

Although conservative criminologists practically allow that the centre of gravity in penal law is the administration system, they are not prepared to admit that the science pénitentiaire should, at the universities, occupy an equally high rank with penal law.

Criminology, of course, fares worse still, since sociology has the reputation of being a revolutionary science, shaking the foundations of throne and altar, and of all existing social conditions. They who know how dependent the universities of Europe are on political power, will not think it strange that until quite lately Herbert Spencer's works were not admitted in the library of the "liberal" London University College.^x An American who is thoroughly convinced by the writings of e.g. Chaplain Drähms, that criminal anthropology is not a wicked science, will scarcely be able to understand why in Central Europe a levis notae macula should still be attached to the deterministic conception of criminal law, as the necessary issue of criminology. Although in Italy, France and Germany, criminology - the first fruit-bearing branch of sociology - has yielded a rich harvest of scientific literature, it is yet far from being acknowledged by the worthy partisans of penal and political science as a grown-up member of the family of sciences although most of the Universities in the United States have accepted it as such.

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Spencer: Autobiography II. p. 208.

In conclusion, gentlemen and ladies, although well aware that the question under consideration has by no means been exhausted - I fear my hearers may be! - I ~~would~~ mention an interesting experiment which has been made in the German Empire. The initial idea was that it was necessary for the governors of smaller penitentiaries - magistrates and other public authorities - to receive instruction in penology. At the instigation of Jagemann and Krohne courses for this purpose have been instituted in several German states: Baden, 1886, Prussia, 1895, Bavaria, 1900, Hamberg, 1904, Hesse 1907, etc. These courses are held at one of the penitentiaries and each course occupies from 10 to 14 consecutive days. Theoretical and practical information upon all branches of prison life is imparted by means of lectures and visits to penitentiaries.^{xx} No words need be wasted in proving the necessity for judges and other magistrates to be well versed in prison matters.

It is quite as absurd that a judge should pronounce a sentence, the purport of which he does not understand, as that a physician having no knowledge of medicines should prescribe a physic. Yet we must not deceive ourselves by believing that these courses can take the place of the

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The Criminal - New York. 1900.

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Naheres: Mittermaier-Clement: Jurist, psychiatr. Grenzfragen.
Vol.V. Part 6, 1907.

professional training of prison officers, although they might profitably attend them. Detached lectures on penological subjects are excellent helps for bridging over the gulf which still separates penal law and prison discipline, just as it is recommended for law students to offer themselves for the prison service.^x Prison officers receive in these lectures no more than a sip of the knowledge they require; their interest is roused but to satisfy it requires a more thorough handling of the subject than could be attempted in so short a space of time.

On the solution of this burning question, depends the entire future of prison reform as well as of penal law, and it can no longer be past over in silence. Criminal anthropologists whose views are not clouded by the cobwebs of mediaeval dogmas, have fully realized the importance of this fact, and I, for one, quite agree with the Havelock Ellis^{xx} where he says that "the prison officer of today is about as well fitted for the treatment of criminality as the hospital nurse of a century ago was fitted for the treatment of disease," and further: "The criminal in all his manifold variations, with his ruses, his instinctive untruthfulness, his sudden impulses, his

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Wulffen: Archiv f. Kriminalanthrop XVI, pp. 143 and foll.

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The Criminal. 2nd edition. p. 325.

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^x Willems: *Archiv f. Kriminalanthrop* XVI, pp. 143 and foll.

^{xx} *The Criminal*. 2nd edition. p. 325.

curiously tender points is just as difficult to understand and to manage as the hospital patient and unless he is understood and managed there is no hope of socialising him."

In India a "security bond" of from 150 to 500 Rupees is exacted from any prison officer as a guarantee for the faithful performance of his duties.^x What I demand is a moral guarantee of his knowledge and fitness, without which it is impossible for him satisfactorily to fulfil his professional duties. I have raised the question, but I have not solved it. For the solution we look to the practical mind of this mighty country, where full justice is always done to the theoretical exigencies of any problem. For more than a century we, in Europe, have been accustomed to see the sun of prison reform rise in the West. I am fully convinced that in this case also the light will first break forth in America: not ex oriente, but ex occidente lux!

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H.L.Adam: Oriental Crime, 1909. p. 270.

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Biographical note.

Franklin Benjamin Sanborn was born in New Hampshire Dec. 15, 1831. A descendant of some of the most remarkable New England families he is a fine representative of the qualities that made those early settlers famous. A rare union of simplicity and courtliness; a combination of profound learning and brilliant wit, helped by a phenomenal memory, he is still, as he has been long all these years an interesting, influential and delightful personality. Tall and handsome, with striking features and a marvellous head of ^{thick brown} hair, he is sometimes referred to as "the idealized 'Brother Jonathan'".

His whole life a student, from the days when a lad he spent his first ^{pocket money} earnings in buying a copy of Hudibras, through college, in travels ⁱⁿ Europe, he has the acquirements for a ready writer, and during recent years he has been known rather as a maker of books and an editorial journalist than as a reformer. ^{Yet} There has never been a time when his energies have not been directed toward bettering the conditions of those who need aid, the negro, the Indian, the woman who had no champion. But for ^{a quarter} ~~nearly half~~ a century he was officially connected with the work of ^{public} charity and correction ⁱⁿ the commonwealth of Massachusetts. When the Board of State Charities was organized, in 1863, he was made its first secretary, by the appointment of Governor John A. Andrew. So admirably did he fill ~~that~~ ^{that} position that he was ^{constantly in various offices} reappointed for nearly a quarter of a century. In connection with his work ~~on this board~~ he was instrumental, along with Dr. S.G. Howe and others, in establishing the Clarke School for the Deaf at Northampton, of which he has been a manager for forty-two years and which ranks as one of the best schools of

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Not only were the insane, the dependent and *the infant* children among the wards of the state whose care came under the oversight of Mr. Sanborn, but he visited and reported on all the *prisons* ~~jails~~ of the state and in ^{many in} other states. His reports embodied much besides mere dry statistics and he has the credit of first telling to the American public the story of the work of Captain Maconochie and Sir Walter Crofton, in prison reform. Through his interest in this subject he came early into sympathetic touch with Mr. Z.R. Brockway, an intimacy which has only been strengthened by the lapse of more than forty years. One of the pleasures of the International Prison Congress will be to see ^{Waller} ~~the~~ two of the three men who were ~~on~~ the committee that drew up the famous Declaration of Principles, which was adopted by the Cincinnati Prison Congress in 1870. ~~⊗~~ This Declaration is to penology what the Constitution is to the United States government. All wise prison reform in this country can be traced to that document.

From that day to this the facile pen of Mr. Sanborn has been busy in helping to spread the principles that were there embodied.

In recognition of his position as a leader in reform movements Mr. Sanborn was elected president of the National Conference of Charities and Correction, in 1881, when it convened in Boston. As secretary of the Social Science Association for many years he guided that body with great success. But though his reform-loving mind has led him in many directions, yet in no field has he exercised a more *constant* ~~potent~~ influence than in penology.

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For
Dr. B. B.
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~~The~~ Old Newgate prison was located in an abandoned copper mine eighteen miles northwest of Hartford, in the town of Granby, and was occupied from about 1770 to 1825.

The first twenty years all of the prisoners slept in the mine, some sixty feet below the surface. In 1800 there was a building erected that contained the tread mill and women's prison and two cells, 12 x 21 x 7; each cell lighted and ventilated by a single window 25 x 14 inches. In these two rooms were quartered fifty two of the most trusted prisoners.

They manufactured cooperage and nails. There was a small blacksmith shop, and the tread mill ground the meal for the inmates and neighbors.

The majority of the men were shackled, and in addition, a band of iron was locked around their neck and a chain extended *and* *was fastened* to the side wall or ceiling *of the shop* during working hours.

In this prison General Washington confined some sixty Massachusetts Tories during the Revolutionary War.

By an act of legislature there was a wall placed around the mine and buildings in ~~1790~~ ¹⁷⁹⁰⁻¹⁷⁹⁰ and in 1826 the prisoners confined, about two hundred, were transferred to the present prison site, Wethersfield.

(Photographs for this article)

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For
Sister William
Burdette PC

2 chies
zu CRH

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Burdette PC

2 chies
zu CRH

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EDWARD LIVINGSTON.

It is fitting that the face of Edward Livingston should look out from the pages of a book prepared to Great Europeans interest ed in prison reform. As he was probably the earliest he remains the most distinguished of the many men of this country who have devoted themselves to improving the condition of prisons and prisoners, as well as the laws of the land.

Edward Livingston by birth a happy union of Scotch and Dutch blood, is an instance, quite frequent in America, of a man whose whole life is deeply influenced by womanly influences in the home. From his distinguished father he must have inherited many great qualities. From his mother he learned what true valor is, courage, industry, patience, and gentleness. She was a woman loved and revered in her own day and remembered with admiration and affection. Courage too he learned from his sister, the wife of General Montgomery who fell at Quebec. The little lad of nine who saw the parting between his sister and her valiant husband, and who lived to see the long stretch of sixty years of widowhood, was keenly sensitive to the sorrow that came to her so early in life and which she bore so bravely ever after. There were some of the influences which kept the heart tender as the boy was growing up. He was born in Clermont, Columbia county, New York May 20, 1764. His ancestors on his father's side were Irish and among them was the father of one of the four Marys who served poor Mary Queen of Scots. He early learned to love the charms of nature and to this beautiful spot he returned seventy-two years later, to pass out of life, as he had entered it among the beauties of his country home.

At the age of fifteen he entered the Junior class at Princeton and was graduated at the age of 17. During those years he several times came into close touch with George Washington and the men

who were shaping the future of this new country, one of whom was his own brother, *Robert* ~~Livingston~~, ^{a member} the brother who was on the committee which reported the Declaration of Independence.

It having been determined that young Livingston should study law he went into a law office in Albany where among his associates were Kent, Hamilton and Burr, names all destined to be kept in mind by Americans. *Later he continued his law studies in NY where he was admitted to the bar.*
In 1788 the young man of twenty-four married Mary McEwers of New York and three children came into their home, none of them living to grow up, save a son who died on the verge of manhood.

It was a very happy marriage and on the death of Mrs. Livingston in 1801 he referred most tenderly to the ~~mutual inclination~~ ^{friendship} which had brought them together in the springtime of life "into a friendship which was " cemented by mutual esteem".

In 1794 Mr. Livingston was selected to the fourth Congress as a member from New York; and re-elected in 1796 and 1798 .
~~It was~~ ^{It was} during the Sixth Congress ~~that~~ he moved that a committee should be appointed to report whether changes could be made in the penal laws of the United States , substituting milder punishments for certain crimes. Such a committee was appointed and he was made chairman . From then till the end of his life he was interested in penal reform and better laws. ^{appointed by President Burr} Soon after he was made ~~United States~~ ^{district} attorney for New York and in 1801 became the mayor of the city .

The mayor in those days presided over a high court having both criminal and civil jurisdiction, ^{in trial} so that he sat ^{capital cases} on ~~chief cases~~ ^{also} ~~to do much toward reforming the rules and practices in the court~~ ^{he was able} for civil actions and he published a volume of reports entitled Judicial Opinions. . Even then his mind ^{he} was always planning the bettering of existing conditions. He proposed, for instance, that

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In the year 1803, while Mr. Livingston was still mayor, the city

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With his clear, strong sense of right, though innocent himself, he

emergency, ~~Resigned~~ his offices, ^{and} with a hundred dollars in money

and a small letter of credit, ~~he~~ went to New Orleans to begin life

anew. ~~His children he left in New York to be cared for by his brother.~~

Great regret was expressed ^{by the public} at his leaving New York, ^{he came} but in the

southern city he ~~was~~ soon the leading member of the bar, his wonderful

legal ability being helped by the fact that he spoke French, Spanish

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In 1821 he was appointed to prepare a code for Louisiana and three ~~two~~ years were devoted to this great work. In one night the original copy, ^{which was all ready} ~~carefully prepared~~ for the printer, was entirely destroyed by an accidental fire in his study. . Undismayed he declared that like the phoenix it should rise from its ashes, and in the next morning he resumed his labors, and at the close of another two years the copy was again ready for the printer.

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Sketch of Livingston
by Wm. J. L. Brown

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It is fitting that the face of Edward Livingston should look out from the pages of a book prepared for Europeans interested in prison reform. As he was probably the earliest, he remains the most distinguished, of the men of this country who have devoted themselves to improving the laws of the land for the sake of bettering the condition of prisons and prisoners.

Edward Livingston, by birth a happy union of Scotch and Dutch blood, is an instance, quite frequent in America, of a man whose whole life was deeply influenced by womanly influences in the home. From his distinguished father of illustrious lineage, he must have inherited many great qualities, but from his mother he learned bravery, justice, industry, patience, and gentleness. She was a woman loved and revered in her own day and remembered with admiration and affection. Courage too he learned from his sister, the wife of General Montgomery who fell at Quebec. The little lad of nine who saw the parting between his sister and her valiant husband, and who lived to see the long stretch of sixty years of widowhood, was keenly sensitive to the sorrow that came to her so early in life and which she bore so bravely ever after. And these influences kept the heart tender as the boy was growing up.

He was born in Clermont, Columbia county, New York, May 20, 1764 in a beautiful home on the Hudson River where he early learned to love the charms of nature; and to this beautiful spot he returned seventy-two years later, to pass out of life, as he had entered it, among the beauties of the country side.

At the age of fifteen he entered the junior class at Princeton and was graduated at the age of seventeen. During these years he several times came into close contact with George Washington and the men who were shaping the future of this new country, one of whom was his own brother Robert, a member of the committee which reported the Declaration of Independence.

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In 1788, the young man of twentyfour married Mary McEwers of New York and three children came into their home, none of them living to grow up, save a son who died on the verge of manhood. It was a very happy marriage and on the death of Mrs. Livingston in 1801, he referred most tenderly to the friendship which had "brought them together in the springtime of life", a friendship "cemented by mutual esteem".

In 1794, Mr. Livingston was elected to the fourth Congress as a member from New York; and re-elected in 1796 and 1798. During the sixth Congress he moved that a committee should be appointed to report whether changes could be made in the penal laws of the United States substituting milder punishments for certain crimes. Such a committee was appointed and he was made chairman. From then till the end of his life he was interested in penal reform and better laws. Soon after he was appointed by president Jefferson United States District Attorney for New York and in 1801, he became the mayor of the city. The Mayor in those days presided over a high court having both criminal and civil jurisdiction and he was due to do much toward reforming the rules and practices in the court for civil actions; he also published a volume of reports entitled Judicial Opinions. He was always planning the bettering of existing conditions. He proposed, for instance, that the city and the Mechanic's Society should combine to make some arrangement to give newly arrived strangers work for a month; that employment should be found for men out of work through accident; that widows and children old enough to work should be provided with something to do and that discharged convicts should have suitable labor. Three things he believed might be accomplished: the sup-

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CONSTITUTION

*In
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Brockway*

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Mr. Brockway may well be called the Nestor of prison reform in the United States. Born in Connecticut in 1827 he began doing clerical work in the Wethersfield prison when he was a young man of twenty-one and from that day to this his active mind and great heart have studied prison problems and worked for their solution. The record of his official life is as follows.

From Connecticut he went to New York, where he was assistant superintendent, under General Amos Pillsbury in the Albany County Penitentiary for misdemeanants, acting later as superintendent of the Albany County Infirmary, farm and hospitals till 1848xx 1854. From 1854 to 1861 he was superintendent of the Monroe County penitentiary & for misdemeanants. From 1861 to 1873 he was at the head of the Detroit House of Correction, a local district prison for misdemeanants and felons committed for long terms under the federal laws.

In the Detroit institution Mr. Brockway introduced unusual reformatory measures. Educational and moral impressions were called upon and successfully applied. The prisoners were allowed the experiment of profit-sharing in the labor, and a successful experiment was made of admitting selected female prisoners to family life in the auxiliary & House of Shelter, outside of the prison enclosure. Male and female prisoners were were employed in subordinate positions in the government of the House of Correction, and during this period at Detroit was born into being the principle of the indeterminate sentence (limited). The "Three Year Law" applicable to improvement of prisoners, was enacted by the Michigan legislature and applied at the House of Correction during these years.

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In the Detroit institution Mr. Brockway introduced unusual reformatory measures. Educational and moral impressions were called upon and successfully applied. The prisoners were allowed the experiment of profit-sharing in the labor, and a successful experiment was made of admitting selected female prisoners to family life in the auxiliary House of Shelter, outside of the prison enclosure. Male and female prisoners were employed in subordinate positions in the government of the House of Correction, and during this period at Detroit was born into being the principle of the indeterminate sentence (limited). The "Three Year Law" applicable to improvement of prisoners, was enacted by the Michigan legislature and applied at the House of Correction during these years.

In 1870 an exposition of the principle of the indeterminate sentence was prepared and presented to the Cincinnati Prison Congress. It was called "The Ideal Prison System for a State" and it may be truly said that all the prison reform which has since been accomplished has followed the principles laid down at that time. For three years, from 1873 to 1876, Mr. Brockway was not actually a prison administrator, but he was a member of the state board of control of penal and charitable institutions and a member of a commission appointed by the governor to revise the criminal laws. This commission unanimously recommended a the sweeping change from the system in vogue to the indeterminate sentence for all imprisoned offenders.

When the Elmira reformatory was determined upon it was natural that Mr. Brockway should have been selected to carry into practical operation the principles for which he had so long contended, and from 1876 till 1900 the state of New York was fortunate enough to command his services as the Superintendent of that great institution, where he developed the well-known "Elmira System", based on the Act of 1877, the limited indeterminate sentence law. There is no corner of the civilized world where the names of "Elmira" and "Brockway" have not penetrated as synonyms of the best work ever done for ~~felons~~ offenders against the law. Thousands upon thousands of men have ^{been} ~~passed~~ under his wise and humane discipline, the great majority of whom have passed into the ranks of society and mingled with their fellows as good citizens, thanks to the education physical, manual, mental and moral to which they were submitted in Elmira.

For the last ten years Mr. Brockway has lived a life of retirement, save for one or two years when he served his wide-awake city as mayor, the unanimous choice of all parties. His time

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has not been idly passed, but writing on the themes ~~to~~ which he had actively devoted more than half a century, lecturing on prison subjects, and reading his beloved philosophic authors, have kept him in constant touch with what the world is doing in keeping up the task which he must by and by lay down. More than that, his hospitable home has been constantly open to receive the pilgrims from all lands who come to do him honor and to glean wisdom from one not only wonderfully endowed with knowledge, but with unparalleled generosity and kindness in imparting it. Never having found it possible to visit Europe he has accomplished the hitherto thought impossible feat of bringing Europe to him - the mountain coming to Mahomet, - for the strongest attraction offered to the delegates to the International Prison Congress was that in Washington they would sit under the presidency of the leader of prison reform, Z.R. Brockway.

To greet this veteran leader of American prison science as Hungary President of the Eighth International Prison Congress, will be one of the most agreeable and satisfying memories of that convocation.

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But this volume is a volume of American prison reform
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Z. R. BROCKWAY OF ELMIRA.

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CONSTRUCTION



BOMB

For Bulletin
Daily R.

Charles F. Coffin

More than fifty years ago Mr. Charles F. Coffin, stirred by the horrible conditions he found in the Jeffersonville, Indiana, prison, with his estimable wife, entered the field of prison reform. In 1871 they visited the prisons of Ireland, England, France, Belgium and Holland, and made a report to Governor Baker. They served a number of years on the Board of Managers of the reform schools of Indiana for boys and girls. Now 88 years old the veteran writes hopefully: "It affords me a great deal of pleasure to note the improvements which have taken place within that time, many of which seemed far off."

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BIOGRAPHICAL NOTE:-

Robert Wilson McClaughry, at present Warden of the United States Penitentiary at Leavenworth, Kansas, was born in Illinois July 22, 1839, but his name betrays the Scotch origin of the family. After his graduation at college he entered the army, during the Civil War and served with distinction, being mustered out with the rank of Major. From 1874 until 1888 he was Warden of the Illinois State Penitentiary, and from that post was called to a similar one as the head of the Pennsylvania State Reformatory, a position he occupied for two years and a half. Chicago next demanded him as Chief of Police, a difficult position, which it was fortunate for the Chicago Exposition he held during that busy and crowded time. Called from there to be the head of the Illinois State Reformatory he left it only to again take the Wardenship of the Illinois Penitentiary. In 1899 he went to Leavenworth, Kansas where he has built up not only a strong Federal Institution, but has literally built up the structure itself, largely with the labor of the convicts, wisely guided and instructed. In these various positions he has uniformly shown unusual business ability, a masterly grasp of penological principles and the broad humanity which has always characterized his work. On one of his summer vacations he accompanied Mr. S. J. Barrows, United States Prison Commissioner, to Europe, making for him a report of the police systems of London and Paris.

Major McClaughry was the first person in this country to advocate and employ the Bertillon system of measurement. His reports and speeches on the subject may be found in the Proceedings of the National Prison Association. The results of his practical adoption of that method are the foundation of the admirable bureau established by him

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in the penitentiary at Leavenworth where the records of the Bertillon measurements of federal prisoners are filed.

He was also the first to adopt the Finger Print system of identification after it was introduced in the United States at the St. Louis Exposition by Col. Henry, Chief of the London Police Department. He sent his son, M. W. McClaughry, to London, where he studied the system under Col. Henry's personal supervision. Upon his return the Department of Justice established a general Bureau of Identification of which the son has charge, and through which, every Prison and Police Department in the United States can avail itself of the records of every other such institution throughout the country.

The Departments of War and of the Navy, of the United States, have also adopted the Finger Print Identification system for the protection of the military and naval service as well as of the individual soldier and sailor. The adoption of these important measures by the Government can be traced to Major McClaughry's early and persistent efforts.

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