

A

BRIEF ACCOUNT

OF THE

**Construction, Management, & Discipline
&c. &c.**

OF THE

NEW-YORK STATE PRISON

AT

AUBURN,

TOGETHER WITH A COMPENDIUM OF

CRIMINAL LAW.

ALSO

*A Report of the Trial of an Officer of said Prison for WHIPPING A
CONVICT.*

Washom
BY G. POWERS, AGENT AND KEEPER.

AUBURN, N. Y.
PRINTED BY U. F. DOUBLEDAY.
1826.

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1877

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BY G. TOWER, AGENT AND KEEPER

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INDEX.

	Page.
General Government of the Prison,	1
General Regulations and Discipline,	1
Duty of Convicts,	3, 59, 61
Some rules and practices relative to the Officers, &c.	3
Receiving Convicts,	4
Opening Prison in the morning, and proceedings of the day,	5
Breakfast,	5
Of the Sick,	6
Clothes time,	6
Dinner,	6
Closing the Prison at night, and night duty,	6
Sunday Regulations,	8
Sunday Breakfast,	8
Sunday morning School,	9
Divine Service,	9
Sunday afternoon School,	10
Of Turnkeys reliefs,	10
Visitors,	10
Scrubbing, cleansing, white-washing, airing North Wing, &c.	11
Hospital,	11
North Yard,	12
The Guard,	13
Kitchen and Wash-room Departments,	13
Some particular Regulations as to Vaults, &c.	14
Carrying water to drink, to the Shops,	14
Other Shop Regulations,	14
Female Department,	15
Discharging Convicts,	15
Religious Instruction,	17
Sunday School Instruction,	20
Duty of Assistant Keepers,	2, 21, 60
Duty of Clerk,	22
Duty of the Physician,	22
Duty of the Deputy Keeper,	23
Duties and Powers of the Agent and Keeper,	23
Contracts and Contractors,	25
Abstract of Contracts first made, and those which have been changed or extended, with some general remarks,	26
Coopers' Shop,	26
Tailors' Shop,	27
Shoemakers' Shop,	27
Tool Shop,	27
Weavers' Shop,	27
Blacksmiths' Shop with a Schedule of prices for manufactur- ing certain articles, (A)	28
Rations—Contracts for supplying them—Annual expense per man,	29
Convicts' Clothing and Bedding,	29

Solitary Cells—Confinement, &c. and the effects produced by Solitary Confinement,	80
A Compend of Statute Criminal Laws,	88
Extracts from the Inspectors' Report of January, 1824, con- taining Remarks on the Improvement of the Criminal Code, on the Pardoning Power, Excise Laws, &c. &c.	47
Extracts from the State Commissioners' Report of January, 1825, in relation to the Auburn Prison,	63
New Prison at Sing-Sing,	56
Extract from the Report of the <i>Prison Discipline Society</i> , at Boston, containing Remarks on the Auburn State Prison, and others—with an engraving,	50
Mode of Punishment and Means of enforcing Discipline,	60
Report of the Trial of an Assistant Keeper for whipping a Convict,	62
Judge Walworth's Charge to the Jury,	69
General description of the Buildings, Walls, and Yards, with remarks on the importance of <i>facility of Inspection</i> , and other arrangements in building Prisons,	73
General and present health of the convicts,	76
Reformation of convicts,	77
A Table, shewing the number of convicts received on first conviction—their crimes, sentences, ages, places of nativity, employment, the number of deaths, pardons, &c.	80
Table, shewing the number and employment of convicts, Oct. 31, 1826,	81

(A.) At page 28, there is a mistake in the prices of certain articles of Blacksmith work, which was not discovered in time to be corrected elsewhere.—For all edge-tools, compasses, hammers, shovels, screw-plates, braces and bow drill stocks, we furnish stock, at the prices there stated.

PREFACE.

This prison has, for some time past, attracted much public attention; and a solicitude to obtain information, in relation to it, is rapidly increasing. Many distinguished individuals, from various parts of the United States as well as from Europe, are almost daily calling, to examine personally, its management and the peculiarities of its construction and discipline. They invariably appear highly gratified, and almost as uniformly solicit prison reports or pamphlets, from which they can learn, at leisure and in detail, the whole concerns of an institution which strikes them so favorably on a general examination. It has been a subject of regret, that the desired information could not be given in the form requested. Much of it was only to be found scattered through the journals, of the Legislature, and much, in regard to police and discipline, existed only in practice, and had never been reduced to writing. Such indeed must always be more or less the case, as experience may, or may not suggest improvements: and also, because *all the minutiae* of proceedings would be too voluminous.

These considerations seemed to require, that the main principles and practice of this institution should be presented in a pamphlet form, suitable for general circulation. Besides, such a compilation had become important as a manual for the use of our own prison officers, and especially those who might be newly appointed.

In addition to this, the Agent received a letter from Governor Clinton in behalf of one of the states, requesting a full account of this institution. About the same time, Messrs. King & Wharton of Philadelphia, and judge Shaler of Pittsburgh, Commissioners appointed by the Legislature of Pennsylvania, to revise the criminal code of that state, made a visit to this prison, and not being able, during that visit, to collect all the facts they desired, sent, after their return home, a series of interrogatories to the Agent, of similar import, but more extensive than those of Governor Clinton. Previously to this, an official letter was received from Ohio, containing the following questions:

- 1st An epitome of the law regulating the institution.
- 2d. Its organization as to officers & guards.
- 3d, The prison discipline.
- 4th Clothing and diet.
- 5th The kind of labour performed.
- 6th. The finances, and whether it is a loss or gain to the state.
- 7th. How many convicts have you and what is the average number received and discharged annually.
- 8th. The expenses charged against the institution, and whether the costs of prosecuting convicts are charged to the respective Counties, or paid by the institution.

From these questions and those contained in the other two letters which follow, at length, the labour as well as importance of answering them may be readily perceived.

With all these circumstances in view, the Agent has ventured upon the task of employing such portions of time, as could be spared from the discharge of his arduous official duties, in preparing the following pages, without much attention to style of composition or method of ar-

rangement. Formal or exact answers will not be found to all the questions, proposed; but it is believed, that the most important, are substantially answered—and that a body of facts and principles are collected, which may be of considerable use to the public. It is hoped that this attempt may induce others, possessing requisite time and talents, to do ample justice to a subject, than which, none can be of more vital importance to a great and free people.

A compendium of the statute of criminal law of this state will be found, which will be convenient to the members of the bar, and more especially to others who wish to obtain a general knowledge of that subject: And the report of the trial of one of our Assistant Keepers, for an assault and battery, in whipping a convict, at a late Court of Oyer and Terminer, where one of the most enlightened Judges of this state presided, must be particularly interesting to the public. The rights and duties of Keepers and prisoners were ably discussed by eminent counsel, and were clearly settled by the Court, as will appear from the Judge's charge to the Jury.

Albany, 7th August, 1826.

SIR—

I wish answers to the following questions, in as specific a shape as possible, and as soon as convenient. As they are to be sent out of the state, I apply to you, because I wish to present them in the most authentic shape. And you will please to understand, that this request is made, not for my information (because I am already pretty well acquainted with the different subjects) but for the use of one of the States.

What is the size of your Penitentiary?

What did it cost?

How long has it been in use?

How high and thick are its walls, and of what are they made?

How many cells does it contain? and are they constructed for one or more persons to lodge in?

How are your criminals clothed and fed? in what way are they employed? and what is considered the most profitable labor they can be engaged in?

What punishment is inflicted for disorderly conduct or disobedience?

What is your police?

Have you guards? if so, how many?

What would be the proper size for the employment and safe keeping of sixty or seventy criminals?

I am your most ob't serv't,

DE WITT CLINTON.

GERSHOM POWERS, Esq.

Philadelphia, August 15, 1826.

DEAR SIR:—

Availing ourselves of your polite offer to furnish us with written answers to such inquiries, relative to the situation and discipline of your excellent establishment, as we conceived would further the execution of our official duties, we beg leave to solicit answers from you to the subjoined interrogatories.

The necessity of reporting to the next legislature, renders an early reply, an object of considerable importance. And we will feel the obligation conferred upon us much increased, by hearing from you as soon as your convenience will admit of.

1st. What is the area or space, occupied by your prison? What is the height, length, &c. of the external walls? What is the design and number of the prison buildings?

2d. In what part of your establishment are the work-shops placed? How are they arranged, lighted and warmed?

3d. What is the size, number, mode of lighting, warming, airing, cleansing, furnishing, and fastening the night cells, when occupied by prisoners?

4th. What system have you adopted as to the time and manner of the prisoner's quitting their night cells; taking their respective meals, pursuing their labor, and returning again to their night cells?

5th. Is conversation suffered between prisoners during day or night? If nay, what means are resorted to, to prevent and punish it, and how far have you found them effectual?

6th. Are convicts ignorant of any mechanical art taught in your prison? If so, how is that object effected, without, communication between the prisoners; and by whom are the convicts taught?

7th. Do you use cell punishment, and low diet, for refractory prisoners? Have you any experience as to its operation in producing obedience, and what is your opinion of it, as a means of enforcing discipline?

8th. What is your opinion as to the effect of prompt corporal punishment, for rebellious, or insubordinate conduct? Have you not found that its existence, and prompt and certain application for offences, has had the effect of diminishing the violations of discipline, and consequently punishment of convicts? A detailed answer to this question would be acceptable.

9th. Have you any experience as to the operation of solitary confinement, without labor, as a mean of punishment for crimes? If yea, from what facts does your experience arise? How long have you known prisoners so confined, and how many? What effect did the confinement produce on their bodily health, and if any, what effect on their minds? Do you know of any re-convictions of prisoners, from solitude? This question is so particularly interesting in this state, where we have a prison exclusively adapted to *solitary confinement, without labor*, and another that can be only changed from it, by altering the plan of the unfinished part, that we shall be much pleased by hearing from you fully on this subject.

10th. Are the visits of the friends of convicts, and others, permitted in your prison; and under what rules and restrictions? What is your opinion as to the policy of suffering any such interference with prisoners?

11th. How are your prisoners clothed, and at what average annual expense each? Of what does their food consist, and at what diurnal expense per man to the state, and how is it supplied? If by contract, at what rate?

12th. Are your prisoners employed for the state, or are they hired out to contractors? If the latter, at what prices per diem, per man? Which is, in your opinion most advantageous to the state?

13th. How is religious instruction conveyed to your convicts? Have you any method of informing those, ignorant of reading or writing, and what is your method?

14th. How is cleanliness of the person and cell of the convict enforced in your prison? How often is his clothing changed and washed? How often is his cell cleaned and white-washed?

15th. What is the general condition of the health of your convicts? How many have you now in your Hospital, and from what diseases? What has been the number on your sick list for three years past, and how have the cases resulted?

16th. Is any of the product of a convict's labor given to him during his imprisonment, or at his discharge? Are tasks set for your convicts and overstint allowed? And what is your opinion as to the good or bad effects of such a system of Prison discipline?

17th. Have you any written rules and regulations for the government of your prison? If yea, please annex a copy to your answer.

18th. Be so good as to state the whole number of prisoners now in confinement at Auburn, distinguishing males from females, and stating their particular offence, and whole number pardoned and reconvicted.

We are, sir, respectfully

Your ob't. serv'ts.

EDWARD KING, } *Commis-*
T. I. WHARTON, } *sioners.*

GERSHOM POWERS, Esq.

Facts are now sought after by the intelligent public in relation to State Prisons and the administration of criminal justice, instead of plausible theories and speculations, however splendid or captivating.

It is therefore suggested, that, if the officers of every public penitentiary would be careful to preserve copies of all their documents and reports on file, in their respective institutions; and also transmit copies annually to each other, immense benefits would result to the public.

The importance of this measure cannot fail to strike the attention of every reflecting mind; and a strict compliance with it hereafter, is most respectfully and earnestly urged, upon the consideration of those who have such ample means in their power of promoting the public good.

GENERAL GOVERNMENT

OF THE

PRISON.



THIS Prison is governed by a board of five Inspectors, residing in the village, who are appointed every two years by the Governor and Senate. They have no compensation, and are forbidden, by law, to make any contracts for the purchase or sale of any articles with the Agent of the Prison. They appoint the Agent and Keeper, Deputy Keeper, and all subordinate officers, who are removable at their pleasure.

They are authorised and required, by several acts of the Legislature, to make and establish such rules and regulations, from time to time, for the government of the Prison, as they may deem necessary, and which the officers are bound to enforce and observe; all of whom are required to take an oath prescribed by law.

Under these regulations, (the more minute details of which, the experience of the officers has, from time to time, chiefly suggested to the Inspectors,) those officers discharge their various functions.

The Inspectors are required, by law, to make an annual report to the Legislature, of the progress and condition of the institution, and all its various concerns, and to make such suggestions, as to the amendment of criminal laws, as may occur to them; and are also required frequently to visit, personally, and inspect the discipline and management of the Prison.

There is also a statute, directing two of the Inspectors to be present at the corporeal punishment of convicts by whipping.

For the above purposes, it is the practice, for at least two of the Inspectors, to meet at the Prison every Monday morning; but they frequently have no cases to adjudicate upon and punish. They also meet as a Board, and transact their official business at the Prison, in an Office provided for that purpose.

GENERAL REGULATIONS AND DISCIPLINE.

One of the earliest regulations of the present Board of Inspectors, is the following:—

“That the convicts shall receive no letters or intelligence from or concerning their friends, or any information on any subject out of the Prison: nor be permitted to write letters themselves: That no rela-

tion or friend shall be allowed to speak to a convict, except in some extraordinary case, where the condition of his property or family imperiously requires it, and then only in the presence of the Agent or Deputy Keeper: but that any information concerning the convicts will be furnished to their friends on personal application, or by letter, post-paid, directed to the Agent."

About the same time, the board also passed a resolution to take from visitors 25 cents each, instead of half that sum, which was the former practice, not with a view to increase the revenue, but to operate as a check upon a certain class who overthronged the prison.

Another highly important regulation was early sanctioned by the same board, compelling the officers to prevent any convict from ever speaking to another convict, without special direction from and under the eye of a Keeper, under all circumstances where such a rule could possibly be enforced. Hence various other auxiliary regulations, which will hereafter appear, that have been adopted to carry into effect the above.

In the code of regulations reported to the Legislature by the Inspectors in 1823 (but long before sanctioned) and published in the Assembly Journals of that year, are the two following articles relating to the general duties of Assistant Keepers, and also of convicts.

DUTY OF TURNKEYS.

"Turnkeys, when on duty, are to govern themselves in strict conformity to the rules of the Institution, and at all times, when in the Keeper's Hall, to consider themselves subject to the rules of the Prison, and therefore at such times, refrain from singing, whistling, scuffling, loud immoderate laughter, provoking witticisms or severe sarcasms on each other; and it is strictly forbidden for one Turnkey to treat another with harsh injurious epithets, in the presence of convicts.

No Turnkey shall absent himself from the Prison during business hours, without consent of the Keeper or Deputy Keeper, or leave his station in any part of the Prison, unless upon urgent and necessary business; and if a Turnkey shall, at any time, obtain leave of absence from the Keeper, he shall, prior to leaving the Prison, acquaint the Deputy Keeper with the same.

No Turnkey shall send a convict to the Hospital, or give medicine, (unless in extraordinary cases,) without orders from the Keeper, Deputy Keeper, or attending Physician.

No Turnkey shall say any thing in respect to the police of the Prison, in the presence of convicts, unless it is in the way of directing them in their duty, or admonition for delinquencies; neither shall he hold common place conversations with convicts, or allow them to speak to him on any subject, except on necessary business.

Turnkeys shall not compromise with convicts who neglect their duty or violate the rules of the Institution, but shall report all such subjects to the Keepers, for correction.

If a Turnkey shall, at any time, punish a convict for misconduct, he shall, in a reasonable time thereafter, make a formal report of the same

to the Keeper or Deputy Keeper, stating the nature of the offence and the kind and amount of punishment inflicted on the delinquent.

Each Turnkey must keep a list of his men's names; and against each man's name, he must set the number of the cell occupied by him; and instruct them in all the rules of the Prison that it is necessary they should be acquainted with.

No Turnkey shall suffer any person belonging to the Institution or otherwise, to sell, or borrow and carry away, any thing belonging to the Prison, without consent of the Keeper, or Deputy in his absence."

DUTY OF CONVICTS.

"The whole duty of a convict, in this Prison, is to obey orders, labor diligently in silence, and whenever it is necessary for him to speak to a Keeper, to do it with a humble sense of his degraded situation.

Convicts must approach the officers of the Institution with deference, and bestow on them, when addressing them, all the civic titles which politeness demands in the respectable circles of life, and when speaking of or to each other, they must omit those distinctions.

They are not to laugh, dance, whistle, sing, run, jump, or do any thing that will have the *least tendency* to disturb or alarm the Prison.

They are to labor diligently and not to leave their places without permission from a proper officer, and are, at all times, to keep their caps off, except when in the yards, or laboring in the blacksmiths-shop. They are not to converse or speak at all to any person who does not belong to the Institution.

No convict shall make use of profane or obscene language, chew tobacco, have it in possession, or ask any person for it. They shall not look off their work to gaze at spectators or impudently gaze at them when idle. The object of this regulation is, if possible, to prevent their looking at, or paying any attention to spectators as they pass through the Prison.

It is easy to perceive, that the most unceasing vigilance and untiring zeal, on the part of the officers, are requisite to enforce these regulations, and that they occasion a vast variety of particular rules and practices, to carry into effect those general objects which can only be suggested by experience.

Some rules and practices that may not hereafter appear under any appropriate head.

No spiritous liquors are ever used by any officer in or about the Prison, nor allowed to be taken to the guard-house, or used by the guard, when on duty.

Nor is the practice now permitted for an officer, when he is first appointed, or resigns, to invite the other officers together for the purpose of drinking or treating, as it is called.

All the Turnkeys are required to attend divine service at the Prison, except one in the north wing and one in the kitchen.

A uniform gravity and dignity of deportment is always to be observed by the officers, in the presence of convicts, calculated to inspire them with respect and confidence, and not to indulge, in the least degree, in levity, passion, or petulance.

And in their intercourse, at all times, the officers are to treat each other with that mutual respect and kindness that become gentlemen and friends, and to cultivate an ardent zeal to promote the best interests and advance the reputation of the Institution, in the credit of which, they must, of course, be common sharers.

They thus avoid collision, jealousies, envies, separate and party views and interests, and combine their united talents and exertions for the promotion of the public good and the advancement of their own reputation.

Almost every movement, in this Institution, is directed by system and order, and tends to seriousness and humility.

The convicts silently marching to and from their rest, meals and labor, at precise times, moving in separate corps, in single file, with a slow lock-step, erect posture, keeping exact time, with their faces inclined towards their Keepers, (that they may detect conversation,) all give to the spectator somewhat similar feelings to those excited by a military funeral; and to the convicts, impressions not entirely dissimilar to those of culprits when marching to the gallows.

The same silence, solemnity and order, in a good degree, pervade every business and department.

The Keepers prevent talking and the diversion of looking at spectators, by keeping their eyes constantly on the convicts under their charge, and are usually walking back and forth through their shops, as well for this purpose, as to keep the convicts industriously employed.

Their stillness and order at meals and in the chapel, are truly impressive; and during the night, their lodging department of solitary and silent cells, is one of peculiar solemnity and gloom. Nor can any one visit the Sunday School, opened and closed by prayer, where half a hundred young convicts are taught, for the first time, the rudiments of learning and religion, without having his feelings deeply affected.

RECEIVING NEW CONVICTS.

The convicts, who are received, before being allowed to go to work or into the cells, have their irons taken off, are then shaved, their hair cut, their bodies cleansed with warm water and soap and thoroughly purified from the filth and vermin which they too often bring with them from county jails.—They are then decently clad in the clean striped dress of the Prison, and a descriptive list taken and entered by the Clerk in a book for that purpose.—They are then carefully instructed, by the Keeper or Deputy, in the few plain and simple rules by which it is necessary their conduct should be governed, and then put to work at such trades as they may have; and if none, the Keeper selects such as they appear best adapted to, from their apparent constitutions and ac-

trivily. Convicts arriving in the night, are always placed in a particular large dark room till morning.*

OPENING THE PRISON IN THE MORNING AND PROCEEDINGS OF THE DAY.

Hours of labor vary according to the season. In long days, they commence at a quarter past five o'clock in the morning and close at six at night; and in short days, the hours are so fixed as to embrace all the day-light.

Fifteen minutes before opening the Prison, a sharp sounding bell is rung by the guard at the front gate, for the officers and guard to assemble, and soon after, a small bell in the north wing, where the convicts lodge, by an officer on night duty, for the convicts to rise, dress, and prepare to come out. At the end of fifteen minutes, the bell at the front gate again rings, when the Turnkeys take their keys from the key room and proceed to their respective galleries and unlock the convicts, who march out, with their night tubs, water cans, and mush kids, which last, they leave in the wash room which they pass through, and then proceed through the yard, empty their tubs in the vault, rinse them at the pump, partly fill them with water to prevent their falling to pieces and from becoming offensive, and place them in rows by the sides of the shops, which they then enter and commence labour; but before breakfast, wash their faces and hands in vessels prepared, in their shops, for that purpose.

BREAKFAST.

At from seven to eight in the morning, according to the season, a large bell, hung in the centre of the interior yard, is rung, as a signal for breakfast, when the convicts form again in a line in the shops, and are marched by their respective Turnkeys through the yard, and enter the large dining hall or mess room, at two different doors, face around and stand by their plates till all have got their places, when the Steward Turnkey rings a small bell and they instantly sit down to their meals, which have been equally divided by the cooks.—But as some eat more and some less, convict waiters, provided with large vessels, pass along constantly between the tables, taking food from those who raise their right hand, in token that they have it to spare, and giving to those who raise their left hand, to signify they want more; thus averaging their food to their various appetites, without allowing them to exchange food with each other, which would make confusion. The tables are narrow, and the convicts sitting on one side only, are placed face to back and never face to face, so as to avoid exchanging looks or signs. When the Steward perceives the convicts have done eating, or have had ample time for it, he rings the bell, when all rise instantly and march to their shops to labor; those going out first who came in last. All this occupies from 20 to 30 minutes.

*It is proper here to state, and expose to public reprobation, the practice of some Sheriffs and Deputies, of allowing ardent spirits to convicts on their way to prison, and frequently to such a degree, that they come in grossly intoxicated.

OF THE SICK.

Sick convicts report themselves, as such, to their Turnkey, who puts their names on a paper and sends it to the Keeper's Hall: when, at 9 o'clock, in the morning, the Physician comes, he sends to the shops for the sick, and they all are taken, at once, by a Turnkey to the Hospital, where they are examined, and such as require it, are retained, and others sent back to their shops with written directions to Turnkeys, for full or light labor as their cases may require.

CLOTHES, TIME.

From 10 o'clock, A. M. till half past 10 is called "clothes time".—When convicts clothes or shoes need changing, they are required to report themselves to the Turnkey, who sends them up to the clothes room, at clothes time, where the Deputy Keeper attends and gives them clean and whole clothes as they need, except shirts, which they change on Sunday mornings at their cells, after their being distributed under the direction of the Turnkeys on Sunday duty. Blacksmiths come to the clothes room and exchange clothes, every Saturday night, just before the Prison closes.

DINNER.

The convicts always dine at 12 o'clock, and the proceedings are precisely as at breakfast.

CLOSING THE PRISON AT NIGHT AND NIGHT DUTY.

Just before quitting labor, the fires are secured, the convicts wash their faces and hands, and then, at the ringing of the yard bell, the convicts form in a line, in their proper places, according to the numbers of their cells, march out of their shops to their rows of tubs, and, at command, take them up, step forward, empty the water in the drain, hang the bail on their left arms and proceed in reversed order, from coming out in the morning, those going in first who came out last, to the wash room adjoining the kitchen, where their mush, and molasses in a kid, and water to drink in a can, have been placed together in rows by the corks, and, without breaking their step, the convicts stoop and take up their supper and drink and march to their respective galleries, enter their own cells as they arrive at their numbers and pull their doors partly to. Each gallery is occupied by one company, which is marched and locked up by one Turnkey, with two keys, differing from each other and all the rest.

The keys, having been taken from the key room by the kitchen steward and placed in the wash room window, are taken by the Turnkeys as they pass through with their companies; and when they arrive at their galleries, commence locking their cells at No. 1, and as they enter the keys, the convicts suddenly quite shut the doors, which proves that the convicts are in their cells, without the delay of examining. When the Turnkey has gone through his gallery, he returns directly back to No. 1, trying all the locks, to guard against mistakes.

The Turnkeys then all repair to the Keeper's Hall, and, if the con-

keys are all in the cells or hospital, return the keys to the key room. But if not, which they ascertain by the hospital report and the list of convicts of each gallery, kept by the Turnkeys, with the No. of the cells annexed to each, their keys are retained till the convict is found; but this has rarely happened.

When the keys are secured in the key room, the bell is rung at the front gate, to signify that all is right, when the Deputy Keeper, Turnkeys and guard may all leave the Prison, except two Turnkeys and one guard, who remain one hour and a quarter, the former watching the solitary wing, and the latter tending the front gate and inner doors.

It occupies about 20 minutes from the time of stopping labor until the "all right" bell is rung.

Two other Turnkeys and two other guard then arrive to perform duty through the night.

One of the guard goes immediately into the yards and shops, and spends one hour examining, carefully, to find if any fire is left, and as often as once an hour, goes into the interior yard, for that purpose, through the night.

The night station for the guard is in the Keeper's Hall, adjacent to and within common speaking distance from the grate of the door leading into the lodging department or north wing. They take turns in sleeping and watching.

The two Turnkeys, in the north wing, do the same; so that one Turnkey and one guard are always awake; to be assured of which, they are required to report to each other every thirty minutes, on pain of removal. As an additional security, the Keeper and Deputy frequently go silently in at different hours of the night.

Turnkeys are enjoined to keep constantly moving around the galleries, and to the Hospital, (which is in the attic story of the north wing) having socks on their feet, and walking so noiselessly, that each convict does not know but that he is at the very door of his cell, ready to discover and report, the next morning, for punishment, the slightest breach of silence or order. Thus, the whole wing, containing between 4 and 5 hundred convicts, is almost as still as the house of death. If any one is taken violently sick, he may rap on his grate, on which the Turnkey will go to him, send the guard for the Keeper and if he thinks it necessary, the convict is taken to the Hospital and the Prison Physician sent for.

This wing, in the proper season, is well warmed by stoves in the area around the cells, which are thus sufficiently heated.

The convicts are required, at an early hour, by the ringing of a bell, to take off their clothes and go to bed upon their canvass hammocks, with sufficient blankets—but when well, are not permitted to lie down before the bell rings, nor to get up again, but from necessity, till the bell rings in the morning. The area around the cells, the Keeper's Hall and the Agent's dwelling are kept well-lighted, by lamps, through the night.

After the convicts are rung down, at night, all the locks are again tried by the Turnkeys on duty.

At 4 o'clock in the morning, the principal cook is let out from his cell, builds fires in the kitchen and commences preparations for breakfast. He can now be watched through a grate, lately made in the door between the wash room and north wing, by the Turnkey there, and required by the ringing a small bell, suspended to a wire in the kitchen and extending into the north wing, whenever out of sight, to show himself. The several Turnkeys, who have no companies of convicts to lock and unlock, place themselves while that is doing, in the angles and different places about the wing, to aid in observing and preventing any talk or irregularity among the convicts as they march along the galleries, and are some of them more or less, occasionally, out of the view of the officer who locks and unlocks them. The key of the key-room is always, day and night, in the hands of some one, in the Keeper's Hall, who is on duty. Convicts are shaved once a week in their shops by convict barbers, on Friday or Saturday, and their hair kept short.

They are also compelled to wash their feet often, and in the warm season, frequently to bathe in one of the reservoirs of water in the yard.

A duty roster of the officers and guard is kept hanging in the Keeper's hall and kept by the officer on duty there, showing the order and time of their performing night, hall and Sunday duty.

There is a hall waiter stationed in the wash room, and called by pulling a wire attached to a bell, whose business it is, to sweep and clean the offices, make fires, carry messages, &c. &c.

A convict's word is never taken even against another convict, and much less against an officer.

SUNDAY REGULATIONS.

On Sunday morning, the officers and guard are all present, and the Prison is opened at the same time, and in the same manner as on other days; and after emptying and rinsing their night tubs, march back to their cells and their doors latched, when a convict is let out from each gallery to distribute the clean shirts through the door grates, which have been put up in as many bundles as there are galleries of convicts, and with a Turnkey going always by his side.

The Sunday scholars are taken from their respective cells, with their Bibles, Spelling-books, tubs and blankets, and are placed in cells in a vacant gallery, under the charge of a Turnkey, for the convenience of taking them to and returning from the school-room, in the opposite wing of the Prison. The names of those reported sick, on Sunday morning, are put on paper by the Turnkey and hung on a wire by the door, which the Physician takes, and visits them at their cells.

Turnkeys must see that the convicts are provided with Bibles, combs and glasses to read, when necessary, and the Scholars with Spelling-books.

SUNDAY BREAKFAST.

The officers remain until the bell rings for breakfast, when the convicts are let out and marched through the wash room and kitchen to the mess room; and when they return from breakfast through the

wash-room, take their cans of fresh drinking water, which have been filled and placed there by the cooks.

The convicts are then locked up in the usual manner, the keys returned to the key-room, and the officers disperse, except two Turnkeys, who both watch the cells and Hospital through the day, (after having been relieved by two others an hour for breakfast,) in the same manner as is done by one at a time, at night, except that they allow no well convicts to lie down till the bell rings at evening.

One guard also remains all day in the Keeper's Hall, to tend the front gate and inner doors, he having also been relieved for breakfast, but neither he nor the Turnkeys on duty, are relieved, to eat again, until night.

SUNDAY MORNING SCHOOL.

At half past eight, the Turnkey, whose turn it is, returns, unlocks and takes the scholars to the school-room, where they are instructed by 8 or 10 young gentlemen from the Theological Seminary, and one or two others, who generously volunteer their services. They are also superintended by the Turnkey, and remain in school until divine service. The resident Chaplain has the general superintendence of the Sabbath School, which is also visited by the Agent and Deputy Keeper.

DIVINE SERVICE.

At precisely 10 o'clock, the officers and guard are all assembled again, and then all the convicts are unlocked, in the usual way, and marched through the wash-room, leaving their water-cans again, and proceed on, in usual silence and order, into the south wing and upper west story, prepared for a Chapel, with narrow seats with backs, so that they sit comfortably, facing the minister, without looking in each others' faces. A sermon is delivered, and usual Divine service performed, except singing.

Small platforms are erected at the sides and ends of the Chapel, where the Turnkeys sit, so elevated, as perfectly to overlook every convict.

The guard remain outside of the Prison, and the Turnkey, who oversees the kitchen, remains there with the cooks, to prepare and divide their rations of meat, bread and vegetables, which are to supply them until next morning. This is put in their mush-kids, their water-cans filled again with fresh water, and all arranged as usual in the wash-room.

When Divine service has closed, and the Chaplain retired, the Company, which came in last, at the word of their Keeper, rise and march out, and the other Keepers with their men following in the same manner, and, as they pass again through the wash-room, take their kids of rations and cans of water to their cells, are locked up, and the Turnkeys and guard, (except those on duty,) disperse for the remainder of the day.

If any convict has used or spilt his can of water, and needs more, he is supplied by the Turnkeys on duty, through the door grate, by the aid of a tunnel.

SUNDAY AFTERNOON SCHOOL.

At half past three o'clock, the Turnkey, on that duty, unlocks and takes the scholars again to the school-room, where they remain, as before, from two, to two and a half hours, and are then locked up for the night.

These scholars, after emptying their tubs on Monday morning, put them in their proper places, with others of their several Companies, with whom they are again locked up at night in the usual way.

OF TURNKEYS' RELIEFS.

There are only 17 Turnkeys at present, who are allowed one hour for breakfast and one for dinner; and as ten, at least, are indispensably necessary at all Prison hours, they can only be relieved by eating at different times of the day. For instance, some dine at 11, some at 12 and others at one o'clock. During the hours of relief, two Turnkeys must be in the two Coopers' shops, three in the Weave-shop, two in the Shoemakers' and Tailors' shop, one in the Carpenters' shop, one in the Blacksmiths' shop, one in the kitchen and one in the north yard. After relief is over, one is added to the weavers' shop, and one to the coopers', one goes into the north wing to attend to that and the Hospital, one, and sometimes two to wait on visitors; and it often happens that one or more are sick—especially the day after doing night duty.

Scrubbing, white-washing, making repairs, and other jobs about the Prison, constantly require the superintendence of such Turnkeys as may not be regularly necessary in the established departments. The number of Turnkeys, is, in truth, too small, and frequently occasions difficulty in getting along.

The same remarks, as to relief, will apply to the guard.

VISITERS.

The guard, at the front gate, admits, at the proper hours, all decent persons who request it: and if they wish to visit the Prison, are directed to the Clerk's Office, where they are furnished with Tickets, at 25 cents, each person, from a Ticket Book, similar to a Bank Check Book, in the margin of which are entered the date, number and amount of Tickets.

The guard, at the inner door in the Keeper's Hall, allows no one to pass into the Prison, without the permission of the Keeper or Deputy, unless there is a Turnkey to go with him, and he has a Ticket, which the guard slips on a wire, through a hole, into a close box, which is opened every month, and the Tickets compared with the margin of the Ticket Book, to guard against fraud or mistake.

Visitors are conducted through the shops, north wing, and other departments, except that of the females and of the Hospital. They are treated politely, and all desired information cheerfully furnished them. They are to speak to no convict, nor excite him to look up, by stopping to gaze at him, or by signs, nor indulge in general conversation, or the least degree of levity in the hearing of convicts, nor to talk about

particular convicts they may know, in their or others' hearing, nor, in any way, to furnish the convicts with the least intelligence.

SCRUBBING, CLEANSING, WHITE-WASHING, AND AIRING THE NORTH WING, ITS GALLERIES, AND CELLS.

The cells and galleries are thoroughly scrubbed every Saturday, in the forenoon, in warm weather, and every other week during the cold season, when one half or side of the block is scrubbed Friday forenoon, and the other, Saturday forenoon, as it would leave too much dampness there to have the whole done at once.

This operation is commenced after relief is over in the morning, and employs from twenty to thirty convicts, who require from two to three Turnkeys to oversee them—to see the scrubbing well done, and to prevent any talking, as they are scattered about, and passing in and out with water. About half are employed with brooms, and also scraping irons, adapted in shape to all the corners and crevices, and the rest in bringing and dashing on water, and in filing or mopping the cells and galleries as dry as possible, as fast as they are scrubbed; commencing with the upper tier of cells and galleries, and thence descending to the ground brick floor, which is also washed, and the water swept off clean into the drain. In cool weather, the fires are also kept up through the day, to prevent the wing and cells' being damp at night.

When the convicts leave the wing in the morning, the door, between it and the wash-room, is locked, to prevent any convicts from going in there from or to the Hospital without a Turnkey with them. From one to two convicts are employed, through the day, in sweeping all the cells, galleries and stairs, trimming the lamps, raising and shutting the windows, and keeping the cell doors open, to have the whole well aired.

The north wing Turnkey examines the cells, hammocks, blankets, bibles, and spelling-books, and if any wilful injury is done to them by the convicts, or any weapon, tools, or the like, are found, he puts down the number of the cell and offence committed, and reports the same for punishment. If any bedbugs or fleas are discovered, the most effectual means are taken, at once to eradicate them; and he sees that the blankets are sent out to be washed as often as necessary, and that the sweepers do their duty. He often goes into the Hospital, which is left unlocked during the day, to see that all is right, and attends also to repairing hammocks, locks, &c.

Great care is observed in white-washing, for cleanliness and the preservation of health. The whole block, in the wing, and the walls of the whole area around it, are copiously white-washed from three to four times in the warm season, and the inside of the cells much oftener.

HOSPITAL.

Still greater care is taken by scrubbing, white-washing, and washing clothes and bedding, to keep this department perfectly clean and well aired.

Two trusty and active convicts are selected, one as a cook in the Hospital kitchen, and to assist the other, who is a steward or nurse, and has the particular charge of the sick, and attends strictly to all the directions of the Physician, and shaves the sick convicts.

When necessary, other convicts are sent in, to watch with the sick at night.

A report of the names of all the convicts retained in the Hospital, is every day sent to the Keeper's Hall, that when Turnkeys find any cells vacant, as they lock up at night, they may know if any of them are in the Hospital; and the north wing Turnkey, who locks the Hospital, a few minutes before the Prison closes, must see that all are in who belong there.

The Physician directs what provisions are necessary for the Hospital; and the north wing and Hospital Turnkey must also see that the Keeper is informed, that he may provide them. These are obtained by purchase from day to day, but usually at steady places, where the best terms and articles can be had. All these provisions are weighed and examined at the Keeper's Hall; and if of good quality, are entered, with the name of the person furnishing them, in a book prepared for the purpose, and then are sent to the Hospital.

The key of the Hospital is kept, with others, in the key-room: the key of the medicine room is usually kept in the Deputy Keeper's desk, and the key of the liquor chest, by the Physician.

The sick are allowed all the articles of comfort, which would be proper to allow the sick in any circumstances in life.

When a convict dies, his body is kept 24 hours; and, if not claimed by any relative, the law of the State requires that it should be delivered to the agent of the College of Physicians, at Fairfield, for dissection. Such agent is, usually, the Prison Physician.

NORTH YARD.

In this yard are the stable and fire engine house, under the guard-house, (which last overlooks the yard,) the house for receiving ashes and making soap, and the coal-house, attached to the back of the Blacksmiths' shop. Here are received, sawed, split and piled up, the wood for the Prison, all the lumber, materials for, and ware from the shops, and rations for the convicts; and, of necessity, is the great thoroughfare of the Prison.

The Turnkey, placed there, must be active and vigilant, keep an account, in a book, of wood, hay, ashes, lumber, or other materials brought for the State, watch closely citizens who come in with teams, &c. and prevent their talking with convicts, or privately giving them liquor, tobacco, or other articles. No teams go into the interior yard; but the Turnkey sends by the convicts, all the materials to the shops, rations to the kitchen, and wood for the Prison.

Convicts, employed in this yard, are such as have no trades, and are most unfit to labor.

Rubbish, from the shops, and offals, from the kitchen, are brought to this yard, and burnt, or loaded in the State cart by the convicts, and driven outside by one of the guard.

One convict is constantly engaged in making soap; and it is another's business, among other things, to take care of the horse and harness him.

Some one of the guard constantly keeps the key, and tends the entrance gate to this yard, but does not open it when convicts are near, which he discerns through a hole in the gate, and must admit none but contractors, or teamsters, and but one man to each team.

THE GUARD.

There are eight of the guard, including the Serjeant who commands them, who are all required, during Prison hours, to be in the guard-house, except those on duty, and to aid in watching in the north yard. Besides the duty performed by them, as before mentioned, one must be constantly walking as a sentinel on the south wall, by the cooper's lumber yard and lumber kiln, considered as an exposed point, and to overlook the convicts in that yard, when no Turnkey is there, and is relieved every hour.

They also go to the stores in the village and other places, on errands, and with the Prison horse and cart, go after Hospital stores, shop materials, and whatever else may be necessary, and must always keep their arms in order. They are to allow no citizen to go on the wall or into the guard-house without special permission.

KITCHEN AND WASH-ROOM DEPARTMENTS.

There are about twelve convicts employed in the kitchen and wash-room, one third of them at washing convicts clothes and bedding.

The various kitchen employments of setting and cleaning tables, washing dishes and other articles, (more than 5000 daily,) baking, cooking, cutting and dividing rations, are allotted to particular convicts by the Turnkey, and superintended by him in the most regular and systematic manner, and very special care is observed in keeping the mess room and kitchen as clean as possible, and having them frequently white-washed.

The rations consist 14 oz. of beef or 10 oz. of pork, 10 oz. of wheat flour (ground without bolting,) 10 oz. of indian meal and one half gill of molasses per man, and 2 1-2 bushels of potatoes, or 5-8 bushels of beans, 4 qts. salt, 1-2 oz. of pepper and a sufficient quantity of rye for coffee in the morning, sweetened with molasses, to every hundred rations. This is all weighed or measured by the Turnkey of this department, and he is responsible and liable to censure or removal if he receives any provisions not good and wholesome. Great pains are taken by him in varying and managing their food to the best advantage, and especially, in making bean and meal soups from the meat liquor.

From eight to ten Turnkeys are always present at breakfast and dinner, and lest their attention may possibly be diverted from a strict watch of the convicts, while eating, the Turnkeys are allowed to have no conversation with each other while in the mess-room. The same rule is observed, as far as practicable, at all times and places, while the

Turnkeys are on duty, and for the same reasons, while on duty, they are never allowed to read any book or newspaper.

SOME PARTICULAR REGULATIONS.

There are, in the corners of the shops, one or more small necessaries, prepared with suitable tubs, which are taken by a convict, selected for that business, emptied into a vault and cleansed, so often as not to become in the least offensive.

But one convict enters the necessary at a time, and he must take with him a stick, which, at other times, hangs in a conspicuous place, that it can be known by looking there, whether any one is in the necessary. There is the same regulation in the north yard, and also a necessary outside, for those in the kitchen and wash-room, and under the same management.

The large vault is kept locked, except in the morning, and the key hung up at the door of the cooper's shop, near by, and one only can take it at a time to empty tubs, so as to prevent conversation, unseen, in the vault.

CARRYING WATER TO DRINK TO THE SHOPS.

A convict is selected for this purpose, who carries water in pails, from the Pent-stock, in the wash-room, and places them on benches at the doors of the shops, which are taken in by the shop-waiters, and when the empty pails are again set on the benches, the water-carrier re-fills and returns them as before. This is to prevent any intercourse that might take place by all the shop-waiters passing to or meeting at the pent-stock. No convict can leave his work or go out of the shop a moment, unless he is sent by a Keeper.

OTHER SHOP REGULATIONS.

There must be at least one Turnkey in each mechanic department, who is master of the business pursued in it, who instructs new convicts, and sees that the old make first rate work. He also sometimes places a faithful and experienced convict by the side of a raw hand, to show him, and places them where he can keep his eye on them, to prevent communication, except barely what is necessary for instruction; and though the convicts may thus occasionally exchange a word they ought not, yet can carry on no connected discourse; the instruction being chiefly given by showing, and that under the jealous and watchful eye of the Keeper. This Turnkey has the superintendance of all the work in the shop, but has no more power than the other Turnkeys, not mechanics, who assist in governing the shops.

He keeps a list of all the convicts in his shop, on his desk, puts down opposite the name of each, the kind and amount of work done by him, and requires him to do all that he can reasonably perform, according to his ability, without stint work. But the Turnkey will soon discover what the convict ought to perform, and will compel him to do it; and when well, he is not suffered to be idle a single moment, or have any particular favor or allowance for any thing that might be called over-work.

This Turnkey examines and directs the management of all raw materials, and prevents their waste, critically inspects all the work, and sends it to the proper places of deposit, with a bill thereof, for the contractors, every day; and also keeps account of all articles, with the prices, and enters them in a book, which are afterwards posted by the Clerk into the regular Prison Books of the Agent in the office.

In all the shops, the convicts are arranged, as far as possible, in such a way as not to face each other, and have their work entirely separate.

There are convicts selected for each shop as waiters or tenders, to distribute materials, remove rubbish, hand about or grind tools, take out ware, sweep the shops, hand drink, &c. under the eye and direction of the Turnkeys, chiefly by signs, so that the laborers need not leave their work.

In this way, a shop and business of an hundred men are so managed, that hours together will frequently pass, without a word being spoken.

The shops are often scrubbed, and occasionally white-washed.

There is more or less work done, in each shop, for the State, and raw hands are generally first taught on this work, before they begin for contractors, but not so much in the coopers' shop, where there are many hands, and but little State's work done.

FEMALE DEPARTMENT.

The females are all put together in the attic story of the south wing, from which there is a passage, by unlocking doors, to a back stairway at one end of the Chapel, where they can sit behind wooden grates, during divine service, without being observed by the male convicts, and on no other occasion do they ever leave their room.

The other passage to their room is guarded by two doors, having different patent locks, the keys of which, when not in use, are kept locked in the Deputy Keeper's desk.

The Turnkey of the kitchen department has the charge of this also, and weighs and measures out their rations, which they cook themselves.

They are employed mainly in picking wool, knitting and spooling, although to very little advantage, as no means of coercion can well be adopted nor any restraint upon conversation with each other, they being left alone, except once a day, when the said Turnkey goes with his kitchen convicts, and takes their rations and other supplies, and orders out the work they may have done, and other things that become daily requisite. They are visited by the Physician, when sick, and sometimes by the Chaplain, with the Keeper, or Deputy, and not by any other persons.

DISCHARGING CONVICTS.

When a member of the board of Inspectors, the present Agent handed to the Deputy Keeper, he having a more general intercourse with convicts than any other officer, a series of interrogatories to be put to convicts, entitled to the most confidence, with a view to learn their early history, habits, and course of life, and thereby collect facts

which might be of service in discovering the causes and tracing the progress of crime; but that officer found so little time, and so few favorable opportunities to talk with those, in whose veracity any confidence could be placed, while confined, and tempted by the influence of hope or fear, to give untrue statements, that the measure was not pursued.

Immediately after the appointment of the present Agent however, he adopted the following practice:—Every convict who is discharged, after he is shaved, dressed in citizen's clothes, receives his money, realizes that he is entirely free from restraint, and his feelings and affections warmed by the joys of freedom, he is asked into the Agent's Office, where the Agent, or Chaplain, or both, enter into free and friendly conversation with him, and endeavor, by a desultory course of enquiry, to search into his former history, how he was bred up, what means of literary, moral, or religious instruction he has enjoyed; what early temptations to crime, by being exposed to bad company or otherwise, he has encountered; his general habits, predominant passions, and prevailing vices.

This course has been strictly and carefully pursued with about seventy convicts, since this practice was adopted, and it is believed, with entire confidence, that after making all due allowances, a body of facts can be thus collected, which may be interesting to the philanthropist and statesman, and valuable to the publick. So far our examinations powerfully confirm the belief, that ignorance and intemperance are the two great causes of crime. The crimes of the young convicts can mostly be traced to ignorance, as will appear hereafter, in the account given of our Sunday School; while intemperance rarely fails to have had a great agency in the crimes of the older convicts, among whom, there is a certain class, of good talents and education, who have been in respectable life, but fallen into habits of intemperance, and thence to crime, by reason of loss of property, and various other domestic misfortunes.

After the above inquiries are finished, the convict is interrogated in relation to his confinement, in what respect he endures the most suffering, and what influence it has had upon his feelings, and views of amendment, how he has been treated, where he means to go, and what business or course of life to pursue.

They uniformly agree, that being deprived of all intelligence of their friends, and the affairs of the world, and the means of conversation with each other, occasions them more suffering, and tends more to humble and reform them, than every thing else without it; that they are forced to reflection and communion with their own hearts at their meals, in their shops, their solitary cells, and through all the unvarying routine of their labor and rest.

That they suffer the keenest pangs of conscience, in reviewing their past lives, and in reflecting upon the disgrace, suffering and ruin that they have brought, not only upon themselves, but upon those to whom they are allied by kindred and affection, and of whose condition and fate their ignorance keeps them in a constant agony of suspense: and

that they firmly resolve to live a virtuous life, if they survive their imprisonment.

By the information of these convicts, who are frequently going out, the Agent is enabled to ascertain important facts and practices in relation to other convicts, which he might not otherwise discover.

They admit that convicts have so great temptation to talk, that they will run the hazard of speaking to others, whenever they think they can possibly escape detection—but that such is the vigilance of the Turnkeys, generally, that scarcely any thing can be said, and never so as to carry on a connected discourse, or to concert conspiracies or rebellion.

The last convict discharged, did not know the names of two convicts who had worked each side of him for three months, marched and eat by him, and lodged in adjoining cells. They generally agree that they are as kindly treated, as their circumstances, as convicts, admit, and feel grateful to their particular officers, to whom they often wish to express their thanks; personally, before leaving the Prison. Neither the Chaplain nor Agent neglects this interesting occasion of affording such admonition and advice, as they are capable of giving; and the convicts generally leave, deeply affected in their feelings.

These officers also request these individuals to write to them, after they are again settled, and from some, have received very gratifying letters.

Discharged convicts are allowed, in no case, more than three dollars, which is often entirely insufficient to enable them to reach their friends without embarrassment.

RELIGIOUS INSTRUCTION.

To supply the convicts with regular religious instruction, on the Sabbath, \$200 per annum is allowed by the Legislature. This sum is divided, by the board of Inspectors, between three Clergymen of different denominations, whose duty it is to officiate in the Chapel, alternately, on the Sabbath. The duties devolving on them, have been regularly and faithfully performed; and no doubt is entertained, that effects, salutary to the convicts and to the institution, have resulted from moral and religious instruction thus given. Still it is believed, that the above provision for the moral and religious instruction and improvement of the convicts, is far short of what it ought to be. One object in the confinement of convicts is, to secure society from their depredations: and, so long as this confinement continues, this object is, of course, secured. But it is well known that a very great proportion of these men are confined for a limited time.

Another, and grand object, then, is, to make their confinement, as far as possible, the means of their reformation; that, when restored to their liberty, they may prove honest, industrious, and wholesome members of society. Whatever, then, will contribute to this object, should be most industriously sought for and applied.

Public instruction, on the Sabbath, is, doubtless, one means, which should be steadily used: still, the course which has heretofore been pursued, is manifestly attended with its objections.

The clergymen who have officiated at the Prison, have, mostly, had the charge of other congregations.

Every third Sabbath, they preach a sermon to the convicts in the Prison; then go to their own people, and are generally seen no more until their time to officiate again, calls them to the Chapel. Being thus situated, they cannot, in the nature of things, use all those official means, for the improvement and reformation of convicts, that they could, were their labors more devoted to them, personally. Besides, the convicts themselves, who rarely see these men, excepting on the Sabbath, when they are in the Desk, are but too apt to feel, that they come and preach to them as a mere matter of course, and are then gone, and feel no further solicitude about them.

It is conceived there can now be no question, but that provision ought to be made for the support of a resident Chaplain, who shall have the special charge of the religious instruction of the convicts, whose duty it shall be, not only to preach to them on the Sabbath, but to improve all the opportunities afforded, by giving them religious instruction and counsel, when in their cells, and when confined by sickness in the Hospital.

In other Penitentiaries, where the convicts are permitted, in a greater or less degree, to maintain an intercourse with each other, and where numbers are congregated at night, it is hardly to be expected that any very important benefits would result from such a step.—But in this Prison, where no such intercourse is suffered, it is confidently believed, that an opportunity is presented to a resident Chaplain, to effect vastly more than can rationally be expected from the course which has hitherto, until of late, been pursued.

A resident Chaplain, possessed of those qualifications by which he ought to be distinguished; having a thorough knowledge of mankind—prudent, firm, discreet and affectionate; actuated by motives of public policy and Christian benevolence;—will very readily secure the respect and confidence of a majority of the convicts. Residing with them, and visiting their solitary and cheerless abodes, they will consider him, especially the young, as their minister, their guide, their counsellor, their friend: They will be disposed to open their hearts to him, with freedom. He will learn their history—become acquainted with their views and feelings, and will thereby be enabled to adapt his instructions and reproofs directly to individuals, as their several circumstances may demand. Secluded as the convicts are from society, and shut out from all intercourse with each other, their minds seem to be prepared, in a peculiar manner, to receive salutary impressions; and when once made, having no connexion with their fellows, they are in a situation, very favorable, to retaining them.

Thus circumstanced, a discreet, judicious man will know what instructions to give, and in what manner he may best apply them.

It must appear obvious, that suitable instructions and reproofs, administered under such circumstances, are calculated to produce a more deep and certain effect, than when given, as they ordinarily are, from the pulpit, in general terms, and not adapted to the particular circumstances, feelings, and trials of those who are immediately concerned.

There are always more or less of the convicts, who are, by sickness, confined to the hospital. Without a resident Chaplain, this class of convicts, unless by mere accident, is deprived of the privilege of religious instruction. But a resident Chaplain would feel it to be his duty, often to visit and converse with them, to enlighten the ignorant, to administer consolation to the afflicted, to sit by the beds of the sick and the dying, and by his instructions and admonitions, to do every thing in his power to promote their best present and future interests. Though convicts, they are still accountable and immortal beings; and deprived as they are, at such trying seasons, of the sympathies and the kind offices of their parents, their wives, and their children, they need, in a peculiar manner, some benevolent and pious friend, to instruct and to console them. Should they die, the reflection remains, that all was done that humanity and Christian charity demanded. Should they recover—such a course of treatment has a powerful tendency to soften their feelings, to affect their hearts, and improve their conduct.

A resident Chaplain, should in all cases, and under all circumstances, strictly conform to the rules and regulations of the Institution, especially, in not furnishing convicts with forbidden intelligence, or the hopes or promises of aid, in procuring pardons, which would lead to great hypocrisy, and tend to insubordination. He should deal plainly with them, and dwell emphatically upon their deep depravity and guilt, in violating the laws of God and their country—convince them of the justice of their sentences—awaken remorse in their consciences—press home upon them their solemn obligations—make them feel, pungently, the horrors of their situation; and, by all other means, to make them realize the necessity and duty of repentance, of amendment, and of humble, and strict obedience, to all the regulations of the Prison.

This course would tend powerfully to make them better convicts; and whenever restored to their liberty, better citizens. I feel it a duty to state, that the views of this Institution, until lately, have been unfavorable to the services of a resident Chaplain, from the belief, that they might have a bad effect upon the discipline of the Prison.

In November last, the Rev. Jared Curtis was employed and sent here, as a resident Chaplain, by the Massachusetts Prison discipline society, since which, he has continued, with ability and zeal, to discharge the duties before referred to; and although strong prejudices were to be encountered, his knowledge of human nature, correct views of public policy, the Penitentiary system, and Prison discipline, with a steady and uniform devotion to his duties, has not only enabled him to overcome those prejudices, but the favourable results of his labors, fully justify what is said above on this subject. How long that valuable society will extend its patronage to this Institution, is uncer-

tain: and it is respectfully submitted, whether the public institutions of this state, should not be supported, in all respects, either by the government, or our own benevolent societies, without the aid of charity from abroad.

I am happy to observe, that the opinions of all the several Clergymen, who now officiate in our Chapel, correspond with the general views above expressed, in relation to a resident Chaplain. One of them suggested, as the only objection, that convicts, having different views of different persuasions, would not have their prepossessions gratified, so much, as by hearing those of various denominations, and hence, that preaching might not have so favorable an influence upon some of them.

SUNDAY SCHOOL INSTRUCTION.

This subject is intimately connected with that of the preceding article, and if possible, is one of still greater importance.

In the early part of the last spring, measures were taken to ascertain the number of convicts who were unable to read; or who had received so little instruction, that they could read only by spelling most of the words. The number was found to be between fifty and sixty. * Besides these, there were many others, who, although they were able, in a measure, to read, were still grossly ignorant. Here was exhibited a striking proof, that ignorance is a fruitful source of depravity and crime. It may not be uninteresting to remark, in this place, that among the whole number of convicts, in this Prison, not one is known to have been ever a member of a Sunday School. Knowing that in the common course of events, a great portion of these ignorant and degraded delinquents, would be restored to their liberty, and again mingle with society, it was considered to be a solemn duty, to do, what could consistently be done, to enlighten their minds; and by instruction, if possible, to elevate their views, and to make them better men; and eventually, more enlightened and better citizens.

The only practicable mode to effect this desirable object, which would accord with their situation and the sentence by which they were confined, was judged to be the establishment of a Sunday School, which was opened in the month of May. Fifty, of that class of convicts, whose ages did not exceed 25 years, and who were the most ignorant, were selected and placed in the School. These were divided into a number of classes, corresponding to the number of teachers.

* In our Report of 1822, we state that "considerable pains have been taken to learn the state of education and intelligence among the convicts. There are about thirty, who can neither read nor write; more than three fourths can barely read and write, and not one in ten who possess any degree of intelligence acquired by reading."

In consequence of these facts, a School for Juvenile convicts was organized, and continued for some time under the instruction of an intelligent convict; but the inconvenience and evils of it were thought, by the then Agent, to overbalance the benefits, and it was discontinued.

In classing them, reference was had to their previous attainments. Some could read indifferently well, while others were even ignorant of the alphabet. During the exercises of the School, in addition to learning the scholars to read, great pains have been taken to impress upon their minds a deep and abiding sense of moral and religious obligation.

The privilege, presented these convicts in the opening of this school, was embraced with the greatest avidity and apparent thankfulness. Their conduct has been uniformly good, and their industry and application unremitting; and it is very gratifying to be able to state, that their progress has exceeded the most sanguine expectations—nor is this all—an influence of a very salutary nature and tendency, it is believed, has been exerted on the minds of many of the members of this school—an influence which it is hoped will be felt through the whole course of their future lives.

It may not be uninteresting to mention the singular effect of this instruction upon an active, but grossly ignorant young Indian, who, a short time since, after asking leave of his Keeper to speak to him, said, that “he had been bad boy, would lie and steal, that he had learnt in Sunday school it was wicked and wanted to go before the Agent, confess and promise he would never disobey God any more.” When these scholars have obtained a knowledge of reading, writing and arithmetic, sufficient to enable them to understand, if not to transact the ordinary business of life, it is intended to take another class of convicts, still older, and give them such instruction, as shall be found practicable.

But the means of improvement and reformation can, certainly, be applied to the juvenile class of convicts, with the best hopes of success.

DUTIES OF THE AGENT AND KEEPER, DEPUTY KEEPER, PHYSICIAN, CLERK AND ASSISTANT KEEPERS.

DUTY OF ASSISTANT KEEPERS.

These officers are styled Assistant Keepers in the law directing their appointment, but they are sometimes called Turnkeys—an appellation, however, that has little application to the nature and importance of their various services, as Assistant Keepers.

They have the same authority and control over convicts, while under their charge, in compelling obedience to orders and regulations, that can be exercised by the Deputy or principal Keeper.

The arduous duties of the Assistant Keepers, have appeared so fully in stating the Prison rules and regulations, that no further recapitulation can be necessary.

DUTY OF THE CLERK.

The Clerk must be in his Office, at the Prison, from the time of opening, until closing it, except an hour, each, for breakfast and dinner, and generally to perform all such writing as the Inspectors and Agent may require.

He makes out visiting Tickets, and receives the money from visitors, and accounts, every night, to the Agent for the same, and such other monies as he has received, during the day.

It is also his duty (as well as the Agent's) to see that the accounts are properly kept, in the different shops, for labor done by the convicts, and at the close of each month, or oftener, if required by the Agent, to copy them into the regular Office Books, which must, at all times, be posted and ready for examination.

He must examine and copy into the Books, the items of all bills of articles purchased by the Agent for the Prison.

At the end of each month, he must examine, arrange and number the vouchers for that month, make out two abstracts of the same, one for the Comptroller and one for the Office, and after the vouchers are audited by the Comptroller, enter the same, in detail, in the Books, so that, from year to year, all the items of expenditure may appear.

He copies pardons, and should be present to make entries and necessary papers whenever convicts are received or discharged, and keeps the Books, in which are recorded their names, ages, crimes, sentences, where tried and by whom sentenced, with a description of their persons and places of nativity.

It is his duty to make out all the writings and returns that are necessary, in making the annual settlement between the Agent and the Comptroller, and also the details for the Inspectors' annual Report to the Legislature.

He records all appointments and removals from Office, and the official transactions of the Board of Inspectors, and attends, strictly, to pecuniary concerns in the absence of the Agent.

He makes out a pay-roll, and, under the direction of the Agent, makes a settlement with all the Prison Officers monthly, and also with contractors, and others who have dealings with the Agent.

DUTY OF THE PHYSICIAN.

The duties of the Physician are mentioned in remarks upon the management of the Hospital and the sick.

He must attend, personally, at the Prison, at a particular hour every morning, repeat his visits through the day, and at all times when the condition of the sick requires it; and when sent for, is to come immediately to the Prison, to the exclusion of all other professional business or engagements.

He is also required, by law, to keep a register of all deceased convicts, stating their names, ages, places of birth, time of death, disease, and all other circumstances, which he may esteem necessary; which register shall always remain at the Prison, and be open to inspection.

DUTY OF THE DEPUTY KEEPER.

The Deputy Keeper, as an assistant to the Agent and Keeper, has a general and constant superintending care over all but the pecuniary affairs of the Prison, especially its police and discipline; and is responsible to the Agent and Keeper, that his orders and all the internal rules and regulations shall be promptly and strictly observed: and, to that end, he must always be present at the opening and closing of the Prison, in the Chapel during Divine service, in the mess-room while the convicts are eating, and also at all other Prison hours, except an hour, each, for his own breakfast and dinner. He is to be constantly moving about in the interior of the Prison, visiting irregularly and without notice, the Hospital, kitchen, shops, yards, and all departments of the Prison. He sees that the Assistant Keepers are vigilant and attentive to their duty, that they keep their men diligent and in order, and that none are chastised, for disobedience, with unreasonable severity.

He attends to the convicts' clothing, and is responsible that it is properly changed and in order.

He receives reports, from the Assistant Keepers, of the offences of convicts, and reports the same to the Agent and Keeper, who lays them before the Inspectors at their weekly meetings. He goes frequently into the lodging department, and to the Hospital, during the evening, and, occasionally, in the night, to see that all is right, and that the Assistant Keepers and Guard, on night duty, are vigilant and faithful.

He attends, personally, to discharging every convict, whether by expiration of a sentence or pardon, and sees that his clothes are in order for that purpose.

He has the more immediate direction and control of all the Assistant Keepers and Guard, gives them such instruction, advice and admonition as become necessary, and informs the Agent and Keeper of any neglect of duty, or impropriety of conduct—and, in his absence, the Deputy has the full powers of the Keeper.

DUTIES AND POWERS OF THE AGENT AND KEEPER.

The law directs, that at the New-York Prison, there shall be one Agent and one principal Keeper.

It is made the duty of the Agent to make all contracts, purchases, and sales, and to manage all the fiscal concerns and operations of the Prison, and in which he is required to keep his Office.

It is made the duty of the Keeper to superintend and direct the subordinate Keepers and Guard, in all their various duties, manage and be responsible for the police of the Prison and the safe keeping and regular employment of the convicts; and he is required, by law, to reside in the Prison. These officers are allowed, each, a salary of \$1250.

At this Prison, the law requires that the duties of both those officers shall be discharged by a single individual, who shall be denominated Agent and Keeper.

The duties of this officer are, therefore, as various as they are complicated and responsible; and he is required to give security for the faithful performance of his duties, as Agent, to the amount of twenty-five thousand dollars.

The nature and extent of his duties, will, in some measure, appear, from the duties of all the subordinate Officers, for whose acts and conduct the Agent and Keeper is responsible.

The general duties and powers of the Agent, as such, appear from the following section of an act of the Legislature:—

“Be it enacted, That all the contracts and dealings on account of the said institution, shall be transacted by and in the name of the Agent of the State Prison; and by that name, the present Agent and his successors in office, shall be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all actions and suits, complaints, matters and causes concerning the State Prison. And by that name, the Agent for the time being, shall be, and hereby is authorised and impowered to sue for, prosecute, recover and receive of and from all persons indebted to any former Agent or Inspectors of the State Prison, or to the people of this State on account thereof, such sums of money as shall be due or become due, of and from any person or persons:” and the Agent is also authorised to refer disputes to arbitration.

The same act requires, that on the application of any prisoner to the Agent, requesting him to take charge of his property, the Agent is to collect and receive and sue for, any goods, chattels or monies due or belonging to such prisoner, and to keep a correct account thereof and to pay the amount to said prisoner when released, or his legal representative—and if such prisoner should not be released, and if no legal representative should demand such property, then the same shall be applied to the use of the state.

The Agent is required, by law, to close his accounts, annually, on the thirty-first day of October, and render them to the Comptroller of the State, on or before the first day of December following. The practice adopted and pursued, by the present Agent, is to settle and pay all accounts, due from him to the officers and all others with whom he has dealings, the first day of every month, and immediately thereafter transmit, by mail, to the Comptroller, the vouchers for all the expenditures of the month preceding, with an abstract thereof, duly examined and certified to be correct, by the Board of Inspectors, and sworn to, by the Agent and Clerk, as directed by law; but the Agent does not render to the Comptroller a detailed account of monies received by him, until the annual settlement. All the money received by the Agent, personally, he deposits in the bank, and all he pays out, is paid by checks, from a bank check-book, in the margin of which he states the name, amount, date and for what each check is given, besides taking necessary vouchers and making entries thereof, in the proper books of the Office, the same as if no entries were made in the said check-book.

These remarks apply to all monies, except such as are received from visitors, and some other trifling daily receipts, which, from necessity and convenience, the Clerk receives, pays out and accounts therefor, to the Agent daily, as mentioned in speaking of his duties.

By a late law, the Agent is directed, on or before the first Tuesday of February, in each year, to make a report to the Secretary of State, of the names of convicts, pardoned or discharged, the preceding year, the crimes for which they are convicted, the terms of time for which they are severally sentenced, the counties in which they were tried, ages and descriptions of their persons, and in cases of pardons, the time unexpired of the term for which such convicts were respectively sentenced, when such pardons were granted, and the conditions, if any, upon which they were granted; and, by the same law, it is made the duty of the Secretary, to transmit copies thereof to all the County Clerks in the State.

The law prohibits the Agent from being concerned in contracts or dealings with the Prison, for his private benefit.

CONTRACTS AND CONTRACTORS.

For many years after the erection of the New-York State Prison, the Agent purchased all raw materials, had them manufactured and sold from a prison Store, on account of the State, and after this course had resulted in very serious losses, the Legislature wisely abolished it, and directed that no materials, beyond a very limited amount, should be purchased on account of the State, but that the Agent should make contracts for the labor, simply, of convicts with those who would furnish materials, and dispose of the articles manufactured, exclusively on their own account, by which means, great risks and losses are avoided, and much private capital and personal interest and enterprize are brought into action, in promoting the active and profitable employment of convicts. After the building of this Prison was so far completed, that convicts could be spared for mechanic employment, the Agent found great difficulty in engaging the principal and most responsible mechanics, in the vicinity, to enter into contracts. They were afraid to trust their materials in the hands of convicts, and to encounter the publick prejudice against Prison manufactures, and were extremely doubtful of success and apprehensive of danger and loss. Hence it was not in the power of the Agent, to make so favorable contracts, as may perhaps be made, when the existing contracts have expired, and they shall have been found profitable to the contractors. Several of the first contracts were lately changed, as appears by the following schedules, the time was extended with some small alterations favorable to the contractors, and, as an equivalent therefor, more specific provisions were introduced and more certain and prompt payments required.

Contractors are allowed, at all times, to visit those shops, where the convicts are employed by them, but never to speak to convicts, or give them any directions whatever. They must give all their instruction and directions to the mechanic Turnkeys in the shops, who have the

particular charge of their business. Any other course would lead to favoritism and confusion, and lessen the authority of the Turnkeys over the convicts. In the Carpenter's and Blacksmith's shops, there is, from necessity, some exception to the above rule.

In the Carpenters' shop, a contractor employs about ten hands in making Carpenters' and Joiners' tools; and the officer there, not being acquainted with that particular branch of business, the contractor is allowed to oversee his work and give necessary directions, there being an officer in the shop; but the contractor is never allowed to chastise convicts.

The same remarks apply to the contractor for manufacturing rifles, in the Blacksmiths' shop, for the same reasons. It will be observed that the first Coopers' contract, with Mr. Worden, has been divided, and part of the business contracted to Asaph D. Leonard, who makes all the fine or painted ware.

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SCHEDULE, OR ABSTRACT OF THE CONTRACTS FIRST MADE, AND ALSO THOSE THAT HAVE BEEN CHANGED OR EXTENDED, WITH SOME GENERAL REMARKS.

COOPERS' SHOP.

Allen Warden's first contract, made 3d March, 1824, for seven years. This contract provided for the payment of work six months after sold. A new contract was made, 8th December, 1825, for six years—payment monthly, with a credit of three months on each month's work.

The following is a contrast of prices between the two contracts:—

	OLD.	NEW.
Whisky, pork and provision barrels,	20 4-5 cts.	21—gain 1-5.
Flour barrels,	10 2-5 "	10—loss 2-5.
Washtubs, 1st size,	43 7-10 "	43 " 7-10.
" 2d "	36 2-5 "	36 " 2-5.
Pails, 1st "	20 1-2 "	20 " 1-2.
2d "	16 1-3 "	16 " 1-3.
Firkins,	10 2-5 "	10 " 2-5.

The above are the leading articles, and exhibit the average on the smaller.

Sixty-six men employed, including waiters, shop-tenders, and apprentices, averaged about 15 cents per day in May and June; and the business has been since rather improving.

Asaph D. Leonard's contract for Coopers' work, painted ware—commenced 8th December, 1825, for six years—pay monthly, with a credit of three months on each month's work.

About thirty men employed, average about 23 cents per day.

TAILORS' SHOP.

Stephen Van Anden's contract commenced the 1st of January, 1824, for ten years—pay semi-annually.

Great Coats, \$1 50-100—Coats, \$1 00—Vests and Pantaloons, 37 1-2 cents, and other garments in proportion.

The average earnings, for four months, ending the 30th April, 1826, were 15 cents per day—about one third of the men apprentices, and the business rather improving since; but will probably be soon retarded by the removal of several of the oldest and best hands, who are getting out of health.

This business is the most injurious to the health of the convicts, of any that is pursued in the Prison, owing, no doubt, to the position of body in which they sit, and the want of adequate exercise, with which it is difficult to supply them.

SHOEMAKERS' SHOP.

Erastus and Jabez Pease's first contract commenced the 25th January, 1824, for three years—pay semi-annually. Second contract commenced 1st December, 1825, for six years—pay monthly, with a credit of three months on each month's work.

Fine Boots, \$2 00—fine Shoes, 62 1-2 cents—coarse Shoes, 37 1-2 cents—Second quality Boots, \$1 25—coarse Boots, 75 cents—small Shoes, 25 cents—Cacks, 18 3-4 cents.

There are employed fifty-eight men, who average about fifty days' work per day, and for six months past, about 25 cents per day.

The remarks in relation to the health of convicts in the Tailors' shop, will apply, in a considerable degree, to the Shoemakers; but not to the full extent.

There are many more Hospital cases, in proportion, from the Shoemakers and Tailors than from the other convicts—though weaving is injurious to some.

TOOL SHOP.

T. J. Mc Masters & Co.'s contract commenced the 20th June, 1825, for five years—ten convicts employed—three at 50 cents, three at 31 1-4 cents, four at 18 3-4 cents per day—pay semi-annually.

In this shop, there are (in addition to the above) three Turning Lathes, with two convicts each, hired out on a temporary contract, and there is also considerable work done for the Prison, and some for outdoor customers.

WEAVERS' SHOP.

Worden and Wiltse's contract commenced 20th June, 1825, for one year—pay each three months—weaving per yard at fixed prices. Since the 2d May, 1826, Weavers, Warpers, Dyers, Harness-makers, and Shop-tenders, at 20 cents per day—Spoolers, Bobbin-winders, and Waiters, 10 cents per day, and one to repair looms, 50 cents per day.

Under the first contract, the Agent was bound to furnish and keep in repair, the looms and fixtures, and all necessary tools. By the new

contract, the contractors take the shop, tools and apparatus as they now are, and return them as good, at the expiration of contract; all additions to be made at their expense—pay monthly, with a credit of three months, on each month's work.

The earnings of the Shop, for the year ending the 31st October, 1825, were \$3542 28. An average of sixty Weavers and fifty-nine Warpers, Spoolers, &c. &c., allowing 300 working days in the year, exhibits 10 cents per day for each man.

It is proper to remark, that the Spoolers and Bobbin-winders in this shop, (being between thirty and forty,) are all invalids, by reason of age, ruptures and other bodily infirmities, and that nearly all were such, when they came into Prison.

This class is only employed on a temporary contract, but it is presumed it may continue, unless the Agent can do better with them.

BLACKSMITHS' SHOP.

Hugh Mc Clallen's contract commenced the 1st February, 1826, for one year. Four convicts employed at 50 cents per day—pay monthly, with a credit of three months, on each month's work.

There are twenty-nine convicts now employed in this shop, including apprentices. Besides those employed on the above contract, the same number are now employed, at the same price, in making chases and some other printing apparatus, by a gentleman who has some connexion with a Company in New-York, which is under a large contract to send those materials to some parts of South America. There is a prospect of very considerably extending this business. The remainder of the convicts, in this shop, are employed in making nail hammers, carving knives and forks, and a few other articles for sale, and others in doing work for out-door customers, (they furnishing stock,) at the following prices:—

Ironing two-horse Wagon, iron axletrees,	\$15 00
do. do. wood do.	8 00
do. one-horse do. iron do.	12 00
do. do. do. wood do.	6 50
Pleasure Sleigh,	6 00
Lumber do.	2 50
Cutter do.	2 50
Carts do.	5 00

Sawmill Irons, \$4 00 per cwt.—Chains, 6 cents per lb.—Drag-teeth, 2 cents per lb.—six-inch Boat Spikes, 2 3-4 cents, five-inch 3 1-2 cents, four-inch 4 cents, three and a half inch 4 1-2 cents per lb.—broad Axe, \$3 00—narrow Axe, \$1 50—Carpenters' Adze, \$1 75—Coopers' Adze, 75 cents, board Axe, 75 cents—large Compasses, 75 cents—inside Shaves, 75 cents—drawing Knives, 75 cents—Carpenters' Chisels, 37 1-2 cents—common nail Hammer, 50 cents, finished Hammer, \$1 25—kitchen Tongs, \$1 25—Shovels, \$1 00—Screw-plates, with taps and dies to cut one inch and one quarter down, \$12 00—smaller sizes in proportion.—Bracer for Joiners or Blacksmiths, \$1 75—Bow Drill-stocks, \$1 00.

The business, in this shop, has been considered, until lately, as deserving very little encouragement; but the present agent is of opinion, that it may be made one of the most profitable branches of business pursued here, and especially after water power is brought into the Prison, in doing which, the Agent is now engaged. It is also proper to observe, that whatever articles are made in this Prison, are of the first rate workmanship of their kinds, The expense of tools, and also some other shop expenses, are to be deducted from the above stated earnings.

RATIONS.

The contracts for the supply of rations, are required, by law, to be advertised, sealed proposals to be received, and the lowest to be accepted, provided good security be given. The quality and quantity are stated under the head of kitchen department.

Nathaniel Garrow has the present contract at 5 3-4 cents a ration, making the annual expense of a convict's provisions \$20,98.

CONVICTS CLOTHING AND BEDDING.

All the convicts clothing, shoes and blankets, are now manufactured by them, from materials purchased by the Agent, except, that cotton is purchased in the yarn.

Their usual dress is a round-about coat, vest and trowsers, made of cotton warp and woollen filling, with the stripes running round the body and limbs, a cap and socks of the same cloth, and leather shoes. Their shirts are of cotton and not coloured. They have heretofore, generally, had from two to three imported blankets. But the Agent is now having them manufactured in prison, by having the wool spun into coarse yarn, on spinning jennies, wove a yard and a half wide, and after being slightly fulled, are cut two yards long, and weigh between 5 and 6 pounds.

These, it is believed, will be cheaper, and certainly much better, than those imported. Their hammocks are made of imported canvass, stretched by cords and hung by the corners upon hooks rather loosely, or stretched tight on long and narrow wooden frames, which lie flat at night, and are turned up edgewise during the day. The latter allow the body and limbs more freedom, but are more cold, and liable to bed bugs. Some complain that the loose hammocks give pain in the limbs and breast, but perhaps a majority would prefer them in winter.

The framed hammocks are much the most expensive, of which kind there are now 388, and made principally during the present year. The stoves, in the department of solitary cells, are placed on the ground floors, and the pipes extending along the area around them, and the warm air rising, makes the cells, in the upper or 5th story, from six to eight degrees warmer, than those in the lower.

No measures have been taken to ascertain, with accuracy, the annual expenses of materials for clothing and bedding, but it cannot vary much from \$12 per man.

The clothing worn in by convicts, after being cleansed, is carefully kept in a room for that purpose, to clothe them when they go out; but there are few whose clothes are sufficient for them when discharged, and many that are scarcely worth preserving.

SOLITARY CELLS, CONFINEMENT, &c.

The south half of this Prison was built, much upon the old plan, with halls on one side and large rooms adjoining, on the other.

The attic story was thrown into one room, and also the upper story at the west end, now used as a chapel. The wash-room, kitchen and mess-room, were made in the basement story. There were a few small rooms calculated for two convicts.

In April 1819, and before the building of the other half of the Prison was commenced, the Legislature authorized the Inspectors "to alter or change the interior plan, originally adopted, so far as to render the same more suitable for confining each prisoner in a separate cell."

In pursuance of this authority, the then Agent commenced building and nearly completed the north front, upon the new plan of solitary cells, but before finished, it was fired by some of the convicts and pretty much destroyed; for the rebuilding of which an appropriation of \$25,000 was granted by the Legislature.

Such was the state of the Prison, when, in 1821, the present board of Inspectors (the present Agent being a member) was appointed. This board appointed a new Agent.

The following extract of our report to the Legislature, in January 1822, will show the progress of building and the description of the solitary cells.

"The said act of appropriation for building, directed that the said \$25,000 should be applied to the completion of the east part of the north wing of the said Prison, and if there should remain any surplus, it should be applied to the finishing the north *rear* part of the said wing.

The part, first mentioned, had been, previously, partly built, and destroyed by fire; except a part of the outer walls and so much of the walls of the centre block, at the south end, as contained about 25 cells. This east part of the north wing is 108 feet in length, by 45 in width; and is composed of outer walls, enclosing a separate block in the centre, five stories high, leaving a space between it and the outer walls, on every side, of nine feet. From the top of the outer walls, there is a brick arch, sprung across the 9 feet space, to the top of the block, and the whole surface, on the block and arches under the roof, covered over, 20 inches deep, with pounded stone and cement, (except passages for ventilators) which forms a safe barrier against fires extending to the roof.

This block is 42 feet high, and has on each side, five tiers of cells, 7 1-2 feet by 3 2-3, and 7 feet high, over each other, amounting to 165, made accessible by strong wooden galleries, of three feet width, surrounding and attached to the block; still leaving a space, in width, six feet, between them and the outer walls of the building, from the ground floor to the arch under the roof.

The block is built with stone walls on the outside, 2 2-3 feet thick.

A wall of stone, 2 feet thick, in the centre, separating the cells on the east side of the block, from those on the west; and the side partitions, between the cells are of brick, one foot thick.—These cells, before the fire above mentioned, were constructed of wood at the top and bottom, so that a fire, commencing in the lower story, would meet no obstruction to the roof—to avoid that danger, all the new cells are now so arched over with brick and mortar, that the oak plank, with which all are firmly lined, might burn out, in any one of them, with very little danger to the cells adjoining; so that if a convict could succeed in setting fire to his own cell, he would have the prospect of self immolation only, without producing any other serious injury. These cells are secured by heavy doors, of oak plank and iron, with strong grates, weighing from 30 to 40 pounds, and fastened in the safest manner.

The method of carrying the water from the roof of the old part of the Prison proves injurious, as the conductors are carried down on the outside and freeze up, together with the gutters, and when a thaw comes, the water sets back through the shingles and runs down the inside of the building. To avoid that difficulty, the new part has been made with large substantial copper gutters, with conductors from them down the inside of the outer wall of the building, into drains underneath. The caps, at the top of the conductors, are left open, so that the warm air in the halls, between the block and the outer walls, can escape through the passages into the eve gutters, and prevent the water in them as well as in the conductors, from freezing. The roof is also made water tight with plank, so far up from the gutters, as to throw the water over the outside, should not the above precaution prevent its freezing in the gutters, which has not yet been the case.

The ground floor of the halls surrounding the block, is formed by pounded stone and cement of the water lime, covered over with sand and flagged with hard brick.

These halls are lighted by windows in the outer walls, strongly barr'd, from which, through the door grates of the cells, the convicts receive light sufficient to read.

Thus completed is that part of the building denominated in the act, "the east part of the North wing." In addition to this, the angle of the west wing is turned, and extended west 94 feet; and built on the same plan, containing 120 cells and entirely finished, except between 30 and 40 cells which want doors and lining. The foundation of the remainder of the block of that wing, being 148 feet in length, has been raised to the top of the basement story, making 54 ground cells. This part, when completed, including an attic story,* to correspond with the opposite wing, will contain 290 cells, making in the whole 575 in the new part of the prison.

* The attic story, instead of being made into cells, was prepared for and is now used as a Hospital, leaving 550 cells in the north front and wing. A considerable number of the cells last made, were not lined with plank. These are sufficiently secure, more cleanly, but colder in winter; and the mode of ventilating them enables the convicts sometimes to hear from each others cells.

To preserve pure air and health, in the new part of the prison, the following precautions have been adopted.—Each cell has a pipe or ventilator, of 2 1-2 inches diameter, running from near the top, on the back side of the cell, into conductors, four inches square, fixed in the middle of the centre wall of the block, which extend from the bottom up through the wall, and come out above the stone and mortar which covers the block and arches over the halls, so that a current of air is created, running from the warm air in the halls, through the cells and ventilators, which brings into the cells a constant succession of fresh air, and carries off the effluvia generated in each. In addition to this, large ventilators are constructed from the top of the halls through the arch and roof, which can be opened and closed at pleasure: these however, are less used, on account of the passages into the eave-gutters above described, than would otherwise be necessary.”

The legislature passed an act, April 2d, 1821, directing the Inspectors to select a class of convicts, to be composed of the oldest and most heinous offenders, and to confine them constantly in solitary cells. At this period, the legislature and public at large had become so dissatisfied and discouraged with the existing mode and effects of penitentiary punishments, that it was generally believed, that unless a severer system was adopted, the old sanguinary criminal code must be restored.—In dread of such a result, the legislature ordered the experiment of exclusive solitude, without labor, and it is now believed, that in avoiding one extreme, another was fallen into.

In pursuance of this law, on the 25th day of December, 1821, there were selected eighty convicts and put into solitary cells.

These convicts were kept remote from the rest, and where visitors were not allowed to go: but where an officer remained, day and night, as well to guard against the possibility of mischief or accident, as to enforce a perfect silence in the cells.

They were not allowed to speak, except to the chaplain and to inform the officer they were sick, on which the Physician was sent to examine them, and if necessary, they were removed to the hospital: other convicts brought their food to their cell doors, under the eye of an officer, and carried away what was necessary. Great care was taken, by whitewashing and cleansing, to keep their cells and clothing pure and wholesome; and they were prevented from lying down in the day time.

For a considerable time, we had the most entire confidence in the success of this experiment.

In April 1822, an act was passed, directing the Inspectors to report to the Justices of the Supreme Court a list of all the convicts, then in solitary confinement, with their crimes, character and conduct, and to state the duration and extent of such confinement.

The same act required the said Justices to examine said report, and from their own notes of trial and other information, to be furnished, to certify their opinion to the executive, as to the propriety of, from time to time, pardoning said convicts.

This act referred to the act of April 2d, 1821, and recited, that the

punishment of these convicts, by changing them from labor to solitude, might be unduly increased.

On the first of August following, we made a report, in pursuance of said act, and also added some remarks not required by it, but as the report shows the views of the Inspectors, at that time, it may be well to copy so much of it as follows.

“There is no other difference in the severity of solitary confinement, than what arises from the difference in the mental and physical powers and constitutions of the subjects of it, which undoubtedly produces a considerable difference in the degrees of their suffering. All who are orderly, are subject to the same treatment and discipline. As to the “duration and extent” of their confinement in solitude, they have all been in cells since the 25th December last, except when otherwise stated. The Inspectors have recently made a personal examination of the above class of convicts, in their cells, and find that most of them seem fully to realize, that their punishment is carried to the highest possible degree, compatible with life and health, and all were extremely anxious to be permitted to labor.

They are yet as healthy as the laboring class; that is, they require as little medical assistance, although they are generally more or less debilitated; and some whose constitutions cannot very long endure their present confinement without serious injury, if not ruin; while others are perfectly sound and healthy.

Without going into detail, experience thus far fully confirms the conclusion, that solitude and silence are an indispensable part of a well regulated penitentiary system, the improvement of which has been long and loudly called for. Its defects have been pointed out and exposed by able statesmen and distinguished writers, but they have attended much less to criminal laws than to prison regulations.

If our criminal code was acknowledged to be greatly defective, while the old method of punishment (if it could be so called) was pursued, how much more glaring are those defects rendered, by a change of punishment. So slow is the progress of public opinion on such subjects; and so little has been done in regard to this; and as it is one in which the interests of society, prosperity of the state, and even safety of the government are deeply concerned, we cannot but indulge the hope that it will be presented to the next legislature, clothed with that importance which can only be imparted to it by judicial as well as executive recommendation. And permit us to observe, that we very much doubt the principle or propriety of giving to the Keepers or Inspectors any other power over convicts, than to carry strictly into effect, the explicit sentences of the courts who convict them; and enforcing the most rigid discipline. The reasons will sooner occur than we can suggest them. Allow us also to suggest, that perhaps a criminal code, with something like the following outline, might be worthy of consideration.

Make certain crimes, and perhaps a repetition of some others, punishable with death. Certain other crimes, and the repetition of some others, which clearly indicate such a depraved heart, or malicious temper (for instance, attempting to poison, and aggravated cases of burg-

lary and rape) as to shew the offenders so dangerous as to be unsafe and unfit to live in society, punishable with imprisonment for life, at hard labor. The next class of crimes, and all state prison offences, committed by persons over a certain age, punishable with solitude, from one to five and possibly to seven years; the last of which would be frequently, if not generally, tantamount to a sentence for life.—The lowest grade of crimes, subject to state prison punishment, and committed by persons under a certain age, punishable with imprisonment, at hard labor, from three to perhaps five or six years. The convicts for life should be kept distinct from all others, in a separate yard and apartments: all intercourse effectually prevented, and lodged in solitary cells, if practicable; if not, in secure rooms. They could only corrupt each other, the influence of which could never extend beyond themselves. They should be kept under rigid discipline, and compelled, emphatically, to endure hard labour.

Let the solitary convicts be dealt with as they now are, except, perhaps, some improvement in adapting the quantity and nature of their food to their condition. The last or juvenile class, might be employed at hard labour, under strict discipline, and should, by all means, be lodged in solitary cells.

They should be kept in school on Sundays and such portions of other days, as would not at all interfere with their labour, and be favored with religious and moral instruction, admonition, advice, and reproof.

Three years would be sufficient to teach them such trades as would enable them to procure a living when discharged. We are aware of many difficulties in settling the details of such a system of criminal law, which can only be overcome by great labour, experience and wisdom; and therefore we forbear entering further into the subject."

In our report to the legislature, in January following, it is stated that frequent examinations of the solitary convicts, since the above report was made, confirm our opinions therein expressed concerning them.—This report then goes on to expose the evils of the old system of punishment and the necessity of a change, as follows:

"The construction of prisons, and laxity of discipline, have formerly afforded convicts almost every comfort congenial with their propensities and wishes: social intercourse and recreation; moderate labour and good living; correspondence, and frequent interviews with friends: have been among their ordinary enjoyments; which not only alleviated their punishment, but, as has often been remarked, rendered prisons, seminaries of vice, by diffusing among all the convicts, the knowledge and love of villainy that each possessed, and giving, to each individual, the combined adroitness and skill of the whole.

The course of the law, false humanity and executive mercy, have sent forth from these immense fountains of impurity, copious streams, in every direction, whose pestilential vapours have carried a moral plague through the land. If the present mode of punishment, by classification, labour and solitude, fails, then the whole system must be given up in despair; the hopes of the philanthropist must perish; and scourges, the gallows, or guillotine must administer to the demands of sanguinary laws.

Deeply impressed with this truth, and earnestly desirous to avert, if possible, a calamity fraught with such tremendous consequences, we feel most solemnly bound to employ our best energies and skill, in giving this great and humane experiment the fullest trial of which it is susceptible. This cannot be done, unless the convicts are made to endure great suffering, and that applied, as much as possible, to the mind. The demands of nature must indeed be complied with; their bodies must be fed and clothed; and those who are allowed to work, not pressed down with greater weight of labour than their constitutions will bear. But they ought to be deprived of every enjoyment arising from social or kindred feelings and affections; of all knowledge of each other, the world, and their connections with it. Force them to reflection, and let self-tormenting guilt harrow up the tortures of accusing conscience, keener than scorpion stings: until the intensity of their suffering subdues their stubborn spirits, and humbles them to a realizing sense of the enormity of their crimes and their obligation to reform."

During the year preceding January 1823, there was an average of about 220 convicts in prison. From the Physician's report of that year, to the Inspectors, it appears that the average number of sick, in the Hospital, was between seven and eight.—That there were ten deaths; seven by consumption, five of which were from among the solitary convicts. The Physician speaks of patients coming into the Hospital, from the cells, with difficulty of respiration, pain in the breast &c. and concludes his report as follows: "It is a generally received and acknowledged opinion, that sedentary life, no matter in what form, disposes to debility and consequently to local disease. It may be produced in the study or the prison; in the nursery and the college, or in any other place where muscular exertion is restrained. If we review the mental causes of disease, we shall probably find that sedentary life, *in the prison*, as it calls into aid the debilitating passions of melancholy, grief, &c. rapidly hastens the progress of pulmonary disease.

From the order and cleanliness of the prison, we have no reason to conclude that any atmospheric cause reigns within its walls, calculated to produce serious disease: but confinement operates upon the existing germ of diseases, and hastens the progress of all those that must have otherwise terminated in death."

It is not known whether the Judges of the Supreme Court acted upon said report, made to them, or not; but the Legislature passed an act, April 15th, 1823, requiring the Inspectors to make a similar report to the Governor, and for the same reasons alleged in the said act of April, 1822.

A report was made to Governor Yates, as directed by said act; and in the summer of 1823, he visited the Prison, personally, examined the solitary convicts, and, after consulting with the Inspectors and Agent, determined to pardon them all, gradually, as their names should be sent him by the Inspectors, except some, whose sentences would soon expire, and a few others to be put to labor, and which was done accordingly.

These measures were adopted for two reasons: First, that their punishment was changed and increased beyond their sentence: Secondly,

that the health and constitutions of those surviving convicts, had become alarmingly impaired.

The said act, of April 15, 1823, authorised Courts, at their discretion, to sentence convicts for second offences, to solitary confinement not exceeding two years. But there is not a convict now in this Prison thus sentenced.

By the close of the year 1823, the solitary convicts were, principally, released, and a majority of them by pardon; since which, exclusive solitary confinement has been discontinued, though the act requiring it is not yet repealed.

During the year preceding January, 1824, there was an average of about 260 convicts, and an average number confined in the Hospital, of about 9, and there were 9 deaths.

The Physician's report states, that five of the nine, were subjects of solitary confinement, and died with consumption, accompanied with effusions of water; that a number were pardoned by reason of disease, which, by continued confinement, would have terminated in consumption and death; states that some cases did so terminate after they were pardoned, and that he had learned of others languishing from the effects of solitary confinement.

A number of these convicts became insane, while in solitude; one, so desperate, that he sprang from his cell, when his door was opened, and threw himself from the fourth gallery, upon the pavement, which nearly killed him, and undoubtedly would have destroyed his life, instantly, had not an intervening stove-pipe broken the force of his fall. Another beat and mangled his head against the walls of his cell, until he destroyed one of his eyes.

Nor was the effect of this constant confinement more favorable to reformation, than to bodily health. Of those who survived its shock upon their constitutions, twelve have been reconvicted and returned to this Prison, whose average confinement, in solitude, was about twenty months. It is proper to observe, that several convicts, of the solitary class, are still in Prison, who were released from solitary confinement and put to labor.

One of those pardoned, committed a burglary, in this vicinity, the very first night after being released from a long confinement, but escaped conviction on some technical ground.

Some others are known to have so conducted, as to be a terror in their neighborhoods, who have not been reconvicted of crimes, and not one instance of reformation, among that class, has been known.

It is true, that in forming that class, the worst men were selected, from the best information we had of them; but, at that time, there were little more than double their number of convicts, from whom to make the selection; and it cannot be supposed, that in near all the cases, we judged accurately. The conduct and health of a few other convicts, sentenced to solitary confinement, by Courts, have been much like the other class. One deserves to be mentioned: Hiram Maxwell, a man of good talents and education, was sentenced by the Court, to three years' solitary confinement, without labor, in the New-York State

Prison, and was afterwards brought, with other convicts, to this Prison, from which he was discharged, last spring, by expiration of sentence. When he went out, he was feeble in health; but of a fleshy, plethoric habit.

He returned to New-York, where he was brought up, and immediately engaged in a course of daring villany, which he did not long pursue, before he was convicted and sentenced again to the New-York Prison. It is however proper to remark, that he had, twice before, been sentenced to the New-York Prison.

These facts will not appear less striking, when compared with the following:—

There have been received into this Prison but three, short of one thousand convicts; besides one hundred and thirty, brought from the New-York Prison in exchange for one hundred taken from here, to build the new Prison at Sing-Sing.

Nearly four hundred have been discharged by pardon, and a little over one hundred by expiration of sentence. From among these, there have been twenty-four returned on reconviotions, besides those from the solitary class: but six of them had previously escaped from the Grand Canal, where they had been placed, with sixty-nine others, to labor, by an ill-advised act of the Legislature. None of them, indeed, were ever returned to Prison, except those reconvioted, and a few others, who were recaptured after their escape, before which, they had generally concerted extensive plans to co-operate with each other, in the business of horse-stealing, counterfeiting, and other crimes, in the execution of which, those reconviotions and recaptures took place. This is mentioned, merely to shew the injurious effect upon reformation, and to account for many of the twenty-four reconviotions above mentioned. There have been no convicts sentenced to this Prison a third time.

In view of these facts, it cannot be considered singular, that an entire change of opinion was wrought on the subject of exclusive solitary confinement, without labor.

We now believe, that solitude, combined with labor, applied to convicts under the rigid discipline of this Prison, is much better calculated to achieve the end in view, and is, perhaps, the best possible middle ground between the two extremes of penitentiary punishment.

The diversion and exercise arising from labor, which the convicts now enjoy, are certainly no more than is indispensable to mental and bodily health: and their earnings should have some consideration with the government.

There is no doubt, that uninterrupted solitude tends to sour the feelings, destroy the affections, harden the heart, and induce men to cultivate a spirit of revenge, or drive them to despair—although such may not always be the effect upon martyrs and patriots, whose devotion to liberty, or religion, may sustain their bodies and minds in health and vigor, while suffering in a righteous cause: Yet solitude, to a certain extent, is indispensable in Prison discipline. A degree of mental anguish and distress may be necessary to humble and reform an offender:

but, carry it too far, and he will become either a savage in his temper and feelings, or he will sink in despair.

With all the privileges enjoyed by the convicts in this Prison, insanity is no uncommon occurrence. There are several, now, more or less insane, who uniformly behaved well before their derangement, and who have never incurred any corporeal punishment, since their confinement.

A desire, frankly to acknowledge and fully expose a dangerous error, which we believe has been fallen into, in carrying the doctrine of solitary confinement entirely too far, is the only apology for the tedious length of this article.

It is deemed important to add, that a majority of the Commissioners, who examined this and the New-York Prison, and whose report will be hereafter alluded to, were entirely against exclusive solitary confinement without labor, on the ground of *health, expense, reformation and unnecessary severity*; and they give their reasons at length, and with great force.

CRIMINAL LAW, PARDONING POWER &c.

I have thought it might be interesting to publish a compendium of the statute criminal laws of this state, and a few pages extracted from our report to the legislature, in January 1824, on the subject; and also containing some remarks on the exercise of the pardoning power, and a recommendation to have a committee appointed to examine both state prisons, with a view to uniformity in prison discipline and regulations.

A COMPEND OF STATUTE CRIMINAL LAWS.

If any person on the *eve* of the *last day of December*, or on the *1st or 2d days of January*, shall discharge any *gun &c.* within 1-4 of a mile of any building, and be convicted before a Justice, he shall forfeit 40s. and costs, one half for the poor and the other to the prosecutor.—*vol. 1st, p. 49.*

All wilful killing by *poisoning* is declared *wilful murder of malice prepense*, and the offenders, their aiders, &c. shall suffer death.—*p. 66, sec. 1st.*

If any person shall *stab* another, that hath not then any weapon drawn, or that hath not struck first, so as the person stabbed die within six months, every such killing is deemed wilful murder: with exceptions of those who kill in self defence, or by misfortune.—*sec. 2d.*

If a *servant* kill his master, or *wife*, her husband, of malice prepense, such killing to be murder.—*sec. 3d.*

If any person shall feloniously attempt robbery, murder, or burglary, and the person against whom the offence was attempted to be committed, shall happen to kill the offender, in resisting him, he shall be acquitted thereof.—*sec. 4th.*

If any person kill another, in *self defence*, or by *misfortune*, he shall be acquitted of murder.—*sec. 5th.*

If any person kill another, in endeavoring, by lawful means, to apprehend felons, or in defence of husband, wife, &c. or in suppressing

any riot, or in lawfully chastising a child or servant, he shall be discharged.—*sec. 6th.*

If any officer, ministerial, or judicial, shall be convicted of *extortion*, in any court of record, he shall be punished by fine and imprisonment, or both.—*p. 111.*

If any person shall *acknowledge* a *fine, deed, &c.* in the name of another, or personate another as *bail*, he shall be adjudged guilty of *felony*.—*ib.*

If any person shall steal any *record*, or other proceeding, in any court of record, or in the office of the Secretary of State, or clerk of any city or county, every such person, and their procurers, &c. shall be adjudged guilty of *felony*.—*p. 112.*

If any *servant*, to whom any *money, goods, &c.* shall be delivered by his master, to be safely kept, shall *go away* with the said money, to the intent to steal the same, or being in his service, shall *embezzle* the same, with the like intent, and the same be of the value of twenty shillings, he shall be deemed guilty of *felony*: but the act is not to extend to apprentices, under the age of *eighteen years*.—*ib.*

If any person, being *married*, do at any time *marry another*, the former husband or wife being alive, such offence is *felony*; and the offender may be tried in the county, where he shall be apprehended. But there are certain cases, to which this act does not extend.—*p. 113.*

An Act, for apprehending and punishing disorderly persons.

All *disorderly persons*, may be committed by any Justice, for any time not exceeding sixty days, or until the next general sessions.

In all cases of commitment by Justices, except *petit larceny*, and when the *time* is not limited by the law, it shall be until the next general sessions, or until discharged by due course of law.

The general sessions may, upon examination, *adjudge* offenders already committed, to six months additional imprisonment: and when the last legal place of settlement of such person, cannot be found, may place them out as *servants*.

The act concerning amendments and *jeofails*, does not extend to criminal proceedings.—*p. 122.*

If any person, not appointed under the authority of the U. S. or of this state, nor being an inhabitant thereof, shall come within this state, to execute any writ or process, he shall be adjudged guilty of a high *wisdemeanour*.—*p. 131.*

TREASON.

If any person shall levy war against the people of this state, within the same, or adhere to its enemies, or give them aid, he shall be adjudged guilty of *treason*.

The concealment, or keeping secret any treason, shall be deemed *misprision of treason*.

All *trials*, for these offences, shall be according to the course of the common law, and this act.

All persons indicted for these offences, shall have a copy of the indictment, and a list of the witnesses, with their descriptions; and may make defence by *counsel*, and have their witnesses sworn. He shall

have a copy of the panel, and process for his witnesses: nor shall any one be indicted, or tried, but upon the oath of two lawful witnesses.—*p.* 145.

When any felony shall be committed, Sheriffs, and other officers, and all other persons by them commanded, shall make fresh pursuit; and every person who refuses, and is convicted, shall be punished by *fine*.

When a warrant is granted in one county, and the offender escapes into another, a Justice in that county, shall endorse his name on the back, which shall be a sufficient authority to arrest him.—*p.* 149.

Persons *winning at games*, by fraud, or unlawful device, or at any one sitting, win more than twenty-five dollars, and being convicted by indictment, shall forfeit five times the value won, be deemed infamous. &c.—*p.* 153.

If any person shall *carnally know*, any woman child, under ten years of age, it shall be adjudged a *rape*, and *felony*; and if *by force*, he shall ravish any woman, that is felony.

If any person shall *marry*, or cause to be married, any woman, *against her will*, or to be *defiled*, it is felony, and punishable as in cases of rape; and every agent is made a principal felon.—*p.* 156.

If any person shall, on purpose, and of *malice aforethought*, *maim*, or *disfigure* another, it shall be deemed felony; and all aiders, abettors, &c. are declared to be felons.—*p.* 163.

If any person shall *corruptly procure* any witness, to commit any wilful and corrupt perjury, before any court or magistrate, he shall be adjudged guilty of *subornation of perjury*: and any person who shall *wilfully and corruptly swear falsely*, before any court, or before any person, having competent authority to administer an oath, he shall be adjudged guilty of wilful and corrupt perjury. And no such person can be received as a witness, until the judgement against him be reversed.—*p.* 171.

Every person who shall maintain any plea, or suit, in any court, for lands, or other things, to have part or profit thereof, shall be punished by *fine*, or imprisonment.—*ib.*

Every officer, who shall take or receive any lands in fee, so long as it is in plea in any court, or take any reward thereof, shall be punished by *fine* and imprisonment, as well he that purchaseth, as he that selleth the same.—*p.* 172.

If any person shall *steal*, or take by robbery, any *bill, bond, promissory note, &c.* it shall be adjudged felony, of the same degree, as if the offender had stolen goods, and of the like value.—*p.* 174.

If any person shall, with *intent to dissect, dig up*, and remove any *dead human body*, or aid therein, from any burial place, or shall *dissect* or aid in dissecting such human body, he shall be deemed guilty of a public offence; and shall be punished by *fine* or imprisonment, or both.—*p.* 175.

It shall be deemed an offence against the people of this state, for any tavern keeper to suffer any cock fighting, playing with cards or dice, to keep any billiard, or other gaming table, in his house, out house, yard, or garden, or therein to permit any kind of gaming, by *lot*, or chance.—*p.* 178. *sec.* 8.

All offences committed against the act to lay a duty on strong liquors, and for regulating inns and taverns, shall be considered misdemeanors; punishable by fine and imprisonment, or either.—s. 17.

All suits, informations or indictments, which shall hereafter be brought or exhibited for any crime or misdemeanor, except murder, shall be brought or exhibited within *three years* next after the offence shall have been committed; with an exception as to non-residents.—187, s. 7.

Horse racing, for any bet or stakes, is declared to be a public nuisance; and all the parties engaged shall be punished by fine or imprisonment, and all public officers are enjoined to see the act executed.—222

If any *officer* entrusted with *public monies*, shall corruptly apply the same to purposes incompatible with his duty, and the state suffer a loss, he shall be deemed guilty of misdemeanor.—241

It shall be deemed an offence against the people of this state, for any *assistant keeper* or *workman* about the state prison, or *other person*, to convey out of, or bring into the prison any *letter, writing* or *other thing*, without its first being examined by keeper &c.—275, s. 12

ACT TO PREVENT FORGERY AND COUNTERFEITING.

If any person shall *falsely make, forge &c.* or cause to be falsely made, &c. or assist in falsely making, &c. any record, deed, will, &c. or any indorsement of any note, &c. or any receipt, acceptance, warrant or order, with intention to defraud any person or body politic or corporate: or shall *utter or publish* as true, any false, forged, &c. record, deed, &c. (as above) knowing the same to be false and forged, and be convicted thereof, he shall be deemed guilty of *felony*.—404, s. 1.

If any person shall forge or counterfeit any *certificate* of the *acknowledgement* of any deed or writing, or the *certificate* of the *recording* of any deed or writing, made by the secretary of state or any clerk, or knowingly utter such forged certificate or indorsement, and be convicted, he shall be deemed guilty of felony.—s. 2.

If any person shall counterfeit or cause to be counterfeited, any *certificate* or *public security* issued by this state, for the payment of money &c. or utter and pass the same, or offer to pass, knowing the same to be counterfeited, and be convicted, shall be deemed guilty of felony.—s. 3.

If any person shall counterfeit, or cause to be *counterfeited* &c. any current *gold* or *silver coin*, or *pass*, or *offer to pass* the same, knowing it to be counterfeit, and be convicted, he shall be deemed guilty of felony.—s. 5.

If any person shall have in his *possession* said coins, with *intention to utter* or *pass* the same, to defraud any person &c. knowing the same to be counterfeited, and be convicted, he shall be deemed guilty of felony. s. 6

If any person shall *sell*, or *offer to sell* or exchange, or wittingly receive any *counterfeit promissory note*, with intention to pass the same,

to defraud any person, and be convicted, he shall be deemed guilty of felony.—s. 7.

If any person shall *make* or *engrave* any *plate* for counterfeiting any promissory note, for the payment of money, in the name of any person, or body politic, or corporate, and be convicted, he shall be deemed guilty of felony.—s. 8.

If any person shall have in his *possession* any promissory note, for the payment of money, with intention to pass the same, knowing the same to be counterfeit, and be convicted, he shall be deemed guilty of felony.—s. 9.

If any person shall have in his possession any *blank note*, for the payment of money, in the form of a *bank note*, with intention to fill up the same, in order to utter the same, to defraud any person, &c. and be convicted, he shall be deemed guilty of felony.—s. 10.

If any person shall have in his possession any *plate*, for forging any bank note, with intention to forge, and be convicted, he shall be deemed guilty of felony.—s. 11.

AN ACT DECLARING THE PUNISHMENT OF CERTAIN CRIMES.

Every person who shall be convicted of *treason*, *murder*, or aiding &c. therein, or of wilfully burning any inhabited dwelling house, shall suffer death for the same.—407, s. 1.

Every person who shall be convicted of *rape*, *sodomy*, *burglary*, *robbing* any *dwelling*, or any *person*, of counterfeiting the *proof of deed*, or writings, or of recording the same, or *public securities*, or the current *coins* of this state, or of maliciously maiming or disfiguring another; and all aiders, &c. in any of the above offences, shall be punished with imprisonment *for life* in the state prison.—s. 3.

Every person who shall be convicted of falsely *making*, &c. or aiding therein, any *record* or *charter*, *deed* or *will*, affecting the title to real estate, or *note* or *bill of exchange*, or *endorsement*, with intention to defraud; or *uttering* the same as true, knowing them to be false, shall be punished with imprisonment *for life* or for some shorter term, at the discretion of the court.—s. 4.

Every person who shall be convicted of *wilfully burning* any dwelling house *uninhabited*, or house of *public worship*, or other *public building*, or any *barn*, or any *grist mill*, or any offences specified in the 1st sec. of the preceding act, and not before provided for, or any *felony* other than such as are directed to be otherwise punished, and above the degree of petit larceny; and every person who shall aid, &c. in burning any *inhabited dwelling house*, or to commit any other of the offences in this sec. mentioned, and be convicted, shall be imprisoned for not more than *fourteen years*, and for a *second* offence of a like nature, to imprisonment *for life*,—s. 5.

Every person convicted of the offences specified in the 7th, 8th, 9th, 10th and 11th sec. of the act “to prevent forgery and counterfeiting,” shall be punished with imprisonment *for life*, or other term not less than *seven years*.—s. 7.

Every person convicted of *poisoning*, with intent to murder, and

death do not ensue within a *year* and a *day*, shall be punished with imprisonment not exceeding *fourteen* years.—s. 8.

Every person convicted of having in his possession counterfeit *coins*, with intent to pass the same to defraud any one, shall be imprisoned not exceeding *seven* years

Every person convicted of any *assault* with intent to *rob*, *murder*, or commit a *rape*, or of aiding therein, shall be punished by fine or imprisonment, or both, or, at the discretion of the Court, for any term not more than *seven* years in State Prison, and for the *second* offence, for any time not exceeding *fourteen* years.—s. 9.

Every person convicted of *petit larceny* shall be punished by fine not exceeding \$200 or imprisonment in county gaol not exceeding three years.—s. 10.

When a person shall be imprisoned for *petit larceny*, the Court may direct his diet while in gaol.—s. 11.

Every person convicted of *felony*, the punishment of which is not herein declared; every person buying or receiving stolen goods, knowing the same to be stolen; or shall knowingly, &c. by *false pretence*, obtain money, goods or chattels, with intent to cheat or defraud any person, or aid, &c. any person to commit said offences; or who shall be *accessary* to any *felony* after the *fact* and be convicted, shall be punished by fine and imprisonment, or either; or at the discretion of the Court, shall be imprisoned for *three* years in the State Prison, and for the second offence five years.—s. 13.

Persons sentenced for less than *three* years shall be confined in the county gaol.—s. 14.

If any prisoner sentenced for term of years shall *break* the State Prison and *escape*, and be retaken, and be convicted thereof, he shall be deemed guilty of *felony*; and shall be sentenced to double the term of imprisonment specified in the original judgment, to commence at the period of the last conviction. s. 15.

If any prisoner confined in State Prison, otherwise than for life, shall *escape*, and be retaken and again imprisoned, his first period shall be deemed to commence anew from the day on which he shall be again imprisoned; which day shall be ascertained by the Inspectors. s. 16.

Persons convicted of *felony*, and sentenced to imprisonment for life, are deemed to be civilly dead. s. 17.

Prisoners, otherwise than for life, *attempting* to escape, or aiding another in escaping, shall be adjudged guilty of a misdemeanor, and shall, on conviction, be imprisoned for such additional term as the Court shall deem proper. s. 18.

If any person shall *assist* convicts in *escaping*, he shall be deemed guilty of a misdemeanor, and shall be imprisoned in State Prison for a term at the discretion of the Court, not exceeding ten years. s. 19.

If any person shall be convicted of the crime of *perjury*, or *subornation of perjury*; or of *aiding* any prisoner detained in any gaol for *felony*, in escaping or attempting to escape therefrom; or of conveying any *disguise* or *instrument* into any gaol, for the use of the prisoner in aiding his escape, he shall be imprisoned in the State Prison for

a term at the discretion of the Court, not exceeding *ten years*. s. 20.

Court may direct that convicts be kept at hard *labor*, or in *solitude*, or *both*, during their imprisonment. s. 23.

If any *servant*, to whom any money, goods, bonds, bills, &c. have been delivered by his master, to be safely kept, hath withdrawn himself with the said money, &c. to the intent to steal the same; or shall *embezzle* the said money, &c. or convert the same to his own use, with intent to steal the same, and it be above the sum of \$2 50, the same false act shall be adjudged *felony*. But this act is not to extend to any person within the age of *eighteen years*. p. 412.

An act, regulating certain proceedings in criminal cases. p. 494.

If a prisoner, in cases of *treason* or *felony*, *refuse to plead* and be tried, such refusal shall be deemed a *denial* of the facts charged in the indictment; and the trial shall thereupon proceed in like manner, and all things shall be in the same form as if he had pleaded not guilty. s. 1.

No conviction for any offence specified in the act declaring the punishment of certain crimes, except treason, shall work a forfeiture of goods, chattels, &c. Deodands are abolished. s. 3.

If a person feloniously stricken or poisoned in one county, and die thereof in another, an indictment found by the jurors of the county where the death shall happen, shall be as valid as if the stroke or poison had been given there. An indictment against an accessory to any murder or felony, in the county where the offence of the accessory shall be committed, shall be as effectual, as if the principal offence had been committed there; and upon a certificate that the principal is attainted, convicted, or otherwise discharged of the principal felony, being produced, the court shall proceed to try the accessory, in the same manner as if the principal offence had been committed there.—495, s. 5.

If any principal felon be convicted, it shall be lawful to proceed against any *accessary*, either before or after the fact, though the principal be pardoned before attainder.—s. 6.

Every person *buying* or *receiving* stolen goods, knowing the same to be stolen, although the *principal felon* be not convicted, may be prosecuted and punished.—s. 6.

The Justices of the Supreme Court, may, at their discretion, send down the bodies of felons removed into that court, and the indictments, into the county where the crime was committed, and to command those officers having power to try them, to proceed and determine upon the said felonies, in the same manner as if the prisoners and indictments had not been carried into the Supreme court.—s. 7.

All manner of *foreign pleas* triable by the country, shall be forthwith tried by the same justices before whom the same person shall be arraigned, and by the same jurors of the same county that shall try the treason or felony, whereof he shall be so arraigned.—s. 8.

Every person arraigned for a crime, punishable with *death*, or imprisonment for life, shall be permitted to a peremptory challenge of twenty jurors, and no more.—p. 496, sec. 9.

No indictor can be put on the petit jury, if challenged. *sec. 10.*

All persons on trial, shall be admitted to *make proof*, by any witnesses upon *oath*, for their defence, and have process, to compel the attendance of witnesses. *sec. 11.*

The *Clerks* of the courts of Common Pleas, and General Sessions of the peace, are authorized, upon application, to issue *subpoenas*, under the seal of the court, for witnesses in behalf of *prisoner*. *sec. 12.*

If any felon do *rob*, or take away any money, &c. from any person, and he be *convicted*, by reason of the *evidence* of the *owner*, or by any other by his procurement, then such owner shall be *restored* to his money, &c. and the court may award a *writ of restitution*. *sec. 14.*

Every person committed to gaol, for any crime, or misdemeanor, shall, if able, bear the charges of the commitment, and also for guarding him. And if he refuse, a justice shall grant a warrant for collecting them. If defendant is unable, they are to be paid by the county.—*sec. 15.*

The court before whom any person has been *convicted* of any *larceny* or other *felony*, may, on consideration of the circumstances, and on the prayer of the prosecutor, *in open court*, order the treasurer of the county to pay him such sum as shall seem to the court reasonable, not exceeding his expenses, and an allowance for his time and trouble.—*sec. 16.*

If a witness attend from a foreign state, at the request of the public prosecutor, the court shall order him to be paid a reasonable sum, for his time, trouble, and expense.

Any poor person appearing, on *recognizance*, to give *evidence* against another, accused of *larceny* or other *felony*, the court may, at the *prayer*, and on the *oath* of such person, in open court, order the county treasurer to pay such sum as shall seem reasonable, for his time, trouble, and expense.

The court may in their discretion, allow expenses to witnesses and prosecutors, out of the fine collected in any case, not exceeding the sum of twenty-five dollars; and cause an entry thereof to be made in the minutes of the court. *sec. 18.*

Where any person shall be bound by *recognizance*, to appear, or be committed, or be indicted for an assault and battery, or other misdemeanor, to the injury of the complainant, and not charged to have been done riotously, or with intent to commit a felony, or not being an infamous crime, and for which there shall also be a remedy by civil action; if the complainant shall acknowledge satisfaction, the *recognizance* may be discharged, or the commitment superseded, or the court may order a *noli prosequi* to be entered on the indictment, upon the *payment of costs*. *s. 19.*

This act not to extend to any assault and battery, or other misdemeanor, committed *by or on any officer* of justice.

Any person who shall *wilfully cut down*, or destroy any kind of *wood*, &c. growing upon the lands of the people of this state, or of any person; or carry away the same, or shall *wilfully and maliciously cut down*, lop, girdle, &c. any *orchard* or *fruit trees*, shall be deemed

guilty of a misdemeanor, and punished by fine and imprisonment.—
p. 525, s. 28.

VOLUME II.

If any person knowingly, or wilfully, exact for any services mentioned in the fee bill, any other or greater fee than is therein allowed for the same, and be convicted, shall pay the party grieved treble damages, and such fine as the court shall think proper to impose, and also, if an officer, forfeit his office. p. 30, s. 5.

If any person without the authority and consent of the legislature, shall in any manner, *purchase lands* of the *Indians*, residing in this state, or make any contract concerning the sale of the same; or shall take possession of, or settle on any such lands, by pretext of any interest in the same, he shall be deemed guilty of a *public offence*, and shall pay two hundred and fifty dollars, and further punished by fine and imprisonment, at the discretion of the court. p. 153.

All unauthorized *lotteries*, are declared publick *nuisances*; and courts^s are required to charge grand juries to present such offences, and to prosecute the offenders, &c. p. 188.

An Act to prevent Duelling.

If any citizen of this state shall give or accept a *challenge* to fight a *duel*, or shall *fight* a duel, or be a second, he shall be deemed guilty of a high misdemeanor, and on conviction shall be disqualified from holding any office, or voting at any election for the term of twenty years.—p. 192.

If any citizen in any manner invite another to meet him, with intention to fight a duel, or meet with that view, or bear a challenge, shall be deemed guilty of the said offence, and punished in the same manner.

An act, to prevent kidnapping.

If any person shall without process of law, seize, inveigle or *kidnap* any *negro*, mulatto, mustee or other person of colour, not being a slave, with intention to send him out of this state against his will, or shall conspire with or aid, &c. any person to commit the said offence, and be convicted, shall be fined and imprisoned at the discretion of the Court—the fine not to exceed \$1,000, nor the imprisonment fourteen years.

And for the second or subsequent offence, shall be adjudged to imprisonment for life.

Every person who shall wilfully *burn* any building, goods, &c. with intent to prejudice any person, or body corporate that hath *underwritten* thereon, and all who shall aid, abet, &c. to burn, &c. with like intent, shall, upon conviction thereof, be punished with imprisonment for life in the State Prison. *sess. 1815, p. 129.*

If an person shall wilfully and maliciously *set fire to woodland*, and be convicted thereof, he shall be punished by fine or imprisonment, or both, at the discretion of the Court. *sess. 1817, p. 178.*

If any person shall send to sea, or export, or send, or attempt to send out of the State, any slave or servant, he shall be guilty of a misdemeanor, and shall be punished by fine not less than one, nor more than \$2,000, or imprisoned not less than two, nor more than four years, or both. *sess. 1819, p. 172.*

If any person shall seize any negro, &c. with intent to carry him out of the State, or conspire to do the same, or any captain of a vessel, who shall sell in any foreign port, any negro, &c. and be convicted, may be fined as above, or imprisoned not more than 14 years. *s. 2.*

If any person shall *forge* any *ticket* in any *lottery*, authorised by this State, or alter the same, or knowingly *utter* the same with intent to defraud any person, and be convicted, he shall be imprisoned for a term not exceeding ten years. *p. 268. s. 35.*

If any person shall, with intent to *dissect, dig up or remove any dead human body*, which shall have been interred in any cemetery, or shall dissect, or aid &c. in dissecting &c. every such person shall be deemed guilty of felony, and being convicted, shall be punished by imprisonment not exceeding five years. *p. 279.*

If any *officer, agent, &c. to any bank*, shall by virtue of such employment, take, secrete, embezzle, &c. any money, goods, &c. belonging to such bank, or deposited therein, he and his adviser, &c. shall be adjudged guilty of felony, and shall be punished by imprisonment for a term not exceeding fourteen years. *p. 14.*

If any person shall buy or receive any money, goods, &c. so embezzled as aforesaid, knowing the same to have been thus taken, upon being convicted, he shall be punished in the same manner. *s. 2*

Every person convicted a second time, or oftener, of *petit larceny*, shall be imprisoned for any term not exceeding five years. *s. 4.*

The Governor shall have power, on requisition being made by any government, or officer authorised to make the same, to deliver up to justice any person charged with any crime, punishable by the laws of this state, by death or imprisonment in the State Prison, committed without the jurisdiction of the United States, who shall seek an asylum in this state. *sess. 1822, p. 139.*

That no stage driver shall run his horses to pass, or to prevent being passed by any other stage, or for any other purpose, and he may be indicted for every such offence, and upon conviction, may be fined or imprisoned, or both. *sess. 1824, p. 347.*

The common law of England is the law of this State in all cases, not provided for by statute.

EXTRACT FROM THE INSPECTOR'S REPORT OF JANUARY, 1824.

It is a lamentable fact, that while legislative power and wisdom, are so sedulously employed in the improvement of civil jurisprudence, the protection of commerce, the encouragement of manufactures, and

numberless subjects of minor importance, there should be so little attention paid to criminal jurisprudence, and the means of preventing the commission of crimes. But this is not peculiar to our own state or nation; it has been the error of all governments. In many European nations, where the rights of property are so well understood, as to discover great advances in the science of government, their criminal codes remain unimproved, the reliects of barbarous ages, fit only for engines of tyranny and oppression. It is true, that as *our* general and state republics, better understand, define, and protect, civil and political rights generally, than other nations, so our criminal laws, and the means adapted to prevent crimes, are superior to theirs; but still much very much, remains to be done. Crimes and punishments should be more exactly defined and fixed by the laws; less should be left to the discretion of judges, differing often essentially in their views and feelings, and moreover liable insensibly to be influenced by all the various circumstances attending criminal trials; the condition in life of the culprit; his friends, property and other considerations, which tend to render the operation of the laws unequal, and therefore unjust.*

The force of these remarks will appear, on recurring to the fact, that there are, in this state, more than sixty tribunals, which pass sentence for most of the principal crimes; and more than a thousand that punish smaller offences; a great proportion of which offences, until recently, were punishable by confinement in state prison.

Still greater is the impropriety of placing discretionary power in the executive officers of a state prison, any further than is essential to its correct government. We allude particularly to the act which directs the inspectors of this prison to class the convicts for solitude and labor. We are aware that this was intended as an experiment to test the efficacy of solitude; but this power should be withdrawn as soon as possible, and placed, if any where, in the *penalty of the laws*, and perhaps some portion of it in the courts of justice.

In the hands of prison officers, who are exposed to individual prejudices and partialities among the convicts, the power of varying their punishment, (to say nothing of its unconstitutionality,) is liable to be misapplied and abused, and is therefore dangerous, inexpedient and unjust. We cannot forbear to repeat that the penalty of the law should distinctly apprise its violators of their punishment, and that the sentences of courts should be strictly executed, without either increase or diminution; otherwise the scale of punishment graduated to crimes, becomes uncertain and ineffectual; for it is a well established axiom in theory, (but wofully neglected in practice,) that certainty is vastly more efficacious than severity in punishments:

* On referring to the above abstract of criminal law, it will be found that the offence of falsely making any *record, charter, deed, will, note or bill of exchange* is punishable by imprisonment for *life*, or any shorter period not less than *three years* at the *discretion* of the court: That persons guilty of an assault with intent to *rob, murder* or commit a *rape* may be punished by a mere *nominal fine*, or not to exceed *seven years* imprisonment; and kidnapping by a fine or not to exceed *fourteen years* imprisonment; and that there is nearly the same latitude given to the discretion of courts in the punishment of many other offences.

This seems to present the subject of pardoning convicts, as another serious evil; an evil that has been sometimes practised from necessity, at others from ill-advised importunity and misrepresentation, until it now forms a part of our system of criminal justice, and is a public avowal by the government, that the laws are not only defective, but tyrannical and oppressive. When the government proclaims this, will it not be believed by its vicious and depraved citizens? In a free government, greater reliance must be placed on the *moral* force of law, than its penal sanctions. Its moral force depends upon its purity, impartiality, and adaption to its object, the security and protection of society. Laws of this character will be venerated, and will gradually acquire such sanctity, that their violation will not only deeply interest the moral part of community, but require a proportionable degree of depravity on the part of the violators. But the frequency of pardons puts the law in disgrace, thereby destroying its moral force, and at the same time defeating the effect of its sanctions, by making it fluctuating and uncertain, and is, in truth, a mockery of public justice. We, then, submit this as a clear proposition, that the pardoning power ought never to be exercised, except in cases where, owing to human imperfection, there shall appear, after conviction, good grounds for reasonable doubts of guilt; and that whenever it is otherwise applied, it proves either its abuse, (or in truth, what it imports,) that the laws are unjust. But suppose they are unjust, and the executive endeavors to remedy the evil by that official prerogative; still the remedy fails, and not only so, but from the nature of things in a great majority of cases, there will be more injustice in pardons, than in the laws. Laws are general; pardons necessarily partial. Is it the poor and friendless, whose misfortunes may have rendered them desperate, & driven them over the bounds of moral rectitude; who, in moments of frenzy, have committed crimes that, under other circumstances, they would contemplate with horror: is it this class whose prayers & tears are known beyond their prison walls, and who become the favored recipients of executive mercy? is it the miserable foreigner, whom oppression may have cast upon our shores, destitute of the means of subsistence, and the knowledge of acquiring it, as well as ignorant of our laws, who has misapplied the principle of self-preservation, by supplying his immediate wants from another's property, without consent; is it such a one whose groans reach the ear of the executive?—No; they are the rich, the intelligent, the powerful villains, to whom the boon of mercy is generally extended. They have friends; employ agents: property, talents, and influence, are put in requisition; the executive is deceived, and the prison doors are opened.

We said that the exercise of the pardoning power had become a part of our system of criminal justice. The culprit, when about committing a crime, considers, (if he reflects at all,) the chance of escape, and especially the prospect of a pardon. If he is detected, it attends him to prison, and supports him on his trial; comforts his friends, and if convicted, alleviates his sufferings. Courts and juries are influenced by the same considerations; the latter are less scrupulous in requiring clear evidence of guilt, and the former having a

discretion, and knowing that the public, as well as the criminal, expect *not* that his sentence will be fully executed, enhance that sentence, with the same belief, as the only way, either to make a due impression on the public mind and that of the criminal, or to inflict the punishment he deserves.

It is obvious to all who have turned their attention to the subject, that the frequency of pardons, has principally arisen from the want of room in prison, by the rapid accumulation of convicts. This difficulty still exists at New-York, as appears by the late transfer of convicts from that to this prison, which is not yet full, but in which another cause produces the same effect, (the increase of punishment by the addition of solitude to the sentences of the convicts,) and compels the executive to reduce the time, in proportion to that increase, as near as can be ascertained; it being, however, a matter of difficulty and uncertainty.

Assuming the above remarks to be correct, we have come to the conclusion, that our criminal laws should not only more exactly fix the time, kind, and degree of punishment, but be so modified, by shortening the time, and increasing the punishment, as to prevent such an *accumulation of convicts*, that the necessity or pretext of pardoning on *that* ground, will be removed.

To support this conclusion, we have made a calculation, given in table No. 10, from which it appears, assuming that sentences shall hereafter be on an average of the same periods of time, as heretofore, in this prison; and also assuming that there will be an average of 350 convicts received annually in both prisons, (none of whom shall be pardoned,) and making due allowance for deaths; and carrying the calculation forward for fourteen years; we shall then have an army of 1923 convicts in the two prisons, besides the multitudes that shall have been in the mean time discharged.

The table referred to, shows the number of convicts, that, upon those data, would be in prison from year to year, during the said fourteen years, including also the convicts now in prison.

It may be alleged that the numbers likely hereafter to be received, are estimated too high: let it be observed, that the average numbers received into this prison since its establishment, has been about one hundred annually; and into that of New-York, during the same time, about two hundred.

Our state is rapidly increasing in population, commerce, and manufactures, which, with all their blessings, bring upon society correspondent evils. Poverty and ignorance, follow in the train of wealth and luxury; facilities for, and temptations to the commission of crimes are increased, and moral restraints diminished.

Density of population, tends also, most powerfully, to produce an increase of crime. Without going abroad, (where more ample proof of these positions may be found,) we have sufficient, and, indeed, most striking evidence, in this state. That part of it, which sends its convicts to this prison, contains considerably more than half its whole population, and yet furnishes about one third the state convicts. This in-

quality must arise principally from the difference in wealth, commerce, manufactures, and density of population. It is, however, gradually lessening; wealthy towns are rising on the grand canal, and other navigable waters, and thriving villages are springing up in every direction; wild lands are rapidly decreasing, and those which have been longest settled, are already subjected to divisions and subdivisions among its growing population.

The state is steadily and rapidly progressing in wealth, numbers and physical power; and if its unparalleled march be continued, will shortly become a mighty empire. This shows that the legislative wisdom of our government is more loudly called upon to *look forward*, than, perhaps, any other; and we also think it proves that our estimate of future crimes is not too high. It may be thought that improvements in our prison regulations and discipline, will have an influence highly favorable: this we believe, and for it we have intended to make due allowance.

The professed and just design of all governments, being the protection, peace and happiness of the individuals which compose them; crimes are, in a civil light, more or less heinous, according to their tendency to weaken, corrupt, and destroy, the purity, strength and permanency of the government.

The stability of a republican government, depends on the virtue and intelligence of the people; hence, whatever evils tend to degrade them into ignorance, and sink them into vice, strike alike at the foundation of government, and become crimes of the most dangerous, and therefore of the most heinous character. By parity of reasoning, laws are wise and beneficial, in proportion as they are calculated to promote intelligence and virtue. Upon these principles, we consider *idleness and intemperance* as among the higher crimes against the state, and require the attention of the Legislature, in proportion to their magnitude. This renders our excise, and poor laws, subjects of important consideration. Idleness, intemperance and pauperism, and pauperism, are closely allied, and occasion the commission of almost every crime. Such is the moral and physical constitution of our nature, that much more can be done by removing the temptations to vice, than in correcting the habits of it; hence encouragements to industry should be afforded; the shame of pauperism increased; the means of education multiplied; and the facility of obtaining ardent spirits suppressed.

Our excise laws are sufficiently rigid, but the power of granting licences is abused. Boards of excise have a direct interest in the number of licences granted; they are moreover exposed to the influence of personal, popular, and political considerations in their respective towns. We take the liberty to suggest the propriety of vesting the power of licensing in the courts of general sessions; there would be some inconvenience to applicants, but this strikes us as an argument rather in favor of, than against the measure. But greater mischiefs, by far, than what arise from this source, are produced by the total disregard of licences, by the keepers of stores, groceries, and tipping houses. The law subjects them for every offence, not only to a penalty of \$25, but

also to fine and imprisonment at the discretion of the court; no adequate provision, however, is made for its execution, and hence it is violated with impunity to an alarming extent. To further the execution of so wise a law, we suggest the necessity of making it the special duty of the higher criminal courts, in charging grand juries, to state explicitly the above law, and charge them to enquire into, and present all offences against it; and also make it the imperative duty of district attorneys, to furnish grand juries with such evidence as lies within their power, in cases where they have information on good ground, of such suspicion that the law is violated.

That the poor-masters, or some other officers in each town, shall be required to make complaint to justices of the peace, or grand juries; and that the justices also, shall be required, without complaint, to take notice of violations of the law that come to their knowledge, whether by personal observation, or the information of others, and to pursue legal measures to punish offenders. So important is this law to the welfare of society and government, and so difficult of execution, that there is little danger of enforcing it by power too extensive or inquisitorial. It is now treated with utter contempt, and instead of remaining so, had better be repealed. It is so far a disparagement to laws in general, as any are injurious, or are useless, by being unnecessary or unenforced. The execution of laws by common informers, produces the same result. A legislature justly appreciating its own dignity, and the character of the laws, will provide for their enforcement by legal officers, and not leave so important a subject for a class of men so degraded by common consent, and universal execration, as that of common informers; a class too, that, as it regards the excise law, are under entirely the influence and control of its violators.

If our sheriffs are required to support the dignity of the laws, by doing that, which, in other governments, is done by common hangmen, let other respectable officers be required to do the same, and discharge those duties which are now left to a class nearly as odious,—common informers.

Connected somewhat with the above subject, and, in our estimation, an evil of very great magnitude, is the practice of holding justice courts in taverns. The legislature has very wisely forbidden tavern keepers from acting as justices of the peace in all civil cases; most of the reasons for this, apply against courts being held in taverns at all.

An acquaintance with the laws, and the ordinary administration of justice, is brought home to the people through justice courts, far more than by means of all other tribunals in the state. The number of causes which come before them, is not only infinitely greater, but it is believed they decide on a much greater amount of property. It is undeniable, that trials in taverns often exhibit the most disgraceful scenes; and equally true, that they tend directly to bring disgrace upon laws and magistrates; to promote litigation, idleness, and intemperance; and extend the diffusion of all their concomitant vices and mischiefs in society.

How can courts sustain their dignity; how can the administration of justice be pure, and the laws thence be respected, amidst scenes of tumult, riot, intemperance & profanity? The passions of those who attend, already much excited by taking sides in the pending controversy, become more highly inflamed by liquor, until, instead of that order and decorum which ought always to characterize a court of justice, the spectators, parties, and witnesses, sometimes exhibit a furious and intoxicated mob; slanders, assaults and batteries ensue, and these furnish a portion of the business of higher courts,—courts that are held in places protected by the laws, from the sale and direct influence of ardent spirits.

In conclusion, we once more call the attention of the legislature, to the subject of a legislative committee, to examine, and judge, whether it is wise and just to have two prisons under the same government, which, from their different construction, occasion a vast difference in punishment; and which is still more increased by their being conducted upon entirely different principles in theory and practice? Or whether it would not be more wise and just, to combine the excellencies of both into one uniform system?

STATE COMMISSIONER'S REPORT.

In pursuance of the above suggestions, and personal exertions of some of the Inspectors, an act was passed on the 12th of April, 1824, which appointed Stephen Allen, Samuel M. Hopkins, and George Tibbits, commissioners to visit the State Prisons at New-York and Auburn; to examine into all matters relating to the economy, government, and discipline of the said Prisons, and the comparative efficacy of the different systems of punishment pursued in the said Prisons, and to report to the Legislature at the next session thereof, whether any, and if any, what improvements may be made in the government and economy of the said establishments, and the manner of employing and punishing the convicts; and also to prepare and report such alterations and amendments of the laws for the punishment of crimes, as they shall deem necessary.

These Commissioners made the examinations required, and made a very able and elaborate report to the Legislature, on the 15th of January 1825; from which the want of room unfortunately prevents making but the few following extracts:

“PRISON AT AUBURN.—This excellent Prison is in the large and flourishing village of Auburn; in a healthy and fertile part of the state; and so far, it is eligibly located. But it is not conveniently placed for transportation, as the Erie canal, which has been made since the Prison was begun, passes it at the distance of seven miles. In common with the New-York Prison, it is without the important advantage of a stone quarry, for the employment of the prisoners; which we consider a very material circumstance, and which will be discussed in another part of this report.”

“The assistant Keepers are masters of the respective trades at which the convicts, of whom they have the care, are employed. Each of them is always with his men when they are at work, and he sees them taken into and from their cells, at night and morning. He walks among them in the shop, with a stick or rattan in his hand, keeps them steady at their labour, preserves silence and order, and compels them to do their work faithfully and diligently. In all those cases, where instant correction is necessary to enforce obedience, or prevent mischief, it is administered on the spot; but in general, the power of suppressing the very beginning of disorder, prevents any disorder at all: and in point of fact, while the rod of correction in this Prison is always at hand, its use is seldom resorted to. The presence of the rod, for the most part, saves the necessity of using it. In two weeks of our examination, we scarcely saw an example.

“The correct discipline observed in this Prison, only requires to be seen, to be duly appreciated. The orderly conduct of the prisoners while at labor; their meek countenances, and sober demeanor; the apparent thankfulness with which they receive their coarse meals; and their quietness under the privations of the Prison, all prove that the discipline is complete and effective.

“The men upon whom the responsibility of the safe keeping of the convicts rests, ought to possess the authority to punish them, if they neglect or refuse to obey the laws of the establishment. For the proper exercise of this power, they are and ought to be amenable to the laws. But we understand it to be a principle of the common law of this state, as it certainly is of reason and common sense, that every Keeper of a Prison must have such power of personal correction.—The condition of a prisoner is that of personal constraint. As the prisoners are always the most numerous, and have therefore the advantage of physical force, they must take the mastery when ever they think expedient, if there is no power of punishment; or when that power is fettered or imperfect, their submission will be proportionably incomplete.

“Upon this method of governing, our opinions are entirely decided and unanimous; and we hesitate not to state to the Legislature, our settled conviction, that the government of felons, in a Prison, must be absolute, and the control over them must be perfect. The principal Keeper must be a man of firmness, discretion, and vigilance: and he ought to be the responsible person, in all matters relative to the conduct and safe keeping of the prisoners. Without this there can be no discipline nor economy. Every consideration requires this: the safety of the lives of the officers, and of the prisoners themselves, requires it. It is indispensable to economy, and to profitable labor; and if there can be any hope of reformation, it must not be where the prisoner stands upon his rights, and exacts conditions, but where he is brought to a sense of his degradation, and feels the sadness incident to dependence and servitude, and becomes willing to receive any indulgence as a boon, and instruction, advice, and admonition, as a favor.

“It is proper to remark, that we have been informed of complaints, which had been made against the officers of the Auburn Prison, of too great severity of discipline. Some of us took pains to investigate the grounds of those complaints, and sought interviews with some respectable persons, who had supported them, and with some members of a grand jury of Cayuga county, before whom the subject had been brought. In one instance, a convict had called out to the prisoners in the mess-room, to rise. He was instantly struck down by the turnkey attending, and, we believe, struck after he was down. In no case have the grand jury thought proper to interfere, though the subject has been more than once before them; and we believe that the corporeal punishment now inflicted at the Auburn Prison, is not more than is required to preserve proper obedience.

“The rules under which the Auburn Prison is governed, are very long and minute, and have been heretofore reported to the Legislature, and appear on the journals of Assembly, of 1823, p. 48. They detail all the duties of officers, with great particularity, and we approve of them as very proper.

“That the Auburn Prison, combining the construction of the Prison with the discipline enforced in it, presents the following advantages:—

“That the sentence of the law can be enforced with almost absolute certainty, since escapes must be nearly impossible, and conspiracy quite so, and an attempt at insurrection, therefore, hopeless.

“Consequently, that the Prison is governed with great comparative safety to the lives both of keepers and prisoners, which in cases of insurrection, are necessarily in danger.

“The separate cells by night, and the silence preserved always, entirely prevent all contamination among the prisoners; thus at once is excluded the great question, of the classification of convicts, which has so much engaged the attention of benevolent men, in Europe and America. By this system, every prisoner forms a class by himself; and to all moral and social purposes, he is insulated. The novice in crime, may work for years by the side of the most expert felon, without making any progress in the mysteries of criminality.

“The prisoners are compelled to work diligently and profitably, and are deterred from spoiling their work.

“That the sentence of the law may be thus certainly, safely, and economically executed, without leave asked of the prisoners, or favor gained from them; whence all the benefits of an unfettered execution of the laws.

“And we now add, as an important feature of this system, that if any human means can, as it were, enforce repentance and amendment, it is this. The entire separation from all criminal associations, the sobriety of feeling consequent upon temperance and labor, and most of all, the sadness of solitude, must frequently make serious impressions. We have seen manifest proofs of such impressions among the prisoners, and only wish there were reason to expect they would be permanent.

“From the observations already made, it has appeared, that with respect to the labouring prisoners, the discipline and government of the Auburn Prison, with the exception of unremitted solitary confinement in a cell, unites most of the qualities which we have recommended in a State Prison. Time and experience may suggest further improvements in matters of detail ; but we do not expect to see any thing more perfect, than the general system of that prison, nor do we know what more can be reasonably looked for.”

The above commissioners recommended that a new prison be built, as a substitute for the one at New-York, at Sing-Sing, on the east side of the Hudson river, about thirty miles from New-York, upon an extensive marble quarry, and with a view not only to build the prison and walls of that material, but to employ all the convicts hereafter in manufacturing it for sale.

The legislature made an appropriation for that purpose, and the prison is now in very rapid and successful progress, under the general direction of said commissioners, and when finished, will contain eight hundred cells, built upon the general plan of the north wing of this prison.

There are some variations however in constructing, placing, and fastening the cell-doors of the new prison, from those in this. The cell-doors in this prison are set back, so as to leave a recess of about two feet between the door and the outer edge of the wall.

In this recess, an officer can stand and talk with a prisoner without being understood or seen by any of the convicts.

The recess also prevents convicts from seeing a keeper until he is directly before their cell doors, and increases the difficulty of conversation between the convicts in adjoining cells.

In the prison at Sing-Sing, the doors come out flush with the wall, and one of the officers employed until lately at that prison, states, that it is extremely difficult to prevent the convicts from conversing with each other at their cell doors, which are so situated that they can see an officer before he can approach near enough to hear so low a toned conversation, as that in which the prisoners can understand each other from adjoining cells. If such is the case, it will prove to be an alarming evil, in the discipline of that institution.

PRISON DISCIPLINE SOCIETY, BOSTON.

A society bearing the above title, which explains its object, has been formed by many of the most distinguished gentlemen in the state of Massachusetts.

The benevolent exertions of this society have already effected much good, and promise still greater benefits to mankind. With a view to a full developement of the evils existing in the public prisons of this country, and to be instrumental in discovering and applying a remedy for those evils, one of the most intelligent and benevolent members of this society, visited, and critically examined all the penitentiaries and many county gaols in the Atlantic states.

From materials thus collected, the board of Managers, at their annual meeting of the society in June last, made a report, the value of which may, in some measure, be inferred from the fact, that it has already passed through three editions of numerous copies.

It is thought that it may be useful to extract so much of this report, as will show the opinions of the board of managers, in regard to the construction, discipline, and regulations of this prison, by which a remarkable coincidence of views and opinions, will appear to have been entertained by that board and our state commissioners, in relation to this institution. The following are extracts from said report:

"It has been represented in Europe, that the solitary cells in the prison at Auburn, New-York, are dark dungeons; such, as that humanity would shudder to see persons confined in them. This is an important mistake, in point of fact. Out of five hundred and fifty-five cells, only a few are dark, and these are seldom used. All the others are lighted sufficiently to enable the convicts to read the small print in their Bible, with which they are furnished by a law of the state.

"For a prison, securing the important advantages required, we recommend the plan exhibited in this engraving. It represents a building, designed to contain four hundred cells, on the plan of the north wing of the prison at Auburn, in the state of New-York. Retaining the same principle of building, it may be enlarged for a penitentiary, or diminished for a jail.

"The external wall, in the first figure, is two hundred and six feet long, forty-six feet wide, and three feet thick. In this wall are three rows of windows, which are four feet by six, except the lower row, which are four feet square. These windows are glazed and secured by a strong grating of iron. They are sufficiently large and numerous to afford perfect ventilation and light to the cells.

"The ground view, in the second figure, exhibits the foundation of the cells, and the open area around them. The centre is a solid wall, two feet in thickness, on each side of which the cells are arranged.—The walls between the cells are one foot in thickness: those between the cells and the open area, which are broken by the doors, are two feet. The cells are seven feet long, seven feet high, and three and a half feet wide. The only opening from the cell, except the ventilator, is the door, in the upper end of which, is an iron grate, about eighteen by twenty inches. The bars of this grate are round iron, three fourths of an inch in diameter, placed about two inches asunder, leaving orifices smaller than a man's hand. Through this grate all the light, heat, and air, are admitted to the cells.

"The ventilator, which is about three inches in diameter, extends from the back of the cell to the roof of the building. The door of the cell, of which the grate is a part, closes on the inner edge of the wall, leaving a recess between the door and the outer edge of the wall, two feet deep. This recess, in front of each door, increases the difficulty of conversation between the prisoners; prevents them from making signs to each other, or from seeing far to the right or left on the galleries; and furnishes a convenient place, for an officer of the prison to con-

verse with the prisoner, without being seen or heard by those in the adjoining cells. The fastening of the door is by a strong latch, connected by a hook with a bar of iron placed over it. This bar extends from the latch, two feet horizontally to the outer edge of the wall, thence at a right angle eighteen inches horizontally to the lock, which is beyond the reach of the prisoner, three and an half feet from the door. The area around the cells, which is ten feet wide, is open from the ground to the roof, in front of five stories of cells. Of this area, three feet adjoining the cells, is occupied by the galleries. A convenient hospital may be formed in this building by dispensing with the partition walls between four cells in the upper story.

“The breast work of cells, in the third figure exhibits all the cells, on either side of the centre wall; that is, half the cells in the building, together with the galleries and stair-case.

The advantages of this mode of building (besides that of solitary confinement) are its security and economy.

The security is four-fold; for the prisoner must first escape from his cell; then avoid the sentinel in the open area, who has every advantage for seeing him; then force the external wall; and after all he is in the yard. The security is such that during two years, in which the men have been confined at night, in these cells at Auburn, no breach has been made upon one of them.”

“The economy is great in regard to the space occupied and also in heating, lighting and guarding. Four hundred cells will cover only 206 by 46 feet of ground. At Auburn five small stoves, and six large and twelve small lamps, placed in the open area, in front of the cells, beyond the reach of the prisoners, afford heat and light for five hundred and fifty-five cells: and one sentinel is found sufficient to guard four hundred prisoners, and cut off communication between them.—The space in front of the cells is a perfect sounding gallery; so that a sentinel, in the open area, on the ground, can hear a whisper from a distant cell, in the upper story. This experiment has been tried again and again, in the presence of the person furnishing this description.

“A building, in which these important advantages are secured with so much economy, is great gain.

“At Auburn stripes are almost the only mode of punishment—in Richmond, Baltimore, Philadelphia, New-York City, Charlestown and Concord, solitary confinement mostly, with a small allowance of bread and water—in Connecticut, stripes, chains, solitary confinement, and severe hunger. If the efficacy of these different modes of punishment were to be judged of by the discipline of the respective institutions, punishment by stripes, as at Auburn, would be preferred. The difference in the order, industry, and subdued feelings, as exhibited by the prisoners, is greatly in favor of the prison at Auburn. This difference, however, is to be attributed not so much to the mode of punishment, as to the separation of the convicts, at night, and several other salutary regulations which are not adopted elsewhere.

“Governor Clinton has formerly expressed his opinion of the importance of solitary confinement, and, in his late message to the Legislature, he expresses an opinion concerning the institution in New-York City for the reformation of Juvenile Delinquents, which is constructed on the plan of the building at Auburn, that it is probably the best prison in the world.

At Auburn we have a beautiful example of what may be done by proper discipline, in a prison well constructed. It is not possible to describe the pleasure which we feel in contemplating this noble institution, after wading through the fraud and material and moral filth of many prisons. We regard it as a model worthy of the world's imitation.

“The whole establishment from the gate to the sewer is a specimen of neatness. The unremitting industry, the entire subordination and subdued feeling of the convicts, have probably no parallel among an equal number of criminals. In their solitary cells they spend the night, with no other book but the Bible; and at sunrise, they proceed in military order, under the eye of the turnkey, in solid columns, with the lock march, to their workshops; thence in the same order, at the hour of breakfast to the common hall, where they partake of their wholesome and frugal meal in silence. Not even a whisper is heard; though the silence is such that a whisper might be heard through the whole apartment.

“From one end of the shops to the other, it is the testimony of many witnesses, that they have passed more than three hundred convicts, without seeing one leave his work, or turn his head to gaze at them. There is the most perfect attention to business from morning till night, interrupted only by the time necessary to eat, and never by the fact, that the whole body of prisoners have done their tasks, and the time is now their own and they can do what they please. At the close of the day, a little before sunset, the work is all laid aside at once, and the convicts return in military order to the solitary cells; where they partake of the frugal meal, which they were permitted to take from the kitchen, where it was furnished for them, as they returned from the shops. After supper, they can, if they choose, read the scriptures undisturbed, and then reflect in silence on the errors of their lives. They must not disturb their fellow prisoners, by even a whisper. The feelings which the convicts exhibit to their religious teacher, as he passes from one cell to another, are *generally* subdued feelings. Sometimes, however, a man is found who hardens his heart and exhibits his obduracy even here; but the cases are comparatively few. The want of decorum, of which the Commissioners of the State of New-York complain, in their visit to the City Prison, where they were met by the bold staring of the prisoners, after they left their work to gaze at them, and by looks, whether in smiles or in frowns, which indicated an unsubdued and audacious spirit, in the culprits; this is never seen at Auburn. The men attend to their business from the rising to the setting sun, and spend the night in solitude.

“Under these circumstances they are provided with the word of God, and they also receive the undivided attention of a most wise and faithful religious teacher, who spends all his time in the Prison; visiting the sick; teaching those who cannot read; preaching in the chapel on the Sabbath, the unsearchable riches of Christ; and afterwards in going from cell to cell to administer the reproofs and consolations of religion to individuals. The influence of the chaplain, according to the testimony of all the officers, is most salutary and powerful; and the various expressions of confidence and affection exhibited towards him by the convicts, is most cheering to himself.

“What then ought this institution to be that it is not; and how widely different from that in Connecticut, which the Commissioners, in their last report, say “is all that it ought not to be, and nothing that it ought to be.”

“What could with propriety be done for criminals which is not done at Auburn? They are from necessity temperate and frugal in their diet: they are busily employed in some useful business, from morning till night: they are kept in perfect subordination, and provided richly with the means of knowledge and of grace, which may make them wise to salvation.

“It is hardly necessary to add, that at Auburn, there is an exclusion of all positive evils of the old system, which arise from crowded night rooms, evil communication, instruction in all the arts of pickpockets, thieves, incendiaries and counterfeiters.

“These great ends are gained, partly by discipline, and partly by construction.

“The peculiarities of the discipline, are, that the men, by a military movement, are required to keep the same relative position; as a general thing, they are placed back to face; and they are forbidden all conversation with each other. The peculiarity in construction, is seen in the engraving.

“With this plan of building, and the system of discipline and instruction introduced at Auburn, the great evils of the Penitentiary system are remedied. Here then is exhibited, what Europe and America have been long waiting to see—a Prison which may be made the model of imitation.”

MODE OF PUNISHMENT AND MEANS OF ENFORCING DISCIPLINE.

It has already appeared, that as a mode of punishment and as the means of enforcing discipline in this prison, stripes are generally resorted to, as a punishment in the presence of the Inspectors; and, to enforce obedience and discipline by the keepers, at all times when necessary. These stripes are required, by the present Agent, to be inflicted by the keeper with a raw hide whip, and applied to the back in such a manner, as not to expose the head, face, eyes, or in any way to put the convict's health or limbs in danger: and the use of any stick, or cane, or any other weapon, or of the fist or feet, are now strictly

forbidden, except in cases of self defence: and the assistant keepers are also strictly required to report *in writing* without delay, the name of the convict whipped, the nature and extent of his disobedience, and the number and severity of the stripes inflicted. As this is a high and delicate trust, the assistant keepers are often admonished to exercise it with humanity and discretion, without passion, and with such a temper of mind and feeling, as will convince the offender, that the chastisement is given solely for his good, and an example to others, and that it is a most painful duty for the officer to perform.

These rules and regulations are based upon the principle, that the officers *legally* stand in the same relation to the convicts, as the master to his apprentice, and the school master to his scholar; and that the officer, having the immediate charge of the conduct and labor of the convicts, may lawfully exercise the same means of coercing the observance of any of the known duties of the convicts, and for preventing their mischievous and riotous practices, as the master or schoolmaster may exercise in coercing the observance of duty in the apprentice or scholar.

It is in accordance with these principles, that the rod may be used upon the convicts by the overseers of their conduct and labor in the shops and yards, to suppress rebellion, enforce obedience, and to prevent aggressions while in the act of commission. But when the misdemeanor has already been consummated, and is past and done, then the case is to be reported to the Inspectors for their consideration, and by them be forgiven or punished as they may direct: when, in case of punishment by whipping, it is inflicted as the law directs, in the presence of, at least, two of them.

The principal duties of convicts (as has been stated) in this prison, may be comprised in a few words.

A convict is not to speak to another convict, or disturb him in his work. He is not to stop work and stand gazing at a visiter, nor, under any circumstances, to speak to a visiter, nor to his officer, but when indispensably necessary, and then with as little loquacity as the case will admit, and in a low tone of voice.

He is not wilfully or negligently to injure his work, nor the tools, nor his wearing apparel or bedding, nor to make the articles badly on which he is at work, when he is capable of making them well. For the wilful or repeated neglect, or violation of these or other rules, chastisement is inflicted either by the keepers or by direction of the Inspectors, as the nature of the offence may require.

The high reputation which the discipline of this prison has acquired, is a sufficient argument to prove that stripes are the most efficacious means of coercion that have ever yet been adopted.

And it may well be added, as an undoubted truth, that this mode occasions much less personal suffering to the convicts, as well as loss of time than any other which could be devised. So certain and instantaneous does correction follow offences, that they rarely occur; and hence there is no loss of time, and but little amount of suffering. It is better as well as easier, to prevent the commission of crimes, than

to redress them by subsequent punishment; and this capital principle should be adhered to in all governments.

The practice of whipping convicts, in this prison, has occasioned, at various times, much public discussion, and sometimes considerable excitement, under a belief, by many, that a statute, which will be hereafter quoted, strictly forbids that practice in all cases, unless the Inspectors are present.

As early as 1822 this subject was well considered by a Committee of the Senate of this State, distinguished for talents and legal attainments; and in their report they say:

"It appears that the officers of the New-York Prison have, for years, supposed that they had not the power, incident by common law to every prison keeper, to correct his prisoner, within reasonable bounds, for misbehaviour; and on some application to the Legislature, it has been alleged that this doctrine was indirectly countenanced.—If such is the doctrine, it is wonderful that the prisoners do not hold, at least a divided rule with their keepers in prison. But, while the Committee deny that the Legislature have *questioned the power*, they recommend that a declaratory clause be enacted confirming it."—Under this and other similar sanctions which have heretofore appeared in this pamphlet, the practice of whipping has continued in this prison. In the early part of the present year, an artificial excitement was produced in this county on the subject of whipping convicts; and a grand jury was induced, during a feverish state of the public mind, to indict several of the officers of this prison for assault and battery in whipping prisoners. One of those indictments was brought on to trial, at the last Court of Oyer and Terminer in this county—the following report of which will show, how far the above doctrine, contended for by the officers of this institution, has been sustained.

REPORT OF THE TRIAL OF AN ASSISTANT KEEPER FOR AN ASSAULT AND BATTERY IN WHIPPING A CONVICT.

SEPT. 7, 1826.

Evidence for the people.—An assistant keeper witness says: Defendant was one of the keepers or turnkeys of the State-Prison; that, in spring of 1825, he saw defendant strike Bement, a convict in the west cooper shop—witness and defendant were on relief in the shops—witness in the west shop and defendant in the east shop—defendant came from the door between the shops, and asked Bement why he was throwing shavings at another convict, and bowing to him.—Bement denied it. Defendant then told him to stoop down, which Bement did; and defendant then struck him three or four blows across his thighs or his back sides. The stick was a small green walnut stick. The blows were smart—pretty hard. Defendant then stopped and asked Bement if he denied it. Bement still denied it, and the defendant gave him several more blows on the same part, and then asked him again if he would own it. Bement then owned it, and went on to work. The cane was cracked. There was a small knot

in the cane, where it cracked, which went about half through it. The defendant struck about as hard as he could. The defendant told witness, at the time, that when witness' back was turned, he saw Bement throwing shavings, and bowing and winking to the other convict. Defendant stood where he saw it, in the door way between the rooms.— Witness and defendant were both taking charge of the convicts in the rooms. There were sixty or seventy convicts in the two shops. Both had the general charge of the two shops; though for convenience they were stationed in different shops. The duty of both was to overlook the whole. The defendant told witness that Bement kept his eye on witness as witness walked back and forth; and when witness' back was turned, Bement went on with the sport, and that Bement did not observe him (defendant) at the middle door. Witness was about 12 or 15 feet off. Shop is about one hundred feet long. The conduct of Bement was a violation of the rules of the prison and its regulations. They had always been the standing rules of the prison, and the keepers had always been directed to chastise the convicts when they transgressed at work. The keepers were directed to chastise, but forbidden to do it with cruelty. In the opinion of the witness, it was necessary to preserve order and to keep them at work. It was common, when a convict confessed, not to chastise him at all. It is not done to add to their punishment, but only to keep them in order. Witness don't know that defendant would have whipped Bement, if he had not lied. All the assistant keepers have the same power.

There was no other witness sworn.

The following section of an act, passed April 2d, 1819, was read to the jury.

“And be it further enacted, That if any prisoner, in either of the State prisons in this state, shall refuse to comply with the rules of the institution, or refuse to perform their daily task, or shall resist any of the officers of either of the prisons in their lawful authority, or shall wilfully destroy any of the property within the said prisons, it shall and may be lawful, and it is hereby declared to be the duty of the respective keepers, under the direction of the inspectors, to inflict corporeal punishment on such prisoners by whipping, not to exceed thirty-nine lashes at any one time, or to confine them in solitary cells, on bread and water, or to put them in irons or stocks, as the Inspectors may deem necessary in their discretion, proportionate to the degree of offence: *Provided,* when corporeal punishment be inflicted on any prisoner, by whipping, it shall be the duty of at least two of the Inspectors to be present: *And provided further,* That no punishment, by whipping, shall be inflicted on a female.”

The cause was ably argued by the Hon. Henry R. Storrs, in behalf of the defendant, and by John W. Hulbert, Esquire, in behalf of the prosecution.

Substance of Judge Walworth's Charge to the Jury.—In summing up the case to the jury, Judge Walworth commenced by remarking, that the case which they were about to decide, was of the greatest importance—not indeed as it related to the individual accused; but from

the effect which their decision might have upon one of the most important institutions in this country: And he regretted that the length of time already consumed in the trial, and the lateness of the hour, must of necessity confine the Court to a few remarks only, and would not permit him to go so fully into the subject as the nature and extent of the questions involved in this controversy actually demanded: That the questions which had been discussed before the Court and Jury, as well by the counsel for the prosecution as by the counsel on the part of the defendant, deeply affected the whole Penitentiary system: That, if the principles contended for on the part of the prosecution, were adopted to their fullest extent, there would be an end of all Prison discipline; and the Penitentiary system in this country would become worse than useless;—the hopes and expectations of philanthropy must wholly fail; and we should be compelled again to resort to those sanguinary modes of punishment at which humanity shuddered, or suffer the felon to go unpunished, and unrestrainedly to trample upon the rights of his fellow men, to the utter destruction of all social order. On the other hand, the absolute and unlimited power of the keepers over the convicts committed to their charge, which had been contended for by the defendant's counsel, might in the hands of rash and indiscreet, or bad men, render the Penitentiary discipline so completely odious and revolting to the best feelings of the community, as to induce the Legislature to abolish the whole system as still more sanguinary and cruel than even capital punishment, for which it had become a substitute.

That before going more fully into this subject, it would be proper to observe, it was true, as suggested by the counsel for the prosecution, that in criminal cases, the jury were judges both of law and fact, but not to the extent contended for by the counsel. That the proper and legitimate province of the jury, was to determine the facts of the case; leaving it to the court, whose special duty it was, to determine all questions of law which might arise. That in civil cases, the jury were bound by the law, as delivered to them by the court: and it would be a violation of their oaths, if in making up their verdict in a civil case, they went contrary to the decision of the court, on a question of law. But if they differed in opinion from the court, they might always leave the questions of law upon the record, for the decision of a higher tribunal, by finding the facts, only in the form of a special verdict. That in criminal cases, it often happened that the law was so intimately blended with the facts, that it was impossible to separate them upon the record: And that so tender were the courts of the rights of the accused, that in all such cases, the jury were at liberty to find a general verdict of acquittal; and thus to determine the law as well as the fact. That in such cases, the court, under its oath of office, must honestly state to the jury the law, which was applicable to the case; and they were bound to give that decision all the weight to which it was entitled, as coming from the bench. But still in favor of the accused, and especially in favor of life, in capital cases, the jury had a right to find a general verdict of acquittal, even against the

opinion of the Court, on a question of law, if they were fully convinced the decision of the Court was wrong. That if the decision of the Court was in favor of the accused, the jury could never be justified in finding a general verdict of guilty, contrary to the law as delivered from the bench. But even in that case, if they doubted the correctness of the decision of the Court, they would be at liberty to find the facts, by a special verdict: That the reason for this distinction was obvious. If the jury erred in pronouncing a verdict of acquittal, they erred on the side of mercy: and it was better that many guilty should escape, than that one innocent man should be punished. And that the policy of the law would not suffer any man to be condemned, except by the concurrence, both of the Court and the jury. That if the jury gave a general verdict of guilty, under a mistaken notion of the law, and in opposition to the declared opinion of the Court, their decision could not be reviewed by a higher tribunal; and in such a case the innocent must inevitably suffer, unless the facts of the case were so clear & plain, as to authorize the Court to set aside their verdict, as being contrary, both to the law and the evidence.

The judge then took a general view of the penitentiary system of this state, and of the necessity of rigid prison discipline, for the reformation of offenders, or to restrain the commission of crime. He observed that imprisonment in the penitentiary or State Prison, had been adopted, in lieu of that sanguinary mode of punishment which was derived from our English ancestors; and which was still considered unavoidable by most civilized nations. That by the laws of this state, for many years after the revolution, all the crimes now punishable with imprisonment for life, and many which are now punished only by imprisonment for a term of years, were punished with death, for the first offence. All other felonies above the degree of petit larceny, were, on a first conviction, to be punished by fine, imprisonment, whipping, or other corporeal punishment, and with death for the second offence. That the effect of this system was that a very great proportion of the guilty escaped all punishment whatever. It was found that jurors would not convict on the ordinary evidences of guilt; or where they could find the slightest excuse for an acquittal. That even the Judges, whose feelings revolted against the sanguinary code of laws which they were compelled to administer, constantly sought some excuse, from defect of form or otherwise, to save the life of the prisoner. And under such circumstances, if the law and the evidence was so perfectly clear, that neither Court or jury could prevent a conviction; and when the dreadful sentence of death had been pronounced against the guilty, it was still found that the feelings of the community would not suffer it to be executed. And there being no other mode of punishment devised, an executive pardon set the offender again at large, to renew his depredations upon society. That hence it was that crimes continued to multiply: and offenders, so far from being restrained by the terror of capital punishment, were only the more encouraged to persevere in their villanies, from the well founded belief that the nature of the threatened punishment was such, that there was little or no

danger that it ever would be executed. That such was our situation about thirty years ago, when that portion of the members of the legislature, who believed that society had a right to resort to any means, which were necessary to protect itself against the wickedness and depravity of its worthless members, but whose judgment condemned, and whose feelings revolted against the ineffectual and bloody code of laws which then existed; united with those who doubted the right to inflict capital punishment in any case; and adopted the penitentiary system, which had ever since been continued in this state. That a general prison for the state was then directed to be built; and those offenders who were before punishable with death, with few exceptions, were doomed to imprisonment for life: and other felones, for the first offence, were punished by imprisonment therein for a term of years. That for a short time after the erection of the first prison, it seemed to have the desired effect; it was confidently believed that the hopes of the friends of humanity were about to be realized; and that capital punishments might be dispensed with in all cases short of murder. But it was soon found that this new mode of punishment had lost all its terrors: that it neither restrained the commission of crimes, or afforded any adequate punishment for the guilty: And that the numbers of the convicts, and the expenses of the institution, were rapidly and fearfully increasing. The vile and hardened offender there found himself surrounded by most of the comforts and enjoyments which he possessed while at large, and that his daily task of labor, was even less than that of most of our enterprising mechanicks and farmers. And relieved from all the cares of providing for himself or his family, and supported by the hard earnings of the virtuous part of community; the incorrigible felon had full leisure to concert with his companions in infamy, new schemes of mischief: or still further to corrupt the minds of those who were not so completely hardened in guilt. That the expiration of sentences, and the necessity of exercising the pardoning power, to make room for new convicts, daily turned loose upon society a gang of hardened villains, properly instructed and fully qualified, to become master spirits in iniquity. And it was even ascertained that crimes were sometimes committed for the express purpose of enabling the offender to get back to the state prison, that he might there enjoy the comforts of a home and the society of his old companions in vice and infamy. That such was the penitentiary system, until a very few years since. The once ardent hopes of the friends of the system had nearly failed, and even those to whose feelings the idea of capital punishment was the most revolting, feared we should again be compelled to resort to the bloody code, when the present system of prison discipline, which had been gradually improving under the authority of the legislature, was fully adopted by the Inspectors of the Auburn state prison.

His Honour remarked that confinement, with labor, merely, had no terrors for the guilty. That the labor which the human body was capable of performing, without endangering its health, was but little more than many of the virtuous laboring class of community daily and voluntarily performed for the support and maintenance of their families.

That to produce reformation in the guilty, or to restrain the vicious from the perpetration of crime, by the terrors of punishment, it was absolutely necessary that the convict should feel his degraded situation: should feel that he was actually doing penance for his wilful violation of the laws of his country. That he must, in his own person, be made to feel the difference which should exist between the situation of the upright and honest freeman, who labors for his daily bread, and the vile and degraded convict, who by fraud or robbery, has deprived that honest freeman or his family, of the hard earned rewards of his industry. That mistaken or misapplied sympathy for such offenders was injustice to the virtuous part of community. That the system of discipline adopted by the Inspectors of this prison, under the sanction of the laws, was well calculated to have the desired effect, of reforming the less vicious offenders, and of deterring others from the commission of crime, by the severity of punishment inflicted; and that too, in the best possible way. A mode of punishment, where comparatively little bodily suffering is felt, and the greatest severity of the punishment is inflicted upon the culprit, thro' the medium of the mind. That it was however, thro' terror of bodily suffering alone, that the proper effect upon the mind of the convict could be produced: And thence the necessity of a rigid enforcement of the prison discipline upon every convict, by the actual infliction of bodily suffering, if he would not otherwise submit to the rules.

That it was impossible for the legislature to foresee every case which might arise, in the government of such a prison. The punishment was to be inflicted on men who had already become expert in evading the laws of society. They would soon find means to evade any general provisions enacted by the legislature for their government while in prison. And it was for that reason, the legislature had delegated to a board of inspectors, in the vicinity of the prison, the power of making such regulations as from time to time they might find necessary. That the rules of the prison, which had been referred to by the witness, had undoubtedly been adopted by the inspectors, under that authority. That these regulations, if not repugnant to the constitution or laws of the state, had the binding force of a statute: and neither the court or jury, had any right to judge of their necessity, or their expediency. And the turnkey, under his oath of office, was bound to carry them into effect. But the judge observed, even the regulations made by the inspectors, must be general; and much discretionary power must still be vested in the superintendent and the assistant keepers, who had the direct and immediate charge of the prisoners. Cases must and would constantly occur, which did not come within the letter of any written law, or regulation: and where it might be necessary and proper to enforce obedience on the spot, in order to carry into effect the sentence of the law, and the general principles of the system. But notwithstanding these powers were necessary; and although the welfare of the state, the peace and happiness of society, and the hopes of the friends of our present mild code of criminal law, all depended upon the success of the present system of disci-

pline, as adopted in the Auburn state prison, it did not follow that no abuses of power existed there. That the most perfect system must always be carried into effect by human agents: and wherever there were such agents, the powers entrusted to them were liable to abuse. And that the true question in the case was, whether the defendant had gone beyond his powers, or wilfully abused the trust confided to him as a turnkey of that prison. And his honor trusted that whatever political or other excitements might have existed in this county, in relation to the government of this prison, either in favor of, or against its officers it would not enter into the deliberations of the jury in this case, or be found in any manner to have contaminated the sanctity of a court of justice. That in deciding the questions submitted to the jury, it was proper for them to take into consideration, the obvious fact, that the convicts, who were placed under the government of the keepers, were not an ordinary set of men, and obedience to the rules of the prison, could not reasonably be expected to be enforced upon them in the same manner that obedience to the laws is enforced upon others. That the idea of inducing such men to submit to the discipline of the prison by any hopes of reward or immunity from punishment, must be abandoned, as destructive of the whole system of prison discipline, as a punishment. That most of these men were desperadoes, who had refused to submit to the laws of society, and many of them were only restrained by the fear of immediate death, from taking the lives of their keepers. That they were there, actually and necessarily deprived of all their rights of freemen. That by their wilful misconduct and depravity, they had forfeited all rights while there, but the rights of humanity. That the safety of the lives of the officers of the prison, required that the convicts should know they must submit to every regulation, and to every lawful command of their keepers, as to their masters. And that they should on no account whatsoever, be permitted to treat any of their keepers with the least disrespect; especially in the presence of other convicts. That the welfare of society, as well as the reformation of the convicts, required that they should feel that they were in reality, the slaves of the state. That they should hold no communication of any kind with each other; either by word or action. That they should most deeply feel the awful degradation and misery, to which their vicious courses had reduced them. That they should feel that the ordinary sympathies of our natures could not be extended to them, consistently with the welfare of society, and that they must not be indulged. These were the laws of the prison, to which the convict must be made to submit, and implicitly to obey. And this rigid system of discipline, the defendant, by his oath as keeper, was required, by all the means in his power, to enforce upon the convict.

The Judge referred to the act of 1819, which made it the duty of the keepers to inflict corporeal punishment on the convicts, under the direction of the Inspectors: *provided*, when corporeal punishment was inflicted on a prisoner, by whipping, it should be the duty of at least two of the Inspectors to be present. He said this law was partly de-

claratory and partly prohibitory. That under the general provisions of a former act, which authorized the Inspectors to make regulations for the discipline of the prison, they had the right to prescribe adequate punishments for the violation of their rules, either by moderate corporeal punishment, or by increasing the rigor of confinement; or in any other way which could not endanger the life, or destroy the general health of the prisoner. This part of the act of 1819, was therefore only declaratory; but the proviso which required two Inspectors to be present when the punishment was inflicted, by whipping, and which limited the number of lashes, &c. was prohibitory, and restricted the general power which the Inspectors before possessed. But his Honor declared there was nothing in this act, or the proviso, which in any manner impaired the common law right of the keepers, to enforce obedience upon the spot, either by the infliction of corporeal punishment or otherwise. That wretched and inefficient indeed, would be the system of government in such a prison, which would require the keepers, whenever their authority was resisted, to go into the village and call two of the Inspectors, before obedience to their lawful commands could be enforced. That the advocates for such a doctrine, had confounded the right to inflict a salutary punishment, for past offences, with the right of enforcing obedience to the prison regulations, upon the spot. That in the one case, the nature and extent of the punishment, depended on positive regulations. In the other case, it was a power incidental to the right to command obedience, and was founded on the law of necessity. That if a convict refused to leave his cell to go about his daily task, or to obey any other lawful order of his keepers; they would be bound to enforce obedience, if practicable, either by the infliction of stripes, or otherwise, until the convict was thus compelled to submit to what was required of him. And still the Inspectors might afterwards direct the offender to be whipped for his misconduct on that occasion.

That, in this latter case, two of the Inspectors were required to be present; but not in the first. If a band of soldiers in war should refuse to obey a lawful command of their officer, he might compel obedience either by stripes or otherwise, inflicted on the spot. And still these soldiers might be afterwards tried and punished for their mutiny; but no part of that punishment could be by whipping, which is forbidden by the articles of war.

That, in the management of this prison, to carry into effect the sentence of the law, and the intentions of the Legislature, it was necessary that perfect obedience and submission to the rules of the prison and the orders of the officers should be enforced: and if the defendant had done nothing more than was necessary for that purpose, he was not guilty of any offence; and it would be the duty of the jury to acquit him. That, on the contrary, if they were satisfied, from the evidence, that he had been guilty of cruelty and oppression towards this convict, which was unnecessary and unjustifiable under all the circumstances of the case, it would then be their duty to find a verdict against him.

PROFITS OF THE PRISON—CHARACTER AND PAY OF ITS SUBORDINATE OFFICERS.

On these subjects, I shall offer little else than the following extracts from the report of the Inspectors to the Legislature in January, 1825.

The Agent and Keeper's salary is \$1,000 a year, of the fitness of which it does not become *him* to speak. The pay of the Serjeant of the Guard is \$25 a month, and of the other Guard \$18 only—a sum which the Agent considers too low for the services of the men now employed, or for any that ought to be employed in so important duties. The Physician is allowed \$500 per annum.

The expense of transporting convicts is paid by the Agent of the Prison, and will amount to about \$3000 annually.—Sheriffs are allowed 25 cents per mile for one convict, five cents each for any additional number, and 75 cents each per day for expenses.

If this prison can ever be made to support itself, it is extremely doubtful whether it can be done before the expiration of the present contracts.

Extracts from said Report.—“It has been supposed, by some intelligent and patriotic individuals, who have taken great interest in the subject, that this prison might be made to relieve the state from all expense in relation to it. Calculations and estimates can easily be made on paper, that would seem to sustain such an opinion; but, from experience of the past and in view of the future, we are fully convinced, that while this prison is made to answer the end of its institution, in the administration of criminal justice, as a place of punishment, such calculations can never be realized: at all events, not until more favorable facilities are afforded for the employment of convicts.

Among state convicts, a large portion are invalids; some by reason of age and infirmities, others by diseases of an incurable character—the fruits of dissolute habits: That a portion of the most healthy and vigorous, are subjected to more than the ordinary diseases of life—that none but mechanics can be employed to any advantage—that much time is lost before the convicts can be made proficient in their several trades, especially those advanced in life, with fixed notions and habits, and feeling a strong repugnance to the idea of being made to earn their subsistence.

The practice of pardoning, with the new sentences and the expiration of the old, occasions a continued changing of profitable mechanics, for raw, ignorant hands. This is a source of very serious embarrassment in making the labor of convicts profitable. There are also numbers necessarily employed in the kitchen and washing departments, in cleansing the cells, waiting on the hospital, &c. &c. besides those employed in making clothing, shoes, and all other articles for the use of convicts. It is proper also to remark, that, among the convicts now in this prison, there are an unusual number of old enfeebled men and invalids. †

† A large majority of those sent from the New York Prison to this, are feeble and disabled men, and on long sentences. It is also worthy of remark, that

Notwithstanding, that, from the prospects of this prison, it will require the continued aid and support of the government, yet we solicit the attention of the Legislature to some suggestions in relation to the amount of wages now paid to the subordinate officers of this prison.

The Deputy Keeper, and the Clerk, are allowed by law \$450 each, and the other Keepers \$350. These are all, important offices, and should be filled by men of peculiar qualifications—combining talents, an intimate knowledge of human nature, great energy and decision of character, with equal humanity and discretion. Can it be supposed that men, possessing such essential requisites, can be induced, by so small a compensation, to forego the ordinary comforts of life, take up their abode with felons, and put their lives at hazard?

The success that has attended the appointments we have made to those places, has resulted from the pecuniary embarrassments of unfortunate men, thrown out of employment and the immediate means of support, who for mere temporary purposes, have accepted appointments until they could employ their talents with greater advantage and comfort. These causes produce frequent changes, which are detrimental to the interests and safety of the institution. Without enlarging upon this subject, we cannot but urge with great earnestness, that a law may be passed authorising an addition of at least \$50 to the pay of each of the Turnkeys or Assistant Keepers, and of \$150 to those of Deputy Keeper and Clerk.

The Deputy Keeper holds an office of responsibility and importance: On him, more particularly, falls the interior police of the prison. He has the constant direction and control of all the under keepers, and the immediate superintendence and discipline of the prison. †

The office of Clerk, in so extensive an establishment, embracing a great variety of complicated concerns, is also one of great moment: and the sum proposed we consider as the least that will command the requisite talents, skill and integrity."

It is a common remark by those who are acquainted with the subject, that they never knew so much hard service performed by men for so poor a compensation as by the subordinate officers of this prison.

And in justice to those officers the Agent cannot refrain from bearing public testimony to their zeal, humanity, ability and discretion.—They are moral, upright and exemplary men; and it affords peculiar pleasure to state, that the Agent, since his appointment, has never heard any profane language from a single officer or guard.

The grant of land for the prison, contained also a grant of one half the water privilege of the Owasco creek adjoining, which privilege

they are guilty of more disobedience, and incur more punishment than all the other convicts.—They brought with them the art of communicating with each other by means of an alphabet composed of the varied motions of the fingers.

† \$150 was added to the salary of the Deputy Keeper, but nothing to the other salaries.

was used as a strong argument to the Legislature in favor of locating the prison at this place. When the first part of the prison was built, a dam was thrown across the stream, and machinery erected to drive a forcing pump to supply the prison with water.

Afterwards, the Legislature provided for supplying better water from a neighboring spring, and the use of the forcing pump was discontinued; since which, no benefit has been derived to the prison from water power.

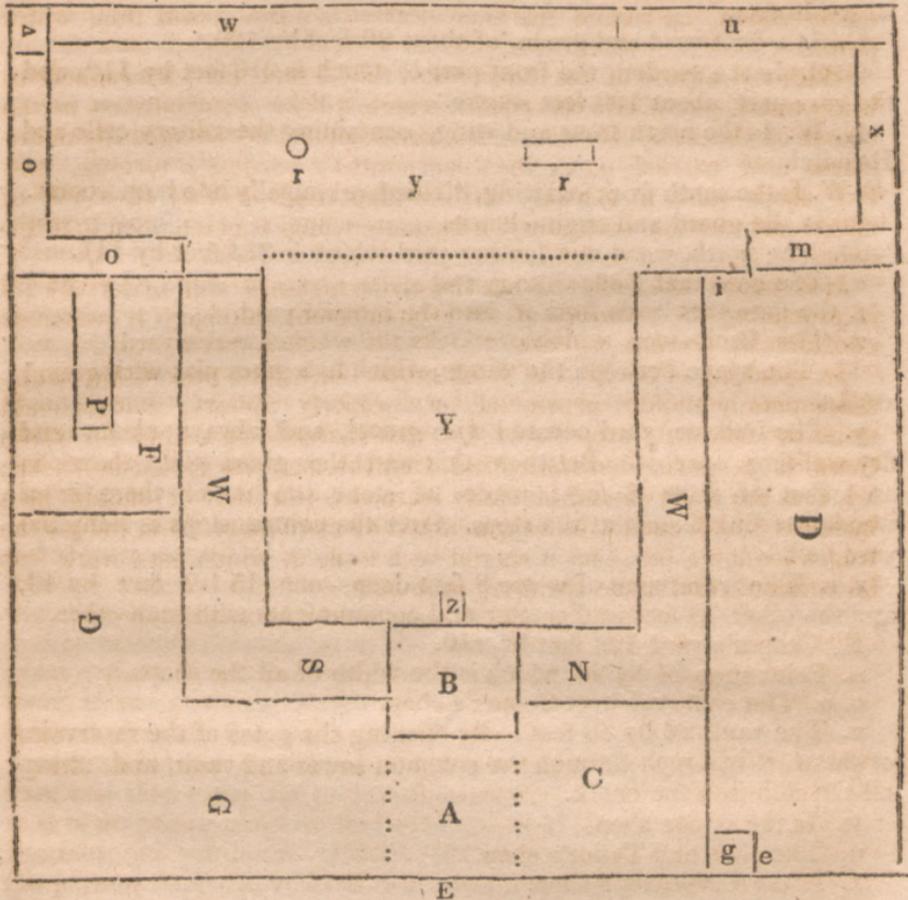
With the advice of the Inspectors, the Agent has determined to bring water power into the prison, which will be accomplished in the course of this fall. He thinks it can be applied advantageously to business now carried on in the blacksmiths', coopers', turning, and tool shops—also to turning mill spindles, and making all kinds of cotton and woollen machinery, a business which it is intended to introduce.

It is hoped and believed that the above measure will materially aid in promoting the earnings of the establishment, although it occasions considerable present expense.

In speaking of the kind of work proper for a state prison, the commissioners heretofore mentioned, very properly remark, that it should unite the following properties: 1st, that it should be a kind for which there is a great demand: 2nd, that the material should be cheap: 3d, that the trade should be easily learned: 4th, that it should be a business which cannot be so conducted by machinery, as to reduce the wages too low: 5th, that it should be a trade at which hard work can be enforced, and made the more profitable.

A GENERAL DESCRIPTION OF THE BUILDINGS, WALLS AND YARDS.

This Prison was commenced in 1816, and is constructed upon the plan of a hollow square, enclosed by a wall 2000 feet in extent, being 500 feet on each side. The following is a simple survey or ground plan.



The exterior line is the wall which encloses the whole Prison ground and buildings.

E. Is the eastern front gate.

A. Is the front yard, about 60 feet square.

B. is the Keeper's dwelling. The basement story contains a kitchen, store-rooms, and pantries. The first story contains the Inspector's and Agent's office, and Clerk's office, with convenient adjoining rooms.

The main hall passes through the centre, between the offices, to the keeper's hall in rear. The second story has two large parlors, two bedrooms a sitting room and an open hall. From the windows of this and the Attic story, there is a pleasant prospect of the village and adjacent country. The attic story has five well arranged rooms.

The basement, second and attic stories are exclusively appropriated to the use of the keeper.

This building is about 60 feet wide, of about the same height to the top of the battlements, and projects out from the main building, 25 feet, and cost from forty to fifty thousand dollars. The front of the prison, including the above building, is about 300 feet, and each wing extends west 240 feet.

C. Is a fruit yard and green, of about 90 feet by 100.

G. G. Is the garden, the front part of which is 216 feet by 110, and the rear part, about 100 feet square.

N. W. Is the north front and wing, containing the solitary cells and Hospital.

S. W. Is the south front and wing, divided, principally into large rooms.

g. Is the guard and engine house.

D. The north, wood and lumber yard which is 3-4 feet by 111.

e. The gate that leads into it, and

i, the gate that leads from it, into the interior yard.

z. The back stoop, which overlooks the whole interior yard.

Y. The space between the wings, which is a grass plat with gravel walks.

y. The interior yard covered with gravel, and always clean, and dry walking over it. Between this and the grass plat, there is an offset of 2 or 3 feet, made of stone, on which there is a wooden railing except at the steps. Over the centre steps is hung the yard bell.

r. r. The reservoirs of water 8 feet deep—one 15 1-2 feet by 43, and the other 18 feet in diameter and communicate with each other.

F. Cooper's yard 128 feet by 110.

p. Paint shop 84 by 26, which is the width of all the shops.

o. o. The east and west Cooper's shop.

v. The vault 26 by 30 feet.—By opening the gates of the reservoirs of water, it will rush through the common sewer and vault, and sweep all the filth into the creek.

w. Is the weave shop

u. The shoe and Tailor's shop.

x. Is the Carpenter's shop.

m. The Blacksmith's shop.

These shops, besides the paint shop, form a continued range of 900 feet—They are well lighted by windows in the sides.—There is also a jog in about the centre of the roof, for a single tier of lights, which are much better than flat sky lights, which were first used.

The shops are built of brick, and as a security against the progress of fire, there is a brick partition wall between each of them, extending above the roofs.

The outer walls, against which the shops are built, are 35 feet high, on the inside—and the other walls about twenty.—They are four feet thick, and the walls of the prison three feet thick. But no adequate description of this grand and expensive pile of buildings and walls, can be given without the aid of drawings.

The expense of the whole, without including the labour of convicts employed, after preparation was made to receive them, was above \$ 300,000, only \$ 50,800 of which was expended on the north front and wing, all the shops, guard and engine house, and various other improvements.

It has been asked, "what would be the proper size for the employment and safe keeping of sixty or seventy criminals"? This question is intended, no doubt, not only to embrace the size, but form of construction, arrangements, and description of all necessary buildings, yards and walls. Without the services of a mechanick in making suitable drawings, this question cannot be answered much better than from what has already appeared from the descriptions given of this prison. This, however, is a proper occasion to remark, and it cannot be too often or too forcibly repeated, that the ease and success of prison discipline depends, vastly, upon the construction of its buildings and yards. After separation of convicts, by solitary cells, *facility of inspection* is almost every thing; and much of the success which has attended this institution, is to be attributed to this cause. The whole interior yard and shops can be surveyed at a glance, and there are no bye-ways and corners to screen the prisoners from the view of the keepers. It is believed, however, that improvements upon our shops may be made for shoemakers, tailors, and others, not requiring much room, by having the shops circular, the overseer stand in the centre, with the convicts facing from him towards the windows; and as a further improvement, it has been suggested, to have narrow partitions between each convict, forming a sort of stalls, with a window in each. Such an arrangement, with ordinary vigilance on the part of the keeper, would render any communication between convicts, next to an impossibility. Another great evil, in addition to the difficulty of inspection, is the want of room, in the yards and shops. That evil is already felt in this prison. Instead of about five acres only, which are enclosed, there ought to have been at least ten or twelve, and the time is not distant, when more yard and shop room will be indispensable.

It is gratifying to learn, that a prison in Massachusetts, one in Connecticut, and one in the District of Columbia, are now building upon the plan of the north wing of this; and it is hoped for the cause of virtue and humanity, that many others will be built upon the same model: but unless great attention is paid to other matters of arrangement than that of the night cells, important as they are, the work will be but half done.

There are three gentlemen in this village, master builders (Samuel C. Dunham, Lawrence White, and Elias Miller) who have been employed in building this Prison.

They are familiar with every mechanical part of it and capable of drawing the best designs, which their experience here, and that of the officers of this institution can suggest, and of superintending any building operations. Wherever the improvements of this Prison are considered valuable, the services of those men would be important.

To the knowledge and experience of the former, as a builder, he

unites a thorough knowledge of the discipline of this Prison and is a capable officer.

Some of our Assistant Keepers are first rate Mechanicks, as well as officers, who will not remain in this institution much longer, with their present salaries, as they can employ their talents to much greater advantage. If this Prison *must* lose their services for want of a just compensation, which would be a great loss, they would be valuable men in other institutions, where they might be more liberally rewarded.

In building a new Prison, the overseer of the blacksmith's department, Herman Eldridge, would be a valuable officer and machanic.

GENERAL AND PRESENT HEALTH OF THE CONVICTS.

This prison has been distinguished for the general good health of the convicts.

During the year 1822, there was an average number of between 7, and eight, confined to the hospital, out of 220 convicts, and 10 deaths. In the year 1823, an average of nine, out of 260, and nine deaths.—In 1824, an average of 10, out of 328, and two deaths, both by consumption.—The physician's report of that year, states:

"That though there has been an increased number of convicts reported sick, the number of deaths is smaller than any year preceding, & that the reason is obvious.—That there has been an abandonment of continued solitary confinement—that those in the cells who were pardoned the last spring and summer, were most of them enfeebled, and sickening with a consumptive diathesis, that would have become incurable.

"That diseases are characterized by the same symptoms as those in the adjacent country, and that as long as the regulations for cleansing are rigidly enforced, there cannot exist in or about the prison, any local or pestilential cause of disease."

During the year 1825, there was an average of six, confined to the hospital, out of an average of 386 convicts, and six deaths.—From January 1826, to the first of October following, there was an average number of 432 convicts, five in the hospital, and six deaths.

The proportion of deaths in this prison, has been about one to twenty-eight convicts received; in Vermont about the same; in Massachusetts, one to eighteen; and in the prison at New-York, one to eight.—The proportion in other prisons is not known.

The resident physician of the New-York prison, stated to the Agent of this, a few weeks since, that there were 380 convicts in that prison, that he left 39 in the hospital, and that 25 was the average number of hospital cases.

The convicts here, are strictly prohibited the use of ardent spirits and tobacco, except as medicine: and contrary to a very common, but fallacious notion, that the confirmed drunkard cannot break off, at once, from the use of spirits, without danger to his health, it has been found invariably, that the most besotted drunkards have never suffered in their health, from that cause, but almost as uniformly, their health has been improved. They appear to be very uneasy, and somewhat

lost, for a few days, and with rather poor appetites, after which, they eat heartily, and improve in health and appearance. Being deprived of tobacco, occasions much more suffering to those who have been in the habit of using it, than the loss of ardent spirits to the drunkard.

There are many who have been confined for years, that would cheerfully exchange half their rations of food, for a moderate allowance of tobacco; yet the want of it rarely affects their health or appetites.

REFORMATION OF CONVICTS.

It is believed that very erroneous opinions are entertained on this subject; but they have arisen chiefly from the failure of success with the old mode of discipline, which has been practised in prisons, without the separation of convicts.

The frequency, and one great cause of re-convictions in other prisons, will very forcibly appear, from the following extracts from the report to the prison discipline society before quoted.

"The correctness of these opinions, in relation to the evils arising from a crowded state of the night rooms, is supported by a comparative view of the penitentiaries in the United States, in regard to the re-commitment of convicts, where the night rooms are crowded, and where they are not.

In the New-Hampshire penitentiary, the whole number of prisoners received from November 23, 1812, to September 28, 1825, was two hundred and fifty-seven; of whom eleven only were committed a second time.

Twenty-one have been pardoned; of whom only one has been guilty of a second offence.

The number of prisoners, September 22, 1825, was sixty-six; of whom only three were for a second offence, and none for a third.

In this prison, from two to six are lodged together; generally, however, not more than two.

In Connecticut, of 117 convicts in prison Feb. 1825, 26 were committed for second, third, and fourth offences.

In the penitentiary, in New-York city, the number of females, in November, 1825, was sixty-six; of whom twenty were committed a second time; six, a third; two, a fourth; and one, a fifth.

Here they are lodged ten and twelve in a room.

In the state prison, in New-York city, in 1802, out of one hundred and ninety-one convicts received, forty-four were committed a second time, and two, a third.

The whole number of re-commitments to that prison, for a second offence, is four hundred and ninety-four; for a third or more offences, sixty-one; and the number pardoned, after having been convicted two, three, or more times, is one hundred and eight.

In this prison, the average number in the night rooms, is twelve.

In the Philadelphia penitentiary, the number of prisoners, August 24, 1819, was four hundred and sixteen; of whom seventy-three had been twice convicted; twenty-five, three times; seven, four times; and two, five times.

In the female department, the number of convicts was sixty-three; of whom seventeen had been convicted twice; and two, three times.

Of the whole number of convicts in this prison, from 1810 to 1819, four hundred and nine had been convicted twice; fifty-four, three times; and two, six times.

Of four hundred and fifty-one convicts, in this penitentiary, in 1817, one hundred and sixty-two had been before committed or pardoned.

In this Prison, twenty-nine, thirty, and thirty-one, are lodged in most of the night rooms.

In the Massachusetts Penitentiary, in 1817, out of three hundred convicts, then in Prison, ninety were under commitment for the second, third or fourth time.

In this Prison from four to sixteen are lodged in each of the night rooms."

But where effective discipline is connected with an effectual separation of the convicts—where those convicts are allowed salutary exercise of body and mind, under proper restraints—where the ignorant are instructed,* and the intelligent subdued—where every movement, privilege and deprivation tends to produce a moral action upon the mind and to soften the feelings and affections—where the reproofs and consolations of religion are daily administered, and especially on the Sabbath—and where the resident Chaplain and principal officer habitually visit their solitary cells and *personally* admonish with kindness and pungency—what cheerful hopes may not the Christian, the Philanthropist and Statesman indulge.

Sufficient time has not yet elapsed fully to develop the influence of confinement in this prison, in reforming the habits and dispositions of men; but enough has appeared to promise the most favorable results. There have been fewer reconvictions according to the number of convicts, in this prison, than in any other known; and their frequency is evidently diminishing. From 167 of the convicts last received, there were but *three* on reconvictions, one of whom was from the solitary class.

With a view to ascertain the conduct of convicts who have been discharged from *this prison*, and whether they had been made better or worse men, about three weeks since, an inquiry was instituted, and has been continued by means of circular letters and otherwise—in answer to which, we have received accounts respecting forty-seven convicts.

This measure will hereafter be pursued by the Agent, and a register of the names with the accounts received, will be regularly kept and indexed, as well as the examinations of convicts who go out, and which cannot fail of being valuable documents.

The favorable information thus far obtained, supasses our most sanguine expectations.

Information has been received of the above forty-seven convicts mostly through Postmasters, to whom circulars were directed—of

§ Since the printing of the article relating to *Sabbath School instruction* in this Prison, the number of scholars has been increased to 100, which is nearly one fourth part of all the convicts in prison.

others, from Sheriffs, and of some, from individuals who have visited the prison, and who were acquainted with them.

Of this number, 31 are spoken of in terms of decided approbation—as being sober, honest, and industrious citizens; and, what is peculiarly gratifying, because it was in a degree unexpected, several are mentioned, as having been, before conviction, more or less addicted to habits of intemperance, and some very notoriously so. Of an individual of this latter class, the Sheriff of the county of ——— says:—“I knew him before he went: his conduct, habits, and manners were bad—he was a poor dissipated being. He neglected and abused his family, and was a scourge to community. Since his return here, he has behaved himself like a man and a Christian, and seems altogether reformed from his former propensities.”

Five are spoken of with more reserve, but still are described as being much improved.

Three, who are still mingling with society, are described as being decidedly *bad* characters, both before and since their confinement.

One is mentioned as having, previously to conviction, been a very bad man, and as having behaved extremely well since his discharge—but that the shortness of the time since his discharge, renders it impracticable to form any decisive opinion as to his future conduct.

Two have been heard from as being again in State Prison—one at New-York, the other at Philadelphia.

Two are stated to be in county gaols, charged with the commission of crimes.

Two are spoken of as being but little known, but nothing unfavorable has transpired in relation to them.

One, who was deranged when he left this prison, is described as continuing in this state—character before conviction said to have been good.

Whether subsequent accounts will prove as favorable as the foregoing, cannot, at present, be known; still, enough is known to convince the most skeptical, that the reformation of the votaries in crime in a Penitentiary, as has been thought by some, is not absolutely a visionary idea.

This article will be concluded by an extract from one of the letters before referred to. It contained an account of six convicts, in the vicinity of the writer. In closing his remarks, he observes:—“On the whole, I am persuaded, that, so far as I am acquainted, in a large majority of the cases, great improvement in conduct, morals and habits, has been effected.”

A TABLE,

Shewing the number of convicts received on first conviction, their crimes, terms of sentence, ages, places of nativity, employment, the number of deaths, pardons, &c.

The whole number of convicts received, Oct. 1, 1826, 997—the first received in April, 1817.

PLACES OF NATIVITY.

New-York,	390	Rhode-Island,	30	Ireland,	92
Connecticut,	117	Maine,	7	England,	34
Massachusetts,	100	Maryland,	7	Germany,	12
Vermont,	61	Virginia,	7	Canada,	11
Pennsylvania,	35	Kentucky,	5	Nova Scotia,	8
New-Jersey,	34	North Carolina,	3	Scotland,	8
New-Hampshire,	30	South Carolina,	1	France,	3
				Wales,	2

Whole No. 997

AGES.

15 to 20,	98	30 to 40,	226	50 to 60	44
20 to 30,	487	40 to 50,	121	60 to 70	17
				70 to 80	4

997

CRIMES.

Grand larceny,	446	Manslaughter,	20
Forgery,	119	Arson,	19
Passing counterfeit money,	119	Rape,	18
Burglary,	53	Bigamy,	12
Perjury,	50	Swindling,	6
Breaking gaol,	40	Murder, (1)	6
Petit larceny, 2d offence,	33	Felony, (2)	3
Assault & battery with intent to rape,	26	Kidnapping,	2
Assault & battery with intent to kill,	23	Sodomy,	1
		Attempt to poison,	1

997

(1) In these cases the punishment of death was commuted by the Legislature, and they were sentenced to imprisonment for life.

(2) In those cases the certificates of conviction did not designate the description of felony.

Pardoned,	373	Deaths,	40
Discharged by expiration of sentence,	104	Escaped, (3)	23

(3) All except two, escaped before the prison was completed. This does not include those who escaped from the canal.

Negroes, 38 | Indians, 14 | Females, 17

OCCUPATIONS WHEN CONVICTED.

Laborers, (4)	632	Saddlers,	5	Wheelwright,	1
Shoemakers,	105	Millwrights,	3	Miller,	1
Carpenters,	52	Hatters,	3	Trunkmaker,	1
Blacksmiths,	52	Printers, (5)	3	Sailmaker,	1
Tailors,	23	Barbers,	3	Reedmaker,	1
Masons,	17	Chandlers,	2	Chairmaker,	1
Clothiers,	17	Wagonmakers,	2	Silversmith,	1
Weavers,	16	Butchers,	2	Potter,	1
Coopers,	16	Gunsmiths,	2	Tinner,	1
Tanners,	10	Bloomers,	2	Boatbuilder,	1
Cabinet makers,	9	Turner,	1	Ploughmaker,	1
Painters,	8	Papermaker,	1		

997

TERMS OF SENTENCE.

3 Years,	144	5 Years,	132	11 Years,	2
3 " 1 day,	119	6 " "	39	12 " "	7
3 " 1 month,	4	7 " "	170	13 " "	2
3 " 3 " "	1	8 " "	41	14 " "	39
3 " 6 " "	16	9 " "	5	15 " "	2
4 " "	117	10 " "	67	18 " "	2
				Life,	88

997

(4) In the class of labourers are placed all those who have no regular trade, viz. farmers, sailors, soldiers, &c. &c. together with a *very few* merchants, lawyers, and physicians.

(5) One of these had a good classical education, and has fine talents. He has been pronounced a first rate scholar in mathematics, by two Professors whom the Agent invited to examine him; his crime was forgery, and he was addicted to intemperance.

There has been no other convict in this Prison, who is known to have been classically educated.

A TABLE

showing the number and employment of convicts, 31st October, 1826.

CARPENTER'S SHOP.		Prison,	4
Tool makers on contract,	14	Apprentices,	9
Turners on temporary do.	6	Waiters,	2
Employed for customers and Prison Work,	5		
Waiters,	2	WEAVER'S SHOP.	
		27 Weavers on contract.	53
		Spoolers, warpers, bobbin winders, &c. &c.	34
		All invalids by age or infirmity,	
		Carpenter repairing looms &c.	1
		Waiter,	1
		Weavers for Prison,	6

Spoolers for do.	3		At Prison work.	2
Spinners for do.	6	104		106
SHOEMAKERS SHOP.			HOSPITAL.	
Employed by contractors,	60		Nurse,	1
Do. for Prison,	4		Cook,	1
Invalid waiter.	1	65	Sick,	4
			In cells insane,	2
			Females,	8
			Cook in Keeper's kitchen,	1
			Gardner,	1
			Ostler,	1
			Soap boiler,	1
			Barber,	1
			Wood-sawers, and labor- ers in North Yard,	10
				28
			KITCHEN.	
		57	Cooks,	2
			Baker and butcher,	2
			Waiters including one ^s for officers,	8
			Washers and sweepers,	5
				17
			RECAPITULATION.	
			Carpenters,	27
			Blacksmiths,	28
			Weavers,	104
			Shoemakers,	65
			Tailors,	57
			Coopers,	106
			Hospital,	8
			Females, &c. &c.	23
			Kitchen, &c.	17
				435
		31		

