

THE CONVICT LEASE SYSTEM IN THE SOUTHERN STATES.

A MODEL PRISON.

HERE and there in the United States a penal institution may be found that fairly earns the pride with which it is pointed out by the surrounding community. In the whole country there may be four or five such. The visitor to them admires the fitness of their architecture.

"Yes," the warden replies; "this is not a house of pleasure, and so we have not made it pretty. It is not an abode of crime, and so we have not made it ugly. It is not a place where men *seek* justice, and therefore we have not made it grandiose and majestic. But it is the house of chastisement,—of chastening punishment,—and so it is made solemn, severe, and calm."

The visitor praises the grave and silent decency of all the internal appointments.

"Yes," responds the warden; "the peace and dignity of the State are here asserting themselves over the person of the prisoner who has violated them; there is no more room here for merriment or confusion than for strife."

The visitor extols the perfection of the sanitary arrangements.

"Yes," says the warden; "when the criminal was free and his life at his own disposal, he took no such care of it as this. He probably lived a sort of daily suicide. If he shortened his days, the State was, presumably, not to blame. But if we by malice or neglect shorten his days here, where he is our captive, we bring upon the State both blame and shame. For his life is in our custody, just as the clothing is with which he came here; the State, through its courts, has distinctly declined to tamper with it, and holds it subject to be returned to his own keeping, at the expiration of his confinement, in as good order as that in which it was received, the inevitable wear and tear of time alone excepted. Can a State maintain its peace and dignity as it should, that commits breaches of trust inside its very prisons?"

The visitor remarks that a wise benevolence is necessary even toward bad men.

"But," says the other, "it is not merely benevolence to bad men that puts in these elaborate sanitary appliances; it is the necessity of upholding the integrity and honor of the State."

The visitor shows his surprise at the absence of all the traditional appliances for the correction of the refractory. "Yet be cer-

tain," is the rejoinder, "a discipline, sure, prompt, and effectual meets every infraction of rules. How else could we have this perfection of order? But it is a discipline whose punishments are free from brutalizing tendencies, increasing dispassionately as the culprit's passions increase, and relenting only when he has repented."*

The visitor is impressed with the educative value of the labor performed by the inmates.

"Yes," says the warden; "send a man out from here with knowledge of a trade, and may be he will come back, but the chances are he will not. Send him away without a trade, and may be he will not come back, but the chances are he will. So, for society's sake,—in the community's interest and for its safety,—these men are taught certain trades that they cannot turn to bad account. We do not teach burglars locksmithing."

Yet the visitor takes a momentary alarm.

"You put the housebreaker and the robber, the sneak-thief and the pickpocket into open competition with honest men in the community around them."

"Exactly," responds the other; "trying to live without competing in the fields of productive labor is just the essence of the crimes for which they were sent here. We make a short end of that."

The visitor looks with pleased interest at the statistical records of the clerk's office.

"We could not call our duty done without these," is the warden's response. "These are the keys to the study of the cause and prevention of crime. By these we weigh our own results. By these we uncover not only the convict and his crime, but society's and the State's own sins of omission and commission, whose fruits are these crimes and these criminals."

"After all," at length the visitor says, "tell me one thing more. Here where a prisoner is safe from fire and plague and oppression and temptation and evil companionship, and is taught thrift and skill, and has only to submit to justice and obey right rules, where is his punishment? How is this punishment at all?"

* "Good order and discipline have been maintained during the past year. There has not been one case of insubordination or gross violation of any of the rules of the prison government; not one case that required punishment, either for the purpose of maintaining discipline or as penalty for an offense committed by an individual prisoner."—"Annual Report of the Inspectors of the State Penitentiary, Eastern District, Pennsylvania, 1882," p. 89.

And the warden makes answer with question for question: "Had you a deformed foot, and an iron mold were made to close around it and press it into symmetrical shape and hold it so, would you ask where is the agony? The punishment here is the punishment of a deformed nature forced into superficial symmetry. It is the punishment that captivity is to unrestraint; that subordination and enforced self-control are to ungoverned passion and inordinate vanity and pride; that routine is to the love of idle adventure; that decorum is to the love of orgies; that temperance is to the love of drink; that loneliness is to the social and domestic impulses; that solitude and self-communion are to remorse. It is all the losses and restraints of banishment, without one of its liberties. Nothing tempers it but the repentance and reform which it induces, and these temper it just in degree as they are genuine and thorough."

"And your actual results?" asks the visitor.

"Of those who come here for their first offense, a majority return to honest life."

"You have a model prison."

"No," says the warden, "not yet."

THE THEORY OF SELF-SUPPORT.

Now, the number of such prisons in America, we say, may be counted on the fingers of one hand. Communities rarely allow the prison its rightful place among their investments of public money for the improvement of public morals and public safety. Its outlays are begrudged because they do not yield cash incomes equal to their cash expenses. Legislatures, public schools, courts of justice, and departments of police are paid for by the people in the belief that they will and must be made to yield conditions and results necessary to be obtained, for whose absence no saving of public wealth can atone, and that ultimately, though indirectly, even on their pecuniary side, they are emphatically profitable. But when it is asked by what course of reasoning the prison is left out of this count, there is heard only, as one may say, a motion to adjourn. Society is not ready for the question.

The error is a sad one, and is deeply rooted. And yet it is a glaring one. A glance at the subject is enough to show that unless the money laid out in prisons is devoted to some end far better than the mere getting it back again, then legislatures, public schools, courts, and police all are shortened in their results, and a corresponding part of their expenses is rightly chargeable to the mismanaged prison. The prison is an inseparable part of the system; and the idea that the prison must first of all pay

back dollar for dollar, if logically pushed on through the system, would close public schools, adjourn courts of justice, dissolve legislatures, and disband police. For not one of these could exist on a "self-supporting" basis.

Oftener, probably, than from any other one source, this mistake springs from the indolent assumption that the call to make prisons what they ought to be is merely an appeal to public benevolence. It was so, in their earlier turn, with public hospitals and public schools; and the effect was similar. For only here and there, if at all, did they find their best efficiency or a true public support, until society rose to the noble modesty that recognized them not as public charities, but as public interests. The management of a State's convicts is a public interest that still waits for the same sort of recognition and treatment. In many directions this has been partly conceded; but there are few, if any, other State executives who would undertake to echo the lately uttered words of that one who said:

"In neither of the penitentiaries of this State has there ever been an attempt yet made to administer them on the vulgar, wicked, unworthy consideration of making them self-sustaining. In neither of them has it been forgotten that even the convict is a human being, and that his body and soul are not so the property of the State that both may be crushed out in the effort to reimburse the State the cost of his scanty food, and, at the end of his term, what then is left of him be dismissed, an enemy of human society."

The two dissimilar motives here implied govern the management of most American prisons. In a few the foremost effort is to make them yield, by a generous, judicious control, every result worth, to society's best interests, the money paid for it; that is, to treat them as a public interest. In a much larger number it is to seek such, and only such, good results as may be got without an appreciable excess of expense over income; that is, to treat them as appeals — and unworthy appeals — to the public charity. One motive demands first of all the largest results, the other the smallest net expense. They give rise to two systems of management, each of which, in practice, has its merits and drawbacks, and is more or less effectively carried out, according to the hands and minds under which it falls. These are known as the Public Accounts System and the Contract System. Each has its advocates among students of prison science, and it is not the province of this paper further to press the contrast between them. It is truly the country's misfortune that in several States there is a third system in operation, a knowledge of whose real workings can fill the mind of any good citizen only with astonishment and indignant mortification.

By either of the two systems already named, the prison remains in charge of State officials, the criminals are kept continually within the prison walls, and the prison discipline rests intact. All the appliances for labor—the workshops, tools, engines, and machinery—are provided by the State, and the convicts labor daily, prosecuting various industries, in the Public Accounts System under their official overseers, and in the Contract System under private contractors. In degrees of more or less excellence, these industrial operations, whether under official directors or contractors, are carefully harmonized with those features of the prison management that look to the secure detention, the health, the discipline, and the moral reformation of the prisoner, the execution of the law's sentence upon him in its closest and furthest intent, and, if possible, his return to the outer world, when he must be returned, a more valuable and less dangerous man, impressed with the justice of his punishment, and yet a warning to evil-doers. It is the absence of several of these features, and sometimes of all, that makes the wide difference between these methods on the one hand and the mode of prison management known as the Lease System on the other.

EVIL PRINCIPLES OF THE LEASE SYSTEM.

Its features vary in different regions. In some, the State retains the penitentiary in charge of its officers, and leases out the convicts in gangs of scores or hundreds to persons who use them anywhere within the State boundaries in the execution of private enterprises or public or semi-public works. In a few cases the penitentiary itself, its appliances and its inmates, all and entire, are leased, sometimes annually or biennially, sometimes for five and sometimes for ten or even twenty years, and the convicts worked within or without the prison walls, and near to or distant from them, as various circumstances may regulate, being transferred from place to place in companies under military or semi-military guard, and quartered in camps or herded in stockades convenient to their fields of labor. In two or three States the Government's abandonment of its trust is still more nearly complete, the terms of the lease going so far as to assign to the lessees the entire custody and discipline of the convicts, and even their medical and surgical care. But a clause common to all these prison leases is that which allows a portion, at least, and sometimes all of the prisoners to be worked in parts of the State remote from the prison. The fitness of some lessees to hold such a trust may be estimated from the spirit of the following letters :

"OFFICE OF LESSEE ARKANSAS STATE PENITENTIARY,
"LITTLE ROCK, ARKANSAS, January 12, 1882.

"DEAR SIR: Your postal of request to hand; sorry to say cannot send you report, as there are none given. The business of the Arkansas State Penitentiary is of a private nature, and no report is made to the public. Any private information relative to the men will be furnished upon application for same.

"Very respectfully,
"ZEB. WARD, Lessee.
"Z. J."

"OFFICE OF LESSEE ARKANSAS STATE PENITENTIARY.
"LITTLE ROCK, ARKANSAS, July 2, 1882.

"DEAR SIR: Yours of — date to hand and fully noted. Your inquiries, if answered, would require much time and labor. I am sole lessee, and work all the convicts, and of course the business of the prison is my private business. My book-keeper is kept quite busy with my business, and no time to make out all the queries you ask for. Similar information is given to the Legislature once in two years.

"Respectfully,
"ZEB. WARD."

The wonder is that such a scheme should not, upon its face, be instantly rejected by any but the most sordid and short-sighted minds. It is difficult to call its propositions less than an insult to the intelligence and humanity of any enlightened community. It was a Governor of Kentucky who, in 1873, justly said to his State Legislature: "I cannot but regard the present system under which the State penitentiary is leased and managed as a reproach to the commonwealth. . . . It is the system, not the officer acting under it, with which I find fault."*

This system springs primarily from the idea that the possession of a convict's person is an opportunity for the State to make money; that the amount to be made is whatever can be wrung from him; that for the officers of the State to waive this opportunity is to impose upon the clemency of a tax-paying public; and that, without regard to moral or mortal consequences, the penitentiary whose annual report shows the largest cash balance paid into the State's treasury is the best penitentiary. The mitigations that arise in its practice through the humane or semi-humane sentiments of keepers and guards, and through the meagerest of legislation, are few, scanty, and rare; and in the main the notion is clearly set forth and followed that a convict, whether pilferer or murderer, man, woman, or child, has almost no human right that the State is bound to be at any expense to protect.

It hardly need be said that the system is not in operation by reason of any malicious public intention. On the part of lessees there is a most unadmirable spirit of enterprise. On the part of State officials there is a very natural eagerness to report themselves as put-

* Quoted in "Transactions of the National Prison Congress, St. Louis, 1874," p. 325.

ting money into the treasury, and a low estimate of public sentiment and intelligence. In the people at large there is little more than a listless oblivion, that may be reprehensible, but is not intentional, unless they are to be judged by the acts of their elected legislators, a rule by which few communities would stand unaccused. At any rate, to fall into the error is easy. Outlays for the maintenance of police and courts are followed with a jealous eye. Expense and danger keep the public on the alert. Since neither police nor courts can pay back in money, they must pay back in protection and in justice. The accused of crime must be arrested, the innocent acquitted and exonerated, and the guilty sentenced to the penalties of the laws they have violated. But just here the careless mind slips into the mistake that the end is reached; that to punish crime is to deter crime; that when broken laws are *avenged* that is the end; that it is enough to have the culprit in limbo, if only he is made to suffer and not to cost. Hence the public resolve, expressed and enforced through legislators and executive officers, to spend no more money on the criminal than will promptly come back in cash—nay, worse, to make him pay in advance; and hence, too, a total disregard of all other results for good or bad that may be issuing from the prison walls. Thus it follows that that arm of the public service by whose workings a large part of all the immense labor and expenses of police and courts must become either profitable or unprofitable is handed over to the system which, whatever else of profound mischief its annual tables may betray or conceal, will show the smartest results on the cash-book. And thus we see, annually or biennially, the governors of some of our States congratulating their legislatures upon the fact that, by farming out into private hands whose single motive is money the most delicate and difficult task in the whole public service, that task is changed from an outlay that might have been made nobly advantageous into a shameful and disastrous source of revenue.

IN TENNESSEE—THE SYSTEM AT ITS BEST.

IF, now, we are to begin a scrutiny of this evil, we shall do well to regard it first as it presents itself in its least offensive aspect. To do this, we turn to the State prison, or prisons, of Tennessee. The State holds in confinement about one thousand three hundred convicts. The penitentiary is at Nashville, the capital. On the 5th of December, 1881, its workshops were accidentally destroyed by fire, and those which have taken their place are, if we may accept the warden's judgment,

the finest south of the Ohio River.* An advertisement from the Secretary of State, in a New Orleans paper of June 14, 1883, invites bids for a six years' lease of the "Penitentiary of Tennessee and the labor of the convicts, together with the building, quarry-grounds, fixtures, machinery, tools, engines, patterns, etc., belonging to the State." It is there asserted that the penitentiary has been conducted on this plan already for a number of years. The State's official prison inspectors remark, in their report of December 30, 1882: "The Lease System, during our term of office, has worked harmoniously and without the least scandal or cause for interference on the part of the inspectors. Rentals have been promptly paid, and the prisoners worked in accordance with law and most humanely treated. . . . To our minds there can be no valid objection raised to the Lease System, under proper restrictions, especially if as well conducted as for the past few years." They add the one reason for this conviction, but for which, certainly, there would be none: "A fixed revenue is assured to the State every year under the lease plan, as against an annual outlay under State management." The advertisement shows one feature in the system in Tennessee which marks it as superior to its application in most other States that practice it: the lessees employ such convicts as are retained "in the prison building at Nashville (many of whom are skilled laborers and of long-term sentence) in manufacturing wagons, iron hollow-ware, furniture, etc." The terms of the lease are required to be "not less than one hundred thousand dollars per annum, payable quarterly, clear of all expenses to the State on any account except the salaries of the superintendent, warden, assistant-warden, surgeon, and chaplain, which are to be paid by the State."

Here, then, is the Lease System at its best. Let us now glance in upon it for a moment through its own testimony, as found in the official report of its operations during the two years ending December 1, 1882. At the close of that term the State held in custody 1,336 convicts. Of these, 685 were at work in the penitentiary, 28 were employed in a railway tunnel, 34 were at work on a farm, 89 on another farm, 30 in a coal-mine, 145 in another coal-mine, and 325 in still another. In short, nearly half the convicts are scattered about in "branch prisons," and the facts that can be gathered concerning them are only such as are given or implied in

* Unfortunately for this pardonable boast, the boundary given cuts off all State prisons that exclude the lease management, except one small institution in West Virginia.

the most meager allusions. It appears that they are worked in gangs surrounded by armed guards, and the largest company, at least,—the three hundred and twenty-five,—quartered in a mere stockade. As the eye runs down the table of deaths, it finds opposite the names, among other mortal causes, the following: Found dead. Killed. Drowned. Not given. Blank. Blank. Blank. Killed. Blank. Shot. Killed. Blank. Blank. Killed. Killed. Blank. Blank. Blank. Killed. Blank. Blank.* The warden of the penitentiary states that, "in sending convicts to the branch prisons, especial care is taken to prevent the sending of any but able-bodied men"; and that "it has also been the custom to return the invalid and afflicted convicts from the branch prisons to this prison"—the penitentiary. Yet the report shows heavy rates of mortality at these branch prisons, resulting largely from such lingering complaints as dropsy, scrofula, etc., and more numerously by consumption than by any one thing else except violence: rates of mortality startlingly large compared with the usual rates of well-ordered prisons, and low only in comparison with those of other prisons worked under the hands of lessees.

The annual reports (taken as they could be procured, one for 1880, three for 1881, and one for 1882) of five of the largest prisons in the United States show that, from the aggregate population of those prisons, numbering 5300 convicts, there escaped during twelve months but one prisoner. In all the State prisons of the country not kept by the Lease System, with a population, at dates of reports, of 18,400, there escaped in one year only 63. But in the one year ending December 1, 1881, there escaped, from an average population of about 630 convicts at these Tennessee "branch prisons," 49 prisoners. Or, rather, there were 49 escapes; for some convicts escaped and were recaptured more than once or twice. The following year they numbered 50. If the tables in the report were correct,—it will be shown they are not,—we should know that the recaptures in the *two* years were about forty; but that which is not known is, what public and private expense in depredations on the one hand and the maintenance of police on the other these ninety-nine escaped robbers, burglars, house-burners, horse-thieves, and swindlers, and these forty recaptures, have caused and are still causing. The superintendent of prisons, making exception, it is true, of one small establishment of

less than a hundred population, whence over a third of these escapes were made, says the deputy wardens in charge "deserve credit for the manner in which they have carried out his instructions." Such is one feature of the Lease System under an exceptionally good administration of it. What a condition it had but lately come out of may be inferred from three lines found in the warden's report of the Texas penitentiary in 1880: "I noticed in a recent Tennessee report that, from an average force of less than 600 convicts, there were 257 escapes in two years."

The convict quarters in the main prison, at Nashville, are three separate stone wings, in each of which the cells rise one above another in four tiers. The total number of cells is 352. They are of three sizes. According to modern sanitary knowledge, a sleeping-room should never contain less than 800 cubic feet of air to each occupant; but, of these cells, 120 contain, each, only 309 cubic feet of space; another 120 contain, each, but 175 feet; the remaining 112 contain but 162 feet each; and nearly every one of these cells has two inmates. Thus a majority of the inmates are allowed an air space at night less than the cubic contents of a good-sized grave. The physician of the penitentiary reports that the air breathed in these cells is "almost insupportable." He says of the entire establishment, "No amount of remodeling or tinkering can make it comfortable or healthy." The hospital he and others report as badly constructed and too small. "There is no place for dressing the dead except in the presence of all the sick in the hospital, or in the wing in the presence of more than two hundred convicts." Other details are too revolting for popular reading.

The female department of the prison "overlooks the prison yard in plain view and hearing of the male convicts." "No woman," says the warden, "should be sentenced to the Tennessee penitentiary until the State makes better provision for their care." "Had I the pardoning power, I would relieve every woman now in the penitentiary and those who may be sentenced, until the State can or will provide a place to keep them, in keeping with the age in which we live." The chaplain reports these women as having "abandoned all hope and given up to utter despair, their conversation obscene and filthy, and their conduct controlled by their unrestrained passions." He indicates that he has abandoned all spiritual and moral effort among them; but, it is to be regretted, does not state by what right he has done so.

The discipline of this main prison, as of the "branches," seems to be only such as pro-

* One might hope these blanks were but omissions of ditto marks, although such marks are not lacking where required in other parts of the table; but the charitable assumption fails when it would require us to supply them under "Sunstroke" and opposite the date of December.

vides for efficiency in labor and against insurrection and escape. The warden's report intimates that modes of punishment of refractory prisoners are left "to the discretion of wardens and inspectors." "When the labor is hired out," he says, "the lessee demands punishment that will not cause him to lose the labor of the man." Thus he lays his finger upon the fact that the very nature of the Lease System tends to banish all the most salutary forms of correction from the prison management. "Under the present laws and customs," says this warden, "the Tennessee penitentiary is a school of crime instead of being a reformatory institution. . . . There are now about fifty boys in the penitentiary under eighteen years of age. . . . Nineteenths of them leave prison much worse than when they came. . . . They are thrown into the midst of hundreds of the worst criminals the State affords, sleeping in the same cell with them at night, and working at the same bench or machine in the day. . . . The young and the old, the comparatively good and the vilest and most depraved, are thrown promiscuously together."*

Even that superficial discipline which obtains in the prison, addressed merely against physical insubordination, is loose, crude, and morally bad. The freedom of intercourse among the convicts is something preposterous. The State is actually put into the position of bringing together its murderers, thieves, house-breakers, highwaymen, and abandoned women, and making each acquainted with all the rest, to the number of about five hundred a year. In an intelligently conducted prison, each convict carries his food to his cell and eats it there alone; but in this one the warden recommends that a dining-room be fitted up for 1200 persons. Convicts are given duties connected with the prison management; they are "door-keepers," and "wing-tenders," and "roll-callers." In one year the number of escapes from within its walls, not counting those made during the fire, was more than half as great as the total of escapes for an equal length of time from the State prisons of all New England, with New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, and Illinois, where there were over 12,000 convicts. One woman escaped twice, and another one three times, both within the same ninety days.

The incapable simplicity of the prison's disciplinarians is pointedly shown again in a list

*The roll of the Mississippi penitentiary shows, December, 1881, in a total number one-third less, seventy boys to have been received into the prison under eighteen years of age, some of them being but twelve and thirteen, sentenced for life and terms in their probabilities equivalent to a life sentence.

of no less than 101 convicts recommended for executive clemency, some for having helped to put out the fire in December, 1881, some for holding mutineers in check on the same occasion, and some for running and telling on certain fellow-convicts who were preparing to escape in disguise. Reformatory discipline can hardly be imagined as reaching a lower degree of imbecility.

The chaplain's report is a bundle of crude generalities, marked by a serene ignorance of the badness of affairs, and by a total absence of any tabulated or other form of accurate or useful observation. Some spelling, some reading, regular Sabbath service, Sunday-school, — all is recounted in indefinite quantities, except the 33 admissions into the "prison church." No feature is lacking of that well-meant but melancholy farce which religious prison work always must be, when performed without regard to the unique conditions of life to which it is addressed. During the winter of 1881-'82, the chaplain preached sometimes to the convicts at Ensley's farm, where "they seemed to enjoy the services very much"; and this is all he has to say of the place where men were being "found dead," and "killed," and "drowned," and "——"-ed. Nor was his silence a mistaken discreetness; for he writes:

"The objects sought by imprisoning offenders being the security of society and the punishment and reformation of the guilty, I am glad to say that these objects are certainly in a large measure being accomplished in many cases in the management of our State Prison."

Having thus claimed a proprietary share in this rotten institution, he wisely concludes with an expression of timid uncertainty as to how many of his "prison church" membership will finally reach "the haven of eternal repose."

But are these bad conditions necessarily chargeable to the Lease System? No, and yes. They have been dwelt upon to show with what a state of affairs the system will content itself, its inspectors, the State legislators, and the community at large. It has nothing in it to produce a knowledge of and desire for a correct and honorable and truly profitable prison management. Its interests make directly against both individual and institutional reform. The plea of self-support on which it rests, the price it pays for its privileges, whether corruptly intended or not, are a bribe to officials and to public alike to close the ear against all suggestion of better things. For example, see the report of the two inspectors of the Tennessee prisons. Excepting a letter from another hand, quoted by them, their whole biennial report is less than one hundred lines. A little over half tells of the fire and the new workshops. A little less than half is given to the praise of the Lease

System, upon the lonely merit of cash returns, and to a recommendation for its continuance. For the rest, they content themselves with pointing the Legislature to the reports of the superintendent, warden, physician, and chaplain of the penitentiary, whom, they say, "we indorse most heartily as attentive to their respective duties, and alive to every requirement of the law [which the warden reports as painfully barren of requirements] and the dictates of humanity in the discharge of their duty." However true this may be of the executive officers, it is certainly not true of the inspectors themselves. They do not certify to the correctness of a single roll or tabulated statement, or imply that they have examined any one of them. They do not present a statistical figure of their own, or recommend the taking of a single record among all the valuable registries that should be made, but are not, because the facts they would indicate are either absent or despised. Indeed, their silence is in a certain sense obligatory; for the omitted records, if taken, would condemn the system they praise, and the meager records that are given swarm with errors. It would have been hard for the inspectors to say anything worse for themselves than that they had examined the reports. The physician's is an almost unqualified denunciation of the whole establishment; the superintendent's is three-quarters of a page of generalities and official compliments; and the warden's tabulated statements confusedly contradict each other. Even the numerical counts are incorrect. One convict, distinctly named and described, appears in the list of escapes but once, and among the recaptures three times. One, reported escaped twice, is not once mentioned among the recaptures. Four convicts (one of them serving a nineteen years' sentence) reported among the recaptures are not on the prison roll, nor are they reported as pardoned, discharged, transferred, died, blanked, or in any other way disposed of. A convict, Zach. Boyd by name, under life sentence, expected soon to die of dropsy and recommended by the warden for executive clemency, is enrolled neither among the dead nor the living. The inference is irresistible that the prison's officers do not know how many convicts they have or should have. In the list of "Commutations," names occur repeatedly that are not in any list of inmates on hand or removed or released. Several convicts are reported as white men when they escaped and as colored when recaptured, and one or two pass through two such transformations. All search by the present writer for occasion to lay these errors upon the printer has proved unavailing. The

fault is in the prisons themselves and the system on which they are managed. Such a condition of accounts might be excused in the rosters of a retreating army; but it is not to be believed, while there is room for doubt, that the people of an American State will knowingly accept such stupid and wicked trifling with their State's good name and the safety of society, or even such a ghastly burlesque of net revenue.

IN NORTH CAROLINA.

YET when we pass across the boundaries of Tennessee and enter any adjoining State, excepting only Missouri, we find the same system in operation, operating viciously, and often more viciously than in Tennessee. North Carolina, during the two years ending October 31, 1880, held in custody an average of 1090 convicts. The penitentiary proper and its interior industries were being controlled under public account. Shoemaking, brickmaking, tailoring, blacksmithing, etc., the officers report, were either already profitable or could be made so, and their detailed accounts of receipts and expenditures seem to verify their assertions. The statistics of the prison are given, not minutely or very comprehensively, but intelligently as far as they go, and are valuable.

So much sunshine of right endeavor an unusually restrained Lease System lets in: the Lease System itself exists only without the walls. Only able-bodied convicts may be farmed out. But just at this point the notion bred from a total misconception of the true profits to be sought—the notion that a penal establishment must live upon its income—begins to show its fruit. "Every enterprise that the board of directors," says its president, "have been able to devise for using the labor that was compelled to remain in the prison has been either summarily crushed in its incipency or seriously crippled in its progress by the fact that we had not the means to carry them to a successful issue. Attempted economy, we believe, has proven a waste, and . . . the State has suffered by a niggardly use of its resources. The [permanent] buildings, too, have been carried too far to be now torn down, and less costly ones erected in their stead. They must, therefore, at some time, be completed; and so long as they are permitted to remain in their present unfinished condition, they are subject to damage, from exposure to weather, that will often necessitate work to be redone that would have been saved had they been steadily pressed to completion. There would, too, be incalculable economy in the police of the prison, if the convenient and compact build-

ing in progress of erection could speedily take the place of the scattered and imperfect wooden structures now in use; and the suffering endured by the convicts in extreme cold weather, which is no part of their sentence, but has been unavoidable under the circumstances, would cease to be a source of anxiety to the board of directors and a reflection upon the power whose duty it is to relieve it."

The warden reports these temporary buildings as devoid of all means for warming them, badly ventilated, and entirely unfitted for use. A part, at least, of the inmates were, it seems, congregated in a stockade, which was "liable to tumble at any time." The prison physician pronounced these temporary quarters "the fruitful cause of many deaths." The population *within* this penitentiary was generally about three hundred. About eight hundred, therefore, were scattered about in companies under lessees, and in the two years 1879-80 were at different times at work on six different railways and one wagon road. What their experiences were at these places can be gathered, by one at a distance, only from one or two incidental remarks dropped by the prison officers in their reports and from the tabulated records of the convict movement. There is no hospital record given concerning them, nor any physician's account of their sickness. When they drop off they are simply scored as dead. The warden says of them that many had "taken their regular shifts for several years in the Swannanoa and other tunnels on the Western North Carolina Railroad, and were finally returned to the prison with shattered constitutions and their physical strength entirely gone, so that, with the most skillful medical treatment and the best nursing, it was impossible for them to recuperate."

But such remarks convey but a faint idea of the dreadful lot of these unfortunate creatures. The prison physician, apologizing for the high death-rate within the walls, instances twenty-one deaths of men "who had been returned from the railroads completely broken down and hopelessly diseased." And when *these deaths are left out of the count*, the number of deaths *inside* the walls, not attributable to *outside* hardships, amounted, in 1880, to just the number of those in the prisons of Auburn and Sing-Sing in a population *eight times as large*. Ten-elevenths of the deaths for 1879 and 1880 were from lingering diseases, principally consumption. Yet, year in and year out, the good citizens of Raleigh were visiting the place weekly, teaching Sunday-school, preaching the gospel, and staring these facts in the face.

Now, what was the death-rate among the convicts working at railroad construction? The average number of prisoners so engaged in 1879 and 1880 was 776. The deaths, including the 21 sent back to die in prison, were 178, an annual death-rate of nearly eleven and a half per cent., and therefore greater than the year's death-rate in New Orleans in 1853, the year of the Great Epidemic. But the dark fact that eclipses everything else is that not a word is given to account for the deaths of 158 of these men, except that 11 were shot down in trying to escape from this heartless butchery.

In the light of these conditions, the warden's expressed pleasure in the gradual decrease in prison population since 1877 in North Carolina seems rather ill grounded and not likely to last. It is certainly amazing that men of the sincerest good intentions can live in full knowledge of such affairs, or, at least, within easy reach of the knowledge, and not put forth their protest against the system that fosters and perpetuates it. The North Carolina prison, it may be repeated, is managed, within its walls, on the public account; but it is the Public Account System suffocated under the Lease System and stabbed by the glittering policy of self-support. In 1880 alone the *Lease System, pure and simple*, set free upon the people of North Carolina, from its railroad gangs, 123 escaped criminals. The prison added 12 more. The recaptures numbered 42. Ninety-three remained at large; just 5 more than the *total* escapes for an equal period in every State prison of every State in this country, excepting the other eleven managed in whole or part upon the Lease System. The moral effect of such a prison life on men herded in stockades may be left to the imagination; but one other fact must be noted. In the two years 1879-80 there were turned into this penitentiary at Raleigh 234 youths under twenty years of age, not one of whom was under sentence for less than twelve months.

It only remains to be asked, For what enormous money consideration did the State set its seal upon this hideous mistake? The statement would be incredible were it attempted to give other than a literal quotation. "Therefore it will be seen," says the warden at the bottom of his résumé of accounts, "that the convicts have earned \$678.78 more than the prison department has cost for the two years ending October 31, 1880."

IN KENTUCKY.

IN Kentucky the management of the State prison seems to be in a stage of transition.

Facts that need no mention here* make allusion to it a particularly delicate task. Yet the writer may not assume that any one would desire that the truth be left unsaid. Upon the candor and generosity not only of Kentuckians, but of all the communities whose prisons come under this review, must the writer throw himself, trusting to find his words received in the same spirit of simple good citizenship in which they are offered.

After long experience with the Lease System, there was passed in May, 1880, an "Act to provide for the government, management, and discipline of the Kentucky penitentiary," by which the prison passed back from other hands into those of the State's appointed officers. The Lease System was not discarded; but certain very decided modifications were made in it, leaning toward the Contract System. The report made by the prison officers and board, eighteen months later, bears a general air of the sad confusion that commonly belongs to a late and partial extrication from disaster. It affords a retrospective view of the old system extremely unflattering; but it also gives evidence that certain State officers, conspicuously the Governor, were making an earnest and sagacious effort to reform the entire penal system of their commonwealth. Yet it seems plain again that they are not a little handicapped by that false popular idea of the prison's place in the State's governmental economy, upon which the Lease System thrives while the convict falls into moral and physical ruin and society's real interests are sold for old rags. It may be assumed that there is a reserved determination on the part of those who have taken the matter in hand, to raise the work of reform to the plane it should occupy as soon as the general sentiment can be brought to require it; but, meantime, the State's penal system has risen, from something worse, only to the level of the system in North Carolina.

The officers whom the State, pursuant to its scheme of renovation, placed in charge, put that scheme into practice, to use their own words, "whenever the costs of doing so involved only a small outlay." The building that contains the prisoners' cells, found "infested with all kinds of vermin known to institutions of the kind," with bad ventilation and rat-eaten floors, was purged, by convict labor, with coal-oil, fire, whitewash, and tar. The grounds around the women's quarters, "low and marshy, covered with water, in rainy weather, ankle-deep for days," were filled up. "Long rows of shanties or sheds, . . . unsightly and inflammable in the ex-

* At Louisville, Kentucky, where the convention before which this paper was read was then enjoying the hospitality of the State.

treme," long used in the hackling of hemp, were torn away. The hospital and chapel were cleaned and kept clean. Religious services were regularly afforded by an official chaplain and at intervals by a Catholic priest, and Sabbath instruction gradually took shape with (let it be said to their praise) members of the Governor's own family in charge. The diminutive and dilapidated library was put into shape and new books were added. But from here on, the friends of the prison could only pray for aid and relief. The principal industry continued to be, as it had been for many years, working in hemp, under circumstances that made it a distressing and unhealthful hardship. On the 1st of last January, 350 men were working in that department without ventilation or bath, and, says the warden, "the dust so dense that it is frequently impossible to recognize a man twenty feet distant." "It is certainly an act only of common humanity that the evil created should be counteracted by good and ample bathing facilities." In the hospital, as a fit adjunct to the hemp department, there were, in 1881, 144 cases of inflamed eyes and 202 of acute bronchitis. The kitchen was not adapted to the proper cooking of the prisoners' food, and the hospital's response was 616 cases of acute disease of the bowels and 101 of impoverishment of the blood. There was an entire absence of an intelligent *trained* reformatory treatment, in accordance with a knowledge of criminal character, recognition of the criminals' forfeited rights, and proper prison discipline. In this shape stood matters at the beginning of the year 1882, as viewed from without. The inside history can only be conjectured; but we get one glimpse of the convict's sentiment toward his choking, blinding, life-shortening daily task in the fact that, within the eighteen months of the new régime, five men purposely mutilated their hands so as to compel the amputation of fingers, and two others cut off, each, a hand at the wrist. What the fortunes of the convicts leased out upon railroad construction were and are, we are given no clew by which to tell; the report contains no returns from them, and we have only the same general assurance that all is well that is given as to those in Tennessee and North Carolina.

SOUTH CAROLINA.

ANOTHER view of the Lease System under limitations is afforded in the "Annual Report of the Board of Directors of the South Carolina Penitentiary for the fiscal year ending October 31, 1881." The prison is not only under a full corps of State officers, but, like the North Carolina prison, it is conducted

on public account, the convicts only being leased, and of these only such as are sent beyond the prison's walls. Yet the overwhelming consideration of self-support makes the spirit of the Lease System dominant over all. The reformatory features are crude, feeble, and purely accidental. The records are meager. The discipline is of that poor sort which is vaguely reported as "administered only when necessary," addressed simply to the prisoner's safe custody and the performance of his tasks. The escapes, from an average population of 632, were 36; the recaptures, 21. Most likely, to the popular eye, the numbers are not startling; but, if we look around to compare them with the record of some properly ordered prison of the same population, we see the warden of the Maryland penitentiary, under contract management, admitting with full explanation and apology the escape of one prisoner, the first in ten years. The number of escapes reported from the South Carolina prison would have been forty, had not four escaped convicts been "found drowned" within two or three days after their escape. A report with which such numbers will compare favorably can be found only by turning to other leased prison forces. One reason why it may there be found is that, in South Carolina, almost alone, a penalty attaches to the lessees for each escape. "There is now due the State," says the report, "in penalties for the escape of convicts under contract [meaning leased convicts] about \$25,000." In the chaplain's report, as in all chaplains' reports under the Lease System, and probably in many under better systems, is seen the familiar conjunction of pious intention with a strange oversight of the inadaptability, to the incarcerated criminal, of the ordinary technical methods of religion in society. What response can there be but a weary smile to the complacent announcement that in this prison "there are now about one hundred men and women who can repeat the Ten Commandments, the Lord's Prayer, the Apostles' Creed, and the whole of Capers' Catechism." But the humor fades out when it is added, "We have also a Sunday-school, regularly conducted by *intelligent convicts*." "I regard the State Penitentiary, as designed by its originators, as a great reformatory school, and I am happy to believe, from personal observation, . . . that this prime leading object is . . . being faithfully carried out." So writes this evidently sincere and zealous divine, in the face of the fact that the very foundation principles of reformatory treatment were absent, and that constantly a larger number of convicts were kept beyond his reach than were left for him to preach to.

One of the peculiar temptations which the Lease System holds out to the communities employing it, as such communities are represented in the jury-box, needs a moment's careful notice. The States where this system is in vogue are now, and have been for some years, enjoying a new and great development of their natural resources and of other industries than that colossal agricultural system that once monopolized their attention. There is, therefore, a vigorous demand for the opening and completion of extensive public works,—mines, railways, turnpikes, levees, and the like,—and for ways and means for getting them done as quickly and cheaply as possible. Now, it is with these potent conditions in force that the Lease System presents itself as the lowest bidder, and holds forth the seductive spectacle of these great works, which everybody wants and no one wants to pay for, growing apace by convict labor that seems to cost nothing. What is the consequence? We might almost assert beforehand that the popular sentiment and verdict would hustle the misbehaving, with shocking alacrity, into the State's prison under extravagant sentences or for trivial offenses, and sell their labor to the highest bidder who will use them in the construction of public works. The temptation gathers additional force through the popular ignorance of the condition and results of these penitentiaries, and the natural assumption that they are not so grossly mismanaged but that the convict will survive his sentence, and the fierce discipline of the convict camp "teach him to behave himself."

But there is no need to reason from cause to effect only. The testimony of the prisons themselves is before us, either to upset or else to establish these conjectures. A single glance at almost any of their reports startles the eye with the undue length of sentences and the infliction of penalties for mere misdemeanors that are proper only to crimes and felonies. In the Georgia penitentiary, in 1880, in a total of nearly 1200 convicts, only 22 prisoners were serving as low a term as one year, only 52 others as low a term as two years, only 76 others as low a term as three years; while those who were under sentences of ten years and *over* numbered 538, although ten years, as the rolls show, is the *utmost* length of time that a convict can be expected to remain alive in a Georgia penitentiary. Six men were under sentence for simple assault and battery,—mere fisticuffing,—one of two years, two of five years, one of six years, one of seven, and one of eight. For larceny, three men were serving under sentence of twenty years; five were sentenced each fifteen years; one, fourteen years; six, twelve years; thirty-

five, ten years; and one hundred and seventy-two, from one year up to nine years. In other words, a large majority of all these had, for simple stealing, without breaking in or violence, been virtually condemned to be worked and misused to death. One man was under a twenty years' sentence for "hog-stealing." Twelve men were sentenced to the South Carolina penitentiary, in 1881, on no other finding but a misdemeanor commonly atoned for by a fine of a few dollars, and which thousands of the State's inhabitants are constantly committing with impunity — the carrying of concealed weapons. Fifteen others were sentenced for mere assault and assault and battery. It is to be inferred — for we are left to our inferences — that such sentences were very short; but it is inferable, too, that they worked the customary loss of citizenship for life. In Louisiana, a few days before the writing of this paper, a man was sentenced to the penitentiary for twelve months for stealing five dollars' worth of gunny-sacks.

IN GEORGIA.

THE convict force of Georgia, already more than once alluded to, presents the Lease System under some other peculiarly vicious aspects. For example, the State is bound by, and is now in the fourth year of, a twenty years' lease. The convicts, on October 20, 1880, were 1185 or 1186 in number (the various exhibits of the biennial report differ widely in some of their statements). They were consigned to three penitentiaries in three different counties, each of which had "several branch camps." Thus they were scattered about in eleven camps over at least seven counties. The assurance of the "principal keeper" is that in all these camps they are humanely treated. Every "permanent camp" has a hospital, a physician, and a chaplain. But there are other camps that have none. Reports from other officials and from special committees of citizens repeat the principal keeper's assurance in the same general terms. And yet all these utterances unconsciously admit facts that betray the total unfitness of the management for the ends it ought to have in view and its gross inhumanity. From the "General Notice to Lessees" the following is taken, with no liberties except to italicize:

"In all cases of *severe illness* the *shackles* must be promptly removed." "The convicts shall be turned off of the *chain* on the Sabbath and allowed to recreate in and about the stockade." Elsewhere the principal keeper says, "When a convict is sick, the chains are to be taken off of him." As to the discipline, he reports 35 escapes (7 burglars, 3 house-burners, 9

murderers and would-be murderers, 1 forger, 3 robbers, 7 thieves, and others whose crimes are best unmentioned), with no recaptures; and the surgeon reports nine men killed, three of them by fellow convicts. "You will observe the death-rate to have greatly decreased in the last two years," says the principal keeper; but the death-rate, when observed, was found to have decreased only to about twice the rate of properly planned and managed establishments of the kind. This, he reports, is one-half what it had been. His tabulated statements relating to the convicts, though lamentably scanty, reveal an amount of confusion behind them that is hard to credit. One table, purporting to show the whole 1186 convicts in confinement, classified by the crimes under which they were sentenced, has not a single correct number in it, and is an entire hundred short in its true total. The numbers, moreover, are so far out of the way that they cannot possibly be the true exhibit of some other date substituted in error. They report 184 under sentence for burglary, whereas the roll shows 467, and they entirely omit 25 serving sentence for forgery, and 23 for robbery.

THE PARDONING POWER.

WE have already noticed, in the prison and convict camps of this State, the feature of cruel sentences. Let us look at another; to wit, lavish pardons. It is but typical of the prisons under the Lease System, wherever that is found in unrestrained operation. Here may be seen a group of penal institutions, the worst in the country by every evidence of their own setting forth: cruel, brutalizing, deadly; chaining, flogging, shooting, drowning, killing by exhaustion and exposure, holding the criminal out to the public gaze, publishing him to the world by name and description in its reports when he goes in, every alternate year while he stays in, and when he dies or goes out; putting under foot every method of reform worthy of prison science, mocking such intelligent sense of justice and mercy as he may have, and doing everything that can be done to make his heart and conscience harder than the granite of his prison walls. Yet these prisons are sending forth from their gates a larger percentage of their populations, pardoned, than issues in like manner from all the prisons of the country managed on intelligent reformatory systems. Nor can the fault be confidently imputed, as is often hastily done, to political design or mere pliability in State governors. The horrors of the convict camps, best known to the executive, the absence of

a discipline calculated to show who is worthy of clemency, the activity of outside friends usurping this delicate office, are potent causes; and the best extenuation that can be offered is that a large proportion of these pardons are granted not because the prisoner has become so good, but because the prison is so bad.

IN TEXAS.

THIS is conspicuously the case in Texas. In the two years ending October 31, 1880, the Governor pardoned one hundred State convicts from the Huntsville (Texas) penitentiary. Over one-fourth were *children from ten to sixteen years of age*, and nearly another fourth, says the superintendent, "were hopelessly diseased, blind, crippled, or demented, . . . simple objects of pity, the sight of whom would have excited commiseration in hearts of stone."

For some years past Texas has had in custody about two thousand convicts at once. They are under the Lease System, some of whose features, at least, give dissatisfaction to the State's prison directors and to its Legislature. The working of convicts remote from the prison, though practiced, is condemned, and the effort is being made to bring the management into conformity with a statute that requires as many of the convicts as can be to be employed within the penitentiary walls. Two different reports of the directors, covering a period of four years, impress their reader as the utterances of men of the best disposition, sincerely desiring to promote humanity and the public good, but handicapped, if not themselves in some degree misled, by the error of making self-support the foremost consideration in all their estimates of prison methods. "To provide for their employment, so that they will cease to be a *burden upon the tax-payers of the country*," would be counted a strange proposition to apply to courts, schools, or police, yet is assumed by them, as a matter of course, to be applicable to prison populations, and so becomes the barrier from which they recoil, and which they have allowed to throw them back into the mire of the lease system. "This problem," they say, "has long engaged the attention of philanthropists and statesmen." But they mistake. The real problem that has engaged such is, How to procure the most honorable and valuable results, and to pay for them whatever is necessary and no more. It was, unfortunately, under the shadow of these mistakes that the Texas board went so far as to "consider very seriously as to whether it should not adopt the Public Account or the Contract System," only to reject the one and to fail to get bids on the other. As a result the State

stands to-day bound, for fourteen years to come, by the Lease System, the worst prison system in Christendom, a system that cannot be reconciled with the public honor, dignity, or welfare. The board intimates plainly that this Lease System is not its choice, or at least would not be but for the nightmare of self-support. As it is, they strive to make the best of a bad matter. How bad it has been and is, a few facts will show.

It is said of the Huntsville penitentiary, Texas (an additional one has just been built at Rusk), that it was built "on the old plan, looking altogether to security, and without any regard to proper ventilation or the health or comfort of the inmates, . . . the cell buildings . . . to a considerable extent cut off from light and air, and in constant danger of destruction from fire." The prison board erected a new cell building to take its place, in which each cell has a cubic content of 384 feet, and, says the board, "can comfortably accommodate two men." This gives each occupant an air space one-quarter of the minimum necessary to health. Yet this was a great improvement. It may be mentioned in passing, as an incident very common under the Lease System, that about the same time a lot of machinery, the property of the State, valued on the inventory of one lessee after another at \$11,600, was sold for \$681, and the proceeds laid out in fifty-one breech-loading, double-barreled shot-guns. The following is from the superintendent's biennial report of October 31, 1880: "The most usual mode of punishment practiced at outside camps is by stocks. . . . Most of the sergeants, in order to make it effective, have lifted the convicts on the ball of the foot, or tiptoe, . . . jeopardizing not only health, but life. The [present] lessees . . . abolished the use of stocks at their wood camps, and I rejoice that you [the directors] have determined to abolish them altogether. On many of the farms sergeants have been in the habit of . . . whipping, as well as permitting their guards to do so, without first obtaining an order from the board of directors, as required by law." Of illegal punishments he says: "We have been compelled to discharge sergeants and a great number of guards on account of it. . . . I am satisfied that many escapes have been caused by illegal punishments and by cursing and threats." The spirit of this officer's report does him honor throughout.

One can turn again only to leased prisons elsewhere, to find numbers with which to compare the ghastly mortality of some of these Texas convict camps. Men in large numbers, "who have contracted in the miserable jails

of the State incurable diseases, or whose systems have been impregnated with diseases from having led lives of debauchery and dissipation, are put to the hardest manual labor and . . . soon break down in health." "Sick convicts are crowded into the same building containing well convicts, and cannot have proper nursing and quiet, even if they have good medical attention." "Frequently sergeants, believing that convicts are trying to play off, have kept them at work when, in fact, they were seriously ill, . . . or have tried to physic them themselves." On railroad construction the average *annual* rate of mortality, for 1879 and 1880, was 47 to the thousand, three times the usual death-rate of properly managed American prisons; at plantation labor it was 49; at the iron-works it was 54; and at the wood-cutting camps more than half the entire average population died within the two years. So much as to the rate. The total number of deaths in the period was 256, of which only 60 occurred in the prison hospital, the rest in the camps. Nor was any considerable fraction of them by contagious diseases. They were from congestions of the brain, the stomach, and the bowels; from scurvy, dropsy, nervous fever, malaria, chronic diarrhœa, general debility, pneumonia. Thirty-five died of gun-shot wounds, five of "*wounds miscellaneous*." Of three, the cause of death was "not stated." Three were drowned, four were sunstruck, two committed suicide, and two were killed by the explosion of a boiler. And all was reported without a word of apology or explanation. The whole thirty-five who were shot to death were shot in attempting to escape "from forces at work outside the prison walls." "In nearly all these cases the verdict of a coroner's jury has stated that the guard acted in discharge of his duty." As to the remainder, we know not what the verdicts were, or whether there were any; nor do we know how many vain attempts were made to escape; but we know that, over and above the deaths, there were treated in the prison hospital—where so few of the outside sick ever arrived—fifteen others with gunshot wounds and fifty-two with "*wounds miscellaneous*."

We know, too, by the record, that four men did escape from within the prison walls, and three hundred and sixty-two from the gangs outside. In the interest of the Texas taxpayer, from whom the Lease System is supposed to lift an intolerable burden, as well as for society at large, it would be well to know what were the favorite crimes of these three hundred and sixty-six escaped felons (since unreformed criminals generally repeat the same crimes again and again), what moral

and material mischief one hundred and twenty three of them did before they were recaptured, and what the record will be of the two hundred and forty-three remaining at large when the terms they should have served have expired. These facts are not given; we get only, as it were, a faint whiff of the mischief in the item of \$6,900 expended in apprehending one hundred of them.

And yet this is the operation of the Lease System under a Governor who was giving the State prison and its inmates a far more rational, humane, and diligent attention than is generally accorded them by State executives, albeit such officers are not as negligent in this direction as they are generally supposed to be; under a warden, too, who, if we read rightly between the lines of his report, is a faithful and wise overseer; and even under lessees whom this warden commends as "kind and humane gentlemen." We have both the warden's and directors' word for it, that this disciplinary and sanitary treatment of the convicts was "a very decided improvement" on what it had been. The question remains, What may the system do where it is a State's misfortune to have a preoccupied Governor and unscrupulous prison lessees? It is a positive comfort to know that for two years more, at least, the same officials and lessees remained in charge, that a second prison was added to the old one and a third projected, and that the total mortality was reduced by the abolition of the wood-cutting camps.

But it is far otherwise to know by the report for 1881-82 that the Lease System continues; that the death-rate is still enormous, and has increased in the prison and in most of the camps; that the number of men committed to hospital with gunshot and "*miscellaneous*" wounds was fifty-two; that in the mortality lists are three suicides, six sun-strokes, and thirty-six victims of the breech-loading double-barreled shot-guns; that there passed through hospital fifty-one cases of scurvy; and that there were *three hundred and ninety-seven escapes* and but seventy-four recaptures.

It may be enough attention has already been given to chaplains' reports in these so-called penitentiaries, but the one for the Texas prison compels at least a glance. It makes sixteen lines of letter-press. White men's prayer-meeting on Sunday at one hour, colored men's at another, general Sunday-school at another, preaching at another. These services are believed to have been fruitful of good; it is hoped "that some will leave the prison reformed men"; but there is not the record of one positive result, or a single observation registered looking to the discovery of a result,

either intellectual, moral, or religious, concerning hundreds of men whose even partial reformation would be worth to the State—if it must be reduced to money value—tens of thousands of dollars. Two lines of the report are certainly unique: "We endeavor to enlist all the men in this service [the Sunday-school] we can, and try to suppress all differences of opinion which are calculated to engender strife."

A single ten thousand dollars is the State's annual share in what are called the profits of this system of convict control. Were the convicts managed under the Public Account System at an annual loss of a like amount (which need not be), making a difference of twenty thousand dollars, and were the burden lifted from the mass of the one million six hundred thousand inhabitants of Texas and thrown entirely upon the shoulders of one hundred thousand tax-payers, it would be just one dime a year to each shoulder. But it would save the depredations of nearly two hundred escaped convicts per year, whatever they might be; such reprisals as about four hundred others, annually liberated and turned loose upon society, may undertake as an offset for the foul treatment they have undergone in the name of justice, and the attendant increase in the expenses of police; and the expenses of new trials and convictions for the same old crimes committed over again by many who might have been in whole or in some degree reformed, but instead were only made worse. And two things more it would save—the honor of the State and the integrity of the laws and of the courts. For one thing, however, the people of Texas are to be congratulated: that they have public servants ready—let the people but give the word—to abjure the Lease System with all its horrid shams and humiliating outrages, and establish in its place a system of management that shall be first honorable and morally profitable, and then as inexpensive as may be.

IN ALABAMA.

SOMETHING like the same feeling was displayed by the Governor and some others in the State of Alabama in 1882. In the matter of its penitentiary and convict camps, it is not necessary to weary the eye again with figures. Between the dates of the last two biennial reports (1880 and 1882) a change of administration took place in the prison management, affording, by a comparison of the two reports, a revelation that should have resulted in the instant abolition of the Lease plan at any cost. Under date of October, 1880, the penitentiary inspectors reported to the Governor that the contractors (lessees) had "provided

strong prisons for the safe-keeping and comfort of the convicts"; that these prisons had "generally been neatly kept," and that they themselves had "required much attention to be given to the sanitary regulation of them." They admitted the fact of considerable sickness at one or two places, but stated that two of the inspectors had visited the convicts employed there and "found the sick in a comfortable hospital, with medical attendance, nurses, and everything needed for their comfort." They reported their diligent attention to all their official duties, and stated, as from their own knowledge, that during the two years then closing the convicts had "generally been well clothed and fed, and kindly and humanely treated; and that corporal punishment had only been inflicted in extreme cases." They closed with the following remarkable statement: "Notwithstanding our report shows a decrease of one hundred and fourteen convicts, . . . yet we think . . . the future of this institution is brighter than its past." There had been paid into the State treasury forty-eight thousand dollars, and the managers in general were elated. But a change in the prison's administration added a different chapter, and in 1882 a new warden wrote:

"I found the convicts confined at fourteen different prisons controlled by as many persons or companies, and situated at as many different places. . . . They [the prisons] were as filthy, as a rule, as dirt could make them, and both prisons and prisoners were infested with vermin. . . . Convicts were excessively and, in some instances, cruelly punished. . . . They were poorly clothed and fed. . . . The sick were neglected, inasmuch that no hospital had been provided, they being confined in the cells with the well convicts. . . . The prisons have no adequate water supply, and I verily believe there were men in them who had not washed their faces in twelve months. . . . I found the men so much intimidated that it was next to impossible to get from them anything touching their treatment. . . . Our system is a better training school for criminals than any of the dens of iniquity that exist in our large cities. . . . To say there are any reformatory measures used at our prisons, or that any regard is had to kindred subjects, is to state a falsehood. The system is a disgrace to the State, a reproach to the civilization and Christian sentiment of the age, and ought to be speedily abandoned."

Almost the only gleams of light in these dark pictures are these condemnations of the system by those whose official duties require them to accommodate themselves to it, but whose humanity, whose reason, and whose perception of the public's true interest compel them to denounce it. This is again pointedly the case in Virginia. There the State prison has been for a long time managed on Public Account; but the management was only a mismanagement and a neglect; and when this came to be known, those in authority, instead of trying to correct the needless abuses

of a good system, rejected the system itself and adopted the contract system. The report of the prison board for the year ending September 30, 1881, indicates that the change was made mainly, and probably only, on pecuniary considerations, and there seems to be reason to fear that this narrow view is carrying sentiment downward toward the Lease System itself. The board reports itself "pleased to discover, for the first time, that the general agent has reached the conclusion that the 'best way to make it [the prison] self-sustaining would be to lease the convict labor.'" At the date of this report the mischievous doctrine had already made its way through the Legislature and into the convict management; and the prison becoming overcrowded, a large company of prisoners were leased to certain railroad companies, beyond the control of the penitentiary superintendent. A glance at the surgeon's report shows one of the results of this movement. In the population within the prison, averaging about 600, the death-rate was $1\frac{1}{2}$ per cent.; while among the 260 convicts on the Richmond and Alleghany Railroad it was nearly $8\frac{1}{2}$ per cent., even after leaving out of the count certain accidental deaths that legitimately belong to the perils of the work and really should be included in the count. Including them, the rate would be 11 per cent. The superintendent does not withhold his condemnation: "The system of leasing," he says, "as is clearly shown by the statistics of the few governments, State and foreign, where it prevails, is barbarous in the extreme, and should be discountenanced. The dictates of humanity, if no other consideration prevailed, should be sufficient to silence any effort to establish this system of prison management in Virginia."

IN ARKANSAS, MISSISSIPPI, AND LOUISIANA—
THE SYSTEM AT ITS WORST.

EVEN where the system enjoys the greatest favor from the State governments whose responsibilities in the matter it pretends to assume, it is rare that there is not some one who revolts and utters against it his all too little heeded denunciation. Such voices are not altogether unheard even in Arkansas, Mississippi, and Louisiana, where undoubtedly the lessees are more slackly held to account, as they more completely usurp the State's relation to its convicts than elsewhere. It is here may be found a wheel within this wheel; to wit, the practice of sub-leasing. So complete in these regions is the abandonment, by the State, of all the duties it owes to its criminal system, that in two instances, Arkansas and Louisiana, it does not so much as print a report,

and the present writer is indebted entirely to the courtesy of the governors of these two States for letters and manuscript tables imparting the information which enables him to write. "The State," says the clerk of the Louisiana penitentiary, "has no expense except keeping the building in repair." "The State," writes the Governor's secretary in Arkansas, "is at no expense whatever." In Mississippi, the terms of the present lease make no mention whatever of any moral, religious, or educational privilege, or duty. "All convicts sentenced for a period of ten years or less, said lessees may work outside the penitentiary, but within the limits of the State of Mississippi, in building railroads, levees, or in *any private labor or employment.*" One of the effects of such a rule is that a convict condemned to thirty or forty years' service, being kept within the walls, has fully three chances to one of outliving the convict who is sentenced to eight or ten years' service, and who must, therefore, work outside. Yet it is not intended to imply that the long-term convict inside the prison is likely to serve out his sentence. While among a majority of commitments on shorter periods, men, women, and children are frequently sentenced for terms of 15, 20, 30, 40, and sometimes even of 50 years, a prisoner can rarely be found to have survived ten years of this brutal slavery either in the prison or in the convict camp. In Alabama, in 1880, there were but three who had been in confinement eight years, and one nine; while not one had lived out ten years' imprisonment. In Mississippi, December 1, 1881, among 77 convicts then on the roll under 10 years' sentence, 17 under sentence of between 10 and 20, and 23 under sentences of between 20 and 50 years, none had served 11 years, only 2 had served 10, and only 3 others had served 9 years.* There were 25 distinct outside gangs, and their average annual rate of mortality for that and the previous year was over 8 per cent.

During the same term, 142 convicts escaped; which is to say that, for every four law-breakers put into the penitentiary, one got away; and against the whole number so escaping there were but 25 recaptures. The same proportion of commitments and escapes is true of the Arkansas prison for the year ending the 30th of last April. In Louisiana the proportion is smaller, but far from small. A surer escape in Louisiana was to die; and in 1881 14 per cent. perished. The means are wanting to show what part of this mortality belongs to the peniten-

* From the nature of the tabulated roll, the time served by those under life sentences could not be computed; but there is no reason to suppose it would materially change the result, were it known.

tiary at Baton Rouge and what to the camps outside; but if anything may be inferred from the mortal results of the Lease System in other States, the year's death-rate of the convict camps of Louisiana must exceed that of any pestilence that ever fell upon Europe in the Middle Ages. And as far as popular rumor goes, it confirms this assumption on every hand. Every mention of these camps is followed by the execrations of a scandalized community, whose ear is every now and then shocked afresh with some new whisper of their frightful barbarities. It is not for the present writer to assert, that every other community where the leasing of convicts prevails is moved to indignation by the same sense of outrage and disgrace; yet it certainly would be but a charitable assumption to believe that the day is not remote when, in every such region, the sentiment of the people will write, over the gates of the convict stockades and over the doors of the lessees' sumptuous homes, one word: *Aceldama*—the field of blood.

CONCLUSIONS.

THERE never was a worse falsification of accounts than that which persuades a community that the system of leasing out its convicts is profitable. Out of its own mouth—by the testimony of its own official reports—what have we not proved against it? We have shown:

1. That, by the very ends for which it exists, it makes a proper management of prisons impossible, and lays the hand of arrest upon reformatory discipline.

2. That it contents itself, the State, and the public mind, with prisons that are in every way a disgrace to civilization.

3. That in practice it is brutally cruel.

4. That it hardens, debases, and corrupts the criminal, committed to it by the law in order that, if possible, he may be reformed and reclaimed to virtue and society.

5. That it fixes and enforces the suicidal and inhuman error, that the community must not be put to any expense for the reduction of crime or the reformation of criminals.

6. That it inflicts a different sentence upon every culprit that comes into its clutches from that which the law and the court has pronounced. So that there is not to-day a single penitentiary convict, from the Potomac around to the Rio Grande, who is receiving the sentence really contemplated by the law under which he stands condemned.

7. That it kills like a pestilence, teaches the people to be cruel, sets up a false system of clemency, and seduces the State into the committal of murder for money.

8. That in two years it permitted eleven hundred prisoners to escape.

Which of these is its profitable feature? Will some one raise the plea of necessity? The necessity is exactly the reverse. It is absolutely necessary to society's interests and honor that what the lease in its very nature forbids should be sought; and that what it by nature seeks should be forbidden.

EXCUSES FOR THE SYSTEM.

THERE are two or three excuses often made for this system, even by those who look upon it with disfavor and protestations, and by some who are presumably familiar with the facts concerning convict management in other States and other countries. But these pleas are based upon singularly unfounded assumptions. One is that the States using the Lease System, in whole or part, have not those large prison populations which are thought to be necessary to the successful operation of other systems. In point of fact, much the largest population belonging to any one prison in the United States, in 1880, was in Texas, under the Lease System. The fourth in numbers is that of Tennessee, also leased. That of Georgia, leased, is more than twice that of Maryland, managed on the Contract System. The smallest State prison population in the United States, that of Rhode Island, numbering, at the close of last year, only eighty-one convicts, showed a loss that year, on the Contract System, of only eleven dollars. Missouri manages a convict population of the same size as that of Georgia, and boasts a cash profit, on the Contract System. Indeed the State prisons under the Lease System are, almost without exception, populous prisons, the average population among the whole twelve so governed being 920, while that of the thirty-three that exclude the system is but 560.

Another unfounded assumption is that the prisons working under the Contract or the Public Account System receive their inmates largely from the ranks of men skilled in trade. The truth is, the strongest argument in favor of teaching trades in prison lies in the fact that men with trades keep out of prison, or appear there only in decided minorities, in any community; and prisons everywhere receive especially but few acquainted with the two or three or five or six skilled industries that happen to be carried on within their walls. It is assumed, again, that the great majority of the inmates of our leased prisons are not only without mechanical training, but without mechanical aptitude. Yet, in fact, there is quite enough skilled work taught to

just this class in just these prisons to make void the argument. Within the walls of the Virginia State penitentiary in September, 1881, under the Contract System, tobacco, shoes, barrels, and clothing were being made with a force of which three-fifths were black men. The whole force of the Maryland prison is engaged, within its walls, under contractors, in marble-cutting and the manufacture of shoes, stoves and hollow iron-ware, and in November, 1881, consisted of five blacks to every three whites, and of the entire number not one in ten was previously acquainted with any handicraft that could be of any service to him in any of these occupations.

Moreover, on the other hand, there is no leased prison that does not constantly receive a sufficient number of skilled convicts, both white and black, to constitute a good teaching force for the training of the unskilled. The Texas penitentiary, in 1880, had on its rolls 39 workers in wood, 20 in leather, 50 in metals and machinery, 20 in stone and brick, 7 engravers and printers, and 11 painters.

The leased prisons, as it happens, have one decided advantage in this regard; the high average term of sentences affords an unusual opportunity for training the convicts to skilled labor, and making the best use, both pecuniary and reformatory, of their occupations. The South Carolina penitentiary is probably an exception; and yet it is in this prison that the manufacture of shoes, say its officers, might easily be carried on with cash profit. In the Georgia penitentiary, in 1880, there were 87 sentenced for life; 104 for terms above ten years and less than twenty; 101 for twenty years; 10 for higher terms up to forty years, and only 22 for as low a term as one year,—in a total of 1185 inmates. In the Texas State prison, in October, 1882, with a population of 2378, only *two* were under sentences of less than two years' length.* To increase the advantage, the long sentences fall with special frequency upon the class that is assumed to require an undue length of training. In the Georgia convict force just noted, for instance, only 15 were whites among the 215 under sentences above ten years.

But why need we linger to show that there is ample opportunity in these prisons to teach the inmates trades, if only the system were such as to permit it? The choice of a better system does not rest upon this. In the Contract and Public Account prisons, it is not at all the universal practice to make the unskilled convict acquainted with a trade. This is done only in a few prisons. Generally,—

much too generally,—he is set to some simple task, some minute fraction of the work of manufacturing some article, a task that he learns to do at most in a few days, becomes skillful in within a few weeks, and continues to do unceasingly from the beginning of his imprisonment to the day of his discharge. He works a lever or pedal that drives pegs into a shoe; or he turns down or up the rims of hats, or varnishes the heels of innumerable boots, or turns a small wheel that bottoms countless tin cans. He is employed according to his physical strength and his intelligence. It is no small misfortune to society that such industries leave the convict at last without a trade; but, comparing them with the tasks of the lessees' camps, it may be said they do not murder him, nor torture him, but are to those tasks what light is to darkness.

After all, these objections to the abandonment of the Lease System, even if they were otherwise well grounded, would fail at last when it comes to be seen that the system does not make good even its one poor profession; it does not, even pecuniarily, "pay." In flush times it hands in a few thousands,—sometimes even a few ten-thousands,—annually, into the State treasury. But its history is a long record of discoveries and rediscoveries on the part of the State that she has been the losing party in a game of confidence, with nobody to blame but herself. How much has thus been lost morally, baffles estimation; suffice it to say, enough ungodly gains have gone into the hands of lessees to have put every leased prison in the country upon a firm basis under Public Account. Every system is liable to mismanagement, but there are systems under which mismanagement is without excuse and may be impeached and punished. The Lease System is itself the most atrocious mismanagement. It is in its very nature dishonorable to the community that knowingly tolerates it, and in its practical workings needs only to be known to be abhorred and cast out. It exists to-day, in the twelve American commonwealths where it is found, because the people do not know what they are tolerating.

But is there any need for them longer to be unaware of it? There is none. Nor is there any need that the system should continue. We have heard one, who could give no other excuse, urge the unfavorableness of the Southern climate to prison confinement. But what have the reports of prisons in this climate shown us? That the mortality outside, among the prisoners selected (as is pretended, at least) for their health and strength, is twice and thrice and sometimes four and five times

* Some idea of the ferocity of these sentences may be got from the fact that 509 of these Texas convicts were under twenty years of age.

as great as among the feebler sort left within the walls. True, some of the leases still have many years to run. What of it? Shall it be supinely taken for granted that there is no honorable way out of these brutal and wicked compacts? There is no honorable way to remain under them. There are many just ways to be rid of them.

Let the terms of these leases themselves condemn their holders. There is no reasonable doubt that, in many States, the lessees will be found to have committed acts distinctly forfeiting their rights under these instruments. Moreover, with all their looseness, these leases carry conditions which, if construed as common humanity and the honor of the State demand, will make the leases intolerable to men whose profits are coined from the flesh and blood of human beings. It is safe to say there is not a lessee in the twelve convict-leasing States who,

were he but held to account for the excesses in his death-roll beyond those of prisons elsewhere in enlightened countries, would not throw up his unclean hands in a moment and surrender to decency, honesty, humanity, and the public welfare. But we waste words. No holder of these compacts need be driven to close quarters in order that, by new constraints, they may be made to become void. They are void already. For, by self-evidence, the very principles upon which they are founded are *contra bonos mores*; and though fifty legislatures had decreed it, not one such covenant can show cause why the seal of the commonwealth and the signatures of her officers should not be torn from it, and one of the most solemn of all public trusts returned to those official hands that, before God, the world, and the State, have no right to part with it.

George W. Cable.

KEATS.

On the slope of a "peak in Darien," in the shadow of the very ridge where stood the Spaniard,

" . . . when with eagle eyes
He stared at the Pacific, and all his men
Looked at each other with a wild surmise,"

my fellow-traveler captured a superb blue moth, of a species so rare and so difficult to secure that the natives sell one at the price of a day's labor. We took the beautiful creature with us on our transit, and delicately leashed it that night to the jealousies of our veranda on the plaza of the city of Panama. There, far within the old town, a mate was fluttering around it at sunrise,—to me a miracle, yet one predicted by my friend the naturalist. It is just as safe to predict that young poets will chance upon one another, among millions; "there's a special providence" in their conjunction and forgathering; instinct and circumstance join hands to bring this about. The name of Keats is set within a circlet of other names,—those of Clarke, Reynolds, Hunt, Charles Brown, the artists Haydon and Severn,—each of which is brighter for the fact that its owner gave something of his love and help to the poet whose name outshines them all. The name itself, at first derided as uncouth, has become a portion of the loveliness which once he made more lovely; it belongs to an ideal now so consecrate that all who watched with him, if but for an hour, have some part of our af-

fections. Among these, if last not least, Severn, who shut out his own fair prospects, relieved a comrade's agony and want, accompanied him along the edge of a river that each must cross alone, until, as sings the idyllist, the eddy seized him, and Daphnis went the way of the stream.

Cowden Clarke, Keats's earliest companion in letters, son of his head-master at the Enfield school, first put Spenser into his hands. At the vital moment, when the young poet had begun to plume his wings, Clarke also made him known to Leigh Hunt, of all men in England the one it behooved him to meet. Hunt, whose charming taste was almost genius, had become—and largely through his influence upon associates—the promoter of a renaissance; he went to the Italian treasure-house, where Chaucer and Shakspeare had been before him, and also, like them, disdained not our natural English tongue and the delight of English landscape—the greenest idyl upon earth. In many ways, since fortunate guidance will save even genius years of groping, he shortened the course by which Keats found the one thing needful, the key to his proper song. When the youth settled down for a real effort, he went off by himself, as we know, wrote "Endymion," and outdid his monitor in lush and swooning verse. But it was always Hunt who unerringly praised the finest, the most original phrases of one greater than himself, and took joy in assuring him of his birthright.