## "CHERRY BILL."

Continued from the First Page,

those great interests which are dependent on public morals and conservative principles. Intimately connected with such duty is that legislation which prevents and punishes offenses against persons and property, and gives to all the greatest security in the possession of the rights and privileges which mark all enlightened civilization.

It is assumed as impossible that there can be two different standards of integrity—one of which governs the private citizen, but has no control over public action. How best to secure these results is a study for earnest practical minds, and all aids that may assist such, either in individual effort, or in public council, should be welcomed as valuable contributions.

In the year 1860, there was a total of 647 convicts In this penitentiary. 113 were illiterate; 121 could spell and read; 401 could read and write; 12 had a good English education.

Of these 647, 195 had parents living; 199, parents dead; 95, father living; 155, mother living.
In the year 1870, there was a total of 953 convicts in this Penicentiary, of whom 265 were unable to There were 315 convicts received during the year

1870. Of these 62 were illiterate; 80 read only; 223 could read and write. could read and write.

Of these 315 convicts, 169 had parents living; 94, parents dead; 40, father living; 72, mother living.

Taking the above statement as a comparison for a period of ten years, the following facts are also suggestive:-

of the 315 prisoners received into this Penitentiary during 1870, 164 were born in Pennsylvania: It will be conceded, after an examination of the foregoing statements, limited as they are to the very small number of individuals sent to this State Penitentiary, that a similar statement comprising the population of the State would be of great value. population of the State would be of great value. Reliable returns could be obtained from all the justices of the peace in Pennsylvania, of the whole number of arrests of persons charged with criminal offenses—the crime charged—and the disposition by the justices of these cases. By the records of the courts of each county in the State, it will appear how many of these cases were returned by the justices to court for trial, how many were accounted by the just how many convicted and the by the justices to court for trial, how many were acquitted by the jury, how many convicted, and the sentence of the court in each case. It would require comparatively little trouble to ascertain the age of these persons, and whether they had gone to school or had learned a trade. From these returns the Legislature would be enabled to consider the important subject of establishing county prisons for first offenses, and short sentences of the young offenders. Also the effect of imprisoning such at their homes, or domicil, or where the offense was committed. Sentencing such where the offense was committed. Sentencing such to a State Penitentiary, and placing on them in their youth the character of convict, when it may be that the intention to commit crime and the opportunity of committing it were not prevented from coming in contact for want of discretion, might then be

in contact for want of discretion, might then be open to grave question.

In 1850, the total population of Pennsylvania was 2,811,786. Of these 1865 were insane, and 1432 idiotic. There were 9606 public schools, colleges, and private schools and academies in the State, at which 440,743 pupils were in attendance, as reported by the census of that year. The same census, however, elsewhere reports the whole number attending school to have been 504,610, and that 76,272 adults could not then read and write. By the census of 1860 the total population of this State is given as 2,906,215. Of these 2760 were insane, and 1842 idiotic. Unfortunately there is no information to be obtained as to the schools and pupils in the census of 1860, as to the schools and pupils in the census of 1860, as

The total population of Pennsylvania for 1870 is 3,515,992. By the State report of Pennsylvania it appears that in 1870 the number of school districts in Pennthat in 18.0 the number of school districts in Fenn-sylvania were 2002; the number of schools, 14,212; the number of pupils, 828,891; the average number of pupils, 555,941; at a "total cost, including ex-penditures of all kinds," of \$7.771,761 20. In the city of Philadelphia there were 330 schools;

"whole number of pupils registered," 133,839; average attendance of pupils, 71,629; "total amount expended for school purposes, \$1,227,744-63."

By the politeness of the Hon. John Scott, United States Senator from Pennsylvania, and Mr. James A. Walker, the Superintendent of the Census, the following information has been obtained from the

Census for 1970:—
The whole number of public schools in Pennsylvania is 13,782; the number of male pupils, 355,796; female, 350,775; income raised by taxation, \$5,547,004; The received from public funds, \$306,124. The total number of private schools, 541; male pupils 21,457; female, 25,668. Number of colleges, academies, and kindred institutions, 208; total male pupils, 15,196; total female, 6770. Total population of Pennsylvania by "first enumeration," 3,449,248; by "second enumeration," 3,515,993.

Evidence on this branch of the subject is very difficult to be obtained. The most reliable at head difficult to be obtained. The most reliable at is contained in the following tables, from the and 39th Beports of the Inspectors of this Peniten-tiary to your honorable bodies:—

Then follows a comparative table exhibiting some of the characteristics of convicts, natives of Penn-

With those received from 1904 of	Lond, circle:-	
	Received from 1854 to 1866. 1814	Inc'e.
White males	1058	486 25
Colored males	198 19	30
Educational.	221 195	57
Read only	898	399
Against property683	1109 205	456

Another table shows the number of 626 convicts in Another table shows the number of 626 convicts in confinement during 1867, who attended public and private schools, and likewise those who never went to school, and from which we learn that % of the whole number (626) attended the public institutions of the State; 2-8 private seminaries; and that % never went to school at all. Another statement shows the average age of 154 unapprenticed convicts received during 1870 to have been 25°8 years—the average age of 46 minors being 18°3 years, and of 168 adults, 28°7 years. Another statement exhibits that of 1950 unapprenticed convicts (minors and adults) received from 1860 to 1869, 386, whose and adults) received from 1860 to 1869, 366, wages averaged 26 7 years, were illiterate; 253, wages averaged 26 8 years, could lead only; ose ages averaged 273 years, could read and

From 1850 to 1859 inclusive, the whole number of prisoners received into the peniten lary was 1605, o whom 243, or 15:14 per cent., were illiterate: 247, o 15-79 per cent, could read only; 1115, or 69-47 cent, could read and write. Of this whole nur 1917, or 15 82 per cent, were quapprenticed.
During the decade from 1860 to 1869 inclusive, the whole number of prisoners received was 2383, of whom 410, or 17:21 per cent., were fliterate; 296, or 12:42 per cent., could read only; 1677, or 70:37 per cent., could read and write, and 1950, or \$1.83 per cent. were unapprenticed.

It is but too apparent, from the foregoing exhi bits of statistical information, that some State au-thority should be charged with the duty of collecting and systematically arranging, year by year, the facts to be derived from authentic sources as to the social condition of the population of Pennsylvania, particularly as to crimes, education, pauperism, the ages of convicts, and their labor training.

It is most respectfully audmitted that unless the causes of the influences which produce abnormal social conditions, as well as the actual conditions of society itself, are investigated, special legislation is without any real advantage to the interests of society, and will be inadequate to correct thes protect the public, prevent crime, punals, and practically to educate those who come vicious first from idleness, and thus become

So short a period has elapsed since the "Com mutation Law, as it it is styled, has been in opera-tion, that as yet no opinion can be given on its practical benefits to the convicts. By this law, the good conduct of the prisoner is made what may best be described as a statutable recommendation to the Governor, who by an Executive order directs the prisoner to be discharged before the expiration of the time for which he was sentenced by the courts. The table presented shows, that of the 263 prisoners discharged by the law, 8 cl per cent, have been reconvicted. It may be remarked that the proposition of victed. It may be remarked that the probable pur-pose of this law, where it was first introduced, was to aid in the control of convicts in con-gregate prisons, whose good conduct earned the premium realized in shortened terms of imprisonment. Those on whom the law operated were induced to bring themselves within its provisions by a watchful oversight over their fellows, in sions by a watchful oversight over their fellows, in order either to give notice of intended violation of prison rules, or to exempt themselves from any supposed combination with others intending to violate them. Be this as it may, it was a labor-saving machine so far as supervision and control are in cessary for congregated convicts. This law was in force in remarkanta on the 2th day of July, 1869; and white 328 convicts, from that period till alst of December, 1870, were discharged by its provisions, only 25 were in the same time discharged by expiration of their in the san a time discharged by expiration of their

It will be observed by the returns made by the Inspectors in this report that a large number of prisoners have been sentenced for hou sually long terms of imprisonment. These were for crimes of the highest grades, and the indi-viduals are reported to be men of danger-ous characterin society. When it is known that by

the Commutation law a ten year sentence can, by the "good conduct" of the prisoner, be diminished by at least 23 months, based on the ratio directed in the law, there is no real advantage to the public from these sentences. The words of the law are:—"One month on each of the first two years, of two months on each succeeding year to the fifth year, and of three months on each following years to the tenth year, and of four months on each remaining year of the term of their sentence." It has never been the opinion of the Inspectors of this Penitentiary that long sentences to this institution, or any penitentiary on the separate or individual treatment system, are productive of benefits to the State or the convict. The certainty of punishment is more to be regarded than its duration, so far as society is protected and the Commutation law a ten year sentence can, by than its duration, so far as society is protected and crime punished by the example of convictions of crime punished by the example of convictions of offenders. Time is no true element in punishment by imprisonment. Long sentences do not reform the individual, nor protect the public security, nor produce that fear in the crime class which prevents their committing crime. The fact that every offender is punished for his crime has the effect which is sought to be produced by penal laws.

In the Massachusetts State Penitentiary, during the year ending Sequember 30, 1876, there was a

In the Massachusetts State Penitentiary, during the year ending September 30, 1876, there was a total population of 174 convicts. Of these 63 were pardoned. The sentences of 6 of those were for life, 6 for 10 years, 2 for 20 years, 2 for 10 years, and the others for from 1 to 10 years each. The better way to state it will be to say that of 57 prisoners, the 6 for life omitted, the average sentence was for 7 years, 3 months, and 11 days, while the time served when they were pardoned was 4 years, 2 months, and 8 days. It is not, therefore, a and 8 days. It is not, therefore, a patent remedy for helious offenses that the convict is sentenced for long terms, or even "for life" imprisonment, in that State, where, it is to be presumed, the action of the public suthorities is governed by integrity, wisdom, and intelligence.

It is stated that the Executive of the State of New York, during the year 1870, issued 85 pardons, 84 commutations, and 1 reprieve. Of the pardons, 16 were on account of ill health; 5 insane; 10 innocent; were on account of ill heath; 5 insane; 10 innocent; and 8 for discovering plots among prisoners. Of the pardoned prisoners, 2 were sentenced for 20 years; 5 for 15 years; 9 for 10 years; 1 for 19 years; 2 for life; and 3 were sentenced to be hung. All but two were sentenced since 1850.

No reference is here made to 'the "commutation"

for shorter periods of imprisonment than the sen-During the year 1870, of the 953 total population in this Penitentiary, 14 were pardoned. Of these, 13 were by the State of Pennsylvania, and 1 by the United States; for ill health, 0; insane, 0—all 14 for

special reasons.

The average term of sentences was 3 years, 9 months, and 23 days: and the average term served, 1 year, 8 months, 1 day.

To a prison on the separate system, the average sentences for the lesser degrees of crime, when punishment promptly follows the offense, might be fixed at two years as the maximum, while a five years' sentence in most cases might be sufficient for those offenses in the commission of which human life was not put in peril. For young offenders, for their first offense, it is very questionable if any ad-vantage results to society or the individual by a longer imprisonment than one year, unless for ex-

ceptional cases.
It is to be remarked that the primary object of a wise administration of penal laws regulating the punishment by imprisonment of individuals should be to prevent the creation of a crime-class by the association of convicts in communities, after their imprisonment is terminated. The consequences resulting from such a state of things are to be feared, since, by this association, desperate men, each known to the other to have been a convict, conspire to commit crimes, and by this association they more easily escape arrest and defy conviction. The separate system of imprisonment, on this ground, is a protection to the public, while it presents the best opportunity for introducing to the convict's atten-tion those reformatory agencies which it is the part of Christian benevolence ever to hold out to the just and the unjust.

and the unjust.

The inspectors feel justified in calling to the attention of the Legislature the most gratifying fact that, in other States, some of the prominent features of the administration of the Pennsylvania system of penitentiary discipline are receiving both recognition and approval.

For many years past the Inspectors, in their an-

nual reports to your honorable bodies, have given the convictions of their judgment, from practical experience, that the government of penal institutions should be intrusted to those whose capacity knowledge, experience, and integrity alone qualify them for such responsible duties. It has been found in this Penitentiary that honesty and capa-city, with intelligent observation of the practical working of the system of punishment on the part of the executive officers, were essential to secure the purposes of penitentiary discipline. Frequent change in the executive officers, or their selection on any other recommendation than fitness and fidelity, has ever been condemned as most injurious to the interests entrusted to the inspectors to guard Almost alone in these opinions for so long a period of time, it is now with great satisfaction the in-spectors learn that the Prison Discipline Association of the State of New York, in a public meeting, adopted a "Memorial" to the authorities of that State, which thus gives testimony in support of the Pennsylvania practice in this respect:-

"The remedy which the association proposes is a radical one, involving an entire change in the organization of the government of the prisons. Their examination has extended over the whole period of the existence of the present form of that government. They say:—
"By the Constitution, all the State prisons are put wholly under the government of three inspectors, who hold office for three years, and are elected one every year, and who superintend the State prisons and appoint all the officers therein. They are called inspectors, but are in fact governors of the prisons and controllers of the system, subsuch as the Legislature may direct, and that of the imperfect power given to the Prison Asso-

the imperfect power given to the Prison Association. Every year one of them is thrown into the areas of party politics."

The "Memorial" proposes the State Constitution to be amended so that—

"There shall be a board of managers of prisons, to be composed of five persons appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years.

"That board shall have the charge and superior. "That board shall have the charge and superintendence of the State prisons, and have such powers and perform such duties in respect to other prisons in the State as the Legislature may prescribe.

"They shall appoint a secretary, who shall be removable at their pleasure, perform such duties as the Legislature or the board may direct, and receive

a salary to be determined by law. "The beard shall appoint the warden, clerk, phy-sician, and chaplain of each State prison, and shall have power to remove them for cause only, after opportunity to be heard on written charges. All other officers of each prison shall be appointed

"The Governor may remove any of the managers for misconduct or neglect of duty, after opportunity to be heard of written charges.

"The five managers first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years.

"This amendment shall go inta effect on the first Monday of January next after its adoption by the people." to be heard or written charges.

the people."

If you, gentlemen of the Legislature, will refer to the recent reports from the inspectors of this State Penitentiary, you will observe that the "contract system" of employing convict labor has been condemned as most injurious to society, unjust, and unworthy of an enlightened civilization.

Under this plan of working convicts, in congregation, by contract with employers, every consideration. the people.

tion, by contact with employers, every considera-tion but the benefit of the convict was absorbed in profit-making out of the criminals whom the State punished for violating its laws. This prefit was the claimed advantage of this plan of labor, so unworthy of a people who thus justified the brutalizing of those who were young, or convicted for a first offense, as well as those who had, it might be, some redeeming characteristics, in one common mass with the atroclous and hardened veteran in a life of crime. The inspectors, in these reports, were the only protestants against this contract system. The experience, however, of this society alinded to has, at last, enabled it, in the "Memorial" to which reference has been made, thus to condemn this plan

Thus the "Memorial" continues:-

"On the other side of the account this tendency to augmentation does not seem to have prevailed to the same extent. In Sing Sing, in 1847, convicts put on contracts were let at 35 cents a day; in 1869, they were let at from 40, to 50 cents a day. In Auburn they were let, in 1847, at from 30 to 50 cents a day. Thus, while the rate of wages, inuring to the benefit of the State, increased not over 50 per cent, the expenditures, at the cost of the State, increased during the same period at the rate of 300 per cent. The contract system seemed, even to the inspectors, to be a failure; they have attempted within the last five or six years to abandon it in a measure, and have had recourse to labor conducted under their immediate supervision, with what success the foregoing statement show. Within the past five years, from 1835 to 1869 inclusive, the deficiency of earnings to pay expenses has been \$1,094,151.05—an amount larger than the deficiencies of the whole previous is years; and the appropriations from the State Treasury have been \$4,192,760 07, being about equal in amount to the appropriations for all those previous years."

Again from this memoria:— Again from this memorial :-

"The effort, however, during the whole of the last twenty-two years has been a failure, and is, year ofter year, becoming more signally and disas-"The following is a table of the number of pri-

soners at the beginning and the end of the present 1869, 950 1979 139 Auburb. 478
Sing Sing 604
Female 84 Sing Sing.... Asylum (not built until 1859)..... dinton. 2932 Total.....1342 Increase, 119 per cent. EXPENDITURES FOR THE SAME PERIOD. 1848. \$11,790-54 97,291-41 66,969-41 Sing-Sing ..... 171,015-8 Olinton ..... 41,510'16 Asylum..... 13,954-92 \$217,491 52 \$879,219-26

Increase, over 300 per cent.
"The following shows the condition of affairs from the beginning of the system to the present

TABLE OF PROGR	RESS PROM	1847 70 1869	INCLUSIVE.
No. of	Expendi-		
Years, Prisoners	tures.	Expenses,	Descits,
18471421	\$125,833 85	\$110,860.08	\$4,973.77
1848 1866	204,091.80	110,658 94	98,432 36
1849 1380	188,754,74	189,285'34	49,469 40
1850 1621	208,897.74	158,422-25	50,975.49
18511703	266,011 20	178,914 02	27,097-19
1852 1852	211,751-80	193,803.11	18,448 69
1863 1967	250,818-24	216,110 65	34,707-59
1554 2005	272,418 08		59,235 00
18551957	233,445-59	197,230-29	35,215.30
1856 1910	228,477-99	197,105 18	25,372 00
18571890	219,714.17	191,783 63	20,930 54
1858 2126	250,356.02		101,182-04
1859 2538	279,333-68	189,836 52	89,497 16
1860 2729	291,744-09	288,627-69	58,117.18
18612818	888,904 76	265,552.78	23,351.98
1862 2697	294,685-57	228,481.51	66,204.06
18632181	291,216.58	228,330.74	68,885-79
18641915	342,794 55	255,957.81	86,886*63
1865 1885	414,713 30	202,506.57	212,305 73
1866 2368	463,995 46	229,413.83	234,581-63
18672920	779,579-61	600,013:43	179,566 18
18682881	844,373 93	601,630.05	242,734-98
1869 2930	879,219 26	654,157.68	225,061.63

Making an aggregate in 28 years of ... \$.1,997,094-45 "The foregoing statements, though they show a result sufficiently disastrous to convince the association that the present system is financially a failure, do not show the full extent of the disaster." These quotations from the "Memorial" are made with satisfaction, because they are most important testimony in themselves, and unwillingly sustain the inspectors of this Penitentiary in their expressed opinions on the subject, and show that the time is coming when the broader and more philosophic views of penitentiary discipline which a scientific examination of so increasingly important a subject will produce, may vet become triumphant over the ignorance of bigotry, or the baser, ignoble, and narrow motives which have so long controlled the partisan management of institutions, too gene-

rally considered only as public receptacles for convicted felons. It would have been worthy of those who in this "Memorial" have so thoroughly exposed the evils sgainst which they invoke rebuke and remedy, if they had, at least, given to Pennsylvania some creater for a consistent convention to them. It would creets for a consistent opposition to them. It would have been simple justice to our State to have pointed to her as an example for the reforms which the Memorial now so markedly approves and advo-cates in the penitentiaries of New York.

The following extract from the "Memorial" is so thorough a justification of the discipline, as well as the "separate system" itself, contrasted with the "congregate plan," now adopted in New York, and heretofore claimed to be the best system of

prison government that it needs no comment:-"Moral Administration.—It is now about 25 years since a change was introduced into the moral government of our prisons. Prior to that time the prominent ideas had been punishments and earnings. This change was the introduction of rewards as well as punishments, and keeping the reformation well as publishments, and keeping the reformation of the prisoners in view as the main object. Appended is a brief enumeration of the measures employed, of their defective execution, and of the benefits that may result from them:—

"The Mede of Enforcing Obedience.—Formerly it was by means of the whip, but with occasional resorts to other means of violence. In 1830 the use of the whip was abolished among the females, and in 1849 among the males, except in cases of insurrec-tion, revolt, and self-confidence. The substi-tute pravided for it by law was solitary con-finement; and in the latter year the law directed solitary cells for that purpose to be built in all the prisons. Those cells have not yet been built, and during the succeeding twenty years other means of force were resorted to, until, in 1869, such means, so far as they assumed the form of the "shower-bath, crucifix, yoke and buck," were for-bidden. This was done without providing any sub-stitutes, and the consequences were disastrons. As soon as the passage of the law was known, a general uneasiness in all the prisons was shown. This was followed by individual acts of violence. At Auburn a keeper was assaulted by a convict, struck down by a hammer, and his life saved only by the interposition of another convict. At Clinton a keeper was stabbed, and disabled for life; and at Sing Sing a keeper was struck down by a bar of iron, and the officers fired upon by a convict. Then ensued more general movements. At Auburn whole shops refused to work. At Sing Sing 150 convicts on one day, and some 560 or 600 the next day, refused to work; and at Clinton there was a general appropriace. work; and at Clinton there was a general conspiracy to escape, which was fortunalely discovered in time to be prevented. At Sing Sing 20, at Auburn 12, and at Clinton 10 of the ringleaders were kept in irons, and chained to their cells for several months, and it is believed that nothing but the action of the welldisposed among the prisoners prevented more general outbreaks, and perhaps an emptying of our prisons of the great body of their inmates. The use of blows upon the prisoners is forbidden only in our State prisons. In all the local penitentiaries, to which many of our State prisoners have been removed, it is still allowed; and in the State Prisons it seems to be left to the discre-tion of the officer immediately in charge to deternine what is the condition of revolt, insurrection self-defense which will justify a resort to the whip. A general system of discipline to prevail alike in all the prisons, and which shall prevent the officers im-mediately affected by disorder from acting as comolainant, judge, and executioner, and which will cultivate the habit of self-government yow so pre-iominant among the great number of the prisoners,

s a measure greatly to be desired.

"The Introduction of Libraries.—This was begun before the adoption of our present Constitution. So thoroughly was this sanctioned by the Legislature that, during the past twenty-four years, appropriations for this purpose have been made to the amount of about \$20,000, and the agents were directed to superate to their annual reports a catalogue. rected to append to their annual reports a catalogue of the prison libraries. This duty has never been

"Teaching the Prisoners .- The law has provided, in this respect, that the chaptains, besides religious services in chapels, shall visit convicts in their cells, and devote one hour eachwork day, and the afternoon of each Sunday, to giving them religious and moral instruction. So the law has provided for ten teachers in the prisons at an annual expense of the to ers in the prisons, at an annual expense of \$1500, to instruct the unlearned in the first rudiments of education. In these respects, also, there is a great waste of the wise benevolence of the law, owing to the absence of a well-digested plan of instruction; for at present the system of instruction is so conducted

as to amount to a farce.
"Overwork and Aid to Discharged Convicts.—The original allowance to convicts on their discharge was \$3 to each from the prison funds. It is now increased to \$10; and a practice has grown up, not yet sanctioned or organized by law, of allowing the prisoners to earn money for themselves over and above their allotted stents. This also demands an organized system to prevent an abuse of the privilege by an abuse of the privilege by prisoners and contractors, to guard against unjust partiality by the officers in charge, and to accord it impartially to all

impartially to all. "Commutation of Sentence —There is now prevailing in all our State prisons (but not in all local ones)
a measure of enabling the convicts, by their own
good conduct, to shorten their terms of imprisonment. In 1885, out of 1123 prisoners who left during
the year, only \$1 left by expiration of sentence,
while \$29 went out by commutation under the law.
In this there is great danger, as well as the actual
existence of partiality and injustice, which nothing
can prevent so well as the creation of an intelligent can prevent so well as the creation of an intelligent and judicious tribunal."

Notwithstanding this is the 42d yearly report of the inspectors to the Legislature of this State on the practical results of the Pennsylvania system of sepapractical results of the Peinsylvania system of separate treatment of prisoners, yet even now there are many, professing to be possessed of general information on penal science as applied to prison populations and systems of convict punishment, who entirely inistake the principles, and are ignorant of the practical results which these reports exhibit of the Pennsylvania system of penitentiary convict sizeline.

pline.

It is not possible, in this report, to condense the statements inside in the forty-one which have preceded it. But justice to this Penitefitiary, at least, requires that for the past year, 1870, a comparison should be made of the results of one Penitentiary on each system of convict treatment. The Charlestown Penitentiary of Massachusetts is taken as best

managed on the congregate, and this Penitentiary, on the separate system, for this purpose.

In the Massathusetts Penitentiary the total population for 1870 is given as 774. Out of this number there were 13 deaths, or 1.81 per cent.

In this Penitentiary the total population for 1870 was 683. Out of this number there were 12 deaths, or 1.26 per cent. The difference in population is as 774 is to 953, or 179 excess in this Penitentiary.

Of the 774 in Massachusetts, 63 convicts were par-774 is to 953, or 179 excess in this Penitennary. Of the 774 in Massachusetts, 63 convicts were par-

Of the 953 in Pennsylvania, 14 convicts were par-In the Massachusetts Penitentiary 2 convicts were

In the Massachusetts Penitentiary 2 convicts were sent to the Insane Asylum.

In this penitentiary three convicts were of unsound mind; but, by the treatment in the Penitentiary, are reported by the resident physician, Dr. Klapp, to be "fully restored to reason."

As to the discipline or government of the prisoners in the Massachusetts Penitentiary, it is stated that "it is not to be supposed that six hundred men, some of them unquestionably bad, but more of them unfortunate; some of them receiving the just reward for crimes committed, whilst others, in their own minds at least, are suffering unjusty, can be managed and controlled without o ccasional friction."

In this penitentiary the discipline has been maintained: for it appears that "we have had a prison population of 953 convicts, many of whom are the ost desperate men who have ever been imprisoned within these walls. Yet quiet and good order have prevailed, and by the vigilance and active care of the officers no escape, even into the yard, has been effected, and no harsh or severe treatment has been found needful."

The above extracts, at least, suggest the inquiry, if congregating into one mass those convicts, the control of whom is described as producing "occasional friction," is the wisest plan for their proper government, or for the best interests of society.

In Massachusetts, \(\tilde{\ti

In this penitentiary, with a total population for 1870 of 253 convicts, our expenses were \$98,836-48. In the Massachusetts Prison the recommitments on 714 convicts, total population during 1870, were 100, or equal to 13 44 per cent.

In this Penitentiary the total recommitments on 5298 convicts, the whole number liable to reconviction since 1829, were 532, or, for say 40 years, 10 per

It is shown by this comparative statement that the "separate system" has triumphantly vindicated itself against open as well as covert assaults, which ignorance, prejudice, or that "little knowledge" so dangerous in scientific studies have, from time to

time made against it.

It would not be presuming too much to believe that you, gentlemen of the Legislature, will invoke the experience of this State institution before enacting into laws measures relating to convict disci-pline, penal jurisprudence, or crime cause either for prevention or punishment. Surely the knowledge of facts and the practical working of principles or

thereby to be attained.

The necessity of legislation presupposes an understanding of the subject matter, and no source of information which is reliable, or experience which is respectable, or knowledge which has been carefully and intelligently acquired, should be fgnored while such legislation is being perfected for its purpose. Your own experience, gentlemen of the Legislature, makes this self-evident.

makes this self-evident.

While the primary purpose of this report to the Legislature is to comply with the law directing it to be made, yet the scope or the direction that, besides the specific return, "such information" may be given as may be deemed "expedient" for making this "institution effectual in the punishment and reformation of offerders," implies the expression of such spages. makes this self-evident.

It is believed that the statistical information contained in the tables submitted indicates the careful investigation of the case of each convict, and

butions made in these reports to penal science, ilmited though they are to the investigation of the population of this Penitentiary, it is hoped will invite the Legislature to favorably consider the great im-portance of authorizing by law comprehensive re-ports to be obtained by a department of the State Covernment on those subjects, which are intimately connected with unhealthful developments in the social conditions of certain classes in the whole

ture to understand what legislation was most ne cessary for the public good, Crime cause would be better understood, preven tion and punishment could be so adjusted as to separate the proper treatment of those who most eeded either, under laws adapted to each.

It might be then ascertained that industrial

offenses of the young offenders, were more essential than neglected or ill-regulated prisons or more penitentiaries. From such information, the conclusions might be arrived at, that county prisons on the separate sys-tem, properly governed and administered, should be

the rule for all large counties, rather than the ex-ception in Pennsylvania. It could hardly be doubted that with such reports carefully made the Legislature could better deter-mine how the money of the people might be libe rally and wise in one you are people inight be non-rally and wisely expended for the poor, the suffer-ing, the idle, the vicious, the criminal, the ignorant, and the unfortunate. From each section of the State the real condition of these classes would be presented, and then it would be better known how to relieve, restrain, prevent, punish, and educate. It probably would indicate that for all classes a general rule was impossible. True philosophy would teach the adaptation o individual treatment to individual or special developments of causes producing particular results.

of those of the young who sought it, and at the same time be approved and applauded by an enlightened

The comparison hereinbefore made between the pardons granted by Massachusetts, York, and Pennsylvania shows that in State Executive elemency has been very sparingly exercised on convicts in this Penitentiary.

It is undoubtedly true that there are now in this

to themselves and advantage to society. To reach these cases is difficult of accomplishment under the present system. If a pardon is asked, then the inspectors may be regarded as exceeding the line of their official duty, reports to the Legislature.

most, would produce in general vastly more salutary effects than longer terms. The inspectors are gratified to know that throughout the Eastern district of the State this fact has become apparent to most of the judicial tribunals, and is acted upon to the limits of the law. Should this disposition become general, and a larger discretion be given by law, it would remove in a great measure the necessity that is now often believed to exist for the exercise of the pardoning power."

judicious counsel and advice induces the most de-cided improvement. It is believed that if in such instances the prisoner was set at liberty, a revolu-tion would be effected in his morals and habits, and a new career would be sought after for his future life. The inspectors make these suggestions in the hope that good may result from their careful con-

theories on penal science for a period of forty years, might be important to test either new propositions, or determine the proposed benefits that the love of change always promises as the undoubted results thereby to be attained.

The necessity of laggination

offenders," implies the expression of such sugges-tions as more generally relate to the subject of penal urisprudence.

investigation of the case of each convict, and the confidence established between the individual and the prison authorities. This tends to create in the mind of the prisoners the impression that, though convicts, human sympathy is not to be denied them, and that leven in prison there is an interest felt in their welfare and improvement. To some, this is a first lesson in reformation; with others, it awakens the good impressions of childheod. The influence on all is to facilitate the acceptance of any agencies that are designed for reform.

But apart from these considerations, the contri-But, apart from these considerations, the contri-

If such information could be obtained and sys-

schools and reformatory institutions for the first

ments of causes producing particular results.

It would more certainly enable a judicious classifition to be made of remedial, preventive, and punitive agencies, and prevent the pauperization of individuals into an idle or indigent class, or a more dreaded crime class. If no other result was reached, it would be possible to establish by law some system by which edudation in handicraft skilled labor, could be within the reach of those of the vocuse who someth it and at the seme

tation law," by which sentences of the convicts are shortened by their "good conduct" while under conviction. This plan has been described as a statutory viction. This plan has been described as a statutory recommendation to the Executive to discharge the convict before the sentence inflicted by the judicial power expires. While it is not a pardon under the exercise of the constitutional prerogative of the Governor, it is a device which, by legislation, controls the judicial and directs Executive action. How wise such legislation may be is no part of the province of the Inspectors to consider, much less to determine. It is now brought to the notice of the Legislature for the purpose of inviting attention to the presedent thus established, if the Legislature can enact a law by which a judicial sentence can be terminated before it expires by cial sentence can be terminated before it expires by its own limitation, then it becomes a most impor-tant question to consider if this principle cannot be applied for the purpose of more effectually securing the aim of punishment by imprisonment, in par-ticular cases. It sometimes happens that the exercise of the pardoning power is subject to public criticism. There are no doubt cases in which there are grounds for this animadversion, but the Inspec-tors do not desire to express any opinion on cases of which they have no direct knowledge from their official relations with the prisoner.

institution several convicts who are fully entitled to pardon, if the purpose of their punishment was to qualify them for restoration to liberty, with benefit

and their action misunderstood or misconstrued; or they might be subjected to applications from un-worthy persons; or the Executive might fall to apworthy persons; or the Executive might fail to appreciate their motives. Nevertheless these cases exist, and continuing in prison those who have been brought within the effects of punishment, and over whom it has exercised all the influences designed by law and justice, is of very doubtful propriety. It is imprisonment for no purpose. The example, the prevention of crime, as they are supposed to be reached by a conviction of the guilty, has been effected by such conviction and the infliction of the punishment. The only remaining purpose of the law which this punishment proposed has been produced. Society has been protected, the example has been made, those who are intended to be warned have had their warning, and the individual who is punished those who are intended to be warned have had their warning, and the individual who is punished is now alone to be considered. If his punishment has caused him to repent of his wickedness, and determine, in so far as he can, to reform, then his liberty is more a right than a favor, for longer incarceration is useless to him, and society gains nothing thereby. That these are the well-considered opinions of the inspectors will appear from the following extracts from their

From the report for the year 1852 the following "The inspectors cannot close this report without again briefly calling the attention of the General Assembly to the subject of revising the penal code, so as to shorten the minimum period of confinement affixed to certain crimes. The daily observation

of the effects of separate and solitary confinement, with the influences connected with it in this penitentiary, have fully convinced them that a much greater degree of good would be achieved, by shortening most of the sentences for first offenses, and particularly those of all young offenders. For this latter class a few months' confinement, or a year at most, would produce in general vasily more salu-

sity that is now often believed to exist for the exercise of the pardoning power."

The Pennsylvania system is best described as the individual treatment of convicts, as contrasted with that in other States, which is the congregate or clastreatment. This distinction is important, white considering the views now under discussion.

Again, in the report for 1853, it is remarked:—

"The Inspectors have again to remark on the subject of the duration of sentences indicted upon javenile offenders. It is with regret the Inspectors find that, of the prisoners admitted during the year

find that, of the prisoners admitted during the year 1858, there are twenty-two under twenty-one years, and forty-eight under twenty-five years of age. The Inspectors are of opinion that in cases of first con-viction of minors, or those of immature age, unless for crimes of the most aggravated character, a short term of imprisonment is of far greater benefit to the term of imprisonment is of far greater benefit to the individual than one which is calculated to punish beyond the period when moral influences have awakened in the heart strong feelings of repentance and a desire to reform. Evil associates, bad example, and a want of proper parental care and watchfulness, admonilion, and control lead the young into crimes. When, therefore, imprisoned as a punishment, the young convict is brought to feel, probably for the first time, the truth of the proverb, that the way of the transgressor is hard. Then it is that indictous counsel and advice induces the most de-

hope that good may result from their careful con-sideration."

In the report for the year 1854, the inspectors thus refer to this interesting subject:—

"The inspectors again feel it their duty to call the attention of the Legislature to the length of sen-tences inflicted for first offenses, and also on young offenders. It is no longer a question that severity in punishment is no prevention of crime; neither does severity of punishment produce the desired effect upon the offender. The causes of crime should be more fully investigated after a conviction, and be more fully investigated after a conviction, and have a potent influence in determining the duration of the punishment. There is a period in the history of every criminal's punishment when his liberation would most benefit bim, and hence society would gain, by the improvement afforded in reclaiming an offender. Those whose constant intercourse with convicts enables them to form an opinion on the subject will admit that such periods occurs, when most decided advantage would result from the prisoner's liseration. One mode, to be sure, a most imperfect one, to effect this object, is to shorten the sentence, as much as a proper regard to the inte-rests of society would justify, in all cases of first convictions and convictions of young offenders. The inspectors feel the force of these views, and The inspectors feel the force of these views, and they have ventured again to invoke legislative attention to the subject. This is not the occasion to suggest any plan to modify and improve the present laws on this subject; but it is hoped that the time will come when the Legislature of Pennsylvania will take the important subject of the present penal code, as it relates to our admirable system of penison to the present penal code, as it relates to our admirable system of penison to the present penal code, as it relates to our admirable system of penison to the present penal code, as it relates to our admirable system of penison to the present penal code, as it relates to our admirable system of penison to the present penal code, as it relates to our admirable system. tentiary punishment, into consideration. Sporadic reforms are worse than useless. Labors of those who are required to learn while they attempt to teach are vain. The familiarity of long experience, careful and earnest devotion to the subject, and an interest in the questions involved, above and beyond an interest in self, are among the qualifications which a proper reform in penal jurisprudence will require at the hands of those who undertake the task.

From the report for 1860:-

"It will be observed that the inspectors have here-tofore refrained from presenting reforms in the penal code, in relation to young crimina s. It was hoped and believed that one of the citizens to whom the codification of the penal laws was referred, might have been selected for his interest in, and ability to understand, this subject. If such a selection had been made, it would have resulted beneacially, by the incorporation into the penal law of a provision meet the class of cases to which the attention

the Legislature has been called.
"The inspectors do not feel themselves required, either by law or from their official position, to do more than make such 'observations' as they deem of importance to the public or the prisoners. "Lest, however, it might be by some attributed to their silence that they have no practical suggestions

to offer, they most respectfully submit, as the substance for amendments to the present law, the folowing proposition:minors, the term of imprisonment shall be terminated by the inspectors, with the consent of the president judge of the court in which such minor was sentenced, when in their opinion the punish-

ment has produced its expected results.

"That in all eases of first conviction for crime of persons between 21 and 25 years of age, the term of imprisonment shall in like manner be lessened, as a reward for good conduct, by the reduction of three days in every thirty after the first 12 months of im

prisonment.

"That in all cases of first conviction for crime of minors, the jury trying the case shall find by their verdict if the father of the minor the being alive and within the jurisdiction of the process of the Com-monwealth) was negligent and derelict in his parental duties toward said minor, and on so findin Court shall cause said father to be held to p costs to the Commonwealth of said trial.

"The inspectors have ventured respectfully to make these suggestions, with the view to remedy the evil which has been thus authentically brought to the attention of the General Assembly.
"It will not be denied that the necessity forliegisla. tion is most serious. That it is increasing, a superficial examination of the facts herein set out, cannot fall to teach the observer. That the want of parental control is demoralizing a large and increasing number of our youths. The consequences are manifest. The minor is ungoverned, wayward, wagabond, victous, contaminated, contaminating, and convict. The moral st, as well as the Christian, must deplore

such causes and consequences
"It is believed hat the most unconcerned for the welfare of society and its constituents would hardly agree that pecitentiary discipline should take the place of primary parental teachings and supervisory "The least benevolent will fully consent to the

principle, as one of justice, that the child only should not be punished for its parent's neglect or "If in either case society stands in the place of the parent, magnanimity and mercy both plead that the most reformatory and beneficent influences should

e extended to such unfortunates. In the report for 1867 the inspectors use the folowing language :-"It is of vital importance that the individualities

land characteristics, and surroundings of the ac-cused should be ascertained on his trial, and their just consideration should be taken fully into the ju-dicial determination of the punishment. Arbitrary or imerely conventional sentences, operating on classes, not persons, are unphilosophical, and often unjust, both to the individual and the community. Again, take the crime of larceny. It should be divided into degrees. The highest, and each in sequence to the lowest, should be determined at the crime of the control of quence to the lowest, should be determined at the chial, from the facts and circumstances and the characteristics of the accused. To determine beforehand, when framing the indictment, the degree of criminality, before the accused can explain or defend his acts, is at war with the principle which seeks to protect the accused till he is found beyond the operation of the presumptions of innocence. This value adopted as to all crimes or offences has the system adopted as to all crimes or offenses has the advantage of placing the accused in the exact posi-tion in which his acts place him, not that which the definition or description of a class of acts would compel him to occupy without the explanatory bene-fits he alone could produce. Again, it would not make individuals more criminal than they really are, and thus often unwisely add to the crime-class those and thus often unwisely and to the crime-class those who would else never be associated with it. The injurious effects of any system which augments the number of convicts, placing on them the distinguishing mark of enemies to public safety, becomes more and more apparent as population increases. The true principle of legislation on this branch of the subject is to make as few potes of individuals crimes and as few processes. acts of individuals crimes, and as few members of society criminals, as a due regard for the safety of life, rights, and property will justify. The more simple the crime code the more it is rendered flexi-ble in irdividua' application; the less rigorous and unbending; the greater opportunity to take the prin-ciples of the common law as preferable to those of a

ciples of the common law as preferable to those of a statute, and the greater the responsibilities that are placed on the judiciary and taken from the law-making power—in all these respects the greater and more substantial are the benefits which society secures. It is thus that society speaks its voice, under the restraints of law, in each particular case.

Following this view as to the code, we come to consider the punishment of crimes. By the present practice there is really no standard. The offense too often determines the sentence, because no opportunity is permitted to investigate all the circumstances of each case, nor is any authority granted for that judicial discretion which should always be an element in the official action of the ministers of justice. The maximum and the minimum of the term of punishment are the only judicial guides, and these regulate the judgment of judges who, from the trial of the issue of fact, are informed by the

verdict of the guilt of the accused. Every offend is actuated by different motives, infraenced by various causes of crime; his peculiar position as an individual in society, his tack of advantages, his associations, his mental, moral, personal disabilities, all his individualities are hid from view, because the all his individualities are hid from view, because the present system only presents one fact to be ascertained. The interests of society dem and that crime be punished, and crime prevented; beyond that it has no other interest, so far as a particular offense is concerned. But growing out of the determination of that fact are vasily important considerations to the very best interests of society. For what degree of crime, for what period of time the guilty is to be sentenced, the motives and causes that induced him to violate is w, the effect upon the individual directly and on society indirectly, are consequences which must result to society finally, to prejudice it to a greater or less degree if the guilty has been punished without regard to if the guilty has been punished without regard to these questions. There is no more dangerous ele-ment in social condition than the feeling which harness and injustice produce in the administration of justice. The first of the dangers is the unwillingof justice. The first of the dangers is the unwillingness to convict for crime, or the anxiety in the
minds of juries to except the case from the
operations of these influences. Vibrating
between the extremes of unwillingness to convict,
and the prompt conviction, in the latter case to
maintain the law by sporadic firmness in the administration of justice, creates a disrespect for the law.
When one is guilty of a less crime than that for
which he is indicted, but escapes because of an arbitrary or fixed definition of acts, as orimes, which
the trial shows the accused has not made himself
technically amenable to, there is left on the public
fining a feeling of insecurity and a distrust of public
justice. So on either hand the present system convicts a certain portion of offenders, and society has
to be satisfied that all the guilty do not escape. If,
however, the system of jurisprudence was in harmony with the views expressed as to the code, these
defects would probably be remedied.

"By the judicious sub-division into degrees, and the
consequent reduction of the higher grades of crime,
the assimilation of the offense to the acts and
motives of the accused the certainty of averaging

the assimilation of the offense to the acts and motives of the accused, the certainty of, as well as a wise discrimination in the punishment, the diminution of the number of individuals united with the crime class, the better would it be for all the great interests associated in and protected by penal legis-

That some system should be made lawful by which the opinion of the inspectors, and that of the chief officers of the Penitentiary, as to the propriety of discharging prisoners deserving liberation, would be effective in producing their discharge by competent authority, is most desirable. The inspectors respectfully call this subject to the attention of the Legislature. It may not meet with favor until a thorough investigation of the question is made, free from those objections which a first im-pression is most likely to suggest.

The inspectors are economically applying the appropriation for repairs and alterations to the wants of the institution. There are from time to time new wants, as its population increases, and these are better supplied, in time, at a less cost, than procras-tination would render necessary.

The Inspectors have heretofore expressed their

opinion that increased accommodation for convicts in this Penitentiary was necessary. The increase in crime, the increase in the population, and the causes which have been noticed as tending to crime, have already added to our total population. It is not possible now to give each convict separate rooms, and no option is believed to exist by the Inspectors to receive those sentenced and cellvered at the prison.

It is earnestly to be hoped that the Legislature will see the importance of requiring the counties of the State in which the population will justify it, to erect county prisons, on the separate system, in which those convicted for lesser degrees of crime, or offenses for which a short term of imprisonment at the piace where the offense was committed is only necessary, and all female prisoners, should be opinion that increased accommodation for convicts

at the piace where the offense was committed is only necessary, and all female prisoners, should be punished.

At the same time it is of the greatest importance that these county prisons should be managed by inspectors appointed for capacity and ability to discharge their duties, without regard to any other consideration. Their appointment should be for good behavior; and thus appointing the chief officers of the prison, they should not exercise any control in selecting the subordinate officers.

Once establish this system, induce those who have the government of these prisons to acquaint themselves with the principles on which the discipline should rest, and require yearly full reports and investigations into those subjects which are directly connected with penal science, and then the Pennsylvania system of discipline will be placed where it belongs, in the advance of a progress philosophic and practical.

The suggestion occasionally made that the growth

The suggestion occasionally made that the growth of improvement will reader a removal of the Penitentiary buildings only a question of time, has not failed to attract the notice of the inspectors. This will not probably be accomplished in the lifetime of this genera-tion. The neighborhood surrounding the Penitention. The neighborhood surrounding the Pentten-tiary has been by common consent devoted to pub-lic institutions. There are now three of the largest in the city situated within close proximity to each other, and also a large basin for water. To remove one would avail but little in advancing the price or value of private property while the others remained. To remove all will require a conjunction of those most auspicious influences which make public opin-ion harmonious on the subject, bristling sait must

ion harmonious on the subject, bristling as it must

ion harmonious on the subject, bristling as it must with precedent subsequent questions.

When the people of Philadelphia are satisfied, and the Legislature fully informed, and the interest of the institutions properly considered, and the plans for these changes proposed, even then serious questions will be presented for consideration bearing closely and directly upon the subject.

The State ought not to be required to make extraordinary sacrifices for the benefit of a few, especially when these benefits sought by them cannot be asked on the ground of unforeseen disadvantages.

On the 29th day of October, 1870, the Supreme Court appointed the inspectors, with the exception of a vacancy filled by the selection of John M. Maris, Esq., whose personal character and experience in public institutions qualify him for the responsibilities public institutions qualify him for the responsibility

of the station.

The inspectors respectfully invite your attention, gentlemen of the Legislature, to the reports of the Warden, Edward Townsend, Esq., the Resident Physician, Dr. Klapp, and the Moral Instructor, Mr. Ruth, which accompany this report. These officers have the entire confidence of the inspectors, and by their ability, long experience, devotion to their duties, and the unpretending fidelity with which they discharge them, merit the commendation of the Legislature and the people of Pennsyl-

Mr. Townsend, the present warden, was selected to fill the vacancy which occurred a year ago, by the death of the ever-to-be-lamented John S. Halloway, Esq. Mr. Townsend was not an applicant for the position, but the inspectors, with one accord, invited him to leave a profitable profession to accept this responsible post, because they were satisfied he was

the proper person to discharge its duties.

The overseers, whose positions depend on fidelity and cheerful obedience to the regulations, perform their respective duties to entire satisfaction. They merit this acknowledgment. Training and the experience obtained by services are vitally important in the successful administration of this or any penal institution. It would not be in accordance with the feelings of

the Inspectors to omit commendatory mention of the estructuress and integrity which characterize the labors of the Clerk of the Penitentiary, Mr. Respectfully submitted, Attest—John M. Maris, Secretary of the Board of Inspectors.

LEGAL NOTICES.

IN THE COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF PHILADELPHIA. NOTICE TO CREDITORS. Please take notice that the undersigned has filed a petition in the Court of Common Pleas for the City and County of Philadelphia, for the benefit of the Insolvent Laws of this State, and that the said Court have appointed THURSDAY, the 30th day of March, 1871, at the County Court House, as the time and place for the hearing of the said petition, and where the creditors of the undersigned may attend, should they deem proper.

MATTHYS KAAS,

14 tubs of the said petition, and where the creditors of the undersigned may attend, should they deem proper.

DISTRICT ATTORNEYS OFFICE,
PHILADELPHIA, Feb. 25, 1871.

All keepers of hotels, taverns, restaurants, and
others selling liquor by less measure than one quart
are hereby notified that if they refuse or neglect to
make application for license, and procure the same,
within the time prescribed by law, and who continue
to sell, will be promptly proceeded against, as required by the provisions of the act of Assembly,
FURMAN SHEPPARD,
District Attorney.

CITY COMMISSIONERS' OFFICE,) No. 212 S. FIFTH STREET,
No. 212 S. FIFTH STREET,
PHILADELPHIA, Feb. 25, 1871.
The act of Assembly approved April 29, 1838, requires that all keepers of hotels, taverns, restaurants, and others selling liquor by less measure than
one quart, shall make application at this office for
lifense in the month of March only. The law in
this respect will be atrictly enforced. this respect will be strictly enforced.

ALEXANDER MCCUEN,
THOMAS M. LOCKE,
JAMES BAIN,

City Commissioners A LEXANDER G. CATTELL & CO., PRODUCE COMMISSION MERCHANTS, No. 36 NORTH WHARVES NO. ST NORTH WATER STREET,
PHILADELPHIA.
BLUAR CATTELL