

REPORT
OF THE
DELEGATES OF THE UNITED STATES
TO THE
FIFTH INTERNATIONAL PRISON CONGRESS
HELD AT
PARIS, FRANCE, 1895

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54TH CONGRESS, }
1st Session. }

SENATE.

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IN THE SENATE OF THE UNITED STATES.

REPORT

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HELD AT

PARIS, FRANCE, IN JULY, 1895.

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LETTER OF TRANSMITTAL.

DEPARTMENT OF STATE,
Washington, March 21, 1896.

SIR: I have the honor to lay before you, with a view to its consideration by the Congress, the report of the delegates of the United States to the Fifth International Prison Congress, which was held at Paris, France, in July, 1895.

It presents a comprehensive statement of all that transpired on that occasion and contains much valuable information that might profitably be considered with a view to the alleviation of certain phases of human misery without sacrificing any of the absolute prerequisites to or guaranties of social order.

In connection with this report Gen. R. Brinkerhoff, president of the American delegation, has submitted to the Department, under date of the 19th instant, a request from the International Prison Commission, which is the executive and permanent arm of the Congress, that the Government of the United States be represented by a delegate in its organization. Although this Government suggested and founded the International Prison Congress, it does not contribute anything toward its expense and has never had a representative on the permanent Commission. Even the delegates from this country, who have been commissioned by this Department and who have attended the quinquennial meetings of the Congress, have uniformly borne their own expenses, with the single exception of the late Dr. E. C. Wines, for the payment of whose expenses Congress made provision.

The subscription to the International Prison Commission is based upon the population of the countries represented, being \$5 per 1,000,000 inhabitants. Assuming the population of the United States to be 65,000,000, the annual subscription would be but \$325, or \$1,625 for the five years. The money thus received by the International Commission is expended in the publication of monographs, bulletins, reports, and the proceedings of the International Prison Congress, which are sent to the Governments in proportion to their subscriptions.

The Commission holds a meeting every alternate summer in Switzerland, and the appropriation of the United States should properly include

the expenses of the delegate from this country. Thus, an annual appropriation of \$2,000 would not only defray the subscription of this Government toward the support of the Commission, but also the expenses at home and abroad of the United States commissioner.

It may be observed that the rules of the Commission do not require that any delegate shall commit his Government to any action taken by the Commission; it simply secures the support and cooperation of the different nations represented in the study of the great problems relating to the suppression of crime, the protection of society, the proper treatment of the criminal, the moral rescue of children, the organization of every means for preventing the discharged prisoner from relapsing into the life of crime.

The American delegation feel very strongly the importance of acceding to the request of the International Prison Commission, not merely because the Government of the United States appears to be morally bound to support an international enterprise which it practically inaugurated, but because the American people may reap the greatest benefit from so doing. The International Prison Congress is a great humanitarian movement. It is not confined, as its name might suggest, merely to the question of administering prisons, but to the whole subject of the prevention and treatment of crime in all its aspects. In this broad aspect of the case it strongly appeals for sympathy and aid, to the end that the work may be prosecuted under the most favorable and most advantageous conditions.

In view of the considerations herein advanced, of others equally cogent that may be found from a careful reading of the correspondence, of the recommendation of the American delegation, and of the formal request of the International Commission, I strongly urge that the sum of \$2,000 annually be appropriated for the subscription to the Commission and for the expenses of the American member thereof.

If possible, the appropriation desired should be included in the sundry civil bill or in some other available form.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. ADLAI E. STEVENSON,
Vice-President of the United States.

INTERNATIONAL PRISON COMMISSION.

WASHINGTON, D. C., *March 19, 1896.*

SIR: The American delegates commissioned by the Secretary of State to the International Prison Congress held at Paris, July, 1895, have been charged by the International Prison Commission, which is the executive and permanent arm of the Congress, with presenting to the Government of the United States the official request of the Commission that the United States should be represented in its organization. The grounds of this request and all that it involves are presented in the following statement, accompanied by a translation of a letter from the secretary of the Commission.

Your delegates earnestly hope that the matter may receive prompt consideration from the Government, and that the invitation of the Commission may be accepted.

With great respect, your obedient servants,

R. BRINKERHOFF,
President American Delegation.

SAMUEL J. BARROWS,
Secretary.

Hon. RICHARD OLNEY,
Secretary of State of the United States.

THE NEED OF A UNITED STATES COMMISSIONER.

The United States had the honor of founding, twenty-five years ago, the International Prison Congress. It appointed Dr. E. C. Wines to go to Europe and urge the cooperation of European Governments. Dr. Wines spent a year abroad for this purpose, and his expenses were paid by a Congressional appropriation. As the result of his earnest efforts, the International Prison Congress was held in London in 1872.

It was then determined to organize the Congress on a permanent basis. A committee called the International Prison Commission was formed, of which Dr. Wines was made president. Invitations were sent by him to various Governments to assist at the session of the Commission called at Bruchsal in 1875. Many countries responded to

this appeal. The organization of this International Commission was completed in 1878, at the second International Prison Congress, held at Stockholm. Rules and regulations were adopted. The Government of Sweden and Norway was asked to communicate the plan of organization to the different Governments of the world and to invite their cooperation.

The death of Dr. Wines has interfered with the proper presentation of the plan to the United States. The United States expressed its entire sympathy with the work, but explained that it could only accept after having complied with certain requirements of its constitutional law; that is to say, securing some appropriation from Congress for its subscription to the Commission.

The other Governments accepting are France, Italy, Switzerland, Denmark, Spain, Bavaria, the free city of Hamburg, the free city of Lubeck, the Netherlands, Russia, Hungary, and Austria. Since the work of Dr. Wines began five international congresses have been held, and it is the plan to hold them once in five years; but the United States, though it suggested and founded the organization, does not now contribute anything toward its expenses, and is not represented by a delegate on the permanent Commission. It has contented itself with commissioning delegates to the quinquennial gatherings, who, when they have attended, have paid their own expenses.

The subscription to the International Prison Commission is based on the population of the countries represented, being \$5 for each 1,000,000 inhabitants. Assuming the population of the United States to be 65,000,000, the annual subscription would be but \$325, or \$1,625 for the five years. The money thus received is expended in the publication of monographs, bulletins, reports, and the proceedings of the International Congress, which are sent to the Governments in proportion to their subscriptions.

The Commission holds a meeting annually or biennially in Switzerland, and the appropriation from the United States ought to include the expenses of the delegate from this country. The sum of \$2,000 annually would pay for the subscription of the United States to the Commission, and also for the expenses of the United States commissioner in attending the meetings abroad and in collecting valuable information at home.

It should be said that the rules of the Commission do not require that the delegate shall commit his Government to any action taken by the Commission; it simply secures the support and cooperation of the different nations represented in the study of the great problems relating to the suppression of crime, the protection of society, the proper treatment of the criminal, the moral rescue of children, the organization of every means for preventing the discharged prisoner from relapsing into the life of crime.

The International Commission at its last meeting invited again the cooperation of the United States in its work, and a letter on the

subject, dated January 31, 1896, has been forwarded by Dr. Guillaume, the secretary of the International Commission, asking that the American delegation to the International Congress at Paris, of which the Commission is the executive arm, formally present the matter to the American Government and earnestly request its cooperation.

The American delegation feel very strongly the importance of acceding to this request, not merely because the United States seems to be morally bound to support an international enterprise which it inaugurated, but because the American people may reap the greatest benefit from so doing. The International Prison Congress is a great humanitarian movement. It is not confined, as its name might suggest, merely to the question of administering prisons, but to the whole subject of the prevention and treatment of crime in all its aspects.

Within the last twenty-five years, since the Congress was established, the different Governments represented have derived great advantages from studying the criminal codes, reformatory and penal institutions, and preventive methods and legislation in different countries. Thus, France, England, and Belgium have borrowed from the United States the system of probation established in Massachusetts, while Illinois, New York, and Massachusetts have borrowed from France the system now in vogue in that country of identifying criminals, which ought, indeed, to be adopted everywhere in the United States. In many other respects, such as various features of prison administration, the treatment of discharged convicts, etc., we have much to learn from Europe. It is also important that the American commissioner should be charged with the duty of presenting to the Commission the best fruits of American experience.

OFFICIAL INVITATION TO THE UNITED STATES.

At the close of the Congress proper the International Penitentiary Commission, which is the permanent committee of organization, held a session at the College of France on Wednesday, July 10. In addition to the regular members of the Commission, delegates from Great Britain, Austria, and the United States were present, all of whom expressed the hope that their countries might be represented in the permanent organization. M. Duflos was elected an honorary president of the Commission. M. de Latour, of Belgium, was chosen president, and M. de Laszlo, of Hungary, treasurer. M. Dr. Guillaume, though wishing to withdraw from the position as general secretary, was induced to retain that position.

The delegates of the United States urge upon the Government the importance of being represented not only at the sessions of the Congress, which are held once in five years, but also in the annual meetings of the International Penitentiary Commission. The congresses have assumed such magnitude that a permanent committee of organization to prepare programmes and questions, secure monographs, and make

preparations for the numerous volumes of preliminary reports is absolutely necessary.

A letter on this subject, dated January 31, 1896, has been forwarded to the president of the American delegation from Dr. Guillaume, the secretary of the International Commission. Accompanying this letter is a communication for presentation to the Secretary of State, which is embodied herewith:

INTERNATIONAL PENITENTIARY COMMISSION,
Brussels and Berne, January, 1896.

To the Secretary of State of the United States:

We have the honor to lay before your excellency the following facts:

The International Prison Congress which took place in London in 1872, thanks to the initiative of Dr. E. C. Wines, representing officially the Government of the United States, had rather the character of a free assembly, although the larger part of the nations were represented by official delegates. The end in view was less to discuss theoretical questions than to exchange information and to give to representatives of penal science the opportunity of seeing and knowing each other. Before separating, the Congress, feeling the need of continuing the work thus begun, chose a commission whose duty it was to arrange a second International Congress.

After the first meeting at Brussels, the Commission found that to attain the end it sought it was indispensable to give to the Commission an official character. Dr. Wines, president of the Commission, addressed to the various Governments a request for the appointments of delegates to assist at the session of the Commission called at Bruchsal, 1875. The Governments of France, Sweden, Norway, Denmark, Italy, the grand-duchy of Baden, Holland, and Switzerland responded to this appeal. Their delegates took part in the discussions of the Commission with the same rights as those who had been appointed by the London Congress.

In 1877 the officers were asked to draw up a set of rules of organization in order better to define the character of the International Penitentiary Commission. This draft of rules was submitted in 1878, when the Congress met in Stockholm, to the official delegates of the Governments represented at this international gathering. After the discussion and adoption of the plan, the Commission was instructed to address itself to the Government of his majesty, the King of Sweden and Norway, to ask it to please accept the mission of communicating these regulations to the other Governments and to recommend their adoption. His excellency, M. Bjornstjerna, who had already shown his great interest in the work of the Congress by accepting its presidency, promptly submitted to the approbation of the Governments represented at the Congress of Stockholm the draft of regulations for the International Penitentiary Commission.

Eight States accepted the plan purely and simply; four accepted it conditionally, two declined more or less explicitly to participate in the work of the Commission.

The States accepting without condition were Bavaria, Denmark, Spain, the free city of Hamburg, the free city of Lubeck, the Netherlands, Russia, and Switzerland.

The countries which accepted only on certain conditions were Austria, Hungary, France, Italy, and Sweden.

Those which declined to be represented in the Commission were the United States of America and Belgium.

The Government of the United States expressed its entire sympathy with the work, but explained that it could only accept after having complied with certain requirements of its constitutional law, and the Belgian Government reserved the right of sending delegates to the Prison Congress and to accept finally membership in the Commission when it had recognized its utility for its own country. The English Government, which was not represented officially at the London Congress or that of Stockholm, continued to maintain a neutral position.

After having examined the observations made on the scheme of organization by the Governments of the five States which accepted membership conditionally, the Commission, composed of official delegates, met at Paris, 1880, and gave a definite form to the plan, and in 1886, in a session at Berne, it added an interpretative statement to dispel all ambiguity and misunderstanding.

We have the honor of submitting to your excellency a copy of the regulations as adopted in the session at Paris in 1880 and the interpretative act which was added at the session of Berne in 1886.

Since then the Governments of France, Hungary, Italy, and Belgium have accepted the by-laws and are represented in the International Commission. Together with the other Governments which had before adopted the regulations and taken part in the work of the Commission, they have paid to the treasurer their annual subscription, which has been fixed at 25 francs (\$5) per million inhabitants.

Thanks to these financial resources, the Commission has been able to publish in a quarterly bulletin the documents mentioned in article 6 of the by-laws, and above all the preparatory reports and proceedings of the congresses which, succeeding that of Stockholm, were held in Rome in 1885, St. Petersburg in 1890, and Paris in 1895. Copies of this bulletin are sent to the Governments in proportion to their subscription.

The Government of His Majesty the King of Belgium has addressed to the Commission a gracious invitation to hold at Brussels in 1900 the International Prison Congress. That invitation has been accepted with gratitude by the Paris Congress, in which your honorable Government has shown the liveliest interest by sending official delegates. These are charged by us with presenting and interpreting to your excellency the wishes of the Commission, which hopes to see every country represented in its organization and their delegates taking an active part in its proceedings.

In the hope of a favorable response, we beg your excellency to accept the assurance of our distinguished consideration and of our respectful devotion.

In the name of the Commission:

DE LATOUR, *President.*

Dr. GUILLAUME, *Secretary.*

In accordance with this request, and believing heartily in the value to the United States as well as to the International Prison Congress of such representation, the American delegates earnestly urge the acceptance of this invitation and the appointment of a member of the Commission by the United States. The expense to the Government, not exceeding \$2,000 annually, is inconsiderable compared with the value of being represented in a great international movement for the prevention of crime, the protection of society, the rescue of children, and the reformation of the erring. This international movement the United States had the honor of starting, and no country in the world is more interested in promoting it.

REPORT
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DELEGATES COMMISSIONED BY THE SECRETARY OF STATE TO THE
FIFTH INTERNATIONAL PRISON CONGRESS AT PARIS, JULY, 1895.

REPORT OF THE DELEGATES TO THE FIFTH INTERNATIONAL
PRISON CONGRESS AT PARIS, JULY, 1895.

WASHINGTON, D. C., *March 18, 1896.*

SIR: As secretary of the delegation of the United States to the Fifth International Prison Congress at Paris, I have the honor to present herewith the report of the delegates commissioned by the Secretary of State. The report has been personally approved and signed by each member of the delegation.

It is submitted with the hope that it may be found of sufficient value to transmit to Congress, and, as a public document, serve some useful purpose of information and education in this country.

I am, sir, your obedient servant,

SAMUEL J. BARROWS.

The honorable the SECRETARY OF STATE.

PROCEEDINGS OF THE CONGRESS.

ORGANIZATION OF THE AMERICAN DELEGATION.

The invitation to the United States Government to commission delegates to the Fifth International Prison Congress was forwarded and communicated by the Department of State to the National Prison Association of the United States held at St. Paul, Minn., June 16-20, 1894, with the request that the association should choose a number of delegates. A special committee appointed by the association reported the following names, which were unanimously adopted: Gen. R. Brinkerhoff, Ohio; Rev. J. L. Milligan, Pennsylvania; R. W. McClaughry, Illinois; Dr. P. D. Sims, Tennessee; Rev. S. J. Barrows, Massachusetts; Charlton T. Lewis, New Jersey; J. S. Appel, Colorado; Judge J. W. Willis, Minnesota; Rev. F. H. Wines, Illinois; Walter Lindley, M. D., California.

These gentlemen were accordingly commissioned by the Department of State, but owing to various circumstances only four of them were able to go to Paris, namely, Gen. R. Brinkerhoff, president of the

National Prison Association; Charlton T. Lewis, president of the Prison Association of New York; Maj. R. W. McClaughry, superintendent of the Illinois State Reformatory at Pontiac, Ill.; Rev. S. J. Barrows, of the Massachusetts Prison Association.

The official delegates of the United States were, however, reenforced at Paris by a number of other delegates appointed by the governors of several of the States. These were: C. D. Randall, of Michigan, representing the United States Bureau of Education; Rev. W. M. Pettis, of Tennessee; Mr. John F. Norrish, of Minnesota; Mrs. Deborah C. Leeds, of Pennsylvania; Mr. Lawrence Poland, of Ohio; Mrs. Phebe C. Wright, of New Jersey; Mr. W. M. F. Round, of New York; Mr. Philip W. Ayres, of Ohio; Mrs. Amy Willets, of New York; Mr. H. C. Ranney, of Ohio, and Mr. Michel Heymann, of Louisiana.

At a meeting held at the Hotel Binda June 30 it was decided that the gentlemen thus named, with the official delegates of the United States, should organize as the American delegation. Gen. R. Brinkerhoff was chosen president and Rev. Samuel J. Barrows secretary. During the sessions of the Congress meetings of the delegation were held from time to time for purposes of business and also for social reunion.

As some of the delegates thus named will probably make individual reports to the authorities appointing them, the report herewith submitted is limited to the four delegates representing officially the United States. By a vote of this delegation Rev. S. J. Barrows, the secretary, was authorized and requested to prepare this report.

PRELIMINARY WORK OF THE INTERNATIONAL COMMISSION.

An important feature of these congresses is the large amount of preliminary work that is done in preparation for the quinquennial gathering. The permanent International Commission, consisting of eight of the most prominent penologists of Europe, with Dr. Guillaume, of Switzerland, as its efficient secretary, is the organic bridge which unites one congress with the next and give continuity, unity, and development to the work.

This Commission prepares a programme more than a year in advance. Specialists in all parts of the world are invited to write papers on questions chosen for discussion. The reports for the present Congress represented the opinions and experience of 240 writers, and amounted to 2,500 pages in print. They were all printed in French three months before the opening of the Congress and were sent in advance to the official delegates. Thus every delegate knew beforehand not only the subjects on the programme but the line of argument which would be advanced, and the evidence for and against certain conclusions. Instead of being overloaded by a great mass of papers, the decks were kept clear for discussion. This gave warmth and vivacity to debate. In addition to these reports the Commission secured monographs from many different countries giving facts and statistics in regard to their

prison systems. The questions carefully prepared by the Commission on which these monographs were framed were uniform throughout, so that the penological student has an opportunity for comparative study not easily secured elsewhere. This large amount of preliminary material will undoubtedly prove to be as valuable as the proceedings of the Congress itself.

OPENING OF THE CONGRESS.

The Congress was formally opened June 30, at 4 p. m., in the great amphitheater of the Sorbonne. The occasion was honored by the presence on the platform of the President of the Republic, Mr. Félix Faure, accompanied by his ministers, the chiefs of the supreme court and of the court of appeals, the members of the penitentiary commission, the members of the French commission of organization, and other gentlemen of distinguished position. In the hemicycle were grouped the members of the Congress and a large number of senators, deputies, and directors of various departments of public administration. The band of the *Garde Républicaine* played *La Marseillaise*. The members of the Congress rose and the President was received with great applause. M. George Leygues, minister of the interior, after greeting the President of the Republic and expressing thanks for the encouragement of his presence, extended the welcome to the delegates.

ADDRESS OF WELCOME BY M. LEYGUES, MINISTER OF THE INTERIOR.

In the name of the Government of the Republic, I extend a welcome to the foreign delegates who have come here to affirm the unchangeable union of those who have devoted their lives to the pursuit of truth and the alleviation of human misery. Science, gentlemen, takes on more and more an international character. The perpetual intercourse which goes on through the press does not suffice. Scientists themselves must come together to divulge their discoveries and to blend into a universal patrimony the fruits of their meditation and their work. London, Stockholm, Rome, St. Petersburg mark the stations of progress which penitentiary science has traversed until to-day. The work in which you are engaged, gentlemen, is one of the most arduous and noble which can be conceived. To strengthen repressive action and at the same time introduce more humanity in the laws; to ask for indulgence rather than rigor, without abandoning any of the indispensable guaranties of social order; to revive in the soul of the delinquent and the criminal the notion of duty, of right, and of justice, such is the end you propose to yourselves.

It seemed at first that your ideal was placed too high. You were reproached with attempting the impossible; your generous conceptions were greeted as chimeras; you were accused of sentimentalism and feebleness. Nothing could shake your faith. You knew better than anyone that there are some of the sick who do not wish to be cured—incorrigibles who need to be put where they can not harm. But you said that all the sick are not incurable, and that there are means of salvation which should at least be applied. Perversity, in your eyes, is only the exception. You have affirmed that human nature is at bottom right, loyal, and generous. You have never despaired of that, and you are right. In the darkest and most ravaged heart there may survive, as in the ruins of a temple, a last lamp, forgotten by the last priest, which burns still for truth and goodness. The question is not of substituting for penal laws a sort of philosophical indifference which will compromise public security. It is the question of stimulating moral forces and developing generous instincts, which are able to prevent the offense or the crime, and, after the downfall,

of raising and rehabilitating the guilty. No one maintains the irresponsibility of the being who has done wrong. That would be to affirm the inutility of chastisement or of recompense. It is true that physical constitution, education, heredity, and misery exercise a direct influence on criminality. Legislators have taken account of these inevitable reactions in the preparation of laws and the gradation of penalties. Upon this point the tradition has not changed, but you made an innovation when, breaking with ancient errors, you said that intimidation and fear are not the only means of assuring the amendment of the culpable, but that education and hope are also sure means of obtaining it.

That simple affirmation was a revolution. You had spoken of goodness; you had pressed a flower in the austere pages of the code. Your doctrine is just; chastisement without possibility of pardon and forgetfulness discourages and degrades; the hope of rehabilitation provokes to effort and restores. You have put principle into practice, but your ambition has not been satisfied. To repress or to amend is well, to prevent is better, and you have wished to drain even the source of evil. The prison congresses have accomplished here the most beautiful part of their work in revising the legislation relative to abandoned or wayward children. To rescue children from bad treatment, bad examples and surroundings is to fulfill the first of civic duties. Has society the right to punish a feeble being and not to rescue and protect it? To extend to the wayward child a friendly hand, to console it in its distress, to forget and make it forget its fault is to make a good citizen of one who might become a useless and dangerous being; that is to serve one's country and perhaps, better still, to serve humanity. It is to your indefatigable propaganda, gentlemen, that is due the reformation of houses of correction and the development of those admirable works of patronage which in the last twenty years have appeared upon all parts of the globe. That result is sufficient alone to demonstrate the social and philosophical range of your work and your right to public gratitude. Wherever you establish your sessions you receive the highest and most precious proofs of sympathy. Public opinion encourages you and governments deem it an honor to collaborate with you. In combatting moral maladies, in arresting their advance, in extinguishing their fires you accomplish work which goes beyond the limits of your action. You help thus to assure the peaceful evolution of progress; for society like organized bodies needs to prosper and to grow in health as well as in liberty.

Gentlemen, may the bonds of mutual esteem and of reciprocal confidence which unite you already draw you together more closely for the welfare of your countries. May the new efforts you undertake become a success for peace of conscience and the triumph of truth and justice.

I declare the Fifth International Penitentiary Congress open.

These noble sentiments of M. Leygues, minister of the interior, who has closely identified himself with the work of prison reform, were greeted with loud applause. Upon nothing was the Congress more unanimous than upon the principles which should govern its action. Prison reformers have yet a great deal to do in educating the public to accept these fundamental principles in which the perfection of society and the reformation of the prisoner go hand in hand. But in the Congress these principles were never doubted or debated. They were the base line by which everything else was measured, and the work of the body was to apply these simple principles to very complex problems.

RESPONSE OF M. POLS.

M. Pols, of Holland, vice-president of the International Penitentiary Commission, responded eloquently for the delegates, returning thanks

for the generous reception which France had given to the Congress, the preparations it had made for it, and the resources placed at its disposal. Calling attention to the moral and humane significance of the brilliant gathering of distinguished men in that temple of science, and the greeting of the minister of the interior, M. Poincaré found in the scene and the address an expression not only of individual opinion, but of the moral support of the French people. Referring then to the object of the Congress, he said:

Who doubts now the value of this work? It is not simply an affair of justice or of administration confided to the intelligent and active care of those in authority; it is above all a social interest of the first rank which demands the combined action of all social forces, and of private action joined with that of authority, each mutually sustaining the other. We are, happily, very far from the time when it was thought that justice was honored in being represented as cold and impassible, the sword and the scales in her hand, but her eyes bandaged. That symbol of the partiality and integrity of ideal justice was often badly supported by the facts. The bandage symbolized better, perhaps, another quality of justice as formerly conceived, that of not seeing clearly in weighing the crime, but of striking blindly and without discernment the criminal penitentiary science, whose triumphant advance marks the great progress of humanity, has dethroned cold, blind, and impassible justice.

Recognizing the futility of combatting crime by simply attacking the criminal, of cutting down the weeds without going to the roots, it has completely changed its tactics of repression. Seeking to determine the causes and the movements of crime, it has been quick to see that the responsibility is not to be attributed alone to the material author of the crime. It has recognized the complicity of human nature and of society, the necessity of a complete revolution in the weapons of combat and in the means of attack and defense. In maintaining a horror of crime, it has modified considerably the sentiment concerning the prisoner. If it has not discovered those noble truths, repeated for centuries as beautiful sentences which one might admire while dispensing with their application, namely, that prevention is better than punishment, and that justice does not exclude charity—that even there is no justice without charity, as there is no charity without justice—it has made them living and vivifying principles of reform, and has infused them into legislation and administration.

But this movement so powerful and truthful is not due to official initiative, but to the awakening of the public conscience by private action. At the call of chosen spirits the human conscience has awakened from its sleep where it observed a conventional routine, and has overthrown the idol of a blind and brutal justice to substitute a conception more noble and more enlightened. That conception, which we may consider as generally adopted, and which has exercised a salutary influence upon legislation and practice, is nevertheless far from having attained its full development. It would not even be able to maintain itself if the generous influences which have imparted life to it should now fail, if it did not have that warm vivification which the public conscience may give to it. For one can not deny that it has multiplied questions and singularly complicated the problem of justice, extended more and more the field of study and the difficulties to be solved. This Congress furnishes proofs of that. But it furnishes, at the same time, the proof that the more extensive is the task, the greater is the number and devotion of the workers. Our beginnings were very modest; but from London to Stockholm, Stockholm to Rome, and Rome to St. Petersburg the work of the Congress has not only gradually expanded, but has more and more conciliated the favor of the Governments and public opinion. If death has taken a number of our illustrious colleagues, whose loss we deeply regret, others, inspired by their devotion, have taken their places in large numbers. At the

same time the horizon of penitentiary science has been enlarged, and the congresses have had to follow these lines of progress which in part are due to them. The march from St. Petersburg to Paris marked a new stage of progress. The Paris Congress will distinguish itself, we hope, by a special solicitude for unfortunate and wayward children. Thanks to the growing recognition of the importance of this work, which so appeals to our sympathies, and thanks to the experience acquired at the Congress of St. Petersburg; the International Commission, accepting a proposition of the delegate of the Russian Government, has recognized the necessity of reserving a special section for all questions concerning children. It will be a mark of honor to the Fifth Congress that it has devoted so large a part of its attention to that section of humanity which, still more than any others, demands the severe application of the principle that there is no justice without charity.

Fortunately, if the Congress has a task more extended and more complicated, it is able to enjoy the moral support not only of the Government of France, which has already been assured to us, but also of the nation itself which has taken such a great part in the reawakening of the public conscience and in the generous and powerful movement that has created prison science and made it the common work of all those who interest themselves in the welfare of humanity.

Belonging ourselves to that section of humanity which insensibly has been led to accord, it may be, too large a place to justice, we welcome above all the adherence more and more marked and the cooperation more and more warm of that other section of humanity which is interested above all in the triumph of charity. If penitentiary science inclines more and more to accord to woman a distinct place as it has already accorded it to childhood, it needs above all the moral support and the cooperation of woman in the study of the multiplied questions relating to wayward and unfortunate women. The solutions of questions concerning children and these other unfortunates will not advance without the cooperation of woman. The presence of so many distinguished women in our ranks and the presence of so many others in this gathering are happy and auspicious indications that the Congress of Paris will take a new step in its onward march.

To secure this new success it will only have to maintain the spirit which has inspired its predecessors. Recognizing that our debates and resolutions are powerless to solve these questions except by the confidence which they inspire and the momentum they give to public opinion, it is our duty to merit the moral support which we receive on all sides. Our success is further assured by the good preparation that has been made for our work.

Mr. Minister, the words of high esteem which you have addressed to the International Commission we accept from our hearts as a precious testimony of your good will. Faithful to the mission which the Commission has received from the Governments which have united in forming it, it has indicated the direction of our work. But for the preparation of our labors the praise is due in great part to our worthy president, M. Duflos, to the employees of his administration who have assisted him, to the distinguished men who have responded to this appeal to form a committee of organization, to La Société Générale des Prisons, and to all those, whether in this or other countries, who by their scientific reports have prepared the ground of discussion. I will not enlarge upon their merit. The presence of these coworkers here compels discretion. But I can not finish without offering to all, and in the first place to our honorable president, the sincere and cordial tribute of our lively gratitude for the distinguished service they have rendered to the Congress and for their zeal and devotion in assuring its success.

I am conscious of all that is lacking in the expression of my thought and in my attempt to convey the sentiment of my colleagues, but I am consoled by the hope that the Congress itself by its labors will offer a testimony which will have more value than would the word of the greatest orator.

The foreign delegates then assembled in the grand salon of the Sorbonne, where they were presented to the President of the Republic, who was surrounded by his ministers, the president of the Chamber of Deputies, ministers of foreign countries, and by his military escort.

ORGANIZATION OF THE CONGRESS.

On Monday morning, July 1, at 9 o'clock the members of the Congress reassembled in the grand amphitheater of the Sorbonne to complete the organization. M. Pils opened the session and, conforming to a wish formulated by the International Commission that the member of the Commission representing the country in which the Congress meets should be chosen president, he nominated M. F. Duflos as president of the Fifth International Prison Congress.

OPENING ADDRESS OF THE PRESIDENT, M. DUFLOS.

LADIES AND GENTLEMEN: It is not my intention to delay by a long discourse the commencement of your labors, especially as you have heard here developed in admirable language by voices of the highest authority the generous principles which will inspire you in your discussions and the controlling thought which has given birth to the magnificent work of the International Prison Congresses. I can not fail, however, in that duty of gratitude which is imposed upon me. I thank you for the great honor which you have conferred upon me. I would not dare to accept it if I had not been sustained by the powerful cooperation of my eminent colleagues, Commandeur Beltrani-Scalia, His Excellency M. Galkine-Wraskoy, and Professeur Pils. Their scientific experience and the brilliant rôle which they have played in preceding gatherings assures a valuable authority to the presidency of which they form a part. The cordial sympathy with which they have honored me up to the present time permits me to hope that I may be able to fulfill the high and difficult task you have confided to me.

And now, since you have given me the right, in the name of all let me renew to our foreign colleagues the welcome to Paris and to France. So imposing is the character of this gathering, in which the illustrious men of two worlds are mingled, that I shall be pardoned if I give expression to the great joy of my heart that I am able to affirm the universal interest which our studies have attained and the eagerness with which our appeal has been answered.

It is enough to be in the presence of this assembly to be able to affirm that the labors of this Fifth International Prison Congress will be fruitful, that after some days of scientific discussion, your resolutions prepared by profound studies and the meditation of lofty minds will furnish to criminology and to penitentiary science new lights and numerous elements of progress. From the composition of your programme and the remarkable preparatory reports which serve as the basis of your discussions, we may discern the growing attention which is given to the moral side of the work and to the necessity of the prevention of crime. Science is resolutely attacking the source of evil, deciding firmly to repress rigorously when that is necessary, but considering repression simply as a makeshift. It is an extreme measure that society should avoid in the greatest possible degree by working for the amendment of the bad and offering to them means of restoration; above all by employing all its energies to save from crime through preventive education the unfortunate children which misery or bad examples seem to consign to an irregular and depraved existence.

Therefore, questions concerning vagrancy, drunkenness, and prostitution take the place of highest importance in our programmes. The former third section of the

Congress has been divided into two, and all which relates to childhood is made to-day the subject of a special section.

There is nothing more beautiful, gentlemen, nothing grander than the spectacle presented by this gathering. Is it not singularly moving to see those who belong to the highest intellectual and social ranks, crossing a part of the globe and traversing oceans to study together the means of diminishing upon this earth the sum of evil, crime, and misery which skeptics assume can not be reduced, in order to spare themselves the anxiety of the conflict and the labor of research.

You not only apply yourselves to scientific problems capable of furnishing the mind with delicate satisfactions; you do not hesitate when you truly believe it will serve the cause of humanity to overcome natural repugnance and lawful indignation. You are inaccessible to fatigue, but the hatred of crime does not drive you to anger; for you know that nothing good, nothing efficacious, nothing durable can be effected if the heart does not come to the aid of the mind. You combat the crime, but when the criminal has been placed momentarily beyond a state of harm you think it necessary to defend him against himself, to seek to enfranchise him from his instincts, to lead him into light and truth and honor. You feel it necessary to extend to wayward childhood a protecting hand; if it is necessary often to be severe it is rarely necessary to be unrelenting. In a word, charity animates you as much as the anxiety for social defense. It sustains your hearts while science guides your minds. Honor, then, to charity and science; that is the sentiment under which I propose to you that the Fifth International Congress shall work—honor to charity and to science. They are indissolubly joined here. It is through them that the work of progress and peace will be realized; it is in their spirit that we gather here fraternally to-day.

The address of M. Duflos was frequently interrupted with applause. Like those preceding, it admirably expressed the spirit of the Congress.

The following list of officers was then unanimously elected:

Presidents: Messrs. Duflos, director-general of the prison administration of France; Beltrani-Scalia, counselor of state, Rome; Galkine-Wraskoy, chief of the administration of prisons, Russia; Pols, professor of the University of Utrecht.

Vice-presidents: Messrs. Braunbehrens, subsecretary of state, Prussia; Holzknecht de Hort, ministerial counselor, Austria; Laszlo, ministerial counselor, Hungary; Lejeune, minister of state, Belgium; Marino, member of the superior council of prisons, Spain; Pessina, senator, Italy; Randall, United States; Ruggles-Brise, director-general of prisons, England; Wieselgren, director-general of prisons, Sweden; Woxen, director-general of prisons, Norway.

General secretary: Dr. Guillaume, chief of the bureau of statistics, Switzerland.

Assistant general secretaries: Messrs. Likatchew, inspector-general of prisons, Russia; Robin, chief of bureau in the interior department, France.

Secretaries: Messrs. Priléjaew, chief of bureau of administration of prisons, Russia; Mouravieff-Apostol, secretary of the imperial legation of Russia at Madrid; Degournay, auditor of the state council, France.

COMPOSITION OF THE CONGRESS.

The Congress was not a mass meeting of individuals. It was made up of 200 official delegates sent by 25 different countries. with the

addition of adherents nominated or introduced by the delegates. It therefore represented not any local interest or sectional spirit, but what truly might be said to be the attitude of modern civilization toward the problems which engage it. In addition to the foreign delegates, the number of French adherents officially enrolled and personally and formally identified with the Congress, though not all present at its sessions, numbered 537, and included many of the most distinguished names in France. This body was made up of jurists, legislators, doctors, sociologists, magistrates, the heads of prison administration, and writers and experts on related branches of applied philanthropy.

SCOPE AND METHOD.

The range of inquiry, discussion, and interest has gradually grown broader. Every subject in any way related to criminology, whether preventive, corrective, or administrative, now comes within the field. As noticed in the previous addresses, one of the things which distinguished the Paris Congress from its predecessors was the great emphasis laid upon preventive work and the establishment of a special department for the discussion of all questions relating to children and minors.

The spectacle of such a gathering of men and women from all parts of Europe and even from Japan to study the whole network of problems which enter into the subject of crime and its treatment was hopeful and inspiring. Philologically the Congress was something of a Babel, but morally it was a Pentecost. Whatever the divergence of ideas and methods, the whole Congress was animated by one spirit. It was a spirit of justice and humanity in search of knowledge and experience, and that is the synonym of scientific philanthropy. Withal, it was animated by a certain hope and faith that banished the specters of pessimism which always haunt the background and sometimes come into the foreground of this theme.

The Congress was divided into four sections. The first related to penal legislation, the second to prison administration, the third to preventive means, and the fourth to children and minors. Separate sections of each session were held in the College of France in the morning. The questions laid down on the programme for each section were discussed and conclusions formulated. In the afternoon a general session of the whole Congress was held in the amphitheater of the Sorbonne, where each section, through reporters appointed by it, gave an account of the spirit of the discussions and the conclusions reached, which were then voted upon by the whole body of delegates.

An outline of the work of each section, the questions discussed, and the conclusions reached will now be given.

FIRST SECTION.

PENAL LEGISLATION.

President: Senator Edouard de Fouks, president of the juridical society of St. Petersburg.

Vice-presidents: Messrs. Foehring, Hamburg; Bensis, attorney-general, Greece; Foinitski, advocate-general, Russia; Senator Pierantoni, Italy; Prof. Carl Stoops, Switzerland; Counsellor Starke, Prussia; Professor von Hamel, Holland; Professor Zucker, Austria.

Secretaries: Messrs. Robiquet, advocate to the council of state and the court of cassation; Garçon, professor of the faculty of law of Lille; Le Poittevin, professor of the faculty of law, Paris; Chapsal, auditor to the council of state.

Associate Secretary: M. Camille Fabre.

THE RELAPSED CRIMINAL.

First Question:

Should a malefactor be regarded as a recidivist until he has renewed the same infraction?

Should the augmentation of the penalty be progressive at each new relapse on his part?

The great plague of penologists as well as of society is the recidivist, the relapsed criminal, the "repeater" or "rounder," as he is more familiarly called in this country. He is the man or woman who has gone to prison half a dozen times, or it may be fifty or a hundred. One of the longest and most animated discussions was on the question of classifying the recidivist and the application of penalties.

The first of these questions as formulated above was theoretical, a question of classification, though not without practical import. The second question was more practical, having for its main object not the definition of recidivism, but the means of repression.

In some countries a criminal who has been sent to prison two or three times is regarded as a recidivist, without reference to the nature of his offense. Under the German system he is regarded as a recidivist only when he repeats the same offense. There are recidivists who are accidental and occasional; there are those who are professional and anti-social. It is the last, whether he be a general recidivist, committing a variety of crimes, or a special recidivist, confining his infractions to a single line, who is the most dangerous. It was only by the appointment of a special committee to sift and amalgamate points in the discussion that unanimity was finally secured. The real problem is to distinguish between the accidental or occasional and the habitual or professional criminal. The report favored a progressive accumulation of penalties and the infliction of more rigorous sentences in the case of professional criminals.

Resolutions:

1. *The relapse may be, according to the gravity of the case, general, special, or subordinate to conditions of time.*

2. *Repression ought to combine in view:*

(a) *A progressive augmentation of sentences except in cases formulated below.*

(b) *The infliction of a more rigorous penalty upon professional criminals.*

3. *Tribunals should not be restrained by the first of these rules (a) from recognizing the existence of exceptionally extenuating circumstances in a decision the grounds of which are distinctly expressed.*

The law ought to establish a special minimum to avoid the abuse of short sentences.

4. *In the second case (b) the law should fix the number of the condemnations upon the basis of which the courts may decide, according to the nature of the condemnations incurred and the degree of perversity of the agent, whether or not the accused is to be regarded as a professional criminal.*

TRANSPORTATION.

Second Question:

Should transportation, taken in its broadest sense, be admitted in a rational system of repression; and if so, what particular rôle should it be called upon to fill?

The subject of transportation is not now a practical question in the United States nor in England, and the tendencies of modern penology to abandon this system are seen in the fact that the only two countries that now hold to it are France and Russia. In the Congress the warm debate on this subject was almost entirely confined to representatives of these two countries.

Previous congresses have dealt with these questions with caution. The Congress in Stockholm in 1878 did not proscribe transportation, as some of the members desired, but passed the following vote:

The sentence of transportation presents difficulties which do not permit of its adoption in all countries or the hope that it will realize all the conditions of justice.

The Congress of 1890 in St. Petersburg, held in a country where transportation has been maintained for three centuries, said:

Against hardened and rebellious criminals prolonged imprisonment or transportation to territories, or dependent possessions of the country interested, may be employed, but always with the guaranties which ought to surround authority for those who are deprived of their liberty, and with the possibility of regaining that liberty by their good conduct according to a system of conditional liberation.

In 1854 France, after a long and painful experience with defective penal prisons, revised its system, and found new hope in transportation, which was established in Guiana and New Caledonia, an island in the Pacific 25 miles broad and about 240 miles long. It has many

conditions which adapt it for a penal colony. The French system has been in operation for forty years. A system of conditional liberation on the island without the privilege of leaving it, and with remuneration for work for those who are set free, encourages good behavior. At the expiration of the sentence the liberated form a class by themselves, and have many of the advantages of free immigrants. Undoubtedly the French system is carried on under conditions which are more humane and hopeful than the old prison system which it in some degree replaced. It has distinctly in view the reformation of the prisoner. It recognizes the need of a wide administration and superior personality—the need of rewards and encouragements as well as strict discipline. Relegation or banishment to these colonies is a milder imposition of the penalty. Both of the French reporters to the Congress, Messrs. Charles Petit and Charles Babinet, of the court of cassation, Paris, advocated the French transportation system, and maintained that, while under the old system the number of recidivists was 95 per cent, there are only 5 per cent under transportation. It must be remembered, however, that this is a comparison between transportation and the bagnes, or French convict prisons, which the penal colonies replaced. It is not a comparison between transportation and the best modern system of prisons.

The Russian reporter to the conference was Prof. N. S. Tagantzew, of St. Petersburg, professor in the faculty of law, honorary member of the university, and a member of the court of cassation. He is one of the distinguished jurists of Russia. He did not disguise the defects in the administration of Russian transportation. He maintained, however, that transportation combines the essential conditions of intimidating the prisoner, securing the safeguard of society and the correction of the criminal, and that it ought not to be excluded from penal measures. But, since the practical application of transportation, as history and experience can attest, presents serious difficulties, it is only to be recommended for States which offer convenient conditions and in a restricted measure. Transportation should be maintained only in countries possessing territory for its application, and especially where they can not secure the repression of crime by seclusion in prison. Transportation is not a measure to be extended to a great number of criminals without regard to individual qualities. But it is to be applied in accordance with their physical and moral aptitudes for colonization.

When the question came up in the first section of the Congress, the system of transportation was warmly and ably attacked by M. Prins, inspector-general of Belgian prisons. He maintained that emigration alone can establish prosperous colonies, and that colonization effected by criminals has been a failure. Transportation, he argued, is enormously expensive—seven times more than that of imprisonment.

Conspicuous among the Russian opponents of the system was Prof. Ivan Foinitzki, professor of law of the faculty of St. Petersburg. He is one of the highest authorities on penological subjects in Russia, or

indeed in Europe. One volume of his treatise on penology is devoted to transportation, and has just been translated into French by M. Georges Bonet-Maury, of Paris.

Professor Foinitzki examines carefully all the arguments which have been presented in favor of transportation, and rejects them in toto. He declares that transportation up to the present has nothing but negative results to show.

M. Spassovicz, another Russian delegate, showed that Russia had had a rapid growth, but has not yet attained its full development. It was only in 1864 that the judicial powers had been separated from the administrative. Russia is now in the midst of penitentiary reform. Transportation has been a means of banishing different rebellious elements. It has been applied for political offenses, for religious offenses, and even to those of a municipal nature. It is certain that it ought to be transformed radically. But before that there is another duty imposed, which is that of improving its prisons.

The task of defending transportation fell almost entirely upon the French representatives. Its most ardent advocate was Professor Leveillé, of the faculty of law of Paris, who maintained that transportation has two virtues, which distinctly belong to it, that it admits of work in the open air and does not exhaust the condemned, and that it prepares at the same time the reestablishment of the liberated. France had committed some mistakes and the laws had needed revision. The sentence had been weakened by an excess of indulgence, but recent regulations have strengthened it, and have stopped the illegal traffic of speculators in convict labor.

It was evident that only negative conclusions or a compromise could be reached with such a division of opinion. The resolution finally adopted by the section and confirmed by the Congress was as follows:

Resolution:

Transportation under different forms, with the ameliorations already realized and those of which it is still susceptible, has its utility, whether for the execution of long sentences for great crimes or for the repression of habitual criminals and obstinate recidivists.

INTERNATIONAL COOPERATION AGAINST CRIME.

Third Question:

Ought a certain effect to be given in a country to penal sentences pronounced abroad?

This question has been discussed at various conferences on international law held in Europe, and also at the Prison Congress at Rome. No country now executes sentences pronounced by a foreign country. The Prison Congress at Rome said: "The exchange of criminals to undergo in the country of their origin sentences depriving them of liberty pronounced by a foreign judge is not practicable, and would not

be desirable." Yet several States may be simultaneously interested in the punishment of the same offense, one because the criminal action has taken place upon its territory, another because the action was directed against its security, or because of the nationality of the offender or the victim. The relations, interests, difficulties, complexities, and possibilities entering into this question were well set forth in the preliminary reports by M. A. Le Poittevin, associate professor of the faculty of law, Paris.

It is manifest that the want of symmetry in different national codes would prevent the balance of justice from working equably. The different speakers who took part in the discussion did not go further than to show how modern nations are interested everywhere to secure the operation of penal justice. To-day malefactors do not recognize frontiers or distances, and may even be organized in international bands. States are less jealous than formerly of their sovereign laws. The different European codes now repress criminal acts in a more uniform manner. Extradition is largely practiced. Certain countries consent to deliver their own citizens, thus confessing that the normal tribunal for an offense is that of the place where the offense has been committed. The old distrust against sentences pronounced in other countries has in part disappeared, and different people representing the same grade of civilization are accepting the authority of a criminal process abroad.

The Congress expressed the opinion that it is desirable that the incapacities which fall upon a person by reason of condemnation pronounced against him from some infraction of common law by the tribunals of his nation should have full force in other countries. Also, that it is desirable that one who is condemned for crime in a foreign country should incur in his own country the same incapacities and deprivations as he would incur if he had been condemned there. In other words, a person who has been condemned as a thief in one country ought not to be allowed to sit in a jury in another or exercise the rights of an elector or fulfill public functions.

In the present state of international law, however, the Congress did not ask that these incapacities and deprivations should be directly incurred as the result of a sentence abroad, but that they might be pronounced as the result of a special action by the tribunals of the country of which the prisoner is a citizen, not retrying the case, but confirming the procedure of the foreign court. Again, it proposed that a judge should take account of the sentences that have been pronounced against a criminal in foreign courts when he is arraigned for some infraction on national territory. Thus, if a professional thief from Berlin or London is caught in this country pursuing the same trade, there seems to be no reason why he should be regarded as a first offender here when it can be shown that he has been condemned two or three times in those cities or is wanted for crimes committed there. In States having a habitual criminal law the recognition of a criminal's foreign career would thus make a great difference in the sentence imposed.

The conclusions were thus formulated:

Resolutions:

1. *It is desirable that the incapacities which a person incurs by reason of condemnations pronounced against him for crime or for violations of common law by the courts of his country should follow him in full force in all countries.*
2. *It is desirable that a native of a country who is condemned for crime or violation of common law in another land should incur in his own country the same disabilities, incapacities, and interdictions as he would incur if he had been condemned there. In the actual state of international law, the Congress does not ask that these disabilities, incapacities, and interdictions should be the direct result of a foreign sentence, but that they might be pronounced as the result of a special action instituted by the courts of the country of the delinquent.*
3. *When a new infraction has been committed on national territory, the judge on fixing the sentence should take account of condemnations pronounced abroad.*

INDEMNITY OF THE VICTIMS OF CRIME.

Fourth Question:

Is the victim of an offense sufficiently armed by modern laws with reference to obtaining the indemnity which may be due to him from the delinquent?

The question shows how ethical elements are becoming prominent in these discussions.

It was felt that modern laws are particularly weak here. In some respects the laws in different countries are harder upon the victim than upon the offender. Thus, in France, while in a case submitted to a jury costs are not assessed upon the complainant if the complaint is sustained, in all other cases the complainant is obliged to defray the costs of the process whether for or against him. It often occurs that the victim is too poor to maintain the expenses of a civil suit. Though the effects of the condemned may be confiscated for the benefit of the injured, the delinquent is often insolvent. It was maintained that a portion of the prisoner's earnings might be applied to advantage in this direction. But this would in most cases be but a small amount unless the sentence were long. It was suggested that a fund may be established by the State, derived from pecuniary fines imposed instead of short sentences, and that the fund thus established might be used for the relief of victims of crime. It was also suggested that restitution might be possible in some cases through the conditional liberation of the offender. The Congress found the subject so important that it recommended to serious consideration the establishment of such an indemnity fund. But inasmuch as it was not wholly prepared to weigh the matter in all its bearings, it decided to commit the subject to the consideration of the next International Congress.

Resolutions:

1. *Penal legislation ought to take more account than it has hitherto done of the necessity of assuring reparation to the injured party.*

2. *When the complaint of the prosecuting party is well grounded he should never be condemned to pay costs.*

The prosecuting party who shall have simply joined his action to that already entered by the public solicitor should, even if he fails, be condemned only to the costs occasioned by his intervention.

3. *The benefit of counsel should be accorded to the injured party in courts for the repression of crime (devant la juridiction de répression).*

4. *The public minister in the case of correctional or criminal suits shall be obliged to submit, without expense, to the jurisdiction concerned, the demand for damages of the injured party, the right being reserved to the public minister, upon the admission or rejection of the demand, to take such action as may seem desirable.*

5. *The indemnity allowed to the injured party shall be guaranteed by a general claim upon the estate and the household goods of the condemned, and that claim shall be made concurrently with that of the public treasurer for the costs of justice.*

6. *The Congress decides that there is ground for taking into very serious consideration the propositions which have been submitted to it with regard to allowing to the injured party a portion of the gains realized by the work of the condemned in the course of his detention, and with regard to constituting a special indemnity fund from which aid may be accorded to the victims of infractions under the penal law; but thinking that it does not possess at present the elements which are necessary for the solution of these questions, it decides to commit them to the more profound study of the next International Prison Congress.*

CLASSIFICATION OF CRIME.

Fifth Question.

Is there ground for maintaining in penal legislation the triple division of crimes, délits, and contraventions? If not, what simplification should be introduced in that division?

Classification of crimes is a comparatively ancient method; the classification of criminals is comparatively modern. In Hebrew, Oriental, and Roman codes we find attempts at the classification of crime, and the estimate of guilt is seen in the varying weight of penalty attached to the offense. No subject has received more attention from modern jurists. Every law enacted by a legislature with a penalty attached becomes a designation of crime, misdemeanor, or contravention. The law and the penalty may be ethical in character or may simply relate to public convenience, like a penalty for obstructing the sidewalk or tearing down an election notice. Modern ideas in regard to the ethical

value and relative enormity of offenses are very different from those of former days. In no respect has the spirit of new Italy been manifested more significantly than in the revision of its penal code. In France, under the influence of Bérenger, great improvements have been made, and in England, one of the most conservative countries in changing its laws, many changes have been effected in the last fifty and even in the last twenty-five years. But the classifications of crime in even the best penal codes are all more or less arbitrary.

If we wish to get an idea how arbitrary they are we may do so without going abroad for the purpose. We may compare the codes of 44 of the States of the United States, as Dr. F. H. Wines has done in a paper prepared for our National Prison Congress, 1894. There we find the most remarkable divergencies in the estimate of the comparative guilt of offenses and the punishment which should be affixed to them. Thus, in Delaware the extreme penalty for counterfeiting is three years' imprisonment; in five of the States it is imprisonment for life. In New Hampshire a perjurer may get off with five years; in Maine he may be imprisoned for life. In Delaware it is assumed that one year is as much as a man deserves for bigamy, but in Tennessee he may get twenty-one years. The value of a nose or eye in Georgia is a year and a half in a jail or chain gang and a fine of \$1,000; in Colorado it is worth three years' imprisonment, and in Vermont imprisonment for life. Thus we might go through the catalogue of crimes in the different States. The contradictions presented are remarkable, and as a study in comparative ethics are very curious. Under the Hebrew law of an eye for an eye and a tooth for a tooth the matter was much simpler; but when it comes to measuring the money value of an eye or a nose or the length of imprisonment which forms an equivalent for its destruction it is not easy to secure unanimity.

In France and in many other countries there is a threefold division of crimes, délits, and contraventions, as there is recognized generally in this country a distinction between crimes and misdemeanors. The Congress reaffirmed the utility of such a threefold division. It may be useful to some extent to classify crime according to the nature and character of the offense, especially on broad and general lines, such as the distinctions between violations of civil and criminal law, offenses against property, and offenses against persons; but the difficulty is in the adjustment of any scale of penalties. When the penalties are arranged on a sliding scale and a great deal of liberty is allowed to the judge in applying them, the difficulties avoided in framing the law reappear in its administration. Thus, while each State has a fixed criminal code and a maximum and minimum of penalties, a study of the sentences actually imposed shows the most curious variation and contradictions. The estimates of the comparative enormity of offenses made by prisoners themselves is sufficiently curious, as when the drunkard boasts that he has not been a thief and the thief boasts that

he has not been a drunkard; but ethical judgment of criminals are hardly more contradictory or amusing than those which have been framed into our laws and which are revealed in their administration. When it comes to the application of the penalty the only final relief for arbitrariness is in the adoption of the indeterminate sentence. On this subject the International Prison Congress shed less light than has been thrown by our National Prison Congress, in which the subject of the indeterminate sentence has been fully developed and expounded.

While in France the tripartite division prevails, in Holland and in Italy a bipartite division has been adopted. These divisions are of course theoretical, and though they assist in the classification of crimes are not of the greatest importance in the classification of prisoners.

Resolutions:

1. *The bipartite division is scientific and rational.*
2. *There is no reason for asking the States which have adopted it to abandon it.*
3. *But it may be useful to establish a correlation between the classification of infractions and the classification of jurisdictions. When to reach that correlation it is necessary to subdivide the first category of infractions under the name of major and minor délits, or even of crimes or offenses, the tripartite division has a practical character which justifies its maintenance.¹*

Sixth and Seventh Questions:

These questions, relating to vagabondage and prostitution, were transferred from the first section to the third, and the resolutions adopted are given in the report of that section.

CONDITIONAL LIBERATION.

Eighth Question:

For what kind of infractions of penal law, under what conditions, and in what measure is it desirable to admit in legislation—

(a) *The system of admonitions or remonstrances addressed by the judge to the wrongdoer and taking the place of condemnation?*

(b) *The mode of suspending a sentence, whether of fine or imprisonment, or such other sentence as the judge may pronounce, but which he declares is not to be applied to the prisoner so long as he does not incur a new condemnation?*

ADOPTION IN EUROPE OF CONDITIONAL LIBERATION.

In the preliminary reports of the Congress, Signor Pessina, professor of law in the University of Naples, pays a grateful acknowledgment to Massachusetts as having first put into operation and developed the

¹ As the French divisions of crime do not have a corresponding meaning in the United States, the words infractions, crimes, délits, and jurisdictions are left untranslated.

system of probation. He gives a brief outline of the Massachusetts system, which he shows has been followed by salutary fruits. The system has been introduced in Australia. The Howard Association of London conducted a campaign in favor of it in England, which resulted in the adoption of the first offenders' act. According to English law, probation is applied only to those who have never before incurred a sentence, and it is not applied when the sentence is for more than two years. The distinguished jurist Bérenger, of France, presented a somewhat similar law to the French Senate in 1884, but it did not become a law in France until 1891. Belgium adopted the same system in 1881. In the French and Belgium system the legal process is never suspended. It is always the sentence alone that is suspended, and in the French system in case of a second condemnation within five years the first sentence holds good and must be executed.

This principle, which has met with opposition from some prominent European jurists, has also its strong advocates, and in the preliminary reports made to the Congress we find it urged by the representatives of France, Russia, and Italy. It has found an opponent in Professor Kirchenheim, of Heidelberg. It has also been opposed by Professor Pols, of Holland; the former, not without reason, complaining that those who have imitated the Massachusetts system in Europe have left out its most important feature—that of the surveillance exercised by the probation officer. The opposition to this, as well as to many other reforms in penal legislation, is often based on purely theoretical grounds. Massachusetts has now a solid basis of experience, and the new method has already gained such a hold in England, France, and Belgium that it is not likely to be abandoned. It is only a question of time for it to find a permanent place in the judicial system of all civilized countries. The custom of letting certain criminals go after a brief admonition by the judge is a very old one. It goes back to Roman times. But the custom of conditional condemnations or probation as distinct from mere admonition is a modern development, and it helps to distinguish between the accidental and the professional criminal—to give the first an opportunity to recover his footing and to show the second that he can have no footing whatever. Since the adoption of the law in Belgium seven years ago 132,000 conditional condemnations have been made, and of this number the proportion of recommitments has been only 3 per cent. As the experience of Massachusetts had been invoked on this subject, two of the American delegates, Messrs. Lewis and Barrows, presented facts and arguments bearing on the question.

THE PRINCIPLE OF PROBATION ADDRESS BY MR. CHARLTON T. LEWIS.

In an address delivered at a general meeting of the Congress July 8, Mr. Charlton T. Lewis, official delegate of the United States and president of the Prison Association of New York, said:

Many of us are sorry that the eighth question of the first section has

not been made the subject of more discussion at this Congress. I do not hesitate to affirm that this question is of the highest importance and second in its claims upon our attention to none of those which have been considered. But if it were to be studied in all its aspects it would call for the exercise of all the ability and learning of every member present.

To understand clearly the problems presented by this question it would be necessary to investigate the history of prisons and the origin of the system of legislation by which offenses are classified and a penalty is assigned to each of them, founded on some supposed estimate of their comparative desert. Such an investigation would disclose the fact that this system has really grown up at random and does not rest upon fixed principles.

Until very recent times the object sought by imprisonment was to prevent the offender from escaping or from doing further injury, and was not associated with the idea of punishment. There is nothing in the nature of a prison to satisfy the instinct of retribution. Society used to inflict on malefactors death, mutilation, or physical pain in various forms, exile, forfeiture of goods, or fines, disqualifications, and humiliations in many forms, but prisons were used merely to detain persons whose presence at a future time was desired, or else to restrain them; but since under the pressure of public opinion the infliction of mutilations and flogging have been rejected as inhumane and the death penalty has become extremely rare, the convenient custom has gradually grown up of imprisoning delinquents, and the ingenuity of legislators has devoted itself to the useless and absurd attempt to ascribe to each crime or offense a term of confinement graduated according to its supposed enormity.

On principle, nothing justifies the imprisonment of a man except satisfactory proof that his freedom is dangerous for society. Now, if we accept this principle, two consequences follow logically from it.

First, that none should be imprisoned except those whose liberty would be a danger for society. Second, that these should be imprisoned, not for periods of time fixed in advance, but just as long as their freedom would be a danger for society.

The second of these conclusions is the principle of the indeterminate sentence, a principle upon which all recent progress in the theory of penal legislation depends, and from which future improvements in it are to be expected. Every country represented in this Congress now sends to prison multitudes of persons for a fixed number of months or years, according to the name given by law to the particular offense of which each is convicted. This is no more scientific than if the sick were sent to a hospital for a number of days determined in advance by the temperature or the pulse at the invasion of the disease. We send only the sick to the hospital. The necessity of sending them must be established by a thorough inquiry, and if it is once proved, the sick

must be detained there until they are cured. And the analogy is a fair one by which it is contended that no man should be imprisoned until it has been ascertained that he is of a criminal character. And when this is known he must be imprisoned until he is reformed or until he dies.

But the first of the two conclusions which I have named is of still higher importance. To imprison a man is to impose upon him an utterly unnatural life, apart from human society, cut off from the influences and associations which form the mind and character and offer scope for their healthy action and development. It is to consign him to companionship of all that is vilest in the human race; it is to mark him for life as a person unfit for freedom and for association with his kind, and to deprive him after his release of most of the sources of hope and energy which alone could save him.

The force of this influence is so great that few overcome it. The criminal class is everywhere made up of men who have received their education in prison. Prisons are the universities of crime, whose pupils are everywhere the enemies of society. They are, then, an evil—perhaps a necessary evil, but one whose necessity should be accepted with caution and whose use should be restricted within the narrowest possible limits. If this Congress should devise a method of protecting society against crime to the extent to which prisons are supposed to protect it, while actually confining none but confirmed criminals, it would truly merit a share in the glory of the Savior of men.

The State of Massachusetts has for several years had in force a law which seems to be a step toward such a revolution as this in penal codes. When a person is convicted of crime for the first time, the judge has the power to discharge him without a sentence of imprisonment, but retaining him under supervision provided by the law. Certain men of upright character, of much experience in dealing with criminals, and of sincere philanthropy, are appointed by the court as probation officers. It is their duty in each case of a first offense to investigate not only the criminal act itself, but the life of the offender, his family, his habits, his occupation, and his history. If it appears, on a careful review of all the facts, that there is a strong probability of his reforming and that he will live and support himself without crime, the probation officer may recommend to the court that the offender be permitted to return to his home and to his work under the supervision of the probation officer. He must report from time to time to that officer and prove to him that he is living an upright life, without bad associates, and is sober and industrious. If he succeeds in this for the time which the court has fixed as that of his probation, the court may entirely remit his sentence and give him a final discharge. But if during his probation he is discovered to be idle, drunken, and vagabond, to associate with criminals, or, in the judgment of the probation officer, to be in danger of committing further offenses, that officer must arrest him

and bring him again before the court, to be sentenced for his original offense.

In Boston and several other cities faithful and intelligent men have been found to serve the community as probation officers. The results are most encouraging. The proportion of offenders once condemned and imprisoned who become permanent members of the criminal class is well known to be very large. The proportion of persons released on probation who fail to comply with its terms and become liable to imprisonment for the original offense is surprisingly small. I have made several attempts to collect complete statistics, and hope one day to present to the members of the Congress the detailed evidence, but for this occasion it is enough to affirm on the united testimony of the authorities engaged in administering this law, that the new system is rapidly diminishing the number of criminals, and promises to do much toward rendering prisons unnecessary.

The extent to which this principle can be applied is as yet unknown. Only experience can determine its proper limits. But it has awakened hopes sufficient to justify the profound study of this experiment on the part of all those who know the evils caused by prisons in making men corrupt and criminal; and some go so far as to hope that ultimately the greater number of the prisons of the world may be dispensed with, and that civilized society will learn, by completing and extending such measures as these, that its highest duty toward offenders is not punishment or vengeance, but reform.

THE PROBATION SYSTEM IN MASSACHUSETTS—ADDRESS BY SAMUEL J. BARROWS.

Samuel J. Barrows, secretary of the American delegation, said:

One of the most distinctive features of the penal system of Massachusetts is the introduction and extension through the State of the probation system.

This system proceeds on the assumption, well supported by experience, that many persons who are arrested may be saved from a life of crime if sentence is suspended and the convicted person has another opportunity to become a law-abiding citizen before the stigma of prison life is fixed upon him. Previous to 1870, when this assumption was framed into a law, it was occasionally the usage to release persons convicted of crime on the application and assurance of certain individuals who were interested in their reformation. In 1878 this function was partially assumed by the State. A law was passed providing for the appointment of a probation officer in each city and town. This law was permissive, not mandatory. Many towns and cities did not avail themselves of the privilege. It was, however, adopted in Boston. Twelve years the system was confined to that city. The probation officer was the late Edward H. Savage, formerly chief of police. The work, however, was much too large for a single officer at the central court. In 1888 two additional officers were appointed for the Boston court.

In 1891, largely through the instrumentality of the Massachusetts Prison Association, a law was passed requiring the appointment of a probation officer in each municipal, police, or district court in the State. The officers are appointed by the judge of the court and the expense is borne by the county. There are now fifty-eight probation officers in Massachusetts. The central municipal court of Boston has seven probation officers—a chief and six assistants. One of these is a woman, Miss Hannah M. Todd, appointed under the provisions of a special act of May, 1892, who has furnished and stated much of the information that follows.

The work of the probation officers is of two kinds:

First. Investigation.

Second. The visitation and the oversight of those who are placed on probation.

1. INVESTIGATION.

All arrested persons are seen by the probation officer before they come into court. Kindly inquiries are made as to their families, home, occupation, condition. The investigation is not made to obtain evidence for establishing guilt, but, by furnishing information as to the general character of the individual, to assist the judge in making his decision. After interviewing the prisoner an investigation is made outside to determine the truth of his statements. This investigation is often superficial, but usually enough information is obtained to enable the judge to act intelligently. In important cases an extension of time is granted to complete the investigation. Registration is made by the probation officer of the facts secured and they are properly catalogued by a card system that may be available at any time for the information of the court.

2. VISITATION AND OVERSIGHT.

After investigation the trial occurs and sentence is pronounced. If the individual is put on probation, the sentence of the court is simply deferred. It may be imposed at the expiration of the term of probation, or the probationer may be surrendered and sentenced before the time expires. During the probation visits are made by the officer as often as once a week; friendly personal relations are established. Probation officers may also aid in securing employment, in assisting probationers who are away from the city, and in getting friends to interest themselves in their behalf; endeavoring to develop their moral sense, to strengthen the character, and to remove them from bad associations. The application of the probation system gives an opportunity to apply special treatment to individual cases.

The duties of the female probation officer are confined to female convicts, and are essentially the same.

3. LENGTH OF PROBATION.

In smaller places the term has been about one year. In the central municipal court the term is about five weeks. This is too short a time, says Miss Todd, to gain influence or to decide if the probationer is doing well.

At the expiration of probation the case may be disposed of in one of four ways: First, by extension of the term of probation; second, by surrender or by sentence; third, the case may be defaulted by non-appearance at court; fourth, the case may be dismissed.

For each continuance of the case a reappearance in court is necessary.

4. PROBATION IN INTEMPERANCE.

A few years ago many arrests were made in Massachusetts for drunkenness. This led to the application of the probation law to cases of drunkenness by a special act with particular provisions. The law provides that persons arrested for drunkenness may make to the officer in charge of the place of custody in which he is confined a written statement addressed to the court having jurisdiction of the case, giving his name and address, his place of employment, what persons are dependent upon him for support, and whether he has been arrested for drunkenness before within twelve months. If the arrest was made within the jurisdiction of a court having a probation officer, that officer must inquire into the truth or falsity of the statement. On his report the court may direct that such person may be released from custody without arraignment. Or if it is found that he is an habitual drunkard he may be arraigned and sentenced. The probation officers assist the court by obtaining information as to previous arrests, convictions, and imprisonments.

These intemperance cases add greatly to the work of the probation officers. In the central municipal court of Boston 7,246 cases of drunkenness were especially investigated by the probation officers of that court during the year ending September 30, 1894, out of a total of 9,104 cases in the entire State. This work at the central court is still done by seven probation officers. The result of the law has been the imposition of longer sentences for habitual drunkards, while occasional offenders have every opportunity to reform.

The whole number of cases referred to be investigated by probation officers during the last year was 47,249, of which 15,607 were from the central court of Boston. Of this whole number of cases investigated 5,317 were put on probation. Of these, 1,180 were placed in charge of the probation officers of the central municipal court of Boston. Of this latter, 461 were women, and were placed under the charge of Miss Todd. Most of the women are arrested for drunkenness and prostitution. It is seldom that a woman is arrested for drunkenness who has just begun to use intoxicating drink.

Miss Todd says:

Many of those coming under our care are deficient in mental qualities, and have almost no moral perceptions. They follow any path open to them as long as it does not call for the exercise of any power of resistance. Still others are broken down from overwork and trouble and are in sore need of friendly help and strength. By the means of probation a person taken early on the downward career, when the vices are more largely tendencies than habits, can usually be influenced to a better life. Under probation there is every incentive to do well, as the sentence of the court is only suspended, and though under the surveillance of the court the probationer is under a moral restraint only, and this gives opportunity for the exercise of self-control and a motive to enter on a new life away from old associations. While we can not expect that the habits and tendencies which have made a person a criminal or a delinquent will be overcome in a few weeks, we do find that in many cases the possibility of imprisonment arouses them to a sense of their danger and shows them whither they are drifting.

The value of probation depends largely on the amount of personal effort and interest which the officers can put into it; it is important to see frequently those placed in our care, as often as possible in their own homes or at their work, so that we may touch their daily life and bring to them fresh spirit and influence. These visits should be made in a friendly spirit, not to find out all the unfavorable things about the probationers, but to help them to regain confidence in themselves, and to brighten up their lives a bit.

A judge in one of our suburban courts says:

I am impressed more and more every day with the importance of the probation officer. His work does more to prevent the weak from falling and to build up the unfortunate than most people have any idea of.

The first section then concluded its deliberations by passing the following resolutions, which, with the previous ones, were ratified by the general assembly.

Resolutions:

The application of admonition by the judge, and that of the suspension of the sentence after condemnation, lead to almost identical results. In consequence, it is unnecessary to add the system of admonition to that of the suspension of the sentence.

Those systems of legislation which permit tribunals for the repression of crime to grant a suspension of sentence to first offenders, condemned to short sentences, comprise the best provisions known.

SECOND SECTION.

PRISON ADMINISTRATION.

President: M. Goos, inspector-general of prisons, Denmark.

Vice-Presidents: Gen. R. Brinkerhoff, president of the National Prison Association, United States; Professor Brusa, Italy; M. Dunant, president of the council of state, Geneva; Director-General Gripenberg, Finland; Director Ogawa, Japan; Professor Prins, Belgium; Mr. Spearman, magistrate, England; Director Stevens, Belgium; Senator Zakrewsky, Russia.

Secretaries: MM. Fournier, Granier, Budin, general inspectors to the minister of the interior.

Bouillard, chief of bureau under the minister of the interior.

Assistant Secretary: M. Gramaccini.

The programme of the second section embraced many important questions, such as the accurate identification of prisoners, regulations for prisons for women, the subject of prison labor, the compensation of prisoners, and other related themes.

IDENTIFICATION OF CRIMINALS.

The question of the identification of convicts or those under arrest is of great practical importance. It came before the Congress in the

First Question:

Is there occasion to generalize and unify methods of anthropometry and to examine the conditions under which an understanding might be recommended in this respect?

The members of the Congress had an opportunity to see the working of the system invented by Dr. Bertillon, of Paris. It substitutes for the old-fashioned extemporaneous method of identifying a criminal through the treacherous memory of prison officers, policemen, or witnesses, a scientific and practically exact method of measurement which, together with photographs, constitute a complete identification of any person who may be subjected to them. Its utility is not confined to the identification of criminals who reappear at the same court or at the same prison. By a system of exchange between different States and countries, it may be used to identify criminals who go from one place to another. In our own country prisoners may easily transfer their operations from State to State, but with the Bertillon system in general use it would be possible to distinguish these habitual criminals from first offenders, and sentence them under habitual criminal laws. Communication is now carried on between police agents of the large cities, but identification has been based too much on photographs and crude, unscientific methods. The Bertillon system has already been partially introduced in some States of this country. The value of an

interstate and international system of this kind is beyond question. The Congress recognized this fact and passed the following

Resolution:

It would be of great advantage to reach some prompt international agreement as to the unification of anthropometric processes.

PRISONS FOR WOMEN.

Second Question:

Is it well to apply to prisons for women special regulations possibly very different from those established for male prisons in respect to work, discipline, and dietary?

Is it well to apply to women a special system of penalty?

This question gave an opportunity for some of the women delegates to the Congress to give the result of their experience and observation. There were warm advocates for the separate system for women as for men. But we suspect that if the delegates could have seen the women's prison in Massachusetts and learned the remarkable results there obtained, faith in the separate system as the best method except for a very brief period at the beginning of the sentence would have been greatly shaken. Certainly the people of that State have no reason to change the present method of administration, which is based distinctly upon the reformatory idea.

Resolution:

It is equitable and necessary to provide in the regulations different prescriptions for men and for women, as well from the physical point of view as from the moral and intellectual.

Cellular imprisonment should be applied during the time of arraignment. The principle of cellular imprisonment ought to be adopted for women, whatever may be the duration of the sentence.

PRISON LABOR.

Third Question:

Should we admit sentences privative of liberty in the course of which work is not obligatory?

Is not work in all prisons indispensable as an element of order, preservation, moral power, and health?

The need of manual labor in all prisons as an element of order, hygiene, and moral power was strongly affirmed by the Congress, as it has been affirmed by our own national association, and indeed by every experienced prison warden the world over. No principle ought to be more firmly embedded in the public mind. All the reporters to the Congress were unanimous in their opinion on this subject.

Resolution:

Manual labor ought, as a general rule, to be obligatory in all sentences involving a privation of liberty.

COMPENSATION FOR PRISONERS.

Fourth Question:

Have prisoners a right to wages? Should the product of labor be employed at first to cover the expenses of subsistence of all the prisoners of the same category, reserving for each of them a fixed part of the product and giving, under the title of recompenses, gratuities to the more meritorious?

The tendency and indeed the practice in Europe to-day is to give to prisoners a share of the product of their labor. Whether this share shall be called wages or a gratuity is not merely a matter of nomenclature; it is a matter of principle. Just how people may divide on a principle while they are perfectly willing to unite on a fact was seen in one of the most exciting and prolonged debates of the Congress, on the question whether a prisoner had a right to wages. It was not the wages but the right which was the subject of dispute. It was a question of ethics over against a question of expediency or of practical administration. An eloquent minority maintained the right of the prisoner to receive compensation for his labor, and, what rarely happened, the Congress became very nearly divided on the matter. Of eleven reporters of different nationalities who had written on this subject preliminary to the meeting, five were in favor of the right of the prisoner to wages, six admitted only gratuities as recompenses for good conduct and work. Monsieur Paul Cuhe, of the Société des Prisons, in his review of the sections of the Congress, has said:

Everybody was practically agreed that it is indispensable to any good penitentiary régime that it should recognize the efforts of the prisoner through some remuneration. If the prisoner is not stimulated to work by the alternative play of recompenses and of punishments we might prevent him from being idle by the menace of chastisement, but we could not make him an industrious man, for in taking away the hope of gain we have deprived his productive activity of its principal resource.

Penitentiary work to be moral in its effect must be paid, but shall this remuneration be in the form of wages or a bounty? Shall the prisoner who works have a right to exact from the State recompense for his work upon the basis of a determined tariff? Or shall pecuniary encouragement be accorded rather with reference to the moral value than with reference to the industrial value of his efforts? It was seen that the concession of the prisoner's right to wages would carry with it a good many other rights which the Congress was not prepared to concede and which it might be dangerous to affirm; and the result of this, perhaps the most animated debate of the Congress, was finally the passage of the following vote:

Resolution:

The prisoner has no right to wages, but it is for the interest of the State to give him some recompense. The remuneration assigned the prisoner should not be left to the decision of the administration, but fixed by general rule.

This decision of the Congress, as already said, is in conformity with the actual practice which exists in most of the countries in Europe. The system now exists in France, Belgium, Italy, Switzerland, Denmark, Austria, Hungary, Norway, Sweden, Russia, and has just been introduced in Japan. It is customary in these countries to place a certain amount, depending upon his labor and good behavior, to the credit of the prisoner. This amount is generally divided into two portions, not always equal portions, one of which he may spend while in prison under the supervision of the administration to add to his comforts or to send to his family. The other portion is reserved to the time of his discharge. In France, at the Maison Centrale, at Melun, the average wages of the prisoner is 1 franc 78 centimes, or about 35 cents a working day. A three-year prisoner has to his credit on leaving an average of \$50, a four-year prisoner an average of \$70, a five-year prisoner an average of \$90. At the Maison d'Arrêt, of Rouen, the average recompense per day is from 50 centimes to 1 franc 25 centimes—say, from 10 to 25 cents a day. At Poissy, in France, the amount given to discharged prisoners from their earnings is for one year about 81 francs (\$16.20), for two years 187 francs (\$35.40), for five years 562 francs (\$112).

During the discussion figures were cited by the director of a central prison to show that certain prisoners gained from 5 to 7 francs a day, and one man had actually gained 15 francs, or about \$3 a day. Representatives from Switzerland and Belgium showed that such extremes could not occur in their country. In some countries the amount which the prisoner has at his discharge is extremely small. In England, the prisoner is not credited with remuneration on the basis of his work, but receives certain rewards which may be available at his discharge. He receives 10 shillings on leaving a local prison. On leaving a convict prison, where the sentences vary from three years to life, the highest amount available on discharge is £6.

The practice of assigning to prisoners a small portion of their earnings has been introduced in a few States in this country. It is a method which needs a much wider application, that the prisoner may have the advantage of a healthy stimulus to labor, and be able to apply some of his earnings to the relief of his family. In the Eastern Penitentiary, Philadelphia, the salutary results of this system, both for the prisoner and his family, have been amply proved. At the time of the Johnstown disaster the prisoners contributed over \$500 to the relief of the distressed survivors.

THE MULTIPLICATION OF RECOMPENSES.

Fifth Question:

With the aim of influencing prisoners rather through hope than through fear, is it advisable to multiply recompenses?

While recognizing the fact that a prisoner should be influenced more by hope than by fear, the Congress did not recommend the multiplica-

tion of rewards or anything which would interfere with the strictness and equality of prison discipline.

Resolution:

Without discussing the question of penitentiary systems, the Congress does not think it desirable that recompenses should be multiplied.

PUNISHMENTS.

Sixth Question:

In what form and under what conditions should disciplinary punishments be pronounced and applied?

One of the best reports on this subject was furnished by M. Albin Uhlyarik, director of the penitentiary of Sopron, Hungary, who maintained that disciplinary penalties ought always to preserve a humane character and have for their end the correction of the individual and never impair his health by too rigorous measures. Intermittent and capricious indulgence is as harmful as a too exacting rigor, which, dictated by passion, is nearly always unjust, and naturally engenders bitterness and impassability in the prisoner. The individual character of the prisoner ought always to be studied before applying discipline. M. Uhlyarik believed strongly in the cellular system. Corporal punishment has been long since banished in Hungary, and M. Uhlyarik does not desire its reestablishment, yet he desired the extension of disciplinary punishments. In the majority of cases the punishments in existence are usually effectual, but in the case of obstinate resistance a cage, such as that employed in Saxony, is necessary. Irons, chains, and the camisole should only be employed during some hours. We can conceive of a disciplinary punishment more strict than that now employed which can be applied long enough to reduce the recalcitrant prisoner and force him to submit absolutely his will to that of his superiors, but which shall not impair health or lead to suicide.

After a discussion of various methods the section passed the following

Resolutions:

1. *Regulations posted in the prison ought to warn against the principal infractions and indicate the different penalties.*
2. *The penalty ought to be pronounced after serious inquest and after having heard the prisoner.*
3. *The sentence ought to indicate the time the penalty must be endured.*

CLASSIFICATION OF PRISONERS.

Seventh Question:

In the interest of general discipline and the reformation of criminals is it better to make a selection of the best or of the worst?

The subject of the classification of prisoners is at the basis of all prison management. Where there is no attempted classification and

prisoners are indiscriminately thrown together the evil communications which corrupt good manners are soon evident. M. Steven, of Belgium, an ardent advocate of the cellular system, did not lose his opportunity to urge its advantages. Isolate the condemned and the question is settled. But it may be added that such a method is not classification, but isolation, and that it is physical, not moral. In the graded system and the reformatories, of which Elmira, N. Y., is the oldest and most prominent example, the character of a prisoner under a system of marking and grading soon determines his classification, and under a wise prison system habitual criminals will not be committed to the same institutions as first offenders.

Resolution:

In the interest of general discipline and of amendment it is better to make a selection of the worst.

THE CRIMINAL INSANE.

Eighth Question:

Upon what principle should the duration of sentences be calculated in the case of criminals afflicted with mental alienation?

1. *When they are shut up in special quarters under penitentiary administration?*
2. *When they are transferred to insane asylums, properly so-called?*

That is to say, when a criminal, in the course of his sentence, is attacked with insanity and put in an asylum, ought the time passed there to be counted in estimating the length of his sentence? A voluminous report was made by M. Paul Fournier, inspector-general of the administrative service of the department of the interior of France, who presented a large amount of information concerning the regulations and usages of different countries. In the discussions the majority of speakers took the ground that the time spent in an asylum, whether within or without the prison administration, ought to be counted as part of the duration of the sentence. The question was pertinently asked, Why should there be any distinction between physical and mental maladies? A prisoner who is sick and in the prison hospital does not have, on recovering, to make up the time thus spent, and why should one who suffers from mental malady, one of the most unfortunate of all diseases, be subjected to a more severe régime? In most countries under modern laws, as appears from M. Fournier's report, if an insane prisoner recovers his health before the expiration of his sentence he is returned to the prison from which he came to complete his sentence. But if recovery does not take place until after the expiration of the time of sentence he is then set free. Figures furnished by M. Monod, of Paris, showed that in the period of five years from 1886-1890, 600 criminals escaped condemnation on the ground of insanity. It also appears that insanity among the prison population is much greater than it is outside. The percentage of the insane in the free pop-

ulation of France in 1886 was 0.40; in the prison population, 4.26. In 1887 the figures stood 0.39 in the free population to 2.94 in prison; in 1888, 0.39 to 4.01; and in 1889, 0.42 to 4.07.

Resolution:

In calculating the duration of the imprisonment of criminals afflicted with mental alienation, the time spent in an asylum for the insane, or in insane wards of prisons, should be reckoned as part of a prisoner's sentence. If the law grants a reduction of the time of imprisonment fixed by the sentence on condition that it shall be served in solitary confinement, the Congress is of the opinion that the insane prisoner should continue to profit by this privilege even though during his dementia he has been placed under a congregated régime.

The Congress is of the opinion that in the programme of the second section of the Sixth Congress the two following questions shall be included:

1. *What rule shall be adopted to insure the possibility of permanent medical supervision of the mental state of prisoners?*
2. *How should asylums or quarters for insane prisoners be organized so that the exigencies of treatment may be combined with repression of crime?*

PHYSICAL EXERCISE IN PRISONS.

Ninth Question:

Has sufficient account been taken thus far in the régime of prisons of the influence of physical exercise with reference to the reformation of prisoners?

This question received more attention in the preliminary reports than in the discussions of the Congress. M. Bailly, director of the Central Prison of Gand, Belgium, maintained that sufficient attention has not been paid to physical exercises. One reproach passed upon all prison systems, whether separate or congregated, has been that they have a debilitating effect upon the organism of the prisoner. This result has been attributed by some to the lack of alimentation, by others to the deprivation of liberty or to the absence of ventilation. There are those who maintain that this debilitating action is more apparent than real, and that it is to be traced to the low organization of the prisoner. M. Bailly proposed a system of gymnastics which could be applied without the establishment of a gymnastic hall in prisons, but by means of exercises simple and practicable. Dr. Baer, physician in chief of the prison at Plötzensee, Prussia, maintains that we have not sufficient information as yet to make a just comparison between the health of prisoners in the penitentiaries of different countries, and above all to compare the health of prisoners with that of the free population. But he concludes that the mortality of prisoners is determined by two factors—first, the régime of the prisons, and secondly, the organic

peculiarities of the social class which furnishes the larger number of prisoners. The great majority of the prison population is composed of individuals belonging to the most indigent classes, whose mortality is higher than among the more prosperous classes. Nevertheless, the sentence of imprisonment involves elements pernicious to health.

Attention was called by M. Kazarine, of St. Petersburg, to the gymnasium and physical exercises conducted at the Elmira Reformatory, New York, as well as to the military régime established there. With the exception of the Elmira Reformatory, physical exercises in nearly all prisons are confined to the promenade and the movements necessary to the execution of the hand labor of the prisoner. M. Kazarine recommended recourse to appropriate physical exercises. M. Gramaccini believed the best exercise was obtained in work at different trades. Dr. Curti, director of the penitentiary of Zurich, also believed that the activity of the muscles should be developed through labor, and that care should be taken in introducing prison industries to consider their sanitary effect. In establishing a penitentiary a sufficient quantity of land should be obtained to conduct some forms of agricultural labor, or if this is not always practicable a penal colony may be founded where prisoners adapted to that work can devote themselves to agriculture for a longer or shorter time. There were other advocates of physical culture. But M. Stevens, of Brussels, maintained that sufficient account was already taken of physical exercises in the régime of prisons and that it is not desirable to increase it.

The question was carried into the general assembly, where the following resolution was passed:

Resolution:

It is desirable that work rather than gymnastics should be relied upon in the reformation of prisoners.

A proposition by M. Kazarine that owing to the interest which the question of physical exercises has awakened, and notably in America in the Elmira Reformatory, this question be inscribed on the programme of the next Congress, was passed by a large majority.

AMERICAN PRISON SYSTEMS BY GEN. R. BRINKERHOFF.

At the general session of the Congress held in the Sorbonne July 8, 1895, Gen. R. Brinkerhoff, of Mansfield, Ohio, president of the American delegation, gave the following address:

I have been requested by the general secretary of the Congress, Dr. Guillaume, to give, on behalf of the American delegation, a brief account of the reformatory methods peculiar to our country, and especially of the Elmira system, which is now being extended rapidly to all our States.

Curiously, the three great prison systems of the world originated in America.

(1) The separate system, which has been so eloquently advocated in this Congress, and so largely adopted in Europe, had its beginning in Philadelphia over sixty years ago. It still exists there, and is admirably administered, but it has been abandoned in all other prisons in our country. We do not believe in it, except for prisoners awaiting trial, and, to a very limited extent, in exceptional cases, for others.

(2) The congregate system of associated labor by day and cellular separation by night had its origin in Auburn, N. Y., over fifty years ago, and is now universal in America for all life prisoners, and for recidivists and incorrigibles.

(3) The Elmira system is based upon the indeterminate sentence and conditional liberation. Such liberation is known as a parole, which is obtained through a marking system of merits and demerits, and a progressive classification.

This system is applied only to young men under 30 years of age, and convicted of felony for the first time. It had its beginning at Elmira, N. Y., in 1876, under the administration of that prince of penologists, Mr. Z. R. Brockway, and its results everywhere have been exceedingly satisfactory, and results, after all, are the crucial test of any system.

Elmira now has over 1,200 prisoners, which is 400 more than any reformatory prison ought to have, and for ten years past it has had over 800, and yet a careful record of all prisoners discharged shows that of the whole number 82 per cent reestablished themselves in society as honest and respectable citizens.

The methods of administration by which these results were attained I will not now attempt to present for the reason that we have with us Maj. R. W. McClaughry, of Illinois, who has had large experience in the administration of the Elmira system, and also of the Auburn system, who will follow me on this platform with a brief statement and will answer all questions you may care to propound to him in regard to it.

The prisons of the United States, so far as I have been able to compare them with those of Europe, stand well. In dealing with short term prisoners, and with prisoners awaiting trial, and also in dealing with discharged prisoners, Great Britain and Ireland are far ahead of us, but beyond that we are not afraid to invite comparison, and in some respects I think we are in advance.

In Europe deterrence and repression seem to be the dominant ideas in dealing with the criminal classes, but with us they are reformation and prevention. We have repudiated the *lex talionis* idea of an eye for an eye and a tooth for a tooth. In the days of Moses, under the conditions then existing, it doubtless was the best system attainable, but we of this day and generation are living in the Christian era, under the teachings of the Divine Nazarine, in which love, and not hate, is the governing idea.

In dealing with criminals, therefore, the dominant idea in America is the protection of society, and any infliction upon a prisoner with any other motive in view is an outrage upon the inalienable rights of man.

We believe in deterrence by severity also, if that alone will protect society, and therefore, in Ohio, when a man is convicted for a third time for a felony we adjudge him an habitual criminal, and send him to prison for life. So also for misdemeanants, who are mostly chronic drunkards, we have recently enacted a law which provides for a first offense a penalty in the discretion of the court; for a second offense the penalty must be double that of the first; for a third offense a penalty double that of the second; and for a fourth offense, imprisonment for three years, with the privilege of parole for good conduct.

Upon the whole, however, we believe that prevention and reformation are the roads we must travel if we are to make any large progress in the reduction of crime. Therefore we are adopting the Elmira system for the reformation of adult criminals, industrial training for juvenile offenders, and the probation system for misdemeanants convicted of a first offense.

For juvenile offenders we now have about seventy reformatories or industrial schools, as they are usually called, from which the graduates average fairly as good citizens as those from our public schools.

But more than all these, we believe in prevention, by giving to all children in our common schools an education of the hand and heart equally with the head. We believe also that the State should supplement the public schools with the kindergarten, for the training of the children under 6 years of age.

Do this, and the tide of crime, which is steadily rising in most countries, will begin to recede, and we shall enter a new and better era of the world's history.

Following General Brinkerhoff, Maj. R. W. McClaughry, superintendent of the State reformatory, Illinois, made additional remarks on the reformatory system in the United States.

THE REFORMATORY SYSTEM BY R. W. M'CLAUGHRY.

Crime in the United States of America presents many great and important problems. Where the individual citizen is so prominent a factor in the Government as he is in our country his relation to that Government and its laws must always be a question of first importance.

In most of the States of the Union imprisonment for felony deprives the prisoner after his release of the right to vote for officers of the Government or members of the lawmaking power, but this deprivation is not counted by the offender as a severe penalty, because he can easily remove from the State in which he lost his citizenship to another and there resume the privilege of voting without danger of being disturbed in it. This condition of things, however, tends to breed a class of citizens who are in sympathy with crime, who encourage criminality, though possibly no longer actively engaging in crime themselves, and who, together with the active criminals, form what is known as the crime class. It is estimated that this class numbers half a million in

the United States, and that not more than one hundred thousand of them are in the different prisons or in any kind of duress.

Foreseeing the evils which must result from so conducting our penal systems as to leave the inmates released from our prisons permanent enemies of society, many of our best citizens have long striven to bring about reform in the management of our prisons as well as in the administration of our criminal laws. For more than one hundred years the Pennsylvania Prison Association, which was called at the date of its organization "An association for the alleviation of the miseries of public prisons," has occupied a prominent position, and has greatly influenced legislation, not only in Pennsylvania, but in many other States of the Union. The efforts of the late Dr. E. C. Wines, which resulted in the organization of the National Prison Association, did very much to awaken inquiry and arouse public sentiment, not only as to the condition of the prisons and jails of the United States, but also as to the effect of imprisonment itself upon those who must return after their release from prison to society, to be either helpful or hurtful members of it.

For more than a quarter of a century the National Prison Association has been engaged in this work, by annual meetings, discussions, and publication of papers and addresses. The more these questions were discussed, the greater has become the dissatisfaction with that feature of the old prison system under which offenders were sentenced to prison for a definite number of years. In many States of the Union the jury of twelve men, which decides upon the guilt or innocence of the person charged with crime, has also the power to fix his sentence if he is found guilty. As a result, local prejudice concerning different kinds of crime is always shown, more or less, in the findings of the jury. For example, in sections where the means of transportation are primitive and limited, the stealing of horses or beasts of burden is punished savagely by the jury; much more so than crimes which are considered more serious in communities where railroads abound. Thus, States which extend through several degrees of latitude, the different parts of which are settled by people of widely divergent social ideas and customs, frequently present very striking examples of inequalities of sentences when they have been fixed by juries. The injustice of such a system is painfully apparent in the penitentiary of the State, to which all these offenders are sent. The power of the executive to pardon or commute is constantly appealed to, in order to equalize, to some extent, the unequal penalties thus inflicted. If this power is exercised to any great extent, it results in such severe criticism of the executive as tends to beget contempt for the law of which he is the representative.

The constant discussion of these questions resulted in the establishment, nearly twenty years ago, in the State of New York of a prison which is called a State Reformatory. It was organized and is governed by Mr. Z. R. Brockway, who is justly considered one of the foremost penologists in America. To this prison are committed persons under the

age of 30 years, who have been convicted of felonies. No limit is fixed to the sentence, save that it may not exceed the maximum term of years fixed by law for the crime of which the party has been convicted. The power is conferred upon the board of managers of the reformatory to release on parole whenever suitable employment is secured for him outside, any prisoner who has given satisfactory evidence to the authorities that he is able and willing to obey the law, earn his living, and become a good citizen. He is required to give an account of himself in writing, each month, to the governor of the reformatory, and this account must be indorsed as correct by his employer. For any violation of the conditions of his parole, he may be arrested upon warrant issued by the reformatory, returned thereto, and required to serve out so much of the remainder of his sentence as the authorities deem best. If he gives satisfactory evidence while serving his parole—which is in no case for less than six months—that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, it may be granted.

The system of treatment pursued with the criminal while in the reformatory compels the study of him in his social condition and his human relations. Education and labor form important parts of the system. He is given to understand that he can not be sent forth into society until his antagonism to it shall have ceased, and he shall have developed the ability and purpose to become a good citizen. Schools of letters and of trade instruction are important factors in the work of the reformatory. Instruction in ethics, as well as in those fundamental principles of religion which are everywhere recognized as the foundation of social order, is regularly given. In all this work there is no relaxation of necessary discipline. In fact, the discipline in the reformatory is more severe than in the penitentiary. Old habits, tastes, and associations must be changed before the inmate can be pronounced fit to be again a member of society. When the inmate finds that his freedom depends upon his fitness for freedom he begins to study the things which make for that end, and the efforts he puts forth, when properly encouraged and directed, make of him, finally, and in a majority of cases, a very different individual from the one received, under his name and number, into the reformatory.

The result of this experiment in America has been all that its advocates expected, though not all that they hope to accomplish. The carefully ascertained percentage of reformation has been sufficiently large to warrant the friends of the system in urging its adoption in all the States, and such has been the success of the system when fairly tried, that it is believed the time is not far distant when, in the United States, criminals will be sent to reformatories instead of penitentiaries, just as our insane are now committed to our great hospitals—to be cured, if possible; if not, to be kept in such humane seclusion as will prevent them from being a menace to society.

THIRD SECTION.

PREVENTIVE MEANS.

President: M. de Latour, general secretary to the minister of justice, Belgium.

Vice-presidents: Messrs. Privy-Councilor von Bernewitz, Saxony; Marumo, Japan; Professor Nocito, Italy; General Advocate Sloutchewsky, Russia; Attorney-General Smedal, Norway; Professor Typaldo-Bassia, Greece; Inspector-General Simon Van der Aa, Holland; Provincial Councilor Van der Veken, Belgium; Minister Vannerus, Luxemburg; Ministerial Councilor Weizsaeker, Wurtemberg.

Secretaries: Messrs. Brunot, inspector-general of the minister of the interior; Albert Rivière, general secretary of La Société Générale des Prisons.

Assistant secretaries: Messrs. von Engelberg, Baden; Didion, Belgium; de Kister and de Chaverdow, Russia; Billecocq, Drucker, Garnier, Laguesse, Morgat.

Having but five questions to consider instead of nine, as in the previous section, the third section was able to devote more time to each subject referred to it. Many of the most distinguished delegates engaged in the discussions.

SUPERVISION OF DISCHARGED CONVICTS.

First Question:

What measures shall be taken to prevent prisoners from wasting their accumulations on discharge, and, because without resource, falling again into crime?

Voluminous reports were presented upon this subject from various countries. The United States, however, was not represented among them. But there is no country in which the question of the care of discharged prisoners needs to be more earnestly considered than in our own. In this respect we are distinctly behind many countries of Europe. The Secretary of the United States delegation having made during this and a previous visit to Europe a special study of methods of aiding discharged convicts, has presented the result of these observations and inquiries in a special paper in the second part of this report.

As remarked on a previous page, it is customary very generally in Europe to assign a portion of the prisoner's earnings to him, part of which constitutes a reserve fund against the day of his discharge. The question of how the sum shall be administered on his release—whether it shall be given to the prisoner directly or placed in the hands of the mayor or some public functionary, held by a patron appointed for the

prisoner, or put in the hands of some society for discharged prisoners—excited much discussion; but as these various methods are considered in the special paper referred to, they are not summarized here.

The following vote taken by the section was reaffirmed by the general assembly:

Resolution:

1. *It is desirable that the prisoner should not have at his discharge the free disposition of his reserve.*

2. *The Congress holds that the prisoner's accumulation should be committed (whenever its importance, the morality of the person liberated, or other circumstances justify a measure of this kind) to a savings bank, to an authority of the place where the discharged prisoner settles, to a society of patronage offering all the necessary guaranties, or to persons approved by the administration, to be remitted to him according to his needs.*

3. *The Congress expresses the opinion, moreover, that among these methods preference should be given to the intervention of societies of patronage.*

PRISON SCHOOLS, LIBRARIES, AND JOURNALS.

Second Question:

How should prison schools and libraries be organized so that they may truly benefit prisoners whether awaiting trial or under sentence? Is it well to put into the hands of prisoners periodicals and other publications especially prepared for them?

Nine reporters, representing Italy, Belgium, England, Portugal, Switzerland, and France, wrote on this subject.

M. Jules Steeg, inspector-general of public instruction of Paris, showed, by facts, figures, and arguments, the value of prison libraries and schools. Statistics show that as the number of the illiterate diminishes in France the diminution is seen also among prisoners. A study of the statistics relating to schools in the Central prison, shows that out of 4,442 prisoners 3,667 had profited by instruction in prison schools. It had been found that 775 did not profit much by it, except perhaps in being able to retain the little they knew on entering prison. In the prisons for women, judged by the examinations, 75 per cent have profited by instruction. Taking the prisons as a whole, if the schools appear to be of little value to 40 out of 100, they at least profit 60 out of 100, and that is a result well worth obtaining. Many who are illiterate are taught to read, write, and calculate. In institutions where prisoners are committed for short sentences, there is less opportunity for schools to do their work; but even here they may be of great value. In establishments distinctly reformatory and correctional, the school must be the center. It is not an accessory, not even an auxiliary;

it is an instrument to which everything else should contribute. The correctional establishments for the young in France contain 5,000 boys and about 1,000 girls. Whether by reason of their age or by reason of the state of neglect in which they are found, 35 out of 100 boys come there absolutely illiterate, and 50 out of 100 girls. The schools in these institutions should be as good as those of the public primaries, and they should be submitted to frequent and vigilant inspection. The prison library is the natural complement of the school. It should be developed and improved. The books most sought are books of travel and adventure, novels, and tales. A small number choose scientific works. Works on religion, morals, and political and social economy are passed by.

M. F. Thiry, professor of the University of Liege, admitted the excellent counsel furnished by chaplains and directors, but maintained that it is insufficient. They are regarded as official agents of the institution in which they are confined, and do not always inspire confidence. The best means of conveying moral instruction given by persons not connected with the prison consists in lectures to the prisoners by members of the committee of patronage attached to many European prisons.

M. Louis Rivière proposed the establishment of a special journal for prisoners.

M. Brunot called attention to the great precautions that should be taken in conducting such a journal.

M. Albert Rivière said that no one dreamed of introducing the liberty of the press into prisons. He proposed a journal under the control of the prison administration, the articles to be written by ministers of different religions, by prison officials, members of prisoners' aid societies, professors, and magistrates of places near the prison. Several publications of that kind were noted in Russia, in Switzerland, and America. The Summary of Elmira Reformatory was mentioned as the work of prisoners themselves.

Representatives from Belgium and Italy showed the utility of lectures given by persons not connected with the administration. The correspondence of prisoners showed the value of the impression produced.

Resolutions:

1. *Schools ought to be so organized as to be equally useful to prisoners accused or condemned, who are illiterate, and to those who have already had some instruction. They ought not only to furnish instruction in the branches of knowledge in which prisoners are lacking, but also appropriate moral education. That instruction, without wounding the religious beliefs of any prisoner, ought to be penetrated by a religious spirit—an indispensable element in moral culture.*

2. *Prison libraries having for their principal end the instruction and moral culture of prisoners should be organized in the same spirit. They should contain, in addition to moral and religious works, inter-*

esting books of travel, the best novels, and illustrated publications. The establishment and constitution of these libraries depend upon the prison administration, which may accept the aid of individuals or of associations, especially in procuring for foreign prisoners books written in their own language. For that purpose, there is ground for recommending an exchange of books and other publications between the administrations of different countries.

3. *It would be well to put into the hands of prisoners a special weekly publication, the editorship of which should be controlled by the administration.*

IRRESPONSIBLE DELINQUENTS.

Third Question:

What measure should be taken in the interest of social security against irresponsible delinquents, or against those whose responsibility is diminished at the moment of the crime or the offense by mental alienation?

Five reports were written upon this important question—some by doctors, others by lawyers—combining the legal and medical views. A large number of crimes to-day are committed by those who are not responsible, or whose responsibility is diminished when the act is committed. Society, said Dr. Motet, may not punish criminals who are not guilty, but it is its duty to take precautions to prevent them from doing harm. He proposed the organization of establishments intermediary between the prison and the asylum, where such persons could be put under surveillance.

In a previous section the question what should be done with criminals who become insane during imprisonment was considered. The present question relates to those who are insane when they commit the crime.

Other specialists opposed the establishment of special asylums for such persons, and some discussion took place as to the part magistrates and doctors should have in the responsibility of disposing of such delinquents. But the following resolutions were passed:

Resolutions:

1. *The International Penitentiary Congress is of the opinion that special asylums or quarters ought to be assigned for the confinement, by virtue of some judicial decision, of the insane prosecuted or condemned by a court and acquitted by reason of their mental state.*

2. *There is reason for adopting the principle of the triple intervention (a) of judicial authority; (b) administrative authority; (c) and of the doctors of the asylum in authorizing the discharge of such prisoners.*

VAGRANCY.

Fourth Question:

Would not the indefinite confinement in houses of industry of adult vagrants in a state of chronic pauperism be preferable to condemnations to definite periods?

The relation between this question and that of No. 6 in the first section decided the committee on organization that the two sections should join together and discuss the subject in the grand amphitheater of the Sorbonne. Eleven reporters presented monographs upon this important question showing the method of dealing with vagrancy in different countries. Mention was made of the creation in Switzerland of special shelter stations and lodging places; the agricultural colonies in Germany under Pastor Bodelschwingh; the colonies of Holland; the efforts in France made by M. Jules Simon, Pastor Robin, and M. Lefèvre, and of the enactment of the Belgian law of November 22, 1891, due to the efforts of that great humanitarian, M. Lejeune. This law contains remarkable provisions for the repression of vagrancy and of mendicity in children. After a long discussion, the most important points developed were embodied in the—

Resolutions:

1. *Society has the right to take measures which may even be coercive for social preservation against mendicants and vagrants. With this right goes the corresponding duty of organizing public assistance, private aid, and patronage.*

2. *Mendicants and vagrants may be treated differently according as they are—*

(a) *Indigent or infirm invalids;*

(b) *Accidental mendicants or vagrants;*

(c) *Professional mendicants or vagrants.*

The first ought to be assisted so long as they have not the necessary strength to obtain the means of subsistence.

The second, depending upon public or private assistance, should be collected in refuges or shelter stations, methodically organized, where work is obligatory.

The third ought to be the object of repression severe enough to prevent relapse.

3. *The most effective method against professionals is a sentence to prolonged confinement in special labor colonies. The inmates should be liberated when, by reason of their amendment or by reason of their probable reestablishment in society, their detention does not appear to be longer necessary.*

Work in these colonies ought to be regarded not only as a means of repression, but, above all, as a factor in reformation.

(These resolutions apply also to question 6 of the first section.)

INTEMPERANCE.

Fifth Question:

With reference to the prevention of drunkenness, what are the advantages of asylums for the curative treatment of inebriates; and what are the results obtained in these establishments?

But two reporters wrote on this important question, namely, Professor Dymcha, of St. Petersburg, and Dr. Magnan, chief physician of the asylum of St. Anne, Paris. Each of these gentlemen treated the subject historically, and much information was presented in regard to methods in different countries for the prevention of intemperance. Professor Dymcha showed that the science of penal law is far from having indicated clearly the means of preventing the crimes and ravages which accompany intemperance. There was a time when penal laws attacked individual liberty and punished the immoderate use of spirituous liquors independently of the consequences of drunkenness. But now the law does not generally chastise drunkenness itself; it demands the presence of other circumstances—disorder on the streets, the dangers of public security, etc. The French law of 1887 punishes even the fact of being found in a state of drunkenness in a public place, but most of the codes connect drunkenness in some way with disorder. Professor Dymcha showed by facts and statistics the obligation the State is under to take part in the battle against intemperance. He referred to the results which had been achieved in Norway by a combination of society and the State.

While Professor Dymcha brought out the legal aspects of the question and favored the establishment of asylums to which inebriates might be legally committed, Dr. Magnan treated the subject largely from a medical point of view. He showed the great increase of alcoholism in France in nineteen years, and pointed out the terrible results in idiotic, degenerate, epileptic, and perverse children. He gave a history of the development of asylums for the treatment of intemperance in the United States, going back to the work of Dr. Benjamin Rush, of Philadelphia, in 1804, and showing the development of institutions at Binghamton, N. Y., in Massachusetts, Connecticut, Chicago, and elsewhere. Establishments have been founded in England, Switzerland, Germany, and in other countries. The history of the temperance movements in various lands and of the organization of societies to combat the evil was also detailed. Dr. Magnan believed that these institutions are excellent, but they need to be supported by temperance societies, temperance cafés, and other moral influences, and by legislation restricting, regulating, and supervising the production of alcoholic liquors.

Senator Zakrewski, of Russia, gave information concerning the monopoly of the liquor traffic which Russia has already established in four departments since the 1st of January, 1895, and which will be extended to other portions of the Empire. This step will involve a great falling

off in the receipts of the Government, but the step is taken from moral considerations only.

Madam Corroine Riotrovska wished to prohibit wholly the sale of liquors, as in some States of the United States, notably the State of Maine.

M. Taverni said that in Sicily there are many crimes, but few victims of alcoholism. Dr. Magnan replied that there is less alcoholism in a country where they drank natural wines, but in Paris it was otherwise. M. Tarde said that it was not possible to exaggerate the influence of alcohol upon crime. The result of the discussion was thus formulated.

Resolutions:

The Congress, moved by the gradual increase of alcoholism—the principal cause of which is the consumption of nonrectified spirits or of drinks artificially composed, and whose influence is seen more and more every day in the development of criminality—is of the opinion that to combat this scourge the public authorities should combine their action with that of free association for prophylactic and therapeutic measures.

Among prophylactic measures the Congress recommends, on the one hand, the regulation of taverns, the limitation of their number, the reduction of taxes on hygienic drinks, the rectification of spirits for industrial uses; on the other hand, it recommends temperance unions, associations, and establishments, and the propaganda which they may organize, to influence manners and habits.

From a therapeutic point of view, each country ought to establish inebriate asylums, in which labor shall be well organized; their number to be determined by the statistics of intemperance in each region. Legislative provisions should regulate commitment to these asylums according as the inebriate may ask to be treated, or shall have been the subject of repeated condemnations for drunkenness, or when his habitual drunkenness shall become a peril to himself and to the security of others. Discharge from these establishments should be likewise regulated by law.

FOURTH SECTION.

CHILDREN AND MINORS.

President: Mr. von Jagemann, minister of Baden at Berlin.

Vice-presidents: Messrs. Councilor Armengol y Cornet, Spain; President Canonico, Italy; Dr. Dimitri Drill, Russia; Councilor Fuchs, Baden; Privy Councilor Kapustine, Russia; Joao da Silva-Matos, Portugal; Director Stockmar, Switzerland; Councilor Thelemann, Bavaria; Judge Fekete de Nagyivany, Hungary.

Secretaries: Messrs. Vincens, chief of bureau to the minister of the interior; Passez, solicitor of the council of state and the court of cassation; M. Pichat, auditor of the council of state.

Associate secretaries: Mlle. Poet Lydia, doctor of law, Italy; M. Kazarine, Russia; M. de Westmann, Russia; M. Nassey, France.

As already said, the fourth section was a new department, established the first time at this Congress. It proved to be one of the most popular sections. The largest hall in the College of France was assigned to it. While the first section was largely composed of lawyers and the second of prison officials, the fourth section was more general in its membership, having a good representation of the bar, the clergy, and of prison experts; also directors of educational and correctional institutions for the young, Protestant ministers, Roman Catholic priests, Jewish rabbis, and a large delegation of women. Its deliberations covered eight questions, which are taken up in detail.

THE LEGAL AGE OF MINORITY.

First Question:

Is it desirable to extend the limit of penal minority for boys unto the age when they are eligible for military service? By penal minority is understood the period during which the judge pronounces an acquittal for lack of discernment or commits to an establishment for correctional education.

In the preliminary reports the professors, lawyers, and magistrates were generally in favor of fixing the legal age of minority in its penal sense at 18 years. But the directors of colonies and correctional institutions for the young were alarmed at the idea of being forced to receive boys from 16 to 18 years, who might be a disturbing element. M. Félix Voisin, the general reporter, advocated the age of 18. The reference to military service in the question was dropped, because it was desirable to apply the same limit to girls as to boys. In the discussion that followed it was strongly maintained by able speakers that no boy or girl should be considered as a criminal when educational discipline will suffice for his reformation. It was urged that the difference between

discernment and want of discernment recognized in the courts ought to be removed at an early day. The judge should not be expected to conduct such a difficult and delicate inquiry in which the only guide for his judgment must be the witnesses called to enlighten him upon the character, education, and intelligence of the accused. Witnesses are often embarrassed in choosing between the good inspirations of their hearts and their sense of severity, so that not much light is thrown upon the degree of discernment or responsibility of the boy. Up to a certain age all this question of precocity or discernment should be set aside and the only questions concerning a child should be those of his education, whether in a family, in a special institution, or when placed out under guardianship. Penal minority means, therefore, that period in which only measures of education are taken into account. When we are obliged to pronounce sentences, then we enter into the period of penal majority. But at what age shall it be fixed? Some maintain at the age of 16, some at 18.

In the United States, children are guarded in a number of States by wise laws which separate them from older criminals and commit them to educational rather than penal institutions. In other States, little attention has been paid to classification, and young boys are often committed to prison with older criminals.

Resolution:

It is desirable to fix the limit of penal minority at 18 years, on condition that children sent to houses of correction after the age of 16 shall not mingle with the others.

GUARDIANSHIP BY THE STATE.

Second Question:

In what cases should the right of guardianship by the State be substituted for the forfeiture of paternal authority?

Is it desirable in all circumstances to commit to criminal tribunals the determination of the right of guardianship?

M. Justin De Sanctis, director of the Institute of Paternal Correction of Pisa, Italy, while he felt that paternal rights should not be forfeited except in grave cases, showed, on the other hand, the great need of protecting children from pernicious counsels, bad examples, occupations which deform their bodies, and from the brutality of parents. Abandoned children are forced into thievery. They may become prostitutes or murderers. When the father of the ill-treated child is reproached, he falls back upon his paternal right. "I am his father," is the response of a man who wickedly deals his children cruel blows, sets them a bad example, and uses them for dishonest gain. The children who should be put under the guardianship of the State are the abandoned, the maltreated, and those that are badly brought up. M. Sanctis found that

most jurists and social scientists would agree that parents should forfeit paternal authority in the cases mentioned of abandonment and cruelty; but when parents turn to the State and ask its aid in helping them to correct their children, opinions differ. Yet when a parent asks the State to assume guardianship, he practically confesses his inability to control his child. If he is allowed, as sometimes occurs, to interfere with his boy's education at a house of correction, and even to withdraw him, the boy may fall again into bad habits and may lapse into delinquency. The right of tutelage by the State ought to be substituted for that of a parent whenever the parent is found unworthy to exercise it. M. Sanctis did not believe it would be well to let the courts decide upon the right of guardianship. The law ought to fix precisely the conditions, and its provision should not be subject to arbitrary interpretations. In leaving it to judges to decide in each particular case, we can not have a uniform system.

This question was also the subject of an able report by Mr. C. D. Randall, of Coldwater, Mich., a delegate to the Congress from the United States Bureau of Education. Mr. Randall treated the question at first historically and presented in detail the English and American practice, supported by numerous citations, giving also a summary of the Michigan law. Mr. Randall did not wish to exaggerate the rights of children, but he asked that the prevention of crime and of pauperism, through child saving, should have the prominence it deserves. He urged that the law should continue to extend protection to dependent and ill-treated children, to the point of annulling parental rights when necessary.

M. Armengol y Cornet, reporter of the court of Barcelona, Spain, rendered a report in practical agreement with the preceding, and showing the need of protecting stepchildren from cruel parents. Reports were also presented by M. Félix Voisin, of Paris, Dr. Louis Fuld, of Mayence, and M. de Moldenhawer, of Poland, who rendered a full and very able report discussing contemporary laws.

In the discussion a number of speakers took the ground that the civil court should determine the question of the right of guardianship except in cases where the criminal courts have to decide on the unworthiness of parents.

Resolutions:

1. *The withdrawal of the right of guardianship may be substituted for the forfeiture of paternal power in such cases as the courts may determine.*

2. *Civil courts should determine questions relating to tutelage and the right of guardianship, but criminal courts before which parents are convicted of crime may withdraw from them the right of guardianship.*

SCHOOLS AND HOUSES OF CORRECTION.

Third Question:

Should there not be substituted for the single and ordinary type of the house of correction a series of establishments suitable for different classes of minors as defined by penal law?

*Should not the school of preservation (*l'École de préservation*) or house of correction (*Maison de premier degré*) be reserved simply for mendicants and vagrants?*

What is the most effective way of preventing mendicity and vagrancy in minors?

The president of the section asked that this question might be joined with the fourth, which was thus formulated:

Fourth Question:

By what authority should sentence be pronounced upon children guilty of infractions of the law?

Upon what principles shall it be decided whether these infractions involve—

(a) *Penal condemnation and incarceration in a penal institution properly so called?*

(b) *Or commitment to a special house of correction for vicious or undisciplined children?*

(c) *Or sending them to an educational establishment intended for pupils under the guardianship of public authority?*

Should the age of children be the only element considered in making these distinctions and determining decisions, and under what conditions?

(d) *Upon what principles and according to what procedure should children confined in these establishments be liberated temporarily, conditionally, or definitely?*

(e) *Under what conditions may minors be regarded as relapsed offenders (recidivists) and what consequences should such a relapse entail?*

No less than sixteen reporters passed upon the sixth question and ten upon the fourth. It would swell this report too much to give an abstract of all these reports. The difference of opinion presented in the discussion was such that a special committee was appointed to amalgamate different views. The report of this committee, amended and enlarged, led to the following conclusions, which embody the most important suggestions:

Resolution:

1. *Children arraigned before courts of justice may, according to their age and the nature of acts for which they have been arrested and their degree of discernment, be sent to establishments, public or private, either of a benevolent and preservative or reformatory character.*

Children under 12 years should always be sent to institutions of preservation. Sentenced children should be kept in separate quarters.

2. *It is desirable that the name given to these establishments should not be such as to prejudice the future of the child by affixing a stigma.*

3. *The court has the right to decide whether the child shall be placed under guardianship. The choice of the system of education (penal, reformatory, or preservative) may be decided by the authority to which the education of the child is committed.*

4. *The question of relapse was recommitted to the first section of the Congress.*

5. *Provisional liberty should be granted when the child shall have received a sufficient amount of general and technical schooling, and with the consent of the administrative authority, provided also that the child shall be subject to continual surveillance, that he shall be provided with work and with conditions necessary for his material and moral welfare.*

6. *To prevent children from becoming vagrants or mendicants:*

(a) *Unworthy parents must be deprived of the right to rear children, and those who trade in mendicity must be punished.*

(b) *Honest parents who are incapable of giving proper oversight to their children must be helped to fulfill their mission, by strictly enforcing the school laws and by establishing nurseries, crèches, kindergartens, maternal schools, and other similar institutions.*

(c) *Adolescent or abandoned orphans should be offered the means of avoiding vagrancy and mendicity, and received in temporary asylums where work is provided. Only voluntary vagrants or mendicants should be treated as delinquents.*

7. *If it is proved that the vagrancy or mendicancy of the child is due to the fault or the negligence of persons who have authority over him, these persons shall be prosecuted and sentenced to fine, imprisonment, or to privation of their civil rights, or to one of these three penalties, without forfeiture of rights of parentage or privation of guardianship.*

8. *In that case, after the organization of preventive means, parents guilty of neglecting their children may be declared in whole or in part responsible for the expenses of guardianship and the education of minors.*

9. *Proprietors of hotels and lodging houses who give permanent or temporary shelter to minors to expose them to an immoral life shall be condemned to some correctional penalty. After the first infraction the court may order the establishment to be closed, and this should be obligatory in case of relapse.*

PHYSICAL EDUCATION FOR MINORS.

Fifth Question:

Is it necessary to assign a large place to rational physical education in houses of detention for children?

The thirteen reports presented on this question as analyzed by M. Nassoy were unanimous in assigning a large part to rational physical education. While some of the writers outlined a system of gymnastics, and reference was again made to the experiments at the Elmira Reformatory, it was also maintained by some of the reporters, and urged by the reporter-general, that the best form of exercise was to be found in some form of work, above all in agricultural labors. In cultivating the ground, children in agricultural colonies not only become robust, but learn to gain an honest living. From a moral point of view, therefore, the advantages of this form of exercise are great. The fatigue which follows labor is salutary and a protection against temptation.

Mme. Bogelot, of Paris, and the Countess Opezzzi felt that sufficient physical exercise in the open air is not furnished to young prisoners. They believe that some form of outdoor labor in the way of horticulture or farming ought to be more general.

At the conclusion of the discussion, the resolution proposed by M. Nassoy was unanimously adopted:

Resolution:

The preponderant place in rational physical education should be given to manual labor, and particularly to agricultural labor, in the open air for both sexes.

MINIMUM OR MAXIMUM PENALTIES.

Sixth Question:

Would it be well to fix a minimum time sentence in sending minors to houses of correction?

Would it be well to decide that in all cases where minors have been condemned they should be committed until their majority under civil law to a penal house of correction?

Three of the reporters on this question, as directors of colonies and institutions for the young, treated the matter from the practical standpoint, and showed the inutility of short sentences for children who need the prolonged influence of education. M. Félix Voisin, in analyzing these reports, asks how a magistrate is to know when he pronounces a definite sentence on a youthful delinquent what period will be necessary for his reformation.

Professor Thiry also showed the inutility of definite sentences. It was clear to some of the American delegates that the logic effectively expressed in behalf of an indeterminate sentence for minors applied

with great force to adult prisoners, especially when it is considered that the average age of the majority of prisoners is not much above the age of civil majority. In this debate Mr. Michel Heymann, an official delegate from the State of Louisiana, did not wish to hear of the word "sentence" applied to a child. The child, he said, is not a criminal; it may be sick or perverted. It needs to be guarded, trained, educated, and reformed, but all idea of penalty which degrades or fixes a stigma upon its life must be set aside. M. Voisin, in reply to a statement that the courts might not wish to give up the right to fix a minimum sentence, said that commitment to a house of correctional education ought not to be regarded as a penalty. It is a measure for the protection of the child. It is for the educator to decide when the task of education is complete.

M. Lejeune, of Belgium, asked that in the conclusions voted the words "correctional" or "penitentiary" as applied to houses of education should not be used. These words ought not to be pronounced against a child, whose future must always be held in mind.

Resolution:

1. *When the care of the child has been assumed by the Government, or it has been placed under administrative guardianship, this care should extend to the age of majority.*
2. *There is ground for concluding that in all cases where minors have been condemned they should be placed under administrative guardianship until the age of civil majority.*
3. *A decision of the court may end the guardianship when the authorities think that the educational task is finished.*

THE SUPERVISION OF CHILDREN PLACED IN FAMILIES.

Seventh Question:

How and by whom should oversight be maintained under the placing-out system; that is, of abandoned or assisted children and those from penitentiary colonies who are placed individually in families?

The danger of placing children in families without proper supervision was recognized in the various reports. Some of the writers proposed that inspection should be made by the agents of the institutions to which such children may have been committed before they were placed out. This is practically adopted in the case of children who are thus placed from the French penitentiary colony of Mettray. There are always a certain number of applications for such children. It is the duty of the agent to visit them. In distant localities patrons, priests, ministers, or members of some charitable society visit the children, and correspondence is maintained with the patrons as well as with the children. But supervision, it was maintained by Captain Cluze, of Mettray, should be friendly rather than official. The work is best done

by societies of patronage. Messrs. F. Walter and A. Timofeef, of Russia, presented an interesting report, considering first the inspection of children who had previously served in correctional institutions, and then of those placed directly under guardianship in families. In the first case guardians should have some responsibility to the administration of these institutions. In other cases societies of patronage should exercise a surveillance in the way of friendly visiting without the intervention of the police and devoid of an official character. The patrons should be animated by a benevolent spirit.

The State should cooperate with these societies, as in England. Dr. Emile Barthes, of Caen, showed that the question had been discussed very fully for the last thirty or forty years. He believed that such societies of patronage had attained a greater success in Germany, and referred to the society of Elberfeld. Messrs. Louiche-Desfontaine and Godefroy thought that surveillance should be exercised concurrently by the societies of patronage and by public authority. M. Lejeune, of Belgium, formerly minister of justice, spoke from official experience of the great value of the inspection by societies of patronage. The directors of these societies had said to him: "We do not wish to submit to governmental supervision. If we must do that we prefer to give up the work. If you have confidence in us, give us your children; if you do not have confidence in us, why do you intrust the children to us?" He had had that confidence. He had given to them complete supervision of the wards of the Government, and he had never regretted this decision. In Belgium the supervision of children placed out is conducted by these societies with tact and discretion. No such results could ever be obtained by governmental supervision, which perpetually reminds the child of its origin and becomes formal and perfunctory. M. Lejeune spoke then, as always, with elevation and power, and the resolution proposed by him was adopted.

Resolution:

Children who are placed in families under administrative guardianship or who are wards of the Government can only be effectively supervised through societies of patronage.

THE PREVENTION OF PROSTITUTION.

Eighth Question:

What means should be employed to prevent and repress the prostitution of minors?

Is it not desirable that an understanding should be established between different nations for the purpose of preventing the prostitution of young girls placed in foreign countries and too often lured into vice through the intrigues of certain persons or agencies?

M. Minod and De Meuron, of Geneva, in a preliminary report, showed that 60 per cent of the girls leading an abandoned life in Zurich had

fallen before 17 years of age, and 88 per cent before 20 years. Those who are engaged in the trade seek to furnish to these houses girls as young as possible. The State should not recognize prostitution as a trade. It should be interdicted to minors.

The section discussed also the question submitted to it by the first section as to what means should be adopted to prevent the expatriation of young girls for the purpose of prostitution, and the two sections were united in this discussion.

M. Yves Guyot presented a report abounding in facts showing the trade carried on in young girls between different countries. A great many are induced to emigrate by the promise of places. A large trade is carried on in Germany and Austria and Belgium in this direction. London, Constantinople, North and South America, and Australia furnish a market for this traffic. Reference was made to the investigations in London on this subject. Belgium, Holland, Austria, and Russia have concluded treaties or taken measures to prevent this traffic. But the effort has been only partially successful, owing to the lack of cooperation in different countries, the want of uniformity in the laws for punishing these crimes, and the difficulty of establishing the proof of such facts as enter into the commerce in young girls.

M. Guyot proposed an international conference to study measures for the repression of the traffic. The discussion was earnest and animated. Numerous resolutions and amendments were offered, and the session was suspended to permit the authors of various measures to consolidate their propositions. The result was the amalgamation of several resolutions offered by different members and adopted almost unanimously as follows:

Resolutions:

1. *Abduction by fraud or allurement for prostitution, the employment of such means to constrain even one who has reached majority to lead a life of prostitution, ought to be severely repressed, with an increase of the penalty in case of relapse.*
2. *It is recommended that a conference of delegates of different Governments be called to take international measures against the abduction of girls.*
3. *The best means for repressing the prostitution of minors:*
 - (a) *To raise to 15 years the age in which seduction is considered as criminal.*
 - (b) *To increase the number of reform schools, asylums, refuges, and other establishments of the same kind, designed for wayward young girls.*
4. *Recognizing the influence of religious education upon public morality, it is necessary to consider the important place which should always be accorded to it.*
5. *Every minor of either sex less than 18 years of age found in an*

habitual state of prostitution shall be conducted, after a preliminary examination, before a court which, according to circumstances, shall commit the minor to his or her parents or to some house of refuge, education, or reformation, or to some honorable family, until the age of civil majority.

6. *The Congress is of the opinion that the question of the regulation of prostitution ought to be a part of the programme of the next Congress.*

INTERNATIONAL PATRONAGE.

Before separating, the fourth section adopted the following resolution in regard to international cooperation in aiding and protecting the young through the societies of patronage in different countries:

Resolution:

The Congress is of the opinion that with as little delay as possible international relations of patronage and oversight for abandoned children and those discharged from correctional institutions should be established between different States, and more particularly upon the borders of adjoining countries. The aim of this international patronage should be not only to come to the aid of the young and of children surviving their parents, but above all to see that they are promptly directed to their native countries, and there committed to societies of patronage, if they exist.

CLOSE OF THE CONGRESS.

In the reports of the different sections the discussions at the general sessions of the Congress and the resolutions there adopted have been included. The most important work was done in the separate sections, and for the most part the action of the general sessions was but a ratification of that of the different sections, though at times the debate was transferred from the small halls to the larger one and continued with great warmth. The resolutions given in the preceding pages sometimes represented a compromise; but sometimes they express very well the whole spirit of the debate, and were made up from various propositions advanced during the discussion.

The closing session of the Congress was held in the amphitheater of the Sorbonne, Tuesday, July 9. In giving the closing address M. Duflos, the president, to whose large ability and untiring devotion so much of the success of the Congress was due, said:

We have reached the end of our labors. In these ten days a large task has been accomplished. Thirty questions were comprised in our programme. All have been studied with the greatest care. They have given rise to wise and profound discussions in the sections and in the general assembly.

The results have exceeded our expectations. Never has a programme more fully charged been submitted to the Congress. We have the right to be proud of the results which prove the vitality and worth of the Congress.

And now we are about to separate after ten days of devoted work, and after holding sessions in which there has been an admirable exchange of ideas, with intervals of fraternal relaxation to strengthen old friendships and form new ones, and to afford the pleasing spectacle of men belonging to twenty-five different nations marching hand in hand, united by the same desire, illumined by the same glowing zeal, defending different opinions with ardor and vivacity, but with one aim and one purpose. It is not without heaviness of heart that I address you on the eve of your departure. We hope you will bear a lasting remembrance of your visit here, that you will part with the assurance that you leave behind you in Paris sincere and devoted friends. Sometimes turn your eyes toward us, sometimes bend your ear toward France, and you will hear the beating of our hearts, and across the distance you will see our arms lifted toward you and we, ourselves, saying to you, "Friends, confide in us; rely upon our unalterable attachment. Soon we hope to unite again with you in the pursuit of generous objects. We shall not forget you. The ties which bind us are those which can neither be broken nor relaxed."

No, ladies and gentlemen, it is not an adieu that we have to say at this time. The Belgian Government, through its eminent and sympathetic representative, M. de Latour, has made known to the International Penitentiary Commission that it will offer hospitality in 1900 to the Sixth International Prison Congress. The International Commission has replied with thanks for this friendly and gracious invitation, which has secured the unanimous acceptance of all the nations represented in the International Commission. I have raised my hand with my colleagues, regretting that as a Frenchman I could not vote twice in favor of the proposition. Brussels is not far from Paris. We may hope, then, that the Congress of Brussels will furnish for our foreign guests an opportunity to come to Paris and assist us in our festal celebrations in the interest of industry, commerce, and art which the Government of France has prepared for the end of the century.

Au revoir, then, ladies and gentlemen. We extend to your countries, your families, and everything which is dear to you, our most sincere and affectionate wishes.

RECEPTIONS AND EXCURSIONS.

No account of the Congress would be complete without reference to the receptions and other courtesies extended to the delegates and the excursions organized, not only to furnish recreation, but to give an opportunity to visit representative French institutions.

The evening before the opening of the Congress, Saturday, June 29, the members of the Congress attended a reception given by M. Félix Faure, President of the French Republic, at the Palais d'Élysée. The members were individually presented to the President. The gardens and salons were thrown open to the guests, and delightful music was furnished by the Garde Républicaine.

The opening session of the Congress at the Sorbonne, Sunday afternoon, June 30, has already been described. The same evening, at 7 o'clock, a grand banquet was given by the committee of organization to all the foreign members in the great dining hall of the Hotel Continental. Six hundred covers were laid, and care was taken that every foreign guest should be brought into personal relation at the table with representative Frenchmen. The minister of the interior, M. Leygues, presided. Other officers of the French Government and foreign ambassadors sat on his right and left. M. Leygues made a brief address of welcome, which was responded to by M. Galkine-Wraskoy, the head of

the Russian delegation. After the dinner followed a reception lasting till midnight.

Tuesday, July 2, the President of the Republic and Mme. Félix Faure received at dinner the officers of the Congress and the presidents of the different foreign delegations.

On Wednesday, July 3, two excursions were provided. Half of the Congress proceeded by a special train to Melun, where they visited the great penitentiary at that place, at which all the preliminary reports of the Congress, amounting to 2,500 pages, and the daily bulletins of the proceedings were printed. A visit to the palace of Fontainebleau and a drive through the forest followed. A banquet was given in the palace to the two hundred excursionists. M. Duflos, the president of the Congress, in a happy speech spoke of the friendship, the confidence, and the high ideals which animated the members, and concluded by quoting the spirit of Longfellow's verse:

Let the dead Past bury its dead!
Act—act in the living Present!—
Heart within and God o'erhead!

Toasts were offered and addresses made by Messrs. Galkine-Wraskoy, Braunbehrens, Pierantoni, de Latour, Tarassow, de Dychma, and Reboul.

On the same day another delegation of members, among them a large number of ladies, visited the Panthéon, la Conciergerie, les Invalides, and proceeded by steamer to St. Cloud. Dinner was served on the boat; and toasts were offered by Messrs. von Jagemann and Puibaraud. The excursion was terminated by a visit to the national manufactory at Sèvres.

On Thursday, July 4, a grand banquet was given in the Eiffel tower to 200 guests by the Société Générale des Prisons. The president, M. Félix Voisin, extended the welcome of the society whose distinguished contributions to penology are known the world over by all students of criminology. "This gathering," said M. Voisin, "is invaluable for us, for it consecrates old friendships and permits us to form new ones." He spoke of the great change that had taken place in twenty years. In that time the members of the Congress had learned to work together for the progress of penitentiary science, in which their minds and hearts were closely united.

M. Lejeune, of Belgium, in extending thanks to the society spoke of the new spirit of hopefulness which inspires the pursuit of ideal justice. We are seeking to know true justice; we wish to possess it and to practice it. In that research our eyes are turned toward France, which has done so much for the inspiration of human progress. All whose efforts are turned and whose hearts are drawn toward that aspiration of true human justice are filled with a sentiment of profound gratitude for the light which La Société Générale des Prisons has thrown upon its way.

M. Ribot, president of the council to the French Government and

honorary president of the society, offered a toast celebrating the collaboration of all nations in the great task which has united them in this Congress. If France had played an honorable part in the march of progress, as M. Lejeune had said, it is because she has known how to borrow generous ideas from the nations about her. It is the sympathies which have united France to all other foreign nations which have enabled her to hold on some occasions, and not without honor, the standard of progress and of civilization. He would be very blind and narrow in his conceptions who should affirm to-day after all the changes which have renewed the face of the world that a nation is sufficient to itself in the task which is imposed upon it. In the contest in which we have engaged against misery, against vice, against those evils which beset humanity, we can not be isolated. We must sustain each other. We must join our efforts, our thoughts, and, permit me to add, our hearts. We have begun that battle and we will continue it. The years are short, but the lives of nations and the life of humanity are long and we ought to take with us when we leave this earth the consciousness that we have been able to do something to promote the progress of humanity and civilization.

M. Pessina, of Italy, rendered a tribute to the great work of the society, which by its publication and its energetic efforts had instituted a permanent inquiry into the penitentiary institutions of France and foreign countries. He congratulated them upon the results. We are not moved by blind sentimentalism. Penal justice, as we understand it, is the skillful surgeon cauterizing the wounds of society.

M. Leygues, minister of the interior, addressing the members of the Congress, said that in twenty-five years they had accomplished a revolution. They had effaced from the entrance of their prisons the words which Dante placed over the entrance to hell, "All hope abandon ye who enter here." That was true once, but thanks to you it is no longer true to-day. The Government is happy in cooperating with you because your work is not only penitentiary work; in enlarging your field of action, you engaged in a work which is social, political, and philosophical.

M. Trarieux, minister of justice, spoke of the deep interest which the department of justice had in the work of the Congress. Judges and magistrates were largely represented in these gatherings. Alongside of philosophers, scientists, and professors there were advocates and counselors of the highest courts who came to join in the study of reforms in which they have often taken the initiative and in which their advice may always be valuable. He wished that not only a select number, but that the entire magistracy were enrolled under their banner. What becomes of good laws if they are not applied by judges capable of understanding and administering them in the same spirit in which they have been framed? The good judge needs to be versed in penal science. Justice is the supreme end. There was no barrier,

he said, between him and his colleague, the minister of the interior, who presided over penitentiary administration. Justice is not implacable chastisement and blind exemplary punishment; true justice is benevolent toward the weak, compassionate to childhood; it is justice combined with sensibility; it seeks to restore the guilty through mercy combined with severity.

Addresses were also made by M. Canonico, of Italy; M. Galkine-Wraskoy, of Russia; and M. F. Duflos, president of the Congress, who also rendered a tribute to the work of the society, and closed by offering a toast to the sentiments which animate all civilized people for the continual progress of science and of the triumph of justice, law, and goodness.

On Saturday, July 6, the members of the Congress were the guests of the general council of the Seine, and visited the departmental prisons and institutions of Nanterre and of Montesson.

Sunday, July 7, the Congress visited the penitentiary colony of Douaires and the special asylum for the criminal insane at Gaillon. The visits to these and other institutions were of the greatest interest to the delegates, who found much to commend in their administration, but most of all the hopeful, progressive, humanitarian spirit which pervaded them.

The same evening a brilliant reception was given by the minister of the interior to the members of the Congress. Members of the diplomatic corps, a large number of senators, deputies, officers of the army, artists, and men of letters were present. The apartments were beautifully decorated, the garden was illuminated, the band of La Garde Républicaine played selections from French composers, and the guests had the pleasure of hearing distinguished actors of the Comédie française.

Monday evening, July 9, a dinner was offered by the foreign delegates to the French committee of organization. It was held in La Maison Buvat, Champs-Élysées. The dinner was given in a tent decorated with the flags of all nations, while an excellent orchestra rendered the national airs of different countries.

M. Galkine-Wraskoy, in offering a toast to the President of the French Republic, said that France is not only a hospitable land for strangers; it is also hospitable to ideas of justice and of charity, those great influences which elevate civilization and contribute to fraternal sympathy among nations.

M. Pols, of Holland, expressed his gratitude for the sympathy they had received and for the generous efforts which had been made to facilitate their labors. He thanked all the officers of the Government and the committee of organization.

M. Canonico, of Italy, called attention to the immense labor which the committee of organization had undertaken and fulfilled. Referring

to M. Duflos, he said the general has been worthy of his army, and the army has been worthy of its general. They had succeeded so well because they had been animated by noble and generous sentiments.

A toast was offered by M. Braunbehrens to La Société générale des prisons, and M. de Latour offered a toast of thanks to the city of Paris, which had extended such magnificent hospitality. Paris offers a splendid aggregation of elegance and of the most beautiful productions of science, art, and of letters. But they had seen behind all this incomparable splendor something more precious—the noble sentiments which inform the soul and heart of France.

M. Leygues, minister of the interior, responded on behalf of the French Government, M. Voisin for La Société des Prisons, and M. Duflos for the committee of organization.

An incident especially interesting to Americans was the tribute paid by Dr. Guillaume, the general secretary, to the late Dr. E. C. Wines. Dr. Guillaume said:

In every prison congress the name of their promoter, Dr. Wines, is pronounced with gratitude and veneration. His Excellency M. Galkine-Wraskoy has just reminded me of the sacred duty of filial gratitude which we owe to the man who has stimulated in every country this admirable movement in behalf of penitentiary reform and of the prevention of crime. Animated by a faith which moves mountains, but calm and methodical, he began by creating the American Prison Association, in which ideas practical rather than theoretical have been discussed that have been for the most part realized. It is sufficient to mention among things realized the indeterminate sentence, the probation system, and the Elmira Reformatory. After having stimulated the reform in the United States, Dr. Wines wished to set in motion a similar movement in Europe and unite the efforts of the State with private initiative in this field of activity. The difficulties were great, for then the governments considered members of benevolent societies as dreamers and metaphysicians, while these on the other hand considered public officials as doctrinaires and bureaucrats. To overcome these difficulties, Dr. Wines, in spite of his great age, undertook to visit every country of Europe and to personally plead his cause before sovereign and influential statesmen. Thanks to his perseverance and to the special tenacity of his race he succeeded in organizing, in 1872, the London Congress, and six years later that of Stockholm.

But, gentlemen, that which has not been sufficiently known and not sufficiently said is that this immense work of Dr. Wines would have been impossible if he had not been always accompanied and seconded by his wife, Mrs. Emma Wines, who constantly served as his active, intelligent, and devoted secretary and translator. Dr. Wines was of the opinion that without the cooperation of woman the work of penitentiary reform would not be crowned with permanent success.

In the London Congress he received the support of distinguished women, among them Miss Mary Carpenter, the wife of the venerated Barwick Baker, and others, who gave animation and brilliancy to the discussions of that first international gathering.

At Stockholm, at Rome, and at St. Petersburg the number of women who distinguished themselves as authors of reports, as orators, or as directors of establishments for unfortunate children or of aid societies constantly increased, and we mention with respect, among others, Mme. d'Oliverona, Doña Arenal, Signora Lydia Poët, Mmes. Dupuy et Brunot, and her royal highness the Grand Duchesse of Oldenburg.

At the Paris Congress the circle is still larger, and it is possible that the question relative to the education of unfortunate children which figure on the programme

have procured for the Congress the sympathy of so many distinguished women that we may be permitted to call them our sisters of charity, both lay and religious. Dr. Wines, if he were still among us, would thrill with joy at seeing his dream realized, the active cooperation of woman in the education of abandoned children and youth.

We are proud also, ladies, to-day, at being honored with your presence, and happy at being able to offer our sentiments of gratitude and respect to Mrs. Leygues, Mrs. Duflos, Mrs. Robin, Mrs. Pissard, Mrs. Coroine, Mrs. Rosenberg, and all those ladies who have assisted at the Congress and those who in every country and under whatever title are helping in the rescue of wayward and unfortunate children. We beg them to continue their powerful support and effective cooperation, and believing with us in the perfectibility of the human race, to help to raise the moral and intellectual level of society and to prepare for it a better future.

Dr. Guillaume closed by offering the health of Madam Faure, wife of the President of the Republic.

Gen. R. Brinkerhoff responded to the compliment which had been paid to the influence of the United States in forming the Congress:

MR. PRESIDENT, AND LADIES AND GENTLEMEN: On behalf of the American delegation, I desire to express our appreciation of the high honor accorded our country by Dr. Guillaume in the tribute he has given to the services rendered by our distinguished countryman, Rev. Dr. E. C. Wines. No other man in America has done so much for the reformation of prisons as Dr. Wines. To him we owe the organization of our National Prison Association, which has met annually from 1870 to 1895, and every year in a different State, and its influence for good in prison progress has been more potential than all other causes combined. The National Prison Association of America was organized in 1870, and out of it grew the International Prison Congress, which held its first session in London in 1872, and therefore America is proud to unite with Europe in according high honor to that godly man and Christian philanthropist.

Dr. Guillaume has suggested the desirability of a representative from America upon the International Prison Commission, and I am very glad to say that this suggestion has been anticipated by the American delegates. At a meeting held July 4, it was voted by the American delegation to present the matter to the National Association. I hope America will have a member upon the International Commission for the Congress of 1900.

And now, Mr. President, in conclusion, allow me to say, on behalf of the American delegation, that we are glad to be here, and that we appreciate very highly the many courtesies we have received from the delegates of other countries, and especially that we appreciate the wonderful hospitality of the citizens of Paris and of France in the entertainments and attentions, both official and unofficial, that have been extended to us and to all other members of the Congress. America is the friend of all nations and the enemy of none, but she is especially friendly to the Republic of France.

On Tuesday, July 9, a grand reception was given by the city of Paris, at the Hotel de Ville. In the splendid banquet hall 350 covers were laid, and toasts were offered by the president of the municipal council and M. Galkine-Wraskoy. After the dinner a brilliant literary and musical soiree was held in another grand salon, one of the features of which was a reproduction of early music upon ancient instruments, some old-time dances in the costumes of the period, and songs and arias, popular and classical.

Wednesday, July 10, a parting soiree to the members of the Congress was extended by the department of general inspection under the minister of the interior. A reception was held at the Palmarium, and the interchange of friendship and words of farewell were enlivened by a literary and musical programme.

A TRIBUTE TO LAFAYETTE.

In view of the fact that the anniversary of the declaration of American Independence occurred during the session of the Congress, it was suggested by Mr. Henry C. Ranney, of Cleveland, Ohio, that there could be no more appropriate way of observing it than by making a pilgrimage to the tomb of Lafayette and decorating it with flowers. The proposition was received with great unanimity and satisfaction by the American delegates, and a special committee, of which Mr. Ranney was chairman, was appointed to make the necessary arrangements. A general invitation was extended to Americans in Paris to accompany the delegation. On the morning of July 4 the delegation proceeded by carriage to the cemetery of Picpus, in which is the tomb of Lafayette. A beautiful wreath of flowers, fitly inscribed, was placed upon the tomb, and Mr. Charlton T. Lewis, of New York, who had been requested by the delegates to make the address, spoke substantially as follows:

LADIES AND GENTLEMEN, CITIZENS OF THE UNITED STATES SOJOURNING IN THE CAPITAL OF THE GREAT SISTER REPUBLIC: There is not among all the scenes around which cluster the interesting and memorable associations of European history one place more suggestive to us of deep feelings and of far-reaching thoughts than this. Here lie the mortal remains of the leader in that great movement which began by reenforcing the New World in its struggle for freedom, at its most critical hour, by the public opinion and the military power of the foremost monarchy in the Old World, and which continued until the reflex wave of the spirit of emancipation flowed back upon these shores. Nay, his guidance of the movement lasted through nearly two generations of men, until its triumphs in both hemispheres was assured; and we see around us here, in the orderly freedom and progressive institutions of renovated France, the conclusive evidence that the movement itself has not yet culminated, but may be expected to go on for the lasting encouragement of civilization and for the consummation of the best hopes of mankind. Lafayette in early youth was an important and perhaps an essential force in bringing about the independence of the American colonies and the foundation of the great Western Republic, and afterwards, through a long life of devotion to the principle that all sovereignty is vested in the whole people, became the foremost representative of the most progressive social organization, that which combines the highest freedom with the maintenance of civil order, in the Old World. His life earned the title of the "Hero of liberty on two continents." But that life has never been written.

The literature which we call history has been too much influenced by the traditional notions of mediæval culture on the one hand, or by the anarchic passions of a disorganizing social philosophy on the other; and the noble conservatism, the disinterested patriotism, the self-sacrificing love of humanity, the genius for divining the worth of principle and for controlling and simplifying by it all notions and suggestions of immediate policy, have never been fully appreciated by the popular writers who depict to us the stormy days through which France has passed from tyranny to self-government. Lafayette himself deliberately refused throughout his later years to write those memoirs for which his friends and the friends of truth so

often asked him. No life of modern times is so romantic as his; no life in any age was ever so full of wonderful vicissitudes. More than once, and for considerable periods, he was at the summit of power, and practically the dictator of France; more than once he was the idol of the people, and his popularity outshone that of his country's most successful warriors and most influential statesmen. At other times he was proscribed—now by the voice of the mob assuming to be the voice of the nation, and again by the will of the military tyrant who had bent or broken everything else before him save the mind and will of Lafayette. But amid it all the faith of the hero was serene and firm in the ultimate triumph of truth, and, declining to give to the world any apology or story of his own life, he simply declared, "The day will come when liberty shall be established in the Old World as in the New, and then history will set every man and every fact in its right place." Now that his two countries, each of which long recognized in him its foremost citizen, have become, the one the controlling power in the Western Hemisphere and the other the leader of civilization on the continent of Europe, and both have achieved a complete social organization on the basis of orderly freedom, the time has come when the name of Lafayette may be set in its true place. We salute his ashes with infinite gratitude for his services to our own land, and we call upon all the citizens of republican France, who are enjoying the freedom for which he struggled and suffered through a long life, to join us in placing a garland upon his grave.

ACKNOWLEDGMENTS.

The members of the American delegation gratefully acknowledge the courtesies, attention, kindness, and hospitality, official and unofficial, which they received in Paris. So generous and abundant was this hospitality that it would not be possible to acknowledge it all in detail, Special thanks must be rendered, however, to M. Duflos and M. Robin for their unfailing courtesy and their untiring zeal. We wish, likewise, to render thanks to everyone in the administration of the interior department who by clerical or personal labors contributed to the convenience of the delegates. To Dr. Guillaume, the general secretary, who was so intimately associated with the late Dr. Wines in the establishment of the series of International Congresses, and who has held the honorable post of general secretary for so many years, the American delegation are indebted for an official and personal interest which never flagged.

The secretary of the delegation returns thanks to M. Duflos for forwarding documents, and also to the secretaries of the Société Générale des Prisons, whose admirable summary of the proceedings of the Congress has been of great service in the preparation of this report, especially as the official proceedings of the Congress are not yet available.

A beautiful souvenir of the Congress is retained by each delegate in the shape of a commemorative medal, bearing on one side what the classical student might regard as a head of Minerva, but which seems to symbolize the fair features of the still youthful French Republic. The reverse presents a view of Paris, with the Palace of Justice and Notre Dame as conspicuous figures. The medal, engraved by Roty, is a beautiful piece of workmanship, and the name of the delegate receiving it is engraved on it.

RECOMMENDATIONS BY THE AMERICAN DELEGATES.

The official delegates of the United States, in closing this report, respectfully submit a few recommendations derived from their studies and experience at home and abroad:

(1) The general adoption by the different States and municipal police departments of the Bertillon system of identifying criminals as described in the two papers in the second part of this report. In order to secure the largest results a central bureau should be established at Washington under the control of the Department of Justice, and supported by the General Government, to which duplicates of all Bertillon measurements should be sent, and where they should be so classified that the identification of an habitual or professional criminal arrested in any State or Territory of the United States may be rendered certain through the information furnished from said bureau.

(2) The adoption by the different States of the indeterminate sentence and the parole law when combined with a proper reformatory system.

(3) The centralization of prison administration in each State, so as to secure uniformity and improvement in method.

One of the most marked tendencies in modern penology is the treatment of crime as a general rather than as a local disease. The different penal codes in the different States, with all their confusion and contradiction, show local estimates of the nature of crime, and the system of treating it has been founded likewise on local ideas. Thus, in most States there are county prisons. These vary greatly in method and administration. The system is expensive and ineffective. Perhaps no better means for the perpetuation of crime could be devised than that of the county jail in which prisoners of all ages and classes are huddled together promiscuously. A few State institutions, thoroughly equipped and organized, can deal with criminals better than twenty or fifty scattered throughout the State. In England the local method of treating crime and criminals prevailed for many years, until finally the whole prison system was taken into the control of the National Government. The number of prisons was soon reduced from more than a hundred to fifty-nine, and there was a gradual falling off in the prison population. Centralized systems of administration have been adopted in most continental countries. It is evident that under such a system greater uniformity can be secured. In this country we can not have a centralized Federal administration of prisons; but there is no reason why there should not be a central administration in every State.

We also earnestly recommend that in the erection of the proposed new jails in Indian Territory by the Federal Government, they be planned upon the best English or Belgian models, so as to secure the absolute separation of prisoners awaiting trial.

(4) We recommend the adoption of a system of probation as now established in Massachusetts and adopted with various modifications

in France, Belgium, England, and Australia. We add, however, that the system of investigation and supervision established in Massachusetts, with probation officers at every criminal court throughout the State, is an important and desirable feature, which ought not to be overlooked in the adoption of this system by other States.

(5) We believe that the system which now generally prevails in Europe of allowing prisoners a portion of their earnings, either in the shape of a gratuity or as a wage for their labor, may be adopted profitably in the United States. Its value has already been demonstrated in Pennsylvania, Minnesota, Wisconsin, and possibly in other States.

(6) No prison system can be effective which is not reformatory in its character. As essential elements in a reformatory system, we would name the necessity of prison labor, prison schools for general, manual, and technical education, combined with moral instruction, the indeterminate sentence, a proper system of grading, and the parole law.

(7) We urge the organization in the United States of societies of patronage for aiding discharged prisoners and refer to an exposition of European methods in a paper, accompanying this report, prepared by Samuel J. Barrows.

(8) We recommend that the Department of Justice be authorized and empowered to obtain and publish the annual statistics of accusations, arrests, trials, and convictions for crime in the different States of the American Union, so that the truth may be known on this subject and the variation in the amount of crime due to varying social conditions may be recorded for comparison in years to come.

(9) We are glad to see that the General Government, by the establishment of a Federal prison at Fort Leavenworth, has recognized its responsibility for the care and treatment of prisoners convicted of violations of Federal laws, and trust that appropriations will soon be made to carry into effect the law now on the statute book authorizing the erection of three Federal prisons.

(10) Finally, your delegates would strongly recommend the appointment of a member to represent the United States on the permanent commission of the International Congress. The reasons for this recommendation are set forth fully in the introduction to this report.

ROELIFF BRINKERHOFF.
ROBERT W. McCLAUGHRY.
CHARLTON T. LEWIS.
SAMUEL J. BARROWS.

PART II.

SPECIAL REPORTS.

BRITISH AND CONTINENTAL PRISONS.

By Gen. ROELIFF BRINKERHOFF,
President of the American Delegation at the International Prison Congress in Paris.

On my way to Paris to attend the International Prison Congress, and also in returning, I embraced the opportunity to visit charitable and correctional institutions in the British islands and upon the Continent, as far as my time would permit, and it seems proper that I should make some report of observations made and impressions received.

Of course, in a flying visit of an hour or two at an institution no inspection can be made that would warrant any attempt at a detailed report, but to one familiar with similar institutions in America it is not difficult to arrive at satisfactory conclusions as to comparative merits and results.

In Europe penal institutions are not open to the general public as they are in America, and to visit them permits must be secured through departments of justice or other central authority, and I am not sure but in this requirement they are nearer right than we are. However, through the courtesy of our American ministers and consuls applications were made in advance and permits secured, so that there were no detentions anywhere, and officials everywhere gave me prompt and courteous attention, and every opportunity was offered for inspection and information.

I was accompanied by my colleague from Ohio, Mr. Philip W. Ayres, of Cincinnati, and as he could speak both French and German he was of great service upon the Continent as interpreter.

We landed at Queenstown June 7, and spent three weeks in Ireland, Scotland, and east England, before going to Paris, and then on our return, in August, we spent two weeks in south and west England.

BRITISH PENAL INSTITUTIONS.

Prior to 1877 all prisons in the British islands were under the control of the county authorities and some were good and some were bad, and there was no general system of management; but in 1877 by act of Parliament, known as the prisons act, all the prison establishments in the three kingdoms, and their contents, except goods manufactured for

sale and materials provided for that purpose, were transferred to the General Government, in the home secretary.

In rearranging the distribution of prisoners, power was given to the secretary to set apart certain prisons for particular classes of prisoners, and it was provided that if, in pursuance of such classification, a prisoner was moved out of the jurisdiction he belonged to, he should, on discharge, be sent back thither at the public expense. As the closing of a prison, which any authority had provided for its prisoners, rendered necessary the assignment of some other prison for that purpose, the secretary of state was empowered to substitute such other prison accordingly; and further, a general power was given to the secretary of state to permit prisoners to be committed to a prison in an adjoining county.

The prison acts of 1877 abolished the "visiting justices," who had prior to that time controlled the prisons in the several counties and transferred the powers and duties of those bodies to a prison commission in each of the three kingdoms, to be appointed by the home secretary, and these commissions have the appointment and control of the officers and the administration of all prisons in regard to discipline, buildings, contracts, and expenditures of all kinds, subject, however, to rules and regulations prescribed by the home secretary. These rules are the same in all prisons of similar grades in the three kingdoms, and the results are that the only differences in prisons are such as arise from differences in construction and equipment or efficiency of administration.

This rigorous uniformity doubtless gives a higher average efficiency, but it cuts off all initiative on the part of prison officers, and it is a serious question whether this procrustean uniformity is not a hindrance to progress in many directions. Upon the whole, the system works well, but it would seem desirable that prison governors should have some latitude for the expression of their own individuality.

VISITING COMMITTEES.

As a partial check, however, upon the evils of centralization, the act of 1877 created for each county what is known as a visiting committee of justices, appointed by the court of general sessions from the magistrates of the county, whose functions are to hear and examine into reports against prisoners in local prisons and to award punishments for them; to report on any abuses within the prison which may come to their knowledge, and to hear any complaints the prisoners may make.

The number of local prisons taken over by the Government was too large to admit of frequent visitation by the commissioners, and therefore they are assisted by inspectors who pay monthly visits of inspection and hear prisoners' complaints, but do not try them for prison offenses. The latter function is filled by the visiting committee of local justices.

Corporal punishment is allowed to a limited extent in British prisons, but can only be inflicted upon the order of the committee of visiting justices, after a fair hearing of the case on both sides.

Under this system of supervision and inspection, it would seem that abuses to any large extent can not exist without detection.

GRADES OF PRISONS.

For prisoners convicted of felony there are two grades of prisons. Those for high crimes, or under sentence of penal servitude, as it is termed, are called convict prisons, and the others are known as local prisons. All prisoners sentenced for more than two years are for penal servitude.

In England there are six convict prisons, but this number is to be reduced to five. In these prisons the prisoners are worked in association upon the public works, under the Auburn system. Prisoners of this grade, however, are kept in a local prison for nine months after their conviction, under the separate system, in solitary confinement. This period, however, can be shortened by good behavior.

Local prisons, which prior to 1877 were county jails, are now occupied by prisoners not sentenced to penal servitude, which includes prisoners awaiting trial, and misdemeanants. To this there is no objection on account of corrupting associations, as each prisoner, with limited exceptions, is separated from every other prisoner and works in his cell. The cells are much larger than in American jails. Twice a day prisoners are permitted to exercise in the open air in places prepared for that purpose under supervision of an officer.

In London, however, all prisoners awaiting trial are confined in Holloway Prison under the separate system.

Every prison has a governor, or officer acting as such, a chaplain, a doctor, clerks and storekeepers, a matron and warders of various grades, all of whom come in under civil service rules, and no changes are made except for misconduct or inefficiency. In the larger prisons there are, in addition to the employees named above, a Roman Catholic priest, a schoolmaster, a druggist, a hospital nurse, and an artisan warder to look after the buildings.

Under this centralized system of management, all prisons of the same grade are uniform in their administration, and when you have seen one you have practically seen all.

In connection with each prison there is a discharged prisoners' aid association, which is of great value in securing work for prisoners and giving them a new start in life. These societies are voluntary and are not controlled by the Government, but they work in harmonious co-operation with prison officials, and their funds are supplemental by the Government grants. There are probably 100 of these societies in the British islands. The number reported for England is 67.

JUVENILE REFORMATORIES.

Juvenile reformatories are not under the control of the British commissions, but are mainly private institutions under Government subsidy and inspection. They are known as certified reformatories and certified industrial schools, and there are about 200 of them in the British Islands.

These institutions, so far as I saw them, did not, on an average, compare favorably with similar institutions in America. British prisons, however, as a whole, are in advance of ours, although there are individual prisons in America that are equal to any in the world, but they are rare exceptions.

IRISH PRISONS.

The first prison we visited in Ireland was a local prison at Cork, known as the Cork Male Prison, and we were afforded every facility for inspection by the governor, who accompanied us. We found the prison admirably managed in all of its departments and a model of cleanliness. There were 188 prisoners, some of whom were awaiting trial, and a few were military prisoners. The average number for the year is about 200. The cells were 8 by 15 feet in size.

The next prison visited was Mount Joy, in Dublin, June 8. This is both a convict and local prison, where 325 prisoners were under sentence for penal servitude and 232 for short sentences or awaiting trial. We were accompanied by one of the prison commissioners for Ireland and by the governor of the prison. The cells were 7 by 13, and 9 feet high. We also visited the convict prison for women near by, with 217 inmates. We spent three or four hours in going through them. The administration of these prisons, including the Cork local prison, is far superior to any we have in Ohio, and there are but few in America that equal them, and I have no doubt this superiority of management extends to all Irish prisons, for they are all under the control of the prison commission and the same rules and regulations are applicable to all of them. At Mount Joy Prison the report of the governor for the year ending March 31, 1895, indicates the employment of convicts as "tailoring, shoemaking, smithing, etc.," for the prison service generally; baking bread for all the Dublin prisons; cutting firewood, making mats, matting, etc., chiefly for other public departments; making wire network, cleaning, gardening, etc., for the service of the prison; erecting new buildings and keeping existing buildings, fences, etc., in proper repair.

The governor reports the convicts in general as well-behaved and amenable, with but few punishments, none of which were corporal. One of the commendable features of Mount Joy are the houses for married warders outside of the prison wall.

The prison commissioners, three in number, impressed me as very

superior men, and prison officers and prison employees are especially trained to their work, and their terms of office are during good behavior, and upon retirement receive a pension.

JUVENILE REFORMATORIES.

At Belfast, June 10, we visited in the morning the Malone Protestant Institution for boys, which seems rather an asylum for homeless boys than a reformatory. There were 76 boys who were sent there by magistrates. There are 36 acres of ground and the boys seemed fairly well cared for, but the institution did not compare favorably with similar institutions in America. In the afternoon we visited the training ship *Grampian*, Commander A. J. O'Rourke, a retired naval officer. This is one of quite a number of training ships in the British Islands and the first of its kind I had ever seen, and I was greatly interested and pleased. The ship was an old, discarded three-decker man-of-war, but in good repair and condition for occupancy for the training of boys to be sailors. The average number of boys was 240 and the per capita cost of maintenance per annum about \$80, a part of which is paid by the Government and part by the municipality. In addition to the ordinary requirements of a seaman, the boys were taught tailoring, shoemaking, and carpentering.

The regular school curriculum seemed very thorough, under competent teachers, and the whole administration of the ship seemed efficient in all departments. Commander O'Rourke and his wife reside upon the ship, and the daily life of the ship is that of one large family. In the matter of preventive and reformatory work, I saw nothing abroad more worthy of imitation in America than the training ship for boys in the British Islands.

BELFAST UNION WORKHOUSE.

A workhouse in the British Islands is not a place for the punishment of misdemeanants as in America, but is a place for the care of the dependent poor.

The Belfast workhouse is a large institution with a population ranging from 3,000 to 4,000, according to the season. There are four departments, numbering the day we were there, lunatics, 500; children, 220; sick in hospital, 1,467; aged and infirm, 900. The amount of ground is only 32 acres, which is not sufficient, and the four departments ought to be separate institutions, but still the administration seemed very efficient, and the inmates are probably as well cared for as they can be under the circumstances.

One feature was especially praiseworthy, and that was that every inmate, not physically incapacitated, should be engaged every day in some productive employment.

The whole system of caring for the poor in the British Islands, and especially in the manner of administering outdoor relief by contribu-

tions in money, did not impress me favorably. We have the same general system in America, with some improvements, but America and Great Britain are both far behind most continental nations in dealing with the poor. At Glasgow, in Scotland, we visited a similar institution, known as the Barnhill Poorhouse, but its average population was only 1,060, and therefore was less crowded, and its administration seemed very efficient. In the employment of inmates it was especially noteworthy, and everyone not physically incapacitated was utilized in some way. The amount of land belonging to the institution is 30 acres, which is about the same as at Belfast.

The inmates in both of these institutions are employed mainly in the usual routine of household requirements and in making bunches of kindlings for sale to outside customers.

SCOTCH PRISONS.

Scotch prisons, like those in Ireland and England, are under the uniform regulations prescribed by the home secretary in London, and, judging from what we saw, are practically the same in their results.

In Glasgow we visited a prison with 166 cells for male prisoners awaiting trial, and admirably arranged and administered so as to insure absolute separation; also Her Majesty's prison for females, with 240 inmates, under the separate system, and managed entirely by women.

In the male prison the size of cells is 7 by 10 feet, and in the female prison 8 by 10 feet. Both are local prisons. At Perth we found a prison with 600 cells and only 200 prisoners. It is a convict prison, but most of this class are now taken to Peterhead, which is the main convict prison for Scotland. Vacant cells, however, is a notable feature in most prisons in the British Islands, and verified the statistics which indicate a steady decrease of crime in recent years.

In Edinburg we visited Her Majesty's prison known as the Galton Jail, with 254 male prisoners and 80 females. All work in cells under the separate system. The industries are mat making, repairing sacks, and oakum and rope picking. Architecturally and constructively this is the best prison we saw. The cells are 8 by 13 feet in size.

ENGLISH PRISONS.

In England there are 57 local prisons and 6 convict prisons. All of the latter are south of London, and of these we visited but four, one north, one central, and two south.

At New Castle on Tyne we found an old structure with something over 100 prisoners (one-third of whom were females), and apparently well administered. The industries for males are stone breaking, ship-fender making, gun-sponge making, oakum picking, and prison repairs; for females, washing, knitting, and repairing.

PENTONVILLE PRISON.

Pentonville Prison in London was opened in 1842, and in construction was modeled after the Eastern Pennsylvania Penitentiary, and all British prisons since built are more or less imitations of Pentonville. Here we found about 1,000 prisoners. Here, for the first time, we found a treadwheel in operation, furnishing power for grinding flour for prison use. On it 280 men can be employed if necessary. The rule is fifteen minutes on and five off for five hours a day. It is a barbarous form of labor and is being supplemented by regular industries in most British prisons. Other industries at Pentonville are: mail-bag and coal-sack making for the Government, baking bread for the prison, and at Holloway (where all prisoners in London awaiting trial are held), oakum picking, shoemaking, tailoring, blacksmithing and joiner's work, and sack and brush making. The cells at Pentonville are 8 by 15 feet, with 680 cubic feet of air; hospital cells, 1,000 cubic feet.

PARKHURST.

Parkhurst prison on the Isle of Wight is the one to which prisoners under sentence to penal servitude are sent, who, through any physical weakness or infirmity, are not considered strong enough for labor upon the public works.

The average number of prisoners is about 600, and are all high-grade criminals sentenced for more than three years. Here, as in all of the six prisons of this class, the prisoners work in association under the Auburn system of associated labor by day and cellular separation at night, and taking it as a whole I do not know of any prison of that system in the world which is more efficiently administered.

All prisoners convicted of their first offense are known as the "star class" and wear a star, and are kept entirely separate from the others who are recidivists and wear a chevron on their clothing indicating the number of previous convictions. These two classes have separate wards and a separate hospital.

The prisoners are employed in a great variety of industries. Some work upon the farm, some at the various trades, as masons, sawyers, carpenters, smiths, painters, etc., and a still larger number in manufacturing industries, as tailors, knitters, shoemakers, harness makers, mail-bag makers, fender makers, pickers, net making, etc. The prison report of the previous year shows as work done for the Admiralty 7,500 seamed bags, 4,132 fenders, 1,254 sailors' caps for Greenwich school, and 816 nets. Here also is a fully equipped printing establishment operated by 120 prisoners, in which printing is done for all the prisons of England.

Prison punishments are mainly deprivation of privileges and solitary cell with bread and water diet. Formerly a dark cell was used, but this has been abandoned for the reason, as Colonel Partridge, the governor,

affirmed, that a lighter cell was equally efficient and more humane. Corporal punishments are only allowed in cases of assaults upon officers, and then only upon the order of an inspector of the prison commission of London. Opportunity is afforded every day to each prisoner to meet the governor if he so desires for complaint or consultation.

JUVENILE REFORMATORIES.

Among the philanthropists who succeeded Howard in the work of prison reform, one of the most active and useful was Mary Carpenter, of Bristol. In the reformation of delinquent and neglected children she was especially efficient, and besides advocating their cause in her writings she founded several reformatories, one of which, the Red Lodge Reformatory, for girls, at Bristol, she both endowed and superintended. Red Lodge was established in 1854, and is still in active operation as a licensed reformatory. Here we found 48 girls committed by magistrates, and the Government allows for their support from 5 to 7 shillings a week. These girls are sent for definite terms, but not less than three years. After three years they can be placed out, with three years' supervision, and may be returned if they go wrong. They are visited every month by the matron or her assistant. Formerly an agent was employed, but it was found that visitations from the Lodge were more efficient. At the Lodge the girls go to school, and are taught all kinds of household work. They also do laundry work for outside customers, and make all the clothing for the boys of the industrial school. During the three years the girls are under supervision after being placed out; one-half of their earnings is kept and deposited to their credit in the savings bank, and is paid to them after supervision ceases. The institution is supervised four times a year by a Government inspector.

INDUSTRIAL SCHOOL FOR BOYS.

The industrial school for boys at Bristol was established by Mary Carpenter in 1856, and is known as the Park Row Male School. Here we found 74 boys who are committed by magistrates as vagrants, truants, or incorrigibles. For their keeping 7 shillings a week is paid by the Government until they are 10 years old, when the amount is reduced.

The boys do housework, gardening, shoemaking, and tailoring out of school hours. They may be kept until 16 years old, but after eighteen months a boy may be placed out on parole, with supervision for three years. The general methods of management and supervision are the same as in the girls' school, and the results seem very satisfactory, as 90 per cent of the boys discharged are reported as doing well. This institution has an agent in Canada who gets places for boys, and the institution pays their fare.

KINGSWOOD REFORMATORY SCHOOL.

We also visited another institution, 4 miles from Bristol, known as the Kingswood Reformatory, located where John Wesley lived and preached, and where he had a theological seminary and training school for preachers. The little chapel where Wesley preached is now used by the reformatory people for morning and evening prayers. The quaint old pulpit remains as Wesley left it. Here we found 107 boys, committed by magistrates for minor offenses, between the ages of 10 and 16, who may be held until 19. They are taught industrial employments and go to school three hours a day. The equipment of the institution was not what it ought to be, but improvements were in progress, and the administration seemed intelligent and efficient.

HARDWICKE REFORMATORY.

The Hardwicke Reformatory, 4 miles east of the city of Gloucester, is especially interesting as being the first reformatory for boys in England, and was established by T. Barwick Lloyd Baker, esq., on his estate at Hardwicke Court in 1851, and was supported at his own expense. He was assisted by a friend who acted as a voluntary superintendent, and they started with 3 young thieves from London. Their success was phenomenal, so that by 1855 there was scarcely a regular habitual boy thief in the courts of Gloucestershire, and from the inspiration of this success the reformatory system went all over the British islands. Mary Carpenter followed with her reformatory for girls, first in Gloucester and then in Bristol. Hardwicke has 40 inmates and has a capacity for double that number. It has 60 acres of ground well cultivated. There are flower gardens and greenhouses, and the boys are instructed in horticulture and general farming. Tailoring and carpentering are also taught. Thomas Gee, the superintendent, has been in charge for forty years, and during that time has had charge of over 1,000 boys, 94 per cent of whom are reported as reformed. It is still doing good work, although, on account of location and other reasons, it is likely to be abandoned. However, it has had a famous history and has done a noble work.

GLOUCESTER JAIL.

We visited the Gloucester Jail, which like other local jails is conducted wholly on the separate system. One part of it was built in 1791, in accordance with the suggestions of John Howard, and is said to have been the model of the Cherry Hill Penitentiary at Philadelphia, which gave name to the separate system all over the world as the Pennsylvania system. This is not improbable, as William Penn and many other Quaker settlers in Pennsylvania were from southwestern England. The separate system, however, really originated in Ghent, Belgium, where Howard found it.

ASHFORD REFORMATORY.

At Ashford, in the county of Kent, we visited a reformatory for boys, located on 80 acres of land, which resembled in its curriculum our ordinary juvenile reformatories in America, although its equipment was much plainer. The buildings are as inexpensive as any ordinary farmhouse, and furniture and chairs are bare boards, and in the dormitories there is no heat in the coldest weather.

These features predominate in all European reformatories, and the reasons given are, that the boys when placed out will be in homes where accommodations will be no better, and to accustom them to luxuries in the reformatories would make them dissatisfied with the homes to which they go outside.

At Ashford they go to school five and one-half hours a day. The trades taught are carpentering, tailoring, blacksmithing, and farming. They also have military drill and athletics. It is a question whether there is not too much work and too little play. Upon graduation they go for the most part into the army as soldiers.

KING'S NORTON UNION.

King's Norton Union Cottage Homes, of Birmingham, was established in 1887 for the purpose of separating children in the workhouse from adult paupers and the influences attaching thereto, and is a preventive rather than a reformatory institution.

The plan adopted was the family system, which has grown from two cottages in 1887 to eight in 1895; and others will be added as needed. The cottages are models in architecture and arrangement, and are superior to any others I saw in Europe. Each cottage accommodates a family of twenty children in charge of a foster father and mother. The children are not grouped according to size or sex, but are arranged so as to make a large family, similar to a large family outside. Some of the children are large and some are small, some are boys and some are girls. Each household is conducted like any outside household—entirely independent—and cares for itself in all family arrangements. The older children look after the younger, and all do their share of the household work, under the direction of the foster father and mother. The schools are conducted the same as in any outside village, and each household sends its quota. The hospital, however, is a separate building, where the children are cared for in case of sickness. There are workshops for industrial training, in which trades are taught in shoemaking, tailoring, carpentering, engineering, fitting, gardening, and bricklaying. There is a swimming pool, where all the children are taught to swim. They are also thoroughly drilled in athletics. I was told there are now several institutions in England conducted on this plan, and its special features are worthy of imitation in America. The average number of children in the homes during the year was 154.

TRAINING SHIP *AKBAR*.

At Liverpool we visited the reformatory training ship *Akbar*, which, like the *Grampion* at Belfast, is an old-fashioned three-masted ship of war, with a retired navy officer, Captain Hicks, for its chief officer. There were 187 boys, from 14 to 16 years of age, committed by magistrates. They may be held till 19. They are in charge of the superintendent, 1 officer, 2 teachers, a chaplain, 7 trainers in the duties of a sailor, and a cook.

There are six grades in the schools, the same as in the public schools. The boys are taught all matters pertaining to the life of a sailor, of which tailoring and carpentering are a part. The reformatory association have land on shore for football and other games, and daily a section of the boys goes ashore. There is also a brass band made up from the boys. In the hold of the ship is a gymnasium, and on the upper deck a reading room and piano. The chaplain gives regular religious instruction and holds services on Sunday. Nothing I saw in the British Islands impressed me more favorably as worthy of imitation in America than the training ships.

RECAPITULATION.

Of course it is not possible for a transient American to comprehend the British system for dealing with the criminal classes in all its details, and therefore some of my inferences and conclusions are doubtless incorrect; but still, its general outlines can be stated with reasonable accuracy, and therefore I recapitulate its leading features:

(1) Centralization of administration, which is centered in the home secretary in London, and conducted through a prison commission in each of the three kingdoms.

(2) The classification of all prisons into two grades:

(a) Local prisons in which are confined all prisoners convicted of felonies or misdemeanors and sentenced for less than two years. This does away with jails and workhouses as we know them in America, but to this there is no large objection so long as each prisoner is kept entirely separate from every other prisoner. A perfect example of an English local prison can be seen in America at Media, Pa., and it is the best administered jail I have seen in America. I am told that there is another at Chester, and possibly there are two or three others in that State.

By placing local prisons under one administration, and thus permitting the concentration of prisoners, many local prisons have been abandoned and only the best have been retained. The result is better accommodations and more intelligent treatment in administration.

(b) Convict prisons, to which all prisoners convicted of felony and sentenced for more than two years are confined. Of these prisons there are six (or seven, if we include the lunatic asylum for insane criminals at Broadmoor). They are Dartmoor, Portland, Borstal, Dover, Woking,

and Aylesbury. In these prisons all prisoners are worked in association under the Auburn system, with cellular separation at night.

(3) Classification of prisoners sentenced to penal servitude. Every convict may, during his sentence, pass through four classes, called the probation, the third, the second, and the first class, and certain selected prisoners are also placed, during the last year of their sentences, in a special class. The probation period must last for one year; nine months of it are passed in a separate cell, usually in a local prison, and the other three months on public works. Promotion or degradation in these several classes is regulated by a marking system, and by good conduct a sentence can be shortened one-fourth, and a conditional release can be secured upon a ticket of leave.

(4) Supervision by inspectors and visiting committees. Every prison is inspected monthly by a visiting committee of justices appointed by the court of quarter sessions, and also by an inspector appointed by the prison commission.

(5) Punishments more severe than a deprivation of privileges can only be inflicted in local prisons by order of the committee of visiting justices, and in convict prisons by a prison inspector.

(6) All prison officers are appointed through civil-service examinations, and there are no removals except for causes not political.

(7) The methods of employment in British prisons are threefold.

(a) In convict prisons labor upon the public works, and in the manufacture of anything that may be required for use in the army or navy or other Government departments. At Dover an immense granite pier half a mile long has been built by prison labor. At Portland a break-water 2 miles long and running into the water 50 or 60 feet is being built; at Chatham dockyards, covering 540 acres, and also immense sea walls. For the army and navy boots, shoes, clothing, and many other things are made, and for the postal department mail bags, etc., and in this way all convict prisoners are kept busy.

(b) In local prisons the employments are less satisfactory, as prisoners for the most part work in their cells, and their labor is not remunerative; but as a whole some occupation is furnished.

(c) In some prisons the treadmill, the shot drill, the crank, the capstan, and stone breaking are still in use, but they are punitive rather than remunerative or instructive.

(8) Supervision of discharged prisoners, by prisoners' aid associations, and there is at least one such association for each prison. These associations are voluntary, but when approved by the inspector their funds are supplemented by the Government, and their purpose is to lend a helping hand to such prisoners as need help and desire to lead an honest life.

(9) As a deterrent upon recidivists or habitual criminals the courts are allowed, upon a second or later conviction, to pass sentence not only for a definite period, but also for seven years' police supervision

after discharge, with a liability for misconduct to be returned to prison for the remainder of the seven years.

(10) Juvenile delinquents are treated under a dual system.

(a) In a reformatory, which is a place of punishment for a convicted offender, as well as a place of training, and reception into a reformatory must be preceded by a period in a local prison of not less than ten days.

(b) In an industrial school, which is purely a preventive and training institution for vagrants and neglected children, from which the conviction for certain crimes will exclude the child.

Reformatory and industrial schools are not provided by the State, nor is there any obligation on any local authority to provide them or contribute to them, or on any court of justice to send children to them, or on managers of such schools to receive the children whom the magistrates commit, but such aid is permissive and permitted to all satisfactory institutions.

A reformatory or industrial school may be established in two ways: (1) By private individuals, either as a proprietary institution or as a charitable institution. (2) In England, by the magistrates at quarter session in counties and boroughs, and in Scotland by a county board. A school board may also establish an industrial school, and the county or borough authorities may aid. The total number of these institutions is now about two hundred, one-third of which are reformatories and two-thirds industrial schools.

This, in brief, is the framework of the British penal system. Of course there are other features peculiar to it, but they are mainly matters of detail.

RESULTS.

The results of the British system upon the whole has been more satisfactory than that of any other country, if we are to judge by its efficiency in reducing crime.

Judging by the criminal statistics for the twenty years during which the system has been in operation, the reduction is from a daily average of 20,361 in local prisons in 1876 to 13,383 in 1893. This, however, is more apparent than real, and can be largely accounted for in various ways; but still the most conservative authorities seem to agree that there has been a reduction in crime of about 25 per cent, without counting the increase of population, and this is very satisfactory, and especially in view of the fact that in all other countries there has been a steady increase of crime and no reduction.

To an American the British system seems more repressive than reformatory, and my own opinion is that if our American system could be administered with equal efficiency we could obtain equal, if not better, results. Certainly our juvenile reformatories, as a whole, are superior to those in the British Islands, and our reformatories for young felons

on the Elmira system show better results than any equal number of British prisons.

What we want in America, and that we must have if we are to make any large progress in prison management, is a more thorough business management, which can only be obtained by officials especially trained for their work, in a service as permanent as that of the Army or Navy, and as free from political interference.

OUR SPECIAL WEAKNESS.

Compared with the English system, our greatest deficiency is in our county jails, and no efficiency in administration can remedy it to any large extent so long as we keep our prisoners awaiting trial in association in a common hall, with all the corrupting influences that such association permits.

Our county jails, with old and young, innocent and guilty, old offenders with new beginners, forced into association for days and weeks and often months, are compulsory schools of crime, and so long as they remain there can be no large reduction in the rising tide of crime. Our jail system, it is true, came from England, but it is the system of a hundred years ago, which John Howard revolutionized. In England every prisoner, from the time he enters the prison van at the police station until his conviction and transfer to a convict prison, is entirely separated from every other prisoner, and sees no one but the prison officials and his legal adviser.

Our first and paramount duty is to revolutionize our county jails. We might as well attempt to drain a pestilential pool with an inlet larger than the outlet as to expect a reduction of crime under existing conditions.

PROPOSED IMPROVEMENTS.

During the past year there has been a very protracted and thorough investigation of the British prison system by a Parliamentary committee of eight members, of which Herbert Gladstone was chairman, and their report recommends for twenty-five changes which they deem desirable. A few of the most important are as follows:

- (1) That unproductive labor should be abolished wherever possible, which means treadmills, shot drills, oakum picking, and the like.
- (2) Association for productive and technical instruction to be extended gradually and with due caution throughout the prisons. This is in accord with our American ideas of prison labor.
- (3) Every effort should be made to secure additional orders for work from Government departments. In American prisons but little of this kind of work is done, and there is no apparent reasons why all our prisons, State and national, should not be utilized in that way. It is a form of labor to which labor unions in Great Britain do not object, for the reason that it does not cause competition in outside markets.

(4) Habitual criminals to be kept as a class apart from the other prisoners. It should be considered whether a new form of sentence might not with advantage be placed at the disposal of the judges, by which these prisoners should be segregated under special conditions for long periods of detention. This has already been authorized in the State of Ohio and several other American States, although not sufficiently enforced.

(5) That two or more prisons should be selected as training schools for all ranks of the prison staff, and be placed under the charge of the most experienced officers in the service, and that probationers should not be returned as belonging to the prison staff. This is in accordance with the practice in France, where a regular school is established at La Santé Prison, in Paris, for the instruction of prison officers from the various prisons of the Republic, and such schools are greatly to be desired in America.

(6) That the Government grant to prisoners' aid societies should be increased and extended to associations conducted on approved methods for the treating of discharged prisoners. The success of the British system in reducing crime is very largely due to these associations, and one of our greatest needs in America is an efficient prisoners' aid association for at least every convict prison, and there ought to be one in every large city for local prisons.

(7) That annual conferences should be held of representatives from the higher ranks of prison officials, managers of reformatories, visiting committees, and prisoners' aid associations, for the purpose of exchanging experiences and ideas, and of establishing closer relations between all officials and public bodies responsible for the management of prisons and the treatment of prisoners.

This is fully in accord with the practice in America where for twenty-five years the National Prison Congress has held annual sessions for the purposes named above.

It ought to be the duty of the managers of every penal and reformatory institution to be represented by one or more delegates, and their expenses should be paid from the funds of the institution.

ACKNOWLEDGMENTS.

For British courtesies I desire to acknowledge very gratefully the prompt and helpful attentions given us by prison governors, who, everywhere in the British islands, accompanied us in person in prison inspections and answered patiently all inquiries we cared to make.

Our thanks are also due to prison commissioners, and especially to their chairman, Mr. J. S. Gibbons, in Dublin; Mr. A. Beatson Bell, in Edinburgh, and Mr. E. Ruggles Brise in London, all of whom we again had the pleasure of meeting in Paris. Also, to Mr. Roosevelt, our American secretary of legation in London, and our American consuls

wherever we went, for courtesies received. In fact, all over Europe our American consuls were equally kind and helpful, and prison officials everywhere gave us every attention that could be desired.

UPON THE CONTINENT.

Upon the Continent we visited a number of prisons and reformatories, but owing to my inability to ask questions, except through an interpreter, or to read the prison literature of the countries visited, I was at a great disadvantage in seeking to comprehend their systems satisfactorily. Therefore my report is restricted mainly to what I saw with my own eyes in the prisons visited.

PRISONS OF FRANCE.

In France I visited only four prisons and a reformatory, and those were in Paris and vicinity, and I presume were not among the best.

MELUN.

The first prison we visited was on the 3d of July, at Melun, 20 miles from the Lyons station, in company with other delegates, on a special train supplied by the Government. Here we found about 500 prisoners who are under the Auburn system of associated labor by day and cellular separation at night. The cells are 6 by 8 feet, and seemed clean and well ventilated, but there is no heat supplied for warming them. One hundred and seventy-five prisoners are employed upon Government printing, and the others upon various industries, and the prison seemed well administered.

NARTERRE.

On July 6 there was an excursion to St. Germain, and on our way, 13 miles out, we stopped to visit Narterre, which is a large prison for misdemeanants, with 4,500 inmates, employed upon various industries with associated labor. The prison seemed fairly well administered, but with such a large number of prisoners in association no satisfactory results in the way of reformation could be expected.

LE ROQUETTE.

La Grand Roquette is a depot for sentenced prisoners awaiting removal to a central prison or penal colony, or to execution for a capital crime. Here, also, we found 360 misdemeanants, sentenced for less than one year, employed in association in making rat and bird traps and paper bags and files. In the way of reformatory influences, either educational, moral, or religious, there were none apparent. There is a chapel, but the governor informed me that ordinarily not more than half a dozen attended.

At this prison is the place of execution for Paris prisoners condemned to death. The executioner for all France is M. Deibler, who takes his machine with him wherever needed. We were shown the cells where prisoners are held for execution. In each cell are three chairs—one for the prisoner and two for the guards. The executions are public in an open space fronting upon a street, and take place at daylight in the morning. In a courtyard we were shown the place where Archbishop Durboy and five other hostages were shot to death by the Communists in 1870.

THE CONCIERGERIE.

The Conciergerie is a prison where prisoners awaiting trial are held. It is centuries old, and is a bad place, with scarcely any redeeming qualities. Here Marie Antoinette was imprisoned and went to the guillotine, and here tragedies without number have been enacted, and we were glad to get out of it.

MONTESSAN.

On our excursion to St. Germain, we returned by steamer on the river Seine and stopped over to inspect the Montessan Reformatory buildings, which are nearly ready for occupancy, and will accommodate 400 boys. The institution will be conducted upon the family system, and the cottages and other structures were all new and seemed very well planned and arranged. It was noticeable, however, that there was no church or chapel, and it was claimed that it was not needed.

BERTILLON SYSTEM.

The Bertillon system for the identification of criminals, which is now in use in most European countries, had its origin and most efficient administration in Paris, and we were glad to avail ourselves of an invitation from Mr. Bertillon to visit the bureau of the police department, where measurements are taken and where the records for all France are kept. There are many thousands of these records, but they are so classified and arranged that whenever an arrest is made and measurements taken it can be determined in a few moments whether the prisoner has ever before been under arrest or conviction.

While we were there a prisoner newly arrested was brought in for identification; and when his measurements were taken and turned over to the attendants in charge of the bureau, it was scarcely ten minutes before his photograph was brought, with a full account of a previous criminal record.

As an efficient agent for the repression of crime, the Bertillon system is of the highest value, and it ought to be in operation all over the United States, with a central bureau at Washington under the support and direction of the General Government.

SCHOOL FOR WARDERS.

A commendable feature in the French prison system is the school for warders, at La Sante prison in Paris. Here 48 chief warders from the provincial prisons come annually, in two parties of 24 each, staying for six months, during which time they receive instruction by lectures and classes in various branches of knowledge pertaining to their work. They also are taught the practical application of the Bertillon method of criminal identification.

PRISONS OF SWITZERLAND.

In Switzerland, as in the United States, there is no Federal control of prisons, and each of its twenty-two cantons has its own prisons, and, doubtless, as with us, some are good and some are bad. Of these, we visited three prisons and one reformatory.

The reformatory was near the city of Bern, and was very similar in construction and management to the reformatory at Ashford, England. Everything was very plain, but the 60 boys seemed well cared for, and the results reported were very satisfactory.

LENZBOURG.

The prison at Lenzbourg, in the Canton of Aargau, is said to be the best in Switzerland. It was built in 1864, and is a well-planned radiate structure, with three tiers of cells and a chapel. The cells are 8 by 9 feet and are warmed by steam. Here we found 176 prisoners, 43 of whom were women; 89 were felons, 44 misdemeanants; 17 were awaiting trial, and 26 were reformatory boys. A few of these prisoners were from other cantons. All prisoners, except recidivists, after three months in solitary confinement, are worked in association under the Auburn system in silence, with cellular separation at night.

Recidivists are under the separate system during the entire term of imprisonment. Short-term prisoners, not recidivists, work in shops at the rear of their cells, and each cell block constitutes a class by itself. In the north cell block on the first floor is cloth making; the second floor, shoemaking; third floor, shoemaking; fourth floor, schoolroom. In the west cell block the first floor, blacksmithing; second, carpentering; third, cabinetwork; fourth, bookbinding. The south cell block is occupied by female prisoners. All industries are upon State account, and all prisoners are fully occupied. In the Canton of Aargau there is no death penalty, and murderers are sentenced for life.

In this canton, with a population of 200,000, there are eleven districts with a local lockup in each, where prisoners awaiting trial are for the most part confined. The prison seemed well administered in all departments, and its director, as the prison governor is called, is an accomplished official, and the prison staff are especially trained for their work, and there are no political changes in any Swiss prison. Attendance upon chapel services is not compulsory, but as a rule all go.

ST. GALL.

At St. Gall, in the canton of the same name, we found 144 prisoners, comprising felons, misdemeanants, and vagrants. All sentenced for a year or more are kept under the separate system. For less than a year they work in association. None are less than 16 years of age. The director is appointed by the Government for three years, but is now serving his third term. He nominates all subordinates. Prisoners can reduce their sentence by good conduct, and for such conduct receive 5 cents a day in addition to their good time.

Recidivists are not entitled to good time. Attendance upon chapel service is compulsory unless a prisoner has no religion, and so far there are none such. Three-fifths are Roman Catholics and two-fifths Protestants. The prison is inspected by five inspectors, who receive 5 francs (\$1) a day for that service. Work is on State account, under a business manager.

BASEL.

At Basel we found a prison similar in most respects to St. Gall, with 198 prisoners—172 men and 26 women—and the total number for the year, 520. As at Lenzbourg, all prisoners are in solitary confinement for the first three months on piecework, and then work in association. The industries are shoemaking, brush making, tailoring, wickerwork, etc.

GERMAN PRISONS.

In Germany, as in Switzerland and the United States, there is no central authority for the control of prisons, and each province has its own regulations; but doubtless, as in America, they have a family resemblance to each other. The best of these prisons are said to be in Baden and Rhenish Prussia, where we visited several of them.

In Baden, as far as I could understand, there are four kinds of prisons, viz, district prisons, fortresses, houses of correction, and central prisons. The punishment in the first two is simply detention or deprivation of liberty, the district prison being for persons under examination and awaiting trial, or those sentenced to less than six weeks' imprisonment. Sentences above that term are endured in the central prison, which corresponds to the convict prisons in England, and the district prisons to British local prisons.

In each province, however, all prisons are controlled by its own central authority, or department of justice.

FREIBURG.

July 23 we visited the central or general prison at Freiburg, in Baden. Here we found 396 prisoners, all men, serving sentences from one to twenty years. There were also a few prisoners awaiting trial. About 100 prisoners are worked in association and the remainder in separate

cells. All would be separate except for want of cell room. All prisoners are at work in various industries, and their earnings pay about one-half of the running expenses of the prison. Prisoners are allowed a part of their earnings as an incentive to good conduct, which is given to them when they go out, or a prisoner may give one-half to his family during his imprisonment. If the prison authorities doubt his reformation, his earnings, on release, are given to the prisoners' aid association, to be disbursed in his behalf as they may deem best. A recidivist only gets one-fifth as much as other prisoners, and upon a second conviction he gets nothing. In the prison dietary short-term men get meat once in three days and soup three times a day, and coffee three mornings in a week; the physician can order a special diet. All industries are upon State account, under the direction of a business manager.

All prisoners under the separate system work in their cells and at chapel service they are so seated, in separate boxes, that they only see the officers and officiating clergyman on the platform, and in the schools also the same arrangement is maintained.

When out of their cells each prisoner wears a mask. All prisoners under 35 years of age go to school, in which there are six grades, or classes, and each class has three hours of instruction in a week under two regular teachers. Order is maintained by a military guard of nine soldiers, in three relays on the outer wall, and twelve civilian guards inside, of whom five are on duty at night, and the others sleep in cells which are about 10 by 12 feet in size and make comfortable bed rooms. Each prisoner has exercise for half an hour night and morning in the open air in airing courts, so arranged as not to see any other prisoner, but all are under the eye of a guard at a central point of observation. There are no corporal punishments and discipline is maintained by the deprivation of privileges.

The prison officers are appointed by the Grand Duke of Baden through the department of justice at Karlsruhe and all employees come in through strict civil-service rules and six months' probation, and service then becomes permanent during good behavior. The present director has been in charge for twelve years and is a very superior prison man. His salary is \$1,500 a year. The prison is regularly visited and supervised by an inspector from the department of justice.

One noticeable feature in this prison, which was new to me, is the conference of prison officers, which is held in the director's room every third day. This conference is composed of the director, doctor, two chaplains, two teachers, and the bookkeeper, and by it all prison matters are carefully considered and discussed, and the director then determines what action shall be taken. We found similar conferences in other German and Belgian prisons, and they were considered of the highest value. Attached to the prison are 35 acres of ground upon which are dwelling houses that are furnished rent free to the officers. Prisoners under the separate system are visited daily by some of the

prison officials, and work for the day is assigned them. The chaplains must visit each prisoner in his cell at least once a month. There is also a bell call that he can use at any time in case of need. Upon the whole, the Freiburg prison is one of the best administered prisons that I saw in Europe.

BRUSCHAL PRISON.

July 24 we visited Bruschal male convict prison. It has 400 prisoners, and was built in 1848. Only high-grade criminals are confined here, and no sentences are for less than one year. In Baden the death penalty may be inflicted for murder by the guillotine, but it is usually commuted to a life sentence; only three have been executed in the province of Baden in three years.

At Bruschal the separate system prevails, but after three years prisoners may be worked in association. The regulations of the prison are mainly the same as at Freiburg, although there are some variations, e. g., prisoners have two hours a week in school instead of three. One prisoner in each corridor works outside, without a mask, in cleaning halls, carrying water, etc. Every prisoner without a trade is taught one by the labor overseer. The trades are carpentering, shoemaking, tailoring, coopering, basket making, rope making, and lock making. The official staff is the same as at Freiburg, and they have a conference twice a week, at which each officer makes a report, and discussion follows. The condition and progress of every prisoner is carefully considered. The overseer in each ward visits each cell several times a day to see the work of prisoners. The guard also sees the prisoners often and the teacher goes in when necessary. The chaplains visit twice a month, and the general director of work quite often. The prison governor sees every man in his cell once a month.

The Grand Duke of Baden has the power to pardon and the department of justice may parole. Prisoners' aid associations care for prisoners after discharge. In the German Empire there is a prison association for general conference, which meets every two years and is similar in its objects to our National Prison Association in America, which meets annually.

At Bruschal religious services are held in the chapel every day and attendance is compulsory, except for special reasons approved by the prison conference.

BRUSCHAL DISTRICT PRISON.

At Bruschal district prison there are both males and females, of whom there are four classes: (1) Criminal recidivists; (2) young criminals; (3) insane criminals (temporarily); (4) workhouse for women.

Men convicted four times come here. They work part separate and part in association. Young prisoners from 12 to 18 years of age come here, both boys and girls. Also, women criminals for long and short terms. All young criminals go to school six or eight hours a week. In

addition, two hours a week is given for wood carving, two for industrial training, and two for special trade schools. A boy at 18 is transferred to the convict prison at Bruschal or Freiburg. A girl at 18 goes to the women's department. The prisoners here do the washing for the male convict prison and also for the general prisons at Freiburg, Mannheim, and Rastadt. They also do baking for a number of private institutions, for which they are paid. The number of prisoners at the time of our visit was 395, as follows:

Criminal recidivists.....	104
Young criminals.....	56
Criminal insane.....	18
Adult women criminals.....	65
Workhouse women.....	134
Girls between 12 and 18.....	18
Total.....	<u>395</u>

MANNHEIM DISTRICT PRISON.

July 25 we visited the district prison at Mannheim, with 186 prisoners, all males under sentence from one month to three years, partly separate and partly in association. As a rule, the worst cases are alone. The prison was originally a nunnery, but was changed to a prison in 1700. The industries of the prison are stripping tobacco, making paper bags, tailoring, carpentering, and making locks. Prisoners under 36 years of age are taught reading, writing, and arithmetic by teachers from the public schools, in two classes, each seven hours a week. One hour a week in drawing is also given.

Two chaplains hold religious services twice a week and give their entire time to the visitation of prisoners, and must see every prisoner at least twice a month.

The director is appointed by the Grand Duke and nominates all subordinates, and these after three years' service, and found satisfactory, receive a permanent appointment, with pension upon retirement. The director was a judge of one of the courts and has been in service four years, and expects to return to the bench with the experience gained as a prison governor. The earnings of the prison are about 60 per cent of the running expenses.

MANNHEIM JAIL.

We also visited the Mannheim jail, with 39 prisoners awaiting trial, and 53 women, a part of whom were awaiting trial, and the remainder under sentence for short terms. Prisoners awaiting trial are furnished work if they wish it.

ROYAL PRUSSIAN PRISON.

July 26 we visited the Royal Prussian Prison, near Frankfort on the Main, with about 500 prisoners. It is a new radiate structure and well planned and well built. This is one of the three general convict prisons in Rhenish Prussia. The other two are at Cologne and Dussel-

dorf. They are under the control of the department of justice at Berlin. They resemble the prisons of Baden, but with some variations. No prisoners here are under sentence for more than ten years. Prisoners over one year can reduce sentence 25 per cent by good conduct, and receive one-third of their earnings. Prisoners work in their cells under the separate system, except a few for special work in association. The industries are numerous, among which are: Shoemaking, 11; making corsets, 71; knitting on machine, 71; tailoring, 18; paper sacks, 30; carpenters, 21; weaving, 10; brushes, 13; pulling hair, 22.

There is school room for 40, with four divisions. Each class has one hour each day. There is one teacher, with the chaplains to assist. The Protestant chaplain gives six hours a week and the Catholic four. Church services on Sunday and Bible class on Monday, and with attendance compulsory. Every evening there are singing exercises. Chaplains also visit prisoners in their cells. Prisons in Rhenish Prussia are under the control of the department of justice in Berlin.

COLOGNE.

At the Royal Convict Prison in Cologne we found 1,268 prisoners—1,034 men and 234 women. The women were in a separate building. With few exceptions the prisoners work in association and sleep in association—dormitories contain from 15 to 20 beds. As a rule the sentences are for less than five years. The discipline and management was much inferior to the prisons elsewhere in Germany, and upon the whole was more unsatisfactory than any others we saw in Europe.

BRAUWEILER WORKHOUSE.

At Brauweiler Workhouse, 4 miles from Cologne, we found 1,100 prisoners—900 men and 200 women. They are largely vagrants, tramps, and chronic drunkards. Drunkards are not considered chronics until the third or fourth offense. They are put to work at various industries, and the institution falls short of self-support only about 20 per cent. No prisoner is sent for less than six months, and may be retained two years, in the discretion of the director. They have religious service every day, and night schools. They have a conference of officers at least once a week and sometimes oftener. The buildings originally constituted a monastery and are ornamental and substantial. The religious services are held in the fine old chapel, and the cloisters are used for dining room and kitchen. This institution is a model of its kind and superior to any of our American workhouses in its system and administration.

DEPENDENT CHILDREN.

In dealing with dependent children the province of Rhenish Prussia has a system peculiar to itself. The province has an officer, with subordinates, who divide the province into districts, and they look after all dependent children as wards of the State. The boarding-out system is their main reliance, although for temporary shelter and prepara-

tion institutions for the care of children are provided, but it is only temporary, and they are then boarded out. Until 14 years of age they go to school. After 14 they are expected to learn a trade, and are placed out under supervision of some person, which is usually the local school-teacher.

FALLEN WOMEN.

Near Cologne is an institution for the reclamation of fallen women, under the charge of the Sisters of the Good Shepherd. Here we found 240 girls over 14 years of age, the most of whom had gone astray. They are kept until they become of age, or until they can go safely to a good place. They are taught various industries, and to all appearances are successfully handled, and two-thirds of the graduates are reported to have done well, and many of them are married and have good homes. The institution is admirably managed and is self-supporting. In fact, taking it all in all, in its various departments, I have never seen any other institution so complete in all its appointments and so scrupulously clean. The sisters are dedicated to their work for life, and receive no pay. Whatever property they had went into the general fund of the institution when they joined it. The spirit of Christian charity and kindness pervades the whole atmosphere of the institution, and the business ability displayed in the management is superb. There were 70 sisters at the institution, but some of them were in training for branch institutions elsewhere.

DUSSELDORF.

July 31 we visited the Provincial Prison at Dusseldorf, in which we found 489 male prisoners. It is a new, well-planned radiate prison with 488 cells for males and 80 for women, and only occupied about a year. The prisoners were mostly young men, and none sent for more than 15 years. The prison staff consists of the director, three instructors, two chaplains, a teacher, bookkeeper, cashier, and secretary. These officials hold a conference at least twice a week, at which all prison matters are considered and discussed, and the director then decides. The council also recommends pardons for such as are considered worthy. In every room there is hung upon the wall a numbered list of all articles, whether large or small, that belong to that room, for which the person in charge of the section to which the room belongs is responsible, and is held to a strict accountability. The general regulations are similar to those of Baden and Frankfort, and the entire administration seemed excellent. In this prison the separate system prevails, and prisoners work in their cells.

PRISONS OF HOLLAND.

The people of the Netherlands, in prison reforms, as in many other things, were pioneers, and their penal and correctional institutions are very creditable. There are four classes of prisons: (1) The central prison for persons sentenced to eighteen months and upward; (2) detention prisons for less than eighteen months; (3) prisons of arrest

for those sentenced to three months or less; (4) police prisons for those condemned to one month or under. In the last three named are also kept prisoners awaiting trial. All persons, except those for short terms, are, if possible, taught a trade. All prisons are cellular.

ARNHEIM PRISON.

The first prison visited was at Arnheim, in the province of Gelderland, and its plan of construction and arrangement is different from any other I have ever seen. It is built in a circle, and the tiers of cells are around a central court covered with glass. The cells are 9 by 13 feet. There were 216 prisoners, 10 of whom were women, and there were no sentences over five years. The separate system prevails, and all prisoners work in their cells, and the industries are upon state account. An account is kept with each prisoner and a portion of his earnings is allowed him. The entire administration was very commendable, and in cleanliness and sanitary arrangement it is unsurpassed.

THE NETHERLANDS METTRAY.

At Zutphen, 16 miles east of Arnheim, we visited a reformatory for boys known as the Netherlands Mettray, which is supported by voluntary contributions. There were 130 boys, committed by parents or magistrates, who came from all parts of the Netherlands. They are kept until 18 years of age, and after 14 learn a trade. There were four caretakers, two teachers, and the director. In Holland and Belgium the hours of labor are longer than elsewhere, and this rule extends to the reformatory. After 14 years of age the hours of work are: From 8 to 12 a. m., four hours; from 1 to 4.30 p. m., three and one-half hours; from 5 to 8 p. m., three hours. Making a total of ten and one-half hours, which to an American seems excessive and almost cruel, but it was in accordance with the customs of the country, and the boys seemed happy under it, and certainly they became accustomed to continuous labor. In the winter the hours are shortened to nine and one-half hours, closing at 7 p. m.

AMSTERDAM PRISON.

At Amsterdam, in the suburbs, we visited a prison with about 200 prisoners, 29 of whom were women. No sentences to exceed five years. This prison is supervised by eleven commissioners, called the college of regents, who serve without pay. The director is appointed by the Crown, and he nominates his subordinates. In Holland prisons there is no conference of officers, as in Germany. The prison regulations and management are practically the same as at Arnheim.

ALKMAR REFORMATORY.

At Alkmar, 40 miles north of Amsterdam, we visited what is known as an administrative reformatory for boys. This is a State institution with 101 boys committed by magistrates for crime or vagrancy, or

because of worthless parents. The place is inclosed by a wall, and what we saw of it did not compare favorably with similar institutions we saw elsewhere. For the first and only time in all Europe, we were refused admission to the interior departments, for the reason, alleged by the director, that our permit from the department of justice did not name reformatories in so many words, and only specified prisons and workhouses. Evidently the greater included the less, but the director was inexorable. However, we saw enough to satisfy ourselves that our exclusion was no great loss. The boys were outside in the yard, under military drill, without uniform or arms, and we could see in passing the shops that the ordinary trades of such institutions were taught.

THE HAGUE.

We also visited an old prison at The Hague, which is no longer of much use except as a curiosity. A small part is retained in use as a station house. The remainder is only kept as an object lesson of the horrors of prison cruelties in previous centuries. Here all of the old instruments of torture are on exhibition, and we realize more fully how great is the progress that has been made during the present century, and can thank God and take courage for the century to come.

ROTTERDAM.

At Rotterdam we visited a modern radiate and cellular prison with 260 prisoners under sentences not exceeding five years. All are under the Pennsylvania, or separate system, and each prisoner works in his cell. The industries are various, but are mainly tailoring, cabinetmaking, carpentering, weaving, and mat making. There are no corporal punishments, and no conference of officers, as in Germany, but each officer reports to the director every morning. The prison seemed well administered in all departments.

PRISONS OF BELGIUM.

Belgium is the only country in the world in which the Pennsylvania system of absolute separation of prisoners of all grades and terms of sentence is in operation, except long-term prisoners after ten years' service. At the end of that period a prisoner may claim to go into association, and they are then removed to Ghent, where they work and eat in company, but have separate sleeping cells. In all prisons except Ghent the prisoner never leaves his cell save for chapel or exercise; at the former he is in a separate box or compartment, the latter he takes alone in a narrow yard. His life, however, is not one of absolute solitude. He is visited frequently by his warders and schoolmasters and trade instructors; chaplain, governor, and doctor also break the monotony of his life. According to the Belgium view of the case, he lives in association with the prison staff, not with his fellow-criminals.

That there are advantages in this system is evident, and penologists generally, the world over, concede that absolute separation should be

the rule for prisoners awaiting trial, and largely for short-term prisoners under definite sentences; but beyond that there are so many disadvantages and objections that in America the system has been entirely abandoned, except at the Eastern Penitentiary of Pennsylvania, and it is not likely to be extended except for the classes of prisoners hereinbefore mentioned, and for whom it is greatly to be desired.

The Belgium prisons in their entirety are the best administered in the world, and worthy of imitation in many directions.

PRISON AT LOUVAIN.

The prison at Louvain is for high criminals, with no sentences less than five years. It is radiate in form, with 600 cells and an average of about 500 prisoners. Separation is the most complete of any seen anywhere. The rules require the chaplains, of which there are two, to visit 50 prisoners every day, and the director 20; but they do not find it practicable to do so continuously. The prisoners, however, are visited every day by directors of work and other officers. There is a conference of officers every morning to hear reports and arrange for the duties of the day. Long-term prisoners, after ten years, are allowed to go to Ghent if they so desire, but it is claimed that hardly one in a hundred so chooses. Cells are 8 by 13 in size, and are heated by hot water. There are three tiers of cells above the basement, and three grades of prisoners. Those of the first grade receive one-half of their earnings, those of the second grade four-tenths, and those of the third grade three-tenths. The industries of the prison are various, and every prisoner who has no trade is carefully taught one in a regular apprenticeship. All illiterate prisoners are taught reading, writing, arithmetic, elementary notions of grammar, history, and geography, and the elements of geometry and linear drawing. Libraries are found in all prisons, containing not only works of a religious and instructive nature, but also romances, poetry, and other entertaining books, all of which, however, are of a moral and improving type. The exercises of worship and religious instruction are organized with great care, and the religious sentiment is regarded as the most important element in penitentiary education.

The organization of the prison staff is very complete. The employees begin, so to speak, on the lowest round of the ladder, and step by step they may reach the position of director; and no one is considered fit to be a director except through long training and experience. In perfection of administration there is no prison in the world superior to that at Louvain.

BRUSSELS PRISON.

In the prison at Brussels we found 530 prisoners, all males, with sentences varying from six months to five years. The prison is radiate, and is similar in construction and administration to Louvain. Here there are three chaplains (Catholic priests) and two teachers, who give

their entire time to the work. The prison is visited and inspected monthly by a board appointed by the director of prisons of the department of justice. They serve without pay and are eight in number. Committees of prisoners' aid associations also visit the prison. No corporal punishments are permitted in Belgium, and there are no capital punishments. For twenty-five years all sentences to death have been commuted to imprisonment for life, and that is now the established rule.

GHEENT PRISON.

The Ghent prison for more than a century has been the model of the world in construction and administration. This was the first prison, and about the only one, that John Howard could fully commend. The prison was clearly the model of the prison at Philadelphia.

Here we found about 1,200 prisoners. The prison is divided into eight sections: A is for administration; B, for prisoners with sentences from one to three months; C, three to six months; D, life prisoners; E, hospital and administration; F, boys from 16 to 18; G, boys from 18 to 21; H, for prisoners for whom there was no room at Louvain.

Each division is kept entirely separate from the other divisions. There are three tiers of cells and a basement. The upper and lower tiers are used for workshops, chapel, dining rooms, etc., with a separate dining room for each section. However, there is but one kitchen for all the sections. With the exception of section H, all prisoners are under the Auburn system of associated labor by day and cellular separation by night, and in its administration it has no superior.

CONCLUSION.

From this review of European prisons, my conclusions are that whatever superiority they have, and in which we would do well to imitate them, is, namely:

- (1) In the separation of prisoners awaiting trial.
- (2) In the greater efficiency of administration by trained experts and a continuous service.
- (3) In the post-penitentiary treatment of prisoners through prisoners' aid societies.

In some directions America is clearly in advance of Europe:

- (1) Our Elmira system of progressive classification under the indeterminate sentence.
- (2) In our system of juvenile reformatories.
- (3) In the Massachusetts system of probation under suspended sentences.

So, when we come to balance accounts, Europe has about as much to learn from America as America has from Europe, so that there is no occasion for boasting on either side, but every reason to exchange experiences and compare methods and endeavor in all directions to make progress in the future.

THE BERTILLON SYSTEM.

By Maj. R. W. McCLAUGHRAY.

In 1881, when the question of deportation of habitual criminals agitated the minds of the French people and was discussed in the National Assembly, M. Alphonse Bertillon first presented to the public of Paris a method of describing persons and identifying individuals vastly superior to all the old methods, with their vague indications of a person's height, the color of his hair and eyes, his complexion, the size or form of his nose, chin, forehead, etc.

To show the defects of the old methods M. Bertillon stated, from personal measurements and observations made in Paris with over 10,000 subjects, that among a hundred persons of same height thus observed 87 had what is commonly called "brown" hair, 10 had blonde hair, 2.7 had black hair, and 0.3 (3 in every 1,000) had red hair.

A person with "brown" hair has, therefore, no distinction from nine-tenths of the total population. In other words, in nine out of ten times a description of the color of the hair would be useless, or nearly so. The color of the hair, therefore, has a characteristic descriptive power only with the blonde, black, and red headed. One might as well, in a lesser proportion, require a man's description to state whether he was a hunchback or not. An individual ranged in the category of nonhunchbacks would have this characteristic common with 9,999 out of every 10,000 persons. Still more difficult is description considered in connection with the terms "long, large, medium, small," etc., which, in ordinary descriptions, means to convey an idea of the appearance of the nose, forehead, mouth, etc. One sees hardly anything else but "medium;" and what appears small to one person to-day may to-morrow be described as large by another.

Similar difficulties appear in the description of the color of the eye, one-third of the subjects observed of even height having hazel eyes, one-fourth what is commonly styled gray, one-seventh blue, and one-fourth of indistinct color.

The same with the height. Nearly one-third of all measured, range, within the small limit, between 1.65 meters to 1.70 meters; one-third from the dwarf to 1.65 meters, and one-third from 1.70 meters to the giant.

These are the principal features of the old-style descriptions.

Photographs, while valuable in verifying the identity of an individual, are altogether impotent to help you discover this identity, if you have no other means but your eyes to search for the picture among the thousands in an ordinary collection.

All these difficulties are obviated by the new Bertillon method of identification, which consists of the measurement and subsequent classification and subdivision of such parts of the human body as do not change in size after a person has attained his full growth—such as the length and width of the head, the length of the middle and little fingers, the length of the foot, forearm, etc., the height of the figure, the measurement of the outstretched arms, and the trunk of a person seated, etc. A man individualized by measurements of this character is mathematically identified. This system proceeds upon the known basis that it is practically impossible to find two persons showing exactly the same anthropometric indications in every particular just mentioned; consequently accurate measurement of each individual will invariably lead to his identification and separation from all others.

But in order that this identification may be of use in discovering the habitual criminal, a system of classification is required by which such a result may be reached without great expenditure of time and trouble in searching.

Suppose we have a collection of 60,000 descriptions of men, and divide them into three equal groups, according to the measurement of the length of the head—those with small length, 20,000; those with medium length, 20,000; those with large length, 20,000.

To make these groups approximately equal it is evidently necessary that the series of medium length of head should be of less extent than those of large or small length, and should contain, for instance, only the individuals measuring from 19 to 19.4 centimeters (metric system), while that of large length should contain all the individuals measuring 19.5 and more, and that of the small length all those measuring less than 19 centimeters.

The same rule is applicable to the classification of all measurements, as nature itself commends and treads the "golden mean" in preference to the abnormally small or large. Each one of these original divisions is then subdivided, on the same principle, without regard to the length of the head of the individual, into three groups, according to the width of the head. These new subdivisions, numbering $3 \times 3 = 9$, would then contain those with heads of small width, 6,000 descriptions and over; of medium width, 6,000 descriptions and over; of large width, 6,000 descriptions and over.

Experience proves that the width of the head of most people varies independently of the length. In other words, if the head of an individual measures a certain length it does not necessarily follow that its width can, even approximately, be determined thereby.

The length of the middle finger will give a third indication, dividing the 9 groups we already have into 3 groups each, making 27 groups in all, with the following result: Those with small middle finger, 2,000 descriptions; with medium middle finger, 2,000 descriptions; with large middle finger, 2,000 descriptions.

Another subdivision by the measurement of the foot (in three classes—small, medium, and large) will reduce the 27 groups of 2,000 into 81 of over 600 each. Each will again be subdivided into still smaller groups by taking the forearm as basis of subdivision. Another subdivision is effected by the measurement of the height, another by the little finger, the ear, etc. A division of the length of the forearm would give a quotient of 200, reduced by a division of the height to 66, again reduced by the little finger to 22, by the ear to 7, and so on. The meaning of all this is that by the means of 8 coefficient anthropometric measurements, each divided into 3 mathematically defined classes of small, medium, and large, a collection of as many as 60,000 descriptions could be divided into groups of no more than 7 or 8 descriptions each, which it would be an easy matter to examine rapidly and carefully, and with the desired results.

Suppose, again, that a criminal is arrested under an assumed name, and we wish to ascertain whether he has been measured and photographed before. We take an exact measurement of the length of his head and will know at once in which of the main divisions we can find his name. The width of his head will lead us more specifically to the place his description can be found. The length of his middle finger, of his foot, forearm, height, little finger, ear, etc., will enable us to arrive at the exact place where his photograph and description have been filed—if at all.

If a measurement coincides exactly with the figures on the limit of a division, the search has also to be made in the next lower or higher adjoining division.

Experience has demonstrated that the different parts of the human body are not by any means in constant congruity, one with each other. One person is of small stature, but has a large head and large feet; another has small feet and short fingers, but is of tall stature. The variations in individuals are so great, and the precision of the measurements so minute and perfect, that among a hundred thousand subjects there are hardly ten who will show even approximate figures on every indication. But even these few can, by the description, according to the Bertillon method, of the eye and the nose, and the form and location of accidental scars and marks, be individualized, almost beyond a possible doubt or confusion.

If I know how to spell a word, "bread," for instance, and wish to find it and its definition in the dictionary, I look first for the letter B, eliminating the 25 other letters of the alphabet; then I find R as a subdivision to B, then E as a subdivision to BR, then A and D in a similar way,

until I find that very word in the only place in the dictionary where, if correctly spelled, it can properly be filed. Similar analyses and elimination are made in searching for a description in an anthropometrical file, with results almost equally favorable.

The volume containing M. Bertillon's instructions for taking anthropometric descriptions will bear convincing testimony to the thorough and thoughtful manner in which he has treated his subject. Of necessity he enters minutely into the details of execution, but demonstrates that the practice of it is very simple, expeditious, and easily learned; that it is an operation, the performance of which is within the range of the intelligence of an ordinary person and requires but a few minutes of time.

The history of the practical application of the Bertillon method of identification runs back, even in France, but a few years. Inaugurated by the prefecture of police in Paris at the end of 1882, 49 individuals were, by this method exclusively, recognized as habitual criminals in 1883, after all other means of identification had failed; 241 were by the same means identified in 1884, more than 500 in 1885, and a proportionally increasing number for each year since.

The intrinsic value of the system, recognized and proven by such results, so strongly recommended itself to M. Herbette, councilor of state and director-general of the penitentiary administration in France (a branch of the department of the interior), that he lent M. Bertillon his powerful assistance in getting the system officially recognized and extended throughout France, where, in police as well as penitentiary circles, it is now universally adopted and successfully practiced.

The public press in various parts of the country has from time to time favorably commented on the system as practiced in the United States. Professors of colleges and universities have looked into its workings and pronounced it a success. Officers of the army are seriously considering it with a view of advocating its adoption for the identification of deserters; and departments of police all over the United States are beginning to appreciate its merits, and to assist in its general adoption. The Bertillon system is in a fair way of becoming a fixture of permanent and universal usefulness in the United States and Canada.

Words need not be wasted in demonstrating the utility of the Bertillon system in the identification of criminals and in the separation of the habitual or professional from the occasional or first offender, or in pointing out the facilities in recording descriptions it offers to police officials, the wardens of prisons and penitentiaries, and the superintendents of reformatories.

The objection has been raised that such an accurate and minute description of a man as the Bertillon method affords would do great injury to the first or occasional offender by placing him in the same category and in the same files with hardened and professional crimi-

nals. This is a fallacious and misleading argument. On the contrary, the Bertillon method gives more protection to that class of unfortunates than any other mode hitherto practiced in describing a person. The description of an individual, according to the Bertillon method, is buried and hidden in the classified files, never again to be resurrected or examined, unless called forth by a duplicate description taken from the identical person and occasioned by a subsequent offense.

The general utility of the system can not be better elucidated than by quoting some of the remarks made concerning it by M. Herbette at the International Prison Congress at Rome, in November, 1885.

He set forth all the services already rendered by the system of anthropometric descriptions, together with those that it would yet be called on to perform. He dwelt upon the assistance that the system could be called upon to render toward identifying international malefactors, who so readily adopt names and countries other than their own. Crime becoming in some sort professional, and, as it were, a specialty in the hands of a few individuals who know how to profit by the progress of civilization and escape repression, it is natural that society should, in retaliation, avail itself of the discoveries of science in order to baffle their schemes.

The application of M. Bertillon's method has justified the hopes it inspired. At Paris, at Versailles, at Melun, at Poissy, at Lyons, etc., the system is adopted in its integrity. A few days have sufficed to teach it to the guards and officers in charge.

Ascending to more general considerations, and praising the successful efforts of M. Bertillon, M. Herbette demonstrated how this ascertainment of the physical personality and undeniable identity of individuals, arrived at an adult age, may be made to answer for needs the most real and service the most varied:

Should it be a question, for example, of giving to the inhabitants of a country, the soldiers of an army, or travelers visiting the most distant lands, individual descriptions or charts of peculiar marks enabling them to identify themselves, or be recognized at all times; should it be a question of preventing false impersonations; should it be a question of recording all the distinctive marks on an individual on bank drafts and letters of credit, or in documents, titles, and contracts, where it is desirable that his personality should be established for his own interest, for the interest of third parties, or for the interest of the State, the system of anthropometric descriptions will in each instance find its proper office. Should there be a certificate of life, a policy of life insurance, or occasionally a certificate of death to be drawn up; should there be something needed to certify to the identity of an insane or unconscious person, who may be seriously wounded or disfigured so that he can hardly be recognized; in case of sudden or violent death, the result of crime, of accident, of shipwreck, of battle, how serviceable it would be to trace these private marks, unchangeable in each individual, endlessly variable between individuals, indelible, in part at least, until death.

The advantage of it would be still more manifest if it were necessary to establish the identity of people far away, after a lapse of time, when their external appearance, their physiognomy, their features, and physical habits have become changed, either naturally or artificially; and that without removal or expense, by a simple

exchange of notes or figures forwarded from one country to another, from one continent to another, in a manner to make it known in the United States who such a man is who came from France, and to ascertain whether such and such a traveler met with at Rome is indeed the same person who was measured at Stockholm ten years before.

In a word, to fix the human personality, to give each human being an identity and individuality certain, durable, invariable, always recognizable and always capable of being proven—such seems to be the broadest aim of the new system.

It may be said, in consequence, that the range of the problem, as well as the importance of its solution, passes far beyond the limits of penitentiary work, and of the interest (although quite considerable) in the action to be taken on penal questions by the various nations.

Such are the motives that have induced us to give the labors of M. Bertillon and their practical usefulness the publicity that befits them.

In conclusion, one thing more ought not to be lost sight of. I quote M. Bertillon's own words:

Although the details of the system have been decided on, I would not refuse to adopt any new modification offering superior advantages, no matter how the change might affect the French collections to date. I beg of the prison and police authorities of other countries, who are disposed to adopt the anthropometric system, not to introduce special modifications of their own, which would tend to destroy the uniformity of the system, when it is an easy matter for all to act in concert as regards the different measurements to be taken, the choice of instruments, and the *modus operandi*.

It is at the very outset of these questions that we must lay the foundation for the future internationalization of the system, without waiting for routine on one hand, and the yearly accumulations of dissimilar informations on the other, to put insurmountable obstacles in the way.



ANTHROPOMETRIC MEASUREMENTS.

By PAUL RICHARD BROWN, M. D.,
Major and Surgeon, United States Army.

Quetelet, the illustrious Belgian scientist, first demonstrated the fact that mathematical laws determine the distribution of the forms and dimensions of all animate things. The frequency with which a form or dimension occurs progressively diminishes as it is removed from the mean. This decrease is in almost exact concordance with a simple mathematical formula: Newton's binomial theorem—the law of the coefficients of the binomial in its development.

If we go into a forest of oaks of every age and size, what an infinite variety not only in heights, but in forms. However, if we examine into the matter a little more closely; if we classify all the trees according to their ages, there will be an entirely different aspect of affairs; there still will be differences in heights, but between the tallest and shortest trees all the others will be grouped in accordance with the law above mentioned.

The trees of average height will form much the most numerous group, and in proportion as the various trees are removed from this average height they will become rarer and rarer. At the extreme limits there will be only a few exceptional individuals. This numerical decrease is not simply a result which is observed but it can be mathematically calculated independently of all observation. The number of trees, whether giants or dwarfs, is determined according to a law as fixed as that which presides over the symmetrical development and arrangement of their leaves. The mean of form or dimension may vary greatly, so far as man is concerned, from one race to another, but the mean once found, there need be no further difficulty. For instance, so far as the height is concerned in each country the oscillations will be about a mean greater or smaller which will be determined by the influence of race, climate, differences in food and occupation, etc. As all the forms and dimensions of man oscillate or vary between a maximum and a minimum, necessarily the forms and dimensions intermediate between these two extremes will form much the largest proportion of the cases; hence the necessity of three grand divisions—the small, the medium, and the great.

The terms describing these divisions of forms and dimensions may greatly vary, but the dominant idea will always be the same. It has been conclusively demonstrated that after 21 years of age, the various bony lengths of the human body remain practically unchangeable throughout life, and vary greatly from one individual to another. The Bertillon system of anthropometric identification is simply a practical application of the great scientific truths discovered by Quetelet and published to the world by him in his work upon anthropometry, and but for this philosopher there would have been no so-called Bertillon system.

The identification of criminals is only a part, an important part it is true, of the Bertillon system. It has aims loftier and greater than the mere determination of the personal identity of criminals. In many ways a determination of physical personality may be advantageous to society in general independently of its efficacy in the prevention and repression of crime. Wherever and whenever the establishment of the identity of an individual is essential to secure his interests, the interests of his associates, or those of the State, the Bertillon system is capable of rendering valuable service. If we wish to determine the identity of a victim of a railway accident, of a soldier killed in battle—in all cases where the body has been destroyed to such an extent that it is unrecognizable by any of the ordinary methods of identification—the Bertillon system again proves its value.

Numerous cases have been brought to light by the agents of the United States Pension Bureau where individuals have assumed the name and civil condition of other persons and for years have fraudulently been drawing pensions from the Government.

Had the soldier whose name has thus been appropriated been measured and examined according to this system on his entry into the service, no such fraud would have been possible, or at all events would soon have been detected. Had a similar system been in use in our armies during our last war, there would have been no bounty jumping, which at one time threatened the integrity of the Army of the Potomac. Were this system in general use, a dead body at the morgue, a man attacked by paralysis on the street and unable to give his name and address, a lunatic running amuck, etc., could readily be identified and there would be no danger of having those nearest and dearest to us consigned to the oblivion of the potter's field. The famous Tichborn claimant case could have been settled in five minutes had both parties been previously examined and measured. Hundreds of applications of this system, entirely distinct from criminal identification, will suggest themselves to anyone familiar with its principles.

An international extension of this system would soon terminate the depredations of foreign criminals who change their names with every change of domicile. Professional criminals are quick to utilize to their own advantage every improvement made in the arts and sciences bear-

ing upon their specialties. The use of dynamite for the purpose of destroying the locks of safes may be mentioned as an illustration.

Criminology should likewise have recourse to these discoveries whenever their employment is likely to foil the stratagems of professional, habitual criminals.

The Bertillon system is not in the experimental stage; the problem of anthropometric identification has been solved and the sociological value of this method clearly demonstrated by a practical test, which in France has extended over a period exceeding ten years. This system is in general use throughout France, Belgium, Switzerland, Russia, several South American Republics, and is now being introduced into England, so slow to adopt new methods, especially if they are French.

In the United States it is in practical operation in Illinois (introduced by Maj. R. W. McClaughry in 1887), Michigan, Wisconsin, and within the last eighteen months it has been legalized in the State of Massachusetts. On the 6th of March, 1896, it was also formally and definitely adopted by the police department of the city of New York.

It may be asked how the Bertillon system can aid in the capture of a criminal who is at large. It can not, unless he previously has been measured and examined. Let us suppose, for instance, that a murder has been committed in Chicago and the murderer arrested and measured, but by some means he manages to escape. He comes to New York and is arrested for some trivial offense—vagrancy, for example. The Chicago measurements having been mailed or telegraphed from that city to New York at the time of this criminal's escape, the man is at once identified. Were this system in practical operation throughout the whole country, all the professional criminals of the United States would soon be known to the police authorities of our large cities. When France adopted the Bertillon system, there was an exodus of habitual criminals to Belgium; Belgium in self-defense adopted it and the malefactors flocked into Switzerland. When Switzerland, in turn, fell into line, there was a hegira to other countries, etc. The Bertillon system consists of three distinct parts: First, the measurements of certain bony lengths of the human body, called anthropometric; second, a systematic analysis of the features of the face; third, an exact anatomical localization of the various scars, marks, congenital or acquired, of the subject under examination. Of the various bony lengths of the body, Bertillon has selected certain of these lengths which vary greatly from one individual to another and which admit of easy measurement and of still easier classification.

These lengths are as follows: The antero-posterior and transverse diameters of the head; the bizygomatic diameter; the length of the middle finger; the length of the little finger; the length of the foot; the cubit or distance from the point of elbow to the end of the middle finger; the stretch or distance between the extremities of the middle fingers when the arms are extended crossways; the height proper and

the height of the subject when seated. To these measurements are added the length of the ear, an organ which is virtually unalterable throughout life.

The measurements of the head, middle finger, foot and cubit, which are capable of being taken with more exactness than the others, may be termed the grand classification measurements. The instruments employed are a head caliper and two measures which somewhat resemble those employed by shoemakers. There is also a plain wooden measure for taking the height and trunk. They are inexpensive, and in an hour's time any schoolboy 15 years old of average intelligence can be taught their modus operandi. After these various measurements come a systematic analysis and classification of the features of the face in accordance with the same grand principle enunciated above; the oscillation of all forms and dimensions between a maximum and a minimum. The results of these analyses are called descriptive data. They apply both to form and dimension. The following analysis of the profile or outline of the bridge and base of the nose will give an idea of these analyses:

The profile of the bridge of the nose may be rectilinear (the mean), convex, or concave (the extremes), and the qualifying term sinuous, if necessary, may be applied to each one of the above forms. Thus a nose would be called convex-sinuous in which the general profile of the bridge of the nose was convex and also somewhat undulating. The base of the nose may be horizontal (the mean), elevated, or depressed (the extremes).

Thus it will be seen that a nose with convex, rectilinear, or concave bridge may be elevated, horizontal, or depressed so far as its base is concerned. By the use of the parentheses and underlining we can modify each of the above qualificatives. For instance, employing these characters, the series of concave nose bridges could be arranged as follows: (concave), concave, *concave*.

The word concave within parentheses would signify a nose bridge but *slightly* concave, the word concave without parentheses or underlining would be interpreted as middling concave, and concave underlined as *markedly* concave. It is thus evident that the outline of the bridge of the nose may be the subject of seven appellatives as follows: *Convex*, convex, (convex), rectilinear, (concave), concave, *concave*. This form of seriation may also be applied to any feature of the face. The eyes are classified according to the amount of orange-yellow pigmentation presented by the iris, the scale extending from the pale-blue eyes of the blonde races of the Scandinavian peninsula to the maroon or very dark-brown eyes of the inhabitants of the Dark Continent. There are seven classes in all, each with nine subdivisions, which are indicated on a chromolithographic chart. Certain data are also noted in regard to the coloration of the complexion, which may be pigmentary or sanguineous, or a combination of both.

The pigmentary coloration takes into consideration the amount of pigment or coloring matter in the skin; the sanguineous, the amount of blood circulating through the skin, which its transparency enables us to perceive. Thus, with a florid Englishman the sanguineous coloration would be great, and the pigmentary coloration slight; with a pale, dark Italian the sanguineous coloration would be slight, and the pigmentary coloration great. The third part of the Bertillon system consists in an exact anatomical localization of the scars, marks, and deformities of the subject examined.

Certain anatomical points, called guiding points, are employed to determine their exact location. For instance, for the chest the nipples and the fork or notch between the collar bones are used as guiding points, and for the abdomen the navel. The imaginary line called the median line is also a means of localization. A tattoo mark of a heart transfixed with a dagger, located upon the breast of a subject, would thus be described: Pierced heart, 3 by 2 centimeters, at 4 centimeters under right nipple and at 5 centimeters from median line of body; that is, an imaginary line dividing the body antero-posteriorly into two equal parts. As regards the time required for making these various measurements, descriptive analyses, and anatomical localizations, Bertillon himself says "that with two individuals, one measuring, examining, and dictating, and the other recording, the time employed in making one examination is usually seven minutes." Bertillon has devised an ingenious system of abbreviations for the registration of the various descriptive data, marks, etc., which materially shortens the time of operation.

The question may now be asked whether an individual of average ability can readily learn this method which at first sight may seem somewhat complicated and abstruse. If the directions of Bertillon are faithfully carried out, the average policeman can, after an hour's instruction, make all the measurements required; in less than a week's time all the knowledge required to put the system in practical operation can easily be acquired.

In Paris and several of the large cities of France the subject is also photographed, profile and full face, on cards a trifle smaller than the ordinary carte de visite photograph. These photographs have a reduction of one-seventh, and the negatives are never retouched. The phrase reduction of one seventh may possibly not be fully understood and some further explanation may be necessary. In other words, any length upon a subject sitting in the photographic chair will be reduced to one-seventh its original length in the ground glass plate of the camera. If our hypothetical subject holds a rod 28 centimeters long at the external angle of his left eye, the image of this rod reflected on the ground glass plate should be 4 centimeters in length.

The distance required between the camera and the subject in order to have this reduction will be found by having someone hold a rod similar

to the one just mentioned, and then increasing or lessening the distance until the proper reduction is ascertained. This distance once found, the supports of the camera and the chair should be permanently fastened to the floor of the studio.

The classification of the results obtained will next demand notice. Certain measurements above mentioned have been termed the five grand classification measurements, viz, length and width of head, length of middle finger, length of foot, and length of cubit. Following out the dominant idea of the system, a head length may be small, medium, or great and the other measurements may be qualified with the same terms.

In the central office at Paris there are two large cases filled with pigeon-holes, one designed for the alphabetical classification of the descriptive cards, the other for their anthropometric classification, duplicate cards being made out for each subject examined. The anthropometric case is divided horizontally into three equal compartments for lengths of head and vertically into three other divisions for breadths of head, and further subdivided for the three classes of middle finger, foot, and cubit lengths. The anthropometric descriptive cards are filed in lidless sliding boxes upon the front of which are pasted paper slips with the roman numerals I to V, inclusive, printed upon them, these numerals corresponding to the grand classification measurements to be found in that particular box. Suppose now, for example, that a criminal or suspect has just been brought to the central office of the prefecture of police and the authorities desire to ascertain if he ever has been measured and examined. If this be the case, and he gives his true name, the task is easy; a search is at once made in the alphabetical collection and his descriptive card immediately found. But the prisoner may claim that he has never before been arrested. His various measurements are then taken, his descriptive data registered, and his scars, peculiar marks, etc., noted and recorded.

Search is then made in the anthropometric collection. This collection now contains something over 150,000 descriptive cards. We read on the card just made out that the subject's head length is 187 millimeters. As the medium class of head lengths extends from 185 to 190 millimeters, both numbers inclusive, we at once put him in the medium class, and thus eliminate 100,000 cards from the collection.

We find that his head breadth is small, and, following out the same principle, we eliminate two-thirds of the remaining 50,000, or about 33,334, leaving still remaining 16,666. The same method of elimination is then pursued with the length of the middle finger, and we reduce the number of cards in the collection to 5,555. Again eliminating by the length of the foot, we make a further reduction to 1,850, which is still further reduced by the cubit to a group of about 620. The height reduces this last number to about 205 cards which is again subdivided, always following out the same plan, by the bizygomatic diameter, the length of the little finger, the length of the ear, height of trunk, and

stretch to a final group of about a dozen cards, which are arranged according to the color classes of the iris. After the various measurements have disclosed the location of the card, the descriptive data and anatomical localization of the various scars, marks, etc., absolutely prove, beyond the shadow of a doubt, that one and the same individual is described in both cards.

In Bertillon's work upon Anthropometric Identification full directions may be found in regard to the manipulation of the anthropometric instruments, and peculiarly excellent plates render it almost impossible for the most stupid individual to misunderstand the directions. Full information will also there be found in regard to the correct manner of observing the various features, making out the descriptive data, the anatomical registration of the scars, marks, etc. Various plates explain to the reader his own position and that of the subject during the various measurements. No possible mistake can be made by anyone carefully following out Bertillon's directions in all their minutiae. In this hurried résumé only the barest outlines of this system have been given, which seems to me more and more wonderful the more I know of it.

When I think of the vast results of which it is capable in the prevention and repression of crime, I believe I do not exaggerate when I say that Quetelet and Bertillon are two of the greatest benefactors of the human race which this century has brought forth, and that the jurists and criminologists of the twentieth century will be amazed when they read of the stupidity and ignorance of those nations that did not adopt this wonderful system of anthropometric identification as soon as it was made known to them.

THE DISCHARGED CONVICT IN EUROPE.

By SAMUEL J. BARROWS.

In a trip made to Europe in 1892-93 the writer visited many European prisons, and also gained some information in regard to work for discharged convicts in European countries. His presence as a delegate to the International Prison Congress at Paris in July, 1895, offered an opportunity for special inquiry and for securing information through personal conference and official reports not easily obtained elsewhere.

More than a year before the meeting of the Paris Congress a series of questions was sent to officials and delegates of different countries, inviting the preparation of statistics and monograph concerning the administration of prisons. Included in these questions were some bearing upon work for discharged convicts. One of these questions was what amount prisoners might save in prison in preparation for their discharge; second, what means should be taken after discharge to see that this money was not wasted. A third question related to the existence and activity of prisoners' aid societies.

As usual in the collection of such data, too many countries failed to respond. Nevertheless, the result was the preparation of some valuable monographs and reports in different countries.

The limits of this paper will permit nothing but the briefest summary of principles, methods, and results which these reports illustrate.

FRANCE.

The monographs concerning French institutions are among the most complete. Among the prisons chosen to illustrate the system are those of Melun, Poissy, and Berrouaghia for men; the Maison Centrale de Rennes for women; the prisons celulaire d'Angers and of Lyons and of Rouen for both sexes, and several establishments for boys and girls. In the French system prisoners are allowed a certain portion of their earnings. This is divided into two parts, one of which they may dispose of while in prison, the other constituting a reserve against the time of discharge.

The Maison Centrale de Melun has a prison population of 605. The average amount accruing to the prisoner on his discharge is, for three

years of detention, 250 francs; four years, 350 francs; five years, 450 francs. A part of their earnings may be sent to their families during their imprisonment, or may be spent for fruit, letters, and other expenses approved of by the administration. A portion of the reserve is applied to the cost of clothing and of sending the prisoner to his home. The rest is sent by postal order to his place of residence. Only those who are pardoned or liberated conditionally receive their money at their discharge. Prisoners may voluntarily place their reserve in the hands of the societies of patronage, as most of the prisoners' aid societies in France are called, the society acting as a savings bank. Outside of this no special measures are taken to prevent the prisoner from wasting his earnings. A society of patronage at Melun assists every year 1,200 tramps—mendicants and tramps—but we are told that the discharged prisoners of the Centrale Maison rarely apply for its benevolent intervention.

At Poissy the average amounts given to discharged prisoners from their earnings are for one year, 81 francs (\$16.20); two years, 187 francs (\$35.40); three years, 373 francs (\$74.60); four years, 407 francs (\$81.40); five years, 562 francs (\$112.40). These figures are so variable that the difference obtained by some workers in three years is superior to those obtained by others in four years. Prisoners' aid societies aid the condemned at their liberation, after having received information in regard to their sincerity and worthiness from the prison administration. They seek work for them and try to establish them in friendly relations in the section of country from which they have come, or they shelter them in asylums for some days. At Poissy, four societies lend their aid to discharged prisoners. There is the Société générale pour le patronage des libérés which was established in 1871 whose seat is at Paris. Its president is the distinguished senator, legislator, and penologist, M. Bérenger. This society holds special relations with the director. The conditionally liberated who are not immediately able to find employment are received provisionally in a special asylum where they are assisted by work. The reserve gained in prison remains in the hand of the society until the protégés are properly placed. A second society is the Société centrale de patronage des libérés, whose president is M. Steeg, inspector-general of primary education. Its seat is at Paris and at Versailles. Every month a delegate visits the prison and questions the prisoners who are nearing their discharge. The special end of the society is to reconcile prisoners with their families or to serve as an intermediary between the condemned and other persons. A third society has for its object the aid of volunteers in the military service who may be found in correctional establishments and who undergo imprisonment before their conscription. These young prisoners are sent on liberation to the department asylum of Nanterre. They are often transferred to the disciplinary battalions of Africa. A fourth society is the Société de patronage des libérés repentants, founded in

1876 and engaged especially with prisons for short sentences in the department of Seine et Oise.

While we find the director of the Maison Centrale of Poissy recognizing the services of four societies for discharged convicts, the director of the prison for women at Rennes complains that all his efforts have been in vain to establish an aid society for prisoners in that vicinity, owing to local causes. He recognizes, however, the services of the sisters of the order of Marie-Joseph. At Angeres, where there is a cellular prison for both sexes, the work of the aid society is gratefully recognized by the director. It is composed of magistrates, landlords, and of some rich manufacturers in that city.

The aid society of Lyons stands in close relation to the administration of the prison. An agent and also a committee of the society visit the prison and inquire into the condition of those who ask aid. This society extends its activities to all the penitentiary establishments in the southeastern part of France.

In Rouen a society was organized in 1874, which is one of the most active and vigorous in France. It comes into relation with prisoners before they are discharged. Its resources consist of subsidies by the State and the city of Rouen, of fees remitted to it by members of the jury, and of the earnings of prisoners committed to its care, amounting, all told, from 4,000 to 7,000 francs a year. There are other institutions, such as lodging houses, which do not confine themselves to aiding prisoners, but which have often prisoners among their beneficiaries. One of these lodging houses received in 1893 11,652 individuals, of whom 9,991 were men, 1,281 women, and 380 children. Another asylum on a private foundation has furnished nearly an equal amount of assistance. Still another society provides the needy with work, following a plan adopted generally in societies of this kind in France, of giving each individual some occupation for half a day which will entitle him to his daily bread and lodging. The other half of the day is devoted to the seeking of some regular employment. In the year 1893 9,756 days' work was furnished for 1,361 persons, and the amount dispensed in wages amounted to 10,208 francs. The resources of this society in 1893 amounted to 35,681 francs and its expenses to 19,185 francs. In connection with the agricultural colonies and institutions for minors there are nearly always aid societies and committees.

The Société pour le patronage des libérés has been mentioned. The report before me made for the general assembly in June this year gives an account of its work for the last year, including the admirable address of the president, M. Bérenger. The society was founded in 1870. "That which impresses one most," said the president, "in looking back over the past twenty-five years is the progress of ideas." When it was founded, but little was known about the patronage of prisoners, and that was met with incredulity and mockery. To these early doubts a confidence and an eagerness have succeeded whose results are seen

every day. The Government now gives important sums for this work and the chambers vote them without difficulty. For twenty-five years the society has patiently done its work. In its first year it assisted from 80 to 100 discharged prisoners and had an income of 8,000 or 10,000 francs and 200 members. To-day it assists 3,400 prisoners and has an income of 113,000 francs (\$22,600) and 800 subscribers. In 1879 a temporary asylum was created. In 1881 it was decided to extend assistance to women, and a new asylum was established. A second asylum was established in 1890, especially for those liberated conditionally, and the number of assisted rose to 3,300. The total number of prisoners received from the beginning is exactly 33,028. The introduction of work into these asylums in 1891 helped prisoners and improved the finances of the society. Work has since been established in the house for women. The obligation to work is regarded as a great protection against the idle and hypocritical. A new rule imposes four days of work without wages in return for the shelter.

The introduction of work has reduced the expense from 35 francs to 17 francs 25 centimes for each prisoner, a reduction of 50 per cent. The figures for the last year show that 271 have been furnished with aid to return to their homes, 17 were reconciled with their families, 249 were enlisted as soldiers, 822 were placed at work, 170 were assisted without the asylum, 7 left the country, a total of 1,536. Of the income of the society 54,000 francs is received from the work of inmates, 54,000 from different subsidies, and 11,000 from subscribers. The association own two of its asylums, valued at 126,000 francs, with merchandise worth 15,000. This society is one of the finest examples of a living, active organization.

Another important organization is the society for the aid of Protestant discharged convicts. It was founded in 1869 by the Rev. E. Robin, who has written a work on the penitentiary question. Its receipts in 1894 were 6,590 francs; its expenses 5,875 francs. Since its organization in 1869 it has aided 3,678 prisoners. There is also a Protestant society working among women prisoners, which has a modest asylum. Its work is not numerically large, but earnest, personal, and sympathetic.

One of the most active of the labor homes is established at Melun. During the year 1894 it aided 1,246 inmates. Of these but 75 presented themselves a second time, 7 a third time. The majority stay from one to four days. This society receives and expends about 10,000 francs.

An important step was taken in 1893 for the union of all societies of patronage in France. The first congress of these societies for that object was held in Paris in 1893, and the second congress in Lyons in 1894. A permanent commission was formed and a central bureau established. The object of this bureau is not to interfere with the special work of each society, but to furnish a center for information and mutual aid. There are now 50 of these affiliated societies in

France. The central bureau is composed of 25 members elected for five years.

On this central committee are the names of distinguished lawyers, professors, judges, and philanthropists. The honorary presidents are the eminent senator, author, and member of the French Academy, Jules Simon, and M. Charles Petit of the court of cassation. The active president is Dr. Theodore Roussel, senator, member of the institute, and president of the superior council of public assistance; Messrs. Bérenger and Albert Rivière are on the central committee.

The Société générale des Prisons has for its object the study and development of all questions relating to penology, and has made a distinguished name for itself the world over among penologists. It has enlisted the cooperation of some of the most eminent of French jurists and philanthropists in the discussion of practical and fundamental questions. Its publications take the highest rank. It was my privilege during the session of the Prison Congress to attend on the 4th of July the dinner given in the Eiffel Tower by this society to the foreign delegates. The addresses on that occasion were marked by an earnestness, dignity, and sympathy, which were beautiful indications of the development of the humane sentiment not only in France, but throughout the world.

The national organization of these aid societies in France having been formed but two years ago, it is too early yet to seek practical results from this feature. But an interesting report by M. E. Cheysson shows just how such a central bureau may be useful. And it is interesting to note that as a result of the interest awakened by the formation of its national organization fifteen new societies were organized between May, 1893, and June, 1894, and some old societies have been revived. At the same time the Société générale pour le patronage des libérés has established ten new sections in different parts of France under advice of the central bureau. Thus the seed of a new interest in behalf of the prisoners has been sown everywhere in France and is bearing excellent fruit.

SPAIN.

When we turn to Spain, there is a decided contrast to the condition of things in France. Institutions of patronage do not exist distinctively for prisoners. They are more a matter of retrospect. There is evidence that some three hundred and fifty years ago Spanish nobility founded a society which concerned itself in securing justice for poor prisoners, obtaining pardon for their misdeeds, and giving them material aid. This society, founded in 1537, existed until 1649, one hundred and twelve years, at Seville. Other societies were founded in the last century and early in the present one. In 1840 the Sociedad Filantrópica was formed for the reformation of the prison system of Spain. It worked with activity and success until weakened and arrested by

political causes. Among its most distinguished members was Ramon Lasagra. One of the Spanish reporters to the Prison Congress says the patronage of prisoners in Spain seems to have completely fallen into forgetfulness. The prison system allows a reserve fund to the prisoner from his earnings, but no effort is made upon his release to supervise its expenditure.

AUSTRIA.

In Austria aid for discharged convicts has only lately begun to develop. Conditional liberation does not exist, but the system of allowing prisoners a portion of their earnings has been adopted. At the penitentiary at Marburg the amount of money due to prisoners on discharge averages from 5 to 7 florins (\$2.50 to \$3.50) a year. For the aid of worthy prisoners from this penitentiary there is a society, formed in 1891, under the presidency of its director. It has a membership extending over the Empire, the fee being 50 kreutzers a year—less than 50 cents. The mayor and the curé of each commune are counselors of the society. The membership is 561. In the three years following its organization, it procured work for 191 prisoners, reconciled 61 with their parents, bought railroad tickets for 247, and expended 1,600 florins (\$800) for clothing and gifts. The investigation it has made in regard to those it has assisted shows that only 3.06 per cent have returned to crime, while where patronage has not been extended the recidivists reached 60 per cent. There is a fund for the aid of discharged prisoners, under control of the state, for the penitentiary at Marburg, which fund is at the disposition of the director. In the two prisons for women, that of Maria-Nostra and the prison of St. Maria Madelaine, the discharged receive a portion of their earnings, averaging about 5 florins (\$2.50). Religious orders assist them on release. A legacy of 7,900 florins is devoted to the aid of female prisoners. The report says that the development of societies of patronage in Austria leaves much to be desired.

HUNGARY.

In the Kingdom of Hungary there are 20 voluntary organizations whose funds are augmented when necessary by the minister of justice. These societies are administered by persons without official relations. Where the assistance of the society is lacking, the royal attorney (procureur) is able to aid the discharged to the amount of 15 florins (\$7.50) per man. In addition to this, the average amount available to the prisoner from his earnings on discharge is about 12 florins a year (\$6). The penitentiary of Vaez has a special assistance fund, derived from the labor of prisoners. It amounts at present to 15,567 florins. The interest of the sum alone is used.

Three years ago in Hungary I visited personally the home for discharged prisoners established in the suburbs of Budapest, under the auspices of the Budapest Verein für Unterstützungen entlassener

Strafgefangenen. It was my privilege to meet the founder of this institution, Dr. Francis Scekely, a judge of the supreme court of justice, which is the highest court in Hungary. Dr. Scekely has not only established this home, but introduced a special industry, the making of straw covers for bottles, and in connection with a friend, invented a machine for their manufacture, so that Hungary no longer needs to import them, but is even able to export them. The institution is partly supported by the income from fines imposed by the code. Thirty per cent of this money in Budapest goes to the institution. It amounts to about 8,000 gulden. The society consists of 600 members. The institution has from 36 to 40 men, and occasionally 2 or 3 women, for whom there is a separate part of the house. This seemed to me to be one of the best labor homes I had seen, as one may see in Budapest one of the best jails in Europe. More satisfactory than the institution was the pleasure of finding an eminent judge in Hungary giving so much of his thought, time, and inspiration to aiding discharged convicts while acting as the honorary president of the society named.

SWEDEN.

Aid societies exist in all the principal departments of Sweden, and there is a central society at Stockholm. The prison population of Sweden is small, so that the work of the aid societies does not make a large show in statistics. Prisoners do not receive wages as such for work, but are given a premium for industry and good behavior, which does not exceed 9 cents a day. Half of this premium is available during the stay in prison; the remainder is deposited for him in the postal savings bank, and he is not allowed to touch it until after he has been a month out of prison.

DENMARK.

The same principle of allowing prisoners to accumulate a reserve from their earnings or money in the shape of a prize or gratuity prevails in Denmark. There are a number of aid societies, which have at Copenhagen a central organization, with an office and a paid agent. The inspector of the prison or the chaplain is usually the president of the local societies, and two or three other officers of the prison are members or directors. Assistance is given in the form of clothes, tools, railroad tickets, or orders for food. The society has been in existence for thirty-five years. Its revenues are mainly from private contributions, but the State treasury also gives aid. As little assistance as possible is given in money.

SWITZERLAND.

Switzerland is a country of less than 16,000 English square miles. It is little more than twice as large as Massachusetts and less than half the size of the State of Ohio. Yet Switzerland has fourteen societies for discharged convicts. The central committee of each society

has its office in the chief city of each Canton. It is interesting to note that in the Canton of Soleure a police department fulfills the work of a society of patronage and that at Bâle-campagne and also at Tessin the director of the penitentiary fulfills the discharge of this duty. The Swiss societies are each administered by a central committee chosen by the general assembly. In addition to this, several societies have a committee of women who care for women prisoners. Indeed, the members of the societies comprising a district or part of a Canton can constitute themselves a section, having a president at their head. Zurich is a Canton of 687 square miles, with a population of 284,000 inhabitants. It has a society with eleven such committees. One can thus see how fruitful in results may be the work of a society so thoroughly organized and whose committees and patrons work within a limited territory. Nowhere in the world, I suspect, is so much done toward bringing helpful patrons into direct personal relation with liberated prisoners as in Switzerland. The idea is that no prisoner shall really lack a patron. These district committees are composed of charitable men and women, well known in the place where they live for their devotion to those that suffer. They carry the spirit of philanthropy into the smallest borough.

Some societies, notably of the Neuchatel, replace these district committees by corresponding members who have the same duties. In an eloquent discourse, pronounced by Mr. Edouard Blache, on the patronage of discharged prisoners in Switzerland, which was delivered before a distinguished audience of judges, civil and military authorities in France, he called attention to the large number of societies which have at their head the director or the chaplain of a penitentiary, or some prison official, or a minister of some denomination. Such cooperation could not be found in every country, owing to political or religious divisions, but in Switzerland, an essentially democratic country until lately profoundly troubled by religious discussions, it is recognized by all that the patronage of prisoners is a neutral territory where men of all parties and of all social classes may be found. "Among us," said M. Lardy, "in that which relates to patronage, there are no more divisions of churches, parties, or social conditions; all are in agreement, and that has been the case for the last twenty-three years." "This union," says M. Blache, "of all the vital forces of the nation joined for the same effort is the main cause of the success of the Swiss societies of patronage." The number of members in these societies has been growing from year to year. That of Neuchatel, which began with 219 members, now numbers 1,800. To secure popular interest and support, the membership fee is placed very low.

The main work in each society falls upon the central committee, especially the delicate task of choosing among those prisoners who appear to be worthy of patronage and of designating a patron for them. The extension of aid is made, not through money, but through

work and personal sympathy, counsel and interest. This personal relation with the prisoner begins before he has left the prison. The society does not wait until some homeless or discouraged prisoner knocks at the door of its office. It goes to him as the father went to meet the prodigal son, while he is yet a great way off. Systematic visits are made to the prison. Every prisoner knows that he may apply for aid if he needs it and merits it. The director of the prison who, as already said, is a member of the committee, furnishes his colleagues with what they need to know concerning the character, the improvement, and sincerity of the prisoner. They learn his age, origin, profession; they know when he is coming out and what measures need to be taken in regard to him. Reports are carefully and formally made concerning the health of the prisoner, his special aptitude for work, his education, his weakness, the condition of his family, and the sum of money which he has earned. Instead of remitting the money to the prisoner, which in other countries has often proved a great temptation to waste and debauchery, the reserve due him is deposited in the savings bank and the book is generally given by the central committee to the patron who is chosen to be a friend, guide, and counselor to him. This direct individual and personal relationship which is established between the patron and his protégé is one of the most vital features of the Swiss system. No prisoner thus comes out friendless.

To this friend is committed the work of directing the prisoner in the right way, of continuing his moral education, and of following him until he is restored and rehabilitated. Personality thus has an immense place in the Swiss system. "Everything depends upon the choice of a patron," said the eminent president of the society at Neuchatel. "If prisoners have the fortune to find a good patron they nearly always reform." It is not always easy to find a man devoted and charitable and ready to sacrifice himself to this task. "Yet," says M. Blache, "we are able to cite examples of patrons in Switzerland who have guided with success a dozen and even fourteen discharged prisoners. The duties of the patron, his sphere and mode of action are described; his first mission is to seek for his protégé some place where at the moment of his liberation he may be able to gain an honest living. He must see that his protégé has a place, if possible, with a new environment, removed from the baleful influence to which he was exposed before. In France and elsewhere complaint has been made of that public hostility which often paralyzes the efforts of those who seek to find work for prisoners. "There is no lack," says M. Blache, "of sympathy for the prisoner who groans upon the damp straw of his dungeon, but when the condemned has paid his debt to society he often meets with nothing but disdain and contempt." The Swiss societies would long since have been wrecked had they not succeeded in diffusing among the masses more just ideas in regard to liberated prisoners and made the people understand that it is for their interest to associate

in this work. It can not be said that this hostility to discharged prisoners has totally disappeared in Switzerland, but it may be affirmed that the popularity of the societies in Switzerland, the confidence they have inspired, and the results they have obtained, render the task of their central committees or of the patrons much easier. If circumstances permit, the patron seeks at the very outset to reconcile the prisoner to his family and immediate friends. This is usually followed with the best result.

The Geneva society has established an asylum where prisoners are received on the day of their liberation for whom it has not been possible to find permanent employment. Provisional work is found for them through two societies for furnishing temporary employment. The society at Neuchatel has no asylum, and proceeds in a different manner to place its protégés. It establishes a list of corresponding members, and through a special employee paid for this work a list of persons in the canton who are disposed to give occupation to discharged convicts. This list contains all particulars in regard to the number of workmen, the number of apprentices, and the conditions imposed in each establishment. Contractors and employers willingly admit discharged prisoners in their establishments, for they are assured by a double guaranty; first, the surveillance of the patron, who is kindly if the prisoner behaves well, but in the case of disobedience or misconduct may impose a penalty; secondly, the engagement by the society to cover the cost of depredations of which it might be a victim through the employment of prisoners. But in twenty-three years the society has not had to expend a cent on this account. The development of patronage in workshops is dependent to some extent upon the reception which honest workmen accord to discharged prisoners. It is possible for them to make his life miserable by reproaches, but the law department of Neuchatel, in its desire to extend a support to the prisoners' aid societies, has decided that whoever malevolently and without sufficient excuse publicly reproaches a prisoner in regard to the act he has committed or the sentence he has incurred, shall be punished by imprisonment of a month or a fine of 100 francs.

The society avoids as much as possible giving indiscriminate aid; but it is often necessary to provide a prisoner with clothes, overalls, or tools, before he can get work. At Neuchatel the care of making the necessary purchases is devolved upon the patron.

When a patron has found a place for a discharged prisoner, his work is far from finished. In the Canton of Neuchatel patronage involves two distinct elements. The patron gives his protection and aid to the prisoner intrusted to him. He stimulates his zeal by giving him from time to time a part or the whole of his accumulations in prison. On the other hand, the prisoner is submitted to a surveillance which is very different from the surveillance of the police. Its duration is decided by the central committee upon the report of the patron. The

patron presents each year a circumstantial report upon the result of his activity. Formerly, the only penalty which a discharged prisoner incurred for insubordination or misconduct was the withdrawal of aid; but since 1892 the council of the Canton of Neuchatel, by an amendment to the penal code, enables the committee of the society to complain of an insubordinate prisoner before the proper authorities and to inflict a punishment whose maximum is fixed at three days' imprisonment. This power is used with great discretion, so as not to alienate the objects of aid. This surveillance is not only extended to those who have voluntarily placed themselves under the patronage of the society, but the penal law now intrusts to the society the surveillance for a period of five years or more of every prisoner less than 18 years of age. He is obliged to conform to the injunctions of his patron and of the committee, under a penalty of being sent again to prison for a period not exceeding six months. The society also cares for minors who have been acquitted as irresponsible, but who need to be placed in some house of correction or discipline.

It is thus seen that the society acts in close relationship with the State, although its activities depend almost wholly upon private interest and devotion. The State not only gives moral support, but aids by subsidy.

The practical result of this system is seen in the reduction of the number both of prisoners and of recidivists. In the Canton of Neuchatel there has been a reduction of 50 per cent in the number of prisoners. The recidivists, which in 1870 were in a proportion of 75 per cent, were in 1892 only 4 per cent. In the Cantons of Switzerland which are deprived of these aid societies, recidivism still works its ravages. In 1890, of 225 prisoners assisted by the Neuchatel society, only 6 have fallen. In 1891, of 264 discharged prisoners aided, 10 have been reconvicted. In 1892, of 360 aided, 15 have fallen. In the society of the Canton of Geneva, of 496 condemned men whom it has aided, but 17 had received new condemnations. M. Blache believes that a part of these results must be credited to the excellent penitentiary system of Switzerland. It is a system of at first solitary cellular confinement, then progressive life in common, and afterwards conditional liberation.

Since 1888 there has been a union of the different societies in Switzerland, with a central organization, without sacrificing the individual character or autonomy of each society. This union has been fruitful in practical results.

No man in Switzerland has done more for the development of the penal system of that country than Dr. Guillaume, director of the federal office of statistics and general secretary of the Commission of the International Prison Congress, and to him I am indebted for many facts and reports in relation to aid for discharged prisoners.

ENGLAND.

In England, according to the report of the prison commissioners, there are some ninety prisoners' aid societies. In preparation for the Paris Congress, Mr. E. Ruggles-Brise, commissioner of prisons and the official delegate to the Paris Prison Congress, sent a series of special inquiries to every aid society in connection with the prisons, asking for definite information. Through the personal kindness of Mr. Ruggles-Brise, I had the opportunity at the home office of looking over the large amount of information thus acquired. The paper by Mr. E. Ruggles-Brise, written as a result of this examination, was a valuable contribution to the preliminary reports of the Congress.

Among the answers received from these societies, that of the governor of Stafford prison furnishes one of the best examples of the English method. Two societies are connected with this prison, the North Staffordshire and the South Staffordshire aid societies. In addition, the Litchfield Labor Home, the County Police Mission, and some various female rescue and preventive homes cooperate with the societies mentioned. The names of all prisoners selected for inquiry are every week submitted to the governor, who is a member of the executive committee of both societies. The governor, at his discretion, reduces or adds to the list. The societies take charge of and expend through paid agents all prisoners mark money. The chaplain is secretary to the two societies. In conjunction with the governor he selects places for the agents to see and inquire into. The agents are under his authority, and he is responsible to his executive committee, to whom he submits a monthly balance sheet, giving full details of all the work done in every way. Under the English system the law provides for a visiting committee for each prison, which is made up mainly of magistrates. Its members are nearly all subscribers to these societies and several belong to the executive committees. The agents are paid a fixed salary and expenses. Especial attention is paid to female prisoners. Ladies' committees exist in almost any town in the county. The fundamental rule is "No money aid." Clothes, tools, food, etc., are purchased and lodgings provided while work is being found. The prisoners' gratuities are paid by the societies.

The society does not profess to deal with habitual criminals beyond taking charge of their mark money and doing their best to find work for them. The societies do their utmost for first offenders and for prisoners with one or two convictions. There is a labor home for female prisoners. The chaplain, though favoring a home for female prisoners, does not regard a labor home for men as a form of aiding discharged convicts that it would be well to resort to frequently. Four thousand one hundred and eighty-nine prisoners were discharged from Stafford in 1893. Twenty per cent of this number came before the agents of the two societies. Pecuniary assistance, not cash, was given to 400; work

was found for 223. Less than 10 per cent of the men and women dealt with by the two societies have been recommitted to prison.

The various prisoners' aid societies of England, of which 67 are reported—and there are about 90 in Great Britain—illustrate one important advantage secured by their multiplication and cooperation. They become centers for the education of public opinion concerning all questions of prison reform. The English societies bring to bear upon Parliament and upon the Government the force of their influence to secure better methods and better legislation. Thus, in 1893, a congress of the various prisoners' aid societies in England was convened in London, to which 50 societies sent deputies. At this conference resolutions were passed recommending amended legislation for habitual drunkards, raising the question of gratuity to ticket-of-leave men, and urging the non-imprisonment of children. The committee of the North Staffordshire society say:

Your committee have for some years lamented the isolated conditions under which the various societies have hitherto been content to work. Apart from the intrinsic value of the four reforms above specified, we attach paramount importance to that fast-growing spirit of cooperation, combination, and free interchange of experience by which they have been brought within the range of practical possibilities.

In the valuable report of Mr. E. Ruggles-Brise already referred to, the essential elements of the treatment of discharged convicts are described and the work that is done by the aid societies, the temporary homes, and the Salvation Army is warmly recognized. In England the prisoner does not receive a portion of his earnings as such, but receives certain gratuities. On his discharge from a local prison—that is to say, a prison in which the sentences are of short duration, from one day to two years—he may receive not more than 10 shillings. On leaving a convict prison where the sentences vary from three years to life the highest amount available to him is £6. Above a certain minimum sum, the aid societies take charge of the gratuities for the prisoner. The Government also gives certain sums to these societies. The amount given has generally been based on the requirement that private donations should reach an equal amount, or that the subsidy given by the Government should be limited by the amount received from other sources. "The principal difficulty," says Mr. Ruggles-Brise, "which retards the work of the reformer is the shortness of sentences. More than half of the sentences are for less than fifteen days. Thirty-eight per cent are condemned to a week or less. Thirteen per cent only remain prisoners long enough to obtain a gratuity on their discharge. Thus, in the case of the great majority of prisoners they have very little if any occasion to exercise their beneficent influence. In spite of this the prisoners' aid societies are in communication with nearly all the prisons throughout the United Kingdom and are doing an immense amount of good. The energy, zeal, and devotion excited by that special form of charity from one end of the Kingdom to the other are truly admirable."

Agents are employed to-day in most all prisons; in some, two agents are employed, one for the male and one for the female prisoners.

No question in England, we are told, has given rise to so much diversity of opinion as that relating to the establishment of temporary homes for men. In general, in England, public opinion is against the adoption of such a system. On the Continent it is more favorable to these establishments. Mr. Ruggles-Brise doubts if the opinion common in England is correct. But little has been done in this direction in England during the last twenty years. Canon Jacobs, of Portsmouth, believes strongly in labor homes, and says, "Our missionaries rarely fail to find work for those who have passed through the labor home and are benefited by it." Mr. Ruggles-Brise is of the opinion that every prison ought to have a labor home in connection with it. Some prisons take advantage of the homes or shelters established by the Salvation Army, which do a great amount of good. As for refuges for women, public opinion is practically unanimous in their favor. Semi-official refuges for women have obtained excellent results. They are applied to long-sentence convicts, not to local prisons. Generally speaking, they depend upon conditional liberation after the expiration of a third of the sentence, with power to recommit the prisoner in case of misconduct.

In England the curious are strictly excluded, but every facility is offered to persons properly accredited and recognized whose object is the well-being of a prisoner.

OTHER COUNTRIES.

Prisoners' aid societies also exist in Germany, Belgium, Holland, Italy, and Russia. The Duchy of Baden alone has 59 district committees, grouped under the direction of a central committee. The custom of giving prisoners gratuities or a portion of their earnings as a reserve fund against discharge, prevails in nearly all European countries, and it even extends to Japan, where conditional liberation has also been introduced.

ACTION OF THE FIFTH INTERNATIONAL CONGRESS.

So far as the discharged prisoner is concerned, discussion at the Fifth International Prison Congress centered in the question, What means should be taken to prevent discharged prisoners from wasting their accumulation on leaving prison, and thus falling again into crime? The action on this subject is given in the report of the third section.

CONCLUSIONS.

From this wide survey of European methods, what conclusions may be drawn in regard to our own country?

(1) The weight of evidence shows that in the countries and districts where aid for discharged prisoners is most actively and efficiently organized there has been a marked decrease in the percentage of recommitments to prison.

(2) Where aid for prisoners is most sufficiently organized, we find also an improved prison system and a due attention to preventive agencies. One can not take hold of one end of this prison problem earnestly without being obliged to take hold of the other. It was the Prisoners' Aid Society at Baltimore that discovered that a children's aid society was needed. As we have seen, the prisoners' aid societies in England are earnestly advocating preventive measures.

(3) In England, France, Switzerland, and in some other countries, prisoners' aid societies are vastly more numerous and active than in the United States. For the most part they are officially recognized and aided by Government funds, and their work is carried on in cooperation with prison officials. The question rises whether we should not have prison associations in every State of the Union, with committees or district societies in every county or wherever there is a prison.

The opposition of many wardens in this country to such societies may be attributed to the unbusinesslike and unpractical manner in which such organizations have worked, though as a matter of fact there are so few societies in active existence in this country that few wardens have had much experience with them. If societies in this country like those in Switzerland and in England were brought into close relation with the wardens and chaplains of prisons, they would gain by the practical wisdom and experience which prison officials have acquired.

(4) We can not separate the proper treatment of discharged convicts from the large question of prison administration. When a man returns to prison a second or third time it may be because when he went out he was not properly educated to go back into society, or it may be because society was not properly educated to receive him. Those who have to deal with discharged convicts know the difference in dealing with a prisoner who has come from a house of correction and one who comes from Reformatory. If one has learned a trade, or has had the manual education which lies at the basis of all trades, it is not so difficult to place him. But if one comes out of prison without education, it is hard to tell which is more helpless, the prisoner who asks for aid or the man who would like to aid him.

On the other hand, let us not make the mistake of assuming that the best prison system and the best prison officers can wholly decide the fate of the discharged convict if society is hostile and apathetic toward him. The work that is done within prison must be supplemented by sympathetic and helpful work when the prisoner comes out.

(5) In regard to the establishment of labor homes, the writer, while admitting their practical usefulness in certain places and under wise management, believes that when the indeterminate sentence, or some wise form of conditional liberation is universally adopted, there will be little if any need of such labor homes for discharged prisoners. The prison can shelter them until they are reasonably assured of work outside.

(6) Of all the systems and methods examined, none seems so wise, so fruitful, and so promising as the Swiss system, in which every prisoner not a confirmed recidivist may have a patron who shall be to him a guardian and friend. Nothing can take the place of that form of practical Christianity which the Apostle Peter illustrated when he said "Silver and gold have I none," but gave his right hand to the man at the gate. It is not money, but the right hand extended through the probation system which many a convict needs when he stands in the court of justice, it is the right hand of education and discipline which he needs in prison; and it is the right hand of friendship, sympathy, and fraternity which he needs when he passes once more from prison into the great, wide world.

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