produced these consequences.

Between the years 1801 and 1821, this subject engaged the attention of some members of the Society who were more versed in philisophic investigations and scientific observations, and it is to them the present system of SEPARATE CONFINEMENT WITH LABOR as now administered in the State Penitentiary for the Eastern District of Pennsylvania, owes its origin.

OPINIONS OF THE FRIENDS OF SEPARATE CONFINEMENT, 1820.

It is deemed important to quote the following views and opinions written to prepare the public mind for the establishment of the separate system in the Penitentiary at Philadelphia, and as demonstrating the extent to which the reasoning in favor of separation had led its advocates.

These arguments are interesting now, showing as they do the objections made at that time to the Pennsylvania system. "Those who have had an opportunity of visiting prisons, or who have bestowed the least reflection upon the subject, must be convinced that the indiscriminate association of their inmates is productive of evil in many respects. The effect of such intercommunication, in one sense, PUTS ALL CRIME UPON A LEVEL; for while the same confinement is generally assigned to individuals undergoing various terms of punishment, there can be no wholesome lesson impressed upon the minds of any concerning different degrees of guilt. The burglar and the highwayman fare no worse than the petty thief, except in the NOMINAL duration of their confinement; and what terror can there be in the punishment of the former, which will deter the latter offender from extending the sphere

of his wickedness when cast upon society? Even longer detention in prisons is rarely felt, since the continual admission of fresh convicts, or of old ones returned, brings in constantly news for the amusement of the detained felons, or intelligence which enables them when released to meet abroad their former comrades, and to renew their depredations.”*

This was the argument in favor of separation of the convicts in the Penitentiary then building in Philadelphia. It is as strong and conclusive as any ever presented on behalf of the separate system of penitentiary discipline. It presents most satisfactory evidence how the principles on which the system rests were evolved out of the experience which a most imperfect trial of separation produced in the Walnut street and the Arch street jails, between the years 1801 and 1821, when the last memorial of the Prison Society was sent to the Legislature asking for a State Penitentiary for the Eastern District of the State of Pennsylvania.

Although the reform in prison discipline was progressing to accomplishment, it was met by opposition from unexpected sources. Howard in England, had awakened attention to the subject of prisons and their management. He returned from a visit to Europe about the year 1787, and his account of the terrible state of the prisons he there visited, created a movement in his own country for a better condition of the jails. Out of this incentive to effort, a society was organized with similar objects to those of the Philadelphia Society, and it begun its

* Roberts Vaux' notices, &c., and reform in Penal Code, by Kimber & Sharpless, Philadelphia, 1826.

work. Information was exchanged between these bodies, and when, in 1821, the Legislature of Pennsylvania enacted laws for the reform in prison discipline, and the State penitentiaries were directed to be built, in which the solitude and hard labor plan was to be inaugurated, it produced opposition from some of the philanthropic members of the English Society. William Roscoe, of Liverpool, addressed two letters to Roberts Vaux, severely animadverting on the Pennsylvania plan of prison discipline. In reply to these letters a full refutation was made of Mr. Roscoe's views.

But the new system had other advocates and defenders, Geo. Washington Smith, Esq., Dr. Franklin Bache, the Hon. John Sergeant, Col. Samuel Miller, U. S. M. Corps, of Philadelphia, Dr. Francis Lieber, and the Hon. Edward Livingston, of Louisiana, wrote in its behalf, each discussing the various objections to the system, and showing that they were grounded in fears rather than in knowledge or experience.

The following extract from the answer of Roberts Vaux, [1827] to the letter of Mr. Roscoe, will show how the system was understood by one of its founders:

It is very evident to my mind, that the true nature of the *separate confinement* which is proposed, requires explanation. I will therefore endeavour to describe, what is intended by its friends. Previously, however, it ought to be understood, that the chambers and yards provided for the prisoners, are like anything but those dreary, and fearful abodes, which the pamphlet before me would represent them to be, "*destined to contain an epitome and concentration of all human misery, of which the Bastille of France, and the Inquisition of Spain, were only prototypes and humble models.*"

The rooms of the new Penitentiary at Philadelphia are fire-proof, of comfortable dimensions, with convenient courts to each, built on

the surface of the ground—judiciously lighted from the roof—well ventilated and warmed, and ingeniously provided with means for affording a continual supply of excellent water, to ensure the most perfect cleanliness of every prisoner, and his apartment.* They are, moreover, so arranged as to be inspected, and protected, without a military guard, usually, though unnecessarily employed in establishments of this kind in most other States.

In these chambers no individual, however humble, or elevated, can be confined, so long as the public liberty shall endure, but upon conviction of a known and well defined offence, by the verdict of a jury of the country, and under the sentence of a court, for a specified time. The terms of imprisonment it is believed can be apportioned to the nature of every crime with considerable accuracy, and will no doubt be measured in that merciful degree, which has uniformly characterized the modern penal legislation of Pennsylvania. Where then, allow me to inquire, is there in this system the least resemblance to that dreadful receptacle constructed in Paris, during the reign of Charles the Fifth, and which at different periods through four centuries and a half, was an engine of oppression, and torture, to thousands of *innocent* persons; or by what detortion can it be compared to the inquisitorial courts and prisons, that were instituted in Italy, Portugal, and Spain, between the years 1251 and 1537?

With such accommodations as I have mentioned, and with the moderate duration of imprisonment contemplated on the Pennsylvania plan, I cannot admit the possibility of the consequences which thy pamphlet predicts, "*that a great number of individuals will probably be put to death by the superinduction of diseases inseparable from such mode of treatment.*" I do not apprehend either the physical maladies, so vividly portrayed, or the mental sufferings, which with equal confidence it is promised, shall "*cause the mind to rush back upon itself, and drive reason from her seat.*" On the contrary it is my belief, that less bodily indisposition, and less mortality, will attend separate confinement, than imprisonment upon the present method, for which some reasons might be given that it would be improper here to expose.

By *separate confinement*, therefore, it is intended to *punish* those who will not control their wicked passions and propensities, thereby violating divine and human laws; and moreover to effect this punishment, without terminating the life of the culprit in the midst of his wickedness, or making a mockery of justice by forming such into communities of hardened, and corrupting transgressors, who enjoy each

*The exact size of the chambers is 8 feet by 12 feet, the highest point of the ceiling 16 feet. The yards are 8 feet by 20 feet.

other's society, and contemn the very power which thus vainly seeks their restoration, and idly calculates to afford security to the State, from their outrages in future.

In separate confinement every prisoner is placed beyond the possibility of being made more corrupt by his imprisonment, since the least association of convicts with each other must inevitably yield pernicious consequences in a greater or less degree.

In separate confinement, the prisoners will not know who are undergoing punishment at the same time with themselves, and thus will be afforded one of the greatest protections to such as may happily be enabled to form resolutions to behave well when they are discharged, and be better qualified to do so; because plans of villainy are often formed in jail which the authors carry into operation when at large, not unfrequently engaging the aid of their companions, who are thereby induced to commit new and more heinous offences, and come back to prison under the heaviest sentences of the law.

In separate confinement, it is especially intended to furnish the criminal with every opportunity which christian duty enjoins, for promoting his restoration to the path of virtue, because seclusion is believed to be an essential ingredient in moral treatment, and with religious instruction and advice superadded, is calculated to achieve more than has ever yet been done, for the miserable tenants of our Penitentiaries.

In separate confinement a specific graduation of punishment can be obtained, as surely, and with as much facility as by any other system. Some prisoners may labour—some may be kept without labour—some may have the privilege of books—others may be deprived of it—some may experience total seclusion—others may enjoy such intercourse as shall comport with an entire separation of *prisoners*.

In separate confinement, the same variety of discipline, for offences committed after convicts are introduced into prison, which any other mode affords, can be obtained, though irregularities must necessarily be less frequent,—by denying the refractory individual the benefit of his yard, by taking from him his books or labour, and lastly, in extreme cases, by diminishing his diet to the lowest rate. By the last mean, the most fierce, hardened, and desperate offender can be subdued.

Hon. John Sergeant, of Philadelphia, one of the most eminent jurists of this country, in a letter published in 1827, in vindication of the Pennsylvania system, said:

The objection to it is, that its severity would be intolerable. As it has never been fairly tested by experiment, this objection must, for

the present, be somewhat conjectural. There may be individuals who will not be able to endure continued solitude for a considerable length of time. In such cases, some modification in their favour may be necessary. Experience will show to what extent this ought to be made. That there are any to whom solitary confinement, even for a short time, would be fatal, or even highly injurious may well be doubted, for we have had frequent instances, of its infliction without such effects.

To return, however, to the charge of cruelty, with which it has been stigmatized in advance, and therefore gratuitously. It may be replied, in the first place, that if it be only meant that the punishment will be severe, but without injury to the health or morals of the patient, there is nothing in the objection. Punishment ought to be severe, if it is meant to operate at all. People are not sent to prison, to enjoy there the comforts and luxuries of life. It may be replied, further, that admitting it to be severe, or even very severe, before it can on that account be condemned, it must be compared with any other practicable mode of punishment, and a fair comparison made of the cruelty (so called) of each. And in making this comparison, we must take into the account, the general merits of the respective plans as they tend more or less to the welfare of society, and of the unhappy subject of punishment. If there is a well grounded hope of lessening the quantity of crime and thus promoting the general happiness and security of society, and if there is also a hope of reforming the criminal, or even deterring him from the repetition of crime, these are powerful considerations to be placed in the scale against specific objections of severity. Nor, in this estimate, must we forget, that this plan of solitary confinement has one peculiar and great recommendation which no one can question. It will prevent prisoners from injuring each other by vicious instruction, a most cruel thing, it must be admitted, as it relates to those who are exposed to such a noviciate, and as it relates to society in general.

In 1828, Hon. Edward Livingston, an erudite lawyer and a publicist of great learning, in a printed letter on the subject, used the following language:

But above all do not force those whom you are obliged to imprison before trial, be they innocent or guilty, into that contaminating society from which, after they are found to be guilty, you are so anxious to keep them. Remember, that in Philadelphia, as well as in New York, more than two thousand five hundred are annually committed; of whom not one-fourth are found to be guilty; and that thus

you have introduced every year 1800 persons, presumed to be innocent, into a school where every vice and every crime is taught by the ablest masters; and we shut our eyes to this enormous evil, and inconsistently go on preaching the necessity of seclusion and labour, and industry after conviction, as if penitentiaries were the only places in which the contamination of evil society were to be dreaded. Why will not Pennsylvania take the lead in perfecting the work she began; and instead of patchwork legislation, that can never be effectual, establish a complete system, in which all the different, but mutually dependent subjects of education, pauperism, penal law, and prison discipline should be embraced? I am preaching I know to the converted, when I urge the consideration of these subjects upon you: but mutual exhortation is of service even between those who think alike, and there is no cause to the success of which I would more willingly devote my feeble talents, and the exertions of my life, including, as it does, the cause of religion, humanity, and social order, than the one which forms the subject of this letter; there is none, I am sure, more interesting to you, and therefore I will mix with it no other than that of the high esteem with which I am always, my dear sir, your friend and humble servant.

The Hon. H. W. Desaussure, an eminent member of the Judiciary of South Carolina, in his views upon this subject, published in 1834, says:

I confess my own mind had imbibed some prejudices against it as a cruel punishment, and as tending to drive the mind to madness. Experience has shewn, it seems that the latter effect has not been produced, and the severity of solitary confinement is entirely obviated by the prisoner being allowed to labor and to receive instruction, literary and moral during his confinement. These seem to approximate the system as near to perfection as any human plan can be carried into effect; we must not, however, expect too much from it. If we suppose this treatment will reform all offenders, we shall be mistaken. The strongest motives are held out by human and divine laws to avoid the commission of crimes, yet men commit them daily.

In 1829, Mr. George W. Smith, of this city, a cultivated student and acute investigator, published a "Defence of the Pennsylvania System of Solitary Confinement

of prisoners." A second edition of this pamphlet appeared in 1833, and in it he expresses his views as follows:

The introduction of labour as an essential element of a *general* system of prison discipline, may perhaps be justly attributed to that spirit of economy which characterizes the legislation of the Dutch. The maintenance of any class in idleness, has never been intentionally practised by this industrious and thrifty nation. Hence prisons and workhouses have been synonymous terms in Holland from a very remote period: attempts to promote reformation by the religious instruction of the prisoners appear to have been sometimes made in that country with partial success. In no other part of Europe was this system *generally* pursued: in few countries was it attempted in *any* of their prisons; and in Great Britain, it had not even entered into their imaginations. We think it highly probable, that our illustrious founder, William Penn, observed, during his travels in Holland, this striking feature of their policy, and resolved to adopt the measure, when he projected the celebrated code of laws in England, (1682) for the government of this province. In the tenth section it is expressly declared that "all prisons shall be workhouses for felons, vagrants and loose and idle persons." The Great Law (1682) contains a similar enactment—the stock on which all our subsequent legislation has been grafted. The merit therefore of originality, has been perhaps erroneously attributed to him. It is however sufficient praise that he had the penetration to perceive and judgment to approve and *copy* these useful institutions of a foreign land. His fame as a legislator for *originality* and humanity rests on a sure basis—the abolition of the punishment of death for all crimes but murder, (which exception however is known to have been contrary to his opinion.) From the year 1682 to 1717 labour formed an invariable portion of the punishments of those sentenced to our prisons: at this period our mild Penal Code was finally repealed by Great Britain, which had neither the humanity to adopt it, nor the magnanimity to permit its continuance. The decline of this system, until its final extinction in practice, some years before the revolution, proves the negligence of our ancestors. At some future time we may resume this subject, but our present design will not permit us at present to discuss this interesting portion of our history.

A few years before the revolution, the Penal Code with its sanguinary enactments, and the abuses existing in prison discipline, began to attract the attention of some of the humane citizens of Philadelphia; they finally formed a Society on the 7th February, 1776, for the purpose of effecting their benevolent designs. This association, which

was called "The Philadelphia Society for assisting distressed Prisoners," after a brief but not useless existence of nineteen months, was dissolved, or rather suspended, by the capture of Philadelphia in 1777. The public mind had been however prepared for the amelioration of the Penal Code, partly by the efforts of the members of this Society; and the first constitution of the State in 1776, ordains in Chap. 2, Sec. 28, that "punishments be made in some cases less sanguinary," and in Sec. 39, punishment by "hard labour" in the prisons is substituted. The law remained a dead letter during that memorable period; and it was not until the year 1786, after the conclusion of peace, that the subject was resumed, and hard labour *enforced*; but these efforts were partial and ineffectual. In the following year, 1787, May 8, some of the surviving members of the Society previously mentioned, and others, reorganized the association under the name of "The Philadelphia Society for alleviating the miseries of public prisons." This useful and unassuming body is the parent of all the societies which have been since formed for similar purposes in Europe and this country. It has perhaps effected more for the *permanent* benefit of mankind, than any of the meritorious charities of this city of benevolence. It has the enviable fame of being the first to reduce the humane and philosophic theory of preventive and reforming punishments, by the *separate* confinement and *instruction* of prisoners, to the unerring test of successful experiment.

Before we describe the actual introduction of *solitary* confinement, as it is perhaps erroneously styled, into our system of legislation, it may be expedient to make a few observations on the history of this interesting department of prison discipline.

As a means of mere effectual seclusion from society and the prevention of further injury by prisoners during the period of incarceration, and as a mode of inflicting vindictive punishment, it has been partially practised in almost every nation from the remotest ages. The Egyptians were accustomed to bury alive in the dark, narrow and secluded cells of some of their vast and secure edifices, which at once served for prisons and for tombs, certain offenders against their laws. These unhappy victims, from the hour when they were immured, until the tedious period when death released them from their lingering misery, never beheld the light of day, never inhaled the fresh air of heaven, and never again beheld the face of man, or heard the consoling accents of his voice. Among the Romans, among the nations of the dark ages, among the modern Italian republics, and in yet later times, solitary confinement has been *occasionally* practised as one of the most dreadful means of vindictive punishment—a confinement unmitigated,

absolute, and inhuman; a confinement at the mere mention of which the philanthropist shudders with horror, and the philosophic reformer turns aside with disgust and reprobation.

The earliest cases of solitary confinement as an *intended means of reform*, may be discovered in the records of ecclesiastical history. Nevertheless *it is to Catholic Rome that we owe the first great reform in Penitentiary discipline*. The prison in which it was introduced remained for nearly a century a *solitary* instance of successful benevolence, extended no further in Rome, where it originated, and unimitated in Christendom! The Hospital of St. Michael, (founded in Rome 1718,) was the *first "house of refuge"* in Europe. Mere work-houses, in which the operatives were felons, had indeed been established in other countries; and although in a few of them instruction had been attempted, the corrupting intercourse which was permitted day and night; the mixture of all ages, ranks and sexes, into one corrupting leavened mass of shameless iniquity, rendered the consignment of a juvenile offender to these abodes of sin, a certain sentence of moral death. He who entered their gates a novice in guilt, accomplished his education in villainy; and leaving character, shame, independence, and every incentive to voluntary industry and virtue within their walls, departed an adept in crime, ignorant *only of his duties*, prepared to practice at the expense of society those lessons of vice which its folly had forced on his acquaintance, and almost compelled him to exercise as a profession when discharged. Such was the deplorable condition of these colleges of crime, as prisons have been too correctly denominated, when this noble institution of St. Michael was commenced; the foundations were laid on the firm basis of humanity and sound philosophy. The great evils of idleness were prevented by constant labour during the day; classification to a certain extent, and silence, as far as practicable in an assembly, were enforced; and separate dormitories, or night rooms, for each prisoner, provided: appropriate moral sentiments were inscribed on conspicuous tablets, for the continual inspection of the inmates; and above all, religious instruction was administered.

The assembly of Pennsylvania, convinced by the arguments of the society, in the year 1789-90, effected a radical change in the discipline of the prison. The convicts were compelled to labour; the sexes were separated; the convicts were separated from the untried prisoners and debtors; suitable food and clothing were provided for them; the introduction of ardent spirits was strictly prohibited, and jail fees and garnish utterly abolished; above all, religious instruction, and as far as possible, a classification of the prisoners, were introduced; conver-

sation was also restrained. The prisoners at that time not being numerous, these arrangements were practicable in the prison; which was however far too limited to test the merits of the system of improvements, which the society was anxious to introduce. The Legislature was not at that time prepared to appropriate a sufficient sum of money to construct a new and perfect prison for the purpose of testing the merits of an untried experiment, however flattering might be the prospects of success. The friends of the new system were willing to test its merits with the imperfect apparatus which alone was at their disposal. These alterations, in conjunction with some others of a minor description, would alone have produced effects highly beneficial; and doubtless a *portion* of the reformation, which most unquestionably was produced by the new system, is attributable to them; but the great object of reform was mainly produced by the celebrated law, enacted by the Legislature of Pennsylvania, April 5th, 1790, by which *separate* and *solitary* confinement was first introduced. In the preamble to that act, it is declared that the previous laws for the punishment of criminals "had failed of success," "from the *communication* with each other not being sufficiently restrained within the places of confinement, and it is hoped that the addition of *unremitted solitude* to laborious employment, as far as it can be effected, will contribute as much to reform as to deter." In the 8th section it is ordered that "a suitable number of cells be constructed in the yard of the jail of the said county, each of which cells shall be six feet in width, eight feet in length, and nine feet in height; and the said cells shall be separate from the common yard, by a wall of such height, as, without any unnecessary exclusion of air and light, will prevent all external communication for the purpose of confining therein the more hardened and atrocious offenders," viz: those mentioned in this and a former Act.

In Section 10th, "the residue of the said jail shall be appropriated to the purposes of confining as well such male convicts sentenced to hard labour, as *cannot be accommodated* in the said cells, as female convicts sentenced in like manner, persons convicted of capital offences, vagrants, and disorderly persons committed as such, and persons charged with misdemeanors only; all which persons are hereby required to be kept *separate and apart from each other* as much as the convenience of the building will admit," &c. In Section 13th, "during which labour the said offenders shall be kept *separate and apart from each other*, if the nature of their several employments will admit thereof; and where the nature of such employment requires two or more to work together, the keeper of the said jail, or one of his

deputies, shall, if possible, be constantly present." In Section 21st, for certain offences committed *within the prison*, the jailer is authorized to confine prisoners violating the discipline of the prison in the dark cells, on bread and water, for a short time only; but in the county prisons, the period of inflicting this punishment is unlimited.

EXPERIENCE CONFIRMS THEORY.

The forty years of trial that has been given to the Pennsylvania system in the Penitentiary at Philadelphia, demonstrates that the objections to the separate system have, by actual experience within the Penitentiary, been thoroughly disproved, and this demonstration rests upon a body of voluminous, elaborate and minutely classified statistics, embracing industrial, moral and educational relations of every prisoner received in the Institution, and also their mental and physical health on admission and discharge. These statistical tables are regarded of very great value as the best evidence of the developments made during the period of progress in the administration of the separate, or individual-treatment system of Penitentiary discipline.

ACT OF ASSEMBLY FOR ERECTION OF THE STATE PENITENTIARY AT PHILADELPHIA.

The Legislature of this State, by an Act of March 20, 1821, authorized the construction of the State Penitentiary for the Eastern District of Pennsylvania.

It will be noticed that the State Penitentiary, in the Western District at Pittsburgh, was first authorized to be erected, and it was progressing at the date of the Act for the erection of the Eastern State Penitentiary. The

plan adopted for the Pittsburgh Penitentiary was defective, as was proved early in its history. The changes deemed necessary were made in the plan of the Eastern Penitentiary.

The following is a copy of the Act of the General Assembly, authorizing the erection of the State Penitentiary at Philadelphia, bearing date March 20, 1821 :

AN ACT

To provide for the erection of a State Penitentiary within the City and County of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a State Penitentiary, capable of holding two hundred and fifty prisoners, *on the principle of solitary confinement of the convicts,* as the same now is, or hereafter may be, established by law, shall be erected at such place within the limits of the city or county of Philadelphia, as the commissioners, hereinafter mentioned, shall fix and appoint, to be called the State Penitentiary for the Eastern District, the expense whereof shall be defrayed in the manner and out of the funds hereinafter provided.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the following named persons, *viz.:* Thomas Wistar, Dr. Samuel P. Griffiths, Peter Miercken, George N. Baker, Thomas Bradford, jun., John Bacon, Samuel R. Wood, Thomas Sparks, James Thackara, Daniel H. Miller and Caleb Carmalt, be, and they hereby are appointed commissioners for the erection of said Penitentiary, whose duty it shall be to select and purchase a suitable site within the city and county of Philadelphia for the same, the title whereof shall be vested in the commonwealth of Pennsylvania; to make all the necessary contracts for the building of the said Penitentiary, taking security for the faithful performance of the said work, in a good and workmanlike manner: and in case of the death or resignation of any of the said commissioners, before the completion of their trust, the Governor shall appoint suitable persons to fill the vacancy.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the said Penitentiary shall be constructed on the plan of the Penitentiary of Pittsburg, subject to such alterations and improve-

ments as the said commissioners, or a majority of them, may, from time to time, with the approbation of the Governor, approve and direct: *Provided always*, That the principle of the solitary confinement of the prisoners be preserved and maintained.

SECTION 4. *And be it further enacted by the authority aforesaid*, That the sum of one hundred thousand dollars be, and is hereby appropriated to be paid after the first day of October, on warrants drawn by the Governor in favour of the said commissioners, on the treasurer of the commonwealth, to be by them applied in purchasing the site, and thereon erecting the Penitentiary aforesaid; and the said commissioners shall furnish a detailed statement of their accounts to the accountant department quarterly, to be settled and adjusted in the usual manner: *Provided*, That the Governor shall have full power to draw warrants for said money, in such instalments only as in his opinion the progress of the work requires.

SECTION 5. *And be it further enacted by the authority aforesaid*, That the said commissioners be, and they are hereby authorised to sell, or otherwise appropriate, all the right, title, claim and interest of the commonwealth, in the vacant lots yet undisposed of, the property of the commonwealth, in the city of Philadelphia, unimproved by the state, in such manner, and at such times, as to them may appear most eligible; and the money arising from such sales is hereby appropriated, in addition to the sum hereinbefore granted, to defray the expenses of erecting the Penitentiary aforesaid: the said commissioners to account for the proceeds of such sales and the expenditure thereof, in the same manner as is hereinbefore provided for in relation to the moneys to be drawn from the treasury: *Provided always*, That if the title to any lot sold by virtue of this act, shall prove to be defective, nothing herein contained shall be construed so as to bind the state to pay the value of the same or make reparation for any damages which may arise by such defective title, but the amount of money received from the sale of such lot shall be refunded by the said commissioners: and the better to enable the said commissioners to carry into effect the provisions herein contained, it shall be the duty of the surveyor general to furnish to said commissioners, on request made, free of charge for office fees or expenses, all information in his possession, or from the records of the office, which they may need, relative to the vacant lots, the property of the commonwealth, in the city of Philadelphia, unimproved by the state, yet remaining unsold.

SECTION 6. *And be it further enacted by the authority aforesaid*, That the like proceedings may and shall be had, and the same remedies used, by the said commissioners, to obtain and give possession of the

lots hereby directed to be sold by virtue of this act, as are provided and given to the wardens of the city of Philadelphia, by the thirteenth section of the "Act for the better support of public credit," &c., passed the tenth day of April, seventeen hundred and eighty-one, in relation to vacant lots in the city of Philadelphia, the property of the commonwealth: *Provided*, That if the party in possession shall plead title to the premises under any office right from this commonwealth, and produce the same, the justice of the supreme court shall proceed no further therein.

SECTION 7. *And be it further enacted by the authority aforesaid*, That if the commissioners of the city and county of Philadelphia shall secure to be paid into the treasury of the commonwealth, in three equal annual instalments, commencing on the first day of January, one thousand eight hundred and twenty-one, the sum of fifty thousand dollars, then and in that case, all the right, title and interest of the commonwealth, of, in and to the new prison, situate in the city of Philadelphia, on the south side of Mulberry street between Broad street and Eighth street from the river Schuylkill, shall be vested in the said commissioners of the city and county of Philadelphia and their successors, for the use of the said city and county, and the said prison shall from thenceforth be deemed, taken and held to be the prison of the city and county of Philadelphia, to be thereafter used, and subject to the like provisions and restrictions as are now or may hereafter be prescribed by law, for the prisons of the respective counties in the state: *Provided, however*, That the appropriation made by the fourth section of this act, shall not be paid or any part thereof, until the commissioners of the county of Philadelphia, shall have secured to be paid as aforesaid the said sum of fifty thousand dollars.

SECTION 8. *And be it further enacted by the authority aforesaid*, That if the said commissioners of the city and county of Philadelphia, shall comply with the provisions of the seventh section of this act, then and in that case, the right of sending the convicts of the several counties to the prison of the city and county of Philadelphia, reserved by the commonwealth by an act passed on the second day of April, one thousand eight hundred and three, entitled "An act to direct the sale of certain unimproved city lots, the property of this commonwealth, in the city of Philadelphia, and to appropriate the proceeds thereof towards the erection of a building, for the purpose of more completely carrying into effect the penal laws of this state," shall from and after the completion of the State Penitentiary hereby authorised to be built, cease and determine.

SECTION 9. *And be it further enacted by the authority aforesaid,* That the said commissioners shall not be entitled to any compensation for their services, nor shall it be lawful for them, or either of them, to be concerned as principals, agents, or otherwise, in any contract connected with the building of the said Penitentiary, or derive any profit or advantage from the same, but they are authorised to employ a clerk, whose duty it shall be to take care of the books and papers, and perform such other duties as may be directed by them, which clerk shall receive for his services such compensation as the commissioners may direct, not exceeding five hundred dollars per annum, payable out of the moneys placed in their hands by virtue of the provisions of this act.

SECTION 10. *And be it further enacted by the authority aforesaid,* That so much of "An act to provide for the erection of a State Penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, and for other purposes," passed March third, eighteen hundred and eighteen, as provides for the sale of the Philadelphia prison and the erection of a Penitentiary, and so much of any other act or acts as are hereby altered or supplied, be, and the same are hereby repealed.

REFORMED PENAL CODE.

The following act passed April 23, 1829, provides for a reform in the penal code, and also the rules for the administration of the Penitentiary:

A FURTHER SUPPLEMENT

To an act, entitled "An Act to Reform the Penal Laws of this Commonwealth."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every person who shall be convicted in any court in the western district, of any of the crimes hereafter mentioned, committed after the first day of July next, shall, instead of the Penitentiary punishments heretofore prescribed, be sentenced by the proper court to suffer punishment by *separate or solitary confinement at labour*, in the manner and for the times hereinafter prescribed, in the State Penitentiary for the western district, in the county of Allegheny, and for that purpose to be removed to the State Penitentiary at the expense of the State.

SECTION 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of July next, every person who shall be convicted in any court in the eastern district of any of the following crimes, viz., murder in the second degree, manslaughter, high treason, arson, rape, sodomy or buggery, burglary, forgery, passing counterfeit money, robbery, kidnapping, mayhem, horse stealing and perjury, committed after the first day of July next, shall, instead of the Penitentiary punishments heretofore prescribed, be sentenced by the proper court to suffer punishment *by separate or solitary confinement at labour* in the manner, and for the time and times hereinafter prescribed, in the State Penitentiary for the eastern district, in the county of Philadelphia, and for that purpose to be removed to the said Penitentiary at the expense of the State.

SECTION 3. *And be it further enacted by the authority aforesaid,* That from and after the first day of July next, all and every person adjudged to suffer separate or solitary confinement at labour in the eastern and western Penitentiaries, shall be kept singly and separately at labour, in the cells or work yards of said prisons, and be sustained upon wholesome food of a coarse quality, sufficient for the healthful support of life, and be furnished with clothing suited to their situation, at the discretion of the inspectors of said prisons; that during the confinement of such prisoners no access shall be had to them by any person or persons, except the inspectors and officers of the institution hereinafter mentioned, the grand juries of the cities of Philadelphia and Pittsburg, and the counties of Allegheny and Philadelphia,* and the official visitors hereinafter named, and such other persons as may be permitted for highly urgent reasons, by any rule or regulation of the board of inspectors.

SECTION 4. *And be it further enacted by the authority aforesaid,* That instead of the Penitentiary punishment heretofore prescribed, *the punishment by solitary confinement at labour*, shall be inflicted upon the several offenders who shall, after the first day of July next, commit and be legally convicted of any of the offences hereinafter enumerated and specified, that is to say :

MURDER.

Every person convicted of murder in the second degree, shall be sentenced to undergo imprisonment in one of the State Penitentiaries, as the case may be, and to be kept in separate or solitary confinement at labour for the first offence for a period not less than four nor more

* Repealed.

than twelve years, and for the second offence for the period of his natural life ; and be fed, clothed and treated, as is provided in this act.

MANSLAUGHTER.

Every person duly convicted of voluntary manslaughter, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period of not less than two nor more than six years, for the second offence, for a period of not less than six nor more than twelve years, under the same conditions as are expressed in the first clause of this section, and to give security on conviction either for the first or second offence, for good behaviour during life or for any less time, according to the nature and enormity of the offence.

HIGH TREASON.

Every person duly convicted of the crime of high treason shall be sentenced to undergo a similar confinement at labour, for the first offence for a period not less than three nor more than six years, for the second offence for a period of not exceeding ten years, under the same conditions as are expressed in the first clause of this section.

ARSON.

Every person duly convicted of the crime of maliciously and voluntarily burning the dwelling-house or any other house, barn or stable adjoining thereto, or any barn or out-house having hay or grain therein, although the same shall not be adjoining to such dwelling-house, or of having wilfully and maliciously set fire to any barrack, rick or stack of hay, grain or bark, with intent to destroy the same, belonging to any other person or persons, or of maliciously and voluntarily burning any of the public buildings in the city of Philadelphia or the public buildings at Harrisburg, or of any of the cities or counties in the state, or any church, meeting-house, or other building for public worship, or any college, academy, school house, or library, or as being accessory thereto, shall be sentenced to undergo a similar confinement at labour, for a period of not less than one nor more than ten years for the first offence, and not more than fifteen years for the second offence, under the same conditions as are herein expressed in the first clause of this section.

RAPE.

Every person duly convicted of the crime of rape, or as being accessory thereto before the fact, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period not less

than two nor more than twelve years, and for the second offence for and during the period of his natural life, under the same conditions as hereinbefore expressed.

BURGLARY.

Every person duly convicted of burglary, or as accessory thereto before the fact, shall be sentenced to undergo a similar confinement at labour and under the conditions hereinbefore stated, for the first offence for a period not less than two nor more than ten years, and for the second offence a period not exceeding fifteen years.

SODOMY OR BUGGERY.

Every person duly convicted of sodomy or buggery, or as accessory thereto before the fact, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period of not less than one nor more than five years, and for the second offence, not exceeding ten years, under the same conditions as are hereinbefore expressed.

FORGERY.

Every person duly convicted of having falsely forged and counterfeited any gold or silver coin, which now is or hereafter shall be passing or in circulation within this state, or having falsely uttered, paid or tendered in payment any such counterfeit and forged coin, knowing the same to be forged and counterfeit, or having aided, abetted or commanded the perpetration of either of the said crimes, or of having falsely made, forged or counterfeited, or caused or procured to be falsely made, forged or counterfeited, or of having willingly aided or assisted in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president, directors and company of the bank of the United States, or of any of the banks within this commonwealth, incorporated in pursuance of any act or acts of the general assembly, or by any or either of the said banks, or any order or check on any of the said banks or corporations, or any cashier of either of the said banks, or of having falsely altered or caused or procured to be falsely altered, or willingly aided or assisted in falsely altering any bill or note issued by any or either of the said banks, or by order of the president, directors and company of either of the said banks, or any order or check on any of the said banks or corporations or cashiers of either or any of the said banks; or of having passed, uttered or published, or attempted to pass, utter or publish as true, any false, forged or counterfeit bill or note, purporting to be a bill or note issued by any or either of the said banks, or by order of the president, directors and company or any or

either of the said banks, or any falsely altered order or check on any of the said banks or corporations, or any cashier or either of them, knowing the same to be falsely altered with intent to defraud any of the said banks, or any other body politic or person; or of having sold, uttered or delivered, or caused to be sold, uttered or delivered, any forged or counterfeit note or bill in imitation, or purporting to be a bill or note issued by any or either of the said banks, or by order of the president and directors of any or either of the said banks, knowing the same to be false, forged and counterfeited, or of having made or engraved, or caused or procured to be made or engraved, or of having in his custody or possession any metallic plate, engraved after similitude of any plate from which any notes or bills issued by any bank, incorporated in pursuance of any act or acts of assembly of this commonwealth, shall have been printed, with intent to use such plate, or to cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said banks, or any or either of them, or of having in his custody or possession any blank note or notes, bill or bills, engraved and printed after the similitude of any notes or bills issued by either of the said banks, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said banks, or having in his custody or possession any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of either of the said banks shall have been issued, with intent to use such paper, or cause, or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by either of the said banks; or of having forged, defaced, corrupted or embezzled any charters, gifts, grants, bonds, bills, wills, conveyances or contracts, or of having defaced or falsified any enrolment, registry or record within this state, or of having forged any entry of the acknowledgment, certificate or endorsement, whereby the freehold or inheritance of any person or persons may be charged, or of counterfeiting the hand or seal of another, with intent to defraud, or the privy or great seal of the state, or the seal of any county in the state, shall be sentenced to be imprisoned in solitary confinement at labour, for the first offence for a period not less than one year nor more than seven years, and for the second offence for a period not exceeding ten years, under the same conditions as are expressed in the first clause of this section.

ROBBERY.

Every person convicted of robbery, or as being accessory thereto before the fact, shall be sentenced to undergo a similar confinement,

for the first offence for a period of not less than one nor more than seven years, and for the second offence for a period not exceeding twelve years, under the same conditions as are hereinbefore expressed.

MAYHEM.

Every person convicted of mayhem, his or her aiders, abettors, or counsellors, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period not less than one year nor more than seven years, and for the second offence not exceeding fourteen years, under the same conditions as above expressed.

KIDNAPPING.

Every person convicted of kidnapping, under the provisions of the laws of this commonwealth, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period not less than five nor more than twelve years, and for the second offence for a period of twenty-one years, under the same conditions as are hereinbefore expressed.

HORSE STEALING.

Every person convicted of horse stealing, or as accessory thereto before the fact, shall be sentenced to undergo a similar confinement at labour, for the first offence for a period not less than one nor more than four years, and for the second offence for a period of not more than seven years, under the same conditions as hereinbefore expressed.

PERJURY.

Every person convicted of perjury or subornation of perjury, or of wilfully and corruptly making a false oath at any general or special election, under the provisions of the several acts regulating the general elections within this commonwealth, or of suborning any other person to make such false oath or affirmation, or having knowingly published, uttered or made use of any forged or false receipt or certificate, with intent to impose the same upon or to deceive any judge or inspector at any election, shall be sentenced to undergo a similar confinement, for the first offence for a period not less than one year nor more than five years, and for the second offence for a period not exceeding eight years, and be treated as is hereinbefore provided in the first clause of this section.

SECTION 5. *And be it further enacted by the authority aforesaid,* That every other felony or misdemeanor or offence whatsoever, not specially provided for by this act, may and shall be punished as heretofore.

SECTION 6. *And be it further enacted by the authority aforesaid,* That all definitions and descriptions of crimes, all fines, forfeitures, penalties and incapacities, the restitution of property or the payment of the value thereof, and every other matter not particularly mentioned in this act, be and the same shall remain as heretofore.

SECTION 7. *And be it further enacted by the authority aforesaid,* That the penitentiaries aforesaid shall be respectively managed by a board of inspectors, consisting of five taxable citizens of Pennsylvania, who shall be appointed as follows: The judges of the supreme court of the state shall at the first term of any supreme court, which shall be held in any of the districts of the state after the passage of this act, appoint five taxable citizens residing in the city of Pittsburg, or county of Allegheny, who shall be inspectors of the Western State Penitentiary, to serve for two years; and five taxable citizens residing in the city or county of Philadelphia, who shall be inspectors of the Eastern State Penitentiary, to serve for two years, and until their successors shall be appointed; and in case of any vacancy occasioned by death, resignation, refusal to serve, or otherwise, the same shall be supplied by the said judges, as soon as conveniently may be.

Rules for the Government of the Penitentiary.

SECTION 8. *And be it further enacted by the authority aforesaid,* That the following rules and regulations for the better ordering and government of said penitentiaries shall be and continue in force until altered by the legislature, or in the manner hereinafter stated.

ARTICLE I.

Of the Inspectors and their Duties.

They shall at their first meeting and annually thereafter appoint out of their number a president, secretary and treasurer, and keep regular minutes of their proceedings; they shall hold stated meetings once a month, and adjourned and special meetings whenever necessary; the treasurer shall give bond with sufficient surety in such amount as the inspectors may fix and determine, and shall receive and disburse all moneys belonging to the prison, according to the order of the board; they shall semi-annually appoint a warden, a physician, and clerk for the institution, and shall fix their salaries as well as those of the under-keepers or overseers, and the persons employed about the

prison; they shall serve without any pecuniary compensation, and shall be exempted from military duty, from serving on juries and arbitrations, or as guardians of the poor; they shall visit the Penitentiary at least twice in every week, to see that the duties of the several officers and attendants are performed, to prevent all oppression, peculation, or other abuse or mismanagement of the said institutions; they shall have power, if they on conference find it necessary to make such rules for the internal government of said prison, as may not be inconsistent with the principles of solitary confinement as set forth and declared by this act.

They shall attend to the religious instruction of the prisoners and procure a suitable person for this object, who shall be the religious instructor of the prisoners: *Provided*, Their services shall be gratuitous.

They shall direct the manner in which all raw materials to be manufactured by the convicts in said prisons, and the provisions and other supplies for the prisons shall be purchased, and also the sale of all articles manufactured in said prisons.

They shall cause accurate accounts to be kept by the clerk, of all expenditures and receipts in the Penitentiaries, which accounts respectively shall be annually examined and settled by the auditors of the county of Allegheny, and of the county of Philadelphia.

They shall on or before the first day of January in every year, make a report in writing to the legislature, of the state of the Penitentiaries.

The report shall contain the number of prisoners in confinement, their age, sex, place of nativity, time of commitment, term of imprisonment during the preceding year, noticing also those who have escaped or died, or who were pardoned or discharged, designating the offence for which the commitment was made, and whether for a first or repeated offence, and when and in what court, or by whose order; and in such return the inspectors shall make such observations as to the efficiency of the system of solitary confinement as may be the result of their experience, and give such information as they may deem expedient for making the said institution effectual in the punishment and reformation of offenders.

They shall have power to examine any person upon oath or affirmation relative to any abuse in the said places of confinement, or matter within the purview of their duties; they shall direct in what manner the rations for the subsistence of the prisoners shall be composed, in conformity with the general directions on that subject hereinafter contained.

The inspectors in their weekly visits to the several places of confinement shall speak to each person confined therein out of the pre-

sence of any of the persons employed therein ; shall listen to any complaints that may be made of oppression or ill conduct of the persons so employed, examine into the truth thereof, and proceed therein when the complaint is well founded ; and on such visits they shall have the calendar of the prisoners furnished to them by the warden, and see by actual inspection whether all the prisoners named in the said calendar are found in the said prison, in the situation in which by the said calendar they are declared to be.

A majority of the said inspectors shall constitute a board, and may do any of the acts required of the said inspectors ; two of the inspectors shall be a quorum for the weekly visitations hereby directed to be made.

The warden shall not, nor shall any inspector, without the direction of a majority of the inspectors, sell any article for the use of the said Penitentiaries, or either of them, or of the persons confined therein during their confinement, nor derive any emolument from such purchase or sale, nor shall he, or they, or either of them, receive under any pretence whatever from either of the said prisoners, or any one on his behalf, any sum of money, emolument or reward whatever, or any article of value, as a gratuity or gift, under the penalty of five hundred dollars fine, to be recovered in the name of the commonwealth, by an action of debt, in any court of record thereof, having jurisdiction of sums of that amount.

ARTICLE II.

Of the Duties of the Warden.

The warden shall reside in the Penitentiary ; he shall visit every cell and apartment, and see every prisoner under his care at least once in every day ; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of any prisoner, and also the complaints that are made, and the punishments that are inflicted for the breach of prison discipline, as they occur ; the visits of the inspector and the physician, and all other occurrences of note that concern the state of the prison, except the receipt and expenditures, the account of which is to be kept in the manner hereinafter directed.

The warden shall appoint the under-keepers, who shall be called overseers, and all necessary servants, and dismiss them whenever he thinks proper, or the board of inspectors direct him so to do.

He shall report all infractions of the rules to the inspectors, and with the approbation of one of them, may punish the offender, in such

manner as shall be directed in the rules to be enacted by the inspectors, concerning the treatment of prisoners.

He shall not absent himself from the Penitentiary for a night without permission in writing from two of the inspectors.

He shall not be present when the inspectors make their stated visits to the prisoners under his care, unless thereto required by the inspectors.

ARTICLE III.

Of the Duty of the Overseers.

It shall be the duty of the overseers to inspect the condition of each prisoner at least three times in every day, to see that his meals are regularly delivered, according to the prison allowance, and to superintend the work of the prisoners.

They shall give immediate notice to the warden or physician whenever any convict shall complain of such illness as to require medical aid.

Each overseer shall have a certain number of prisoners assigned to his care.

He shall make a daily report to the warden of the health and conduct of the prisoners, and a like report to the inspectors when required.

No overseer shall be present when the warden or the inspectors visit the prisoners under his particular care, unless thereto required by the warden or inspectors.

The overseers shall obey all legal orders given by the warden, and all rules established by the board of inspectors, for the government of the prison.

All orders to the overseers must be given through or by the warden.

The overseers shall not be absent themselves from the prison, without permission from the warden.

No overseer shall receive from any one confined in the Penitentiary, or from any one in behalf of such prisoner, any emolument or reward whatever, or the promise of any, either for services or supplies, or as a gratuity, under the penalty of one hundred dollars and imprisonment for thirty days in the county jail; and when any breach of this article shall come to the knowledge of the warden or inspectors, the overseer or overseers so offending shall be immediately discharged from his office, and prosecuted for the said offence according to law.

No overseer who shall have been discharged for any offence whatever, shall again be employed.

ARTICLE IV.

Of the Duties of the Physician.

The physician shall visit every prisoner in the prison twice in every week, and oftener, if the state of their health require it, and shall report once in every month to the inspectors.

He shall attend immediately on notice from the warden that any person is sick.

He shall examine every prisoner that shall be brought into the Penitentiary, before he shall be confined in his cell.

Whenever, in the opinion of the physician, any convict in the Penitentiary is so ill as to require removal, the warden shall direct such removal to the infirmary of the institution, and the prisoner shall be kept in the infirmary until the physician shall certify that he may be removed without injury to his health, and he shall then be removed to his cell.

He shall visit the patients in the infirmary at least once in every day, and he shall give such directions for the health and cleanliness of the prisoners, and, when necessary, as to the alteration of their diet, as he may deem expedient, which the warden shall have executed : *Provided*, They shall not be contrary to the provisions of this law, or inconsistent with the safe custody of the said prisoners; and the directions he may give, whether complied with or not, shall be entered on the journal of the warden, and on his own.

The physician shall inquire into the mental as well as the bodily state of every prisoner, and when he shall have reason to believe that the mind or body is materially affected by the discipline, treatment, or diet, he shall inform the warden thereof, and shall enter his observation on the journal hereinafter directed to be kept, which shall be an authority for the warden for altering the discipline, treatment, or diet of any prisoner, until the next meeting of the inspectors, who shall inquire into the case, and make orders accordingly.

The physician shall keep a journal, in which, opposite to the name of each prisoner, shall be entered the state of his health, and if sick, whether in the infirmary or not, together with such remarks as he may deem important, which journal shall be open to the inspection of the warden and the inspectors, and the same, together with the return provided for in the first article in this section, shall be laid before the inspectors once in every month, or oftener if called for.

The prisoners under the care of the physician, shall be allowed such diet as he shall direct.

No prisoner shall be discharged while labouring under a dangerous disease, although entitled to his discharge, unless by his own desire.

The infirmary shall have a suitable partition between every bed, and no two patients shall occupy the same bed ; and the physician and his attendants shall take every precaution in their power to prevent all intercourse between the convicts while in the infirmary.

ARTICLE V.

Of the Treatment of the Prisoners in the Penitentiary.

OF THE RECEPTION OF THE CONVICTS.

Every convict sentenced to imprisonment in the Penitentiary, shall, immediately after the sentence shall have been finally pronounced, be conveyed, by the sheriff of the county in which he was condemned, to the Penitentiary.

On the arrival of a convict, immediate notice shall be given to the physician, who shall examine the state of his or her health ; he or she shall then be stripped of his or her clothes, and clothed in the uniform of the prison, in the manner hereinafter provided, being first bathed and cleaned.

He or she shall then be examined by the clerk and the warden, in the presence of as many of the overseers as can conveniently attend, in order to their becoming acquainted with his or her person and countenance, and his or her name, height, apparent and alleged age, place of nativity, trade, complexion, colour of hair and eyes, and length of his or her feet, to be accurately measured, shall be entered in a book provided for that purpose, together with such other natural or accidental marks, or peculiarity of feature or appearance, as may serve to identify him or her, and if the convict can write, his or her signature shall be written under the said description of his or her person.

All the effects on the person of the convict, as well as his clothes, shall be taken from him or her, and specially mentioned and preserved under the care of the warden, to be restored to him or her on his or her discharge.

If the convict is not in such ill health as to require being sent to the infirmary, he or she shall then be conducted to the cell assigned to him or her, numerically designated, by which he or she shall thereafter be known during his or her confinement.

ARTICLE VI.

Of the Clothing and Diet of the Convicts.

The uniform of the prison for males shall be a jacket and trowsers of cloth or other warm stuff for the winter, and lighter materials for the summer, the form and colour shall be determined by the inspectors, and two changes of linen shall be furnished to each prisoner every week.

No prisoner is to receive any thing but the prison allowance.

No tobacco in any form shall be used by the convicts, and any one who shall supply them with it, or with wine or spirituous or intoxicating fermented liquor, unless by order of the physician, shall be fined ten dollars, and if an officer, be dismissed.

ARTICLE VII.

Of Visitors.

No person who is not an official visitor of the prisons, or who has not a written permission according to such rules as the inspector may adopt as aforesaid, shall be allowed to visit the same; the official visitors are the Governor, Speaker and members of the Senate, the Speaker and members of the House of Representatives, the Secretary of the Commonwealth, the Judges of the Supreme Court, the Attorney-General and his Deputies, the President and Associate Judges of all the Courts in the State, the Mayor and Recorder of the cities of Philadelphia, Lancaster and Pittsburg, Commissioners and Sheriffs of the several counties, and the Acting Committee of the Philadelphia Society for the Alleviation of the Miseries of Public Prisons.

None but the official visitors can have any communication with the convicts, nor shall any visitor whatever be permitted to deliver to or receive from any of the convicts, any letter or message whatever, or to supply them with any article of any kind under the penalty of one hundred dollars fine, to be recovered as hereinbefore provided for other fines imposed by this act.

Any visitor who shall discover any abuse, infraction of law, or oppression, shall immediately make the same known to the board of inspectors of the commonwealth, if the inspectors or either of them are implicated.

ARTICLE VIII.

Of the Discharge of the Convicts.

Whenever a convict shall be discharged by the expiration of the term for which he or she was condemned, or by pardon, he or she shall

take off the prison uniform, and have the clothes which he or she brought to the prison restored to him or her, together with the other property, if any, that was taken from him or her on his or her commitment, that has not been otherwise disposed of.

When a prisoner is to be discharged, it shall be the duty of the warden to obtain from him or her, as far as is practicable, his or her former history; what means of literary, moral or religious instruction he or she enjoyed; what early temptations to crime by wicked associations or otherwise he or she was exposed to; his or her general habits, predominant passions, and prevailing vices, and in what part of the country he or she purposes to fix his or her residence; all which shall be entered by the clerk in a book to be kept for that purpose, together with his or her name, age, and time of discharge.

If the inspectors and warden have been satisfied with the morality, industry, and order of his conduct, they shall give him a certificate to that effect, and shall furnish the discharged convict with four dollars to be paid by the state, whereby the temptation immediately to commit offences against society, before employment can be obtained, may be obviated.

ARTICLE IX.

Duties of the Religious Instructor.

It shall be the duty of the instructor to attend to the moral and religious instruction of the convicts, in such manner as to make their confinement, as far as possible, the means of their reformation, so that when restored to their liberty, they may prove honest, industrious and useful members of society; and the inspectors and officers are enjoined to give every facility to the Instructor, in such measures as he may think necessary to produce so desirable a result, not inconsistent with the rules and discipline of the prison.

SECTION 9. *And be it further enacted by the authority aforesaid,* That the expenses of maintaining* and keeping the convicts in the said Eastern and Western Penitentiaries, shall be borne by the respective counties in which they shall be convicted, and the said expense shall be paid to the said inspectors by orders, to be drawn by them on the Treasurers of the said counties, who shall accept and pay the same: *Provided,* That the said orders shall not be presented to the said Treasurers before the first Monday of May in each and every year: *And provided, also,* That the said Inspectors shall annually, on or before the first Monday of February, transmit, by the public mail, to

* Repealed—Act of 1833.

the commissioners of such of the counties as may have become indebted for convicts confined in said penitentiaries, an account of the expense of keeping and maintaining said convicts, which account shall be signed by the said Inspectors, and be sworn or affirmed to by them, and attested by the Clerk; and it shall be the duty of the said Commissioners, immediately on receipt of said accounts, to give notice to the Treasurers of their respective counties of the amount of said accounts, with instructions to collect and retain moneys for the payment of said orders when presented; and all salaries of the officers of the said Penitentiaries shall be paid by the State, and it shall be the duty of the Inspectors to transmit to the Auditor-General the names of the persons by them appointed, and the salaries agreed to be paid to each of them under the provisions of this act, which sums shall be paid in the usual manner, by warrants drawn by the Governor upon the Treasurer of the Commonwealth.

SECTION 10. *And be it further enacted by the authority aforesaid,* That the several Acts of Assembly of this Commonwealth, and such parts thereof, so far as the same are altered or supplied by this act, be and the same are hereby repealed, from and after the first day of July next: *Provided,* That the repeal thereof shall in no wise affect any indictment, trial, sentence or punishment of any of the said herein-mentioned crimes or offences which have been or shall be committed before this act shall come into operation.

SECTION 11. *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorized and required to issue his warrant to the State Treasurer, in favor of the Inspectors of the Western Penitentiary, for the sum of three thousand dollars, to be applied by said Inspectors to such alteration of the interior of said Penitentiary, as in their opinion will best adapt the same to the provisions of this act.

SECTION 12. *And be it further enacted by the authority aforesaid,* That, for the purpose of finishing the Eastern Penitentiary, introducing a supply of water from Fairmount Water Works, and procuring the necessary furniture and fixtures for the accommodation and reception of the prisoners, the sum of five thousand dollars be and it is hereby appropriated for the said purposes, and the Commissioners appointed to superintend the erection of the State Penitentiary for the Eastern District of Pennsylvania, are directed to carry the same into effect, and to draw the sum hereby authorized from the State Treasury, in the same manner as is by law provided.

SECTION 13. *And be it further enacted by the authority aforesaid,* That the Board of Inspectors of the Eastern Penitentiary, who shall

be appointed as is hereinbefore provided, be and they hereby are authorised to draw from the State Treasury, upon warrants drawn in the usual manner, any sums of money which shall not together amount to more than one thousand dollars, to enable said Inspectors to support and employ of the prisoners who may be committed to said Penitentiary, until so much of such sums of money as may become payable by the several counties from which convicts may be removed to said prison, shall be received by said Board as will enable them to manage the affairs of said prison without such aid, which sum so advanced by the State, shall be repaid to the State Treasury by the said board as soon as the funds of said prison will enable said Board to make such repayment.

Under the foregoing Act the Commissioners proceeded to discharge the duties delegated to them, as will be hereinafter stated.

The building having been commenced, the following Act was passed, by which the remaining blocks and cells necessary were directed to be constructed by the Inspectors of the Penitentiary.

AN ACT

To enlarge the Buildings of the State Penitentiary for the Eastern District, and for other purposes.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Inspectors of the State Penitentiary for the Eastern District in the County of Philadelphia be authorized and required, and they hereby are authorized and required to construct and erect within the outer walls of said Penitentiary upon such a plan as they may deem most expedient, buildings which shall contain at least four hundred cells, suitable for the confinement of convicted criminals, in solitary imprisonment, at labor; and to enable them the more effectually to perform the duties now enjoined, all the rights, powers and privileges heretofore given to the Commissioners for building said Penitentiary, are hereby transferred to and vested in the said Inspectors: *Provided, however,* That nothing herein contained shall divest the said Board of Commissioners of any right or power that it may be necessary for them to retain, in order to

arrange and settle any of their former engagements and transactions as to real estate or otherwise, and they are hereby authorized and directed, after the final settlement of their accounts, to pay over any balance that may remain in their hands to the Board of Inspectors of the Eastern State Penitentiary, to be applied to the erection and furnishing of cells hereby directed to be built.

SECTION 2. *And be it further enacted by the authority aforesaid,* That, for the purpose of defraying the expense of erecting said buildings, the County Commissioners of the county of Philadelphia be, and they hereby are authorized to loan, out of the county funds of said county, to the aforesaid Inspectors, one hundred and twenty thousand dollars, in such sums and at such times as the said Inspectors may require the same for the purpose aforesaid; for the amount of which said sums of money loaned, as aforesaid, certificates of State stock, in proper form, shall be issued to the County Commissioners of the county of Philadelphia, for the use of the said county; which said stock shall be transferable in the same manner as other State stock, and from and after the first day of January, one thousand eight hundred and thirty-four, and not before, shall bear an interest of five per cent. per annum, payable half-yearly, and be redeemable thirty years after the passage of this act; and the said County Commissioners are hereby authorized to raise the aforesaid sum of one hundred and twenty thousand dollars, by loan, in any mode or manner in which money for the ordinary purposes and expenses of said county, may by law be raised or obtained.

SECTION 3. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted, in any court in the Eastern District of this commonwealth, of any crime committed after the first day of May next, whose punishment, under the present existing laws, would be imprisonment in the gaol and Penitentiary house of Philadelphia for one year, or any term exceeding one year, shall be sentenced, by the proper court, to suffer punishment by separate or solitary confinement at labour in the State Penitentiary for the Eastern District, for such times respectively, as the provisions of the aforesaid laws now authorize and direct such convicted criminals to be sentenced to be confined in the aforesaid gaol and Penitentiary house of Philadelphia; and the persons so sentenced as aforesaid, while confined in the said State Penitentiary, shall be treated in all respects in the manner which the act entitled "A further supplement to an act entitled an act to reform the Penal Laws of this Commonwealth," approved the twenty-third day of April, one thousand eight hundred and twenty-nine, directs that persons convicted under the

provisions thereof, shall be treated during their imprisonment in the said State Penitentiary.

SECTION 4. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted, in any court in the Eastern District of this Commonwealth, of any crime committed after the first day of May next, whose punishment, under the present existing laws, would be imprisonment in the gaol and Penitentiary house of Philadelphia for any term less than one year, shall be sentenced by the proper court to receive his or her punishment in the county gaol of the proper county.

SECTION 5. *And be it further enacted by the authority aforesaid,* That criminals sentenced as directed in and by the third section of this Act, shall be removed to the aforesaid State Penitentiary at the expense of the proper county; subject, nevertheless, to be detained and confined in the gaol and Penitentiary house of Philadelphia, until a sufficient number of cells shall be finished in the said State Penitentiary, to enable the Inspectors thereof conveniently to receive the said criminals.

SECTION 6. *And be it further enacted by the authority aforesaid,* That the Inspectors of the gaol and Penitentiary, on the first Monday in April, one thousand eight hundred and thirty-three, or as soon thereafter as conveniently may be, shall remove all the convicted criminals who may then remain in the said gaol and Penitentiary, to the aforesaid State Penitentiary for the Eastern District, there to be imprisoned, kept and punished, according to law and their several sentences, until duly discharged: *Provided,* The said State Penitentiary shall be prepared for the reception of said prisoners, as hereinbefore provided for.—*Approved March 28, 1831.*

EXTRACTS OF MINUTES OF COMMISSIONERS TO BUILD PENITENTIARY AT PHILADELPHIA.

The Commissioners organized April 6, 1821, and proceeded to the performance of the duties assigned them. Two of the persons named in the act declined to serve, and the Governor, by a commission under the seal of the Commonwealth, filled the vacancies, and on the 12th day of December, 1821, at a meeting of the Commissioners, Roberts Vaux took his seat in the place of

Thomas Wistar, and Coleman Sellers in the place of Samuel P. Griffitts, both of whom declined acting.

At a meeting of the commissioners for the erection of a State Penitentiary, held at the Prison of the City and County of Philadelphia, April 6, 1821. Present—Peter Miercken, John Bacon, George A. Baker, Samuel R. Wood, Daniel H. Miller, James Thackara, Caleb Carmault, Thomas Bradford, Jr. and Thomas Sparks.

Thomas Wistar and Dr. S. P. Griffitts absent; James Thackara was appointed Chairman, and Thomas Bradford, Jr., Secretary.

At a meeting held June 1, 1821, the committee appointed to report as to the selection of a clerk, reported that "Nicholas Tillinghast would serve as clerk for one dollar and fifty cents for each and every meeting of the Board."

At the meeting of the commissioners held June 22, 1821, they regularly organized by electing Peter Miercken, President; John Bacon, Treasurer, and Samuel R. Wood, Secretary.

At the meeting of the Board held July 3, 1821, the committee appointed to select a site for the Penitentiary, reported that B. & J. Warner had refused \$11,000 for their property,—the ground now occupied by the Penitentiary—but had agreed to sell for \$11,500, provided the Board would relinquish any claim to the following property on the premises, viz.: Trees, shrubbery and fences; two small hay houses or stables and the hay barrack; the mantle and fire places in the mansion house; the copper boiler and stone troughs in the milk house, and the crops in the ground. The Board authorized the

committee to accept the proposition and conclude the contract, if possession was given immediately. The Board proceeded to open the plans for the Penitentiary, in pursuance of the resolution of the Board of May 1, 1821. The architects who submitted plans were as follows: Charles Loss, Jr., of New York; William Strickland, John Haviland and Samuel Webb, of Philadelphia. The plan submitted by John Haviland was selected.

At a meeting held September 25, 1821, the President nominated the following members as the Building Committee, viz.: Messrs. Bacon, Wood, Miller, Baker and Sparks.

At a meeting of the Board held October 16, 1821, a communication from the Board was addressed to His Excellency, Joseph Hiester, Governor of Pennsylvania, reporting on the action of the Board since its organization; and that the commissioners had purchased of B. & J. Warner their property on Francis' Lane.

The whole plot purchased for the site was ten acres and nineteen perches.*

At a meeting of the Board held October 30, 1821, communications resigning their positions were received, from Thomas Wistar and Dr. Samuel Powell Griffitts, read, and laid on the table.

At a meeting of the Board held December 12, 1821, Roberts Vaux and Coleman Sellers attended with a commission from the Governor, Joseph Hiester, appointing them commissioners in the places of Thomas Wistar and Dr. S. P. Griffitts, resigned.

*The name "Cherry Hill," sometimes given to the Penitentiary, was taken from the number of fine cherry trees which grew on the "hill" of the farm purchased of the Messrs. Warner.

The remaining minutes contain only the proceedings of the commissioners.

The last minute of the Board is of its meeting held March 29, 1825. The records of the subsequent meetings have been mislaid, and not yet found.

As many of these meetings of the commissioners were held at the old Walnut Street Prison, the minutes may have been lost in removing from that prison before it was demolished.

DESCRIPTION OF THE PENITENTIARY,

BY GEORGE W. SMITH, 1823.

The Eastern State Penitentiary is situated on one of the most elevated, airy, and healthy sites in the vicinity of Philadelphia. Large sums have been expended for the purpose of giving an unusual degree of solidity and durability to every part of this immense structure, which is the most extensive building in the United States. The ground occupied by it, contains about 10 acres. The material with which the edifices are built, is a greyish granite, or gneiss, employed in large masses; every room is vaulted and fire-proof.—The design and execution impart a grave, severe, and awful character to the external aspect of this building. The effect which it produces on the imagination of every passing spectator, is peculiarly impressive, solemn, and instructive. The architecture is in keeping with the design. The broad masses, the small and well proportioned apertures, the continuity of lines, and the bold and expressive simplicity which characterize the features of the facade, are most happily and judiciously combined. The originality of the plan, the excellent arrangement and execution of the details, display the taste and ingenuity of the architect, to whom our country is indebted for some of her noblest edifices—our fellow citizen, Mr. John Haviland.

This Penitentiary is the only edifice in this country which is calculated to convey to our citizens the external appearance of those magnificent and picturesque castles of the middle ages, which contribute so eminently to embellish the scenery of Europe.

A reference to the accompanying view and plan will render only a brief description necessary. The front of this building is composed of large blocks of hewn and squared granite; the walls are 12 feet

thick at the base, and diminish to the top, where they are $2\frac{3}{4}$ feet in thickness. A wall of thirty feet in height above the interior platform, encloses an area 640 feet square: at each angle of the wall is a tower for the purpose of overlooking the establishment; three other towers, which will be presently described are situated near the gate of entrance. The facade or principal front, which is represented in the accompanying view, is 670 feet in length, and reposes on a terrace, which, from the inequalities of the ground, varies from 3 to 9 feet in height; the basement or belting course, which is 10 feet high, is scarped, and extends uniformly the whole length. The central building is 200 feet in length, consists of two projecting massive square towers 50 feet high, crowned by projecting embattled parapets, supported by pointed arches resting on corbels or brackets. The pointed mullioned windows in these towers contribute in a high degree to their picturesque effect. The curtain between the towers is 41 feet high, and is finished with a parapet and embrasures. The pointed windows in it are very lofty and narrow. The great gateway in the centre is a very conspicuous feature; it is 27 feet high, and 15 wide, and is filled by a massive wrought iron portcullis, and double oaken gates studded with projecting iron rivets, the whole weighing several tons; nevertheless they can be opened with the greatest facility. On each side of this entrance, (which is the most imposing in the United States,) are enormous solid buttresses diminishing in offsets, and terminating in pinnacles. A lofty octangular tower, 80 feet high, containing an alarm bell and clock, surmounts this entrance, and forms a picturesque proportional centre. On each side of this main building (which contains the apartments of the warden, keepers, domestics, &c.,) are screen wing walls, which appear to constitute portions of the main edifice; they are pierced with small blank pointed windows, and are surmounted by a parapet; at their extremities are high octangular towers terminating in parapets pierced by embrasures. In the centre of the great court yard is an observatory, whence long corridors, 8 in number, radiate: (three only of these corridors, &c., are at *present* finished.) On each side of these corridors, the cells are situated, each at right angles to them, and communicating with them only by small openings for the purpose of supplying the prisoner with food, &c., and for the purpose of inspecting his movements without attracting his attention; other apertures, for the admission of cool or heated air, and for the purpose of ventilation, are provided.

Among the advocates of this system in Europe, we may refer to Howard, Paul, Eden, Mansfield, Blackstone, Paley, Liancourt, Villerme, &c., and in this country, to the venerable Bishop White, whose whole life has been but one prolonged illustration of that religion which he

professes, Dr. Rush, Bradford, Vaux, Wood, Sergeant, Livingston, and many of our most eminent citizens. The intrinsic and obvious excellence of the plan afforded a powerful argument for its adoption upwards of 40 years since. The partial experience of its merits has been beneficially experienced in our State and other parts of the Union notwithstanding the numerous disadvantages which have heretofore attended the trial. The only failures which have occurred in other States, are unquestionably attributable to the absurd and culpable manner in which the process has sometimes been conducted. The experience of several of the European states, as well as of our own commonwealth, incontestably proves that this system of Prison discipline is the most efficient which the wisdom of philanthropists has heretofore devised; that, when administered in a proper manner, the reformation of the great majority of criminals is practicable; that no injury to the health, mental or bodily, of the convicts, occurs; that the severity is sufficient, not only to operate on the inmates of the prison, but to deter others by the example of their sufferings; and finally, that as a means of preventing crimes, it is in fact the most economical. A superficial view of this subject has too frequently led to erroneous conclusions in some of our sister States.

As "the Pennsylvania system of Prison Discipline" effects, not indeed the extirpation, but the prevention and diminution of crime, to an unknown and unrivalled extent—the dictates of mere economy, of sordid self-interest, as well as of patriotism, humanity, and general religion, cry aloud for its general adoption. The prime cost of an efficient labour saving machine is never considered by the intelligent and wealthy capitalist as a wasteful expenditure, but as a productive investment. This Penitentiary will be, strictly speaking, an apparatus for the expeditious, certain, and economical eradication of vice, and the production of reformation. The State of Pennsylvania has exhibited at once, her wisdom, philanthropy, and munificence, by the erection of this immense and expensive structure, which, in connection with her other noble institutions, will largely contribute to the amelioration and protection of her population.

The Corner Stone of the front building of the Penitentiary was laid on the 22d day of May, 1823, in the presence of the Commissioners, Architect, Superintendent, and workmen. On this interesting occasion, MR. ROBERTS VAUX said, that he much regretted the unavoidable absence of the President of the Board, in whose place he had just then been unexpectedly desired to say a few words concerning the purpose for which the Commissioners were assembled.

He remarked that the occasion was calculated to awaken reflections at once painful and gratifying. *Painful*, because such was the

erring character of man, so ungovernable were his passions, and so numerous his propensities to evil, that it was necessary society should provide means for the punishment of offenders against its laws. *Gratifying*, because a correct view of human nature, coupled with the indispensable exercise of Christian benevolence, had led to the melioration of punishments. *Justice*, was now mixed with *Mercy*, and whilst the community designed to teach offenders that the way of the transgressor is hard, it wisely and compassionately sought to secure and reform the criminal by the most strict solitary confinement. The Penitentiary now to be erected, was designed to accomplish these important ends, and when it shall be completed, it will afford the first opportunity of putting into efficient practice the penal code of this State. Mr. Vaux congratulated his fellow citizens of Pennsylvania, because their legislators were the first (almost forty years ago) to abolish those cruel and vindictive penalties which are in use in the European countries from which we had descended. The Pillory, the Whipping Post, and the Chain, were not calculated to prevent crime, but to familiarize the mind with cruelty, and consequently to harden the hearts of those who suffered, and those who witnessed such punishments. The substitution in Pennsylvania of milder correctives had excited the notice and respect of nations abroad, as well as of our sister States—our example had in some instances been followed, and he had no doubt the principle would more extensively prevail.

The box deposited in the corner stone, which you have seen laid, contains a plan and elevation of the prison, and a metal plate bearing the following inscription :

PENITENTIARY

FOR THE EASTERN DISTRICT OF THE STATE OF PENNSYLVANIA.

FOUNDED,

AGREEABLY TO AN ACT OF ASSEMBLY

Passed on the 20th day of March, in the year of our Lord one thousand eight hundred and twenty-one.

JOSEPH HIESTER,

Governor.

ANDREW GREGG,

Secretary of the Commonwealth.

Under the direction of the following named gentlemen :

COMMISSIONERS.

THOMAS SPARKES, SAMUEL R. WOOD, DANIEL H. MILLER, CALEB CARMALT,

JOHN BACON, COLEMAN SELLERS, WILLIAM DAVIDSON, GEO. N. BAKER.

ROBERTS VAUX, JAMES THACKARA, THOMAS BRADFORD, JR.

JOHN HAVILAND,

Architect.

JACOB SOUDER,

Superintendent of Masonry.

It only remains for us, said Mr. Vaux in conclusion, to express our ardent desire, that this institution may fully answer the important purposes for which it was founded.

THOMAS M'ELWEE'S DESCRIPTION OF THE PENITENTIARY, 1835.

(Report to the Legislature.)

The Walnut Street Prison was commenced in 1773, finished in 1774. It contained 16 cells for solitary confinement—they were only used in emergency. The evils of permitting convicts to work and lodge in companies, with unrestrained intercourse with each other, were manifested at an early day to the discerning and the philanthropist.

In 1801 a memorial was presented to the Legislature by the "Philadelphia Society for Alleviating the Miseries of Public Prisons," dated, Philadelphia, 12 mo., 1801, signed Wm. White, President, requesting the Legislature to devise means "to separate the convicts from all other descriptions of prisoners;" and two years afterwards, the same Society requested the Legislature "to adopt the mode of punishing criminals by solitary confinement at hard labour." In 1818, the Society presented another petition, in which they request the Legislature "to consider the propriety and expediency of erecting penitentiaries in suitable parts of the State, for the more effectual employment and separation of the prisoners, and of *proving the efficacy of solitude on the morals of those unhappy objects.*

The chief object of the Society appears to be, to lessen the commission of crime, by inflicting the punishment of privation, solitude and labour for a certain time for a specified offence, not as a mere matter of restraint, but strictly as a punishment.

In 1821, another memorial was laid before the Legislature, signed by Wm. White, Roberts Vaux, and other eminent men, who have laboured unceasingly to promote the happiness of their fellow beings. This petition was successful. The Legislature, by act of March 20, 1821, authorized the construction of the Eastern Penitentiary on the principle of "separate and solitary confinement at labour," with an appropriation of \$100,000, and the proceeds of the sales of certain lots of ground, situate in the city and county of Philadelphia; and the interest of the Commonwealth in the Arch Street Prison was vested in the Commissioners, on condition of securing to the State the payment of \$50,000 out of the proceeds of the sale of that building and the lots on which it is situated.

A lot containing 13 acres situate on Cherry Hill, two miles N. W. of the Court House, was purchased and appropriated for this important purpose.

The corner stone of the front building was laid on the 22d day of May, 1823, in the presence of the Commissioners, Architect, Superintendent, and workmen; Roberts Vaux presiding over the ceremonies.

A box was deposited in the corner stone, containing a plan and elevation of the prison, and a metal plate bearing the following inscription: [See the copy of inscription printed on page 59.]

Thus was laid the foundation of the Eastern Penitentiary of Pennsylvania.

The Eastern State Penitentiary is situated on one of the most elevated, airy, and healthy sites in the vicinity of Philadelphia. Large sums have been expended for the purpose of giving an unusual degree of solidity and durability to every part of this immense structure, which is the most extensive building in the United States. The ground occupied by it contains about ten acres. The material with which the edifices are built, is a greyish granite or gneiss, employed in large masses; every room is vaulted and fire proof. The design and execution impart a grave, severe, and awful character to the external aspect of this building. The effect which it produces on the imagination of every passing spectator, is peculiarly impressive, solemn, and instructive. The architecture is in keeping with the design. The broad masses, the small and well proportioned apertures, the continuity of lines, and the bold and expressive simplicity which characterize the features of the facade, are most happily and judiciously combined. The originality of the plan, the excellent arrangement and execution of the details, display the taste and ingenuity of the architect, who has planned some of the noblest edifices of our country.

* * * * *

In the centre of the great court-yard is an observatory, whence long corridors, seven in number, radiate. On each side of those corridors, the cells are situated, each at right angles to them, and communicating with them only by small openings, for the purpose of supplying the prisoner with food, and inspecting his movements without attracting his attention; other apertures for the admission of cool or heated air, and for the purpose of ventilation, are provided. The privy pipes carry off the impurities of the cell to a common-sewer. Originally there was a defect in the construction of those pipes, which admitted communication between the prisoners, endangering the existence of the institution. This defect is I understand removed. The cells are warmed by heated air, conducted by flues through the whole range. Light is admitted by a large circular glass in the crown of the

arch, which is raking, and the highest part sixteen feet six inches above the floor, which is of wood, overlaying a solid foundation of stone. The walls are plastered and white washed; the cells are eleven feet nine inches long, and seven feet six inches wide. At the extremity of the cell, opposite to the apertures for inspection, &c., previously mentioned, is the doorway containing two doors; one a lattice work or iron grating, to admit the air, and secure the prisoner; the other composed of planks to exclude the air if required. This door leads to a yard attached to each cell on the ground floor, eighteen feet by eight, the walls of which are eleven and a half feet high. In the second story each prisoner is allowed an additional cell or bed-room. Each cell is furnished with a bedstead, clothes rail, seat, shelf, tin cup, wash basin, victuals pan, looking glass, combs, scrubbing brush and sweeping brush, straw mattrass, and one sheet, one blanket and one coverlet.

The bedstead or bunk is so constructed that the prisoner can rear it against the wall and fasten it with a staple, which gives him more room in the cell. Each cell is provided with water by means of a stop-cock. The bedstead now in use is constructed of wood. The iron bedstead and hammock were found inexpedient. There were three hundred and eleven cells completed on the first day of January, 1835; all the rest are nearly fitted for the reception of prisoners. The edifice is calculated to contain in all about six hundred and fifty convicts. The three blocks first constructed are one story; the other four are two stories each.

The close approximation of the level of the edifice to the surface of the public reservoirs at Fairmount, has produced some difficulty in obtaining an ample supply of water. That difficulty has been removed by the following contrivance. A well of thirty feet in diameter, and about twenty-five feet in depth from the surface of the ground, is duly and securely walled up and arched over with bricks; contiguous to this well a building of substantial masonry has been erected of forty feet by thirty-four feet; an arched basement contains the furnaces and boilers over which is placed a steam engine of six horse power, by means of which the water will be drawn from the large well, and forced into a reservoir, erected also of substantial masonry, north of and adjoining the last mentioned building. This reservoir is about forty feet in diameter and ten in height above the surface of the ground, and contains about seventy-six thousand six hundred gallons of water supplied by the Fairmount Water Works. From this reservoir the lower stories of the cell buildings and the privy pipes belonging thereto receive their supply of water.

Over this reservoir is an apartment sufficiently capacious to contain nine large cedar tanks or cisterns, filled with water from the large well by the power of the engine. From these tanks the second stories of cells and privy pipes will receive their supply of water. This contrivance, which is very excellent, will furnish an ample supply of water to the whole establishment.

An apothecary's shop is kept within the walls, under the superintendence of the Physician. One apartment is allotted to the Inspectors, and one as a hospital. Within the walls is a garden appropriated to the Warden and one to the domestics.

The food of the convicts is cooked by steam, but it is estimated that the present apparatus has not the capacity to prepare food for more than two hundred persons.

The cost of the building cannot be accurately ascertained, but the following sums are known to have been appropriated by the Legislature :

By Act of 20th March,	1821,	\$100,000 00
“ 15th March,	1824,	80,000 00
“ 1st March,	1825,	60,000 00
“ 15th March,	1826,	89,124 09
“ 9th April,	1827,	1,000 00
“ 14th April,	1828,	4,000 00
“ 23d April,	1829,	5,000 00
“ 3d April,	1830,	4,000 00
“ 28th March,	1831,	120,000 00
“ 27th February,	1833,	130,000 00
“ 15th April,	1834,	20,000 00
“ 14th April,	1835,	60,000 00
City prison, city lots, &c.,	. . . . .	99,476 60
Total,	. . . . .	<u>\$772,600 69</u>

Pennsylvania is indebted for the Penitentiary system to such men as the Rt. Rev. Bishop Wm. White, R. Wells, B. Wynkoop, T. Wistar, S. P. Griffiths, J. Kaighn, Wm. Rogers, C. Marshall, T. Connelly, T. Cooper, C. Lowndes, B. Shaw, T. Harrison, Wm. Lippincott, Geo. Duffield, Roberts Vaux, N. Collin, T. Reed, &c.; men whose philanthropy know no bounds, whose courage nothing could daunt, and whose industry in benevolence knew no resting place. Those are the men who have devised a system, and under whose auspices was commenced an institution, which in the strong language uttered by an experienced man to

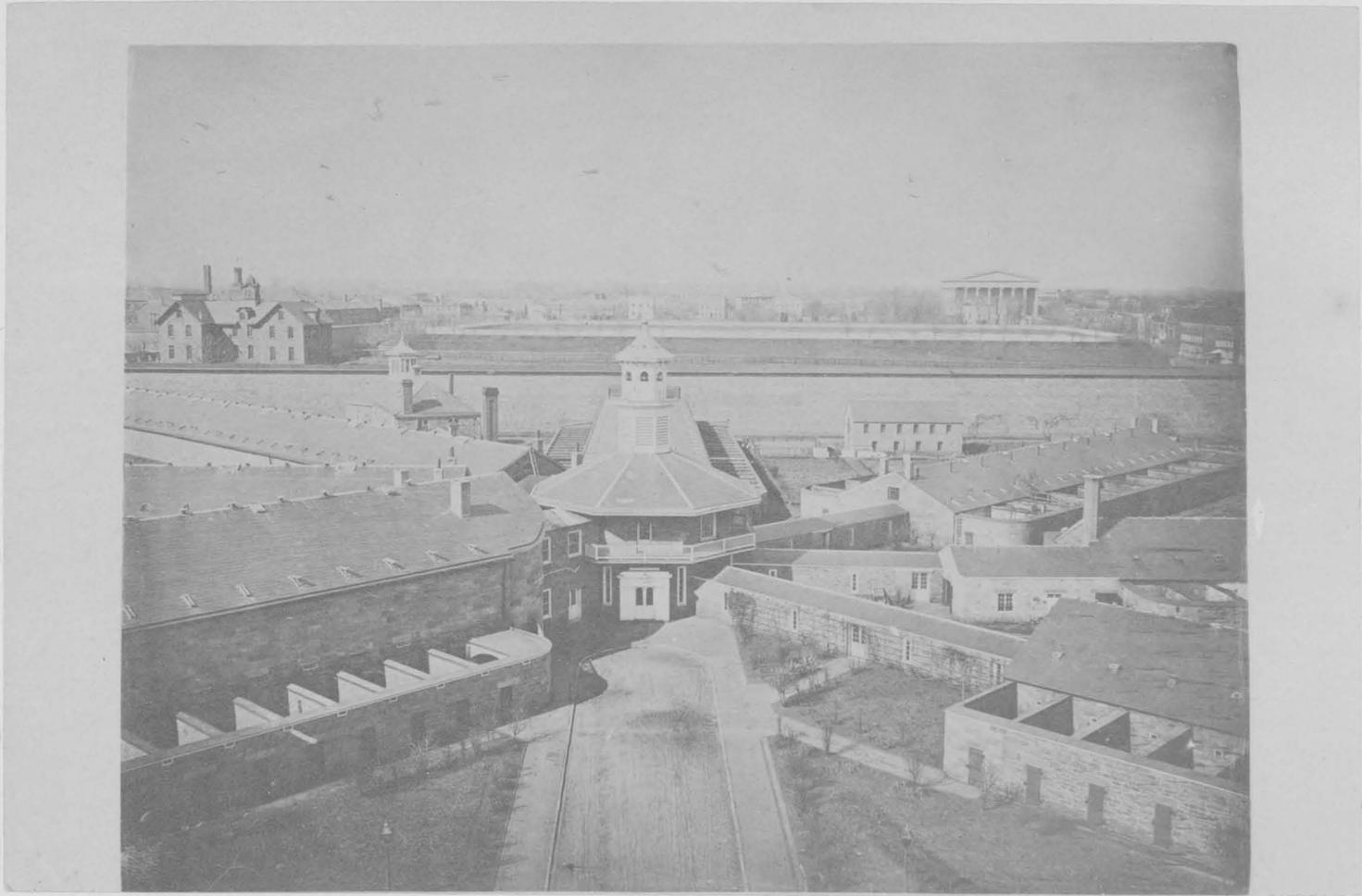
the writer, "had it been rightly conducted it would have been impossible to find a fault with it."

Richard Wistar led the way in alleviating the miseries of prisons in Pennsylvania. This benevolent man, before the Revolutionary War, was in the habit of causing wholesome soup, prepared at his own dwelling, to be conveyed to the prisoners and distributed among them. The jail was then situated at the southwest corner of Market and Third streets. "The Philadelphia Society for Assisting Distressed Prisoners" was formed on the 7th of February, 1776—suspended in 1777 by reason of the presence of the British army in Philadelphia, and revived May 8th, 1787, under the name of "The Philadelphia Society for Alleviating the Miseries of Public Prisons." To the efforts of this Society may be attributed the construction of the Eastern State Penitentiary.

DESCRIPTION OF THE PENITENTIARY,

1872.

The front entrance of the Penitentiary is 16 feet wide, 40 in height. It has two gates, an outer one on Coates street, and an inside gate opening into the interior grounds. These two gates are not allowed to be opened at the same time, and when a vehicle passes in from the street, the gate from the outside is closed and locked before the inner gate leading to the premises is opened. The same precaution is observed when the vehicle passes out. The gatekeeper is always present in his room at the western side of this entrance. The eastern portion of the front buildings is for the Warden's family, and the Inspectors have their room on that side. The western is for the Resident Physician and the Clerk's office, and any other purpose for which it may be needed. The carriage and foot way to the centre building is 30 feet wide, and on either side of it are large plots of ground, with flowers and grass.



Bird's-Eye View of the Penitentiary, taken from the Tower over the Main Entrance.

The "centre building" is 40 feet in diameter. It is of an octagonal shape, and each corridor opens into it. A good idea may be had of its form, by likening it to the hub of a wheel from which the spokes, representing the corridors, radiate. It is two stories high. On the top is a lantern and lookout. In the lantern or cupola, are eight reflectors, 20 inches in diameter, silver-plated, and by the use of gas the light is thrown at night into all parts of the grounds. It is deemed one of the best protections. The height of these reflectors from the ground is about 50 feet. The centre building stands in the exact centre of the whole plot of ground, around which is a substantial stone wall, the average height of which is 35 feet. At the base it is 12 feet wide, and at the top 2 feet, with a coping overhanging inside $2\frac{1}{2}$ feet. There is a tower at each corner, and the plot of ground contains about 10 acres.

COUNTIES NOW SENDING PRISONERS.

The counties now comprised in the Eastern District, and sending prisoners to this Penitentiary are: Adams, Bradford, Bucks, Carbon, Cumberland, Dauphin, Delaware, Franklin, Lebanon, Luzerne, Lycoming, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Snyder, Susquehanna, Tioga, Union, Wayne, Wyoming, York.

ESCAPES.

Since the opening of the Penitentiary, in 1829, there have been nine escapes. Of these, six were retaken.

FLOUR MILL.

The Grist Mill, situated over the Cook House and Boiler Room, forms an important feature in the economical arrangement of this Prison, inasmuch as it furnishes the Penitentiary with fresh flour uniformly sweet and good, at a very considerably less cost than if purchased in the market.

The engine which drives the mill is one of ten-horse power, and was erected in the year 1834, for the purpose of pumping water from a large well into the reservoir, at times of scarcity of water at the City Water Works, and it still performs that service when needed.

The net gain of this arrangement, for the eleven months it has been in operation, has been \$1,324.46.

CARPENTER SHOP.

There is a building in the grounds, between the third and fourth blocks, constructed so that, in case of emergency, or if a contagious disease should manifest itself in the cells, a comfortable, well-heated and ventilated hospital could, in a few hours, be ready for use. It is 50 feet in length, 25 in width, and two stories in height. The use to which it is designed is a general shop for storing Wood and for Carpenter's Work. The upper story, 12 feet in height, can be promptly made ready for a hospital, and the patients separated by temporary screens.

RESERVOIRS.

The water is supplied from a reservoir to all the prisoners. This reservoir is circular in form, 41 feet 6 inches in diameter; 25 feet deep; holds 252,992 gallons of water. The weight of the water, when full, is equal to 1500 tons. There were 200,000 bricks used on the inner wall; the outside wall is of stone. The walls are 3 feet thick, and bound with iron hoops, built in the wall, 2 feet apart. The whole is covered with a slate roof with ventilator at the top.

The kitchen for preparing the food of the prisoners, the bake-house, and the flour mill in which all the flour is ground, are located in the buildings adjoining the reservoir. There is a well 14 feet in diameter between the reservoir and the kitchen, out of which a supply of water is pumped by steam when the water in the basin supplied by the city water works is too low for general use.

HEATING AND LIGHTING.

The heating of the cells is by steam from boilers at the end of the corridors, and the refuse steam is used for the prisoners' bath-house, and to heat the centre building and library, which is on the second story of the centre-building. Five and one-half miles of iron pipe are employed in conducting the steam through various parts of the premises. Steam as a means of heating has been introduced in lieu of hot water. The total number of gas burners whereby the cells are lighted, is 650.

WASH ROOM.

The Wash Room is 25 by 25 feet, the Drying Room 25 by 30 feet, and each 15 feet high. Between these rooms is the Boiler Room, 25 by 20 feet and 12 high, and over the Boiler Room is the room for storing boots and shoes, 25 by 20 feet and 11 feet high. These rooms are situated at the end of the seventh block.

The Drying Room is heated by steam pipes, giving a temperature of 150° to 200° Fahrenheit.

The same boiler which heats this room, supplies hot water, in abundance, for washing.

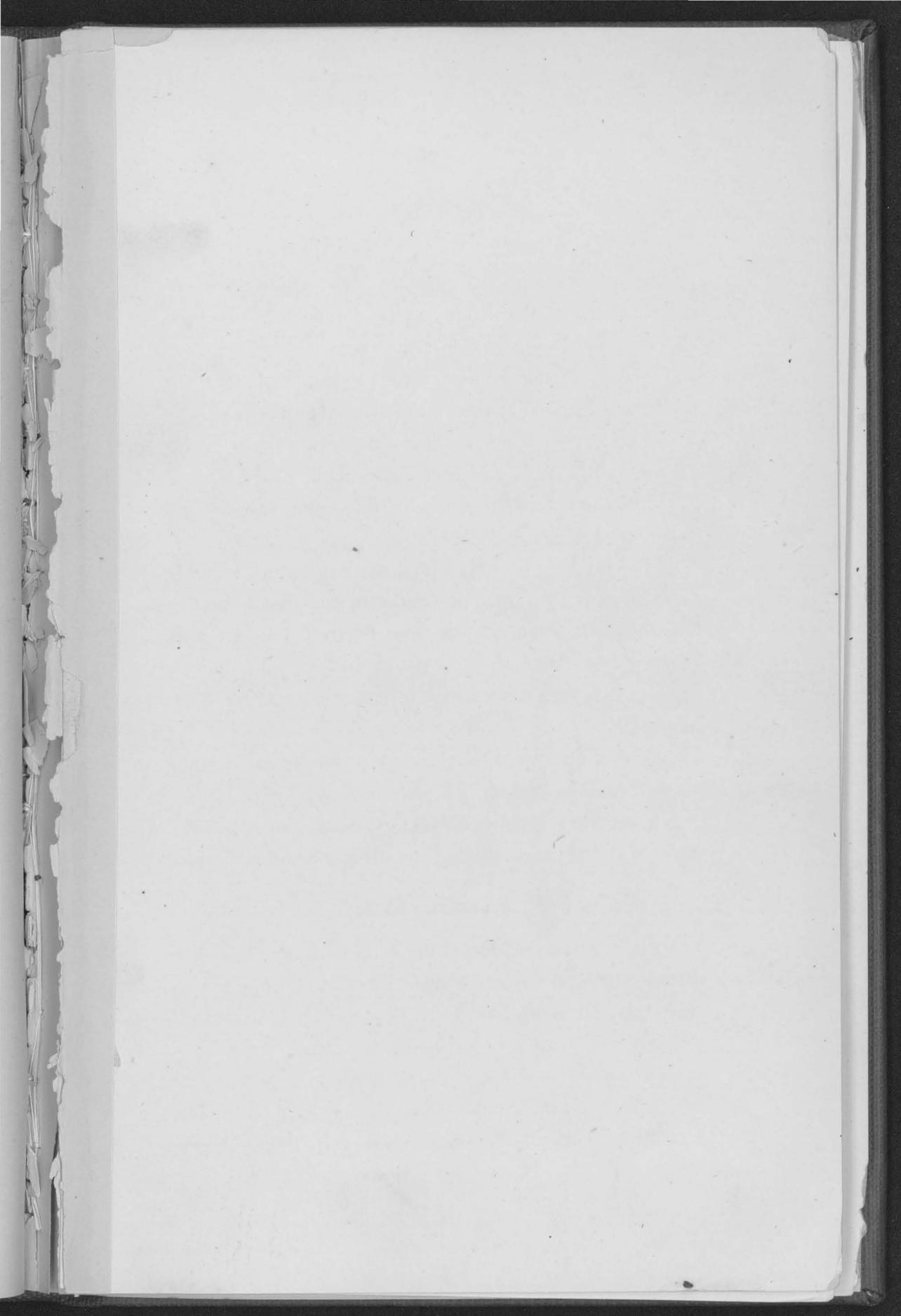
The washing is done with a machine, which is put in rapid motion by a pair of cranks or winches, turned by four men. It is found to be very effective, doing its work thoroughly. After washing, the clothes are put under a screw-press, and the water forced out, leaving them nearly dry.

There are not less than 2800 pieces of clothing washed each week.

Each article is marked with the prisoner's number, and his own clothes and bedding are always returned to him.

RECEIVING ROOM.

On the western side of the main entrance, at a short distance beyond the inside gate, is a room, properly protected, for the reception of the convicts. It is so secured that no combination of prisoners to escape can be successful. They sometimes arrive, several at one time, in the night, from the counties comprising the Eastern District, when caution is necessary, as they are then unknown





View of Corridor, First Block, one Story in height, the New Cells at the End.

to the prison authorities. In this room the reception of the prisoners takes place, and all the examinations then necessary are made before they are taken to the cells. In passing from the front to the centre-building, and thence to their cells, they wear a cap, which prevents recognition in the day-time, and secures them from acquiring any topographical knowledge of the ground-plan of the Penitentiary. Every prisoner, on being received, is taken to a bath room, and thoroughly cleansed. He is then supplied with a clean suit of prison garments, and the clothing he wore upon admission and such articles as were found upon his person, are carefully packed away to be restored to him on his discharge. Personal cleanliness is further secured by a frequent use of the bath-room. A number is assigned to each prisoner when received, and by that number he is designated as long as he remains in the Institution.

CORRIDORS AND BLOCKS OF CELLS.

The length of the "first block" is 368 feet; 10 feet wide, 21 feet high to the top of the arch. The old cells in this block are 7 feet 6 inches in width by 12 feet in length, and say 14 feet in height. The new cells in this block are 8 feet wide, 16 feet long and 11 feet high. There are twenty of these new cells, built 1869-70. There are fifty cells in this block.

The length of the "second block" is 268 feet, including passage way from corridor to the centre-building. The block is only 180 feet in length, 10 feet wide and 21 feet high. There are 38 cells in this block.

The size of "third block" is same as second block. There are 20 cells in this block; 18 "double cells," or 17 by 12 feet, 12 feet high, and used as shops. These three blocks are one story high.

The length of the "fourth block" is 268 feet. It is two stories in height. There are fifty cells on the ground floor, and fifty cells in the second story. The size is 7 feet 6 inches wide by 15 feet long and 11 feet high. The cells in the second story are the same size as the others, and 12 feet high. There are 136 cells in this block.

The "fifth block" is 362 feet in length, 10 feet wide. The corridor is 33 feet high and has two stories. There are 68 cells on the ground floor and 68 on the second floor. The size of the cells is the same as "fourth block."

The "sixth block" is 268 feet long, 10 feet wide, two stories high. The height of the corridor 33 feet, and it contains 100 cells of the same size as the "fourth block."

The "seventh block" is 365 feet long, two stories high, 15 feet wide on the gallery, 10 feet wide on the ground floor. It is 38 feet in height. The cells are 7 feet 6 inches wide, 16 feet long and 11 feet high. There are 136 cells in this block.

The cells on the ground floor of all the corridors have yards attached to them; the cells on the second stories have no yards. Some are double cells (two cells in one,) for special use.

THE NEW CELLS.

Twenty new cells have been added to the first block corridor. They are the result, in construction,



View of Fifth Block Corridor, with Gallery, two Stories high.

THE
SOCIETY
OF
MUSICIANS
OF
THE
CITY
OF
LONDON
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of all the experience gained as to the best mode of building such apartments. These new cells are 8 feet by 16, and 12 feet high. They are lighted by a skylight 5 feet by 12 inches. The means of supplying heat and ventilation and light are regarded as most complete. The heat is from steam supplied by a boiler at the end of the block, and is sufficient for this and the second block. Each cell has a yard 8 by 14 feet, and enclosed by a wall 11 feet high. The water for drinking is at the command of the prisoner. The gas is given between certain hours. A privy is in each cell, and is cleaned daily by flooding into a sewer.

The doors into the corridors slide in grooves, and the fastenings were designed by Mr. Cassidy, the principal overseer, who had entire superintendence of the construction of the work. The cells are regarded as the most approved of any in use.

ACTS OF THE GENERAL ASSEMBLY RELATING TO THIS STATE
PENITENTIARY.

Act of March 3, 1818	} Relating to Eastern and Western Penitentiaries.
Act of March 20, 1821	
Act of April 10, 1826	
Act of Feb. 27, 1833	
Act of April 23, 1829	} As to convicts.
Act of March 31, 1860	
Act of April 15, 1834	
Act of April 23, 1829	
Act of April 16, 1845	

Act of April 23, 1829
 Act of Feb. 27, 1847
 Act of May 31, 1833
 Act of Feb. 27, 1833
 Act of April 10, 1848
 Act of April 23, 1829
 Act of April 8, 1848
 Act of Jan. 17, 1831
 Act of May 27, 1861
 Resolution of April 16,
 1838
 Act of April 16, 1866
 Act of May 27, 1871

Enacting certain rules for the management of the Penitentiary and duties of Inspectors and officers.

SUMMARY OF ACTS OF ASSEMBLY.

Act of March 3, 1818:

Enacts that a penitentiary on the plan of solitary confinement at Allegheny (Pittsburg), on the plan exhibited by the Inspectors of the prison of Philadelphia shall be constructed.

Act of March 20, 1821:

Enacts that a penitentiary holding 250 prisoners on the principle of solitary confinement at Philadelphia, called the State Penitentiary for the Eastern District shall be constructed. The plan to be the same as at Pittsburg, subject to such alterations and improvements as commissioners, with the Governor's approval, may suggest. Provided that the principle of solitary confinement of prisoners be preserved and maintained.

Act of April 10, 1826 :

Divides the State into districts, fixing the counties for each, from which convicts shall be sent to said Penitentiaries.

Act of April 23, 1829:

Refers to the treatment of the prisoners, as to food and clothing, and those persons who may visit them; and also as to payment of expense of keeping the convicts; and also as to the transmission of accounts to the counties, and how the same are to be paid; and the time for sending the drafts on the Treasurer of the counties.

Act of April 23, 1829:

As to the mode of managing the said Penitentiary, and how Inspectors shall be appointed; and as to the rules and regulations for the government of the Penitentiary; and how the Inspectors shall organise, viz.: President, Secretary and Treasurer; and the duty of Inspectors to appoint a Warden, Physician and Clerk. (See Act, reprinted, ante page 36.)

Act of January 17, 1831:

Authorises the Inspectors to sit as an insolvent court and discharge convicts (without the delay and expense of legal proceedings in insolvent court,) if Inspectors are satisfied the convict is not able to pay fine, costs of prosecution or restore the stolen property, provided legal remedies may be taken after said discharge.

Act of February 27, 1833:

Adds certain counties to the Eastern District.

Resolution of April 16, 1838:

Authorizing appointment of Moral Instructor.

Act of April 15, 1843:

Directs that the Wardens of the Penitentiaries are authorized to receive persons convicted in the Federal Courts in this State, provided the sentences of the said Courts subject them to the same discipline and treatment as convicts from State Courts, and while in prison to be exclusively under control of State officers.

Act of May 31, 1844:

Authorizing the pay of Moral Instructor.

Act of April 16, 1845:

As to expense of conveying convicts to the Penitentiary.

Act of April 16, 1846:

As to official visitors.

Act of Feb. 16, 1847:

Relates to reports as to the condition of the prisons and prisoners.

Act of April 10, 1848:

Authorizes Inspectors of Penitentiaries to submit to arbitration all disputes as to business claims arising out of the labor of convicts of the Institutions.

Act of April 11, 1848:

As to same.

Act of April 25, 1848:

As to discharged convicts and the sum to be given to them.

Act of March 25, 1850:

Adds Lawrence county to Western District.

Act of March, 31, 1860:

Enacts that if a prisoner be sentenced to labor by separate and solitary confinement for any period not less than one year, the imprisonment and labor shall be performed in the State Penitentiary of the proper district. Provided nothing herein contained shall prevent such persons from being sentenced to imprisonment and labor by separate and solitary confinement in the county prisons now or hereafter authorized by law to receive convicts of a like description, and provided further that no convict shall be sentenced by any court of this Commonwealth to either Penitentiary for any term that shall expire between the 15th of November and the 15th of February of any year.

Act of May 1, 1861:

Relates to conduct of prisoners who have been sentenced for more than six months, a record to be kept in a book and examined by the Inspectors, and the record of punishment for violating the rules of the Penitentiary; and also enacting what is called the "commutation law," (decided by the Supreme Court to be unconstitutional, as interfering with judgments of the judiciary.) [See Wright's Pennsylvania State Reports, vol. vi., page 446.]

Act of April 16, 1866:

Regulating the use of tobacco.

Act of May 21, 1869:

Re-enacting the "commutation law," avoiding the points in the former Act which were declared by the Supreme Court to have been unconstitutional.

Act of April 27, 1871:

Allotment of prisoners to the Western Penitentiary from some of the counties which were heretofore attached to the Eastern District.

Act of April 27, 1871:

Allotment of prisoners to Western Penitentiary.

GOVERNMENT OF THE PENITENTIARY.

The Inspectors who manage the State Penitentiary are five in number, appointed by the Judges of the Supreme Court of Pennsylvania for two years.

LIST OF INSPECTORS OF THE PENITENTIARY.

The following is a list of the gentlemen who have held the position from the organization of the Institution.

The first five appointed by the Supreme Court at Philadelphia, the 19th of May, 1829, were Charles Sidney Coxe, John Swift, Roberts Vaux, Daniel H. Miller and Josiah Randall. During the year 1829, Roberts Vaux and Josiah Randall resigned, and the place of Mr. Vaux was filled by Thomas Bradford, Jr., and that of Mr. Randall by Benjamin W. Richards.

FIRST ORGANIZATION OF BOARD OF INSPECTORS.

The Board of Inspectors organized, May 19, 1829, by electing Judge Coxe, President; John Swift, Secretary, Josiah Randall, Treasurer; Franklin Bache, on November 7, was elected Physician; and, on June 29, Samuel R. Wood, Warden; and John Norvall, Clerk.

At the end of the first term for which the Inspectors had been appointed, the Supreme Court reappointed May 23, 1831, Judge Coxe, Thomas Bradford and Benjamin H. Richards, and added John Bacon and William H. Hood for the vacancies. The Board organized, May 23, 1831, as follows: Charles S. Coxe, President; Thomas Bradford, Jr., Secretary, and John Bacon, Treasurer.

There was no Moral Instructor appointed, but the Rev. Charles Demmé, of the German Lutheran Church, undertook to perform these duties, and was aided at various times by the Rev. Samuel W. Crawford and the Rev. James Wilson, of the Reformed Presbyterian, and Associate Reformed Churches.

In the year 1833, the Supreme Court reappointed the Inspectors as follows: Charles S. Coxe, Thomas Bradford, Jr., Benjamin W. Richards, John Bacon and William H. Hood. Judge Coxe was elected President; W. H. Hood, Secretary; Mr. Bacon, Treasurer; S. R. Wood, Warden, and Dr. Bache, Attending Physician.

In the year 1835, the following gentlemen were appointed Inspectors: Thomas Bradford, Jr., John Bacon, William H. Hood, Matthew L. Bevan and General Robert

Patterson. Mr. Bradford was elected President; Mr. Hood, Secretary; Mr. Bacon, Treasurer; S. R. Wood, Warden, and Dr. Bache, Attending Physician.

In the year 1837, the Inspectors were reappointed as follows: Thomas Bradford, Jr., John Bacon, William H. Hood, Matthew L. Bevan and Robert Patterson. Mr. Bradford, President; Mr. Hood, Secretary, John S. Halloway, Clerk, and Mr. Bacon, Treasurer; Dr. William Darrach was appointed Attending Physician, vice Dr. Bache, resigned.

In the year 1838, September 1, Rev. Thomas Larcombe was appointed Moral Instructor.

The Supreme Court in 1839, reappointed the Inspectors, and the Board organized with the same officers.

In July, 1840, Samuel R. Wood resigned as Warden, and the Board appointed George Thompson in his place.

On the 7th day of January, 1842, the Supreme Court appointed the following gentlemen Inspectors: Thomas Bradford, John Bacon, Matthew L. Bevan, Robert Patterson and Richard Vaux. M. L. Bevan was elected President; Richard Vaux, Secretary; John Bacon, Treasurer; George Thompson, Warden; John S. Halloway, Clerk.

On the 7th of February, 1843, Dr. Edward Hartshorne was elected Resident Physician, in the place of Dr. Darrach, who was attending physician. The Board were satisfied that the best interests of the Institution required the physician to reside in the building.

January 5, 1844, Inspectors reappointed and organized as before.

In 1844, May 7, Dr. Hartshorne resigned as Resident Physician, and Dr. Robert A. Given was elected to that position.

In 1845, September 9, George Thompson resigned as Warden, and Thomas Scattergood was elected to fill the vacancy.

In the year 1847, William A. Porter was appointed Inspector in the place of Robert Patterson, resigned.

On the 14th day of December, 1849, Matthew L. Bevan, one of the Inspectors and President of the Board, died full of years, having lived a blameless life. He had served as Inspector since July, 1834. The Supreme Court appointed Hugh Campbell to fill the vacancy.

The Board organized by the election of William A. Porter, President; Richard Vaux, Secretary; John Bacon, Treasurer; Thomas Scattergood, Warden; Dr. Given, Resident Physician, and John S. Halloway, Clerk.

On the 21st of September, 1850, John S. Halloway was elected Warden and William Marriott, Clerk.

In the year 1851, William A. Porter resigned as Inspector, and Thomas Bradford died. The following gentlemen were appointed to fill these vacancies, S. A. Mercer and Charles Brown. The death of Mr. Bradford was the result of long ill health. He had been connected with the Institution from the time of the erection of the building till his death, except a short period, when he was appointed Inspector on the resignation of Roberts Vaux.

The Board was organized May 3, 1851, by the election of Richard Vaux, President; S. A. Mercer, Secretary,

and John Bacon, Treasurer. John S. Halloway was elected Warden; Mr. Larcombe, Moral Instructor, and William Marriot, Clerk. Dr. Lassiter was elected Resident Physician in the place of Dr. Given, resigned, June 20, 1851.

In the year 1853, Charles Brown and Hugh Campbell resigned as Inspectors, and their vacancies were supplied by the appointment of Andrew Miller and Chambers McKibben. The Board organized by the election of Richard Vaux, President; Andrew Miller, Secretary, and John Bacon, Treasurer.

In the year 1854, Singleton Mercer resigned as Inspector, and Samuel Jones, M. D., was appointed in his place.

John S. Halloway resigned as Warden, and the Board elected Nimrod Strickland, of Chester County, to that office, June 17, 1854.

In the year 1855, April 13, the Supreme Court appointed Richard Vaux, John Bacon, Samuel Jones, C. McKibben and Andrew Miller, Inspectors. Richard Vaux, President; A. Miller, Secretary; John Bacon, Treasurer.

In the year 1856, Judge Strickland resigned as Warden, and the Board elected John S. Halloway to his former position as Warden. Dr. Lassiter resigned as Resident Physician, and Thomas Newbold, M. D., was elected in his place.

On February 6, 1857, Chambers McKibben resigned as Inspector, and William Goodwin was appointed in his place.

In the year 1858, William Marriot, Clerk of the Penitentiary died, and Richard J. Prendegrast was temporarily elected to that position.

In the year 1859, March 25, the Supreme Court appointed the following gentlemen Inspectors: Richard Vaux, John Bacon, Samuel Jones, Alexander Henry and Thomas H. Powers.

The Board organized by the election of Richard Vaux, President; Samuel Jones, Secretary, and John Bacon, Treasurer. R. J. Prendegrast was elected Clerk.

John Bacon, who had been so long connected with the Penitentiary, and acted for many years as Treasurer of the Board, died in 1859. He was for thirty years connected with the Penitentiary.

On November 5, the Supreme Court appointed Furman Sheppard in the place of John Bacon, deceased, and the Board elected him Treasurer to fill the vacancy.

In 1860, The Moral Instructor, Thomas Larcombe died; November, 1861, the Rev. C. M. Breaker was appointed in his place; January 27, 1862, he died, and the Rev. John Ruth was elected to the vacancy.

On January 7, 1861, the Supreme Court appointed Richard Vaux, Samuel Jones, Furman Sheppard, Alexander Henry and Thomas H. Powers, Inspectors. The Board organized by electing Richard Vaux, President; Samuel Jones, Secretary; Furman Sheppard, Treasurer.

In June, 1862, Dr. Newbold resigned his position as Resident Physician, and Dr. S. A. Woodhouse was elected, September 6, in his place.

In 1863, Dr. Taylor was elected Resident Physician in the place of Dr. Woodhouse, resigned, and A. J. Ourt was elected Clerk, (he was at the time a teacher for the prisoners,) in the place of R. J. Prendegrast.

In the year 1864, Samuel Jones died, and his place was filled, January 9, 1865, by the appointment of Anthony J. Drexel. The Board organized by electing Richard Vaux, President, Thomas H. Powers, Secretary, and Furman Sheppard, Treasurer.

During the year 1866, Henry M. Klapp, M. D., was elected Resident Physician in the place of Dr. Taylor, resigned.

In the month of December, 1869, John S. Halloway, the Warden, died. It is due to the memory of Mr. Halloway to remark, that all the duties imposed upon him while connected with this Penitentiary, were discharged by him with a firmness and an ability and integrity which qualified him in an eminent degree for the position which he so long occupied.

In the year 1870, the Supreme Court appointed the following gentlemen Inspectors: Richard Vaux, Alexander Henry, Furman Sheppard, Thomas H. Powers and John M. Maris. The Board organized by electing Richard Vaux, President; John M. Maris, Secretary, and Furman Sheppard, Treasurer.

On the 5th of February, 1870, S. Sheneman was elected Clerk.

For some months after the death of Mr. Halloway, the duties of Warden, *pro tempore*, were satisfactorily discharged by M. J. Cassidy, one of the overseers, while Dr. Klapp was nominally Warden.

On the 8th of July, 1870, Edward Townsend, M. D., was elected Warden, to fill the vacancy caused by the death of Mr. Halloway.

On the 10th of February, 1872, Dr. Klapp resigned as Resident Physician, and Dr. C. Bullard was appointed to fill the vacancy.

SKETCH OF THE GENTLEMEN WHO HAVE SERVED AS
INSPECTORS.

It may not be without interest to give some very general information as to the gentlemen who from 1829 to 1872, have held the responsible position of Inspectors of the Eastern State Penitentiary.

Charles S. Coxe, a lawyer, and Judge of the District Court of Philadelphia.

Josiah Randall, a lawyer of marked prominence at the Philadelphia Bar.

Roberts Vaux was in no active business; he devoted his time to public institutions for education and benevolence. His labors on behalf of the separate system of prison discipline and public education are a part of the history of his time.

John Swift, a lawyer, and for many years Mayor, and subsequently an Alderman, of Philadelphia.

Thomas Bradford, Jr., a lawyer, for a long time Inspector of the old Walnut Street Prison, and one of the early champions of the separate system.*

Daniel H. Miller, a merchant, and State Senator.

* Mr. Bradford and Mr. Vaux drew up the Act of 1829. Mr. Bradford was one of the most devoted friends of the Pennsylvania system.

Benjamin W. Richards, a merchant, and Mayor of Philadelphia.

John Bacon, a merchant, and for many years Treasurer of the City of Philadelphia.

William H. Hood, a merchant of Philadelphia.

Matthew L. Bevan, a merchant, and member of one of the largest business firms in the city.

General Robert Patterson is a prominent merchant and manufacturer.

Richard Vaux, a lawyer, Recorder, and Mayor of Philadelphia.

William A. Porter, a lawyer, High Sheriff of Philadelphia County, Judge of the Supreme Court of Pennsylvania.

Singleton A. Mercer, a merchant, and President of the Farmers' and Mechanics' Bank of Philadelphia.

Charles Brown was engaged in business, was a member of Congress of the United States, and Collector of the Port of Philadelphia.

Hugh Campbell, a merchant.

Chambers M'Kibben, the proprietor of the Merchants Hotel, and Treasurer of the United States at Philadelphia.

Andrew Miller, a grocer, and Recorder of Deeds for the County of Philadelphia, and a lawyer later in life.

William Goodwin, a manufacturer and State Senator.

Anthony J. Drexel, a banker, of the well-known firm of A. J. Drexel & Co., of Philadelphia.

Alexander Henry, a lawyer, and Mayor of Philadelphia.

Samuel Jones, a teacher and physician.

Furman Sheppard, a lawyer, and has been District Attorney for Philadelphia.

Thomas H. Powers, a manufacturer of chemicals, &c., of the old established and well-known firm of Powers & Weightman.

John M. Maris, a merchant, and was for some time one of the Guardians of the Poor of Philadelphia.

A REVIEW OF THE DEVELOPMENT OF THE ADMINISTRATION.

From the opening of this Penitentiary in 1829, to the end of the last year, 1871, 42 years have elapsed. This period may be sub-divided into two epochs, the first, from 1829 to 1849, should be designated as the epoch of *experiment and experience*, the latter of *development and progress*. It requires neither argument nor justification to denominate the first period as one during which the system was to be studied and understood. From the earliest efforts to secure "solitude," as it was called, for the convict during his imprisonment, till the trial was so indifferently and partially made in the Walnut Street prison, by the separation of a few prisoners, it was the theory of *separation* that was mainly considered.

When the Penitentiary was ready in 1829 for the reception of some occupants, it may be said that very little was really known as to the effect of the discipline on the prisoners. Indeed, the discipline of itself was a theory. For many years following 1829, it was not possible to do more than supervise the administration, and put it into working order. It required some time to settle what were the consequences of the discipline, and

patient investigation was necessary to determine them. To finish all the buildings, suffer from some serious criticisms on the management, and harmonize almost irreconcilable opinions, if not feelings, among those who were first connected with the administration of the penitentiary, distracted the minds of those who were charged with the government of the institution. Therefore, from 1829 to 1835 the attention of the Inspectors was not wholly concentrated on the workings of the system which had been established for the penitentiary. From 1835 to 1849 the treatment of the prisoners was thoroughly considered, and then it was that the experience developed in the experiment of the separate system, became of great importance.

From 1849 to 1871, the Inspectors were to a greater extent occupied in investigating the principles and the philosophy of the separate or individual-treatment discipline, which is now in full operation in this penitentiary.

These remarks are properly prefatory to the annexed extracts from the Reports of the Inspectors to the Legislature. They are also intended to present the reason for, and explain the purpose of, the statement of the results of the administration of the system of separate confinement of prisoners in the penitentiary, for the two periods to which reference has been made. This statement will give some idea of the progress made, but prominently show the philosophic basis on which penology must rest, and the intimate relations it bears to social science.

The Penitentiary went into operation, by the reception of the first prisoner, on October 25, 1829. The law

organizing it was in force June 1, 1829, and S. R. Wood, the first Warden, took charge August 1, 1829. Four blocks of cells were yet unfinished, and the architect and the friends of the separate system, as well as the Inspectors, were engaged in ascertaining what improvements could be made in the details of the general plan. The State Penitentiary at Pittsburgh (Allegheny) and the one at Philadelphia, constructed on the plan of separate confinement of the convicts, were both originally devised without, of course, much, if any, practical experience in their adaptation to the objects for which they were to be occupied. It is not to be presumed that experience, when obtained, did not suggest various improvements in the structure of prisons for the separation, individual treatment, and labor and instruction of the inmates.

It is but proper to note that, in 1818, there was a difference of opinion among the friends of the system as to what it really should be in its administration. Some were for *solitude*, as it was called in contradistinction to *congregation*, without labor. Others were in favor of solitude and hard labor. The first blocks of cells were erected when this subject had been settled, but it had so engaged the minds of all parties before the great results which experience has since shown were to result from *separation and the individual-treatment* of the prisoners, that these apartments were not wholly suited to the wiser and truer discipline.*

* Mr. Vaux, Mr. Bradford and Mr. Wood drew up the Acts of Assembly of 1821 and 1829. Mr. Bradford was for solitude without labor. Mr. Vaux was so decidedly in favor of "separation of prisoners," that he was willing labor and instruction should be part of the system, and Mr. Wood was unequivocally the advocate of labor under any circumstances.—*McElwee's Report*.

It is not now scarcely possible to explain how much of discussion and difference of opinion then existed on these subjects. The friends of the separate system had not only to educate the public mind in Pennsylvania as to its real merits, but also to combat opposition in England, New England, New York, and among various gentlemen who had some general opinions on penal jurisprudence. It is not possible to give all the views expressed from these sources. A history, even as brief as the one now presented, would not however be satisfactory without some reference to these interesting questions and their effects on the Pennsylvania system.

The system of Pennsylvania may now be properly described as *the separate and individual-treatment system of prison discipline*. We believe it to be as great a success as human effort, under all the circumstances, could be expected to accomplish.

Crime and criminals should be regarded in the relation they bear to the social condition. Society, the State, or Commonwealth, demands protection against violations of those laws which are enacted for protection of the interests, happiness, security and welfare of the people. For these violations of law, punishment is to be inflicted on the offender. Thus far the State is directly interested in the laws defining crimes, and declaring the penalties. The vindication of the law and its administration, and the infliction of the punishment comprise the paramount interests of the State. The punishment begins its operation on the criminal, and so far as that punishment *deters from crime*, the State has a direct

interest in the system by which it is administered. Out of the system come other benefits to the State, such as the reformation of the offender, and the protection of the State from the perils of a crime-class, created by the system of punishment.

The system by which, in penitentiary or prison, the punishment is inflicted, and by which these benefits are to be derived both by the State and the convict is of equal importance with any other of the interests the State has directly in its jurisprudence.

This system is one to be considered and determined by applying to the principles on which it is based, a scientific investigation only, for any other, subordinates to the feelings and interests what should be predominant as a question of social science.

This subject, it may be remarked, is one that requires the most thorough examination before any conclusions can be safely arrived at. The questions of original cost, kinds of labor, or capacity to be self-supporting, have no direct concern with the *system* of punishment. If the punishment by the separate and individual-treatment of the convicts, secures society and protects the people; deters from crime; punishes the offender; reforms the individual; returns him to his former social relations better, or no worse than when he was separated from them by his imprisonment; prevents the organization or augmentation of a crime-class in the community; then the principal purposes, the highest aims of punishment are obtained. It is with these that society is directly concerned. To ascertain whether these effects are the con-

sequences of any system of punishment, requires that the system should be scientifically and practically investigated, and all other questions should be postponed till these consequences are determined.

It is claimed for the separate and individual-treatment system, as now administered in the Eastern State Penitentiary at Philadelphia, that it accomplishes all these purposes. *Let the contrary be demonstrated before the system is either condemned or set aside for one which yields less, or none of the great objects of punishment by imprisonment of offenders.* It will not suffice to condemn the separate system, because, by the *separation* of convicts, less *profits* are obtained from their labor than when they work aided by machinery in an associate or congregate prison. *The State has no such paramount interest in the profits of the labor of its convicts as to abandon all the other benefits which should be derived from their punishment.* The congregation or association of convicts during their punishment by imprisonment, produces evils ultimately far more expensive to the State than the loss of profits gained by working them together for the period of their imprisonment.

It is doubted if ever yet a system of penitentiary discipline, or of treatment of offenders sentenced to *separation from society* for crimes against it, has been adjudged the best because it is pre-eminently a profit-making, money-gaining system. Such a decision, based on such a principle, would, or should, shock the moral sense of mankind. It may be possible to introduce into the profit-making discipline, a means of moral culture,

promising the reform of those who are subjected to it. But so long as *the profits* are the primary purpose of the discipline, the great aim, punishment, is lost sight of because punishment then is only *incarceration in a prison*, and the reformation of the prisoner is subordinate to the best method of labor.

No regard is paid to the effects of congregating in a prison, large numbers of convicts working together, when these prisoners leave the institution to mix again in society. This consideration, and the reformation and individual benefits to be derived from proper instruction during punishment, are questions which if considered, and due weight given to their importance, would involve loss of profits. A congregate prison, the system of congregating prisoners for work, unless it is profit-making could not be regarded as defensible. Its only merit now, consists in the asserted fact that it may be self-supporting. Such are the sordid influences that the system of money-making prisons begets; a system so prejudicial to the convict and society.

REMARKS AND FACTS IN RELATION TO ADMINISTRATION.

It may be said, without fear of denial, that the *best* system of prison discipline ever devised may utterly fail by reason of its bad administration. So also is it true of a *bad* system, it may produce good results, provided it is well administered. *So much depends on administration.* The most important element in all administrations is the character and capacity of the governing power, and the adaptation of the officers to their duties. It is to be re-

marked that the changing of the officers for any reason other than unfitness, or impropriety of conduct, is to be condemned in the strongest manner, as fatal to the best interests of the institution. Political or sectarian influence should never be permitted to control the administration, or in any way interfere with the government of a prison. It produces the worst possible condition of the administration, and destroys the independence of those who are required to be responsible for the faithful discharge of their peculiar duties, which must be systematised, rigidly supervised, and performed with exactness and with a full understanding that direct accountability is demanded.

Very little consideration is given to the importance of these principles in prison government. It is too often the case that favoritism is made the ground for pertinacious recommendations for positions, when the want of character and fitness in the applicant is known to be positive. Appointments to positions should be in every case dependent only on integrity, character and special qualifications for the duties to be performed, and the tenure should depend solely on good conduct. In this Penitentiary all the appointments of overseers are made by the Warden without the intervention of the Inspectors, who, however, hold the Warden responsible therefor.

BASIS OF THE DISCIPLINE.

It may better explain the basis of the administration of the discipline, to give the following account of some of the means adopted to improve and reform the prisoners.

For the past three years, out of a total population during that period of 1495 persons, only 96 were subjected to punishment for violating the rules, for gross insubordination, or for other bad conduct; the only punishment permitted is a dark cell and bread and water.

For the same period 20,300 lessons were given by the secular teachers instructing those who were illiterate, or improving those who had some education.

The whole number of lessons given by the moral instructor was 24,296, besides 1089 Sunday exercises on the Sundays of these years.

There were 28,031 newspapers, of all religious denominations, distributed.

The library contains 6,268 volumes, and for three years 69,658 books were distributed to the prisoners: besides 112,615 pages of tracts.

Every prisoner is taught a handicraft occupation, and when able to do the work, he is allowed one-half of the product of his labor, in excess of his task, for his own use, or that of his family. All those who are received and capable of learning are taught to read, write, cipher and a trade. When any prisoner has a decided talent for either intellectual or mechanical pursuits, he is permitted to improve himself in study, or perfect himself in mechanism.

Letters to and from the prisoners are forwarded by the Warden, after such examination only as to provide against infractions of the rules. Within the past three years 11,275 letters were sent by prisoners, and 18,911 received by them.

The influences best adapted to each individual as a reformatory treatment of his case, are directly applied.

The cells are regularly cleaned, and great attention is given to this subject, and also to personal cleanliness.

The number of general visitors to the institution, for the past ten years amounts to 114,440. Visits to the prisoners are regulated by a general rule, but special cases are governed by the circumstances in each case.

The officers, Warden, Physician, Moral Instructors and Teachers and Overseers in charge, have constant intercourse with the prisoners.

Two of the Inspectors are detailed each month as "Visiting Inspectors," who have the general duties of supervision imposed on them, besides such special business in regard to the administration, as the Board directs.

The "Prison Society" has a visiting committee which occupies itself with visits to the prisoners, and a special officer of the Society to look after discharged prisoners.

MEETINGS OF THE BOARD.

The regular meetings of the Board of Inspectors are held monthly, at which time a written report in detail is required from the Treasurer, Warden, Physician, Moral Instructor and Secular Instructor. Bills are at the same time submitted by the Warden for all purchases made by him since the preceding meeting, their payment, however, not being ordered by the Board until, upon examination, by a committee of the Board, they are found to

be correct. The Warden is also required by law to keep a journal and enter therein, daily, all events happening in the Penitentiary, including all cases of punishment or discipline, open to the examination of the Inspectors.

ANNUAL REPORTS OF THE INSPECTORS TO THE LEGISLATURE.

From the first year of the opening of the Penitentiary, 1829, annually, as by law required, the Inspectors have made to the Legislature of the State reports on the condition of the Institution. These reports are exhaustive on all the subjects connected with the administration of the Penitentiary. The views of the Inspectors as to the system of separate or individual-treatment of convicts are presented, and such suggestions are from time to time made as directly relate to the cause of crime, legislation for the prevention and punishment of offenders, and also the opinions of the Inspectors on the proper means by which the effects of punishment are most surely produced. Each annual report is accompanied by statistical tables most carefully prepared from the best sources of information, in which the most thorough exposition of the relations, physical, moral and mental, of each prisoner on admission and discharge is shown.

It is believed that no more full and complete exhibit of any institution can be found than is thus afforded.

The student of penal science, in its relations to social science, jurisprudence, systems of punishment, prison discipline, the effects of imprisonment by the separate system on all who are subjected to it, can obtain in these reports most valuable information. There are now

printed and published 43 of these reports with full tabular statistical exhibits, and in order that those who desire to learn how much has been done by the Inspectors for the past few years, for the information of those who take any interest in investigating the questions involved, it may be stated that each of the more recent annual reports contain about 150 pages of printed matter.

RECEIVING BOOK.

The following is a copy of the "Receiving Book" which has been in use in this Penitentiary for nearly 40 years:

No. Age, Native of, Bound, Trade, Complexion, Eyes, Hair, Stature, Marks, No. of Convictions, Parents, Reads, Writes, Temperate, Married, Property, Crime, Sentence, County and Court, Sentenced, Received, Remarks,	Apprenticed : and left before end of term of apprenticeship. and served until expiration of term. Went to Public School, " Private " Age on Leaving "
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A COPY OF THE MEDICAL GENERAL RECORD OF ADMISSIONS.

Name.
Date.
No.
White.
Black.
Mulatto.
Age.
Male.
Female.
Bodily Health.
Mental Health.
Habits.
Married.
Single.
Protected against Smallpox.
Hereditary Disease in the Family.
Number of Convictions.
Length of Sentence.
Time in County Jail.
Born in
Occupation.

A COPY OF THE MEDICAL GENERAL RECORD OF DISCHARGES.

Name.
Date.
No.
White.
Black.
Mulatto.
Age.
Male.
Female.
Improved.
Unimproved.
Impaired.
Improved.
Unimproved.
Impaired.
Health during Imprisonment.
Time in Prison.
Pardoned.
Remarks.

FORM OF MEDICAL MONTHLY REPORT.

Name.
No.
White.
Black.
Mulatto.
Age.
Male.
Female.
Date of Admission.
Time in Prison.
Disease.
Cause.
Cured.
Relieved.
Time Out.
Pardoned.
Dead.
Monthly Summary, Remarks, &c.

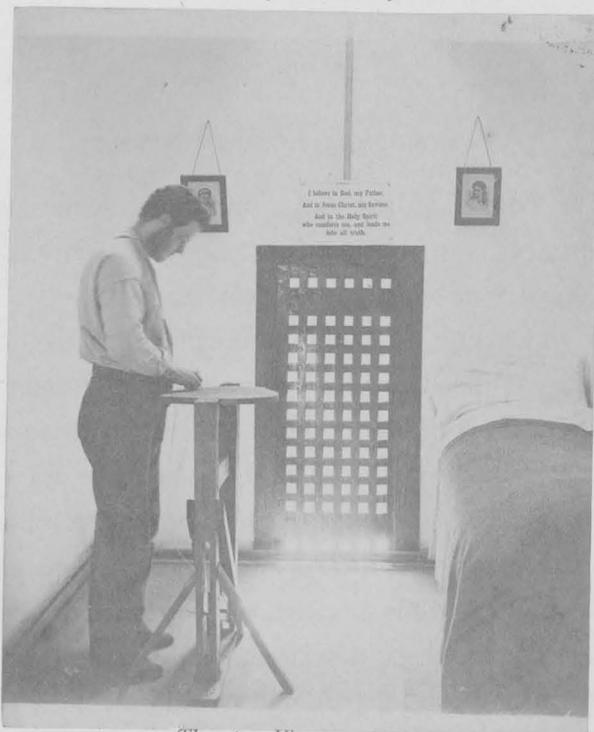
MEDICAL DEPARTMENT.

The health of the large number of inmates of a Penitentiary is a subject of careful attention. After much experience and reflection, the Inspectors came to the conclusion that the importance of the interests involved, required that a competent physician should permanently reside upon the premises, so as to be constantly at hand, by day or night, whenever an occasion should arise for his services. This has been found much more satisfactory than the system of a visiting physician from without. Medical visits, of which a daily record is kept, are constantly and systematically made by the Resident Physician to every prisoner, and each new recipient into the Institution undergoes, upon his admission, a thorough and medical examination, the results of which are fully recorded. An ample assortment of medical supplies is kept in the apothecary shop of the Penitentiary, which is under the charge of the Resident Physician.

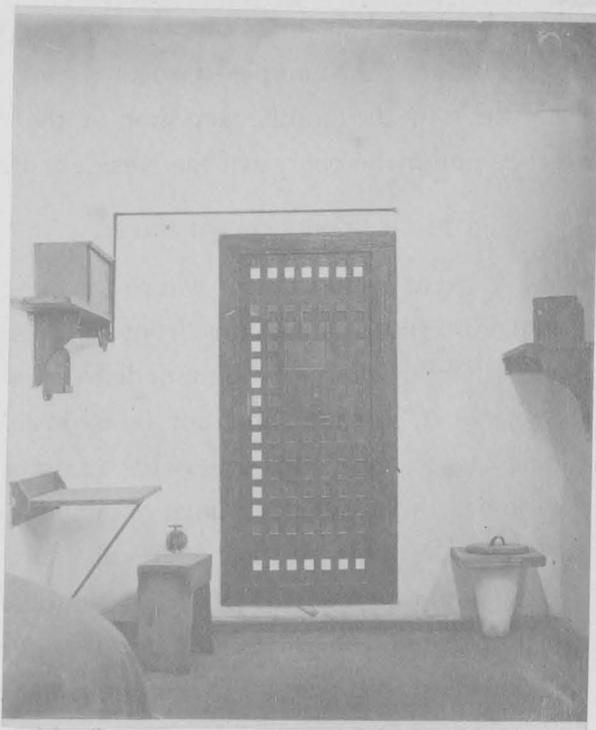
THE DISCHARGE OF PRISONERS.

It is of great importance where a Penitentiary, located in a city, receives inmates from a distance, that they should when discharged, be immediately sent to the localities whence they came, and not be exposed to the temptations of the city. In order to accomplish this beneficial object, the Inspectors have obtained authority, by an Act of Assembly of the State of Pennsylvania, to give, if it should be needed, to each prisoner upon his discharge, a specified sum of money, for the purpose of paying his traveling expenses to the county from which he came, viz: \$5.00 under fifty and \$10.00 over fifty miles.

Interior View of Cell, taken from the Corridor.



These two Views constitute One Cell.



Interior View of Cell, taken from the Yard of the Cell.

The "Prison Society" also, as a part of its benevolent operations, takes care that each prisoner upon his discharge, shall if his necessities require it, be supplied with such clothing as shall enable him to present a proper appearance when he rejoins his family or friends.

RULES FOR THE PRISONER.

In each cell there is a printed copy of these Rules :

"You are desired strictly to observe the following Rules established by the Inspectors for your government:"

First.—You must keep your person, cell and utensils clean and in order.

Second.—You must obey promptly, all directions given to you, either by the Inspectors, Warden, or Overseers.

Third.—You must not make any unnecessary noise, either by singing, whistling, or in any other manner; but in all respects preserve becoming order. You must not try to communicate with your fellow-prisoners in the adjoining cells, either from your own apartment, or during the time you are exercising in your yard.

Fourth.—All surplus food must be placed in the vessel provided for that purpose; and all wastage of materials, or other dirt, must be carefully collected and handed out of the cell, when called for by the Overseer.

Fifth.—You must apply yourself industriously, at whatever employment is assigned you; and when your task is finished, it is recommended that your time be devoted to the proper improvement of your mind, either in reading the books provided for the purpose, or in case you cannot read, in learning to do so.

Sixth.—Should you have any complaint to make against the Overseer having charge of you, make it to the Warden or Inspector—if against the Warden to an Inspector.

Seventh.—Be at all times, in your intercourse with the officers of the Penitentiary, respectful and courteous, and never suffer yourself to be led astray from your duties, by angry or revengeful feelings.

Eighth.—Observe the Sabbath; though you are separated from the world, the day is not the less holy.

The Inspectors desire to treat every prisoner under their charge with humanity and kindness; and they hope that in return, the prisoner will strictly conform to the rules adopted for his government, which are not merely advisory, but are a law to him, especially the third, any violation of which will incur proper punishment.

Special Notice.—Violations of these rules or any part of the discipline of the Institution, will deprive the prisoner of the benefit of the "Commutation Law."

N. B.—Not to be defaced in any manner.

CHARACTER OF THE BOOKS AND DIRECTIONS TO OBTAIN WHAT ARE DESIRED.

Whole number of Volumes in Library:—

English,	5445
German,	771
French, etc.	41
Spanish, 6; Italian, 2; Latin, 3;	11

Character of English Books:—

Religious,	773
Instructive,	1350
Entertaining,	3467

Character of German Books:—

Religious,	320
Instructive,	105
Entertaining,	346

DIRECTIONS TO PRISONERS FOR SELECTING BOOKS.

Draw two lines down the *back* of your card-slate, and write over the spaces three headings, thus:—

RELIGIOUS.	INSTRUCTIVE.	ENTERTAINING.

The numbers of new books will be put down as classed in the Supplement.

Keep your card-slate clean, and hang up with catalogue when not in use.

Use only the back of card-slate for putting down numbers.

Leave upon the slate any numbers placed there by the Librarian, and when any one of your numbers are crossed out as filled, replace them with fresh ones, so as to keep at least 30 numbers constantly on your slate for the Librarian to select from.

Endeavor to make your figures neat and plain, and renew them if not easily read.

By conforming to these rules, and putting down numbers from the *three* divisions,—*Religious, Instructive,* and *Entertaining,* you will be more likely to receive such books as you prefer, or have not already had, than if numbers from only one division are put down.

These rules are found to be necessary to insure a just distribution of the books, and it is hoped they will be strictly conformed to. When such is not the case, a book will be selected at the discretion of the Librarian, which will not be exchanged, except at the regular period for doing so.

TABLE

Showing Number of Prisoners in receipt of Books, and Number of Books distributed, during the year 1871.

	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
Books.....	2584	2549	3403	2630	2698	2819	2552	2695	2802	2843	8252	3022	33894
Prisoners.....	583	577	567	547	530	541	509	501	508	523	527	528	536
Average.....	4.43	4.43	6.00	4.80	5.09	5.21	5.02	5.58	5.51	5.43	6.17	5.72	64.23

EXPLANATION OF THE TABLES.

The following tables are prepared for the purpose of showing that between the years 1829 and '49, and between '49 and '72, the attention of the Inspectors has been directed to the investigation of the effects of the separate or individual-treatment system on the convicts. The first period has been designated as that of experience and experiment, the latter of development and progress. These tables have been prepared from the statistics presented in the annual reports of the Inspectors to the Legislature. It will be observed that during the period of development and progress, the statistics have gradually become of increasing value. The subjects have also grown in importance, and the contrast, it is believed, will be indicated by these statistical exhibits.

STATEMENT NO. I.

Comparing the number of Counties sending Prisoners to the Eastern State Penitentiary, the number of Prisoners received, their Ages and Local Relations from 1829 to 1849, with those from 1850 to 1871, as given in the Yearly Reports of the Inspectors; or, exhibiting the yearly increase of Statistical information on these characteristics.

YEARS.	No. of Counties Sending, Exclusive of United States.			Ages.							Local Relations.		YEARS.	No. of Counties Sending, Exclusive of United States.			Ages.							Local Relations.					
	White.	Colored.	Total.	Under 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	Americans.	Foreigners.		White.	Colored.	Total.	Under 18.	18 to 21.	21 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 50.	50 to 60.	60 and upwards.	Americans.	Foreigners.		
1829	9	1850	24	116	34	150	4	39	35	24	11	11	17	4	0	5	108	42
1830	49	1851	22	122	25	147	9	18	40	30	14	19	10	0	1	1	94	53
1831	50	1852	23	113	13	126	4	25	40	20	16	10	5	5	5	1	92	34
1832	.....	.....	34	.....	.....	.....	.....	.....	.....	.....	.....	.....	1853	25	106	11	117	5	17	26	26	13	14	11	5	.....	81	36
1833	.....	.....	77	14	34	20	7	1	.....	1	64	13	1854	23	101	23	124	4	23	32	23	17	12	10	1	2	84	40
1834	.....	.....	118	16	63	22	10	6	1	.....	103	15	1855	20	126	20	146	1	37	26	31	15	14	16	3	3	88	58
1835	.....	.....	217	34	117	39	13	10	4	.....	192	25	1856	22	127	19	146	13	28	43	17	16	8	16	4	6	107	39
1836	8	59	143	12	74	40	11	5	1	.....	120	23	1857	27	199	38	237	10	52	54	43	17	23	22	9	7	152	85
1837	101	60	161	13	96	32	15	4	.....	1	123	38	1858	29	175	32	207	9	39	53	33	29	20	14	7	3	149	58
1838	115	63	178	21	85	41	22	0	2	1	142	36	1859	30	188	17	205	1	40	70	29	22	14	17	8	4	139	66	
1839	99	86	179	23	95	35	16	7	2	1	157	22	1860	29	219	40	259	11	46	95	42	23	13	24	3	2	182	77	
1840	58	51	139	25	57	35	13	4	5	.....	106	33	1861	29	154	28	182	10	24	53	29	22	14	14	13	3	140	42
1841	83	43	126	13	51	36	18	7	1	1	103	23	1862	30	114	21	135	9	13	27	15	10	20	11	3	3	102	33	
1842	102	40	142	17	82	25	11	4	3	.....	119	23	1863	33	154	29	183	9	34	48	32	22	15	9	10	4	136	47
1843	113	43	156	11	78	37	20	0	3	1	114	42	1864	28	139	11	150	10	20	28	24	14	20	26	6	2	100	50	
1844	106	32	138	18	72	27	15	4	2	.....	113	25	1865	34	239	18	257	7	47	68	58	26	20	18	11	2	186	71
1845	115	28	143	14	70	35	17	4	1	.....	103	40	1866	37	322	42	304	14	87	98	77	33	25	18	12	.....	285	79
1846	90	27	117	15	50	25	18	5	4	.....	100	17	1867	32	250	41	291	7	55	90	58	30	22	11	11	1	231	60
1847	26	86	112	22	53	24	21	2	1	1	96	28	1868	33	218	35	253	12	33	74	45	22	26	24	14	3	186	67	
1848	25	88	113	19	61	22	13	4	2	.....	87	34	1869	32	266	43	309	25	68	73	69	31	17	10	12	4	245	64
1849	26	103	129	20	61	23	18	4	2	.....	79	49	1870	34	276	39	315	15	46	74	86	33	19	26	14	2	232	83
													1871	27	212	28	240	18	31	66	52	27	17	18	10	1	186	54	

STATEMENT NO. 3.

Comparing the Educational and Industrial Relations, and the Number of Convictions of each prisoner sentenced to the Eastern State Penitentiary from 1829 to 1849, with those from 1850 to 1871 as given in the Yearly Reports of the Inspectors; or exhibiting the yearly increase of Statistical information on these characteristics.

YEARS.	Educational Relations.					Industrial Relations.			No. of Convictions to any Prison.								YEARS.	Educational Relations.					Industrial Relations.			No. of Convictions to any Prison.									
	Illiterate.	Read only.	Read and Write.	Went to Public School.	Went to Private School.	Never went to School.	Unapprenticed.	Apprenticed and Left.	Apprenticed and Served.	1 Conviction.	2 Convictions.	3 Convictions.	4 Convictions.	5 Convictions.	6 Convictions.	7 Convictions.		8 Conv's and upwards.	Illiterate.	Read only.	Read and Write.	Went to Public School.	Went to Private School.	Never went to School.	Unapprenticed.	Apprenticed and Left.	Apprenticed and Served.	1 Conviction.	2 Convictions.	3 Convictions.	4 Convictions.	5 Convictions.	6 Convictions.	7 Convictions.	8 Conv's and upwards.
1829	1850	30	30	90	107	29	14	115	23	7	3	2
1830	1851	17	31	99	104	28	15	127	14	2	3	1
1831	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1852	17	22	87	.....	.....	.....	98	12	16	100	19	6	1	.....	.....	.....
1832	1853	17	12	91	87	20	10	99	14	1	1	1	1
1833	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1854	20	19	85	.....	.....	.....	89	23	12	99	20	3	2	.....	.....	.....
1834	25	19	74	.....	.....	.....	82	23	13	93	20	4	.....	1	.....	.....	1855	13	13	120	.....	.....	.....	109	17	20	115	22	7	2	.....	.....	.....
1835	63	69	85	.....	.....	.....	97	60	6	129	57	19	9	1	1	1	.....	1856	20	17	109	.....	.....	.....	108	18	20	123	20	1	1	.....	1	.....
1836	43	35	65	.....	.....	.....	82	35	26	100	32	10	1	.....	.....	.....	1857	43	41	153	.....	.....	.....	172	28	37	179	40	10	3	1	.....	2	2
1837	53	35	73	.....	.....	.....	102	29	30	102	33	16	7	2	1	.....	1858	36	27	144	.....	.....	.....	167	16	24	170	27	7	1	1	.....	.....	1
1838	66	37	75	.....	.....	.....	116	34	28	131	25	13	4	3	2	.....	1859	33	34	138	.....	.....	.....	163	12	30	170	20	12	2	.....	.....	1	
1839	57	47	75	.....	.....	.....	102	41	36	114	35	16	10	1	2	1	.....	1860	41	37	181	.....	.....	.....	206	20	33	199	49	6	2	.....	1	2
1840	46	26	69	.....	.....	.....	103	22	14	98	30	8	3	.....	.....	.....	1861	35	26	121	.....	.....	.....	145	14	23	147	25	4	4	.....	.....	.....
1841	32	24	70	.....	.....	.....	77	26	23	88	21	6	5	3	2	1	.....	1862	27	28	80	.....	.....	.....	102	11	22	117	15	3	.....	.....	.....	.....
1842	30	31	81	.....	.....	.....	97	32	13	102	29	7	2	2	.....	.....	1863	26	27	130	.....	.....	.....	152	16	15	159	16	6	2	.....	.....	.....
1843	36	32	88	.....	.....	.....	106	25	25	127	19	7	2	1	.....	.....	1864	28	21	101	.....	.....	.....	128	12	10	137	9	2	1	1	.....	.....	.....
1844	33	33	72	.....	.....	.....	96	29	13	110	16	4	5	2	1	.....	1865	49	29	179	.....	.....	.....	207	22	28	139	20	4	1	.....	.....	2	1
1845	21	36	86	.....	.....	.....	95	23	25	110	24	8	1	.....	.....	1866	52	37	275	.....	.....	.....	294	48	22	316	31	10	5	2	.....	.....	.....
1846	20	20	77	.....	.....	.....	87	17	13	86	23	7	.....	1	.....	.....	1867	62	24	205	.....	.....	.....	245	25	21	245	39	5	1	.....	1	.....	.....
1847	29	14	81	.....	.....	.....	82	20	22	87	19	10	4	2	2	.....	1868	41	26	186	.....	.....	.....	205	31	17	219	26	5	1	1	.....	.....	1
1848	25	20	76	94	13	14	86	26	2	3	3	1	1869	51	39	219	268	33	8	242	53	9	3	1	1
1849	26	22	80	.....	.....	.....	98	12	18	105	18	3	2	.....	.....	1870	62	30	223	176	57	82	283	15	17	253	47	10	4	1	1	.....	.....	.....
																		1871	54	10	176	88	16	136	216	12	12	198	31	3	5	2

GENERAL STATEMENT OF THE PECULIAR FEATURES OF THE
ANNUAL REPORTS OF THE INSPECTORS.

In the Reports for 1830, 1831, 1832, statements showing the prisoner's number, age, sex, place of nativity, when sentenced, sentence, crime, at what court tried, number of convictions and when and how discharged.

In the Report for 1835, statements of prisoners received and discharged, with their age, sex, color, crime, etc., etc.

In the Report for 1839, tables of the sickness of white and colored prisoners on admission, also tables of sickness during imprisonment of the white and colored prisoners discharged during the year. Tables of the mental disorders in Eastern State Penitentiary during 1839.

In the Report for 1845, tables showing the number of prisoners received at different ages, their health on admission, the proportion that improved or died between different periods of imprisonment, with their employments in the institution. Tabular view of the fatal cases from the reception of the first convict to December 31, 1845.

In the Reports from 1846 to 1852, tables of the fatal cases in Eastern State Penitentiary.

In the Reports from 1847 to 1871, tables of the occupation of convicts before they were convicted.

In the Reports from 1854 to 1871, tables showing the occupation of convicts in Eastern State Penitentiary.

In the Report for 1854, special statements of convicts received and discharged in that year.

In the Reports from 1855 to 1871, tables of the physical and mental condition of the prisoners in confinement for each year.

In the Report for 1855, general summary of the convicts in confinement during the year, with their different relations, various characteristics, crimes, sentences, etc., etc.

In the Reports from 1856 to 1871, tables of crimes and sentences of convicts under 25 years of age.

In the Reports from 1859 to 1871, exhibits of the receptions and discharges each year, with the age, sex, color, place of nativity, crime, sentence, etc., etc.

In the Report from 1863, a special report on recon-
victions to Eastern State Penitentiary from October 25,
1829, to April 25, 1863, with statistical tables.

In the Report for 1864, statistical tables of the age, sex, color, crimes, sentences, social, moral, educational, industrial and local relations of the whole number of minor convicts received. A report on the effects of confinement under the congregate and separate systems with statistical tables.

In the Report for 1865, a special report with statistical tables on pardoned prisoners. Statistical tables of age, color, sex, crimes, sentences, social, moral, educational and industrial relations, etc., of convicts 25 years of age and under. Statistical tables of age, color, sex, crimes, sentences, social, moral, educational and industrial relations of army prisoners.

In the Report for 1866, a special report with statistical tables of convicts, natives of Pennsylvania.

In the Reports from 1866 to 1871, tables respecting pardoned prisoners.

In the Reports from 1867 to 1871, statements showing overwork made by prisoners in Eastern State Penitentiary last year.

In the Report for 1867, a special report on educational and parental relations of prisoners with statistical tables.

In the Reports from 1868 to 1871, tables comparing education *versus* crimes, and education *versus* ages. Tables showing the number of deaths annually from the opening of the Penitentiary, among the white and colored population, with the per cents of each class.

In the Reports for 1870 and 1871, tables showing the number of convicts natives of the United States, Ireland and Germany, respectively, and the crimes committed by them, from the opening of the Penitentiary. Tables showing the number of Clerks, or prisoners so educated on admission.

Tables showing the mental health of convicts on admission and discharge from 1851; also, tables showing the number of prisoners in Eastern State Penitentiary who have become insane from 1851, with their mental condition on reception and discharge, etc.

Tables showing the physical and mental condition of prisoners received.

In the Report for 1871, tables showing the various characteristics of prisoners admitted during the year as received from the different counties. Table showing the

physical and mental health on admission and discharge of prisoners.

Necrological statement showing the white and colored population each year from the opening of the Penitentiary; the number of deaths occurring annually, the health on admission of those who died, their social and moral relations, the cause of their death and the period they were confined before death.

POPULAR PREJUDICES AGAINST THE SEPARATE SYSTEM.

The volume entitled "American Notes," by Mr. Charles Dickens, has had a large circulation in Europe and America. From his description of the Eastern Penitentiary, an impression has doubtless been made on the minds of many persons corresponding to his published idea of the Institution. He thus writes in regard to it:

"In the outskirts, stands a great prison called the Eastern Penitentiary, conducted on a plan peculiar to the State of Pennsylvania. The system here is rigid, strict, and hopeless solitary confinement, I believe it in its effects to be cruel and wrong. In its intention, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of prison discipline, and those benevolent gentlemen who carry it into execution do not know what it is that they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment prolonged for years inflicts upon the sufferers, and in guessing at it myself, and in reasoning from what I have seen written upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature. * * I was accompanied to this prison by two gentlemen officially connected with its management, and passed the day

in going from cell to cell and talking with the inmates. Every facility was afforded me that utmost courtesy could suggest. Nothing was concealed or hidden from my view, and every piece of information that I sought was openly and frankly given. * * * In another cell there was a German sentenced to five years imprisonment for larceny, two of which had just expired. With colors procured in the same manner he had painted every inch of the walls and ceiling quite beautifully. He had laid out the few feet of ground behind with exquisite neatness, and had made a little bed in the centre that looked, by the bye, like a grave. The taste and ingenuity he had displayed in every thing were most extraordinary; and yet a more dejected, heart-broken, wretched creature it would be difficult to imagine. I never saw such a picture of forlorn affliction and distress of mind. My heart bled for him, and when the tears ran down his cheeks, and he took one of the visitors aside to ask with trembling hands nervously clutching at his coat to detain him, whether there was no hope of his dismal sentence being commuted, the spectacle was really too painful to witness. I never saw or heard of any kind of misery that impressed me more than the wretchedness of this man."—*American Notes, vol. 2, page 246, A. D., 1842.*

Mr. Dickens visited at his own special request the Eastern Penitentiary. He remarked, when asking for an opportunity to examine the Institution, that "the Falls of Niagara and your Penitentiary are two objects I might almost say I most wish to see in America." His visit was thorough. He saw everything in the Penitentiary, and all the prisoners that he chose to visit. When about to leave, he remarked to Mr. Bevan, the President of the Board, that he "Never before saw a public institution in which the relation of "father and family" was so well exemplified as in this." Not one word of criticism or objection was then or there made. He did not even express a doubt of the success of separate confinement as a system of prison discipline. How could he, for he never understood it? On his return to England, his

"Notes" were published, from which the foregoing extract is taken. Mr. Dickens' recollections of his early life, and the impression then made on him by its associations and privations, perhaps gave, beyond his power of detection, the coloring to his description of the Penitentiary. His delineation of character is marked by the strong contrasts which he paints in his fictions, and, therefore, his account of his visit to the "solitary prison" may be presumed to be exaggerated or untrustworthy. The case of the German prisoner which has been given in full from the "Notes," justifies this remark.

This German prisoner, this "picture of forlorn affliction and distress of mind," this "dejected, heart-broken, wretched creature" was sentenced to this Penitentiary for the first time, May 15, 1840, for five years; on June 28, 1852, he was sent to this Penitentiary for one year; February 24, 1855, he was a third time convicted to this prison for two years; April 4, 1861, he came again for one year; on the 12th of March, 1872, he returned to this Penitentiary for two years. Thus this "picture of forlorn affliction and distress of mind," is now a living, hale, hearty man of seventy-two years of age, having served out nine years of imprisonment, under five different sentences in this penitentiary, with all its horrors and cruelty, such as "no man has a right to inflict on his fellow man:" while the author of the "American Notes," notwithstanding his associations and journeyings, and his life in the midst of pleasure and friends, sleeps with "David Copperfield."

So much for crude and emotional criticism on an Institution in which punishment is considered with the care, deliberation and thoughtfulness devoted to any other scientific question.

MODERN ADVOCATES OF THE SEPARATE SYSTEM.

Since De Tocqueville, of France, wrote his report on prison discipline, there have been several learned and eminent men who have carefully investigated the subject of individual-treatment of convicts as applied under the separate system. In Italy, Belgium and England, many students of penal science, as well as those conversant practically with this subject, have published most interesting papers in defence of cellular imprisonment.

In Philadelphia there have been contributed exhaustive arguments and statistical information, derived from the actual condition of the administration of the separate system at the Penitentiary in that city, both in the reports of the Inspectors to the Legislature, and from other sources. Special reference is here made to William Parker Foulke's "Remarks on Cellular Separation," Phila., 1871; and "Journal of Prison Discipline, Phila.," by the Hon. Joseph R. Chandler. The contributions by Francis Lieber, L.L.D., on the Pennsylvania system are well known. In this connection it is most proper to refer to the book of the Rev. J. Field, Chaplain of the Reading (England) Gaol, entitled "Prison Discipline and the Advantages of the Separate System of Imprisonment," 2 vol., London, 1848, Longman, Brown, Green & Co., Publishers.

EXTRACTS FROM SOME OF THE ANNUAL REPORTS OF THE
INSPECTORS TO THE LEGISLATURE OF PENNSYLVANIA.

In the Report of 1830, the Inspectors write:

Believing that an accurate knowledge of the discipline established in the Western State Penitentiary, near Pittsburg, (in regard to which from rumor there was some uncertainty,) might be useful in estimating the operation of that in the East, the President of the Board visited that Institution in June last, to ascertain from personal inspection, the character of the experiment there made, and, it is trusted, the Board can in no wise be regarded as reflecting upon the highly respectable gentlemen who superintend that prison, constructed, as it confessedly was, for solitary confinement, unmitigated by labour, in the remarks here submitted. The ranges of cells being too small and not sufficiently ventilated and lighted to be used as workshops, appeared to be principally used as dormitories, and he was induced to believe, that convicts could not be advantageously employed therein at solitary labour. The building being also unprovided with separate yards for the different cells, it became necessary to the health of the prisoners to allow them to associate with each other in the common yards, in which the sexes only appeared to be separated. The result of this visit was, a belief that no inference can be drawn from the situation of a prison thus constructed, (as some unfriendly to the system appeared to think,) prejudicial to the permanency of the greatly successful experiment of its operation in the Eastern Penitentiary, in which every prisoner is provided with a separate cell, of ample dimensions, and with sufficient light, communicating with a separate yard, for air and exercise.

Unbiased by the speculations of enthusiastic theorists, on either side, and unbending to the authority of names, whatever their repute, the Legislature of this Commonwealth, by its statute of the 23d of April, 1829, so far as concerned the offences embraced in that act, committed the ancient penitentiary system of Pennsylvania to the test of actual experiment, in a building adequate to the purpose, content to abide the event, before it should be abandoned, or extended to the whole calendar of penitentiary offences. That system, however imperfectly enforced heretofore, owing to the faulty construction of our prisons, this board considers to be briefly this; *solitary confinement at labour, with instruction in labour, in morals, and in religion.* The noble structure under the direction of the Board, so honourable to the

liberality and philanthropy of the State, has for the first time presented the opportunity of effectually enforcing this mode of punishing and reforming the violators of the laws of society. In accordance with the views of the Legislature, and in the faithful execution of the trust reposed in the Board, it is now proposed to express a judgment founded on actual experience, of the operation of solitary confinement with labour and instruction, upon the moral and physical powers of the convicts, and of the probable expense to the counties of maintaining their prisoners.

The evidence of the physician, with the concurring testimony of the warden, whose respective reports to the Board are annexed, and the particular observation of this Board, establish the fact, that neither insanity, nor bodily infirmity, has been produced by the mitigated solitude in which the prisoners are confined. Absolute solitude for years, without labour or moral or religious instruction, probably does bear too severely upon a social being like man, and were such the mode of punishment in this Institution, the Board would feel little hesitation in recommending its repeal, as cruel, because calculated to undermine the moral and physical powers of the prisoner, and to disqualify him from earning his bread at the expiration of his sentence; as impolitic, because, when persisted in beyond a very limited time, it tends to harden rather than reform the offender, while it produces great expense to the public, the prisoner in no way contributing by labour to his support. An opportunity of witnessing the effects of absolute solitude without labour has occasionally been presented, when, as a punishment to a sturdy and disorderly convict, the warden has ordered the light of his cell to be closed; little time has elapsed with the most hardy, before the prisoner has been found broken down in his spirit, and begging for his work and his bible, to beguile the tedium of absolute idleness in solitude.

From the Report of the year 1834, the following extract is taken:

The Pennsylvania system is emphatically a mild and humane system. Let us look for a moment at the condition of the majority of those who become subject to its regulation. We find them living a hurried and thoughtless life of hourly excitement, and shuddering at the possibility of a pause which could let in (to them the demon) reflection. We see them wanting the ordinary comforts of clothing and cleanliness, without home save that afforded by chance companionship. We find them in the brothel and the gin-shop, giving up to

all manner of excesses, indulging in every extreme of vice, self-degraded and brutal. We see them corrupted and corrupting, initiating new candidates in the race of misery and dragging them in their own vortex to a death of infamy and horror. Where do we place them, and how do we treat them? They are taken to the bath and cleansed of outward pollution, they are new clad in warm and comfortable garments, they are placed in an apartment infinitely superior to what they have been accustomed, they are given employment to enable them to live by their own industry, they are addressed in the language of kindness, interest is shown in their present and future welfare, they are advised and urged to think of their former course and to avoid it, they are lifted gently from their state of humiliation; self-degradation is removed, and self-esteem inducted. Pride of character and manliness is inculcated, and they go out of prison unknown as convicts, determined to wrestle for a living in the path of honesty and virtue. Is not this humane? The object of all prison establishments should be to reclaim. The separation of convicts affords facilities (which would be impossible under other circumstances,) to treat each individual case in a manner best adapted to that result. There are no doubt some criminals who are incorrigible, but even with these the vindictive feelings usually generated by prison discipline find no place, and they leave the establishment with sentiments of regard rather than resentment, towards those who have attempted to alter their vicious habits. We are unwilling to make any remarks which may appear invidious, but we ask that a single glance shall be taken at any of the other plans now in operation, and then let it be answered whether the Pennsylvania system does not possess distinctive features, which entirely change the relationship of prisoners towards society, and whether it does not embrace an extensive plan of amelioration of their condition.

In the Report for 1836, the Inspectors say:

Although a definite labor appears to be assigned, yet inasmuch as the Inspectors may be looked upon as public agents in this particular department, it is hoped they will not be considered as stepping out of their province if they take a more enlarged view of the subject than these limits seem to prescribe. The present Inspectors stand in a peculiar relation to the Commonwealth, they were the friends and associates of the promoters of the system, and were in the habit of discussing the subject of Penitentiary regulations in all its bearings. They were fully imbued with the principles and views of its advocates, and the majority of them took an active part in calling into operation the schemes

of those who felt the necessity of a reform in the criminal jurisprudence of the State.

The experiment at the time was a bold one, and was attended with difficulties at its commencement that would have damped the courage of any set of men less persuaded of the practicability of a plan which years of deliberation had decided to be the true one. Opposed at home by a respectable number of our fellow citizens, who, with views quite as honest, held adverse opinions; its main principles questioned by a commission of our own State especially instituted to examine the subject; assailed by the official agent of an influential and indefatigable society of a sister State, because it conflicted with his favourite system: attacked from abroad by persons of high consideration in the moral and political world, who had become endeared to America by their military and other services, the friends of the Pennsylvania system held their course unchecked, and with steadiness and perseverance worthy the cause, made their opinions public sentiment, and the State at length passed the law which will render her character for philanthropy pre-eminent.

The experiment at the outset was attended with an expense which even a *great nation* has paused to incur, and is only to be reconciled by the prevalent humanity of the people of Pennsylvania, which yearned to ameliorate the condition of her criminals, and to substitute a moral and wholesome atmosphere in lieu of the vicious miasma which pervades great communities.

Accustomed to look at the great results of the law, the Inspectors hold themselves excused, if in attempting to satisfy the public mind as to the wisdom of the measure, they should take a more comprehensive view of the subject than may seem to be required by the letter of the act of their appointment. Being called upon to attend to the operation of a system which was urged upon the State, and to test a theory by its practical results, the duty was entered upon with much anxiety and some little distrust, and the Board have hitherto delayed a positive assertion in its favour, until it is forced from them by evidence which appears to be incontestable.

The Report for 1844, contains the following:

The Inspectors believe that the following conclusions irresistibly present themselves, as the result of the above comparison of the two systems.

1. That the separate system prevents the commission of crime.
2. That it is pre-eminently calculated to induce and effect reform, in the minds of the prisoners.

3. That the health of the prisoners is equal to that of any community, and is not, in the least, injuriously affected by the system.

4. That mortality, under the separate system, is not greater than that of any other system of prison discipline.

5. That the discipline, and the proper administration of the system, is superior to all others.

6. That, of the objections which have been urged against the system, none have been realized.

It may be proper here to remark, that the term "*solitary or separate confinement*," refers to the fact that each prisoner is *alone*, in contradistinction to the "*aggregate confinement*," or "*silent system*," where prisoners are in *gangs*, or together in large or small numbers. The prisoners in the separate or solitary prisons have the same intercourse with all, but their fellow convicts, and an idle curiosity, as in other systems—and the idea that prisoners are shut up, and shut out, from all intercommunication with the good and the instructive, is an error—a gross error. They have that, at all times, besides almost hourly intercourse with their overseers and other officers of the prison.

In the last annual report of the Inspectors, they say, that "fully impressed with the necessity of a watchful care over the moral and mental improvement of the prisoners, as constituting a fundamental principle in this, as in all penitentiary reform, are endeavoring to effect some improvements in the present plan of such instruction, particularly as relates to the education in reading and writing, thereby to enlarge the number of those who obtain this knowledge while in confinement."

Within the last year, the moral and rudimental instruction has been divided. The former has been left, as heretofore, under the law, together with such religious teaching as each prisoner may desire, and from whatever professional teacher he may select. The latter has been entrusted to a competent person, who acts as an overseer when required. Ample time is thus given to both branches of learning; and thus a schoolmaster has been successfully introduced into the prison, whose chief duty it is to teach the ignorant to read and write, and practical arithmetic.

The Inspectors in their Report for the year 1846, report as follows:

What may be the analogy between crime and disease so far as relates to general cause and effect in the moral and physical constitution, is not intended to be here the subject of discussion. It may, however, become the theme for serious and important inquiry and examination.

The causes of crime as certainly exist as the causes of disease, for both are but effects in themselves. Some crimes are committed from an imperfection in the moral organization, while others are the result of sudden and exciting moral affections; the former will continue to be repeated so long as the cause remains, and the latter may never occur again, because the excitement may never reappear. The effect of punishment in these two cases would be different, and hence a primary object of punishment should be to correct the cause of the moral disturbance which has produced the crime. The separate system is peculiarly adapted to such purpose, and as the subject of Prison discipline continues to receive the attention of the intelligent observer, unforeseen benefits may result from the adaptation of punishment to the correction or remedy for these moral disorders.

The aim and end of imprisonment for crime is punishment, *as the first consequence*, and in considering the subject of Penitentiary discipline, care should be taken not to lose sight of this primary object. The law consigns the convict to restraint of his personal liberty in a prison for a violation or infraction of its decrees, and in the prison he is to be subjected to treatment which is in unison with the object for which he was sentenced. The judgment of conviction is but a forfeiture of certain natural rights, as a recompense to society for his inability to regard and obey those regulations which have been established for the protection of the rights of individuals which constitute such community. At this point the power of the law ceases over the convict, for it has exhausted its power in the accomplishment of all its ends. By the present enlightened policy of our State Penitentiary discipline, the convict thus situated, while undergoing punishment, is sought to be improved, benefited, reformed. In this, society has a deep interest; for if the convict at the expiration of the term of imprisonment is improved in his moral character—encouraged to refrain from the commission of offences against the law—reformed in his habits—and taught those religious or moral lessons of practical utility, which will avail him on his again co-mingling with society—deterred by punishment from crime, the community has gained two-fold by such an imprisonment—it has punished and improved a prisoner, and made an example for the warning of all who are, or may be disposed to become enemies of social order.

To these ends the separate system of Penitentiary discipline is eminently conducive; and as they are and ever should be the prominent features of Prison discipline, that system which promotes them with the most certainty and effect, should be considered as the best adapted to the purposes which an enlightened people, a regenerated

penal code, and the instincts of a just and benevolent public opinion should seek to attain. Pennsylvania has nobly set the example; she made the experiment at a time when doubts and difficulties, impediment and hindrance, were clouding the prospect—but year after year has brought to light the wisdom of the founders of the system, and added proof upon proof of its complete success. It is now no longer an experiment; but the separate system of Prison discipline speaks in the voice of experience, subjected to the test of strict trial, to the spirit of progress of this age. Its arguments are facts; and its power of conviction over the minds of the enlightened, and unbiassed, and unprejudiced, is found to exist in the cumulative evidence which is adduced to maintain, that all it ever promised has been more than realized.

Irrespective of the results which are to be found in our own State and Federal Union in support of the great features of our Prison reform and meliorated discipline, the testimony of France, England, and Prussia, is fully sufficient to seal its success. In these countries the system has been subjected to the most scrutinizing examination, and the most able and distinguished champions of social improvement have, after long and arduous inquiry, awarded to the Pennsylvania system their support. However these lights may be sought to be kept “hidden under a bushel,” they have nevertheless shown in the brightness of honest conviction. It is not to be supposed that improvements are not, or have not been suggested, on the plan of the administration of the separate system; this has never been asserted: but whatever these improvements may be, so long as the distinctive features of the Pennsylvania plan are adhered to, so long will that system remain in its original integrity. *These features are—separation of the prisoners from each other at all times—moral and intellectual improvement—honest and persuasive efforts to reform and reclaim the prisoners. Prevention, by this constant separation from each other of the evil of contamination and the prejudicial influence which must arise from the association of the more or less hardened offenders. The prevention by separation of the acquaintance and knowledge which the community of evil-minded persons obtain of each other by association in the place of punishment. The ability which is afforded by the separation of offenders, to individualize the corrective and reformatory treatment best suited to their peculiar characters. The almost certain consequence which results from the separate system, of making these no worse who cannot be made better by the infliction of the punishment they undergo. The addition of all improvements which experience and not mere theory suggests in the improvement of the moral and physical condition of the prisoners.*

These are the principles on which the Pennsylvania system is based, these rendered it antagonistical to the congregate system. If experience has proved that one plan is better than the other, if the prisoner and the community are benefited by the operation of one rather than the other, then to the best mode the other must give place. Improve the details of administration as they require and as experience suggest, and the consequences must be that these improvements will only tend to increase the superiority of the separate system over all others.

In the Forty-second Report of the Inspectors to the Legislature, dated February 27th, 1871, they say:

It will be observed by the returns made by the Inspectors in this Report that a large number of prisoners have been sentenced for unusually long terms of imprisonment. These were for crimes of the highest grades, and the individuals are reported to be men of dangerous character in society. When it is known that by the Commutation Law a ten-year sentence can, by the "good conduct" of the prisoner, be diminished by, at least, 23 months, based on the ratio directed in the law, there is no real advantage to the public from these sentences. The words of the law are: "One month on each of the first two years, of two months on each succeeding year to the fifth year, and of three months on each following year to the tenth year, and of four months on each remaining year of the term of their sentence." It never has been the opinion of the Inspectors of this Penitentiary that long sentences to this Institution, or any penitentiary on the separate or individual-treatment system, are productive of benefits to the State or the convict. The certainty of punishment is more to be regarded than its duration, so far as society is protected and crime punished, by the example of convictions of offenders. *Time is no true element in punishment by imprisonment.* Long sentences do not reform the individual, nor protect the public security, nor produce that fear in the crime class which prevents their committing crime. The fact that every offender is punished for his crime, has the effect which is sought to be produced by penal laws.

In the Massachusetts State Penitentiary, during the year ending September 30, 1870, there was a total population of 774 convicts. Of these 63 were pardoned. The sentences of 6 of those were for life, 6 for 10 years, 2 for 20 years, 2 for 15 years, and the others for from 1 to 10 years each. The better way to state it will be to say that of 57 prisoners, the 6 for life omitted, the average sentence was 7 years, 3

months, and 11 days, while the time served when they were pardoned was 4 years, 2 months, and 8 days. It is not, therefore, a patent remedy for heinous offences that the convict is sentenced for long terms, or even "for life" imprisonment, in that State, where, it is to be presumed, the action of the public authorities is governed by integrity, wisdom, and intelligence.

It is stated that the Executive of the State of New York, during the year 1870, issued 85 pardons, 34 commutations, and 1 reprieve. Of the pardons, 16 were on account of ill health; 5 insane; 10 innocent; and 3 for discovering plots among prisoners. Of the pardoned prisoners, 2 were sentenced for 20 years; 5 for 15 years; 9 for 10 years; 1 for 19 years; 2 for life; and 3 were sentenced to be hung. All but two were sentenced since 1860.

No reference is here made of the "commutation," for shorter periods of imprisonment than the sentence.

During the year 1870, of the 953 total population in this Penitentiary, 14 were pardoned. Of these, 13 were by the State of Pennsylvania, and 1 by the United States: for ill health, 0; insane, 0—all 14 for special reasons.

The average term of sentences was 3 years, 9 months, and 23 days; and the average time served, 1 year, 8 months, 1 day.

To a prison on the separate system, the average sentences for the lesser degrees of crime, when punishment promptly follows the offence, might be fixed at two years as the maximum, while a five years' sentence in most cases might be sufficient for those offences in the commission of which human life *was not put in peril*. For *young offenders*, for their *first offence*, it is very questionable if any advantage results to society or the individual, by a longer imprisonment than one year, unless for exceptional cases.

It is to be remarked that the primary object of a wise administration of penal laws regulating the punishment by imprisonment of individuals, should be to prevent the creation of a crime-class by the association of convicts in communities, after their imprisonment is terminated. The consequences resulting from such a state of things are to be feared, since by this association, desperate men, each known to the other to have been a convict, conspire to commit crimes, and by this association they more easily escape arrest and defy conviction. The separate system of imprisonment, on this ground, is a protection to the public, while it presents the best opportunity for introducing to the convict's attention those reformatory agencies which it is the part of christian benevolence ever to hold out to the just and the unjust.

The Inspectors feel justified in calling to the attention of the Legislature the most gratifying fact that in other States, some of the prominent features of the administration of the Pennsylvania system of Penitentiary discipline are receiving both recognition and approval. For many years past the Inspectors, in their Annual Reports to your Honorable Bodies, have given the convictions of their judgment, from practical experience, that the government of penal institutions should be entrusted to those whose capacity, knowledge, experience, and integrity alone qualify them for such responsible duties. It has been found in this Penitentiary that honesty and capability, with intelligent observation of the practical working of the system of punishment, on the part of the executive officers were essential to secure the purposes of penitentiary discipline. Frequent change in the executive officers, or their selection on any other recommendation than fitness and fidelity, has ever been condemned as most injurious to the interests entrusted to the Inspectors to guard. Almost alone in these opinions for so long a period of time, it is now with great satisfaction the Inspectors learn that the Prison Discipline Association of the State of New York, in a public meeting, adopted a "Memorial" to the authorities of that State, which thus gives testimony in support of the Pennsylvania practice in this respect :

The remedy which the Association proposes is a radical one, involving an entire change in the organization of the government of the prisons. Their examination has extended over the whole period of the existence of the present form of that government. They say :

By the Constitution, all the State Prisons are put wholly under the government of three Inspectors, who hold office for three years, and are elected one every year, and who superintend the State Prisons and appoint all the officers therein. They are called Inspectors, but are in fact governors of the prisons and controllers of the system, subject to no supervision or inspection, except such as the Legislature may direct, and that of the imperfect power given to the Prison Association. Every year one of them is thrown into the arena of party politics.

The "Memorial" proposes the State Constitution to be amended so that—

There shall be a Board of Managers of Prisons, to be composed of five persons appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years.

That Board shall have the charge and superintendence of the Prisons, and have such powers and perform such duties in respect to other prisons in the State as the Legislature may prescribe.

They shall appoint a Secretary who shall be removable at their pleasure, and perform such duties as the Legislature or Board may direct, and receive a salary to be determined by law.

The Board shall appoint the Warden, Clerk, Physician, and Chaplain of each State Prison, and shall have power to remove them for cause only, after opportunity to be heard on written charges.

All other officers of each prison shall be appointed by the Warden thereof, and be removable at his pleasure.

The Governor may remove any of the managers for misconduct or neglect of duty, after opportunity to be heard on written charges.

The five managers first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years.

This amendment shall go into effect on the first Monday of January next after its adoption by the people.

If you, Gentlemen of the Legislature, will refer to the recent Reports from the Inspectors of this State Penitentiary, you will observe that the "contract system" of employing convict labor has been condemned as most injurious to society, unjust, and unworthy of an enlightened civilization.

Under this plan of working convicts, in congregation, by contract with employers, every consideration but the benefit of the convict was absorbed in profit-making out of the criminals whom the State punished for violating its laws. This profit was the claimed advantage of this plan of labor, so unworthy of a people who thus justified the brutalizing of those who were young, or convicted for a first offence, as well as those who had, it might be, some redeeming characteristics, in one common mass with the atrocious and hardened veteran in a life of crime. The Inspectors, in these Reports, were the only protestants against this contract system. The experience however, of the Society alluded to has, at last, enabled it, in the "Memorial" to which reference has been made, thus to condemn this plan of prison labor.

Thus the "Memorial" continues :

* * * * *

On the other side of the account this tendency to augmentation does not seem to have prevailed to the same extent. In Sing Sing, in 1847, convicts put on contracts were let at 35 cents a day; in 1869, they were let at from 30 to 40 cents a day. In Auburn they were let, in 1847, at from 30 to 50 cents a day; and in 1869, at an average of 50 cents a day. Thus while the rate of wages, inuring to the benefit of the State, increased not over 50 per cent, the expenditures, at the cost of the State, increased during the same period at the rate of 300 per cent. The contract system seemed, even to the Inspectors to be a failure, they have attempted within the last five or six years to abandon it in a measure, and have had recourse to labor conducted under their immediate supervision, with what success the foregoing statements show. Within the past five years, from 1865 to 1869 inclusive, the deficiency of earnings to pay expenses has been \$1,094,151.05—an amount larger than the deficiencies of the whole previous 18 years; and the appropriations from the State Treasury have been

\$4,193,760 07, being about equal in amount to the appropriations for all those previous years.

Again from this "Memorial:"

The effort, however, during the whole of the last twenty-two years, has been a failure, and is, year after year, becoming more signally and disastrously so.

The following is a table of the number of prisoners at the beginning and the end of the present system:

	1848.	1869.
Auburn	473	950
Sing Sing	604	1,279
Female	84	130
Clinton	181	504
Asylum (not built until 1859)	—	78
Total	1,342	2,932

Increase, 119 per cent.

EXPENDITURES FOR THE SAME PERIOD.

	1848.	1869.
Female	\$11,790 54	\$25,856 26
Sing Sing	97,221 41	351,032 57
Auburn	66,969 41	171,015 81
Clinton	41,510 16	317,309 70
Asylum	—	13,954 92
	\$217,491 52	\$879,219 26

Increase, over 300 per cent.

The following shows the condition of affairs from the beginning of the system to the present day:

TABLE OF PROGRESS FROM 1847 TO 1869, INCLUSIVE.

Years.	Number of Prisoners.	Expenditures.	Earnings.	Deficits.
1847	1,421	\$125,833 85	\$120,860 08	\$ 4,973 77
1848	1,366	204,091 80	110,658 94	93,432 86
1849	1,380	188,754 74	139,285 34	49,469 40
1850	1,621	208,397 74	158,422 25	50,975 49
1851	1,703	266,011 20	178,914 09	27,097 11
1852	1,852	211,751 80	193,303 11	18,448 69
1853	1,967	250,818 24	216,110 65	34,707 59
1854	2,005	272,413 03	213,178 03	59,235 00
1855	1,957	233,445 59	197,230 29	35,215 30
1856	1,910	223,477 99	197,105 13	25,372 66
1857	1,890	212,714 17	191,783 63	20,930 54
1858	2,126	250,356 02	149,173 93	101,182 04
1859	2,538	279,333 68	189,836 52	89,497 16
1860	2,729	291,744 69	238,627 56	53,117 13
1861	2,818	388,904 76	265,552 78	23,351 98
1862	2,697	294,685 57	228,481 51	66,204 06
1863	2,131	291,216 53	228,330 74	62,885 79
1864	1,915	342,794 55	255,957 81	86,836 63
1865	1,885	414,713 30	202,506 57	212,306 73
1866	2,368	463,995 46	229,413 83	234,581 63
1867	2,920	779,579 61	600,013 43	179,566 18
1868	2,881	844,373 93	601,630 05	242,734 88
1869	2,930	879,219 26	654,157 68	225,061 63

Making an aggregate deficit in 23 years of . . . \$1,997,084 45

The foregoing statements, though they show a result sufficiently disastrous to convince the Association that the present system is financially a failure, do not show the whole extent of the disaster.

These quotations from the "Memorial" are made with satisfaction, because they are most important testimony in themselves, and unwillingly sustain the Inspectors of this Penitentiary in their expressed opinions on the subject, and show that the time is coming when the broader and more philosophic views of penitentiary discipline which a scientific examination of so increasingly important a subject will produce, may yet become triumphant over the ignorance of bigotry, or the baser, ignoble, and narrow motives which have so long controlled the partizan management of institutions too generally considered only as public receptacles for convicted felons. It would have been worthy of those who in this "Memorial" have so thoroughly exposed the evils against which they invoke rebuke and remedy, if they had, at least, given to Pennsylvania some credit for a consistent opposition to them. It would have been simple justice to our State, to have pointed to her as an example for the reforms which the Memorial now so markedly approves and advocates, in the Penitentiaries of New York.

The following extract from the "Memorial" is so thorough a justification of the discipline, as well as the "separate system" itself, contrasted with the "congregate plan," now adopted in New York, and heretofore claimed to be the best system of prison government, that it needs no comment :

MORAL ADMINISTRATION.—It is now about 25 years since a change was introduced into the moral government of our prisons. Prior to that time the prominent ideas had been punishment and earnings. This change was the introduction of rewards as well as punishments, and keeping the reformation of the prisoners in view as the main object. Appended is a brief enumeration of the measures employed, of their defective execution, and of the benefits that may result from them.

The Mode of Enforcing Obedience.—Formerly it was by means of the whip, but with occasional resorts to other means of violence. In 1830 the use of the whip was abolished among the females, and in 1849 among the males, except in cases of insurrection, revolt and self-defence. The substitute provided for it by law was solitary confinement; and in the latter year the law directed solitary cells for that purpose to be built in all the prisons. Those cells have not yet been built, and during the succeeding twenty years other means of force were resorted to, until, in 1869, such means, so far as they assumed the form of the "shower-bath, crucifix, and yoke and buck," were forbidden. This was done without providing any substitutes, and the consequences were disastrous. As soon as the passage of the law was known, a general uneasiness in all the prisons was shown. This was followed by individual

acts of violence. At Auburn a keeper was assaulted by a convict, struck down by a hammer, and his life saved only by the interposition of another convict. At Clinton a keeper was stabbed, and disabled for life; and at Sing Sing a keeper was struck down by a bar of iron, and the officers fired upon by a convict. Then ensued more general movements. At Auburn whole shops refused to work. At Sing Sing 150 convicts, on one day, and some 500 or 600 the next day, refused to work; and at Clinton there was a general conspiracy to escape, which was fortunately discovered in time to be prevented. At Sing Sing 20, at Auburn 12, and at Clinton 10 of the ring-leaders were kept in irons and chained to the cells for several months, and it is believed that nothing but the action of the well-disposed among the prisoners prevented more general outbreaks, and perhaps an emptying of our prisons of the great body of their inmates. The use of blows upon the prisoners is forbidden only in our State Prisons. In all the local Penitentiaries, to which many of our State prisoners have been removed, it is still allowed; and in the State Prisons it seems to be left to the discretion of the officer immediately in charge to determine what is the condition of revolt, insurrection, or self-defence, which will justify a resort to the whip. A general system of discipline to prevail alike in all the prisons, and which shall prevent the officers immediately affected by disorder from acting as complainant, judge and executioner, and which will cultivate the habit of self-government now so predominant among the great number of the prisoners, is a measure greatly to be desired.

The Introduction of Libraries.—This was begun before the adoption of our present Constitution. So thoroughly was this sanctioned by the Legislature that, during the past 24 years, appropriations for this purpose have made to the amount of about \$20,000, and the agents were directed to append to their annual reports a catalogue of the prison libraries. This duty has never been performed.

Teaching the Prisoners.—The law has provided, in this respect, that the chaplains, besides religious services in the chapels, shall visit the convicts in their cells, and devote one hour each work-day, and the afternoon of each Sunday, to giving them religious and moral instruction. So the law has provided for ten teachers in the prisons, at an annual expense of \$1,500, to instruct the unlearned in the first rudiments of education. In these respects, also, there is a great waste of the wise benevolence of the law, owing to the absence of a well-digested plan of instruction; for at present the system of instruction is so conducted as to amount to a farce.

Overwork and Aid to Discharged Convicts.—The original allowance to convicts on their discharge was \$3 to each from the prison funds. It is now increased to \$10; and a practice has grown up, not yet sanctioned or organized by law, of allowing the prisoners to earn money for themselves, over and above their allotted stents. This also demands an organized system to prevent an abuse of the privilege by prisoners and contractors, to guard against unjust partiality by the officers in charge, and to accord it impartially to all.

Commutation of Sentence.—There is now prevailing in all our State Prisons (but not in all local ones) a measure of enabling the convicts, by their own good conduct, to shorten their terms of imprisonment. In 1863, out of 1,123 prisoners who left during the year, only 82 left by expiration of sentence, while 829 went out by commutation under the law. In this there is great danger, as well as the actual existence

of partiality and injustice, which nothing can prevent so well as the creation of an intelligent and judicious tribunal.

Notwithstanding this is the Forty-second yearly Report of the Inspectors to the Legislature of this State on the practical results of the Pennsylvania system of separate treatment of prisoners, yet even now there are many, professing to be possessed of general information on penal science as applied to prison populations and systems of convict punishment, who entirely mistake the principles, and are ignorant of the practical results, which these Reports exhibit of the Pennsylvania system of Penitentiary convict discipline.

It is not possible in this Report, to condense the statements made in the forty-one which have preceded it. But justice to this Penitentiary, at least, requires that for the past year, 1870, a comparison should be made of the exhibits of one Penitentiary on each system of convict treatment. The Charlestown Penitentiary of Massachusetts is taken as best managed on the congregate, and this Penitentiary, on the separate system, for this purpose.

In the Massachusetts Penitentiary the total population for 1870 is given as 774. Out of this number there were 14 deaths, or 1.81 per cent.

In this Penitentiary the total population for 1870 was 953. Out of this number there were 12 deaths, or 1.26 per cent. The difference in population is as 774 is to 953, or 179 excess in this Penitentiary.

Of the 774 in Massachusetts, 63 convicts were pardoned.

Of the 953 in Pennsylvania, 14 convicts were pardoned.

In the Massachusetts Penitentiary 2 convicts were sent to the Insane Asylum.

In this Penitentiary 3 convicts were of unsound mind; but, by the treatment in the Penitentiary, are reported by the Resident Physician, Dr. Klapp, to be "fully restored to reason."

As to the discipline or government of the prisoners in the Massachusetts Penitentiary, it is stated that "it is not to be supposed that six hundred men, some of them unquestionably bad, but "more of them unfortunate; some of them receiving the just reward "for crimes committed, whilst others, in their own minds at least, "are suffering unjustly, can be managed and controlled without occasional friction."

In this Penitentiary the discipline has been maintained; for it appears that "we have had a prison population of 953 convicts, many "of whom are among the most desperate men who have ever been im-

“prisoned within these walls. Yet quiet and good order have prevailed, and by the vigilance and active care of the officers no escape, even into the yard, has been effected, and no harsh or severe treatment has been found needful.”

The above extracts, at least, suggest the inquiry, if congregating into one mass those convicts, the control of whom is described as producing “*occasional friction*,” is the wisest plan for their proper government, or for the best interests of society.

In Massachusetts, with 774 convicts as the total population for 1870, “our expenses,” as given, were \$122,265.72.

In this Penitentiary, with a total population for 1870 of 953 convicts, our expenses were \$98,886 48.

In the Massachusetts Prison the recommitments on 774 convicts, total population during 1870, were 100, or equal to 13.44 per cent.

In this Penitentiary the total recommitments on 5,298 convicts, the whole number liable to reconviction since 1829, were 532, or for say 40 years, 10 per cent.

It is shown by this comparative statement that the “separate system” has triumphantly vindicated itself against open, as well as covert assaults, which ignorance, prejudice, or that “little knowledge” so dangerous in scientific studies have from time to time made against it.

It would not be presuming too much to believe that you, Gentlemen of the Legislature, will invoke the experience of this State Institution before enacting into laws measures relating to convict discipline, penal jurisprudence, or crime cause either for prevention or punishment. Surely the knowledge of facts, and the practical working of principles or theories on penal science for a period of 40 years, might be important to test either new propositions, or determine the proposed benefits that the love of change always promises as the undoubted results thereby to be attained.

The necessity for legislation pre-supposes an understanding of the subject-matter, and no source of information which is reliable, or experience which is respectable, or knowledge which has been carefully and intelligently acquired, should be ignored while such legislation is being perfected for its purpose. Your own experience, Gentlemen of the Legislature, makes this self-evident.

While the primary purpose of this Report to the Legislature, is to comply with the law directing it to be made, yet the scope of the direction that besides the specific return, “such information” may be given as may be deemed “expedient” for making this “Institution effectual in the punishment and reformation of offenders,” implies

the expression of such suggestions as more generally relate to the subject of penal jurisprudence.

It is believed that the statistical information contained in the tables submitted, indicates the careful investigation of the case of each convict, and the confidence established between the individual and the prison authorities. This tends to create in the mind of the prisoners the impression that though convicts, human sympathy is not to be denied them, and that even in prison, there is an interest felt in their welfare and improvement. To some, this is a first lesson in reformation; with others, it awakens the good impressions of childhood. The influence on all is to facilitate the acceptance of any agencies that are designed for reform.

But, apart from these considerations, the contributions made in these reports to penal science, limited, though they are to the investigation of the population of this Penitentiary, it is hoped will invite the Legislature to favorably consider the great importance of authorizing by law, comprehensive reports to be obtained by a Department of the State Government on those subjects, which are intimately connected with unhealthful developments in the social conditions of certain classes in the whole population.

If such information could be obtained and systematically arranged, it would enable the Legislature to understand what legislation was most necessary for the public good.

Crime cause would be better understood, prevention and punishment could be so adjusted as to separate the proper treatment of those who most needed either, under laws adapted to each.

It might be then ascertained that industrial schools and reformatory institutions for the first offences of the young offenders, were more essential than neglected or ill-regulated prisons or more penitentiaries.

From such information, the conclusions might be arrived at, that county prisons on the separate system, properly governed and administered, should be the rule for all large counties, rather than the exception in Pennsylvania.

It could hardly be doubted that with such reports carefully made, the Legislature could better determine how the money of the people might be liberally and wisely expended for the poor, the suffering, the idle, the vicious, the criminal, the ignorant and the unfortunate. From each section of the State the real condition of these classes would be presented, and then it would be better known how to relieve, restrain, prevent, punish and educate. It probably would indicate that for all classes a general rule was im-

possible. True philosophy would teach the adaptation of individual treatment to individual, or special developments of causes producing particular results.

It would more certainly enable a judicious classification to be made of remedial, preventive, and punitive agencies, and prevent the pauperization of individuals into an idle or indigent class, or a more dreaded crime-class. If no other result was reached, it would be possible to establish by law some system by which education in handicraft skilled labor, could be within the reach of those of the young who sought it, and at the same time be approved and applauded by an enlightened public opinion.

Reference has already been made to the "Commutation Law," by which sentences of the convicts are shortened by their "good conduct" while under conviction. This plan has been described as a statutory recommendation to the Executive to discharge the convict before the sentence inflicted by the judicial power expires. While it is not a pardon under the exercise of the constitutional prerogative of the Governor, it is a device which, by legislation, controls the judicial and directs Executive action. How wise such legislation may be, is no part of the province of the Inspectors to consider, much less to determine. It is now brought to the notice of the Legislature for the purpose of inviting attention to the precedent thus established. If the Legislature can enact a law by which a judicial sentence can be terminated before it expires by its own limitation, then it becomes a most important question to consider, if this principle cannot be applied for the purpose of more effectually securing the aim of punishment by imprisonment, in particular cases. It sometimes happens that the exercise of the pardoning power is subject to public criticism. There are no doubt cases in which there are grounds for this animadversion, but the Inspectors do not desire to express any opinion on cases of which they have no direct knowledge from their official relations with the prisoner.

The comparison hereinbefore made between the pardons granted by Massachusetts, New York, and Pennsylvania, shows that in this State, Executive clemency has been very sparingly exercised on convicts in this Penitentiary.

It is undoubtedly true that there are now in this Institution several convicts who are fully entitled to pardon, if the purpose of their punishment was to qualify them for restoration to liberty, with benefit to themselves and advantage to society.

To reach these cases is difficult of accomplishment under the present system. If a pardon is asked, then the Inspectors may be

regarded as exceeding the line of their official duty, and their action misunderstood or misconstrued; or they might be subjected to applications from unworthy persons; or the Executive might fail to appreciate their motives. Nevertheless these cases exist, and continuing in prison those who have been brought within the effects of punishment, and over whom it has exercised all the influences designed by law and justice, is of very doubtful propriety. It is imprisonment for no purpose. The example, the prevention of crime, as they are supposed to be reached by a conviction of the guilty, has been effected by such conviction and the infliction of the punishment. The only remaining purpose of the law which this punishment proposed has been produced. Society has been protected, the example has been made, those who are intended to be warned have had their warning, and the individual who is punished is now alone to be considered. If his punishment has caused him to repent of his wickedness, and determine, in so far as he can, to reform, then his liberty is more a right than a favor, for longer incarceration is useless to him, and society gains nothing thereby. That these are the well-considered opinions of the Inspectors, will appear from the following extracts from their Reports to the Legislature.

From the Report for the year 1852, the following extract is taken :

The Inspectors cannot close this Report without again briefly calling the attention of the General Assembly to the subject of revising the penal code, so as to shorten the minimum period of confinement affixed to certain crimes. The daily observation of the effects of separate and solitary confinement, with the influences connected with it in this Penitentiary, have fully convinced them that a much greater degree of good would be achieved, by shortening most of the sentences for first offences, and particularly those of all young offenders. For this latter class a few months' confinement, or a year at most, would produce in general vastly more salutary effects than longer terms. The Inspectors are gratified to know that throughout the eastern district of the State this fact has become apparent to most of the judicial tribunals, and is acted upon to the limits of the law. Should this disposition become general, and a larger discretion be given by law, it would remove in a great measure the necessity that is now often believed to exist for the exercise of the pardoning power.

The Pennsylvania system is best described as the individual-treatment of convicts, as contrasted with that in other States, which is the congregate or class treatment. This distinction is important, while considering the views now under discussion.

Again, in the Report for 1853, it is remarked :

The Inspectors have again to remark on the subject of the duration of sentences inflicted upon juvenile offenders. It is with regret the Inspectors find that, of the

prisoners admitted during the year 1853, there are twenty-two under twenty-one years, and forty-eight under twenty-five years of age. The Inspectors are of opinion that in cases of first conviction of minors, or those of immature age, unless for crimes of the most aggravated character, a short term of imprisonment is of far greater benefit to the individual than one which is calculated to punish beyond the period when moral influences have awakened in the heart strong feelings of repentance and a desire to reform. Evil associates, bad example, and a want of proper parental care and watchfulness, admonition, and control lead the young into crimes. When, therefore, imprisoned as a punishment, the young convict is brought to feel, probably for the first time, the truth of the proverb, that the way of the transgressor is hard. Then it is that judicious counsel and advice induces the most decided improvement. It is believed that if in such instances the prisoner was set at liberty, a revolution would be effected in his morals and habits, and a new career would be sought after for his future life. The Inspectors make these suggestions in the hope that good may result from their careful consideration.

In the Report for the year 1854, the Inspectors thus speak on this interesting subject :

The Inspectors again feel it their duty to call the attention of the Legislature to the length of sentences inflicted for first offences, and also on young offenders. It is no longer a question that severity in punishment is no prevention of crime; neither does severity of punishment produce the desired effect upon the offender. The causes of crime should be more fully investigated after a conviction, and have a potent influence in determining the duration of the punishment. There is a period in the history of every criminal's punishment when his liberation would most benefit him, and hence society would gain, by the improvement afforded in reclaiming an offender. Those whose constant intercourse with convicts enables them to form an opinion on the subject, will admit that such periods occur, when most decided advantage would result from the prisoner's liberation. One mode, to be sure a most imperfect one, to effect this object, is to shorten the sentence, as much as a proper regard to the interests of society would justify, in all cases of first convictions and convictions of young offenders. The Inspectors feel the force of these views, and they have ventured again to invoke Legislative attention to the subject. This is not the occasion to suggest any plan to modify and improve the present laws on this subject; but it is hoped that the time will come when the Legislature of Pennsylvania will take the important subject of the present penal code, as it relates to our admirable system of Penitentiary punishment, into consideration. Sporadic reforms are worse than useless. Labors of those who are required to learn while they attempt to teach, are vain. The familiarity of long experience, careful and earnest devotion to the subject, and an interest in the questions involved, above and beyond an interest in self, are among the qualifications which a proper reform in penal jurisprudence will require at the hands of those who undertake the task.

From the Report for 1860 :

It will be observed that the Inspectors have heretofore refrained from presenting reforms in the penal code, in relation to young criminals. It was hoped and believed,

that one of the citizens to whom the codification of the penal laws was referred, might have been selected for his interest in, and ability to understand, the subject. If such a selection had been made, it would have resulted beneficially, by the incorporation into the penal law of a provision to meet the class of cases to which the attention of the Legislature has been called.

The Inspectors do not feel themselves required, either by law or from their official position, to do more than make such "observations" as they deem of importance to the public, or prisoners.

Lest, however, it might be by some attributed to their silence that they have no practical suggestions to offer, they most respectfully submit, as the substance for amendments to the present law, the following proposition :

That in all cases for first conviction for crime, of minors, the term of imprisonment shall be terminated by the Inspectors with the consent of the President Judge of the Court in which such minor was sentenced, when in their opinion the punishment has produced its expected results.

That in all cases of first conviction for crime, of persons between 21 and 25 years of age, the term of imprisonment shall in like manner be lessened, as a reward for good conduct, by the reduction of three days out of every thirty after the first 12 months of imprisonment.

That in all cases of first conviction for crime, of minors, the jury trying the case shall find by their verdict if the father of the minor (he being alive and within the jurisdiction of the process of the Commonwealth) was negligent and derelict in his parental duties towards said minor, and on so finding, the court shall cause said father to be held to pay the costs to the Commonwealth of said trial.

The Inspectors have ventured respectfully to make these suggestions, with the view to remedy the evil which has been thus authentically brought to the attention of the General Assembly.

It will not be denied that the necessity for legislation is most serious. That it is increasing, a superficial examination of the facts herein set out, cannot fail to teach the observer. That the want of parental control is demoralizing a large and increasing number of our youths. The consequences are manifest. The minor is ungoverned, wayward, vagabond, vicious, contaminated, contaminating, and convict. The moralist, as well as the Christian, must deplore such causes and consequences.

It is believed that the most unconcerned for the welfare of society and its constituents would hardly agree that Penitentiary discipline should take the place of primary parental teachings and supervisory restraint.

The least benevolent will fully consent to the principle, as one of justice, that the child only should not be punished for its parent's neglect or disregard of his duties.

If in either case society stands in the place of the parent, magnanimity and mercy both plead that the most reformatory and beneficent influences should be extended to such unfortunates.

In the Report for 1867, the Inspectors use the following language :

It is of vital importance that the individualities and characteristics and surroundings of the accused should be ascertained on his trial, and their just considera-

tion should be taken fully into the judicial determination of the punishment. Arbitrary or merely conventional sentences, operating on classes, not persons, are unphilosophical, and often unjust, both to the individual and the community. Again, take the crime of larceny. It should be divided into degrees. The highest, and each in sequence to the lowest, should be determined at the trial, from the facts and circumstances and the characteristics of the accused. To determine beforehand, when framing the indictment, the degree of criminality, before the accused can explain or defend his acts, is at war with the principle which seeks to protect the accused till he is found beyond the operation of the presumptions of innocence. This system adopted as to all crimes or offences has the advantage of placing the accused in the exact position in which his acts place him, not that which the definition or description of a class of acts would compel him to occupy without the explanatory benefits he alone could produce. Again, it would not make individuals more criminal than they really are, and thus often unwisely add to the crime-class those who would else never be associated with it. The injurious effects of any system which augments the number of convicts, placing on them the distinguishing mark of enemies to public safety, becomes more and more apparent as population increases. The true principle of legislation on this branch of the subject is to make few acts of individuals crimes, and as few members of society criminals, as a due regard for the safety of life, rights, and property will justify. The more simple the crime code, the more it is rendered flexible in individual application; the less rigorous and unbending; the greater opportunity to take the principles of the common law as preferable to those of a statute and the greater the responsibilities that are placed on the Judiciary and taken from the law-making power—in all these respects the greater and more substantial are the benefits which society secures. It is thus that society speaks its voice, under the restraints of law, in each particular case.

Following this view as to the code, we come to consider the punishment of crimes. By the present practice there is really no standard. The offence too often determines the sentence, because no opportunity is permitted to investigate all the circumstances of each case, nor is any authority granted for that judicial discretion which should always be an element in the official action of the ministers of justice. The maximum and the minimum of the term of punishment are the only judicial guides, and these regulate the judgment of judges who from the trial of the issue of fact, are informed by the verdict of the guilt of the accused. Every offender is actuated by different motives, influenced by various causes of crime; his peculiar position as an individual in society, his lack of advantages, his associations, his mental, moral, personal disabilities, all his individualities are hid from view, because the present system only presents one fact to be ascertained. The interests of society demand that crime be punished, and crime prevented, beyond that it has no other interest, so far as a particular offence is concerned. But growing out of the determination of that fact, are vastly important considerations to the very best interests of society. For what degree of crime, for what period of time the guilty is to be sentenced, the motives and causes that induced him to violate law, the effect upon the individual directly and on society indirectly, are consequences which must result to society finally, to prejudice it to a greater or less degree if the guilty has been punished without regard to these questions. There is no more dangerous element in social condition than the feeling which harshness and injustice produce in the administration of justice. The first of the dangers is the unwillingness to con-

vict for crime, or the anxiety in the minds of juries to except the case from the operations of these influences. Vibrating between the extremes of unwillingness to convict, and the prompt conviction, in the latter case to maintain the law by sporadic firmness in the administration of justice, creates a disrespect for the law. When one is guilty of a less crime than that for which he is indicted, but escapes because of the arbitrary or fixed definition of acts, as crimes, which the trial shows the accused has not made himself technically amenable to, there is left on the public mind a feeling of insecurity and a distrust of public justice. So on either hand the present system convicts a certain portion of offenders, and society has to be satisfied that all the guilty do not escape. If, however, the system of jurisprudence was in harmony with the views expressed as to the code, these defects would probably be remedied.

By the judicious sub-division into degrees, and the consequent reduction of the higher grades of crime, the assimilation of the offence to the acts and motives of the accused, the certainty of, as well as a wise discrimination in the punishment, the diminution of the number of individuals united with the crime class, the better would it be for all the great interests associated in, and protected by penal legislation.

That some system should be made lawful by which the opinion of the Inspectors, and that of the chief officers of the Penitentiary, as to the propriety of discharging prisoners deserving liberation, would be effective in producing their discharge by competent authority, is most desirable. The Inspectors respectfully call this subject to the attention of the Legislature. It may not meet with favor until a thorough investigation of the question is made, free from those objections which a first impression is most likely to suggest.

The subjoined Statistical Statements are taken from the last Report (1871,) of the Inspectors. It will be observed that they relate to special subjects, and are selected from the general statistics of that report, because it is believed they will prove interesting to those who are investigating the questions connected with penal, as an element in social science.

STATEMENT

Exhibiting Number Received—Prison Population—Average Number—Number Discharged—Number Remaining on December 31, and the Register Number of Prisoners Received each year into the Eastern State Penitentiary, from its opening October 25, 1829, to December 31, 1871.

Years.	Number Received.	Prison Population.	Average Number.	Number Discharged.	Number Remaining December 31.	Register Number.
1829	9	9	. .	. .	9	1 to 9
1830	49	58	. .	4	54	10 " 58
1831	50	104	* 44	17	87	59 " 108
1832	34	121	89	24	97	109 " 142
1833	77	174	†122	20	154	143 " 219
1834	118	272	180	54	218	220 " 337
1835	217	435	267	91	344	338 " 554
1836	143	487	360	102	385	555 " 697
1837	161	546	385	159	387	698 " 858
1838	178	565	401	148	417	859 " 1036
1839	179	596	418	162	434	1037 " 1215
1840	139	573	406	197	376	1216 " 1354
1841	126	502	347	167	335	1355 " 1480
1842	142	477	342	146	331	1481 " 1622
1843	156	487	334	128	359	1623 " 1778
1844	138	497	360	157	340	1779 " 1916
1845	143	483	319	139	344	1917 " 2059
1846	117	461	326	153	308	2060 " 2176
1847	124	432	294	138	294	2177 " 2300
1848	121	415	283	123	292	2301 " 2421
1849	128	420	276	121	299	2422 " 2549
1850	150	449	307	150	299	2550 " 2699
1851	147	446	304	136	310	2700 " 2846
1852	126	436	280	153	283	2847 " 2972
1853	117	400	271	133	267	2973 " 3089
1854	124	391	275	121	270	3090 " 3213
1855	146	416	278	131	285	3214 " 3359
1856	146	431	273	134	297	3360 " 3505
1857	237	534	334	158	376	3506 " 3742
1858	207	583	384	205	378	3743 " 3949
1859	205	583	380	195	388	3950 " 4154
1860	259	647	424	183	464	4155 " 4413
1861	182	646	449	195	451	4414 " 4595
1862	135	586	396	217	369	4596 " 4730
1863	183	552	353	194	358	4731 " 4913
1864	150	508	338	183	325	4914 " 5063
1865	257	582	331	164	418	5064 " 5320
1866	364	782	510	213	569	5321 " 5684
1867	291	860	594	234	626	5685 " 5975
1868	253	879	622	249	630	5976 " 6228
1869	309	940	616	302	638	6229 " 6537
1870	315	953	622	282	671	6538 " 6852
1871	240	911	629	297	614	6853 " 7092

* From October 25, 1829, to November 30, 1831.

† From November 30, 1832, to December 31, 1833.

ANALYTICAL TABLE

Exhibiting the Whole Number of Pardons granted from the opening of the Prison, October 25, 1829, to December 31, 1871.

Years.	Whole Number in Confinement.					Number of Pardons.					How Pardoned.		
	White.		Colored.		Total.	White.		Colored.		Total.	Annual per Cent.	By the President U. S.	By the Governor Pa.
	Males.	Females.	Males.	Females.		Males.	Females.	Males.	Females.				
1829	8	..	1	..	9	..	..	..	..	..	..	..	..
1830	42	..	16	..	58	..	..	..	..	1	.96	..	1
1831	75	..	25	4	104	1	..	..	..	4	3.30	..	4
1832	90	..	27	4	121	4	..	..	..	2	1.15	..	2
1833	128	..	42	4	174	2	..	..	..	4	3.31	..	9
1834	189	..	81	2	272	8	..	1	..	9	3.45	1	14
1835	262	8	154	11	435	11	..	4	..	15	.62	..	3
1836	278	11	179	19	487	2	1	..	..	3	.91	..	5
1837	320	9	199	18	546	4	1	..	..	5	1.77	..	10
1838	332	11	200	22	565	10	..	..	..	10	2.18	1	12
1839	339	11	217	29	596	12	..	..	..	20	3.49	1	19
1840	329	9	205	30	573	20	..	..	..	14	2.79	1	13
1841	291	7	173	31	502	12	1	1	..	23	4.82	..	23
1842	297	6	154	20	477	20	..	2	1	23	3.08	..	15
1843	320	7	145	15	487	15	..	..	..	15	..	..	46
1844	332	12	136	17	497	39	..	4	3	46	9.25	1	31
1845	331	16	120	16	483	29	1	2	..	32	6.62	1	25
1846	321	14	110	16	461	25	1	..	..	26	5.64	1	25
1847	297	9	113	13	432	21	..	5	..	26	6.02	1	25
1848	291	8	103	13	415	11	1	2	..	14	3.37	1	13
1849	305	7	98	10	420	29	2	3	..	34	8.09	..	34
1850	331	8	100	10	449	28	2	1	..	31	6.90	..	31
1851	325	16	94	11	446	29	1	3	1	34	7.62	..	34
1852	327	19	82	8	436	40	2	2	1	45	10.32	1	44
1853	320	17	58	5	400	20	3	1	..	24	6.00	5	19
1854	315	10	61	5	391	22	1	..	..	23	5.88	2	21
1855	332	16	62	6	416	20	2	..	..	22	5.29	..	22
1856	344	20	62	5	431	14	1	..	..	15	3.48	1	14
1857	427	18	79	10	534	9	..	3	1	13	2.43	1	12
1858	469	15	88	11	583	19	..	2	1	22	3.77	..	22
1859	486	23	70	4	583	20	..	2	..	22	3.77	..	22
1860	530	23	91	3	647	15	..	..	..	15	2.32	..	15
1861	533	22	87	4	646	18	..	..	..	18	2.79	1	17
1862	477	23	83	3	586	16	..	2	..	18	3.07	1	17
1863	439	30	77	6	552	20	..	4	..	24	4.35	..	24
1864	418	29	53	8	508	29	2	2	..	33	6.50	4	29
1865	504	27	42	9	582	41	2	1	..	44	7.56	12	32
1866	679	24	68	11	782	62	..	2	..	64	8.18	9	55
1867	741	15	95	9	860	19	..	..	..	19	2.21	10	9
1868	759	12	102	6	879	36	..	..	..	36	4.09	14	22
1869	800	14	122	4	940	27	..	..	..	27	2.87	9	18
1870	813	14	124	2	953	13	1	..	..	14	1.46	1	13
1871	779	12	119	1	911	21	..	..	..	21	2.30	3	18
Totals						813	25	50	8	896	4.24	82	814

STATEMENT.

The following Table will exhibit the Discharge and Return of Pardoned Prisoners.
Also, Time Served in Prison.

Prisoner's No.	When Pardoned.	Time Served.	When Returned.
151	May . . . 30, 1833	3 months 19 days	May . . . 2, 1843
243	September . 29, 1834	5 " 8 "	November . 22, 1858
393	July . . . 27, 1837	2 years 2 " 8 "	February . 23, 1839
928	May . . . 20, 1839	1 " 0 " 1 "	December . 5, 1851
1106	January . 31, 1840	8 " 6 " 6 "	February . 13, 1841
1189	May . . . 30, "	6 " 7 " 7 "	June . . . 8, 1849
1168	July . . . 25, "	8 " 29 " 19 "	December . 9, 1841
1311	October . 12, "	1 " 19 " 20 "	August . . 29, 1842
746	February . 4, 1841	3 " 9 " 12 "	January . 24, 1843
1400	July . . . 23, 1842	1 " 1 " 28 "	September . 22, 1845
1494	April . . . 28, 1843	1 " 3 " 6 "	" . . . 12, 1843
1369	May . . . 25, "	2 " 3 " 1 "	November . 27, "
1746	April . . . 17, 1844	5 " 4 " 29 "	September . 6, 1844
1775	May . . . 17, "	2 " 2 " 10 "	February . 19, 1845
1516	" . . . 17, "	1 " 7 " 1 " 1 "	May . . . 8, "
1643	January . . 1, 1845	1 " 7 " 11 " 7 "	August . . . 23, "
1678	" . . . 6, "	1 " 7 " 7 " 29 "	April . . . 3, 1847
1684	" . . . 7, "	1 " 7 " 29 " 5 "	May . . . 1, 1846
1487	" . . . 11, "	2 " 11 " 13 " 4 "	July . . . 7, 1849
1578	March . . . 21, "	2 " 6 " 5 " 10 "	September . 10, 1845
1942	" . . . 20, 1846	1 " 0 " 17 " 1 " 1859	March . . . 1, 1859
1990	April . . . 17, "	7 " 7 " 19 " 14, 1853	September . 1, 1853
1275	November . 27, "	6 " 6 " 12 " 26, 1847	August . . . 26, 1847
2139	March . . . 12, 1849	10 " 23 " 24, 1849	September . 24, 1849
1435	July . . . 22, "	7 " 9 " 4 " 22, 1854	June . . . 22, 1854
2154	August . . . 8, "	1 " 2 " 11 " 3, 1852	December . 3, 1852
2414	April . . . 30, 1850	1 " 4 " 7 " 4, 1861	February . . 4, 1861
2334	November . 30, "	1 " 0 " 1 " 27, 1856	August . . . 27, 1856
1530	April . . . 2, 1851	8 " 11 " 27 " 15, 1855	October . . . 15, 1855
2541	October . . 22, "	1 " 10 " 14 " 12, 1852	June . . . 12, 1852
2634	November . 21, "	1 " 3 " 13 " 7, "	April . . . 7, "
2773	January . . 3, 1852	7 " 9 " 9 " 3, 1853	January . . 3, 1853
2245	" . . . 10, "	4 " 4 " 14 " 8, 1864	October . . . 8, 1864
2748	" . . . 17, "	" 8 " 25 " 9, 1859	April . . . 9, 1859
2444	" . . . 24, "	2 " 9 " 12 " 26, 1852	June . . . 26, 1852
2882	June . . . 17, "	" 1 " 16 " 10, 1858	December . 10, 1858
2732	July . . . 14, "	1 " 4 " 4 " 22, 1852	" . . . 22, 1852
1534	August . . 27, "	10 " 4 " 22 " 18, 1854	October . . 18, 1854
2684	November . 9, "	1 " 11 " 16 " 16, 1853	March . . . 16, 1853
1911	March . . . 31, 1853	8 " 3 " 19 " 7, 1858	May . . . 7, 1858
3020	July . . . 5, "	1 " 2 " 1 " 2, 1866	June . . . 2, 1866
2878	March . . . 1, 1854	1 " 10 " 7 " 18, 1857	April . . . 18, 1857
2085	December . 12, "	1 " 10 " 3 " 26, "	September . 26, "
3865	November . 2, 1858	2 " 2 " 15 " 30, 1859	August . . . 30, 1859
3856	June . . . 11, 1859	2 " 10 " 5 " 21, 1860	July . . . 21, 1860
3776	March . . . 24, 1860	2 " 1 " 20 " 3, "	December . . 3, "
3859	January . . 16, 1861	2 " 5 " 5 " 15, 1861	November . 15, 1861
4559	March . . . 8, 1862	3 " 29 " 29, 1862	" . . . 29, 1862
4974	February . 16, 1865	9 " 16 " 2, 1867	May . . . 2, 1867
5083	March . . . 1, "	" 10 " 24, 1865	June . . . 24, 1865
*5134	July . . . 11, "	1 " 6 " 5 " 23, "	October . . 23, "
5018	March . . . 19, 1866	1 " 9 " 1 " 31, 1867	January . . 31, 1867
5299	September 13, "	" 9 " 1 " 21, 1868	September . 21, 1868
5588	January . . 5, 1867	" 3 " 21 " 24, "	April . . . 24, "
5474	" . . . 15, "	" 8 " 25 " 7, 1867	February . . 7, 1867
5376	March . . . 19, 1868	2 " 1 " 12 " 9, 1868	November . 9, 1868

* This prisoner was immediately arrested on his discharge and recommitted.

Per cent. of prisoners pardoned and recommitted 6.25 in a period of 42 years.

NOTE.—In the above statement, the "time served" is calculated from the date of reception of the prisoner into the Penitentiary, and not from date of sentence.

EDUCATION vs. CRIME.

Statement exhibiting the Education of Convicts received each year, convicted of Crimes against Property and Crimes against Persons, thus presenting in a tabular view the changing Educational as well as Criminal Relations of convicts received each year into the Eastern State Penitentiary.

Year.	Convicted of Crimes against Property.								Convicted of Crimes against Persons.								Whole Number Received each Year.		
	Illiterate.		Read Only.		Read and Write.		Total Convicts Against Property.	Illiterate.		Read Only.		Read and Write.		Total Convicts Against Persons.					
	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.					
1829	..	..	3	33.33	6	66.67	9	100.00	..	..	..	..	..	..	..	9			
1830	9	18.37	9	18.37	21	42.86	39	79.60	..	..	4	8.16	6	12.24	10	20.40	49		
1831	7	14.00	7	14.00	28	56.00	42	84.00	..	..	3	6.00	1	2.00	8	16.00	50		
1832	6	17.65	9	26.47	13	38.24	28	82.36	..	..	3	8.82	3	8.82	6	17.64	34		
1833	17	22.08	15	19.48	38	49.35	70	90.91	..	..	2	2.60	2	2.60	7	9.09	77		
1834	17	14.40	22	18.65	66	55.93	105	88.98	..	..	4	3.39	5	4.24	13	11.02	118		
1835	64	29.49	48	22.12	87	40.09	199	91.70	..	..	5	2.30	7	3.23	18	8.30	217		
1836	35	24.47	31	21.68	61	42.66	127	88.81	..	..	7	4.90	5	3.49	4	2.80	16	11.19	143
1837	46	28.57	33	20.50	67	41.61	146	90.68	..	..	4	2.49	4	4.34	15	9.32	161		
1838	54	30.33	34	19.10	69	38.77	157	88.20	..	..	11	6.18	4	2.25	6	3.37	21	11.80	178
1839	54	30.17	45	25.14	69	38.55	168	93.86	..	..	3	1.67	2	1.12	6	3.35	11	6.14	179
1840	39	28.06	24	17.27	58	41.72	121	87.05	..	..	6	4.32	3	2.16	9	6.47	18	12.95	139
1841	26	20.63	24	19.05	58	46.03	108	85.71	..	..	6	4.76	1	.80	11	8.73	18	14.29	126
1842	29	20.42	25	17.61	71	50.00	125	88.03	..	..	4	2.82	4	2.82	9	6.33	17	11.97	142
1843	31	19.87	25	16.03	86	55.13	142	91.03	..	..	3	1.92	3	1.92	8	5.13	14	8.97	156
1844	31	22.47	25	18.11	63	45.65	119	86.23	..	..	2	1.45	2	1.45	15	10.87	19	13.77	138
1845	15	10.49	29	20.28	62	43.35	106	74.12	..	..	9	6.30	5	3.50	23	16.08	37	25.88	143
1846	14	11.97	13	11.11	69	58.98	96	82.05	..	..	6	5.13	6	5.13	9	7.69	21	17.95	117
1847	23	18.55	11	8.87	58	46.77	92	74.19	..	..	6	4.84	3	2.42	23	18.55	32	25.81	124
1848	20	16.53	11	9.09	68	56.20	99	81.82	..	..	4	3.30	9	7.44	9	7.44	22	18.18	121
1849	19	14.84	14	10.94	61	47.66	94	73.44	..	..	7	5.47	9	7.03	18	14.06	34	26.56	128
1850	11	7.33	18	12.00	72	48.00	101	67.33	..	..	19	12.67	11	7.33	19	12.67	49	32.67	150
1851	14	9.52	20	13.61	85	57.82	119	80.95	..	..	3	2.04	10	6.80	15	10.21	28	19.05	147
1852	13	10.32	13	10.32	69	54.76	95	75.40	..	..	5	3.97	8	6.35	18	14.28	31	24.60	126
1853	12	10.26	9	7.09	70	59.83	91	77.78	..	..	5	4.27	5	4.27	16	13.68	26	22.22	117
1854	14	11.29	15	12.10	72	58.06	101	81.45	..	..	3	2.42	6	4.84	14	11.29	23	18.55	124
1855	6	4.11	12	8.22	105	71.91	123	84.24	..	..	5	3.43	5	3.43	13	8.90	23	15.76	146
1856	16	10.96	10	6.85	96	65.75	122	83.56	..	..	4	2.74	5	3.43	15	10.27	24	16.44	146
1857	38	16.03	37	15.61	136	57.39	211	89.03	..	..	6	2.53	4	1.69	16	6.75	26	10.97	237
1858	29	14.01	25	12.08	122	58.93	176	85.02	..	..	7	3.38	2	.97	22	18.63	31	14.98	207
1859	25	12.19	19	9.27	123	60.00	167	81.46	..	..	8	3.90	13	6.34	17	8.30	38	18.54	205
1860	33	12.74	29	11.20	152	58.68	214	82.62	..	..	8	3.09	8	3.09	29	11.20	45	17.38	214
1861	28	15.38	24	13.19	94	51.65	146	80.22	..	..	6	3.30	2	1.10	28	15.38	36	19.78	182
1862	18	13.33	22	16.30	64	47.41	104	77.04	..	..	8	5.93	7	5.18	16	11.85	31	22.96	135
1863	18	9.83	22	12.02	103	56.30	143	78.15	..	..	8	4.37	5	2.73	27	14.75	40	21.85	183
1864	21	14.00	11	7.33	81	54.00	113	75.33	..	..	7	4.67	10	6.67	20	13.33	37	24.67	150
1865	41	15.95	26	10.12	161	62.65	228	88.72	..	..	8	3.11	3	1.17	18	7.00	29	11.28	257
1866	42	11.54	35	9.61	246	67.59	323	88.74	..	..	10	2.75	3	.82	28	7.69	41	11.26	304
1867	48	16.49	19	6.53	173	59.45	240	82.47	..	..	14	4.81	5	1.72	32	11.00	51	17.53	291
1868	33	13.04	23	9.09	162	64.03	218	86.16	..	..	8	3.16	3	1.19	24	9.49	35	13.84	253
1869	37	11.98	36	11.65	184	59.54	257	83.17	..	..	14	4.53	3	.97	35	11.33	52	16.83	309
1870	44	13.97	20	6.35	181	57.46	245	77.78	..	..	18	5.71	10	3.18	42	13.33	70	22.22	315
1871	40	16.67	8	3.33	137	57.68	185	77.68	..	..	14	5.84	2	.83	39	16.25	55	22.92	240
Totals	1136	16.02	910	12.83	3867	54.53	5913	83.38	282	3.97	214	3.02	683	9.63	1179	16.62	7092		

MINOR CONVICTS.

Statement showing the number of Convicts received each year, also the Sex and Color of Minor Convicts, (those under 21 years of age,) with the number convicted for Crimes against Property and Crimes against Persons.

Years.	Whole Number Received.					Number of Minor Convicts Received.					Convicted of Crimes.			
	White Males.	White Females.	Colored Males.	Colored Females.	Total.	White Males.	White Females.	Colored Males.	Colored Females.	Total.	Annual Per Cent.	Against Property.	Against Persons.	Total.
1829	8	..	1	..	9	3	..	1	..	4	44.44	4	..	4
1830	34	..	15	..	49	7	..	1	..	8	16.33	8	..	8
1831	37	..	9	4	50	4	..	2	1	7	14.00	6	1	7
1832	28	..	6	..	34	2	..	2	..	4	11.76	3	1	4
1833	54	..	23	..	77	7	..	8	..	15	19.48	15	..	15
1834	77	..	41	..	118	8	..	14	..	22	18.64	20	2	22
1835	115	8	84	10	217	16	3	21	6	46	21.19	42	4	46
1836	81	3	51	8	143	4	..	9	4	17	11.89	16	1	17
1837	100	1	58	2	161	10	..	12	1	23	14.28	19	4	23
1838	109	6	55	8	178	14	2	6	3	25	14.04	22	3	25
1839	96	3	65	15	179	8	..	20	4	32	17.87	30	2	32
1840	86	2	46	5	139	11	..	18	1	30	21.58	28	2	30
1841	82	1	37	6	126	8	..	6	3	17	13.49	16	1	17
1842	99	3	40	..	142	8	1	11	..	20	14.08	20	..	20
1843	111	2	38	5	156	11	..	8	1	20	12.82	18	2	20
1844	99	7	27	5	138	15	2	7	2	26	18.84	25	1	26
1845	109	6	22	6	143	10	1	9	5	25	17.48	18	7	25
1846	87	3	23	4	117	9	2	7	3	21	17.95	19	2	21
1847	85	1	33	5	124	15	..	7	4	26	20.97	21	5	26
1848	86	2	30	3	121	14	..	8	2	24	19.83	23	1	24
1849	101	2	23	2	128	19	2	3	1	25	19.53	18	7	25
1850	111	5	29	5	150	30	1	8	3	42	28.00	23	19	42
1851	110	12	19	6	147	17	4	4	3	28	19.05	26	2	28
1852	109	4	12	1	126	21	3	3	1	28	22.22	17	11	28
1853	101	5	10	1	117	16	1	3	..	20	17.09	17	3	20
1854	99	2	20	3	124	21	1	3	2	27	21.77	20	7	27
1855	115	11	19	1	146	29	2	6	1	38	26.03	33	5	38
1856	118	9	17	2	146	33	1	5	2	41	28.08	33	8	41
1857	191	8	31	7	237	45	2	4	2	53	22.36	50	3	53
1858	172	3	29	3	207	35	..	11	2	48	23.19	44	4	48
1859	172	16	16	1	205	38	3	..	..	41	20.00	39	2	41
1860	214	5	39	1	259	47	1	9	..	57	22.01	51	6	57
1861	145	9	27	1	182	19	4	11	..	34	18.68	29	5	34
1862	106	8	20	1	135	10	3	9	..	22	16.29	14	8	22
1863	142	12	26	3	183	31	2	9	1	43	23.49	35	8	43
1864	129	10	8	3	150	20	5	2	3	30	20.00	26	4	30
1865	230	9	15	3	257	42	2	7	3	54	21.01	50	4	54
1866	312	10	37	5	364	78	5	16	2	101	27.74	93	8	101
1867	247	3	40	1	291	46	1	14	1	62	21.31	56	6	62
1868	215	3	35	..	253	35	1	9	..	45	17.78	40	5	45
1869	260	6	42	1	309	77	2	14	..	93	30.10	77	16	93
1870	271	5	39	..	315	46	3	12	..	61	19.37	53	8	61
1871	209	3	27	1	240	40	..	9	..	49	20.42	36	13	49
Totals.	5462	208	1284	138	7092	979	60	348	67	1454	20.50	1253	201	1454

Conclusion.

The purpose in preparing the foregoing pages, it is hoped, has been sufficiently developed to be understood and appreciated.

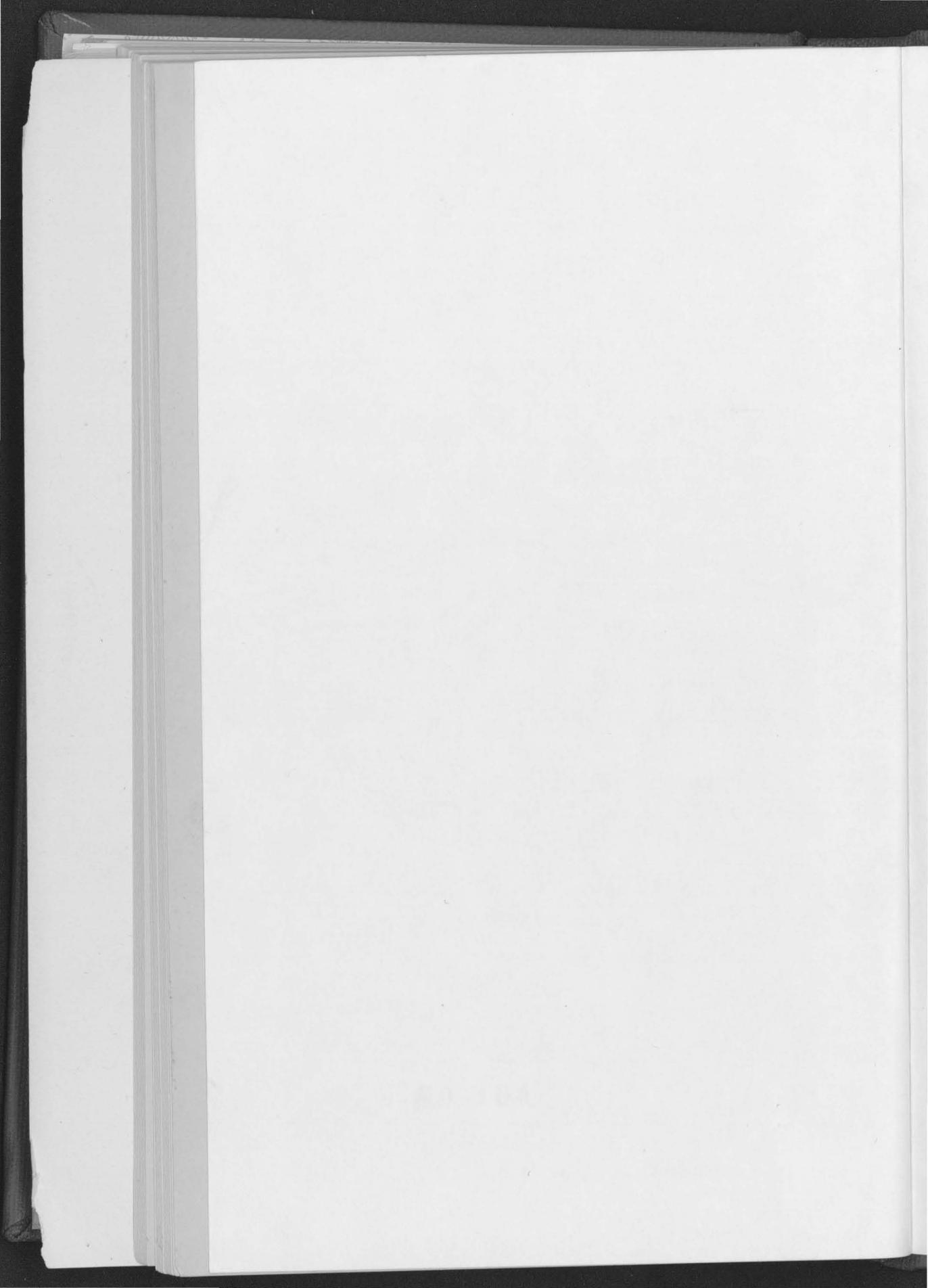
In this brief sketch of the origin and history of the State Penitentiary, at Philadelphia, and the *separate*, or *individual-treatment* system of penitentiary discipline there administered, the design has been simply to portray the progress made, from the first efforts to alleviate the miseries of prisoners, to the present condition of the separate system as now in operation in the Penitentiary at Philadelphia.

It will be observed that the starting point of reform was the non-association of prisoners, who were then congregated in a common jail, where their "miseries," and the fearful effects of contamination, induced the first efforts for non-association, under the term "solitude," or "solitary imprisonment." From that period the development progressed, until the "separate" system became the more exact definition of the principle of punishment. Now it has reached a point when it is best explained as the "individual-treatment system," which unites the idea of separation, and non-association, and at the

same time presents the best method of punishment, during which, reform, education, improvement, and such other means of personal benefit to the convict, and the greatest advantage to society, are unitedly and successfully applied.

Whatever of prejudice against our plan of punishment and reform, or unbelief in its theory and results may heretofore have existed, enough has been presented in these pages, at least, to cause a candid examination of a system which fearlessly invites intelligent examination, and frankly exhibits the results of its administration.

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