

OF THE HOUSE OF DELEGATES.

the Penitentiary, but to interpret the decisions of our courts of justice in criminal cases, as they may deem fit; setting at nought the most important part of the sentence passed upon criminals, or viewing it as mere authority vested in them to enforce their police regulations by confinement, as a punishment for their infraction. The directors also declare that "the utility and acquirement of mechanical knowledge (of the criminals) are the leading objects of the institution."

That the penitentiary from its foundation to the present time has been conducted on such principles, not a doubt exists in the minds of your committee. It has been considered and carried on as a state manufactory, and consequently from 1809 to the present time no criminal code has existed in this state except on paper. There are twenty-two cells, which as your committee believe are entirely inadequate to carry into complete effect the sentences of the courts; yet if used only for the purposes intended by law, they would be sufficient to enforce the sentences of the courts on the most hardened and atrocious of the criminals, those who had committed crimes of the highest grade, and as the terms of the prisoner's confinement are various and do not expire at the same time, the cells might be the means, judiciously managed, of producing a salutary effect upon the criminals a few months before they were discharged and turned loose upon society. As to the internal administration of the penitentiary, other punishments for misbehaviour ought to have been devised, such as corporal punishment, harder work and diminished allowance. Your committee will observe that the cells prepared for solitary confinement are too large, admit too much light and differ in no respect from an ordinary apartment. They are not adapted to effect the purposes of confinement as contemplated by the sentence of the courts. Indeed so entirely unsuited to such purposes are they, the keeper informed your committee, that the criminals preferred confinement in the cells, where they could sleep as much as they pleased, to the performance of their daily tasks, and he believed many were refractory in order to be punished according to the police of the directors. Yet the directors assert the cells are necessary to enforce their internal regulations, and that "the most powerful influence of the house over the conduct of the prisoners consists in the punishment by solitary confinement." The absurdity of transferring a criminal from his work, to confinement in a cell by way of punishment when he prefers the latter to the former must be apparent. Your committee believe, that the criminals when confined in the cells are not treated as the law prescribes in regard to diet, and hence it cannot excite surprise, that they prefer dozing in the cells to working in the shops. Their confinement is entirely a matter of interval police, and regulated as the directors may think proper to require.

Your committee are also anxious to attract the attention of the house to another fact, which they discovered in the administration of the penitentiary, which is scarcely less injurious to its interests, than the non-execution of the sentences of the courts relative to solitary confinement in the cells on low and coarse diet. Upon inquiry how the prisoners were lodged at night, your committee were informed that ten and twelve slept in one apartment. Had the legislature designed by the establishment of the penitentiary, to erect a school where vice of every description should be systematically taught, where the old and hardened villain should be confirmed in his depravity, and the young who from the impulse of passion, or the pressure of temporary want, were prompted to violate the laws of their country, should be prevented from returning to virtue, and should be instructed in all the gradations of crime, no better system could have been devised than the penitentiary as now organized, and at present administered. Every night, the murderer, the robber, the counterfeiter are locked up with prisoners, wise light offences, by a ruinous policy, has consigned them to the same abode with the most infamous of mankind. Every effort of returning virtue is checked, every struggle of reviving honor is paralysed, all the suggestions of sensibility to shame, and all the resolutions of retrieving a character are overwhelmed, by the nightly communications of confirmed depravity and narratives of successful vice. When these circumstances are taken into consideration, united too with the non-execution of the sentence of the courts as already mentioned, your committee are not at a loss to discover why the Penitentiary has not answered the sanguine expectations of the benevolent authors of its establishment.

The above observations comprehend all that your committee intend to offer on those gross and palpable defects in the organization and administration of the Penitentiary, which are of such magnitude, that they defeat the chief objects of its institution, and militate directly against the purposes for which the present mild penal code was framed, the prevention of crimes and the reformation of offenders. Whether they can be remedied in such manner, that the Penitentiary system need not be abandoned, your committee will hereafter inquire.

In the management and internal administration of the Penitentiary, there are some defects of minor importance, for which a remedy can easily be provided by an alteration of the laws regulating its internal affairs. The prisoners are permitted to labor in the various departments without being subjected to the constant and vigilant inspection of one of the deputies. Although their tasks may daily be assigned to them and they may be punished if not performed; yet it is necessary that no communication whatever should take place among them, which can only be prevented by the firmness and vigilance of a deputy who will do his duty.

Your committee have been informed, and state with regret, that the officers, chief and subordinate, are divided into petty cabals, each endeavoring to advance his own interest, thus destroying that unanimity, concert and energy of action, which are indispensably necessary to the successful administration of the Penitentiary. Your committee would suggest the propriety of renewing the law which vested the appointment of the keeper, physician, agent and book keeper, either in the legislature or the executive branch of the government.