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Prisons

LOCKED-UP.

Richard Vaux

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THE PRINCIPLES, PRACTICE, PURPOSES;
AND
THE PREVENTION OF PENITENTIARY
PUNISHMENT.

BY

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PENITENTIARY;" "CRIME-CAUSE;" "SHORT TALKS ON CRIME-CAUSE AND CONVICT
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THE PRINCIPLES, PRACTICE, PURPOSES; AND, THE PRE-
VENTION OF PENITENTIARY PUNISHMENT.

IT is unfortunate that the discussion of prison systems of discipline for the punishment of convicts, is mostly confined to those who really do not educate themselves to comprehend the subject. General impressions are too much mistaken for thoughtful conclusions. The subject cannot be so treated. There are very many questions so intimately connected with a thorough understanding of it, as to forbid the possibility of its superficial comprehension—that is not within the power of human intelligence. As well might one discourse of astronomy after looking up to the stars.

Convicts are individuals incarcerated for offences against law. Each individual had a motive for his acts. He was governed by the reasoning process how best to commit them with success, and in the most likely way escape detection.

Motive, will, and mind were united. The result depended on this combination. The first inquiry then is as to the motive. Why, is anterior to How.

To investigate the motive involves the character of the individual, his training in youth, his associations, his home influences, oversight, and control; the means adopted to teach him school, and trade-knowledge and religious principles. To this must be added his health, inherited taints, and the family relations, social and civil.

It will be observed that out of the conditions thus developed, the motive will be found.

That individuals convicted of violation of the laws of society, shall be incarcerated in a prison and then sold for the labor profit of a chosen few favorites, and the indefensible claim of State money gain, is contrary to every sound principle on which convict punishment is either based or justified.

It is not to be wondered at that such prisons can pay premiums for long term convicts, and secure them from any State that will send them there, when the cost of transportation is prepaid. What a commentary on prison reform!

The chief argument in favor of this plan is, that the prisoner must support himself in prison, and not be a tax on the people. It is not supposed that any plan could be adopted by which the prisoner is to be kept in idleness, without work, and thus earning no part of his support. Labor is a means for reforming the individual. Industry is a safeguard against crime. Therefore the work of every convict during incarceration, should be applied to him, and required from him, as part of the reformatory treatment to which he should be subjected.

But labor only, nothing but labor, when it is the rule of prison discipline, is taxing the muscles, and ignoring all efforts to reach the mind and morals of the individual. The convict is then only part of a machine and works as a machine, toiling by day, shut off from any real, practical, instruction or wise influences tending to encourage his restoration to an honest life.

It is to be under the influences of such efforts, reformatory agencies, and instruction tending to strengthen the moral character of the convict that incarceration is decreed—and labor is one of them. This marks a system of prison discipline, the prisoner needs, society demands and common sense endorses.

When the whole number of persons convicted of crime, yearly, in States is considered, it will be easily understood that vast differences exist in their respective characters.

The mental and physical traits, and taints, that are of necessity to be found in so large a number of persons of all ages

and conditions, are especially to be considered. If reliable statistics could be obtained, the exhibit would be startling.

The reconversions of many of these persons, the first crime, and those for which they have been since sentenced, would give some valuable information.

In the carefully prepared records of the Eastern State Penitentiary at Philadelphia, the following facts appear. They are reliable. The three departments of the administration regard them so, and their preparation was critically supervised.

There were received into the Penitentiary from January 1st, 1881, to January 1st, 1886, 1019 convicts, 25 years of age and under.

Of the 1019 convicts received, 670 were upon their first conviction; 221 were upon their second; 83 were upon their third; 25 upon their fourth; 6 upon their fifth; 10 upon their sixth; 2 upon their seventh; and 2 upon their ninth conviction.

Of the 83 convicts received on their third conviction, 72 had no trade; 67 attended school; 16 never attended school. It may be stated that of the 1019 convicts, 9 had been in the House of Correction and 102 in the House of Refuge.

The record also shows that of these 1019 convicts, 5 had been in the State Prisons of New York; 1 in Western State Penitentiary; 1 in Missouri State Prison; 2 in Illinois; 1 in Massachusetts; and 1 in a prison in Germany.

The number of convicts received from January 1st, 1881, to January 1st, 1886, mentally diseased, or insane, 36; epileptic, 26; impaired intellect, 207; total, 269.

The very first question that arises in such a review is what led to the commission of these offences.

There is a percentage of convicts who belong to the crime-class. They were made criminal by neglect in youth, inherent depravity, mental unsoundness, physical disease, association, want of trade-knowledge, and no subjection to authority. Taught in schools, a little learning to them was dangerous, because it disqualified them for the useful industries, and forced them to crime for self-support without labor. To read and write and the usual instruction obtained in schools, with no training for the life-work of honest people, made them the

easy and willing victims of any form of temptation that presented a reward for violating the laws of society. This for them, was to live without labor.

A special prison service for these is absolutely necessary. Examples will be given to prove it. It should be adapted to their developed resistance to the laws, their determination to prey on society, to live by crime, to abandon any self-efforts to become honest men. The allurements of a life with kindred associates, and the attractions of the means employed to commit offences, and idleness with money for their use, are too powerful for the weak and untrained moral character to resist. The *Mass* system of prison treatment is useless in its application to this class. It only corrupts the less hardened, or the young offender, or those on first conviction.

The *Class* system might be made to present opportunities for dealing with these crime-class convicts. To make it effective, the predominant characteristics of the Individual Treatment must be united with a wise plan of judicious classification.

It is to be remembered that this suggestion is made because the persons to be subjected to this mixed plan, are not incarcerated for crime, and to whom the while punishment is not to be applied. It is detention to prevent crime, not punishment for its commission. They are held in custody because they are unable to be obedient to law. They use their liberty to wrong honest people, and add to public taxation, and injure society. They are enemies of society, and its protection demands that the State should deprive them of the opportunities of despoiling others, and rendering life and property insecure. This crime-class then is to be incarcerated so that the members of it shall not use their personal liberty for the public injury. It is not a prison, so much as a place of detention, that is necessary. The method of treating these detained persons is not a prison system of discipline for punishment, it is rather a hospital for the treatment of inherent or inherited moral chronic, or constitutional disease. The *mixed* treatment therefore may be made to subserve a purpose. It might radically change the character for the better

It might cure the disease. It could do no harm as only and exclusively applied to this class of persons under the special circumstances of their enforced separation from society.

Society will not be satisfied with convictions and reconvictions of persons inherently criminal, who live by depredations on its security and safety.

For these then, a method of treatment might be established, which will afford relief from the criminal acts of a class of confirmed offenders against law—a crime-class that lives by the persistent purpose to perpetrate crime.

For these persons a method is suggested as the treatment, society has a right to demand for its protection.

They are unworthy of personal liberty, for they abuse it, seeking only to injure others for their own benefit. After several convictions for felonies, it may be asserted that such a person forfeits a claim for his liberty. This last sentence should be for a period to be ended on such evidence as the prison authorities represent as showing a determination to avoid in the future, criminal acts. If, during the detention of such a person he has been subject to influences for his reformation, and evinces a contrition that is real and not simulated, and it is believed that he will make efforts to regain a good standing in society, then the period of his detention should end by proper legal authority. He should be taught a trade, instructed in such sound moral teachings as tend to awaken remorse, and create in him a desire for honest pursuits. This is part of the discipline which belongs to the individual treatment system, as well as to employ him in such manual labor as will conduce to this result. Then his detention for an indefinite period has been a protection to society, a benefit to him, and possibly has created in him a new phase of character.

For examples of the class to which reference is made, the following facts are given.

On the 12th of April, 1849, one **A** was convicted of burglary on seven charges, and sentenced for seven years. He was pardoned January 24th, 1852. On the 26th of June, 1852, he was again convicted of burglary, and sentenced for

three years and ten months. He was discharged April 26th, 1856. On October 15th, 1860, he was again convicted of burglary and sentenced for two years and six months, escaped March 3d, 1861. On December 14th, 1867, convicted of burglary, and sentenced for four years and ten months. Escaped March 28th, 1868, retaken July 23d, 1868, and indicted for a previous larceny and sentenced to three years, in addition to his sentence during which he escaped. He was discharged July 14th, 1875. April 20th, 1881, he was convicted of burglary, and sentenced for three years, and discharged January 20th, 1884. He is now serving a sentence of five years for burglary, convicted April 7th, 1884. He had been also sentenced for three years and two months in another State, and also for five terms in a county prison. He is fifty-five years of age.

The brother, son, and two nephews of this prisoner are now convicts, having been several times convicted.

B was convicted of larceny March 12th, 1886, and sentenced to two years. He had previously been two years in a House of Refuge. He was first convicted September 6th, 1873, then seventeen years of age, for larceny, and sentenced to three years. Discharged February 6th, 1876. On February 7th, 1877, he was convicted of burglary and sentenced to two years and six months. Discharged October 7th, 1879. On January 21st, 1881, he was convicted of larceny, and sentenced to one year and six months, and discharged June 21st, 1882. On May 28th, 1883, he was convicted of burglary, and sentenced to three years, and discharged January 17th, 1886. On March 12th, 1886, he was convicted, and is now serving his sentence.

C was sent at nine years of age to a House of Refuge by his father. His mother died just before the sending of the boy to the House of Refuge. His father remarried. The boy would not go to school. He ran away from the Refuge, went into an adjoining State, worked for about eight months, returned to his former residence. In two weeks he was arrested for stealing, and picking pockets. He was not tried. He then began to rob dwelling-houses.

Went to a neighboring city. There he was arrested and sentenced to one year in a State Prison. He had been convicted, and sentenced to three months to a jail in one county town, and in another for thirty days. Last March he was arrested for an attempt at burglary, and on June 8th, 1886, was sentenced to a State Penitentiary for one year and three months. He is now twenty-three years of age.

On the 12th of January, 1859, **D** was convicted in Cumberland county of larceny, sentenced to eighteen months, discharged on June 12th, 1860, twenty-one years of age. On the 16th of November, 1874, he was convicted of horse stealing in the same county, sentenced to eighteen months, discharged April 16th, 1876.

On November 18th, 1876, he was convicted of burglary, larceny, and receiving stolen goods, in the same county; was sentenced to fifteen years and four months. His time on this sentence will expire by the commutation law in three years.

On the 16th of November, 1874, **E** (brother of **D**) was convicted of horse-stealing in Cumberland county, sentenced to eighteen months, was discharged May 16th, 1876.

On 2d of September, 1876, he was convicted of larceny, and receiving stolen goods, sentenced on four bills, nine years, five years, five years, and one year, in all twenty years, was pardoned on 23d of March, 1866; he served nine years five months and twenty days of the above sentence.

On the 10th of April, 1871, **F** (brother of **D** and **E**) was convicted in Cumberland county of burglary, and sentenced to five years; discharged July 10th, 1875.

On September 2d, 1876, he was convicted in the same county of larceny and receiving stolen goods, sentenced to nine years, was discharged January 2d, 1884.

On the 2d of September, 1876, **G** (brother of **D**, **E**, and **F**) was convicted of larceny and receiving stolen goods, sentenced to nine years, was pardoned November 10th, 1881. These four brothers are natives of Cumberland county from which they have always been sent to the Penitentiary.

On 14th of January, 1875, **H** was convicted in Cumberland county of burglary and larceny, was sentenced to two years

and three months, was discharged March 14th, 1877; eighteen years of age.

On November 12th, 1878, he was convicted of larceny, horse-stealing, and receiving stolen goods, and sentenced to six years and nine months, was discharged by the commutation law August 12th, 1884.

On the 18th of April, 1885, he was convicted of burglary and having deadly weapons, sentenced to one year, was discharged March 18th, 1886; always from Cumberland county of which he is a native.

I, (brother of **H**.) on the 9th of May, 1871, twenty-two years of age, was convicted in Dauphin county of larceny and false pretence, and sentenced to three years, discharged January 9th, 1874. In 1879 he was executed in Ohio for murder in connection with a burglary.

J., fifty-one years of age, (*father* of **I** and **H**.) was convicted in Cumberland county of receiving stolen goods, was sentenced to two years, discharged June 28th, 1876.

K, (*brother* to **J**, and uncle of **I** and **H**.) on November 11th, 1874, was convicted in Cumberland county of larceny, sentenced to two years, was discharged September 11th, 1876; sixty-three years of age.

On September 2d, 1863, **L** was convicted in Dauphin county of larceny and conspiracy to break prison, and felonious assault, sentenced to two years, was discharged September 2d, 1865; twenty-three years of age.

On the 7th of January, 1868, he was convicted under the name of **X** in Northumberland county for larceny, and sentenced to eighteen months, discharged June 7th, 1869.

On the 31st of August, 1869, he was convicted of felony in Dauphin county, sentenced to two years, was discharged by the commutation law, June 30th, 1871.

On September 1st, 1874, he was convicted in Dauphin county of larceny, sentenced to two years and six months, and was discharged on the 1st of January, 1877, by the commutation law.

On January 3d, 1881, he was convicted in Luzerne county of robbery and larceny, sentenced to one year and three months, was discharged March 3d, 1882.

On the 11th of August, 1882, he was convicted in Perry county of larceny and receiving stolen goods, sentenced to three years, was discharged by the commutation law May 11th, 1885.

He also served seven terms in different county jails, and is now in the Dauphin county jail awaiting trial for larceny.

M was convicted on two charges of larceny, and sentenced on the 15th of May, 1840, to five years, was discharged on the 15th of May, 1845.

On the 28th of June, 1852, he was convicted of larceny, and sentenced to one year, discharged on 28th of June, 1853.

On the 24th of February, 1855, he was convicted of larceny, sentenced to two years, discharged on the 24th of February, 1857.

On the 11th of February, 1861, he was convicted of larceny, and sentenced to thirteen months, discharged on the 11th of March, 1862.

On the 12th of March, 1872, he was convicted of larceny, and sentenced to two years, was discharged by the commutation law for good conduct on the 12th of January, 1874.

On the 9th of September, 1875, he was convicted of larceny, sentenced to one year, discharged on the 9th of September, 1876.

On the 4th of April, 1877, was convicted of larceny, sentenced to one year, was discharged by the commutation on the 4th of March, 1878.

On the 10th of September, 1879, he was convicted of larceny, and sentenced to three years, discharged on the 10th of May, 1882.

On the 12th of July, 1882, he was convicted of larceny, sentenced to one year, was discharged in good health on the 12th of June, 1883.

That was forty-two years after Mr. Dickens saw him in the Penitentiary and described him in his book as in a deplorable condition. During the intervals between his discharge and reconvictions he served terms in other prisons, one in the Maryland Penitentiary, and one in the New York State Prison; also three terms in the Philadelphia County

Prison. The aggregate time he served in the Philadelphia Penitentiary during the forty-four years, since his first conviction in 1840, was sixteen years and eleven months.

On the 20th of February, 1884, he was permitted by the authorities of the Penitentiary to have shelter within its walls, homeless and destitute.

He died in prison on the 14th of March, eighty years of age, of no disease. Old age terminated a life that the novelist Charles Dickens on the 8th of March, 1842, said would end shortly from that time, caused by the severity of the individual, or separate treatment for crime. He lived from that time until his death forty-two years after, mostly subjected to the very treatment to which Mr. Dickens ignorantly took exceptions.

N was convicted in Columbia county, of horse stealing on the 10th of September, 1853, sentenced to one year and six months, seventeen years of age, was discharged on the 10th of March, 1885.

On September 5th, 1860, he was again convicted in the same county of horse stealing, and sentenced to three years, discharged September 5th, 1863. He also served one term in the Western Penitentiary, was discharged from there in 1870.

On November 23d, 1847, **O**, brother of **N**, was convicted of larceny in Lycoming county, sentenced to one year and six months, was discharged May 23d, 1849; seventeen years of age when convicted. He served several terms in the county jail, and was killed while engaged in horse stealing, in August, 1882, in company with another brother, who was arrested at the time.

P, another brother, was convicted in Lycoming county of assault to rescue, on the 21st of January, 1858, and sentenced to nine calendar months, discharged on 21st of November, 1858, twenty-one years of age.

Q, twenty-three years of age, another brother, was convicted in Northampton county, on the 21st of August, 1869, of horse stealing, and breach of prison, sentenced to three years, discharged on the 21st of April, 1872, by authority of the commutation law.

On the 13th of October, 1879, he was convicted in Lycoming county of larceny and receiving stolen goods, sentenced to three years, was discharged June 13th, 1882.

On the 11th of September, 1882, he was convicted of larceny and receiving stolen goods in Columbia county, sentenced to two years. It was at this time his brother **O** was killed, while resisting arrest when search was being made by the officers for the stolen horses, which were found in **Q**'s possession; discharged July 11th, 1884.

On the 9th of October, 1885, he was convicted in Lycoming county of burglary, sentenced to six years, which sentence he is now serving in this Penitentiary.

R, twenty-two years of age, was convicted in Philadelphia on the 26th of January, 1876, was sentenced to three years and six months. The court reduced his sentence to two years and three months.

On the 18th of April, 1878, he was convicted in Philadelphia of receiving stolen goods, was sentenced to two years; he was discharged by the commutation law on the 18th of September, 1879, his sentence having been reduced by the court to one year and six months. On the 5th of February, 1880, he was convicted in Philadelphia of receiving stolen goods, was sentenced to two years and six months, was discharged by the commutation law on the 5th of June, 1882.

In the early part of 1883, he was convicted in Wilmington, Delaware, of burglary, and sentenced to New Castle Jail for ten years. His devoted sister when visiting him there, furnished him with tools and other means to break the prison, which he did, but was rearrested in Wilmington, after a desperate resistance, in which an officer was badly hurt; was taken back to jail, where he is now serving his ten years sentence.

S, twenty-three years of age, brother to **R**, was convicted of burglary in Philadelphia, on the 29th of April, 1875, was sentenced to two years: the judge changed his sentence to one year and six months, he was discharged September 29th, 1876.

On the 14th of December, 1876, he was convicted in Philadelphia of burglary, and sentenced to one year and eleven

months, was discharged by the commutation law October 8th, 1878.

On the 12th of June, 1879, he was convicted in Philadelphia of robbery and assault to kill, was sentenced to eight years, was discharged by the commutation law on the 12th of December, 1886.

On the 27th of May, 1886, he was convicted in Philadelphia of an attempt at burglary, was sentenced to two years, which sentence he is now serving. The father of these two brothers was convicted in Virginia, of which State they are natives, and served a term in prison there.

These are only some instances, for unfortunately they are too common.

May it not reasonably be asserted that the crime-cause in these cases is plainly shown? Inherent depravity, if not inherited, marks prisoner A.

As to prisoner B it is most likely the neglect in youth, and absence of restraint, and want of government led him to crime. The case of prisoner C is relegated to the want of parental control, and family infelicities. Left to his own will and his father's neglect, he became the victim of idleness and temptation.

The crime-cause of D, E, F, and G was inherited. A rather clear indication of the heredity of crime. It cannot be denied that the cases of H, I, J, K, L, N, O, P, Q, R, and S, are within the hereditary conditions out of which crime is evolved.

The crime-cause of M needs no explanation, it was inherent depravity. He was a German, and of his family, his youth and antecedents, he would not speak.

A wise and thorough investigation should be made by the prison authorities as to the character, early associations, and the motives which impelled to crime, or crime-cause, of each member of the crime class. The convict, during the period for this investigation ought to be separated from all association with other convicts. When a satisfactory conclusion is reached as to the condition of the convict, physically and morally, then he might be placed in a class of persons all of

whom are as near on an equality as may be possible. This requires sound judgment and cultivated experience in the officials of the institution. This class should be kept at labor only for the purpose of earning their daily support, without any intention to secure a profit to the State.

It would be a self-supporting labor only, to which they should be subjected and in which they are employed.

From time to time proper and judicious examination of these convicts ought to be made. When it is believed that some evidence of a desire to return to honest life is manifested, such individuals ought to be subjected to the Individual Treatment. Separated from convict associates, and taught handicraft skilled labor, with ample time and opportunity for mental improvement and moral teachings, stimulated to hope for a better future by the fact that part of their earnings can be secured to them, to be paid on their release from incarceration, it is reasonable to believe that some of this class of prisoners may be reformed.

At least opportunity could thus be presented to test the real condition of these individuals. It would be far more likely to reach the mind and purpose of the man when separated from his class, than during the effect of association.

Time would be afforded for reflection, and if there is any basis of character on which the benefits of such a discipline would operate, this period of separation might give strength to the desires and hopes of the man. In no case should the separation ever be permitted as a punishment for ill conduct in class association. It would not cost society a dollar to try this experiment. These convicts would earn their support. They would be taught useful lessons, and it may be for the first time in their lives led to consider the marked difference between honest industry with its rewards of peace and of honest living, and the perils and hardships of criminal pursuits.

It must be observed that these suggestions are applicable only to the crime-class whose continued reconvictions for crime, make it of importance to consider a special method of detention especially adapted for their treatment. Let it be

carefully observed that this method is only suggested for persons not incarcerated for punishment, it is not a system of prison discipline. It is intended exclusively for those who are unfit for ungoverned liberty—only for those. It is at best but an experiment.

Society cannot exist without laws for its protection.

Violators of these laws are to be punished for their crimes.

Incarceration is the method during which punishment is to be inflicted.

The system of applying this punishment is of admitted importance. To secure the best system, is the aim of those who are interested in the welfare of society and for the benefit of the incarcerated.

Under any view of these questions it is certain that it will cost society money to establish and maintain institutions for crime-punishment. Society must pay this cost. It is the premium for its safety.

All that can be expected is, that any system of convict punishment which gives reasonable assurance of protection to society and advantages to the convicts should be accepted and adopted without the sole aim and expectation that it is to be a profit-making manufactory for contractors of convict labor, or to the State.

The suggestions now presented are based on the view of the propriety of establishing a place of detention for the reception of crime-class convicts. The detention of these persons until some good and sufficient reasons are ascertained for their liberation is worthy of serious consideration.

The examples already given of reconvictions of this class make it plain that the use of their liberty is a standing menace to the safety of society. It costs far more money to protect society against them, to detect and arrest and convict them than the public probably has any knowledge of. In Philadelphia the whole cost for its judicial and police machinery for public protection and safety, the arrest, trial, and conviction of offenders and incidental expenses, was \$1,696,969.47 for the last year, 1885. Twenty-eight thousand eight hundred and fourteen arrests, cost fifty-eight dollars and ninety cents, for each arrest.

A penal colony is not possible for a State. The Federal authority has no right to establish one. The States have rights that are beyond Federal interference. These should never be surrendered. A penal colony is not possible. Exile for crime is not American. It may be true that the constitutional power in the governor of a State to grant a pardon justifies conditions on which it may be granted. But the pardon reaches only the crime. The individual gains the benefit of his liberty, because the crime for which he was incarcerated is obliterated. Any previous condition in a pardon, as a pardon itself, is to free the convict from prison. A pardon could not make a condition that one form of punishment be substituted for another form, or character of imprisonment. Any attempt of the Federal Government to buy land for the purpose of establishing a penal colony for the detention and punishment of prisoners convicted by the States, for violating State laws, would be a revolutionary proceeding that would excite the earnest condemnation of the people. No part of a present territory should be used for such a purpose. Where is there to be found in the Federal Constitution the power given to Congress to exile the citizens of States, even if they are convicts. If it can be believed such an attempt would ever be made under the wildest latitudinarian construction, then the land so appropriated could only be held under a territorial or a military system of government, and in time it might be annexed *as a State*, if political necessities demanded it.

Reform is not part of the purpose of convict-contract-labor institutions. The convicts work all day, and are locked up at night in cells not large enough for other use than sleeping.

The cost of *the plant* for associate labor in a congregated convict-contract prison is enormous. Several hundred thousand dollars are required to put in the machinery and all the appliances. The contractor has the benefit of this, and the constant toil of the convicts, and always enough men to fill the conditions of the agreement between him and the prison. He can well afford to pay the daily price of this convict bought labor.

There is no necessity for any Plant, if a prison is to be an institution for the benefit of the prisoner and the protection of society. A system does exist, and is in daily operation in which \$6000 is the total cost of the appliances used in the labor of the establishment, and 800 convicts produce from \$30,000 to \$50,000 a year. They have time for improvement, are taught trades, receive good training, and can earn something for themselves on their return to society.

It is not a profit-making manufactory. It never was intended so to be. This plea for a "*plant*" in these manufactories is a desire to get the labor and the convicts without any proper State care, or authority over them. The State has nothing to do with these convicts but see that they work. The contractor has his own employes who manage the men while at work. The State locks them up at night, and feeds them, and hires a physician, a chaplain, and the chief officers of the prison, and the guards. The State, which holds these persons for violating its laws, has no other interest in them than to get the pay for their constant unrequited toil.

The *Individual Treatment* system cannot be worse than this; is not as expensive; gives some promise of benefit to the prisoner; has acknowledged merits; rests on the principle that prison discipline is for public advantage and the restoration of the convict to honest pursuits.

Then why refuse to try it?

If it requires capacity, and training, and knowledge, and wise discretion, and stability of tenure of position in the officers, and sound business principles in its management, are these only to be found in broken-down politicians, who must be "provided for," and therefore made prison officials? It is not surprising that the contract labor plan, has most earnest advocates among such officials. They may be fit for employment in such an institution. They would not be tolerated in an institution which is based on high aims for its discipline as a punishment for crime.

To properly administer the discipline of a penitentiary requires capacity, ability, honesty, knowledge, training, and special instruction for those employed. The officers should

be carefully selected for their qualifications, instructed as to their duties, and the tenure of their office should depend entirely on their developed fitness. It should be a vocation. All private establishments are so conducted. The best men are selected and retained. The ground on which they have continued employment is their knowledge and capacity.

In every vocation, training and instruction are required in those who seek to be proficient, and thus command certain employment.

Skilled mechanics in every trade; foremen in all establishments, engineers, military officers, physicians, clerks, and the like, all are instructed and trained to their vocations. Are those who have the responsible and important duties of caring for, and holding in custody, and training and teaching in a penitentiary, those who are sent there for punishment, to be picked up by chance, or hired because they have "influence," and most probably without the least necessary capacity either to perform the duties, or to learn?

It is a truism, that on the administration of the discipline of a penitentiary, rests its success or failure.

It must be observed that there are three classes under which prisoners generally may be divided:—

1. First young offenders. 2. The inherently bad. 3. The crime-class.

It needs no argument to show that those who compose these classes are essentially different in character, and the crime-cause which operated to commit crime equally distinct.

If this be even partially true, then it is plain to ordinary common sense, that the treatment or discipline, to which they should be subjected during incarceration, for their punishment must be adapted to the individual.

The first young offender is often sentenced to prison after conviction, when such a course is not in harmony with a wise and judicious administration of justice. The sentence inflicts, in many cases, the needed and necessary penalty. Incarceration then is useless, if the deterrent, preventive, and punitive effects are secured by the infliction of the sentence with-

out incarceration. There are cases in which this course would satisfy the law, and save the youth, and restore him to society.

Reformatories, to which incarceration is necessary, and in which association with criminals is permitted, are but congregate prisons. The very best classification of these inmates leaves the impress of prison, on all. The first young offender is, by force of this fact, a convict, in association with convicts. This taint is indelible. It is stamped on his life. If such a person could be, if incarceration is necessary, left to his own reflections, with the best influences applied to regenerate him, and his term of service to be determined by the discretion of wise and experienced officials who have him in custody, then he would be restored to society a better man, and society would gain practical advantage.

For the inherently bad it is reasonable to believe that remedial discipline, during incarceration, should be addressed to his moral nature. He must be so treated as to discover the good elements if there be any. If these are found, then the discipline must operate to bring them into action. If this can be done, a basis is found on which to try reformatory efforts. In congregation, however judicious classification may be, these efforts may not avail—because association with other convicts is not the best moral atmosphere for vitalizing moral force.

It is to character as one finds it, or want of the elements to make it valuable to the convict, that punishment should be directed.

The crime-class, however, should be deprived of voluntary self-control, until society has some reason to believe it is to be protected against it.

That sentences to penitentiaries of persons convicted of crime ends the duty of the State to them is no longer to be justified. The State has further, and very important obligations resting on it so far as relates to each of these convicts.

Prevention of crime is as important as its punishment. The State owes at least to the young who are tending to a criminal life some substantial means to prevent it.

Establish trade schools in which trades are taught and elemental instruction given to those, who before any serious offences are committed, may be sent there, not compulsorily, as subject to restraint, *but as pupils to learn how to be honest.* Not reformatories in name, not institutions in which incarceration is the principle of detention, but State institutions in which prevention is the object. Let the advantages these pupils can obtain in such trade schools be the only influence which secures their cheerful attendance.

If instruction for the youth is regarded as so important to the people as to demand very large taxation to support its agencies, all however directed to the minds of the young, is it not reasonable to demand that schools should be established for training and teaching the *hand* for its relations to the development of knowledge?

Schools for manual training, for mechanical instruction, to teach trades and the requirements to make mechanics, are now considered an essential element in any system of instruction of the youth.

Such schools teach the moral virtues which are associated with industry, self-support, independence of individual character, and the consciousness of possessing the ingredients of true manhood.

These schools train the young for the aims in life which pre-acquirements secure.

Crime results from the idleness and ignorance, which prevent employment. It rarely comes from idleness, if capacities exist which can obtain remuneration from skilled mechanical knowledge.

If such schools tend to prevent the young from becoming criminals, they are great public benefits.

This is possible; it is practicable; it is worth an effort to test its value; why not try it? The public conscience will approve it; wise legislation will secure it. The benefits that may come out of such a plan surely is a hope, a promise, if not an assured fact. Try it.

It is very well to form societies, secure the names of "distinguished men" as officers, print dissertations on prisons,

and invite notice to these assemblies; but much else is to be done.

The subject of crime-punishment must be investigated, the causes which produce criminals must be sought. Remedies both positive and practical must be presented. This should be undertaken without any prejudice or preconceived opinion. It should be a duty, imposing earnest effort. The mere emotional sentiment has no place in this movement. It is a scientific investigation of social forces—a study of social phenomena, a search for thoroughly practical remedies. It must be undertaken after a most thoughtful consideration of the whole subject. It must be based on the belief that society has deep interest in the questions directly involved.

It certainly cannot be maintained, that a reform in the methods of convict punishment as now existing, is unattainable. Much less is it to be asserted that beyond the question of labor profit of convicts for the support of penal establishments, there is no other method practicable. Can it be defended on belief that the intelligence of statesmen is limited to existing legislation?

Are the questions intimately connected with social progress in dealing with criminals, and judicious punishment for crime, and the real objects of penal laws, and the practical results to be obtained from the punishment of offenders too complex for improvement, or the adaptation of law to the condition of society which civilization produces?

Surely by some scientific exegesis of positive laws controlling crime-cause, its development, the proper treatment for its punishment and prevention, is not beyond the capabilities of this age.

The social condition demands adequate legislation for its protection. So too the developments in this condition which arise from the new relations civilization creates, must be regulated by the principles of jurisprudence in the form of law.

It is the province of legislation to ascertain these demands and enact suitable regulations to meet them.

It is the statesman on whom this duty devolves. The so-

cial compact presents changing characteristics. It outgrows its original organization.

Educational, material, industrial, social and political and scientific influences are ever at work effecting this change. Legislation must keep pace with it. As new conditions exist, they must be regulated by laws.

The protection of society, in this view, against crimes is especially necessary.

Prevention of crime must advance to its proper place.

Punishment for crimes must reach out to this changing state of social relations.

The young must be cared for and that care exercised to prevent them from becoming criminals.

The causes that induce crime in youth are subject to legal observation.

The method of prevention is directly within the province of legislation.

If the State can enact laws authorizing the school for mental instruction, it can also authorize manual training, trade instruction, and afford equal opportunities to acquire trade, handicraft skilled knowledge, as well as mental knowledge. These agencies are for the general benefit of individuals and society.

They are accepted as necessary for the public benefit. Then legislation should be applied to secure these benefits as the social changes suggest.

What is called "education" is now a factor in crime. Crimes are common, that require education to commit.

It is observed that trained mechanics are not often found in penitentiaries for crime. In one State penitentiary, out of fifteen hundred convicts, but five were educated mechanics.

It is of importance then to the general welfare of society that legislation for the prevention of crime in the young, the neglected, uncared for, ungoverned classes of youth, should be thoroughly considered, and wisely enacted and enforced.

As the *cause of crime* is antecedent to its commission, and has potent and irresistible influence in its commission, to ascertain these causes and apply preventive or corrective

means to eradicate them from the social phases in which they originate, is another element of prevention.

The punishment of crime is the purpose of imprisonment of the guilty.

What method is best to secure this punishment is a question of growing importance.

Incarceration is not punishment. It is only the penalty for crime. The plan of treating the prisoner during imprisonment is the basis of his punishment.

To ascertain which system is best for this purpose requires careful study and unprejudiced investigation. Legislation will not be justified on this question, until far more knowledge is acquired than now influences the enactment of laws establishing prison discipline.

There are some conclusions on this subject that are generally accepted.

Convict-contract prison labor is not crime-punishment. Punishment must be applied to the convict for his crime.

Society demands more from legislation than that a criminal should be locked up and toil for profit.

The public interests demand that the convict be so treated that he shall be reclaimed, if not reformed by his punishment, and that it shall be directed to this end.

The convict has a right to demand such a treatment, as may operate to elevate to a better life on his liberation. Reformatory influences must be part of his discipline while in prison. Labor should be made one of these reformatory agents.

The generally received notion that prisons must be self-supporting is but the remnant of the first impressions as to the character of these institutions. Society must bear its share of the burden of its protection and safety. To reduce the cost of this burden is naturally the interest of the taxpayer—but it is impossible to be entirely relieved from it. It would be a wiser course to ascertain how much society can obtain by a system of convict treatment, which aims at securing positive advantages both to the prisoner and the people.

A practical pecuniary gain is involved in such a system.

To invite renewed consideration of this subject in its bearings on society and the prisoner; to try and suggest some system of convict punishment and crime prevention which may reach out to the needed reform in prison systems as now administered, is the only purpose of this paper. It is a very important subject. It is now advanced far beyond the superficial consideration that often satisfies those who believe perfunctory, or tentative efforts are all that the enlightenment of this age demands. It will be found when investigated by earnest students to be very much more than dealing with glittering generalities.

If a concrete presentation of the subject is needed, then it may be formulated after this-wise: **LOCKED-UP, WHY, AND FOR WHAT?**

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