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OBSERVATIONS ON PUBLIC PRISONS.

THERE is, if I am not misinformed, an authority vested by parliament in the grand jury of every county, to raise a sum of money for building a house of correction, and an hospital for lunatics. Why this act is not enforced, it would not, perhaps, be easy to say. The good effects that would arise from it, may be best appreciated by taking a sketch of the present state of those wretched members of society, whose vice, or misfortunes, have consigned them to places of public confinement, and by considering the effects produced upon them, if the intentions of the legislature were properly enforced.

At present there is but one place for the reception of all whom the law deems necessary to seclude from society, the county gaol. Into this the murderer, thief, rioter, debtor and maniac, are indiscriminately thrown; in many places with no distinction between vice, poverty, or mental derangement, than what arises from the pecuniary circumstances of the prisoner. From this promiscuous mixture, the degree of misery to each sufferer must be very greatly increased, and the quantum of punishment enhanced far beyond the intention of the legislature; not to mention the bad effects from such a promiscuous mixture on public morality.

There are, it is true, regulations adopted, and officers appointed by public authority, to investigate and correct abuses. Every prison is supplied with a chaplain, paid by the public. Such an officer acting in the double capacity of inspector and instructor, can do much to diminish the grievance. By his influence and instructions he can, at least in some degree, reform the minds of the prisoners, and can be a constant and

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daily check upon the Gaoler, whose habits of life, it is to be feared, too often render him a harsh and pitiless task-master. The influence of a Clergyman, vested with this office, extends beyond the prison walls; by his clerical character he has a right to call upon the men of influence in the county, to join him in performing their part of this public duty. He also can make a true and feeling representation of the many cases of unmerited persecution, and undeserved distress, which come beneath his cognizance, and if his private conduct correspond with his public character, his representations and remonstrances will seldom fail of effect.

But, in order to guard against any dereliction of their duty in this class, there is, besides the Bishop in every diocese, who no doubt exerts himself pursuant to his oath, in taking especial care that these clergymen, as well as all others who are subject to his controul, shall strictly and conscientiously fulfil the duties for which they are so amply compensated by the public...there is, I say, an inspector, who is also a Clergyman, appointed by public authority, to visit the prisons and make regular reports of their state, thus being a check, not only on the inferior officers, but upon the grand juries themselves. How far this office tends to improve the internal economy of the prisons, I have not sufficient information to say. Differences have lately broken out, between the inspector and the grand juries of some counties, which have given rise to much mutual recrimination, one charging the other with culpable remissness; the other retorting the accusation, by taxing him with misrepresentation and neglect of duty. Both parties, as is most usual in such cases, will probably be found to have been in fault. The disputation serves, however, to show, that

some abuses exist. Whether the inspector is sufficiently qualified for the arduous and important duty he has undertaken, it is not now necessary to examine. What he is I know not; but I can tell what an inspector ought to be. He ought to be a man fully acquainted with the nature, and fully determined to execute the duties of his office. He ought to have a clear head to discern the abuse, and point out the remedy; a feeling heart to enter into every case of misery, and to excite the understanding to exert its powers; a resolute and persevering temper, to enforce his opinions. He ought to be indefatigable in his labours, never declining through indolence, swayed by influence, seduced by corruption, or brow-beaten by authority. His employment is sacred: a heavy responsibility attaches to him: he is answerable to the public, and to the prisoner: both have claims of the strongest nature on him, the claims of justice and mercy. To answer these he ought to possess all the zeal, benevolence and perseverance of genuine Christianity. He ought to be a Howard, or a Clarkson.

But as a character such as this is rarely to be found, and as a stated remuneration for the performance of indeterminate duties, has generally been found to produce effects directly contrary to its primary intention, by producing inactivity instead of rousing diligence; it would be more desirable that such establishments should have a living principle within themselves, a renovating spring, by which they might, without the interference of extrinsic agents, reform the irregularities of time or habit. If such a system of regulations can be pointed out, not only as practicable, but as already reduced to practice, it will surely meet with attention. The leading men of the country are bound, not only by duty, but by interest to this. The abuses existing in the several departments of government, be that government what it may, are, and ever must be, causes of discontent. This feeling is easily and naturally changed from the ministers who permit the abuse to remain uncorrected, to the constitution which is managed by such instruments. If, therefore, the country gentlemen,

who are, in the last resort, the guardians of the constitution, wish that it should retain over the minds of the ignorant and uninformed, only judging of causes by effects, the influence which its transcendent excellence deserves, they should both individually and collectively check and remove the practical defects in those parts, which come immediately under their own cognizance. Were every one to pay attention to those departments, in which he was more immediately concerned, greater benefits would result to the country, than can ever be produced by noisy cavilling and captious crimination. This can only irritate, that would correct. The spirit of reformation, of calm, steady, dignified reformation, being tried on smaller defects, could be applied with effect to greater. A change might thus be gradually, and tranquilly effected, surpassing the most sanguine expectations of the warmest advocate for reform. Even did not this result take place, did the reformation advance no further than its primary source, much positive good would be effected.

With the hopes that some such consequences may ensue from an inquiry into this interesting subject, I shall proceed to give a sketch of the mode of conducting the public prison in Philadelphia, which has served as a model for similar establishments in other parts of the United States, and may be found worthy of imitation, at least, in some of its arrangements, in this part of the united kingdom.

The prison is a building of plain stone, extending an hundred feet in front. In its exterior appearance it differs little from other buildings of the same nature, and is fitted up internally in the same manner, except that all the cells are prepared for the reception of a single prisoner, and the apartments are all arched, to prevent the communication of fire. Behind are spacious yards, enclosed by lofty walls. It is the internal economy which most deserves our admiration. By the new code of penal law in Pennsylvania, no crime is punishable with death, except murder, perpetrated by wilful premeditated intention, or in attempts to commit robbery, rape, or the like. Every other offence is punished by solitary

imprisonment, the duration of which is proportioned to the enormity of the offence. It is not here necessary to expatiate on the superior excellence of this mode of punishment, or to consider the objections which may be alleged against it. Capital punishment has been so long an essential part of English criminal jurisprudence, that it would require a violent struggle against long established prejudices to efface the opinion of its necessity. Yet experience may show its almost total inefficacy. The publicity of the last and most awful change that can affect human nature may sometimes deter, but more frequently hardens the heart: the victim to public justice most frequently meets death in such a manner, as to change the sentiments of hatred or detestation which his offences had justly excited, into contrary feelings of admiration or pity. In every instance, except that which the sagacity of American legislators has marked out for the utmost severity of justice, the punishment is generally considered too great for the offence; and so universal is the abhorrence to the bloody maxims of the English criminal code, that it is not uncommon to see both judge and jury overstep the limits of their jurisdictions. By a well intended stretch of authority, the one becomes the advocate to screen the culprit from the too great severity of the sentence, the other assumes the powers vested by our constitution in the executive, to mitigate, and even sometimes to remit the sentence by an irregular verdict of acquittal.

No stronger illustration of this can be given than cases of forgery: this crime, venial in its nature, because admitting of compensation, and varying by infinite degrees, from the slightest shade of error to the blackest die of guilt, is uniformly punished by death: and it is well known that no hope of pardon can remain after conviction. Yet this certainty of punishment, generally esteemed a surer guard against transgression than severity, has not the intended effect; forgeries are frequently committed under the consciousness of speedy detection, and consequent condemnation; the injured person, knowing the consequences of prosecution, declines the ungrateful duty, and the criminal, though certainly deserv-

ing of severe punishment, escapes. Thus, either from the too great severity of the sentence when enforced, or from the lenity of the prosecutor, a salutary example to society is lost, and the crime remains unchecked. In short, every year's experience tells us how little is effected by the spectacles exhibited after every assize throughout these countries. But when immured in darkness and solitude, the prisoner suffers pains incomparably worse than death: he is left to his own bitter reflections; he finds nothing to divert his attention or turn his thoughts from the horrors which every moment haunt his guilty imagination. In such a situation, the most hardened sinner is quickly reduced to a state of repentance.

The regulations of this prison are not confined to simple punishment. The views of the legislators are more extended. They seem to have imitated the great lawgiver of nature, by making the punishment inflicted, the means of reformation. The infliction of the sentence of the law is the commencement of a state of trial which must unavoidably lead to penitence and end in reformation. The gaol resembles a great penitentiary, and the criminal who entered its walls imbrued with vice, goes out impressed with those feelings and habits which cannot but render him a useful member of the community. How different in this respect from those of Europe!

On the first entrance of a criminal he is obliged to wash, his hair is close cut, and he is supplied, if necessary, with decent apparel. He is then confined in a solitary cell, about nine feet long, and four wide, where he remains debarred from the sight of every living creature, except the Gaoler, who is to attend solely to the necessities of nature, and is forbidden, on any account, to converse with him, except in cases of the greatest necessity. If he be refractory, or if his offence be marked by any peculiar atrocity, he is thrown into a dungeon, secluded even from the light of heaven; this is the worst that can be inflicted on him.

The gaol is inspected twice a week, by inspectors, chosen from among the principal citizens of Philadelphia, and there are always a sufficient number of persons of this description to be found, who make a voluntary tender of their

services, to execute this painful, but serviceable employment. They divide themselves into committees, each of which, for a stated period, visit and examine every part of the prison, and make a report to the inspectors, who meet at stated times to receive it. From these reports, they, with the consent of the judges, regulate the treatment of every prisoner during his confinement. Whatever may have been his crime, his repentance and future good conduct is invariably attended by a proportionate relaxation of discipline. The gradations are as follow; solitary confinement in a dark cell is, as has been already said, the severest punishment known; next solitary confinement in a cell which admits of light; next confinement in a cell where he is permitted to work alone; lastly, permission to work in company with others. The longest confinement is for a rape, which is not to continue less than ten years, or longer than twenty one. For high treason the duration varies from six to twelve years.

All the prisoners are obliged to bathe twice every week, for which the prison is supplied with every requisite accommodation, and also with changes of linen. Those who are sentenced to solitary confinement are fed on bread and water. To the working classes a more nutritive diet is permitted; they are even indulged in meat twice a week; but on no account whatsoever, is any liquor but water admitted within the prison walls. This regimen has been found capable of supplying strength sufficient for the labour undergone, and a more generous diet has been found incompatible with regularity and good order. The working prisoners are distributed into separate apartments, according to their trade; one for smiths, another for taylor, and so of the rest. In each room an overseer attends to prevent any irregularity; the workmen are forbidden to converse with each other, to sing, laugh, or in any manner divert their own, or their fellows' attention from their employment. The smallest resistance to these officers is followed by solitary confinement, and none who have once experienced its effects have ventured to provoke a repetition of it. The women are kept in distinct apart-

ments from the men, and employed in works adapted to their sex. Thus, this department resembles a great manufactory; a stranger at first could scarcely imagine himself to be in a place of punishment.

The mind is not only kept by employment, from imbibing bad habits, but care is taken both by the chaplain and inspectors to instil sentiments of religion; so that on the expiration of his sentence he returns to the world a new man; and care is taken to procure him immediate employment.

One circumstance more is worthy of notice, that instead of being an expense to the country, it produces an annual revenue to the state; such a system requires no comment. It is sincerely to be wished that its principle was adopted here, if not in a public prison, in a house of correction; by its adoption the country would be cleared of a number of vagrants, many useful members restored to society, who are at present its pest and bane, and all this at an expense, which, though heavy at first, would every day diminish until at length it would liquidate itself, and become, as in America, a source of public profit.

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THE MADMAN'S GRAVE.

IN the year 1793, an unknown maniac, whose dress and figure bore the vestiges of a once better lot, wandered to Ballycastle, a beautiful village on the shore of the county of Antrim. He was sullen, melancholy, and incommunicative: his days and nights were spent among the wild and lofty rocks in the neighbourhood of the bay, and his food was the shell-fish, or the sea-weed that was washed in by the tide. A life of such hardship and privation would have soon terminated the existence of one endued with unimpaired reason; but insanity hardens the constitution, by depriving it of a sense of its affliction, and by diverting the mind from real sorrow to imaginary objects. At certain periods of the month his sullenness was changed to frenzy, he then would groan and shriek as if suffering from excessive anguish, and although the neighbouring peasantry were frequently disturbed by his mighty moanings, yet, as he never attempted