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## ARTICLE III.

A CENTURY OF PROGRESS IN PRISON REFORM  
IN GREAT BRITAIN.

BY REVEREND ALBERT H. CURRIER, D.D., OBERLIN, OHIO.

THE narrative of the beginnings, various efforts, and progress of Prison Reform makes a story of thrilling interest. It presents pictures of misery surpassing even those of Dante's *Inferno*, and examples of self-denying labor and saintly goodness in behalf of the sinful and wretched population of jails and prisons equal to the brightest in early Christianity.

In this philanthropic movement John Howard (born 1726) is conspicuous as a leader. His interest was awakened in the subject, and he was started on his career, in the following manner. Being a gentleman of independent fortune, and highly esteemed for his piety and benevolence, he was chosen sheriff of Bedfordshire, England. It was one of his official duties to inspect the prison of his county, which in this case was the famous jail in Bedford, where John Bunyan had been imprisoned for twelve years, a hundred years before, for the crime of absenting himself from the parish church and for being, as the indictment said, an "upholder of unlawful meetings and conventicles, to the great disturbance and distraction of the good subjects of this kingdom," etc. Though "*The Pilgrim's Progress*" was not conceived and written in this county jail, but, as Dr. John Brown shows, in the smaller municipal jail on the bridge, in which he was subsequently imprisoned for six months; yet in this county jail some of his

best works were composed, and it had the great honor, besides, of being the birthplace of Howard's great mission of mercy for the improvement of prisons and of the condition of prisoners.

In the discharge of his duty of sheriff, he discovered some cases of injustice which filled his benevolent soul with righteous indignation; viz. the cases of prisoners who had been wrongfully accused, but who, instead of being promptly discharged from custody as soon as their innocence was established in court, had been dragged back to jail and locked up again till they should pay certain customary fees to the jailor and other prison officers, who were supported by these instead of a regular salary from the state.

"In order to redress this hardship [says Howard], I applied to the justices of the county for a salary to the jailor in lieu of his fees. The bench were properly affected with the grievance, and willing to grant the relief desired: but they wanted a precedent for charging the county with the expense. I therefore rode into several neighboring counties in search of a precedent; but I soon learned that the same injustice was practiced in them; and looking into the prisons, I beheld scenes of calamity, which I grew daily more and more anxious to alleviate."

That vain search for a "precedent" for adopting a plain course of justice, which one would think needed no precedent, was the beginning of a tour of inspection made by Howard among the prisons of England, which ended not until "most of the county jails in England," and the city and town jails, known as *bridewells* and *houses of correction*, had been visited by him. After visiting the various prisons of England, he visited those of Scotland and Ireland likewise. Nothing escaped his searching glance, everything was noted and carefully set down in his note-book. His terse and graphic style created pictures that are like photographs; they enable you to see what he saw.

What did he see? Pestiferous dens of misery and corruption! They were almost entirely destitute of every comfort, — dark, much overcrowded, ill-ventilated, foully dirty. These dens of filth were continually haunted by a malignant jail fever, — a form of typhus, — the result of filth and overcrowding, which sometimes was communicated by the prisoners, when brought into court for trial, to those in attendance on the court. “When prisoners have been long, and close, and nastily kept,” says Lord Bacon of what happened in his time, “both judges that sat upon the trial and numbers of them that were present sickened and died.” An instance is referred to by Sir Edmund Du Cane<sup>1</sup> as having occurred in London in the days of Howard, when the Lord Mayor, an alderman, two judges, and forty others, including sheriffs, members of the bar and jury, fell victims to this fever, which coming into the court with the prisoners, like a messenger of vengeance sent by God, smote with fatal sickness these representatives of the government, which had forgotten that God hears “the sighing of the prisoners” and avenges their wrongs. The wretched inmates of the prisons were indiscriminately herded together, debtors and felons, young lads and old culprits, men and women, with contaminating effect. Instead of “Houses of Correction,” Howard said, “they were Houses of Corruption.”

“For food the prisoners were dependent upon the caprice of their jailors or the charity of the benevolent. They were often half-naked or in rags; their only bedding was putrid straw reeking with poisonous exhalations and accumulated filth. Every one in durance, whether tried or untried, was heavily ironed. . . . All alike were subject to the rapacity of their jailors and the extortion of their fellows. Jail fees were levied ruthlessly — ‘garnish’ also, the tax or contribution paid by each individual to a common fund to be spent by the whole body, generally in drink. . . . Idleness, drunkenness, vicious intercourse, sickness, starvation, squalor, cruelty, chains, awful oppression and everywhere culpable neglect — in these words [says a graphic

<sup>1</sup> See *The Punishment and Prevention of Crime*, chap. iii.

writer] may be summed up the state of the jails at the time of Howard's visitation."

After his tour among the prisons of Great Britain was finished, Howard, contemplating the publication of a book to expose the defects of the prison management which he had discovered, thought it would add to the value and influence of his book if he should insert in it some practical suggestions and recommendations for remedying the evils to which he would call attention. To qualify himself for doing this, he thought it would be well to examine the prison systems of other countries and note the best examples the world then presented. He determined, therefore, to make a tour of the continent of Europe for this purpose. In accomplishing it, he visited the principal cities of France, Holland, Belgium, Germany, Switzerland, and Italy, inspecting in them with eager interest — not their museums of art, and various curiosities, or their splendid churches and galleries of paintings and sculpture, which form the chief objects of attraction to most travelers, but — their gloomy prisons, the abodes of misery and woe.

He found in his travels some things in the prison discipline and some prisons as bad as those of England, but in the main the prison systems of those countries were superior to those of England. so that he was moved to say that, while he "seldom had occasion to envy foreigners anything he saw with respect to their situation, their religion, their manners or government, their better prisons sometimes made him blush for his native land."

Among the various prisons he visited there were some of conspicuous excellence, which were like lofty mountain peaks, rising far above their fellows in the systems to which they belonged. The celebrated *Maison de Force* of Ghent, in Belgium, was one of them. At that time, recently built, it was the

model prison of Europe both as to its architectural construction and its system of discipline. In these respects it was, indeed, nearly equal to the best of our modern prisons, and as a model has greatly influenced their construction and management. In it Howard saw applied with visible and most convincing good effect some of the great principles of prison discipline which he afterwards earnestly advocated. The convicts were classified, lodged in separate cells, abundantly fed with wholesome food, comfortably clothed, diligently instructed in morals and religion, industriously employed and trained, and given, as incentives to diligence, self-improvement, and good behavior, a share in their earnings and an abbreviation of their sentence.

The "Rasp House" of Amsterdam, Holland, was another notable prison visited by Howard, in which he found the reformatory influence of prison labor illustrated and emphasized. Over the gateway was a bas-relief representing a man driving a wagon loaded with logwood *for rasping*, drawn by lions, tigers, and wild boars, with this inscription in Latin: "*It is well to tame what all men fear.*" The *taming* agency here employed was work.

"Men are put to labor in the Rasp House [says Howard] upon this professed maxim: 'Make them diligent and they will be honest.' I am informed that many come out sober and honest. . . . As an encouragement to sobriety and industry, those who distinguished themselves by such behavior were discharged before the expiration of their terms. . . . This practice of abridging the term of punishment upon reformation is in every view wise and beneficial."

In the different prisons of Paris

"none of the prisoners were in irons. No jailor may put them on a prisoner without an express order from the judge. . . . Taking garnish is strictly prohibited. . . . In behalf of criminals who have not been tried, the Parliament commonly orders the Attorney-General to write in their name to the inferior Judges, inquiring into the causes of delay, or ordering expedition. If a prisoner be acquitted, he is discharged within twenty-four hours."

In Rome there was a notable prison, that of St. Michael, erected by Pope Clement XI. in 1705, in which the reformatory aim of the prison was distinctly declared and emphasized. It was erected for the reformation of boys and young men. Like the prisons of Elmira, New York, and Mansfield, Ohio, and the reformatories of England, its avowed chief purpose was to reclaim young offenders rather than to punish those that were old in crime and almost incorrigible. On a marble slab within, Howard saw this inscription in Latin: *Parum est coercere improbos poena nisi probos efficias disciplina*, i.e. *It does little good to restrain criminals by punishment unless you reform them by your discipline*, — a sentiment which he regarded as the most important principle of prison discipline, and which has come to be accepted by the majority of prison reformers of our time who hold that “to discharge a criminal without reformation is to defeat the purpose of his imprisonment.”

From his gleaning in the strange field of the prisons of the Continent of Europe, Howard brought back a precious sheaf of golden counsel for the English people to put into the book he was preparing. Among the recommendations for the improvement of English prisons which it contained were the following, suggested by his observations:—

1. Separate cells for the prisoners at night.
2. Entire separation of different classes of prisoners, the women from the men, youthful offenders and poor debtors from old and hardened criminals; those merely detained for trial and who might be found innocent from those found guilty of crime, — instead of herding them all indiscriminately together.
3. That the use of fetters upon prisoners be discontinued.

4. That sufficient wholesome food be provided for the prisoners, — but no spirituous liquors.

5. “No prisoner should be subject to any demand of fees. The jailor should have a salary in lieu of them; and so should the turnkeys.”

6. Care should be taken to find “a good man for a jailor; one that is honest, active, and humane.”

7. That moral and religious instruction be given the prisoners by pious and worthy ministers with a view to their reformation.

8. That the aim of the prison discipline be reformatory rather than punitive or penal.

9. That the prisoners, instead of being allowed to spend their time in idleness and riot, be put to some regular useful labor to form in them habits of industry and the ability of self-support.

10. That a share in the profit of their labor and an abbreviation of their time of imprisonment be given them as a stimulus to industry and good behavior.

11. That suitable prisons, architecturally planned to carry out these ideas, — like that of Ghent — are needed. They should be provided with a sufficient number of separate cells, with workshops and implements of labor.

Howard's book, entitled, “The State of Prisons in England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons,” appeared in 1777. It marks an epoch in the history of mankind. The effect of it was immediate and immense. The public had previously learned of Howard's philanthropic work and were eagerly awaiting the appearance of his book. Before his tour of inspection of the English prisons was half completed he had been summoned before the House of Commons to testify of the abuses he had



discovered; and so impressive and valuable was his testimony thought to be, that he received the honor of a formal vote of thanks from that legislative body.

In addition to this, Parliament had immediately enacted two measures of relief: the first commanded the abolishment of the system of fees that had excited Howard's indignation; the other, that the prisons should be scraped and whitewashed at least once a year, and that other means be used to improve their sanitary condition, and secure the health and greater comfort of the prisoners. These two legislative measures Howard caused to be printed in large type at his own expense, and sent to every jailor in the land, that the laws might become at once operative, and that no jailor might plead ignorance of them in case of disobedience.

Howard's book, having thus become generally known to the English people, was eagerly and widely read. The attention of the whole nation was thus directed to the abuses exposed, and a public sentiment was created which in the following year (1778) became embodied in an important Act of legislation. This Act was for the establishment of additional penitentiaries to relieve the crowded state of existing prisons, and to carry out under better conditions the ideas then disseminated through England by Howard's labors in regard to the proper treatment of criminals. It clearly set forth the chief principles of penal discipline. The object to be kept in view was thus stated:—

“It is hoped by sobriety, cleanliness and medical assistance, by a regular series of labor, by solitary confinement during the intervals of work, and by due religious instruction to preserve and amend the health of the unhappy offenders, to inure to habits of industry, to guard them from pernicious company, to accustom them to serious reflection, and to teach them both the principles and the practice of every Christian and moral duty.”

“The experience of a century,” says a high authority, “has

added nothing to these true principles of penal discipline: they form the basis of every species of prison system carried out since the passing of the Act."

The Act provided for the building of two penitentiaries to make the grand experiment proposed, and Howard was appointed one of three supervisors to superintend their erection.

It thus seemed as if Howard's benevolent labors for the improvement of prisons and their management were to receive at once their reward of a new and vastly improved class of prisons with a wise and humane method of prison discipline for his country. But great reforms are not easily won. Old errors and deeply rooted abuses are with difficulty eradicated. It requires usually a long time to effect important changes of this kind. The case under consideration was no exception to the rule. Instead of three or five years, exactly one hundred years were required to accomplish the object aimed at by Howard in his famous book. The bright and glorious dawn of reform which followed its publication became soon clouded, and the hoped-for good day it promised was long postponed.

It is an interesting fact, however, for us in this country to know, that Howard's work in furtherance of Prison Reform speedily produced *here* important fruit. The report of his testimony before the House of Commons in 1774, to which reference has been made, was at that time carried by newspapers and correspondents across the sea and read with interest in the American Colonies. As a result of the interest it awakened, a Prison Reform Association — the first in the world it is believed — was organized in 1776, composed chiefly of Quakers, though Benjamin Franklin and Dr. Benjamin Rush were among its members. It was disbanded the following year, because of the occupation of Philadelphia by the British troops, but reorganized after the War of Independence, in

1787. Through its influence there was effected in a comparatively short time a great amelioration of the criminal laws of Pennsylvania. When the Association was organized, the criminal code of Pennsylvania, like that of England, was most severe and merciless, "written in blood," as Sir Samuel Romilly said of the penal code of the mother country. "The statute-book bristled with capital felonies, and the gallows was in perpetual requisition. These were days when the pickpocket was hanged; as was the sheep-stealer, and the forger of one-pound notes."<sup>1</sup> "The punishment most in favor in these ruthless times was death," says this writer.

In Great Britain and in her colonies the idea had long prevailed that the best thing to be done with felons was to hang them. It was the easiest, cheapest, and quickest way to dispose of them. The wretched prison management of the times, with its corrupting effect on the prisoners, seemed to justify the cruel belief. As one judge (Judge Heath) boldly said, and thereby sought to justify the severity of the law which he ruthlessly administered: "If you imprison him, the culprit is soon thrown back upon you hardened in guilt. There is no regenerating the felon. For his own sake as well as for the sake of society, I think it better to hang him."

Through the influence of the Philadelphia Reform Society the old merciless code was greatly mollified; so that in less than ten years the whole list of capital offenses, except one, — that of murder in the first degree, — was erased from the Statute-Book. Murder alone continued to be punishable with death.

Besides purging the statute-book of its atrocious severity, the Reform Association secured by its humane exertions a vast improvement in the management of the prisons of the State. It obtained from the Pennsylvania Legislature in 1790

<sup>1</sup> *Encyc. Brit.*

an Act whereby "hardened and atrocious offenders," i.e. incorrigible culprits, were kept separate and secluded from other prisoners. In 1794 this was specifically amended so that it should be clearly understood that all convicts (as distinguished from persons that were simply under arrest and detained for trial, or persons imprisoned for debt) should be separated and kept secluded from others. In 1796 the Society urged the Legislature to forbid the exaction of fees at the liberation of prisoners, and to abolish the degrading penalties of the whipping-post, of the pillory with its exposure to the taunts of the rabble, of branding the face or hands with a hot iron, of cropping the ears, and of the wearing of chains and clogs as marks of disgrace. It recommended also the careful classification of prisoners, and that efforts be made to reform them by proper moral instruction, by labor performed in solitude, and by denial to them of intoxicating drinks.

The principles of reform thus promulgated and applied bore good fruit in the improvement of the moral character and condition of the prisoners. It was proved that humane treatment, instead of weakening the restraints of wickedness and increasing crime, diminished it. Such treatment softened the criminal's heart and inspired the desire to do better.

A similar Association to that of Philadelphia was formed in Boston in 1815. It was called "The Society for the Improvement of Prison Discipline and for the Reformation of Juvenile Offenders." Through its influence the State of Massachusetts has ever since kept abreast of the best thought and experience of the world as to methods of dealing with criminal classes.

In the United States at that time, as in England, the necessity was perceived and deeply felt of a new style of prisons, more commodious and adapted to the proposed measures of

reform, — in particular, so constructed as to allow a separate cell for each prisoner, and afford conveniences for labor, — but the poverty of the country and the burdens created by the War of Independence forbade their erection until some years had elapsed. The first penitentiary of this kind in this country was built at Auburn, New York, in 1816; and the second — the famous Eastern Penitentiary of Philadelphia — in 1829, “whose erection, by reason of its completeness of adaptation to its purpose,” General R. Brinkerhoff affirms, “marks an epoch in the history of prisons, and the greatest advance in prison reform which had yet been made in the world.” Adopting some of the best features of the best prisons of Europe, like the *Maison de Force* of Ghent, and St. Michael’s of Rome, and adding to these important and valuable improvements, the Eastern Penitentiary was so well fitted to carry out the “Pennsylvania system” of entire cellular separation of the prisoners, that it became the model for other countries, especially England.

Going back now to the mother country, which John Howard’s book on the “State of Prisons in England” so profoundly stirred in favor of prison reform that it seemed quite probable that what was desirable would be shortly accomplished, let us consider the reasons why this expectation was not fulfilled. One reason was that Howard and his colleagues of the Commission to superintend the erection of new prisons authorized by Parliament could not agree as to the best location for these penitentiaries, and therefore the plan was indefinitely postponed. Howard waited twelve years in the hope of seeing it fulfilled, and died in 1790, saying, as if his life and work had been of little account, “Give me no monument, but lay me quietly in the earth, place a sun-dial over my grave, and

let me be forgotten." Not until he had lain in his grave over fifty years did the project of building prisons adapted to the reform measures that he had proposed take full and suitable effect. Not counting the great penitentiary at Millbank, which proved a dismal failure (though erected at large expense and opened in 1816 with a great flourish in anticipation of its usefulness), the hope of Howard to have in England a prison adapted to carry out his dream of prison reform was not realized until the erection of the celebrated prison of Pentonville, opened with great *éclat* in 1842.

There were, however, other and deeper causes for the delay than the unhappy disagreement between Howard and his colleagues of the Commission for the erection of new prisons. Two causes, in particular, claim our attention as especially influential: (1) the use of the *hulks* of old war ships for prisons; and (2) the adoption, by the English government, of *transportation* as a convenient means of disposing of criminals.

1. The use of hulks for the places of confinement was adopted by the English government as a temporary measure to relieve the crowded condition of the prisons to which Howard had called attention. It is an interesting example of the way a temporary makeshift, as supposed, may become a long existing institution. For this system of hulks, adopted only as a temporary expedient with the avowed intention of abandoning it as soon as proper and suitable penitentiaries could be erected, lasted between eighty and ninety years. The old hulks were not adapted to serve as prisons; they did not allow of a close supervision of the prisoners; they compelled, even more than the common jails had done, the indiscriminate mingling of them together (which Howard had severely censured), with the result that "every evil prevailed on board these prison ships that can be supposed to arise from the un-

checked association of men of foul lives and unrestrained passions." Besides being such sinks of moral corruption, they were, by reason of their close, ill-ventilated, insanitary condition, dreadfully unhealthful, — pest-holes of sickness and fatal disease, which produced sometimes a mortality of thirty per cent annually.

2. The other cause — transportation of criminals to her distant colonies — demands of us more lengthy consideration. The idea of transportation, though not new (it had been suggested as convenient, and acted upon with reference to the American Colonies until they had protested against it), was revived and stimulated by the discoveries of Captain Cook in the South Seas in 1770, and the acquisition by England of Australia and Van Dieman's Land. Those distant parts of the world offered an inviting field for the disposition of the convicts. Transported to those regions remote, it was thought they might begin life anew there under more favorable conditions, and stand a better chance, by severance from former evil associations, of becoming good men and useful members of society. At any rate, England would be well rid of them; for they were not likely, it was supposed, to return from so far to trouble her any more. Having then only the means of slow transportation by sail-vessels, and no prevision of the way steam and electricity would in the next century annihilate time and space as serious factors in the problem of traversing vast distances, these conclusions were natural. They so far prevailed with the government that in 1787 nine transports filled with convicts and under the convoy of two men-of-war were dispatched to New South Wales. The voyage lasted eight months. In the voyage (as described by Du Cane) the convicts were all mingled together in close companionship, with but slight supervision. The conditions, of course, were fa-

vorable to mutual corruption, and, as a matter of fact, this invariably followed their association together for such a long time. If there were any at the beginning of the voyage who were not completely hardened in wickedness, any that felt remorse for what they had done and a desire to return to paths of virtue and redeem their lost characters, these came to the end of the voyage depraved like the rest. Before they set sail from England they were allowed to receive visits from friends, who in some cases secretly furnished them liquors and other fancied comforts for the voyage, which became a means of riot and dissipation. The following picture of the state of things found in the hold of one of these transports is given by a Moravian missionary, who went in her as a passenger to New South Wales:—

“About 240 of these miserable creatures were chained in pairs, hand to hand or leg to leg, with no light but what came in at the hatchways. At first the darkness of the place, the rattling of the chains, and the dreadful imprecations of the prisoners suggested ideas of the most horrid nature, and combined to form a lively picture of the infernal regions.”<sup>1</sup>

Doubtless some of the convicts before they sailed from England received visits from Christian friends, who, solicitous for their reformation, gave them better gifts than liquors, i.e., Bibles and good books, to promote their spiritual welfare during the long voyage. But, however sincere and honest the purpose of these convicts to make a good use of those books, they were overcome by the adverse influence of the great majority. One instance is reported where

“the convicts were found to have procured a pack of cards to beguile the time, and it turned out that these cards were made by pasting together several leaves of the Bibles found among them, and the artist who designed the court cards had managed to make the four knaves into excellent likenesses of the captain and the other superior officers.”

<sup>1</sup> Quoted by Du Cane, *Punishment and Prevention of Crime*, chap. v.



These occasional flashes of wild, irrepressible humor, which the annals of the subject afford, only make the scenes of wretchedness which they light up more lurid and dreadful.

Those transports were in truth miniature hells, and the procession of them from England to the antipodes, which lasted for a period of eighty years, was, in view of the freight of human misery they carried and the utter demoralization they wrought, the most woeful that ever traversed the globe. Death and the plague often added their horrors to what was experienced in those dark holes. The Moravian missionary, above quoted, says that on the transport in which he was a passenger, "a putrid fever broke out among the convicts, that carried off thirty-four before the ship reached the Cape of Good Hope, and the ship became loathsome beyond description."

Imagination sickens at the spiritual and physical condition of the miserable convict in such a case. Weariness and continual discomfort tortured his body; remorse and a sense of a pursuing, inevitable curse tormented his soul. We are reminded of Coleridge's description of the voyage of "The Ancient Mariner," whose ship sailed in the same track that these transports pursued, and whose experiences in the tropical seas traversed were like those of the convict in the circumstances described.

"With sloping masts and dipping prow,  
As who pursued with yell and blow  
Still treads the shadow of his foe,  
And forward bends his head,  
The ship drove fast, loud roared the blast  
And southward aye we fled.

"Ah! well a-day! what evil looks  
Had I from old and young!"

“There passed a weary time. Each throat  
 Was parched, and glazed each eye.  
 A weary time! a weary time!  
 How glazed each weary eye.

. . . . .

“I looked to heaven, and tried to pray;  
 But or ever a prayer had gusht,  
 A wicked whisper came, and made  
 My heart as dry as dust.

. . . . .

“I closed my lids, and kept them close,  
 And the balls like pulses beat;  
 For the sky and the sea, and the sea and the sky  
 Lay like a load on my weary eye,  
 And the dead were at my feet.”

On their arrival at their destination in New South Wales, various experiences — not wholesome nor reformatory — awaited them. The colony for a considerable time was chiefly composed of criminals and their guards and keepers. There were but few free immigrants among them. In fact, the government authorities openly and frankly declared that the colony was primarily founded for the sake of the convicts, and that they did not care to encourage free immigration. After twenty years the population of the colony was only 10,500, of which 7000 were convicts, mainly employed on public works and supported at the public expense. The colony's subsequent rapid advance in wealth and prosperity was largely due to the magnificent roads, bridges, and other public works wrought by convict labors in those early years of its existence.

But the association of the convicts in such large numbers tended to their complete demoralization. As a system of punishment it totally failed in the three most important essentials: (1) it had *no deterrent influence*, since it was not dreaded by the convicts, to whom it held out a promise of pleasant adven-

ture; (2) it was *not reformatory*, but tended obviously to produce further moral debasement; (3) it was *not economical*, but enormously expensive.

To lighten the expense, a change in the system was devised, which tended to make it still worse as a system of punishment. The convicts were "assigned" (as the phrase was) to any who would relieve the government of the expense of supporting them. As the colony grew in wealth and population, many enterprises were started, and there was plenty of work for the convicts on the extensive sheep farms of the interior, and in the various trades and commercial industries of the cities and towns. The demand for the more intelligent and capable became great. It was often a valuable consideration to secure at small cost the services of men capable of acting as clerks, book-keepers, and skilled mechanics. Therefore on the arrival of every ship-load of convicts there was an eager scramble for the best hands. There existed accordingly, as may be imagined, great inequality in the punishment suffered by the convicts. The dull and unskillful were put to hard manual drudgery, while clever and expert rogues found pleasant and sometimes profitable employment. For it sometimes happened that the applicants to whom these were assigned were secret friends, or former undetected accomplices in crime, holding in their possession the booty gained by successful wickedness. These having got assigned to them their convict friends, the latter, though nominally subject, were really partners or perhaps controlling minds in the business engaged in. Many of them became rich, and the report of their riches carried home by the "emancipists" (i.e. discharged convicts), or published in the home papers in the letters of Colonial correspondents, robbed transportation of its dread as a penal discipline.

The system allowed of cases of harsh treatment, and, no doubt, this was sometimes suffered by the convicts. The assigned were practically slaves, for the time, of the assignees, and liable to suffer from the tyranny and cruelty of their masters. The government, however, imposed some restraints upon the master. He might not himself lawfully inflict on the convict corporal punishment; he could only invoke from government officials the punishment merited by misconduct. In case of ill usage the convict could appeal to the magistrate for protection. On the whole, the convicts assigned fared well and had an easy service. Though nominally under the supervision of the government authorities, this did not impose much restraint. They came and went almost at will, and amused themselves freely after working hours. Their unchecked intercourse and dissipation made the towns where they congregated hotbeds of vice and wickedness.

A portion of the convicts — the most desperate in character — were retained by the government in its own care as too dangerous for assignment; and those who, having been assigned, had been found unmanageable by their masters and returned to the custody of the government.

The bad cases, according to the degree of their incorrigibility, were disposed of in three ways: they were placed (1) in *road parties*, (2) in *chain gangs*, and (3) in *penal colonies*.

1. Those in road parties worked upon the public highways, and were marched about hither and thither as the public service demanded. The labor was irksome but never intolerable, the diet was ample, and there was considerable freedom. Owing to this freedom, the convicts sometimes escaped and became bushrangers, spreading terror through the country.

2. In the chain gangs, employed upon various public works, the labor was harder, the discipline more severe, the

custody exercised over the convicts more close and vigilant. A military guard was placed over them; all were heavily ironed and chained together. If they were intractable, they were whipped by an official scourger attached to the gang. From sunset to sunrise they were shut up in a stockade or town prison, and small liberty was given them.

3. The penal colony, to which the worst cases were sent, and which represented the last degree of punishment, was a terrible place. There were several of them, located in Moreton Bay, Port Arthur, Tasman's Peninsula, and Norfolk Island. That of Norfolk Island was the largest and of the worst repute. It became famous for its size, for the awful desperation and wickedness of the convict colony confined in its narrow limits, and more especially for the notable experiment in convict management made there by Captain Maconochie, who was the superintendent or governor of the colony for a time, and by his wise and humane method of administration achieved a marvelous success in ameliorating the condition and reforming the characters of the convicts.

On a small lonely island in the Pacific Ocean, only fifteen miles in circumference, far removed from any other body of land, from 1500 to 1800 convicts were herded together under conditions most depressing and brutalizing. The chief aim of the authorities in their management was to treat them with relentless severity. The convicts were put to the hardest work unrelieved by any solacing comforts or tokens of kindness. They toiled in chains by day under harsh overseers, and they were driven at night in chains to barracks so cheerless and bare as to violate all sense of decency. For the smallest offenses they were brutally flogged. When fed they were treated more like dogs or swine than men. No knives were

allowed them to cut their food; no cups to drink from; they tore their food with their hands and teeth, and they drank from water-buckets.

No appeal was made to their moral sentiments; no hope was held out to them of retrieving the past; no light of religion or knowledge given to cheer their dreary situation and environment;—they had no church nor chaplain, no schools nor teachers, and no books. The effect of this harsh treatment was to defeat entirely one of the chief aims of penal discipline,—the reformation of the criminal. “Let a man be what he will when he comes here,” said one, “he is soon as bad as the rest; a man’s heart is taken from him, and there is given him the heart of a beast.” “The tendency of such treatment,” it has been truly said, “is to destroy self-respect, to brutalize its victim, and to cultivate a hatred of society none the less dangerous because for the time impotent.” This brutalizing effect was apparent in their behavior and in their very faces. When congregated together they looked like a crowd of fiends. Their disposition became so savage and violent that it was not safe for even armed guards to go near them, though the convicts were fettered with chains. Unnatural vice and crime prevailed among them; assaults and murders were frequent.

Such was the state of things on Norfolk Island when Captain Maconochie, a former naval officer, became its governor. He received his appointment because of the notice he had attracted by some published criticisms made by him of the cruel system then employed in the penal colonies, and the practical suggestions accompanying them as to the ways in which existing evils might be remedied. He was appointed that he might have the opportunity to prove the correctness of his suggestions and recommendations, which would result in a radical change of system. His system as compared with the old was

marked in general by kindness and trust in place of severity and distrust. He addressed and treated the convicts as fellow-men and brothers — fallen, indeed, but capable of recovery, and whom he, manifestly, earnestly desired to recover. He showed his confidence in them by going freely unarmed among them accompanied by his wife, and by his kindness, unflinching courtesy, and the consideration due to fellow-men.

Upon these general features, he engrafted upon his system certain particulars in method of administration which marked an epoch in Prison Discipline, and have been adopted, the world over, as valuable helps in the successful treatment of prisoners. They were:—

1. That crime might be advantageously measured and punished by a task instead of a time sentence.

2. That the task might be measured by *marks*:— instead of being sentenced for a certain number of years, the convict might be sentenced to earn a certain number of marks before he could regain his freedom.

3. That the convict should pay for his own keeping with marks, and be allowed considerable freedom of choice in regard to his rations;— the coarsest, plainest daily rations costing him three marks; the next in quality, four; the best, five.

4. Ten marks represented an average man's daily wage, and it was made possible to increase this to twelve or thirteen by working over time.

5. The marks also afforded a means of discipline,— a fine in loss of marks being the penalty of disobedience, or failure in duty.

Thus, it will be seen that the convict could increase his marks by economy of living, by working extra hours, and by good behavior. Captain Maconochie sought to make prison life as far as possible an image of a man's ordinary life, in

which his social and material welfare depends, usually, on the exercise of these virtues of economy, diligence, and good conduct.

With the marking system was connected a *grading* system, the one coöperating with the other to accomplish the desired result of the convict's reformation. The term of sentence was divided into three parts, representing various grades of moral standing:—

1. The first, into which the convict was introduced at the beginning, was strictly penal, and its discipline severe and stringent, designed by its sharpness to make the convict feel that the way of the transgressor is hard, and to deter him from ever again committing a crime.

2. The second was social in its character and effects. In this the prisoners were distributed into small parties of six, such as might choose to be associated together, who were made responsible somewhat for one another, earning and forfeiting in common and at liberty to bestow their marks helpfully upon each other. Thus they were familiarized with the ideas of mutual responsibility and obligation to promote the common welfare, and with the wholesome effect of acts of mutual kindness such as obtain in helpful family relations.

3. The third part and its corresponding grade represented a state of comparative freedom. Each convict was allowed to have his own hut and garden, poultry-yard and piggery, the products of which he might sell to the officers of the colony, or to ships touching at the island. Being allowed in this way to acquire property of his own and made to feel at what cost of labor and pains it was obtained, it was hoped that the convict would learn to respect the property rights of others.

The system of administration thus outlined cultivated the self-respect of the prisoners and their sense of moral and so-



cial obligation. Captain Maconochie assisted its successful operation by his cordial manifestation of personal interest in the men and by suitable additions to the material and religious equipment of the colony. He improved the convicts' quarters so far as he was allowed to do so, supplied them with knives, forks, table dishes, pannikins, etc., that they might feed themselves like civilized people. He established schools for them and churches, and furnished them with wholesome books. He gave them prizes for assiduity in study, and by his constant presence and counsel directed their thoughts to noble aims.

His intention was that his marking and grading system should enable the convicts by superior conduct and industry to hasten their liberation by shortening their terms of sentence. He emphasized this as a very important part of his plan. But he was not allowed by the government to incorporate this feature in his reformatory scheme, and it was thus robbed, as he thought, of its highest potency. He was obliged to limit the operation of his system to the purchase of such inferior benefits as their circumstances permitted. But even when thus restricted in its operation, the system wrought marvels. One witness to its success says, "Captain Maconochie did more for the reformation of the unhappy wretches than the most sanguine mind could beforehand have ventured even to hope. He found the place a hell; he left it at the end of four years a well-ordered community."

But he experienced the fate of almost all reformers in being misunderstood and having his work misrepresented. The result was that he was not only grievously hampered and restricted in carrying out his plan, but called home to England, and "thus a most important, and as calm investigation afterwards proved a most successful, experiment was brought to a premature and hasty conclusion." Short, however, as was his

administration of the prison colony, it was long enough to prove the value of his method of prison discipline, and establish the correctness of the principles on which they were based.

The twofold marking and grading system which Captain Maconochie devised and put in operation there on Norfolk Island became a permanent addition to the science of Penology. This system and the Australian Ballot and some other social and economical experiments are great and notable gifts of that remote hemisphere to England and America. This system of prison management was continued with growing success by Captain Walter Crofton as governor in Norfolk Island after Maconochie's retirement from the office, and subsequently in Ireland in the so-called "Irish Prison System," which Crofton introduced there with extraordinary success. Later it was adopted as an integral part of the English prison system, and to-day it forms a prominent feature in the management of the Elmira Reformatory, of New York, of that of Mansfield, Ohio, and, in fact, of all the best American prisons.

It will thus appear that the causes of delay in the work of Prison Reform in England in the days of John Howard were not unaccompanied by good. The system of hulk imprisonment made more manifest the mischief arising from the indiscriminate association of prisoners, and emphasized the necessity of carefully separating and isolating them at night by confinement in separate cells. The system of transportation, with its attendant abuses and horrors of assignment, chain gangs, and penal colonies, relieved only by the one bright episode of Captain Maconochie's administration at Norfolk Island, demonstrated the fact that two things must be constantly kept in mind, and their great importance magnified in prison discipline, viz. the reformation of the convict and the pre-

vention of the spread of crime because of the contaminating association of prisoners. Lose sight of the first, or neglect the proper means of accomplishing it, and the prison hardens, and greatly and rapidly increases the depravity of the convict until it becomes an infernal place; lose sight of the second, and crime spreads, as a plague spreads, until it grows to be an awful calamity imperiling the dearest interests of society. The chain gangs and the penal colonies connected with the transportation system demonstrated, also, that chains and whippings and rigorous treatment in the management of prisoners are far less efficacious in their reformatory influence than kindness and moral suasion. Brutal treatment brutalizes to a savage and reckless ferocity; humane treatment with suitable moral and religious teaching appeals to the better nature and kindles into life the latent sparks of manhood.

Transportation to New South Wales lasted until 1840, when it was stopped by the energetic opposition of the colony, unwilling to be made any longer a receptacle for the criminal sewage of the mother country. It continued to Van Dieman's Land in modified form until 1852, and to Western Australia until 1867, when the "Australian League" compelled its entire cessation from every portion of those Colonial possessions of Great Britain.

The Transportation System forms an interesting chapter in the history of Penology. The ideas and theories which so long supported it were delusive, and many terrible consequences resulted from the mistake: but it furnished such valuable object-lessons that the evil wrought was partly counterbalanced by the good received, and this good became a permanent contribution to the science of Prison Reform.

Going back in our story of Prison Reform in England to

the point from which digression was made to speak of the causes that interrupted it, we now will resume this story at that point, and carry it forward as rapidly as possible by a brief consideration of the principal stages by which the reform advanced. We will indicate these stages under the names of different epochs which suitably and fairly well describe them.

I. *The Epoch of Philanthropic Effort.* This epoch covers the period from 1773, when Howard was made sheriff of Bedfordshire, to 1820. Howard's great work was embraced in it, and may be justly deemed as the most important of any. He was both the pioneer and the chief actor in this endeavor to improve the condition of prisons and promote the reformation of their inmates. His is the unquestioned honor of having aroused the attention of mankind to the subject in modern times. But he aroused them apparently only that they might relapse again into careless indifference. During the quarter of a century that succeeded his death no marked progress was made. One imitator of Howard, Mr. Neild, who endeavored to push on the work, said in 1812, that "the great reformation produced by Howard was merely temporary," — the old conditions of overcrowding and indiscriminate intercourse remained unchanged, — "prisons were relapsing into their former horrid state of privation, filthiness, severity, and neglect." Yet there was something attempted by government. The costly Millbank prison was erected, and Acts for the welfare of the prisoners were passed, — one for their classification and the separation of the males from the females, and provisions for the better management of the prisons, special enactments for "their cleanliness, ventilation and the proper supply of food, clothing, and bedding." These Acts, however, were ignored and neglected by the prison officers, so that the

good they were aimed to produce failed of accomplishment. But great and sorely needed reforms seldom fail. Though such recessions and stops occur, they are like those of the advancing tide.

Relief came from a voluntary association of philanthropists composed largely of members of the Society of Friends, who probably got the idea and pattern of their organization, "The Prison Discipline Society," from the Philadelphia Society that has been referred to. The members of this association, imitating the example of Howard, went up and down the country inspecting prisons, questioning prison officials, and making their lives miserable by the searching questions, indignant remonstrances, and published exposures they made, or threatened to make, of the abuses and mismanagement they discovered. The labors of this association were effective and influential. The celebrated Sir Thomas Fowell Buxton — co-worker with Wilberforce in the abolition of slavery — was a member of this association, and published an able work, "Inquiry into Prison Discipline," which assisted their cause. It was in connection with the efforts of this association of Quakers to improve the condition of prisoners that Mrs. Fry, sister-in-law of Buxton, and a member of their religious body, entered upon and accomplished her remarkable work among the female prisoners of Newgate Prison, London. When, in spite of the dissuasions of the keepers, she first visited their ward, she found it "like a den of wild beasts, swearing, dancing, yelling, and justly deserving its name of 'hell above ground.'" In a short time, by personal intercourse, kindness, and instruction, she tamed those wild, fierce creatures into well-behaved women, changed that "hell" to "a scene where stillness and propriety reigned," got them to work, and effected results so extraordinary that a visit to the Women's

Ward of Newgate to behold the marvelous transformation that had been wrought, became one of the fashionable sensations of the day. Through the labors of Buxton and Mrs. Fry and their coreligionists of the Prison Discipline Society, certain important principles for the management of prisons were strongly emphasized and advocated, which in time were enacted into laws.

II. *The Epoch of Improved Prison Legislation (1820-40).*

Among the laws enacted or reenacted in this period were the following: that only female keepers should have charge of female prisoners; that male and female prisoners should be confined in separate buildings; that prisoners of both sexes should be kept constantly employed—some at “hard labor”; that they should be given school teachers and religious instructors; that the use of fetters or irons, except in cases of urgent necessity, should be forbidden; that besides safe custody it should be deemed essential to guard the prisoner’s health by cleanliness and proper diet, and that his reformation through the moral and religious instruction given him be constantly aimed at and hopefully labored for.

The members of the Prison Discipline Society not only labored perseveringly to obtain these laws, but they strenuously exerted themselves to have them executed. They more and more frequently visited the prisons, to see whether they were observed, and when they found them ignored, they spurred up the delinquent officials and prison authorities by various threats and expostulations.

One great obstacle to general reform was the fact that a large number of prisons lay beyond the reach of the law from belonging to corporations and powerful proprietors, who claimed a vested right in them. A bishop or a great noble

might thus hold a prison under his control in which the worst abuses were found but for this reason could not be touched.

Among the various Acts of Parliament that were passed in the Epoch of Improved Prison Legislation, that of 1836 was especially important. It was the result of careful investigations by select committees of the House of Commons and the House of Lords. These investigations were extended across the Atlantic Ocean to the United States, whose superior methods of prison discipline had been studied with admiration by De Tocqueville and recently published to the world in his "Democracy."

To verify the observations of the distinguished French traveler, and to appropriate what was best in the systems lauded by him, Mr. Crawford, a member of the Committee of the House of Commons, was dispatched to this country. He visited the famous Eastern Penitentiary, completed five years before, and studied "the Pennsylvania System," of complete solitary confinement, employed there. He visited also the penitentiary at Auburn, New York, and studied the "Auburn System," i.e. the silent associated system found there, in which the prisoners labored in association under a rule of silence, but had separate cells at night.

Mr. Crawford was most favorably impressed by the solitary system then in use at the Eastern Penitentiary of Philadelphia, regarding it as "an efficacious mode of prison management," and saying, "If circumstances admitted I could not too strongly advocate its application in Great Britain . . . under modifications that would divest seclusion of its harshest character." The *harshness* hinted at by Mr. Crawford was seen in some of the disastrous effects of its application. Auburn had tried the Pennsylvania plan of solitary confinement, but provided no employment for the convicts, the cells

not being large enough to permit it. On that account the experiment had failed. The prisoner seeing no one, speaking to no one, and having no work to occupy his mind, — his mind preyed upon itself and grew depressed and moody — his health became impaired, and many became insane. Some relaxation of the isolation used seemed necessary, and out of the need of change Auburn had devised her own system, of isolation only at night and of association in labor with the rule of silence by day. But in the enforcement of this rule of silence some abuses had been committed to discredit the system. The keepers had used the whip harshly without any check. The quantity of punishment inflicted was according to their brutal pleasure and there was no appeal. Frightful excesses were possible and had actually been committed. Weighing the merits and demerits of the two systems, Mr. Crawford thought the Pennsylvania system the better of the two and so reported. It should be a gratifying fact to us Americans that the prison system eventually adopted by Great Britain, and which has now been in successful operation for several decades, contains features borrowed from both the American systems above mentioned. Both systems were agreed in allotting a separate cell to each prisoner, as Howard had recommended, and isolating him in it by night. And in the three stages into which the sentence of the English convicts is divided according to Captain Maconochie's method of discipline, the first stage — usually short, about nine months, — is one of complete isolation from other prisoners, patterned after the solitary system of the Eastern Penitentiary of that time; and the second — covering the greater part of the period of confinement — after the silent associate labor system of Auburn. The Auburn system of isolation by night and associate labor,



worship, meals, and school work has been adopted in most American penitentiaries.

Mr. Crawford's Report, indorsed by the other members of the select Committee, strongly recommended as an imperative necessity the confinement of prisoners in separate cells. The English government adopted this Report with its recommendation, and the article relating to it is the most notable feature of the Act of 1836. It commanded that the poorly classified congregate mode of keeping the prisoners then existing be replaced by the entire separation of the prisoners except during divine service, labor, and instruction as the best means of preventing contamination.

Besides this important article the Act contained another for the appointment of National Inspectors of the prisons who should ensure the fulfilment of the requirements of the law as to the treatment of the prisoners and prison discipline in general, seeing that wise and good statutes previously enacted had proved a dead letter because they had been neglected or evaded by prison officers. The article in the Act of 1836 in regard to the separation of prisoners was reaffirmed in 1839 with increasing emphasis. There was required for its execution a great increase of prison accommodations and a new style of prison architecture. It naturally led to the next epoch in the history of the Progress of Prison Reform.

III. *The Epoch of New and Improved Prisons (1840-53).* The English government, to furnish a model prison that might be copied by local authorities in different parts of the realm, erected the famous Pentonville prison, opened for use in 1842. Its erection was superintended by Sir Joshua Jebb, who, in view of the fact that it answered the design of presenting a model for the erection of other needed prisons and that in six years fifty-four new prisons were built after its pattern

in different parts of the realm, affording 11,000 separate cells, has been called by an English writer "the author and originator of modern prison architecture." But our American penologists hold a different opinion. Mr. M. J. Cassidy, for many years warden of the Eastern Penitentiary, after visiting Pentonville, and being "taken through the principal parts of the structure," says, "The ground plan is taken from the Philadelphia prison."<sup>1</sup> This and other testimonies warrant the belief that Mr. Crawford the English Commissioner, admired the prison building he saw in Philadelphia as well as the system of prison discipline there used, and that through his influence the building was adopted as a model for the Pentonville prison. They closely resemble each other in their most important features, and both of them have a resemblance, though not so close, to the *Maison de Force* of Ghent, which Howard visited and admired. We are not far from the truth probably in thinking that modern prison architecture is an evolution from the work of many men rather than the sole or principal invention of one.

IV. *The Epoch of Penal Servitude* (1853-77). "Penal servitude," to adopt an English phrase, is a form of prison discipline devised on account of the failure of transportation. As that failure grew more and more apparent and the clamor against it more vociferous, the English government directed its attention to the discovery of a substitute for it. "The Penal Servitude" system was first announced in 1853, the year after the abolishment of transportation to Van Diemen's Land. This system divided the convict's sentence, or term of punishment, into three parts:—

1. A period of separate, solitary confinement in some peni-

<sup>1</sup> See Proceedings of the Annual Congress of the National Prison Association for 1891.

tentiary like Pentonville, combined with industrial employment and moral training — all very much like the solitary system then used in the Eastern Penitentiary.

2. A period of hard labor in association upon public works, such as dockyards, fortifications, harbor improvements, the construction of new prisons and other public buildings. Though associated in labor during this time, they labored in silence and were kept in separate cells at night, the discipline of this period resembling that of the Auburn system.

3. A period of conditional freedom, in which the convict was given "a ticket of leave" by the prison authorities, and was allowed, if he behaved himself, to go at large for the unexpired part of his term of sentence. The expectation was, that the reformatory discipline of the first two periods of his term of sentence would be found so effectual that he could be safely released, — that he would show himself now to be an honest man with no disposition to return to a life of crime.

This expectation, however, was to a considerable extent disappointed. Many relapsed into crime and their numbers became so great, and their misdeeds so flagrant (cases of garroting and robbery) that a great public outcry was raised through the newspapers against a system which let loose such incorrigible desperadoes to prey upon society. This outcry led to a special investigation by a Parliamentary commission appointed in 1863.

Singularly enough and happily, another experiment in prison discipline was then being tried in Ireland, whose superior efficiency as shown by its successful results, indicated what was needed to correct the defects of the English system. This experiment in Ireland is known in the history of Penology as "the Irish Prison System." It was inaugurated in Ireland by Captain Walter Crofton (afterwards knighted and

made Sir Walter Crofton for his good work), who had been associated at Norfolk Island with Captain Maconochie in his remarkable work there, and had succeeded him as governor of that penal colony, adopting and successfully carrying out in his own administration the principles and method which Maconochie had originated. The Irish Prison System was largely an adaptation of Maconochie's system to the prison management of Ireland with features similar to those of "the Penal Servitude System of England." Like Maconochie's and the English systems, it divided the prisoner's term of sentence into three stages: (1) a *penal* stage of solitary, separate imprisonment for nine months; (2) a *reformatory* stage, with separation at night, and associated labor on public works by day; (3) a *testing* stage, designed to prove the efficacy of the preceding discipline and to serve as a period of natural training which should prepare the prisoner for full liberty. But to these general features, common to both, Captain Crofton had added to the Irish system special features in method of procedure adopted by him to accomplish the desired aim, which clearly differentiated it from the other and gave it success where the other had failed.

1. The first, or penal, stage, of nine months, passed at Mount Joy Prison, near Dublin, was made severe, *benevolently severe*, to emphasize the evil consequences of crime, to make the culprit taste its bitter fruit and deter him from it in future. The cells, in which the prisoners were isolated (after the Pennsylvania method) were bare and cheerless, no ornaments of any kind allowed, and but few comforts and conveniences. The furniture consisted of a bare table and stool chained together and a strong box-like bed, with a board or plank top four inches high, six feet long, and twenty inches wide. This box-bed swings across the cell on hooks about eighteen inches

from the floor when in use at night; by day it stands on end against the wall with the bed-clothes folded on top. A rug on the box-top and two blankets at first make the bed hardly comfortable, but a thin mattress is soon added as the reward of good behavior. A tin wash-basin, a tin drinking-cup, and a tin mess-pan form his only dishes. His food is plain and nutritious, but with no seasoning of salt, pepper, or sauce to make it more palatable.

The work done is easy, such as the making of mats and matting and of coarse shoes and clothing for the prisons and their inmates. They are not overtasked, and there is a gratuity given at the discharge of the prisoner, which, however, may be forfeited by misconduct. The work was designed to preserve them from the demoralizing effect of idleness, and to allow them room for wholesome reflection, which is assisted by the moral and religious teaching given them. The reformation of the convicts was hoped for and constantly labored for in all the stages; and the staff of prison officers, carefully selected, was composed of men who heartily concurred in this endeavor.

2. The second stage was still more reformatory, and expressly called so. It was progressive, like Maconochie's at Norfolk Island. Its course of discipline was divided into three grades. Spike Island, in Queenstown Harbor, was the place where the prison was located in which this stage was passed. The once famous prison, which was the scene where two-thirds of Sir Walter Crofton's system was enacted and achieved its success, is no longer standing. Into the lowest grade of this second stage, the convicts sent hither from Mount Joy Prison when they had accomplished the first stage of their sentence there, were received. They were incited to rise from grade to grade until the highest was reached and suc-

cessfully passed by industry, study, and good conduct. Those who had no trade, by which, when discharged, they could earn an honest living, were taught one; they were kept healthfully busy, not overworked, and besides the hope of shortening their term of confinement they were rewarded with a gratuity at their discharge and a recommendation to some place of employment previously secured for them. The incentives used were entirely moral. There was no physical constraint, no flogging, no fetters, or galling irons. Their self-respect was encouraged and fostered, they were treated as men, not as brutes; but their fate was put into their own hands, to rise to the enjoyment of privileges and a speedy release by good conduct, or to remain in their state of privation and unrelieved captivity through their own persistent misbehavior. The mark system, devised and used with such good effect by Captain Maconochie at Norfolk Island, was employed by Captain Crofton to stimulate and measure the progress of the convict.

3. Having reached the third stage of his sentence, the convict enjoyed a semblance of freedom. The scene where this part of his sentence was enacted was Lusk, a rural community twelve miles from Dublin. No fixed locality was necessary or important, provided it were healthful and favorable to his moral amendment. No walls or prison bars confined him; no armed guard prevented his escape if he was disposed to run away; no prison garb showed that he was a convict. There was now no check of social intercourse with his companions. The convicts worked in small parties with their wardens and teachers, as men on farms, or in building a house, work with their bosses. The appearance of servitude was almost entirely avoided. They were permitted to go to church, to attend lectures, to go and come on various errands to the village. Thus the efficacy of their reformatory disci-

pline was tested and they acquired strength and reliability of character. The length of this third stage was indeterminate, dependent in part on the good conduct and reliability of character shown by the convict, and in part on the ability of the officer, James Organ, who had charge of the place-bureau to find him a situation.

By good behavior during the term of his sentence, the Irish convict, as well as the English convict, then and now, could considerably reduce his term; one year and a month in a term of five years; two years and four months in a term of ten years; three years and seven months in a term of fifteen years. His freedom, however, was not absolute until the very end of his legal sentence. Provided with a license, or ticket of leave, he was allowed to go out *on parole* to work for himself, but he continued under the surveillance of the police, to whom he was required to report every month and whom he promptly notified of any change in his residence, under penalty, in case of neglect or failure, of having his license cancelled and being recommitted to prison. This provision for police surveillance until the end of the term of the convict's sentence was a strong cardinal point in the Irish system. It operated as a great deterrent from relapse into crime. Being photographed, and there being a record of his past offenses kept, any further crime on the part of the convict was almost sure to be detected and visited with severer punishment. The hazard in a return to his old courses, and the dread of the inevitable consequences attending the discovery of it, created a strong motive to abandon them and lead a different life.

The efficiency of the Irish system was shown by its fruits. At the end of ten years from its adoption the total number of discharged prisoners was 4960. Of these only 12½ per cent relapsed into crime. The remaining 87½ per cent disappeared

entirely from Ireland's criminal class, through having reformed and become respectable citizens, and by emigration, which took away probably a considerable fraction.

The Parliamentary Commission appointed to consider the question, "What is needed to improve the English Prison System?" having before them the example of the Irish Prison System, with its remarkable success, naturally concluded that the thing needed was to incorporate into the English system the special features of the Irish system. This was substantially what they recommended, and this was what was done.

They greatly increased the severity of the first, or penal stage, to deter the convict from future crime; they introduced into the second stage, with its three grades, the mark systems, devised by Maconochie and perfected by Crofton, — to stimulate his efforts to rise; they added to the third stage, with its final parole under a ticket of leave, police supervision to the end of his term and assistance to secure immediately when discharged from custody, a situation in which the convict could earn his own living by honest work. This last function, performed so successfully by Mr. Organ under the Irish system, is deemed indispensable among the measures of reform. If a prison has no officer to whom it is especially assigned, it should have its "Prisoners' Aid Association" or "Prison Gate Mission."

The English prison system, thus modified and strengthened in 1864, has come down with but few alterations to the present time. Its success has been remarkable. From the time of its adoption in 1864 to 1885 the average yearly number sentenced to penal servitude went down one-half, though the population of the country had increased, meanwhile, from 20,000,000 to 26,000,000. This falling off was due chiefly to four things:—

1. To the deterrent and reformatory effect of her revised



prison system, the successful operation of which, however, was largely due to the excellent staff of officials in charge of it. "The first care," Howard said in his recommendations for the improvement of England's prisons, "must be to find a good man for a jailor — one that is honest, active, and humane." The experience of mankind in prison management confirms the wisdom of this requirement: the most eminent penologists agree in respect to it.

"From the time when the English government took seriously in hand the reform of the prison system [says Sir Edmund Du Cane] their efforts have been directed to forming a good staff of officers as a matter of the first consequence, and *these appointments have never been considered the subject of political patronage or private interest* [my italics]. This feature might indeed be considered one of the leading characteristics of the English prison system, and to which it owes in great measure its success."<sup>1</sup>

Such a staff of officers ensures a better administration of the prisons. "My observation of European prisons," says General Roelif Brinkerhoff, "brings me to the conclusion that whatever superiority they have over us is due to a superior administration."

2. The efficiency of her judicial system in the administration of justice, by which crimes against property and person are promptly investigated and punished upon conviction. Her laws and judges do not tolerate the challenging of jurors for small cause, or no cause, and facility of appeal from court to court such as we are too familiar with in this country. The cost, procrastination, and weariness thus encountered, defeat the purpose of our courts, and encourage in criminals the hope of escaping punishment. This emboldens to crime, while certainty and swiftness of punishment tend greatly to repress it.

3. The influence of reformatories and industrial schools. These sprang into existence nearly all over England during

<sup>1</sup> *The Punishment and Prevention of Crime*, p. 187.

the decade preceding that in which the English government was wrestling with the problem of effective treatment of crime. The rise of these schools was due mainly to the efforts of Mr. Barwick Baker of Hardwicke Court, Gloucestershire, assisted by Mr. George Bengough, a young man of fortune with an income of £10,000 a year. With a philanthropic spirit like that of John Howard, this young man offered himself as a helper in the enterprise of starting a reformatory school in 1852 for juvenile criminals on Mr. Baker's estate. Mr. Bengough became a teacher of the boys, living with them as their companion and friend. The method employed was moral and industrial. They sought out the leaders among the bad boys, and bestowed upon them special attention. For some time the work was carried on almost secretly on account of their misgivings as to their success. Soon it attracted attention and many visitors, — among them members of Parliament. A paragraph in regard to its work and amazing success appeared in the *London Times*. The fame of it was thus spread abroad, and similar schools were started in every county in England, with the result that between 1856 and 1862 there was a reduction made in the number of juvenile offenders of six thousand a year, which soon was followed by the great diminution of adult criminals reported as attendant upon the newly reorganized prison system, whose success, however, unquestionably was assisted by the reformatory and industrial schools thus recently started.<sup>1</sup>

4. A more earnest effort on the part of prison officials and voluntary benevolent associations coöperating with them, to aid discharged prisoners. Every English prison has its "Aid Society" or "Prison Gate Mission." There are more than

<sup>1</sup> See T. Barwick Baker, *War with Crime* (Longmans, Green, and Company).

seventy of these in England. They have been found exceedingly effective in the work of saving the convict. A forlorn outcast, handicapped by the weight of shame and distrust resting upon him, his efforts to earn an honest living baffled at every step, unless he can soon find a friend to help and encourage him, he is driven to begging, or starvation, or stealing, or suicide. Such a friend, many tongued and influential, the Prisoner's Aid Society or Prison Gate Mission offers him. It does not wait until the wretched man knocks at its door. It anticipates his sorry plight. Knows before his discharge when he will come out of prison, what needs to be done, and is ready to receive, befriend, and aid him. The aid given is seldom pecuniary, but such as is found in a chance to work, or a temporary home until such a chance is found, and in personal interest, sympathy, and counsel.

One more crowning epoch remains to be spoken of:

V. *The Epoch of Centralized Management by the National Government.* During the progress of Prison Reform through the century the efforts of the government through its various Acts of Parliament to improve the condition of prisons and their discipline had been frustrated by the neglect of jailors and the diversity of practice existing in different jails and prisons from their being under the management of local authorities. Owing to this cause there were many and wide differences among them as regards construction, diet, labor, and general discipline, resulting in an inequality, uncertainty, and inefficiency of the correction given that was mischievous. The separation of prisoners was not universal nor their classification careful. In some localities they were allowed to associate together, old hardened culprits and young reclaimable offenders, with the inevitable corrupting effect; the punishment was light, the dread of it small, and crime, instead of

bearing a merited stigma of disgrace, was gloried in and flourished unchecked. In other places the treatment was harsh and brutal, and the prisoners, feeling that they were cruelly and unjustly treated, had every impulse to penitence and reform extinguished in the burning desire to avenge their wrongs upon general society or the particular community that had inflicted them.

These considerations led to the enactment in 1877 of a Prison Bill which placed all the jails and prisons of the realm under the control of a Prison Commission appointed by and responsible to the Home Secretary. The Commissioners were given power to close superfluous prisons; to establish in all one system of discipline; to introduce and maintain such uniformity in cellular separation, diet, labor, and treatment as would make the discipline of the prisoners uniform in all; and to introduce such means of moral improvement and industrial training as the most approved experience might suggest.

This concentration of the administration of prisons within the hands of a Prison Commission responsible to the Home Secretary furnished the various Prison Acts with an efficient executive, and has resulted in a great amelioration of the condition and management of the prisons. The prison officers have been improved by more careful selection and vigilant supervision, the prison discipline made more effective, the repression of crime more successful, and the prison system of England, for these reasons, the most efficient on the whole, probably, of any in the world.

This Act, passed in 1877, just one hundred years after the publication of Howard's book on "The State of Prisons in England," completed the work of Prison Reform which Howard there advocated. The principal recommendations he advised, in regard to the classification and separation of prisoners, and

the construction of prisons providing for this separation; in regard to their employment in useful labor, and being taught trades, if they had none, to enable them to earn an honest living; that good conduct be rewarded by an abridgment of the term of sentence; that the true purpose of penal treatment should be to reform the criminal and protect society from his misdeeds rather than to punish him; that a kind and humane treatment combined with moral and religious instruction is more likely to secure his reformation than harsh treatment; and that the prison officers be good men, carefully selected for their fitness to perform their delicate duties, whose tenure of office shall not be disturbed by anything except incapacity and misconduct,—these have come to be recognized as fundamental principles of penology and observed in the administration of English prisons.

To secure this good result, how long and weary has been the way traversed, how pathetic the scenes presented in the course of it, and how honorable to human nature the heroism, the patience and perseverance, the self-denying efforts and labors required to accomplish it! May they not be made vain through the forgetfulness or carelessness of those charged with the obligation to keep unimpaired, and improve, if possible, the good they have inherited.

In a future article the writer proposes to treat of the prisons and prison discipline in the United States, and of the practical changes that are demanded, in our dealing with criminals, for a more successful "War with Crime" in this country.