THE EVOLUTION OF AMERICAN PENOLOGY AS ILLUSTRATED BY THE WESTERN PENITENTIARY OF PENNSYLVANIA.*

By
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I.
THE ORIGINS OF THE PRISON SYSTEM IN AMERICA

While much has been written concerning the famous Eastern Penitentiary of Pennsylvania, located at Cherry Hill in Philadelphia, little historical material has been made available concerning the Western Penitentiary at Allegheny, (now part of Pittsburgh), though the latter has much more adequately exemplified the historical development of American penal institutions, and, since 1870, has been much the more advanced and progressive of the two penitentiaries. It will be the purpose of the present article to survey briefly the growth of the Western Penitentiary, not so much with a view of exposition of antiquarian details as to setting

*The sensational outbreak on July 18th last, of the convicts in the Western Penitentiary of Pennsylvania, and the admirable manner in which the revolt was suppressed by the management, makes the publication of this study in penology most opportune. Mr. Barnes is professor of History in Clark University, Worcester, Massachusetts, and is Historian to the New Jersey Prison Inquiry Commission, and to the Pennsylvania Commission to Investigate Prison Systems.—Editor

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forth with brevity and clarity the main features of its historical evolution in relation to the chief trends in penological development in the country at large.

As in Europe, the prison system in America began to take shape in the latter part of the eighteenth century. (1) During most of the colonial period there were no penal institutions in the strict sense of that term. Crimes were punished by fine or corporal punishment and there was little or no need of institutions for incarceration. The nearest approach to prisons were the county jails used for the detention of accused pending trial and for the imprisonment of debtors, and the workhouses applied for the repression of pauperism, vagrancy and immorality. In 1682-84 William Penn and the Quakers, repelled by the bloody and cruel methods of corporal punishment then practised in Europe and the colonies, had attempted to introduce imprisonment at hard labor as the prevailing method of punishing crime, but their humane effort was submerged in the savagery of the age and little progress was made until after the Revolutionary War and the separation from England.

It was the state of Pennsylvania that took the initiative in America in establishing the prison system and in making imprisonment the usual method of punishing those convicted of crime. The influences which led to this movement were chiefly the impulse of the humanitarianism of the Quakers from Penn onward and the growing spirit of enlightenment which was developing in Europe as a result of the labors and writings of such men as Montesquieu, Beccaria and Howard. Both sets of forces are evident in the writings of the Philadelphia reformers from 1776 to 1829. By a series of laws passed from 1786 to 1794 the barbarous colonial penal code was abolished, the death penalty removed for all crimes other than murder, corporal punishment done away with, and the Walnut Street Jail in Philadelphia turned into an improvised state prison. The famous Pennsylvania system of solitary confinement was here given an initial if imperfect trial. (2) The Walnut and Arch Street Jails proving inadequate to the needs of the state and overcrowding rendering the penal system a burlesque, the Philadelphia Society for Alleviating the Miseries of Public Prisons sent a memorial to the state legislature asking that state peni-
tentaries be erected in convenient parts of the state for the reception of those convicted of crime. (3) This led to the act of March 3, 1818, appropriating sixty thousand dollars for building a state penitentiary at Allegheny on the principle of solitary confinement. (4) Three years later an act of March 20, 1821, made a grant of one hundred thousand dollars for a new state penitentiary in the eastern part of the state to replace the Walnut Street Jail. (5) This institution became the famous Eastern Penitentiary, known the world over as the parent model institution conducted on the basis of the Pennsylvania system of solitary confinement. From the imitation of Pennsylvania the modern prison system came into existence between 1795 and 1835 in most of the then existing states of the Union. In the state prison at Auburn, New York, there was evolved between 1821 and 1825 the great rival or Auburn system of congregate work by day and separate confinement at night. The first fifty years of American penology were occupied for the most part by the struggle of these two systems and the ultimate triumph of the Auburn system.

II.

THE ARCHITECTURAL HISTORY OF THE WESTERN PENITENTIARY.

The first Western Penitentiary was erected according to a plan drawn up by William Strickland, a distinguished Philadelphia architect. The commissioners in charge of construction from 1818 to 1826 were James Ross, Walter Lowrie, David Evans and George Stevenson. (6) Strickland was apparently guided by his knowledge of the prison at Ghent, Belgium, and by Jeremy Bentham’s *Panopticon*. The heavy outside walls were octagonal, as at Ghent, while the cells were arranged in a circle about a central observation building, as suggested by Bentham. Yet, instead of relatively open cells, which Bentham had contemplated, light was almost wholly excluded from those of the Allegheny penitentiary, to which access could be had only through iron doors hung on stone walls three feet thick. The structure was designed, completed and opened according to the administrative principle of solitary confinement without labor. It
was a massive stone building, wholly unsuited for any purpose except a fortress. No fort ever erected in Western Pennsylvania at all approached it in massive or impregnable construction. Opened in July, 1826, it provided one hundred and ninety cells each eight by twelve feet in dimensions. When fully completed it contained two hundred and sixty-six cells. Its cost to 1826 was one hundred and seventy-eight thousand dollars. (7)

The original penitentiary structure proved a great mistake and disappointment. It had been erected on the principle of solitary confinement without labor, but the act of April 23, 1829, ordered that both penitentiaries should be operated according to the principles of solitary confinement at hard labor. Neither condition was possible in the prison structure. The cells were too dark and unhealthy to permit continuous solitary confinement and were too small to make it possible for prisoners to work in them with any facility or success. The inspectors in an early report described the defects of the institution: (8)

It was unfortunate that the building was first put up and the system of punishment afterwards prescribed. There is, perhaps, no trade or occupation at which a convict could work in any of the cells. Independent of the want of room, in a kind of vault about 7 by 9 in the clear, there is not sufficient light, the only supply being what can reach the culprit after passing through the narrow gratings of a heavy iron door, hung on stone jams 3 feet thick, after passing through an outdoor and across a vestibule 6 feet deep. Constant confinement in these cells is found incompatible with the health of the convicts, and we have found it necessary to permit two or three to be put out alternately, which gives an opportunity of intercourse to about twenty, which greatly diminishes the benefit of solitary confinement.

As a result of this situation an act was passed on February 27, 1833, directing the demolition of the cells of the penitentiary and the erection of new cell blocks, so as to make possible more healthy quarters for the prisoners and to give better facilities for carrying on the industries of the prison in the individual cells. (9) The new structure was designed by John Haviland, the architect of the Eastern Penitentiary at Cherry Hill. Few prisons have had a more brief and unsuccessful existence than the Western Penitentiary in its original form.

Instead of following the original circular plan the remodelled structure was built upon the cell wing or block plan
which had been used in the Philadelphia penitentiary. Two wings, containing one hundred and seventy cells, were completed in 1837. The prison soon became crowded and a third block was erected in 1852 which contained sixty cells. The addition proved inadequate and extensions to the existing cell wings were made between 1860 and 1864, bringing up the total number of cells to three hundred and twenty-four, but the number of prisoners had increased more rapidly, there being in 1867 four hundred and eighty-six prisoners. Between 1868 and 1870 a new building was erected which contained a female ward, a hospital, dispensary, bathrooms, laundry, library, store-rooms, receiving cells, dungeons, and a chapel seating six hundred and fifty. The fourth and last block of cells was opened in 1872, and a shop was completed in 1874 to permit the institution to take advantage of the act of 1869 allowing congregate labor. The total cost of this prison was six hundred and forty-four thousand dollars. (10)

These costly additions had scarcely been utilized when an agitation began for the abandonment of the whole institution. Although originally constructed well outside the center of the city, the prison had come to be surrounded by some of the best residential and park districts of Allegheny. An act was passed on March 7, 1873, creating a commission to decide upon a site for a new penitentiary. (11) It was proposed by some that the prison be located on a large rural site where farming might be the chief occupation, but the sentiment against abandoning Allegheny and manufacturing industry proved insuperable. Had this proposition prevailed, the Western Penitentiary might have been in 1875 what it became after 1915.

It was finally decided that the best location was the site which had just been abandoned by the Western House of Refuge further on the outskirts of Allegheny along the bank of the Ohio River. This was a location once used by an institution, was alleged to be attractive on account of being on the river side, and was located at a suburban railroad station where the majority of the board of inspectors could stop off on their way to and from their duties in Pittsburgh and Allegheny. These considerations served to secure a decision for the House of Refuge situation. It later proved very unsatis-
factory on account of the dampness, dense fogs, spring floods, and subsequent restrictive labor legislation. The design for the new prison was drawn up on an ambitious scale by E. M. Butz, but was never built according to the full specifications. (12) The north wing was opened in 1882 and the south wing ten years later. There were eleven hundred and sixty cells provided for men and forty for women, the latter being improvised from the old House of Refuge buildings, which were also utilized for shop purposes. The outside cell-wing arrangements, characteristic of Pennsylvania system prisons, was abandoned in favor of the great inside cell-blocks which had been followed in Auburn system prisons. This new Western Penitentiary was at the time of its completion the most expensive and pretentious prison structure which had been erected in America, the total cost being over two million dollars, but the poor judgment shown in selecting the site led to the speedy rise of propositions for abandoning this great architectural octopus. It was damp and unhealthy; the dense fogs retained the smoke of nearby factories often making it too dark for the convicts to leave their cells before noon; serious floods in 1884, 1902 and 1907 made the institution almost uninhabitable for weeks at a time; and manufacturing was well-nigh paralyzed by the unfortunate restrictive labor legislation following 1897.

In 1909 John Francies became Warden of the Western Penitentiary and assumed leadership of the campaign to remove it to another and more desirable site. An act of March 30, 1911, authorized the procuring of a new location, and this time the sentiment for a rural site prevailed. A tract of some five thousand acres was secured at Rockview in Centre County and plans made for a great central prison farm which would supersede both the Eastern and Western Penitentiaries. New buildings have since been in the process of construction and the new central institution promises to become the most ambitious experiment yet carried out in the field of agrarian penitentiary projects. (13) It was at one time hoped by the progressive reform element that the experiment might go far enough to embody the cottage plan of dormitories, but it now seems that the cell block and great encircling wall scheme, which has been the characteristic stigma of prisons for a century, will be retained.
III.

THE ADMINISTRATIVE HISTORY OF THE WESTERN PENITENTIARY.

The first legislative act touching upon the administrative authority in the new state penitentiaries was that of April 10, 1826, creating the governing authorities of the new Western Penitentiary. These were to consist of nine inspectors selected from citizens of Allegheny County by the city councils of Pittsburgh, the commissioners of Allegheny County, and the justices of the court of quarter sessions. (14) This act was soon superseded by that of April 23, 1829, creating the governing bodies of the Eastern and Western Penitentiaries. The chief authority for penal administration in each was vested in a board of five inspectors appointed for a term of two years by the justices of the supreme court from taxable citizens of Pittsburgh or Allegheny County. The inspectors were to have general charge over the administrative, industrial and financial affairs of the penitentiary and to appoint and fix the salaries of the warden, physician, clerk and religious instructor. The immediate administrative supervision of the institution was put in the hands of the warden who was to appoint the under-keepers. (15)

There has been a remarkable degree of uniformity and continuity in the state’s policy as to the administrative authority in the state penitentiaries. No important deviation from the precedent created by the act of 1829 has taken place. Subsequent revisions of this law have touched only minor details and additions. A moral instructor was added to the administrative staff in 1839 and a parole officer in 1909. In 1874 the power of appointing the inspectors was taken from the judges and given to the governor. These modifications were embodied in the act of May 23, 1913, which clarified and codified existing practice and legislation. (16) The term of the inspectors is now four years. Some significant initial steps towards securing centralization in administration were taken by the act of April 24, 1869, creating the Board of Public Charities, and that of June 1, 1915, establishing the Prison Labor Commission.

The maintenance side of the administration of the Western Penitentiary goes back in its origins to an act of
May 27, 1789, relating to the Walnut Street Jail. It directed that the support of prisoners sent here from other counties should fall upon these counties in proportion to the number of convicts sent there. (17) When the two penitentiary districts were organized in the state by the law of April 10, 1826, it was stipulated that the expense of maintaining the inmates of the state prison in each district should be borne by the counties in the district in proportion to the number sent by each county. (18) Earlier provisions were replaced by the act of April 23, 1829, which has remained in force to the present day with but little modification. It retained the general principle followed in the acts of 1789 and 1826. The following paragraph describes the most important features of the financial arrangements:

The expense of maintaining and keeping the convicts in the said Eastern and Western Penitentiaries, shall be borne by the respective counties in which they shall be convicted, and the said expense shall be paid to the said Inspectors by orders to be drawn by them on the Treasurers of the said Counties, who shall accept and pay the same: Provided Also, That the said orders shall not be presented to the said Treasurers before the first Monday of May in each and every year; And Provided Also, That the said Inspectors shall annually, on or before the first Monday of February transmit by public mail, to the Commissioners of such Counties as may become indebted for convicts confined in said Penitentaries, an account of the expense of keeping and maintaining said convicts, which account shall be signed by said Inspectors, and be sworn or affirmed to by them and attested by the Clerk; and it shall be the duty of said Commissioners, immediately on receipt of said accounts, to give notice to the Treasurers of their respective Counties of the amount of said accounts, with instructions to collect and retain monies for the payment of said orders when presented; and all salaries of the officers of the said Penitentiaries shall be paid by the State; and it shall be the duty of the Inspectors to transmit to the Auditor General the names of the persons by them appointed, and the salaries agreed to be paid to each of them under the provisions of this Act, which sums shall be paid in the usual manner, by warrants drawn by the Governor upon the Treasurer of the Commonwealth. (19) It has also become customary for the state to make appropriations for all important alterations and additions to the buildings and such extraordinary expenditures.

IV.

THE HISTORY OF THE DISCIPLINARY AND REFORMATIVE SYSTEM IN THE WESTERN PENITENTIARY.

1. The Systems of Prison Discipline

From 1826 to 1869 the Western Penitentiary was con-
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ducted according to the so-called Pennsylvania system of separate confinement and labor in individual cells. This system had grown up as a reaction against the abuses of the congregate system as witnessed in the Walnut Street Jail and elsewhere. Under this system a large number of prisoners had been placed in rooms with no attempt at segregation. In some cases no provision was made even for the separation of the sexes. This situation led to so great a demoralization of discipline that the Philadelphia reformers, who originated the prison system in this country, proposed a plan which went to the other extreme and provided for the permanent segregation of each prisoner by himself in an individual cell. This was given an initial trial in a specially constructed cell block in the Walnut Street Jail after 1790, but its real application began with the opening of the Western Penitentiary in 1826 and the Eastern Penitentiary in 1829. While the Eastern Penitentiary has usually been regarded as the classic institution operating under the Pennsylvania system, the Western Penitentiary anticipated it by three years and some of the highest praise for this method of discipline and administration came from the officers of the Western Penitentiary. The following are but a few of the available excerpts from their reports which testify to their early faith in this system:

We feel assured that it is by no means the design of the Legislature to abandon the humane and beneficient policy of Pennsylvania with regard to the treatment of offenders against her laws; from whence so many blessings have already resulted to that unhappy class of individuals. Ages upon ages had come and gone, before any charitable feeling had been excited, or any compassion aroused for the sufferings of guilt in the heart of even the most benevolent, in any part of the world. The unfading honor, of first introducing into her criminal code, the moral culture and reformation of the guilty, belongs exclusively to Pennsylvania. Higher objects than the mere punishment of the malefactor grace her statute books. With the hand of heaven descending charity, she has combined with her places of penance and punishment, hospitals for the treatment of moral diseases, kindness and encouragement, with moral and religious instruction, are uniformly extended to such as evince a disposition to amend their lives, and every incentive to thorough reformation are inseparable objects of her system. (20)

The miserable victim of the law in our day, finds himself notwithstanding his crimes, an object of the tender care and regard of the state, and of the deepest solicitude of the humane and benevolent around him. They forget not that he is an immortal spirit. That he is still an object of God's regard. The soft and soothing sounds of affection and sympathy, of instruction and prayer, fall upon his
Useful and salutary labor, clean and wholesome apartments, a comfortable place to lay his aching head and weary limbs, air and water, ample sustenance, the light of Heaven and the Holy Scriptures to guide his heart to God. Such is the spirit of the Pennsylvania system. It is blessed from on high and will remain an imperishable memorial of her enlightened beneficence and humane consideration for the guilty inmates of her public prisons, and is now spreading its practical benefits by similar institutions reared on the base of her enlightened humanity, not only through sections of our own, but over governments and countries of the old world. (21)

Pennsylvania, the precursor of all her sister states in the present system of prison discipline, has justified its wisdom before the world in the practical results of its successful administration in this institution. Anticipated evils, existing more in speculative humanity and morbid philanthropy than in substantive fact, have failed in their realization. Disease and mental imbecility so confidently predicted as necessarily incident to separate confinement, have resulted in health and intellectual improvement. Depraved tendencies, characteristic of the convict, have been restrained by the absence of vicious association, and in the mild teaching of Christianity the unhappy criminal finds a solace for an involuntary exile from the comforts of social life. If hungry, he is fed; if naked, he is clothed; if destitute of the first rudiments of education, he is taught to read and write; and if he has never been blessed with a means of livelihood, he is schooled in a mechanical art, which in after life may be to him the source of profit and respectability. Employment is not toil nor labor weariness. He embraces them with alacrity, as contributing to his moral and mental elevation. They help to fill the zodiac of his time, which would otherwise be spent in unavailing complaint, and fruitless importunity for release. Shut out from a tumultuous world, and separated from those equally guilty with himself, he can indulge his remorse unseen, and find ample opportunity for reflection and reformation. His daily intercourse is with good men, who, in administering to his necessities, animate his crushed hopes, and pour into his ear the oil of joy and consolation. He has seasonable and comfortable clothing; he has the best of medical attendance; he has books to read, and ink and paper to communicate with his friends at stated periods; and weekly he enjoys the privilege of hearing God's holy word expounded by a faithful and zealous Christian minister.

Thus provided, and anxiously cared for by the officers of the prison, he is in a better condition than many beyond its walls guiltless of crime. He labors, but it is for his subsistence, like any other member of the community, and by his industry he relieves that community of the burden of his support.

It is a fact worthy to be remembered by the Legislature, that for the last ten years, not one county sending convicts to the Western Penitentiary has been called upon to contribute a solitary dollar towards their subsistence. Such being the domestic economy of this institution, and such its happy results, we are not required to enter into an elaborate vindication of the principle upon which it is based. The system has disappointed the anticipation of its enemies, and surpassed the confident expectations of its friends, and there, for the present, we leave it. (22)

In spite of this excessive praise of the separate system,
criticism of it developed within the state. Between 1821 and 1825 the authorities of the state prison at Auburn, New York, had devised a system of prison discipline and administration which steered midway between the extremes of the old congregate system and the Pennsylvania system of solitary confinement. They allowed congregate labor in the prison shops by day and compelled separation in individual cells by night. Perhaps the chief advantage of this method was the fact that it offered better opportunities for a more advanced and effective economic organization through the shop or factory system and the machine methods which could not be introduced into the separate cells of the Pennsylvania system. (23) This Auburn system made an appeal to a new and progressive board of inspectors appointed in 1864. In 1866 they presented the following convincing summary of the weaknesses of the Pennsylvania system:

In looking over the Annual Reports made by the Officers of this Institution to the State Legislature for more than thirty years, we find that they have rarely ever omitted to express their entire satisfaction with the workings of the separate system of confinement which Pennsylvania has adopted as her own.

We are not at this time disposed to controvert the self-complaisant arguments so profusely lavished upon the Legislature from both extremities of the state, in their Annual Reports as to our "humane and reformatory" System of Prison discipline.

We think, however, that it might be well for the Legislature to look at the other side of this question and inquire, whether, in the onward progress of events and in the constant and interesting changes that are always being developed in the world, there might not be a more excellent plan adopted or worked out for the improvement and reformation of this unfortunate people than the one which we have adopted? As we have made from time to time our frequent visitations to the convict's cell, and have engaged him in conversation and studied his situation, we have often been oppressed with the feeling of despair that seemed to settle upon his face as he would look forward (sometimes through a quarter of a century) to a hopeless future. In his loneliness he broods over his condition, walking his dreary cell in the quiet hours of the night, and during the unemployed moments of the day. No human face visible save that of the Officers and his Keepers, he feels that "his hand is against every man and every man's hand is against him," and having no object or interest beyond his own walls to attract his attention or arrest his thoughts, he falls back upon himself and his fancied wrongs, and in sullen anguish preys upon his own vitals!

"Man is formed for society. He cannot well live without it. Ostracize him from the world and his fellow men, and he soon loses his own self-respect, because he feels that he has forfeited that of others.

We hold these men for their reformation as well as punishment.
Would not the successful accomplishment of the former purpose supersede, to a great extent, the necessity for the latter?

The great problem, which we think is not yet solved, is what is the best mode of accomplishing this end? If those who frame our laws consider that our present System is the most desirable and ought not to be modified or changed, then we would urge upon them the imperative necessity of making provision at once for an increased number of cells in this prison. (24)

The inspectors were able to secure the passage of the act of April 8, 1869, which allowed the congregation of prisoners in shops for industrial purposes and thus terminated the solitary system in the Western Penitentiary. (25) In their report for 1871 they expressed their satisfaction with the new system, and three years later they were even more convinced of its advantages:

We have just emerged from a chrysalis or transition stage in the management of this institution. The reach from a rigid solitary system of discipline to the more liberal and enlightened congregation idea, is a tedious and difficult one, especially where public opinion has been educated for a long series of years to the belief that the existing regime is infallible. The public and the prisoner have each sustained us. The cordial endorsements which we have received from those who are interested in the moral reforms of the day, have greatly encouraged and emboldened us in all that we have done; and the thankful recognition of our efforts to benefit them, physically, morally and religiously, which we are constantly receiving from the convicts, has been reward enough for all our labor and toil. (26)

But to the prisoner the advantages of this change are still more apparent. When taken from his solitary cell, his strength is debilitated, his appetite fastidious, his face pale, the color from his cheek gone, and his eye has assumed the incipient appearance of insanity; his incarcerated life has been one of hopeless misanthropy, and often times his physical strength has become prostrated and his mental activity benumbed by the indulgence of vice and sensuality which a solitary life tends greatly to promote.

Now look at these same men in their places in the workshops. Their manhood and self-respect have returned, their countenances show an intelligent interest in their work, a healthy appetite has returned, the bloom on the cheek has resumed its place, and if one did not know that he was in a prison, he could not distinguish these from any similar workmen outside.

Yet best and most of all is the wholesome discipline which labor always brings in its train. There is nothing so promotive of good order as to make an imprisoned man tired; his sleep is sweet at night, and he has no time for mischief during the day. (27)

It appears that the inspectors were not content to adopt the principles of the old Auburn system, but engrafted upon it some of the more advanced practices of the Irish system of prison discipline. This had been introduced into Ireland after 1853 by Sir Walter Crofton and embodied the impor-
tant principle of classification, grading and promotion of prisoners. It was advocated in this country during the decade of the "sixties" by a group of reformers, of whom Frank Sanborn was the most active and enthusiastic. In their report for 1871 the inspectors describe their effort to introduce at least certain important phases of the Irish system. Both the inspectors and the Chaplain J. L. Milligan were warm in their praise of this system and would have gone further with its utilization had not the laws of the state prevented.

We are not allied to either of the extremes of separate or congregate government: avoiding the rock of Scylla on the one hand, as well as the whirlpool of Charybdis on the other, we have endeavored to select from each that which was good, and by engrafting the one on the other, have, we think, hit upon the correct idea of an American prison.

We have introduced three grades of cells:
First, the punishment (not dark) cell, for the incorrigibles, where the prisoner is completely isolated—severely let alone—and has nothing to do.
Second, the separate, or Pennsylvania cells; (a portion of one wing being appropriated for this purpose) where the occasional subordinates are placed; they have work and books, but none of the other privileges of the institution.
Third, the ordinary cells, where all the well behaved prisoners are kept, when not at work in the shops or yards.

The idea of disgrace incurred and promotion secured, is encouraged in this way, and thus far with satisfactory results. (28)

Probably no better description of the change from the Pennsylvania to the Auburn system exists than the following summary taken from the report of Chaplain J. L. Milligan written in 1906:

When I assumed my duties it was in the old castle-like prison in West Park—there then, and for long years previously the fundamental control was based on the "solitary confinement plan." Each cell was a costly little prison in itself.
The unnatural isolation was not looked upon favorably by the progressive Board of Inspectors and the kind hearted warden. The character of the industries was cellular and antiquated. The financial returns were meager, but the methods were honored by age, and hence firmly fixed. "They long bore the ills they had rather than fly to others they knew not of" with increasing resentment.

They well knew that the proposed and desired changes which lay in their minds would be a severe jolt to the old methods.
The architectural construction had aimed only to secure the safekeeping of the prisoners, regardless of sufficient natural light and fresh air necessary to the cure of the morbid mental condition invoked by the surrounding of the inmates of the cells.

Two strong doors, one of oak plank lined with iron, and the other door solid boiler plate iron, opened from the corridors to the cell—
the prisoner's home for the period of his sentence. A small opening near the top of the inner door, closed by an adjustable slide, was where the daily food was passed to the inmate. The ceilings and floors of the cells were solid stone, so also the outside wall in which a narrow vertically inclined gash was cut for the purpose of admitting all the air and natural light that the prisoner enjoyed.

Here in this tomb-like limitation he lived and ate and did the work appointed to him. On Sabbath day here was also his church. The old crazy loom for weaving cloth was his constant and only companion.

All these conditions served to more deeply depress his mind and certainly unfit him for manful conflict in free live competition at the end of his sentence.

At the Sunday services which were conducted in each corridor, with the prisoners standing in cells with their ears at the opening of the slide in the inner iron door and the outside door ajar a few inches and held on a short chain, he might catch some of the music and the words of the speaker through the limited avenues of stone and iron.

It was not to be expected that the Hon. Charles Dickens in his American notes would fail to tell England what he saw in our prisons.

This was my environment for public religious services for a few Sabbaths after I began my life work in prison. Its short duration was a great relief.

The application which the brave inspectors, strengthened by the conjointed appeals of some true philanthropists to the legislature brought the enactment of a law, brief in words but mighty in its transforming power of the old regime.

This law (that of 1869) gave to the inspectors the privilege to congregate the prisoners for "labor, learning and worship."

Then both cell doors were thrown wide open. The prisoners bringing their stools came out and seated themselves in the corridor at their cells where they could see each other and hear all the services. To them, these new free methods of public religious services much more emphasized the meaning of liberty and love.

Under this strange condition to them, the order and attention were perfect.

Soon a commodious chapel was erected and the prisoners were assembled for hearing the Gospel on Sabbath morning; under more natural and normal conditions, classes for the study of the Bible were formed for the Sabbath afternoon. A schoolroom was improvised and a day school started for elementary instruction.

Workshops followed and soon the inspectors realized that they had met loyal approval for the good that had come even amid the unfavorable buildings.

Then with the same courage, they proposed a new prison in which the old past conditions should have no place. That great wish has been accomplished. "Riverside," as they called the enlarged prison, now stands as a monument to their memory. (29)

The remaining interesting phase of disciplinary progress in the Western Penitentiary has been connected with the erection of the new penitentiary at Rockview. Here a
large number of convicts have been kept in a great dormitory without any separation or many guards. A merit house where qualified convicts may live practically without guards and which is based upon the honor system has been provided. Several hundred convicts have been kept on this great farm without prison walls, with a small percentage of escapes. The success of this experiment conducted by Warden Francies has been remarkable, and in some ways condemns in advance the sort of institution which is being erected through the use of these very men and methods, namely, one with great cell-blocks and surrounded by the stigmatic wall.

2. Chief Phases of Progress in Prison Administration and Discipline.

One of the first important aspects of prison reform which has characterized the nineteenth century was the commutation of sentence for good behavior. As a practical proposition applied to adult convicts this procedure was initiated about 1840 by Alexander Maconochie at Norfolk Island, Australia, an English penal colony. It was introduced into the Irish prison system by Crofton about a decade later and came into the United States during the "sixties". The first Pennsylvania law providing for commutation of sentence for good behavior was a product of the agitation conducted by the Philadelphia Society for Alleviating the Miseries of Public Prisons and was put upon the statute books in 1861. It was declared unconstitutional and was replaced by a more satisfactory law in 1869. This was applied until the act of May 11, 1901 supplemented all earlier legislation on this subject. Since 1869 then it has been possible for convicts to gain a substantial reduction of their sentence by good behavior. (30)

The indeterminate sentence was apparently originated by the New York and Philadelphia Houses of Refuge in 1824-5. Its application to adults came much later. Archbishop Whatley and a Scotch philosopher, George Combe, set forth the notion just after 1830 and it was taken up and supported in England by Frederick and Matthew Davenport Hill. It was also adopted by Crofton in his Irish system, and was brought into America as a part of the Elmira Reformatory system in the "seventies". With it was almost
inseparably associated the parole system or "conditional release", which had been strongly sponsored in the "forties" by Bonneville de Marsangy. In Pennsylvania the indeterminate sentence and parole were first applied to adult offenders in the Huntington Reformatory in 1887. For many years Chaplain Milligan of the Western Penitentiary urged their adoption in the state penitentiaries. They were introduced into the state penitentiaries by an act of May 10, 1909. (31) The law covering the indeterminate sentence provided that the maximum sentence should be the legal maximum for the crime and the minimum the legal minimum or, if no minimum existed, not more than one fourth of the maximum. This act, as well as the principle of the indeterminate sentence, was practically abrogated by the amendment of June 19, 1911, which allowed the judges to fix a minimum sentence equal to anything up to one day less than the maximum. (32) The parole system, while effectively administered as far as limited officials for this purpose has allowed, has been crippled because of lack of adequate supervision of those out on parole.

The segregation, separation and classification of prisoners has made some progress in Pennsylvania. In 1786 there was no attempt to separate for treatment or incarceration young from old, first offenders from hardened criminals, males from females, the insane and idiotic from those of fairly normal mentality. With the provision of Houses of Refuge after 1825 and the Huntington Reformatory after 1887 it was possible to some degree to separate the young and first offenders from the old and the confirmed criminals. Provision has been made since 1790 for separating male from female prisoners. A state hospital for the criminal insane was created by the act of April 14, 1845, and after 1874 it became possible to transfer to it insane inmates of the Western Penitentiary. An institution for the idiotic and feeble-minded was opened at Polk in 1897. Within the Western Penitentiary itself some progress has been made in grading the convicts according to behavior. This plan was introduced by Warden Wright and Chaplain Milligan about 1870 and has been retained with but few modifications since that time. An additional method has been brought into existence by Warden Francies in transferring the
prisoners with the best records to Rockview. Yet it must be admitted that little progress has been made towards such a system of grading and promotion as prevailed in the Irish system or exists in the Elmira Reformatory system. This cannot, however, be wholly charged to the prison authorities, since the laws would not allow such a step.

In matters relating to education the Western Penitentiary ranks about with the average state prison. Moral and religious instruction was provided by an act of November 25, 1839. In some cases the moral instructor was a person whose influence went far beyond spiritual ministry and materially assisted in improving the whole administrative system. Particularly was this true of Chaplain John L. Milligan, who held this office for forty years after 1869 and ranks as one of the chief figures in the history of prison reform in Pennsylvania. (33) Some academic instruction was given individually by moral instructors before 1873. A day school was opened in 1873 and continued to 1881. Abandoned from 1881 to 1886, it was revived in the latter year and has been continued to the present day. Yet its facilities have ever been limited and no regular teachers provided aside from the moral instructor and his convict assistants. It is probably the weakest aspect of the present prison administration. An excellent library has been built up. It now contains about fifteen thousand volumes and liberal rules govern its use. Vocational training or trade instruction has been little developed at any time in history of the Western Penitentiary, least of all since the abandonment of the Pennsylvania system in 1869.

One of the latest and most promising developments in criminal jurisprudence has been the combination of the suspended sentence and probation. It has been recognized that this practice is more likely to secure reformation than incarceration in the average prison and has come to be applied in many progressive localities for first offences of a mild type. It has been applied to juveniles for some time in Pennsylvania, but the beginning of its extension to adults came in the acts of May 10, 1909 and June 19, 1911 which related to first offenders found guilty of lesser crimes and misdemeanors. (34) The adoption of this new act was, however, optional, and though much has been done to put
it into operation in the Municipal Court of Philadelphia little or nothing has been done in the western part of the state.

V.

THE ECONOMIC HISTORY OF THE WESTERN PENITENTIARY

It seems that the Quakers of Pennsylvania and New Jersey were the first to suggest imprisonment at hard labor as a punishment for crime. This they did as early as 1681-4, but their theories were not applied until a century later. The first attempt to put prisoners to work in Pennsylvania came as a result of the law of 1786 ordering that they be put at hard labor "publicly and disgracefully imprisoned," but this proved a failure. Then after 1790 came the first attempts at prison industries, they being fairly successful until the overcrowding of the Walnut Street Jail after 1810. The Western Penitentiary was opened in 1826 without any provision for the labor of prisoners. Not until about 1832 were any significant prison industries established. Down to 1870 the chief industries were weaving, shoemaking and cane-seating of chairs. After 1870 work was allowed in congregate shops and no longer restricted to cells. Shoemaking was the most productive industry from 1870 to 1887. During this period there was also a considerable development of the chain and heavy hardware industry. After 1887 the making of heavy mats became the most profitable industry, and the manufacture of hosiery and brooms were the other significant methods of employment. Since 1914 construction work and farming at Rockview have been important as a means of employing a part of the idle body of prisoners from the Riverside institution. In the future farming will probably become the chief industry of the inmates of the new penitentiary. (35)

The methods of administering the industries of the Western Penitentiary have varied with the general progress of penology and outside industry and with the effect of legislation upon the subject of prison labor. The period from 1832 to 1870 was characterized by the state or public-account system in which the direction of the industries was kept by the prison authorities and the products sold by them
in the open market. Some little contract convict labor, administered according to the piece-price system, also existed during this period. After 1870 there was a very complete adoption of an extreme form of the contract system, according to which the convicts were leased to contractors who furnished the raw material, conducted the industrial activities, and sold the products. In 1883 an act was passed which forbade contract convict labor in Pennsylvania, and there was a return to the public-account system until 1915. In that year a law directed the establishment of the state-use system. The Western Penitentiary has, thus, exemplified in its industrial history all of the chief systems of conducting prison labor operations. (36)

The Western Penitentiary, while normally producing a larger revenue than the Eastern Penitentiary, has been far from a gainful institution. In the "forties" and early "fifties" it earned enough to meet the cost of maintenance, exclusive of salaries. In the year 1864 the income was approximately equal to both maintenance and salaries of officials. Since that time it never earned enough to meet even maintenance charges, and after the restrictive legislation of 1883-97 has become progressively more of a burden to the state. In 1916, for example, it created an economic burden of about three hundred and fifty thousand dollars.

Down to 1883 the state interfered but little with prison industry. In that year, due to the opposition of labor organizations to contract convict labor, it passed acts forbidding contract convict labor and ordering the branding of convict made goods. In 1891 the eight hour day was prescribed for prison labor. In 1897 came the most severe restriction of all in the law which forbade all types of machinery other than those operated by foot-power, and allowed the employment of not more than twenty per cent of the total number of inmates. In 1915 the state-use system was introduced and a prison labor commission created to centralize and take charge of the industrial operations of the state penitentiaries and the Huntington Reformatory. (37) Because this law was not supplemented by one making it compulsory for state institutions to buy these prison made products when in need of such commodities, it has been very difficult to get the new system on a satisfactory working
basis. Whatever may be said for it from other standpoints this restrictive legislation has been a severe handicap to the economic and disciplinary life of the Western Penitentiary, and Pennsylvania, for the last twenty-five years, has had far more idle convicts in proportion to the total convict population than any other state in the union. This has reacted to make more difficult reformation and discipline in the penitentiaries.

VI.

CONCLUSION

Even this brief and summary survey of the evolution of penology in the Western Penitentiary of Pennsylvania is sufficient to demonstrate that it well exemplifies the general tendencies in the history of American penal institutions during the last century. With the possible exception of the New Jersey state penitentiary at Trenton, it is unlikely that any other institution in America so well recapitulates American penal history. The Western Penitentiary was the first real state prison to adopt in a thorough manner the system of solitary confinement for all its inmates. It later operated for years under the Auburn system of congregate labor, and made some progress towards adopting the Irish system of grading prisoners and promoting them on the basis of behavior. Finally, it has now begun experimentation with what is regarded by many as the solution of our penal problem, namely, the location of penal institutions on great farming tracts where open air life will be possible and real liberties granted in such a degree as the conduct of the prisoners makes them possible.

The Western Penitentiary has also experimented with all of the leading types of prison industry, both as to the nature and technique of the industrial operations and the systems of labor according to which they were conducted. Starting with the handicraft-individual-cell methods, a change was made into the shop-machine system, and now progress is being made along the line of shifting to agricultural pursuits. The public-account system of controlling the labor was given up when the shop system was introduced in 1869 and the contract method was introduced until it was
outlawed by the act of 1833. The public-account system was revived and remained in vogue until 1915 when the state-use and public-works-and-ways systems were prescribed. Finally, Pennsylvania has experienced even to a degree greater than any other state the effect of the opposition of labor organizations to contract convict labor in the shape of restrictive legislation affecting prison industries.

In greater or less degree the Western Penitentiary has illustrated nearly every progressive addition to penological theory and practice in the last hundred years, and is just now ready to take its place with the most advanced institutions of the present day in one of the most far-reaching experiments of penological history—that being inaugurated by Warden Francies at Rockview.

REFERENCES AND NOTES

1. I have dealt with this subject more in detail in an article on "The Historical Origins of the Prison System in America," in the Journal of Criminology and Criminal Law, May, 1921.
5. Ibid., 1820-21, pp. 94-7.
10. For the best description of this prison structure see the Report of the Secretary of the Board of Public Charities, 1870.
13. See the Report of the New Western Penitentiary of Pennsylvania from Its Inception to August 31, 1916.
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25. Laws of the General Assembly, 1869, pp. 18, 1268. The Pennsylvania system was not legally abolished in the Western Penitentiary until 1913.
27. Ibid, 1874, pp. 7-8.
35. The data upon which these descriptive generalizations are based have been secured from the official reports of the inspectors.
36. The industrial operations are described in detail in the regular reports of the inspectors.