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ART. I.—THE MORAL PHILOSOPHY OF “THE INSTITUTES OF THEOLOGY,” BY REV. RICHARD WATSON.

STANDING on some lofty peak of the Andes, the traveler may see the head-waters of the great South American rivers mingling in one. But soon they separate, and, becoming more and more divergent in their course as they rush onward toward the sea, their mouths are at last separated by the length of a whole continent. So the student in philosophy, standing on the elevated plain of analytic thought, discovers that the two great philosophic systems which have divided the suffrages of learned men, and placed them on totally opposite poles of thought, have their common starting-point in the one question, “Are there any ideas in the human mind which have not come in through the senses from the external world?” Here are the head-waters of the sensational and transcendental schools of philosophy mingling in one, and just as the Amazon and La Plata flow on in opposite directions until they have reached the extremities of the continent, so from the *yea* or *nay* of this great question, the rivers of philosophic thought flow on in diverse courses until they have reached the antipodes.

If you take the negative side of the question you are a sensationalist, and belong to the school of Locke. Hence *sense* is, for you, the only avenue of knowledge. All the simple ideas existing in the mind are the result of material impressions made upon the sensorium. They are photographs of the external world, the copies that remain after the sensations

FOURTH SERIES, VOL. XVI.—I

from his own native tongue. Where is the youth, or even the adult, among the mass of our people who is able to do the same in Latin or Greek?

By a fortunate incident the writer of one of the first-mentioned manuscripts from Liberia added at the end half a page in some language unknown to the translator, but doubtless some African tongue; thus affording evidence of the interesting fact, so little known in our country, that native languages are written in Arabic characters.

ART. VI.—THE PRISON ASSOCIATION OF NEW YORK.

THE society whose name stands at the head of this article has completed the nineteenth year of its existence and labors. During all that period it has pursued a career of quiet and unobtrusive but effective beneficence, and has received the benedictions of thousands who were ready to perish, but have been reclaimed, redeemed, and restored to themselves, to society, and to virtuous and useful industry through its agency. We propose in the present paper, of necessity, in a very summary way, to trace the history of this excellent and worthy organization, and to show both what it proposes and what it has accomplished in the improvement of our penal institutions, and in the reformation and elevation of the degraded, vicious, and fallen portion of humanity.

The Association has published eighteen Annual Reports, and the nineteenth will doubtless be issued in a few days. These embody, besides a connected history of its own labors, numerous letters, speeches, and essays of unsurpassed ability, and of the highest authority, on all the great questions connected with prison discipline, prison reform, and the administration of penal justice. It would be difficult, we think, to find a collection of papers on topics of this nature more philosophical in their cast, more comprehensive in their range of inquiry and discussion, more enlightened and liberal in their doctrines, more humane in their spirit, more vigorous in conception, more classical in style, or better adapted to elevate, improve, and render effective, in the production of the noblest

results, the administration of criminal law and penal justice. It is, as a matter of course, this series of reports which we make the basis of the present article.

The Prison Association owes its origin to the Board of Prison Inspectors of the State of New York, who, in November, 1844, through their president, Hon. John W. Edmonds, issued a card in the public papers, setting forth the occasion and necessity for such an organization. This card was accompanied by a call for a public meeting, signed by many of the most eminent citizens of New York, among whom may be mentioned Benjamin F. Butler, William Kent, John Duer, Ogden Hoffman, Daniel Lord, James Harper, John A. Dix, Robert B. Minturn, and the Rev. Drs. James Milnor, Gardiner Spring, Jonathan W. Wainwright, and Orville Dewey.

The proposed meeting was held on the evening of December 6 ensuing, the Hon. Wm. T. M'Coun, Vice-Chancellor of the State, presiding. As soon as the meeting had been organized Judge Edmonds submitted the following resolution, namely:

Resolved, That it is expedient to form, in the city of New York, a Prison Association, and that a committee be appointed by the Chair to report to this meeting a form of such association, and a nomination of suitable officers therefor.

Judge Edmonds supported his resolution in a lucid and able address. He presented a mass of interesting and instructive facts and statistics, gathered during his service as State Prison Inspector. He showed the almost insuperable difficulties encountered by discharged convicts in obtaining employment; the fearful alternative presented to them by society to starve or steal, and the well-nigh irresistible temptation thence arising to continue in a career of evil doing; the abundant streams of crime issuing from poverty, ignorance, sudden temptation, evil associations, youthful inexperience, insanity, and mental imbecility; the hardening and degrading influence of severity, and the softening, elevating, reformatory effect of kindness in the treatment of prisoners; the necessity and good results of the classification of convicts, and of their instruction as well in secular as religious knowledge; the hopeful nature of the work contemplated by the new organiza-

tion; the suppression of crime by raising and reforming the fallen, and the need of a thorough reform in the principles and modes of prison discipline. He also mentioned some startling facts demonstrative of the excessive, and even appalling, cruelties sometimes inflicted upon the convicts by the authorities of Auburn Prison. The Rev. William H. Channing seconded the resolution of Judge Edmonds, and enforced it in a train of remarks similar to those of the mover, in which he particularly showed that prisons ought to be made houses of reform rather than places of torment, and that society *owes* to criminals aid and support in their efforts to reform, since it is itself, by its neglects and injustice, in part at least, responsible for their crimes.

The resolution was adopted, and a committee appointed to draft a constitution and nominate officers.

Theodore Sedgwick, Esq., then moved the following resolution, which was carried unanimously:

Resolved, That it is proper that such society should have in view the condition and interest of persons arrested for crime and detained for trial, and after trial, until their commitment to their final place of confinement, and particularly of juvenile offenders.

Professor J. L. Tellkamp, then a citizen of the United States, but since chief inspector of prisons in the kingdom of Prussia, offered the following resolution:

Resolved, That the state and condition of prison discipline, including the treatment which prisoners receive during their confinement, the melioration of the condition of prisoners, the improvement of the government of our prisons, and the substitution in their management of the law of kindness for that of force, are objects worthy the attention of philanthropists, and deserve the particular consideration of such a society.

Prof. Tellkamp supported his motion by a written address of much learning and power. He discussed at length the separate and silent methods of prison discipline, more commonly known at that time as the Philadelphia and Auburn systems. As between the two systems, he gave the preference to the latter; but at the same time he advocated a third system, compounded of both the others—a sort of eclectic method—as upon the whole superior to either. He animadverted with emphasis upon the tendency of the Philadelphia system to

produce mental imbecility and insanity in prisoners, and upon the cruelties practiced in enforcing discipline under the Auburn plan. He was particularly earnest, not to say severe, upon the system of contract labor in prisons, as both wrong in principle and injurious in its influence upon the convicts, since it wholly overlooks their moral amelioration, and regards and treats them only as so much machinery to be employed in the production of money. He gave an interesting outline of a plan of prison discipline presented by himself to the Cabinet of Prussia and adopted by the government of that country, in which the houses of detention were to be constructed upon the separate plan; state lunatic asylums were to be erected for the reception of insane convicts, and the penitentiaries were to be organized in three departments: the first on principles similar to those of the Philadelphia system, and the other two on the Auburn plan. We believe that since Prof. Tellkampff has been officially connected with the prisons of Prussia he has become a full convert to the separate, as contradistinguished from the congregate system of prison discipline.

The professor's resolution was adopted.

Mr. Isaac T. Hopper then offered the following:

Resolved, That to sustain and encourage discharged convicts, who give satisfactory evidence of repentance and reformation, in their endeavors to lead honest lives, by affording them employment, and guarding them against temptation, is demanded of us, not only by the interests of society, but by every dictate of humanity.

Resolved, That in the formation of such a society it would be proper to have a female department, to be especially regardful of the interests and welfare of prisoners of that sex.

In supporting his resolutions Mr. Hopper, who, as prison inspector in Philadelphia, had had large experience among convicts, related several highly interesting cases of reformation, the effect of kind words discreetly spoken, and of kind acts judiciously bestowed. He said that he had personally aided as many as fifty young culprits to regain their character and standing, and he had the satisfaction of being able to state that only two of them had turned out badly. He added that he could not help mentioning a subject which often gave him great pain. He often saw in the papers accounts of young

people committed to prison for small offenses; in this way their characters were blasted, and they often became reckless and desperate. If those who prosecuted on such occasions would only make use of fatherly reproof and friendly advice and encouragement, he was confident that a very large portion of these delinquents might become useful and honored members of society.

After the adoption of Mr. Hopper's resolutions, the Society was organized under the name and title of "The Prison Association of New York," by the adoption of a constitution and by-laws, and the election of Vice-Chancellor William T. M'Coun as president, and Theodore Frelinghuysen, Benjamin F. Butler, John W. Edmonds, and Abraham Van Nest as vice-presidents. The officers were, a president, four vice-presidents, a treasurer, a corresponding secretary, a recording secretary, and a board of managers, called an "executive committee," which was subdivided into four standing committees, namely: a committee on finance, a committee on detentions, a committee on discharged convicts, and a committee on prison discipline.

The objects of the Association, as stated in the Constitution, and more fully in an appeal to the public by the Executive Committee, are three: I. A humane attention to persons arrested and held for examination or trial, including inquiry into the circumstances of their arrest and the crimes charged against them; the securing to the destitute and friendless strict justice in their cases, and protection from the depredations of unprincipled and unfaithful persons with whom he may come in contact. II. Encouragement and aid to discharged convicts in their efforts to reform and earn an honest living, by procuring situations for them, by providing them tools to enable them to commence business for themselves, and by keeping up a paternal oversight and friendly correspondence after they have been thus provided for. III. The reformation of prisons themselves, and the improvement of prison discipline and government; an object the most important of all, since it goes to the root of the matter, builds at the foundation, and purifies the streams in the fountain.

The first annual meeting of the Association was held in the Broadway Tabernacle, on the evening of December 5,

1845. It was an occasion of great interest. The Boston Prison Discipline Society, and the Philadelphia Society for Alleviating the Miseries of Public Prisons, were present by their delegates, who presented interesting and valuable communications from the organizations which they represented. Addresses were made by several gentlemen, particularly one of great eloquence and power by the Hon. John Duer, in which he depicted, in vivid and appalling colors, the abuses prevalent in our prisons, more especially our city prisons, and pressed upon the conscience of every man and every woman in the community the duty of aiding in some way, either by personal effort or the contribution of money, or both, in the removal of those abuses and the reform of the prisons.

The report of the first year's labors shows that the Association had entered intelligently, industriously, and successfully upon its appropriate work. Mr. Isaac T. Hopper was appointed agent of the Society, with special reference to aiding the Detention and Discharged Convict Committees. A female department, in accordance with one of the resolutions before named, was organized, a house rented for the accommodation of this class of delinquents, and two matrons appointed to take charge of the establishment.

That part of the Society's labor which is bestowed upon persons detained for examination or trial is necessarily confined to the cities of New York and Brooklyn. The members of the Detention Committee, though pressed by the claims of private business, were zealous and active in the discharge of their duties in the cause of humanity. Their visits to the numerous detention prisons, including the two principal city prisons, were sufficiently frequent to give them a familiar acquaintance with their condition and government. They speak of them as a disgrace to the public authorities, as daily inflicting grievous wrong upon the community; as ill-constructed, ill-arranged, void of all proper system, costly in their maintenance, and baneful in the extreme in their moral influence. They congratulate themselves, however, on having accomplished some useful results in this field, particularly in the attention given to the cases of eighty boys who had been arrested, forty-eight of whom were restored to their parents or friends, and, it was hoped, to the path of rectitude and virtue.

The Discharged Convict Committee also labored assiduously in their appropriate function, and with no little encouragement and success. The great object here was to prevent released prisoners from relapsing into crime by securing them from the temptations of want, and affording them the means of obtaining an honest livelihood. Two hundred and twenty-nine discharged prisoners, male and female, were aided by furnishing them, to a less or greater extent, with board, clothing, tools to set up business for themselves, etc., etc. Eighty-three were provided with places, concerning seventy of whom the Association had received reports from their employers of their continued good conduct; a proportion, as the Report truly declares, beyond what might have been expected, and showing that much good can be done even to the fallen and the abandoned without any great expenditure of time or money—the main draft being upon the kindly sympathies of our nature, a fountain from which there ought to be a constant flow of living waters. It is a sad mistake to suppose that all convicted criminals are hopelessly depraved. This is so far from being the case that the greater part may, by kind and judicious encouragement, be won back to the ways of virtue, while the very same persons would, in all probability, by harshness and rigor be irretrievably plunged into the abyss of crime.

The Committee having charge of the department of Prison Discipline were particularly enjoined to visit and inspect the various prisons of the state. That they might be able to discharge this duty in a satisfactory manner they applied to the Legislature for an act of incorporation, with power to examine thoroughly both state and county prisons. The Assembly, with great unanimity, passed the necessary bill; but the Senate, either from jealousy of interference with state institutions, or ignorance of the real objects of the Association, refused its assent, and the bill was not enacted into a law. Nevertheless, the Committee, by courtesy and without authority of law, inspected not only the prisons of New York and Brooklyn, but also the State Prison at Sing Sing and some six or eight county prisons. They found, particularly in the city and county prisons, defects of a grave and glaring character; among which they enumerate the huddling together, in the same apartment, of prisoners of all grades and ages, and in some

instances of both sexes; filth, ill-ventilation, vermin, idleness, frequent change of officers, etc., etc. They found the associations of the prisons to be for evil and evil only, and the prisoners, including the man of gray hairs and the mere youth, the murderer and the vagrant, the expert and the novice, all herded together, and subjected to influences the most corrupting and ruinous. The Association, in this its First Annual Report, came out distinctly and emphatically in favor of solitary confinement in all detention prisons and county jails. They avow the opinion that whatever arguments may be used against the separate system for more protracted periods of confinement, that system is obviously and decidedly preferable for short ones.

In regard to the two leading systems of Prison Discipline which have divided the world, the solitary and the silent, the separate and the congregate, the Philadelphia and the Auburn, as they have been variously called, the Association declared itself not pledged to either, but disposed rather to advocate a plan combined of both, avoiding the evils of each, adopting their respective advantages, and attempting to mould from them a system which should receive the sanction of all humane persons, and be truly and emphatically national in its character. The congregate system had been too generally administered with harshness, rigor, and even cruelty, and these evils had been considered inseparable from this system. It was this consideration mainly that created so strong a prejudice against the congregate system in the several commissions from European States, sent out by their governments to inspect the prisons of the United States. The New York Prison Association, in their First Annual Report, took ground against the idea that the severity complained of was necessarily inherent in the congregate system, but maintained that it was due rather to the want of fitness and adequate qualification in the persons selected to administer it. In confirmation of this view, the Association refers to the House of Correction in Boston, where, during a period of twelve years, though more than seven thousand criminals had been received, many of them exceedingly depraved, not a single blow had been struck, and yet the best of discipline had been maintained. It also refers to efforts recently and successfully made to introduce a milder system of

government into the prison at Sing Sing. In the male prison, where the reform had been by slow and timid steps, the number of lashes per month had been reduced from three thousand to two hundred and fifty; and yet the prison was confessedly as well governed as before. But in the female prison, where the change was conducted with bolder and more rapid strides, the greatest success was attained and the highest encouragement afforded; for whereas previously the number of offenses against prison rules had been at the rate of four hundred and fifty per annum, now these offenses were reduced to forty; and yet the discipline of the prison was vastly superior to what it had been before. Where all had been disorder and anarchy a year ago, all now was order, quiet, and good government. These beneficial results were secured by laying aside the harsher features of the congregate system, and replacing them with the milder discipline of the separate system.

The second anniversary of the Prison Association, which was held in the Hall of the Stuyvesant Institute on the evening of the 22d of December, 1846, was no less interesting than the first. Representatives were present from the Philadelphia and Boston Prison Societies, and letters were read from many distinguished gentlemen, both of our own country and Europe, among which were communications from Governor Seward, and from Dr. Julius, of Berlin, and M. de Tocqueville, of France.

The Annual Report for this year is an able and highly encouraging document, showing that the Association had been no less industrious than the preceding year in the prosecution of its appropriate objects, and that the success attained was no less conspicuous and cheering. The prisons visited and examined during the year by competent committees were the three state prisons, the penitentiaries on Blackwell's Island and at Albany, the city prisons of New York and Brooklyn, and ten county jails.

In regard to the county prisons, the Report avers that, for all purposes other than security, the system is a failure; that safety indeed is, in almost all of them, the sole end in view; that reformation—the great object of imprisonment—is lost sight of; that moral corruption is the grand result attained



through their agency ; that they are, to a great extent, nurseries and feeders to our penitentiaries and state prisons ; and that, in short, so injurious in its consequences is the existing system of imprisonment, it is a question whether the interests of society would not be as effectively served by its abandonment as by its continuance. The opinion is expressed that our county prisons never can be what an enlightened regard to the public weal demands until they afford opportunities for reflection, instruction the inculcation of religious principles, and the formation of industrious habits. Now the difficulty in the way of a system which would secure these essential conditions lies in the small number of the convicts in most of our jails. To meet this difficulty the important suggestion is made that the state be divided into an adequate number of penal districts, in each of which, in some central position, a prison on the most improved plan should be erected, in which there should be introduced and effectively applied all the best agencies of reformation ; as classification, labor, hygienic appliances, and adequate instruction, secular, industrial, moral, and religious.

The investigation of the penitentiary on Blackwell's Island, conducted by a very intelligent and able committee, of which the late distinguished Judge Duer was a member, revealed abuses and evils in the organization and management of that institution of the most flagrant and revolting character. Among these were : a total want of ventilation ; an extreme filthiness and slovenliness in the dress and persons of the prisoners ; the packing of two hundred women into a workshop whose dimensions were one hundred feet by seventy-five feet, with only the occasional supervision of a matron, where ribald jests, obscene talk, and horrid oaths were the order of the day, the whole forming a seething mass of corrupted and corrupting humanity ; a female hospital, with an average population of one hundred and fifty patients, nearly all prostitutes, constituting in fact the great venereal hospital of the city, where these wretched outcasts are cured at the expense of the public, which is thus made to pay a direct and enormous tax for the support of licentiousness ; the smallness of the proportion of prisoners required to work, the unproductiveness of their labor, and the looseness of the business management of the prison, not a

solitary article manufactured by the convicts having been accounted for ; an utter want of fitness for their duties of many of the officials, as shown in the not infrequent use by them of language ordinarily heard only from the lowest and most abandoned, so that many of them, instead of being ensamples to the prisoners of moderation, sobriety, and decorum, were, on the contrary, violent, intemperate, vulgar, and profane ; the introduction of political tests into the appointment of officers, and a consequent subjection of the executive administration of the prison to the control of party politics ; the flooding of the island at all times with a promiscuous company, through a system of indiscriminate and almost unlimited permits to visit it issued by various grades of city officials, whereby discipline was materially interfered with, opportunities afforded for a flagrant abuse of the privilege, and what was designed to be simply and solely a penal institution perverted to the support and encouragement of the grossest licentiousness ; the supervision, in part, of the female prisoners by male keepers, who were not only permitted, but required to lock up the females at night, and one of them at Bellevue, had the entire charge of his gang, day and night, to the number of sixty ; and, finally, the want of adequate provision for the secular, moral, and religious instruction of the prison population. These and other abuses and deficiencies are set forth and animadverted upon with a just severity in the Report now under consideration.

But the most comprehensive, thorough, and satisfactory examinations of the penal institutions of the Commonwealth were those of the three State Prisons, Sing Sing, Auburn, and Clinton. A great improvement was reported in the condition and working of these institutions. The reign of cruelty seemed to have passed away, a great and radical change having taken place in the government of the state prisons within the three preceding years. The Clinton Prison, indeed, had from its origin (then quite recent) been thus well and wisely governed ; and now, at Sing Sing and Auburn, where three year previously nearly one hundred blows a day had been struck, and the whipping post was never dry, weeks and even months elapsed without a blow. The infliction of corporal punishment had become infrequent, and he was considered the best officer who

had permitted the longest time to pass away without resorting to it. The following general facts were elicited by these investigations: That our state prisons had been erected at an expense exceeding \$950,000; that they had accommodations for two thousand one hundred and fifty convicts, were governed by one hundred and sixteen officers, and involved an annual expenditure of more than \$220,000; that they had been self-supporting, until certain highly profitable branches of industry previously pursued in them were prohibited by the Legislature,* and that they had become nearly so again; that only about one hundredth part of the large yearly outlay upon the prisons was directed to the moral and mental improvement of the prisoners, while the whole of the residue was devoted to material interests; that the system of government had been almost entirely one of physical force, but was now happily modified and improved from its former harshness and cruelty, and brought to a nearer conformity to the principles of reason and humanity; and that the plan of farming out the labor of the convicts, in other words, the contract system, though probably adapted to advance the financial prosperity of the prisons, has in it much that is calculated to interfere with the moral improvement of the prisoners, much that has a tendency to restore and perpetuate the former hard and iron rule. The method of investigation pursued by the committees charged with that duty was to have a personal interview with each prisoner, and to examine, under oath, the officers of the prison, and also the contractors and their clerks, to an extent sufficient to enable them to understand truly and fully the government and discipline, as well as the general condition and working of the institution.

The Detention and Discharged Convict Committees were assiduously and successfully engaged in the discharge of their respective duties, as well by their personal exertions as through their agent. A large number of persons detained for trial or examination received attention and relief, according to their several necessities. Of discharged convicts, five hundred and six were relieved by the Association to a less or greater extent,

* It is to be regretted that the Report does not specify the branches of labor thus forbidden by the Legislature, that we might know the cause of the prohibition, and judge of its propriety and wisdom.

two hundred and five of them being provided with permanent employment. Concerning far the greater part of these, good and encouraging accounts were received from their employers.

The application to the Legislature for a charter, whose failure was reported the preceding year, met with a better fate on its renewal this year. A charter of a liberal and comprehensive character was granted, one which imposes grave duties and confers high powers. Among the duties imposed is that of "visiting, inspecting, and examining all the prisons in the state, and reporting annually to the Legislature their state and condition, and all such other things concerning them as may enable the Legislature to perfect their government and discipline." Among the powers conferred is that of "establishing a work-house in the county of New York," and that of "examining on oath any of the officers of the prisons, and to converse with any of the prisoners therein, without the presence of the keepers or any of them." To enable them to carry into effect the first-named of these powers, the Association presented an elaborate and earnest memorial to the Common Council, praying for a grant of money to that end. This application was for a considerable period renewed from year to year, but without effect. No appropriation of money was ever made to the Association for this object. Nevertheless, in the year 1849, and no doubt as the result of the Society's efforts, a work-house was established on Blackwell's Island. This greatly desired object was directly accomplished through Judge Edmonds, one of the originators, and long an honored and useful member of the Prison Association, acting in his official capacity as a civil magistrate.

The Fourth Annual Report of the Association, which records the transactions of two years, (1847 and 1848,) shows a prosecution of its appropriate work equally vigorous and successful as before.

During the two years covered by this Report the work of prison inspection was carried out with vigor, although obstructions were interposed in reference to the Sing Sing prison which resulted in preventing any examination of that institution. The two other state prisons, Auburn and Clinton, were visited and examined. A great advance is reported in the humane character of the discipline of those prisons. The

officers, with few exceptions, were found to be intelligent, capable, and humane; and, as a general thing, they were respected and esteemed by the convicts. Both the number of prison offenses and the amount and severity of punishment had very sensibly diminished. After a searching examination of all the convicts, but one instance of barbarity was discovered in the Auburn prison, showing a state of things which contrasted favorably with that of former years. And although, owing to the bitter and persistent opposition of the warden of Sing Sing prison, no examination was permitted there, it was ascertained without such examination that, since the organization of the Prison Association, and doubtless as the result of its agency, the number of monthly violations of prison rules had diminished from one hundred and fifteen to sixty-six, and the number of lashes given per month from one thousand one hundred and twenty-one to thirty-eight; while at the same time the average prices of convict labor per day had increased from thirty-one cents to forty-five cents; showing very clearly that kindness, by promoting a contented and cheerful spirit in the convicts, had, in equal proportion, augmented their productive industry.

The favorable influence of the Prison Association on the feelings, hopes, aims, and purposes of the convicts in our state prisons, had been, according to the Report under consideration, decided and conspicuous. It had shown them that, though they were fallen and debased, there were still those in the community who cared for them, sympathized with them, and were willing and anxious to co-operate with them in their efforts to reform. This conviction carried with it at once a soothing and quickening influence upon convicts, tranquilizing their minds, and stirring them up to resolutions and efforts looking to a reformation of life. A no less beneficial effect had been produced upon prison officers by the agency of the Association. They had thereby been incited to greater diligence in the discharge of their official duties, and moved to a more humane treatment of the prisoners under their care and control.

Twenty county prisons had been examined by committees of the Association, which were found to be in the same deplorable condition, and to be exerting the same corrupting and ruinous influence upon their inmates as the prisons previously reported upon.

The work of looking after detained and providing situations for discharged prisoners had been pursued with no less diligence and success than in former years.

A service of the highest importance and value had, in 1847, been rendered to the community by the Prison Association. During the previous year a new Constitution had been framed and put in operation in the State of New York. As the said Constitution had materially changed the system of prison government, it became necessary to adopt the statute law to the requirements of the new organic law. Accordingly, in the session of 1847 and 1848, bills were early introduced into both houses of the Legislature with a view to securing such adaptation. As these bills were framed to meet the requirements of the Constitution rather than with a view to improvement in penal discipline, the Association felt it to be their duty, as a fitting occasion had arisen, to propose such alterations in the laws, in relation to this subject, as the progress of civilization and the best interests of the State seemed to require. A committee was accordingly appointed, consisting of John Duer, John W. Edmonds, Benjamin F. Butler, John D. Russ, and Rensselaer N. Havens, to consider and report what alterations and improvements could be advantageously proposed. The committee, embracing, as our readers will have noticed, some of the ablest jurists in the country, found the statutes relating to this subject scattered over a legislation of so many years that it was difficult, in many instances, even to discover what the law really was. Under such circumstances, it was believed by the committee that they could render a more important service to the state, as well as more completely effect their own object in the advancement of the interests of humanity, by collecting, arranging, and consolidating into one act the then existing laws, availing themselves, however, at the same time, of the opportunity to suggest and introduce such amendments as they might judge necessary and proper. This was truly a Herculean task; but the Committee, prompted by a noble patriotism and philanthropy, and with no hope of reward other than the consciousness of doing good, undertook and accomplished the labor; and the result was the very thorough, elaborate, comprehensive, and admirable bill, which the Legislature of 1847 enacted into a law, creating and fixing the present

prison system of New York. Thus has the Prison Association brought the state under a weighty obligation of gratitude for essential aid rendered in the important work of improving its criminal jurisprudence.

The labors and operations of the Prison Association for the year 1849 are detailed in their Fifth Annual Report. The unhappy controversy between the Association and the Board of State Prison Inspectors, reported as having commenced the preceding year, was continued with increased emphasis, we might almost say bitterness, during the year now under review, and for a number of years subsequently.* Into the merits of this controversy our space will not permit us, and our inclination forbids us, to enter. We will, however, venture a single remark. The Association appears to us to be fully sustained by its charter of incorporation in its claims of a right to inspect the prisons, and, in so doing, to converse with the prisoners separate and apart from the keepers or any of them: at the same time, it seems to us, nevertheless, to have committed a grave indiscretion—and one likely to produce (as in fact it did) increased irritation and opposition—in spreading, year after year, upon the pages of its Annual Reports an unlimited quantity of the tales received from convicts discharged from Sing Sing Prison, whose truth there had been, under the circumstances, no opportunity of testing. Although this controversy continued for many years, and its effects reached even beyond its own existence, materially circumscribing the operations of the Association and crippling its usefulness, so far as the duty of prison inspection prescribed by the Legislature was concerned, all that has now ceased, and we consider it a fit subject of congratulation that at the present time the most cordial relations exist between the Prison Association and the Board of Inspectors, and indeed between the Association and the prison authorities, in all the different classes of prisons throughout the State.

With the exception of prison inspection, which, during the year 1849, was limited to the city of New York and its immediate vicinity, the Association pursued its accustomed work, particularly in examining complaints, looking after the arrested, and providing situations for the discharged, with its usual energy and success.

With keen and piercing glance it peered into the numerous abuses and defects in the administration of criminal justice in New York, and with fearless heart and trenchant hand exposed them in its Report. It still found the city prison, (the Tombs,) to use its own language, "literally, and without exaggeration, a moral pest-house," and the penitentiary on Blackwell's Island "one of the worst governed prisons in Christendom."

There is, however, one redeeming institution, one bright spot amid the general gloom. The work-house system, for which the Society had so long, so intelligently, and so earnestly labored, went into operation on Blackwell's Island this year. It opened on the 14th day of June with thirty-seven inmates, and the commitments from that date to December 31 inclusive swelled to four hundred and twenty-five. The new institution had many difficulties to struggle with in the commencement of its career. Nevertheless, the Report uses in reference to it the following strongly encouraging language: "This new establishment, from the character of its organization, and the wisdom, energy, and skill with which it is conducted, promises to be the most interesting as well as orderly and successful institution in our city. It has now only been in operation since the 15th of June, and already the receipts, with only about two hundred and fifty convicts, average about \$2,000 a week, or over \$100,000 a year, a greater amount than is earned by the eight hundred in the Penitentiary." Thus were the zeal and the arguments of the Association in favor of the establishment of a work-house more than justified by the result. Mr. Harmon Eldridge, a gentleman thoroughly imbued with the doctrines of the Association on the subject of prison discipline and in full sympathy with them, was, through its influence, appointed superintendent of the new establishment. In a letter, dated Jan. 1, 1850, addressed to a committee of the Association, he says: "I have no hesitation in saying, from daily and careful observation, that with buildings properly adapted for a work-house with a view to the classification of the various grades of character, and with stringent rules and regulations for its good government, that it will not only improve the moral condition of its inmates, but it will be more satisfactory to the tax-payers of the city of New York. A work-house will improve the penitentiary system in various ways. It will enable you to separate

crime and poverty, or, in other words, the 'court prisoners' from the vagrants. It will relieve the penitentiary of more than half its population, and remove the embarrassments created by its present crowded state."

We regret that the limits to which any one paper in this journal must be confined will forbid our following the Prison Association, year by year, along the entire track of its honorable and useful career in the work of reforming prisoners, and the still more important work of reforming the prisons themselves. Both these objects were prosecuted with much zeal and vigor, and the latter in the way of prison inspection as extensively as the limited means at command would permit, during the first ten or twelve years of the Society's existence. During the last six or eight years of its history, as we learn from the Reports of those years, owing to a want of funds for the purpose, and perhaps also from some decay of zeal in the cause, the work of visiting, inspecting, and examining prisons has been almost totally suspended. In all that time, no State prison or penitentiary, and but very few county jails, have been examined and reported on.

But while this branch of the society's work appears to have fallen into some degree of neglect, that department of its labors which embraces the cities of New York and Brooklyn, which is directed to the care and reformation of detained and discharged prisoners, has been conducted by Mr. Abraham Beal, general agent of the Association, with eminent industry, zeal, wisdom, energy, and success. Mr. Beal has, from year to year and from day to day, systematically visited the various prisons and detention houses in these two cities, attended upon the criminal courts, and given special attention to such cases as seemed to call for his interposition. The child or youth of tender years, the novice in crime, the emigrant to whom our language and laws are unknown, the wrongfully arrested, the guilty but penitent prisoner, and those in whose cases mitigating circumstances are found to exist, have received from him, as the representative of the Association, that consideration which philanthropy should bestow upon the young, the weak, the ignorant, the tempted, and the unfortunate. To show the extraordinary activity and devotion of this gentleman, we present to our readers a summary statement of his labors for a sin-

gle year. We select that of 1861. During that year he visited six thousand one hundred and fifty persons, comparatively poor and helpless, in our city and detention prisons. He examined one thousand three hundred and thirty-eight complaints, giving counsel and aid to the persons against whom they had been made. He procured the abandonment of four hundred and sixty-one complaints, most of which were the result of prejudice or passion, or too trivial to be entertained. He procured the discharge of five hundred and six persons, either very young or clearly innocent, or manifestly penitent and resolved to sin no more. He assisted with board and aided to reach their friends or employment remote from the city six hundred and seventy-six discharged convicts. He supplied with clothing, less or more, one hundred and fifty-two others of the same class. And he procured work, in town or country, for two hundred and forty-one released prisoners. This is a catalogue of labors for a single year, which places in a very clear point of view both the zeal and usefulness of this devoted philanthropist.

There is a feature in the work of the Association, as conducted by their general agent, of very great importance and utility, and which ought to be distinctly brought before the public eye. It is well known that in some countries there are regularly constituted tribunals called Courts of Conciliation, the design of which is to prevent as well family and neighborhood feuds as tedious and expensive litigation, by an amicable settlement of differences. The labors of the Society's agent supply, in a great measure, the want of such a court in this community. Innumerable difficulties, originating in mistake, passion, drink, sudden temptation, or the like, many of which would otherwise grow to formidable proportions, are adjusted through his agency. In this way husbands and wives temporarily alienated are reunited in feeling; hostile parties are reconciled; offenders are reclaimed; much expense is saved to the community; and the sum total of human happiness is greatly augmented. These, and such as these, are declared in the last Annual Report to be every-day results of Mr. Beal's judicious interposition; results, as the Report truly adds, most important in themselves, as well as cheering to every humane and philanthropic heart.

The economic relations and bearings of the Prison Association constitute an aspect of it well worthy of attention. We conscientiously believe that, as a measure of public economy, the wealthier part of our citizens, who have the bulk of the taxes to pay, cannot lay out a portion of their money to better advantage than in aiding this society in its work. While the Association thus far has cost the community less than \$50,000, there can be no doubt that it has saved it hundreds of thousands in a diminished expenditure for the administration of criminal justice on the one hand, and, on the other, in the accumulations of an industry which would otherwise, at least a considerable part of it, have been but a negative quantity. The Association, then, in a merely economic view, must be regarded as a great public and social benefit, since it costs far less to prevent crime than to punish it; and the prevention of crime by raising the fallen is the foundation principle of this organization. The surest and cheapest protection to society against the bad is to make them good; a result which, by the blessing of God on honest and patient effort, can be effected, as experience has shown, in a much larger number of cases than is commonly supposed possible; for be it known to our readers that all is not evil within the walls of our prisons, any more than all is good outside of those walls. Self-interest, therefore, even if there were no higher motive, should enlarge the charities of the benevolent toward the guilty and the fallen. They return to society, on their discharge, either pirates or penitents; and it lies mainly with society itself to say which it shall be.

We find in the last Annual Report the following paragraph:

The Association has made an important modification in its arrangements during the past year. We have long felt the need—indispensable to the most effective prosecution of our work—of an Executive Officer who would devote his whole time and energies to the interests of the Society. We have accordingly invited to the office of Corresponding Secretary, heretofore rather nominal and honorary than otherwise, the Rev. E. C. Wine, D.D., late President of the City University of St. Louis. He has accepted the position tendered him, and has entered upon the discharge of its duties. It will be the business of the Corresponding Secretary, besides providing the needful funds, to carry on an extended correspondence, both in our own country and Europe, with gentlemen connected with the administration of penal justice; to collect and examine reports of penal institutions at home and abroad; to present our cause in such pulpits as may be open to him; to

inspect and examine prisons; to make himself familiar with the doings of other organizations similar to our own, and with the whole range of penal literature; and to digest, arrange, and render available, in tabulated and other forms, the statistics of crime gathered from all quarters.

As the writer of the present article is the incumbent of the said office, it would be a violation of modesty for him to say more than that, under the new arrangement, the Association has entered with ardor upon a broader field of labor than heretofore, and one more in accordance with the original design of its formation. For the first time within its history pecuniary aid has been obtained, both from the city and state governments, and there was a prospect, as stated in the last Report, that every prison in the state, of whatever grade, would be visited and thoroughly explored within the current year, and the results reported to the Legislature in the next annual communication to that body. This promise, we have reason to think, will be redeemed.

We find, in the Report for 1862, the following summation of results accomplished by the Association during the eighteen years of its existence: 54,714 detained prisoners visited and counseled; 5,630 detained prisoners discharged on the recommendation of the Association; 18,911 complaints examined; 4,908 complaints withdrawn at the instance of the Society; 7,676 discharged convicts aided with money or clothing, or both; 2,729 discharged convicts provided with situations; and seventy inspections of prisons made. Less than five per cent. of those provided with situations have ever returned to prison, according to the best information obtained; and a very large proportion appear to have been thoroughly reclaimed, and those of them who are still living are pursuing a career of virtuous and useful industry.

The Executive Committee close their eighteenth Annual Report in these words:

The appeal of the criminal and the prisoner is to that high and noble philanthropy which can overlook the past and stoop to raise the fallen; that philanthropy which whispers words of consolation to the erring, and guides the feet of the wanderer back into the path of virtue. It is a philanthropy akin to that Divine benevolence which, in calling backsliders to return, promises to "heal their backslidings;" nay, even to be "merciful to their unrighteousness," and to "remember their sins and iniquities no more."

It is to such a philanthropy that we would appeal in behalf of the discharged convict. We say to society: "Give him another chance. Speak kindly to him. Let him have your sympathy. Meet him with a smile instead of a frown. Open the heart and the hand to his relief. He starts at his own shadow. He feels that, like Cain, he is a 'fugitive and a vagabond upon the earth.' Terrible indeed are his struggles; for he has foes within as well as without to combat. His soul is driven to and fro between the frowns of the world and the upbraidings of conscience. These awaken remorse; those despair. Does not a being thus agitated and distressed need sympathy and encouragement? And shall his appeal, shall our appeal for him, be in vain to those whom a kind Providence has guarded in the hours of temptation, and whose cup overflows with blessings? Remember the words of the Lord Jesus, at once so condescending and so gracious: 'I was in prison, and ye came unto me:' 'inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.'"

ART. VII.—JAMES FLOY, D.D.

THE life-stories of the great and good are among the most valuable treasures of the commonwealth of humanity. They at once supply the incentives to noble actions, and show the methods by which such actions may be made effective of the greatest good. This general truth is, however, especially and most emphatically applicable in the associations of religious life. The Church is strengthened and made effective by the active devotion of her living members, while her garnered wealth is constantly augmented by the unforgotten virtues of life and character of those who have finished their course and entered upon their reward. As the children of a provident father are first served and blessed by him while living, and at his dying are endowed with his treasured wealth, so the living members of the militant Church are not only profited by their godly services, but they also have each an inheritance in the good name and remembered excellencies of those who have lived and died in the faith. Hence the high value that has ever been accorded to Christian biography, and the occasion for the careful diligence with which the Church collects and transmits the mem-