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PRISONS AND PRISON DISCIPLINE.

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AN ADDRESS

DELIVERED IN

REPRESENTATIVES' HALL, AUGUSTA, ME.,

IN CONVENTION OF

SHERIFFS, COUNTY COMMISSIONERS, PRISON INSPECTORS, AND  
FRIENDS OF PRISON REFORM.

JANUARY 26, 1876.

BY

REV. J. K. MASON, D.D.

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TO THE COMMITTEE OF THE CONVENTION :

*Gentlemen* :—The manuscript you ask for publication is at your service. The Address was prepared in the midst of pressing parish labors ; and, covering the ground it does, essential for the occasion, is necessarily imperfect. But, if you can make it serve a good purpose in the cause you are endeavoring to promote, use it.

Very respectfully, yours,

J. K. MASON.

THOMASTON, January 29, 1876.

*Mr. Chairman and Gentlemen of the Convention :*

It has often happened that wise men have made mistakes. My fears are that you will have occasion to-night to regard the evil repeated. My only apology for accepting the invitation to address you, is a common sympathy in the cause you desire to promote. In its ultimate and complete success, I probably have as much confidence as it is wise to express. That confidence I think well based ; therefore, the enthusiasm I feel is no mere passionate and accidental emotion. Having had a *quasi* connection with the State Penitentiary for nearly a full decade, and having interested myself somewhat in similar institutions, domestic and foreign, both as a sympathizer in this phase of modern philanthropy, and as the honored servant of my native State, I shall *presume* upon your charitable consideration of what I may say.

If, as a student of Social Science, and an observer of the working of the various systems of Penal Administration, I shall be able to present some facts and suggestions that will be of use, my chief ambition will be gratified. If you, as practical and experienced men, and officials, shall possibly discover an occasional crudity, or impracticality in some of the ideas I may advance, I shall not greatly wonder ; neither will I be very much *chagrined*—having availed myself of possible sources of help, that so I might lay before you, *Principles*, evolved from science and philosophy ; *Theories*, and their reasonableness ; *Facts*, and their lessons ; *Motives*, and the importance of heeding them. The “ broad ground ” you wish my address to cover, necessitates a broad theme, which I will name

### PRISONS AND PRISON DISCIPLINE.

The study of crime, its causes and its remedy, is one occupying a large, and increasing number of the best minds of the world. The problems, pushing out for consideration and favorable solution, are many and vital. A *man*, depraved, indeed, but possible of

redemption and nobility, is involved;—society also,—its welfare;—generations to come,—what shall be their natural proclivities?—What the punitive applications promising to be most efficacious? These are among the problems that, in England, in Continental Europe, and in the United States, are absorbing, not only the mere student of social science, but the most eminent of philanthropists and statesmen.

Results are appearing, everywhere, in all these countries—in criminal jurisprudence, and systems of penal administration; noticeable, first, possibly, to the unthoughtful, or the common observer, in the structural contrasts between the new and the old.

You would not find it essential to travel far up the century marking our country's birthday, to witness how great these contrasts are, and get an impression from them.

The structures, named prisons, penitentiaries, jails, places of detention and punishment, which antedate the half, or even the quarter century, and having undergone no radical modification, are a *rarum spectaculum*. Occasionally one is seen exhibiting signs of an advancing civilization; and here and there one, which, in all its appearance and appurtenances, recalls to your minds stories and legends of the Dark Ages; or of feudal cruelties,—smelling about equally of barbarism and the bottomless pit. They were built for *detention* and *punishment*. The law demanded vengeance. The people both proclaimed and echoed the demand; and every provision and appliance was a legitimate response. Everything was shaped for the crushing out of whatever element of manhood was found remaining in the criminal. Possibly you have seen some of these. I am happy to know that the State of Maine has nearly outgrown them. I have looked into some of them, in the past, in Maine and elsewhere. They were the outgrowth of the popular want, and a fair exponent of the intelligence and sentiment of leading men in regard to penal matters. Humanity was not *ignored*, nor Christianity; but these were thought of only, or mainly, as looking to the immediate protection of society; guarding the rights, and avenging the wrongs of the weak and unwary.

The purpose was to mete out punishment, and make the "*way* of the transgressor" so absolutely *hard* that he would have little pluck or chance to transgress again. So I thought, as once, in the old city of London, I stood in the dark, foul dungeon, that

had held many a convict, at the entrance of which lay the block and axe for his beheading. Those, I am glad to say, are *relics*, preserved by a wiser and truer government to instruct the present and the future in respect to the past, and stimulate to broader views and nobler deeds. And so one must think as he approaches the spot whereon was built the old Bastille of Paris, destroyed by the enraged populace in 1789, then gray with an existence of four hundred and twenty years; whose *dark shadow* you almost *feel* stretching down over the century, and settling its gloom upon you, as you linger about its site; recall its horrible inhumanities; think of its cells, the best of which are described as "damp stoves in summer, and ice houses in winter;" the dungeons, also, "nineteen feet below the level of the court-yard, and five feet below the moat surrounding; loathsome with mud, the breeding places of noisome reptiles;" excelled only by the "*oubliettes*," (holes) into which many a condemned prisoner was lowered, to perish unheard of and forgotten;—recalling these, your feet begin to tread lightly, and to hasten, lest the echoes of agony greet you from beneath. And so passing on to the extreme eastern quarter of that most brilliant of continental cities, you find a *contrast* in the Prison De LaSanté, that makes your heart glad. In its amplex, and in all its structural appointments, certifying to the march of humanity; the broader and correcter appreciation of human nature; and of a wiser system of jurisprudence.

You hardly need go so far from home, nor so far back, to find these evidences of inhumanity, and a mistaken policy. Take, e. g., the original State Prison of our own Commonwealth, built, evidently, with little thought for anything but *detention* and *punishment*. Its stone cells eight feet in length, four feet in breadth, and nine feet in height, entered only from above, by an opening eighteen to twenty inches square. Through this the convict, execrated and despised, was made to descend, to suffer, and chafe, and nurse his passions, preparatory to more desperate raids against the safety of society, when his sentence had expired. A single aperture in the wall, eight inches by twelve, strongly grated, afforded all the light he had. A wonderful philosophical *apparatus* in winter furnished an amount of heat the poor outcast was, doubtless, sometimes, sufficiently grateful for. As this apparatus was somewhat unique, it may interest you to learn, in a sentence or two, its structure and method of operation.

It consisted, first, of a furnace capable of consuming a respect-

able quantity of fuel; secondly, of "a trench in the ground," extending from the furnace one hundred feet, and beneath the floor of the cells. Into this the heated air was supposed to force itself, thence to ascend to each cell through "an *inch* hole drilled in the stone floor." An ingenious device! worthy of the humane intelligence the other arrangements were fit exponents of! But, one little *infelicity* appeared in the practical operation. There being no aperture for the egress of the heated air at the extreme end of the trench, of course, it never reached much beyond the centre, thus leaving one-half the number of the convicts *unwarmed!* At length, the accidental burning out of the plank lining of this celebrated hot air conductor, left all the poor fellows to shiver and freeze, until later, the old prison was consumed, and its place supplied by the more respectable and comfortable Eastern Wing of to-day.

This old prison was evidently constructed in accordance with the views held at that time, and expressed by Commissioners in their Report to the Legislature of 1823, "on the plan and location of the State Prison." They say: "Instead of splendid, costly edifices, whose superb exterior invites the admiring gaze of the beholder, who might mistake them for abodes of luxury and affluence," (I suppose the writer had in mind the "Convict Palaces" Voltaire once referred to) "State Prisons should be so constructed that even their aspect might be terrific, and appear, like what in fact they should be, dark and comfortless abodes of guilt and wretchedness. No mode or degree of punishment which ever has been, or which ever can be adopted, is, in its nature, so well adapted to purposes of preventing crime and reforming a criminal, as close confinement in a *silent solitary cell*, in which, cut off from all hope of relief during the term for which he shall have been sentenced, the convict shall be furnished with a hammock on which he may sleep, a block on which he may sit, and with such coarse, though wholesome food as may be best suited to a person in a situation designed for grief and penitence, and shall be favored with so much light from the firmament as may enable him to read the New Testament, which shall be given him as his sole companion and guide to a better life. There his vices and crimes will become personified, and appear to his frightened imagination as the co-tenants of his dark and dismal cell. They will surround him as so many hideous spectres, and overwhelm him with horror and remorse." The report contains much more of the same sort,

showing the genius and spirit of reform that prevailed, and that planned and administered the old prison I have described.

The man who visits that Institution in this year of grace, and compares it, in thought, with the former, will not be slow to believe, that, even in Maine, which some sister State has honored with the *sobriquet* of "Sleepy Hollow," there are some minds awake, and some hands at work in this department of criminal reform to which the civilized world is, lately, so waking up.

Substantial edifices have been erected in several of the counties, some of them massive, and of fine architectural proportions, *e. g.*, in Penobscot, York, Cumberland, Androscoggin and Kennebec. With the exception of the one in York, these, and the old Lincoln jail as now supplemented, are designed to serve higher purposes than those of mere detention and punishment.

In the "International Penitentiary Congress" held in London, England, in July, 1872, distinguished representatives of more than twenty distinct nationalities, and as many States, with delegates from different penal and reformatory organizations and institutions, amounting in all to nearly four hundred, after ten consecutive days of earnest and careful discussion of the subjects involved, it was *unanimously agreed*, that while the safety of society makes the *detention* and punishment of the criminal *essential*, it also, and *chiefly*, demands his reformation. They further agreed that in order to accomplish such reformation, "prison structures and appointments must be shaped and adapted to that end" This, in many instances was already provided for, and systems of penal administration were in an advanced state of happy development, or were rapidly maturing for successful trial. In other instances there was needed reconstruction, or material modification. Since that time governments over the sea have been vigorously moving; and on this side an interest has been intensifying and practicalizing that promises to be the *wonder*, if not the chief joy of the last quarter of the nineteenth century. It *will* be proved that none are *too lost* to be sought; none too degraded to have a hand reached down to them; none too guilty before God or man to admit of effort and hope of reform. And not only the scientist, the philanthropist and the aggressive Christian, but the rank and file of mankind will be convinced of the possibility of general success.

The words of the Earl of Carnarvon, in his opening address at the London Congress, are indicative of what practical and distin-

guished thinkers are convinced of already. He says: "We must have prisons, and many. The age has gone by, when, in reliance upon a Draconic code, the state of the law, and the condition of society, permitted men to dispense with numerous jails and houses of correction—

Sæcula quæ quondam sub regibus atque tribunis  
Viderunt uno contentam carcere Roman.

And if there must be *many*, so we are precluded by every article of christian charity from allowing those prisons to be homes of corruption and physical suffering—'cemeteries of pain'—as the Roman poet described, in seeming anticipation of the gloomy buildings of later date, full worthy of a place in Hades, rather than on this upper earth."

We come, then, to this, as the pronounced judgment and conviction of intelligent penologists, and the most experienced practitioners in the treatment of criminal classes, viz.—that prisons should be so constructed as to be capable of easy adaptation to a threefold purpose, and that for the prosecution of that purpose they should afford *special* facilities for the *reformation* of the convict, as the most important in the *triad*. In this, I am sure that neither the ends of justice, nor the safety of society, are in the least degree compromised. I am fully aware that in advancing this doctrine I expose myself to the severe criticisms of a *few* in every considerable community, and especially in that one in proximity to any one of these penal institutions. These few are men whose first, second, third, and every succeeding idea of the legitimate object of a prison, is *punishment*,—the proper vengeance of justice inflicted for crime. And you, gentlemen, having in charge those whom the courts have pronounced upon, will participate in the *excellence* of these criticisms just in proportion as you treat your convicts on the more humane principles contemplating real and possible reform. But regarding them as somewhat *fossil*, and their *idea* as belonging to the *old red sandstone* period in the progress of human thought, you will not be disturbed, knowing that as they heave up to the surface and the light, they must see eye to eye with men already come into some of its brightness.

How to attain the object of these institutions, is a question involving the whole matter of discipline in their administration. In respect to this, some things have been already indicated in what

has been said relating to the structure and appointments of the edifices. They being safe,—not necessarily imposing and elegant as models of architecture,—sufficiently frowning and exclusive; parsimonious of space, apportioned to a single convict, enough to be constantly suggestive of punishment for his crime against society; convenient for all their other ends; then they need to be officered by men of strong will, good nerve, definite and intelligent opinions, apt to learn, careful and quick to discriminate, abounding in common sense and in the excellences of an honest and kind heart. In a word, men not caring so much to tread in the footsteps of their ancestors, however honorable in their day, as to find and follow the path to a true and honorable success by the increasing light of the world's progress; men having "a mind to work," and a heart for this specialty; who also have some right appreciation of human nature as they find it, and believe that they can discern the outlines or glimmerings of a jewel, however wrapped around; or incrustated in horrid forms of vice; men who are put in their place because of a peculiar fitness for it; and having acquired some special knowledge of the wants of the position, and a measure of training for it.

Here, gentlemen, you must allow me to say what I believe, and what I find harmonizing with the views of men who have given the subject most attention, in this and every other civilized country, viz: The position of all the chiefly responsible officers of these penal institutions should be too sacred for the touch of *political hand*. The incumbents—put there because of their fitness—should be retained or discharged, subject to no mutations of political parties. Dr. Wines, who probably has given this whole subject of penal administration more thought, and availed himself of more opportunities for observation than any other man living, writes thus: "Political influence must be entirely eliminated from prison administration, that so greater stability may be impressed thereupon. But one voice, touching this point, and that in full and swelling chorus, comes from the Reports which have passed in review."—(Reports of the different State Prisons of the United States.) He continues: "Political intermeddling must inevitably work derangement in any system, however well devised, and should never be indulged in." The reasonableness of this is certainly very obvious to one who will think. To attempt to run such institutions in the interest of any party is, and must forever be, fatal to their success. The kind of espionage

it would put them under, the unintelligent dictation it would render them liable to, the changes consequent upon annual political summersaults, or supposed party policy, you can easily see, could not otherwise than prove fatal to any well conceived system of discipline that might have been undertaken. The warden of a prison, or a jailor, and every subordinate officer, are entitled to their political status and preferences equally with every other citizen; but they should no more be embarrassed, or affected by them in their official capacity, than the minister who preaches the gospel, or the physician who waits at the bedside of your sick ones, in their professional work.

This work of detaining, punishing and *reforming* men, grown in hot-beds of vice, or who, from whatever cause, have fallen into crime, with the purpose of preparing them to go out from prison walls to mingle in society, and act thereafter a virtuous part in the drama of life, cannot be too sacredly guarded. Men need educating for such a work. A novice cannot do it. If there is no preparatory school, such as they have at Mettray, in France, and in some other European countries, then men must learn by actual experience. This requires time, and not unfrequently involves sad failures. To behead, or remove them when they have become thus essentially educated, at the beck of policy; or party revolutions, would not even be as wise as to discharge the taught, the experienced, and the skilled in your manufactories, machine shops, &c., and put "green hands"—novices—in their place. For, in the prison, you not only have various manufactories to manage, but a work that is *vastly* more difficult and momentous,—the lifting up of the fallen into *manhood*, and fitting them for the responsibilities of life which they have ignored, or been recreant to. The subtle machinery of a human mind and heart is somehow to be readjusted, and brought under proper control,—an achievement requiring the wisdom of experience, or the skill of a most careful student of human nature in all its various aspects, as really as it does the divine help.

There are difficulties involved in the withdrawing of these institutions from the political arena; but I trust that wiser men than I—those who draft, or *revise* State constitutions, and enact the laws—will see how clear the way is, and how imperative the demand to seize an early occasion for accomplishing this most essential reform.

Closely allied to this is another matter not to be omitted. I

refer to a central power, created, indeed, by the State; a Board of Inspectors, or Commissioners, appointed for a term of years, selected for their fitness,—not their religious sect or party affiliations,—then, authorized to put in operation a *SYSTEM*, of which the conduct of every grade of penal institutions should be a part. This is essential to guide and unify the whole. I am proud to say, gentlemen, in this presence, that in this direction Maine has already moved, and, true to her motto, is leading the van of States; having an experienced and skilfull Board, earnestly and efficiently at work. Our legislators have opened their eyes to a great evil, and provided for a partial remedy. The management of these penal affairs—every county, every town, every community, in their principal details, according to their own wisdom and will, without supervision or material restraint,—while it looks like the outworking of true American liberty, involves a terrible fallacy. It certainly has limits; yet, men "throw up their hats" for it, and groan heavily in spirit, sometimes, if not audibly, when the thought comes up of *systematizing*, and consequent *centralizing* a power, whose influence shall be felt all through the ramifications of the interests to be affected. But, I trust, you will see that there is no "cat in this meal," no monopoly in covert, no plot for personal gain. The local authorities are not to be ignored; yet they must be supervised by the originators of the system they are to aid in making effective.

I venture these suggestions, intelligently conceived, honestly presented, sanctioned by clear and definite convictions, and by writers and workers of world-wide fame. As law-makers and executors, and as believers in the doctrine of great possibilities in this line of human progress, you will give them what weight they deserve, which is all I ask for them.

Having prisons properly constructed and properly officered, there now meets us a work about which there has been a great amount of discussion. While there is general agreement now, as to the object of prison discipline, men differ sometimes quite radically as to the methods. One class insist upon the "separate system," sometimes called "cellular," or "Individual treatment system." This prevails largely in Belgium, Germany proper, Holland, Baden, Bavaria, Prussia in part, and France in part, and in Eastern Pennsylvania. This system not only keeps the convicts entirely separate, but also employs them at some kind of work in solitude, obliging them to participate in opportunities for

secular instruction, and give attention to religious service in such a way as never to speak to, or look upon, or learn the names of each other; procures for them choice reading; has them regularly visited by those in immediate charge of the wards, and also by the chaplain, physician, and teacher.

Having taken pains to examine personally one of the largest and best appointed of these prisons, going into the cells and conversing with some of the convicts; carefully observing many who had been incarcerated for a long term; inquiring of the officers into the details of their methods, the expense to the State, the estimated reformatory effects; and having read considerable volumes written by friends of the system, I can but honestly say, that there arise to my mind several very grave objections:

First. The immense outlay for room.

Second. The unproductiveness of labor. These, the friends admit are realites, but not objections having a feather's weight; scoffing, indeed, at the inquiry put concerning most of our prisons, "Does it pay?"

Third. The danger to mental sanity and vigor; which they disclaim, but which I am satisfied is sustained both by philosophy and fact.

My fourth objection is, the *mushroom* kind of *reform* it is likely to work, if any at all. This may need a word of explanation; the others are the more common and obvious.

If you would have a tree root well and grow up, having a tough, firm texture, you do not plant it in thickest shade, and where no wind of heaven can ever shake it, but in the clear sunlight, with only such slight protections from wind and storm as are absolutely essential. So if you would reform a convict, and help him to acquire toughness and stiffness of character, sufficient to resist the pressure, and the whirlwinds of temptation to be encountered when sent forth into the world again, you will not shut him *in*, and all influences *out*, that are calculated to try him, and expect him so to grow and produce that character. You will rather endeavor to plant him well in the principles of right; guard him well by wholesome restrictions, then let him feel the influence of some of his fellow convicts in the routine of silent daily toil. Such influence will be considerable, sometimes for good, sometimes for ill; but not so good as to produce *hot-house* growth; neither so ill as usually to overcome even a moderately well taken resolution.

If you would convert your convict into a man of character, with

a good stiff backbone, capable of bearing some of the real burdens of society, and prepared to resist the many pressures of evil, you must inure him by some daily contacts and experiences. This is a common sense philosophy, the statement of which is all the showing it needs. Your convict may make some failures, as a result of his contacts with fellow convicts, but if he has started right, these very failures will only serve to make him more watchful, bracing him, also, for more successful resistance thereafter. The remark of the celebrated Captain Maconochie, a most successful convict disciplinarian, is worthy of note—"Only *in society* can prisoners be prepared for it. Moral lessons, to be taught profitably, require a field of progressive, experimental application. *Non vi sed scepe cadendo*—not by violent or artificial machinery, but by frequent failures, moral habits, like mechanical skill, are developed and strengthened." If this is true, then the conclusion seems to be inevitable, that to the "individual treatment," or separate and cellular system, there are the gravest objections. I hold it as an axiom, the authority of which is unquestionable, that "It is *not good* for man to dwell habitually alone." The condition is unnatural, and all that you can make of him as legitimate to that condition is unnatural and artificial, and will not bear the test of practical associated life.

The very small per cent. of *recidivists*,—those lapsing into crime,—reported by some of these cellular prisons, I am inclined to believe, after careful inquiries and observation, is to be attributed to the imbecilline, or idiotizing effects of their system rather than to any genuine reform. The convict comes out broken and weak, with no enterprise, no pluck; possibly to be taken up and cared for by home friends, or by the "Prisoners' Aid Society," and thus he is kept from having his name appear again in the register of crime. This is put down to the credit of reform. True, in this case, society has shifted a burden, and *abated a criminal*, but in doing it has created an imbecile, which it had no right to do if the evil could be avoided. It should be distinctly understood that society *has no right* thus to belittle a human soul, even though it be the soul of a convict, unless imperative for self-protection.

This system might be dismissed here did not its friends persist in holding it up as the system *par excellence* for the world to adopt. As it is, you must allow me to cite a paragraph from an account of the English Prisons, put into my hands while at the London Congress, by the author, Capt. E. F. DuCane of the Royal



Engineers, and Chairman of Convict Prisons, and also Inspector General of Military Prisons. He says: "We must bear in mind that the prisoner should not only be punished, and *taught* what is right, but should be returned to society at the expiration of his term, fitted, both morally and physically, to fulfil his proper duties in the battle of life. Perpetual seclusion in a cell for years, with no communication with his fellows, is an artificial state of existence so absolutely opposed to that which nature points out as the condition of mental, moral, and physical health, and so equally unlike what he is prepared to follow on his discharge from prison, that it cannot be expected to fulfill the required object. When this system of separate confinement was first established in the Model Prison at Pentonville, years ago, the duration of the period of solitude was fixed at two years. Results, however, appeared which could not be neglected. The Reports of the Commissioners demonstrated that the minds of the prisoners became enfeebled by the long continued isolation, and after various trials, the present period of *nine* months has been fixed as the longest to which the convict can with safety be subjected." Such testimony ought to have great weight in establishing the view we take.

The "Irish Convict System," devised some years ago by Sir Walter Crofton, is one commanding a great deal of thought, and a good measure of admiration on both sides of the sea. It is unquestionably working well there, and will eventually be adopted, substantially, in all the English convict prisons. It has many excellences, and, under the espionage of a government having a complete police organization in its general outline and provisions, could hardly be improved. But in separate Commonwealths like ours of the United States, all its features could not be applied. This comes under the head of "The Congregate System;" yet it is peculiar, in that it proceeds on the plan of special classification of criminals; promoting from class to class, in successive years, according to desert; granting an increase of privileges, such as partial wages, better food, monthly remittance from sentence; finally, absence on "*ticket of leave*," to be under the eye of the police; so putting the convict's condition, and ultimate liberty, measurably into his own hands—an admirable idea to be always kept in mind! Thus you will see that the convict's sentence virtually becomes *indeterminate*; a point I think the most careful and practiced penologists are fast approaching. The wisdom of it I have neither the time nor the inclination to discuss at present,

though confessing to no great unwillingness to adopt. It is a point, however, which our law-givers and jurists will be obliged to examine at no distant day. The light gained by the advancement of social science, and the agitation of these penal problems, so affecting the civil and social welfare, will bring up for consideration facts and principles, the bearings and demands of which can no more reasonably be ignored than you can turn your back, or close your eyes and ignore the sunshine; or, going down upon the strand when the storm-fiend is let loose, and, in that sublime presence, remain unawed; or, later, ignore the power of the rolling surf whose *resistless undertow* threatens you a watery grave. There is another *march* than that of *ages* mankind must recognize. It is the march of *ideas*—the march of truth—the march of a civilization, *christianized*—that will revolutionize and rectify many things that men in the past and in the present have thought sufficiently perfect.

There are in the United States, thirty-nine State Prisons, and two State Workhouses,—one in Massachusetts, and the other in Rhode Island, that are sometimes, not very inappropriately reckoned in the State Prison class—thus making forty-one in all. These are all conducted after the congregate system, except that of Eastern Pennsylvania, the convicts pursuing their industrial employments in company, in silence, sleeping and eating, generally, in solitude. In all these forty-one prisons, there have been about 18,000 convicts for the past year or two, on an average, as nearly as can now be ascertained; an increase of some hundreds over the years 1871 and 1872; only about  $3\frac{1}{2}$  per cent. of whom have been subjected to the cellular treatment.

In a county jail, or two, in Eastern Pennsylvania, conducted and arranged to harmonize with the Penitentiary, there have been an average of nearly nine hundred (900) inmates; and in all the other county jails of the States, of the same grade, as nearly as we can ascertain, about twenty-eight thousand (28,000,) or nearly 97 per cent. of the whole, giving, as you will see, about one-thirtieth (1-30) of this number in the cellular prisons. The proportion was once considerably larger. But prisons that once attempted the solitary system have abandoned it; regarding the experiment, as Capt. DuCane says of the Pentonville, undertaken for a model, a failure.

From these figures you obtain, incidentally, an idea of the prison population of our country. This, exclusive of juvenile

reformatories and station houses; city, and private institutions, where the hand of independent philanthropy has gathered many of the fallen and degraded and provided for them. This criminal population gives us about one to every one thousand as inmates now of our convict prisons. More than ninety per cent. of these will go forth again from prison walls to be a bane or a blessing to community and themselves. Which shall it be? That is the grave question which prison treatment has to answer; the difficult and momentous problem which you, gentlemen, and those in charge, like you, have to work out. That the proportion coming forth *unreformed*, to be a scourge to society and a curse to themselves, be reduced to its *minimum*, is the obligation which humanity and God hold you to; and which the State, as an organic body, should demand of you, as eclipsing all considerations of mere vengeance or pecuniary success.

In December, 1872, in making his report of the International Congress, held in London in July, your Commissioner said: "In answer to a call, it devolved upon me to explain, in considerable detail, the system and operation of our State Prison,—note points of success and of failure,—and, to my great mortification, speak of the *want* of system and other evils in our county jails; so compelling us to go on the record, not only as untrue to our *motto*, but recreant to both our duty and interest; and, meanwhile, indicating an undesirable proximity to the Dark Ages, in regard to a right-minded and needful progress." He had the confidence, however, to assure that body "that some of Maine's truest and ablest men were preparing to regenerate this whole matter."

As affording ground for that confidence, he knew of the earnest recommendation of your present honorable Warden of the State prison, in his annual report of 1869, seconded and approved by the intelligent Board of Inspectors, that "a commission be appointed to organize a system that should convert your jails into places of industry, and introduce other influences, the tendency of which is to elevate and render useful, rather than pollute and degrade still more." This recommendation, with the numerous points involved, he remembered was promptly entertained by the Legislature of 1870, and a Board of Jail Commissioners appointed, of whom the Hon. E. B. Smith was chairman. This Board, at the expense of the State, attended the first National Prison Congress, held at Cincinnati in October following, and there and elsewhere

gathered such information and inspiration as to result in a very elaborate, and exceedingly suggestive and able report to the Governor and Council, and by them laid before the succeeding Legislature. These were moves in the right direction; and therefore your delegate at the London Congress declared himself hopeful; and he wrote in his report for the chaplaincy of the prison in 1874, thus: "I am proud to say, which I do, after much careful observation, and as careful discrimination, that the improvements, touching the criminal classes of our own State, already made and in process of making, I can hardly find excelled; in several respects, perhaps, not equalled. True, there was great need, and still there is much room. But when a people become awake to the essentialness of reform, and the leaders and executors of law are men of progress and christian purpose, a good cause is not likely to be abandoned." I repeat this to-night, after careful review and personal investigation in regard to penal affairs in Maine and many other States, and with an *emphasis*, for your encouragement. I am sure it is the pronouncement of a *deliberate* and *intelligent conviction*.

We now have in the State thirteen (13) County Jails. In these have been incarcerated in the course of the year ending Dec. 1, 2,203 different persons, 171 of whom were females, and 1,279 are reported as serving sentences; 245 are under twenty-one years of age. Five of these jails have workshops, and are to serve the purpose of *intermediate* prisons, where every convict will be required to labor, under the rule of silence during the day, directed by a teacher or overseer,—to take his food and spend his nights in solitude. Those awaiting trial may elect between solitude and the workshops, though earnestly advised to the latter. The rules of these intermediate prisons are strict but humane, and are to be enforced in the interest of reform.

The jail in Lincoln county, located at Wiscasset, though old and poor, was the first to introduce the workshop. Androscoggin and Penobscot soon followed. Cumberland and Kennebec are now ready. The experiment promises well. Financially, the jail industries at Auburn and Wiscasset have been reasonably successful; and at Bangor the proceeds for the first three months and a half were \$762. This has maintained an evening school for nine months of the year, in which have been forty pupils. The others have done, or propose to do, a similar work. All will take

measures to secure religious instruction on the Sabbath, as some of them have done with many hopeful results already.

These five jails, or intermediate prisons, with their workshops and provision for educational and religious instruction, are designed to receive all that class of criminals convicted of the lesser crimes, to serve short sentences, and for whom a term in the State Prison is *unfitting* for several humane and prudential reasons;—a sort of penal half-way house—each, where a novice in crime can stop, and reflect, under the gentler chastenings of justice, and the encouragements of uplifting influences, that so he may repent and amend, and come forth to be a *man*, without having the burden to throw off, and the stigma to get rid of, inevitably and persistently adhering to one having served a term of years in the State Prison. Thus, rated in a class higher up, not domiciled and ranked with the vilest and wickedest, he has not so far to rise, or so strong a prejudice to overcome; neither so deep a personal wound to heal. When *all* these shall be fully at their work, superintended by men of the right stamp, then we may look for results that shall be a blessing not only to the reformed criminal, but to society, and the State. It will be seen that it is not “a sickly sentimentality,” as some men sneeringly tell us, that connects industrial pursuits with our places of penal detention; that discriminates carefully in regard to those allowed to associate in them; that increases the facilities for individual reform, and *diminishes*, meanwhile, at least fifty per cent. the expense of penal infliction to the county and commonwealth. Such results are sure to come as shall open some eyes, that, to all argument and beauties of theory have been hitherto as closed and sightless as those of blind Bartimeus, whom the compassionate outworkings of love, at the hand of the Divine man, healed, thereby causing him to rejoice at the wonderful things he was permitted to behold. For such a *sight-giving* and such a rejoicing, consequent upon coming achievements, you can afford to wait.

The contrast between the architecture and appointments of our State Penitentiary at the present time, and the former of fifty years ago, I have already described, is not greater than that appearing in its management. Now it is comely, well-ventilated and lighted, and its sanitary arrangements good. Strong in itself, and in its environs; every foot and every inch of its internal structure suggestive of *penalty for crime*; vocal, at every whisper and foot-fall,

with echoes telling the convict how and why he forfeited his right to society and his freedom; the system of treatment designed and adapted to tell him how he may regain his manhood, and become worthy of the inheritance of liberty. He has committed crime. The law has put its hand upon him. Justice has doomed him. His sentence is, “to *prison* and hard labor.” Under that penalty he *abides*. The keepers and inflictors, moved by the fact that he is a man, only fallen lower than the masses; that he has an immortal nature capable of being lifted again into a true manhood; moved, too, by the fact that society must receive him again either to curse or grace it, these inflictors so temper the punishment, that, if possible, instead of crushing, it shall lift him up into hope; instead of hardening, it may subdue; instead of sending him forth with hand unskilled for useful and helpful industries, putting him to trade, that *while* he is *learning* will inspire hope, thus relieving all the more the tedium of his penal servitude. They are comfortably fed; warmly, though *suggestively* clothed; taught the rudiments of an education if they are ignorant; furnished with a library, if they have tastes for reading; instructed in morals and religion; cared for in sickness, and helped to a faith in the possibility of Heaven for *them even*, if they are dying.

It is patent, I am aware, that there are objectors to this kind of treatment. Men say, “Why, these convicts fare better than they ever did when at liberty; better, even, than those whom they have wronged!” As though there were injustice involved in it! As though it were offering a premium for crime! As though the State, in allowing it, were heaping injury on the wickedness already done to the people it were bound to avenge and protect! I meet such objectors in this way: I know that *something* has been done during the last decade in this prison, as the result of which, men, having served there, have somehow been kept from returning. What it is you must judge. If it is so delightful a place, and they fare so much better than they do outside; if they had rather sleep and eat in a narrow stone cell, with grated door; go and come, and work, and do, in everything, just as they are told, and everywhere in silence, with nothing to show for it at last but empty hands and a coarse suit in exchange for their prison garb, then why not contrive to return? Why not repeat their crimes and be returned to their beautiful prison home? The truth is, that of the 529 that have been discharged in the last 12 years but 36 have been returned; less than 7 per cent. At the

commencement of that period there were 23 per cent. of the convicts then in the prison recommitted. Now there are but 12 per cent., and some of these are old offenders who have been here many years; others are serving out, indeed, even their fifth and seventh terms; and the most of those recommitted are men having served short sentences,—not long enough to be deterred from crime, either by dread of the penalty, or because of having formed habits of industry or a reformed moral life.

It must not be forgotten that 95 per cent. of the convicts in this prison are to go forth to the world again, as the Warden says in his last report, "to become law-abiding citizens, or to pursue a life of crime, with all its possibly momentous results. The difference in the termination of the two roads is wide; and the consequences no man can calculate. And my experience and observation have induced the belief that the prison officer, if he is properly sustained, may be, in a measure, responsible for the course the discharged convict shall take."

When it is said in a Congress of Nations that "Work, Education and Religion are the three forces on which prison administrators rely for hope of success," you will readily see that they have only recognized a triad, containing the principles underlying all good society, and all permanent, successful government. What this utterance says in regard to furnishing instruction for the ignorant in our prisons, you are not in doubt. When you take up the matter and examine carefully, as I have done, and find in them the proportion of uneducated so great, the necessity will seem imperative. Take an item or two, e. g.; Out of 51,000 arrests within a given portion of our country, for crime, only 1,150 were well educated; 31,000 could barely read and write, and more than 19,000 were almost entirely illiterate. Or, taking the city of New York, and finding that the chances for crime among the entirely uneducated are *nine times* as great as among those having a mere primary education; and, when you look into the statistics of crime in other cities and States, where they have been faithfully collated, and find the proportion substantially the same, it seems to me you must hear a voice it is not wise to ignore. The German government has heard and heeded it, for herself, and, as a result, every child in the Empire must be provided with the opportunity for a good common education; and every child must avail himself of that opportunity. Is that tyranny? An *enlightened* tyranny if it be so, looking to the welfare of the people, and the safety of their

institutions! Have *we* not a lesson to learn? What does the voice of these statistics of crime among the uneducated say to us as a Commonwealth, in regard to the doctrine and the policy of compulsory education? You will pardon me for putting this question. My apology is, that I am in the presence of those honorable men whose wisdom, experience, and true loyalty inspire in me the confidence that they will respond in the best form to the demand of such a contingency. The extent of the evil to be remedied, as now appearing among the truant and uneducated children of our State, your Superintendent of Common Schools can inform you.

That other source of crime, to which three-fourths ( $\frac{3}{4}$ ) of our crime classes attribute their condition, is so obvious, and has been thrust before you so often, nay, meeting you on every street and in every by-way;—and the wickedness of those persisting, or aiding in keeping the sources full and open and copious in its outflow, gentlemen, you well know. A voice from every poor wretch it has thrown into the gutter; from every home it has desolated; from every prison cell it has tenanted; calls on every man of you to lift an arm, and organize a force, that, either by the majesty of law, or the holier majesty of *love*, or both, will dry up the source, and stop the outflow. Those are not the only "Crime Capitalists," who, in prison parlance, "put up the jobs" and pocket the lion's share of the gain as their direct and chosen work; and who, therefore, deserve a severer penalty than the "poor tool" that breaks in your door, or blows open your safe, or fires your dwelling. There is many another man, who in many an instance, is a veritable *particeps criminis*.

Friends, yours is a noble work, severe though be many of your trials in it; bringing you in contact, constantly, with the fallen and outcast. In contact, not seldom, with some of the worst features of human depravity. Sometimes scarcely a trace of the Creator's moral image can you discover. Usually that image is blurred and defaced, and may appear hardly possible of restoration.

In some of the great art galleries of Continental Europe, I have sometimes stood and admired many beautiful paintings from the Old Masters. Fresh, speaking, captivating almost, as when the distinguished artist took therefrom his magic brush. I saw once in my native land, paintings by the same masters, but *grim* and defaced by the damp and mold and foul contacts, encountered in their voyage across the sea; and I thought, if only the hand of the original artist, moved by his skill and genius, and prompted by

his love for the creature of his own forming, could be present and *re-touch* those marred and faded pictures, they would at length appear as fresh and beautiful as those I saw elsewhere. So it may come to pass that under your hands—made skilful by the influence of a true humanity, and directed by heavenly grace, the original Creator and Divine Artist, may reproduce, by slow degrees or by more rapid process, the beautiful and perfect image in these, where now it seems so marred and nearly lost.

It has been said of the celebrated John Howard: "He drew the attention of the world, and fastened it upon the cruelties, the inefficiency, and the inhumane and unchristian character of the dark prison territory. By his exalted devotion, the noiseless enthusiasm of his labors, the purity and intensity of his zeal, his absolute and uncalculating humanity, he made his name not only a landmark, but an inextinguishable voice, which has ever since sounded through the nations, demanding attention to prisoners' rights and claims. He who can thus gild his own name with mercy and truth until it shines over all lands with the glory of an unsetting constellation—who can turn its very letters and syllables into a universal language until it becomes a spell, a synonym for humanity, a rally for the prisoner's relief—has joined the small company of the immortals in human history, and is among the saints, apostles, martyrs, who stand nearest to the head of the glorious company in heaven." To be in sympathy with such a man, and devotedly, though obscurely, endeavoring to carry out the great thought and purpose that inspired him, is worthy of your and my ambition.

