

# MAINE STATE LEGISLATURE

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# Public Documents of Maine :

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEARS

1872-73.

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AUGUSTA :

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1873.

REPORT

OF

REV. J. K. MASON,

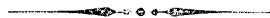
COMMISSIONER FROM MAINE

TO THE

International Penitentiary Congress.

MET IN LONDON, ENGLAND,

JULY 3, 1872.



AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

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# REPORT.

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*To the Governor and Council of State of Maine:*

GENTLEMEN:—Early in the spring of the current year, it was decided by Commissioners, appointed to take the subject into consideration, to call an “INTERNATIONAL PENITENTIARY CONGRESS,” to meet in London, England, on the 3d day of July, to confer together, collate facts, discuss principles and systems, and secure, if possible, the adoption and diffusion of such sentiments as would result in those reformatory measures calculated to promote the well-being of the criminal population of different countries; and thereby, as a *prime* object, the safety and general welfare of the public.

## ORIGIN.

The inception of the movement was in the “*National Prison Congress*,” assembled at Cincinnati in October, 1870.

Rev. E. C. Wines, D. D., LL. D., was elected by that body Commissioner to visit other countries and secure the co-operation of their several Executive Governments. By “joint resolution of the two Houses of the United States Congress,” Dr. Wines was duly appointed and commissioned to represent our National Government, with whatever of authority he might need, to confer and to arrange all preliminaries for the proposed end. Having received his credentials he proceeded to visit, in person, the executive heads, and many distinguished men of most of the countries of Europe, and communicated with others. On his return he did the same in respect to Mexico, and the States of South America. He found a spirit of most ready co-operation. The result was, the preliminaries were arranged and a “Call” issued for the different nationalities, colonies and States, to be present and participate, by their Representatives, in an International Penitentiary Congress.

## MAINE COMMISSION.

The "Call," issued too late for our Legislature to act upon it before adjournment, was responded to in the appointment by the Governor of Hon. E. B. Smith of Saco, and myself. Mr. Smith was unable to attend. As no funds were provided to defray the expenses incident to the fulfilment of such a commission, it was thought that this State must fail of representation, but a few friends of the cause, believing it neither for the credit nor the welfare of Maine to fail, and, proposing to advance the amount necessary, I have the honor to report myself as having attended all the sessions of said Congress; taking such part as I deemed wise, and assuming such responsibilities as the honor of our Commonwealth demanded.

## COMPOSITION.

The Congress was composed of Commissioners from twenty-two distinct nationalities. In addition to these, twenty of the United States, and many of the reformatory and penal institutions on both sides of the sea had representatives there; in all, more than three hundred voting members, and a hundred more honorary members, men of distinguished position in church and State.

## SURROUNDINGS AND CHARACTER.

The sessions were held in the "Hall of Middle Temple," every square inch of whose walls is eloquent with historic memories; discoursing of Knights, Nobles, Kings, Queens, orators and poets of the olden time, whose busts, armor, coats of arms, and other memorials were on every side; and where often the immortal Shakspeare delighted Royal ears with readings from his finest dramas. The screen at the east end of the hall was wrought from wood taken from the ruined Spanish Armada. The building was erected in 1570, and has convened some of the most illustrious assemblies of the succeeding centuries.

To one looking over this congress and learning the country, position, and object of its members, and witnessing the evidence of their intelligence and ability, as apparent in the course of the sessions, it seemed a *fit place*, and that the body assembled was worthy of it.

## OBJECT.

I think it must be conceded that the object, "The Prevention and Repression of Crime," including "Penal and Reformatory

"Treatment," places it among the grandest movements of the age. I do not claim for it an importance to which it is not entitled; nor do I expect from it, at once, all the results which some more sanguine ones anticipate. But since there is such a population of criminals in every country, the world over, the increase of which more than keeps pace with the general increase of population, it becomes a question of gravest import for every community to consider, viz.: *how can society be protected; these criminals restrained and reformed; and others, men and women, prevented from becoming such?*

#### IMPRESSIONS.

The English government, as such, because too conservative and opinionated, or dignified perhaps, gave the *proposition to hold the Congress* no official countenance. But many of her noblest subjects were enthusiastic in their co-operation; and the government itself, after seeing how it was composed, and that its work contemplated more than a mere sentiment, in the persons of the Prince of Wales, Mr. Bruce, Secretary of State, Sir John Pakington, M. P., and others, in the most cordial manner, showed its desire to be counted in.

The spectacle of Austria, Baden, Bavaria, Belgium, Brazil, Chili, China, Denmark, France, Germany, Greece, Holland, Italy, Japan, Mexico, Norway, Prussia, Russia, Saxony, Spain, Sweden, Switzerland, Turkey, and the United States of America, allied in such a service; and England, striving, at length, in all possible ways, to strengthen the alliance and make amends for her former coldness, was one calculated to inspire hope for humanity. To see them all, in the persons of many of their most distinguished men, becoming enthusiastic over the reforms contemplated by the Congress, was a sight to compensate any one for no little sacrifice. To have been an integral part of such a body, and thus linked to a good cause, to engage in its promotion with some of the best and noblest men and women, whose hands are put to the work of helping up humanity from some of the pits into which its children have fallen, was an honor and a privilege of no ordinary kind.

#### PROCEEDINGS.

The Congress was opened on the evening of the 3d day of July by an address from the President, the R't Hon. the Earl of Car-

narvon. It was a production interesting and instructive to an audience, in every paragraph; and at the hour's end leaving them fresh for the several less formal addresses, by Lord Harrowby, Sir Charles Adderley, M. P., Baron Von Hobzendorff of Germany, and Hon. J. R. Chandler of Pennsylvania.

The sessions which followed, commenced on successive days, at 11 o'clock A. M., and were continued with but a half hour's recess until 5½ P. M.; a portion of the other hours of the day being occupied by committees and in discussions by *sections*. One evening was devoted to a reception by Lord Carnarvon, and the opening addresses; one to a Soiree given in the Hall by the friends of the Congress, at which the Prince of Wales, Secretary Bruce, and other dignitaries were introduced and spent an hour in free conversation on the interests involved in the objects and hopes of the Congress. One evening was occupied by Dr. Bellows of New York, on the "Life and Character of Howard," Dr. Manning, Archbishop of Westminster, presiding, and supplementing by a very "telling" impromptu address, full of common sense, and evidencing much thought on the subject in hand. And another evening was occupied in discussing a dinner given by the English to the Foreign Delegation.

By previous arrangement, terse and thoroughly condensed papers prepared by able minds, on different topics relating to penology, were read as those topics were introduced; after which each was open for free discussion, each speaker being limited to ten minutes. The discussions being carried on chiefly in English and French, every speech was interpreted so that all could receive the benefit. This impeded the progress but afforded time for care. Systems were displayed and explained; their success or failure noted; different features criticised and defended; an infinite amount of facts presented, shedding both light and darkness; conceited and sanguine ones eager and persistent in advocating their hobbies; yet, during all the sessions there was manifested a true urbanity, and a kind of sympathy quite unique and wonderful; showing how possible it is for men, coming from all quarters of the globe, differing in everything, to find *one grand object so humanity-wide* as to secure the heartiest co-operation.

#### "THE IRISH SYSTEM,"

Conceived by Sir Walter Crofton, and developed under his direction. (and should be known as the *Crofton System*), received

a large share of attention. It was found, judged by what it has accomplished, to exhibit many excellencies. This comes under the general head of "Congregate System," but is peculiar, in that it proceeds on the plan of special classification of criminals, promotes from class to class in successive years, according to desert; grants an increase of privileges, such as partial wages, better food, monthly remittance from sentence, finally absence on "ticket of leave" under the eye of the police, so putting the convict's condition and ultimate liberty, measurably, into his own hands.

#### "THE SEPARATE SYSTEM,"

Or *Cellular*, commanded much time. This was represented by Belgium, Germany, Holland, Baden, Bavaria, Prussia, in part, France, in part, and Eastern Pennsylvania. This not only keeps the convicts "entirely separate from each other, but also employs them constantly at some kind of work suited to their aptitude, and obliges them to participate in the opportunities given for instruction, and attend upon the religious services, in *such a way as never* to speak to, or look upon, or learn the names of each other. It procures for them choice reading, and has them regularly visited by those having care of their cells; also by the clergyman, the physician, and the teacher." Great advantages in the way of reform, were thought by the advocates, to result from such an arrangement. But it evidently has some very practical infelicities, especially in the direction of economy, if not in respect to mental sanity and vigor.

#### "THE MIXED SYSTEM,"

Was urged by some as being more practical, because less a theory; allowing of an *eclectic* practice that can accommodate itself to circumstances; thus likely, if wisely administered, to accomplish more for the good of the convict, the safety of society, and the economy of the State.

#### STATE OF MAINE.

The financial and economical success of our own State Prison was referred to in *very* flattering terms by the distinguished Mr. Hill (England) in an elaborate paper on the subject of "Prison Labor."

In answer to a call, at a later session, it devolved on your

delegate to explain in considerable detail, the system and operation of our Prison; note points of success and of failure, and to his great mortification, to speak of the *want of system*, and other evils in our county jails. The former will appear, in full, in the published "Transactions of the Congress." I trust the latter will have no wider circulation than was given by that unwilling expose; for it is a matter for the sincerest regret that the State of Maine, foremost in some other laudable reforms, and needing the best economical administration, has allowed herself to fall so astern in this.

That is not "a sickly sentimentality" that would connect industrial pursuits with all our places of penal detention; discriminate carefully in regard to those who shall be allowed to associate in them; increase the facilities for individual reform; and diminish the expenses to the county and State, meanwhile, at least fifty per cent. In regard to these things, your delegate felt mortified to report us, truthfully, so compelling us to go on the record, not only as untrue to our *motto*, but recreant to both our duty and interest, and indicating an undesirable nearness to the Dark Ages in regard to a right-minded and needful progress. He had the confidence, however, to assure that body that some of Maine's truest and ablest men were preparing to regenerate this whole matter.

#### OTHER TOPICS.

Besides questions of system and discipline, many others of a very practical nature were considered. Among them—

The training of persons to fill the offices of prisons.

The importance of an accurate system of international criminal statistics.

Remunerative Prison Labor; the possibility and essentialness of it.

The Rule of Restitution; whether every convict by his labor, if possible, should restore in some measure, to the individual or community wronged, for the injury done.

A Rule, by which sentences might be diminished by a monthly or annual per centage, for industry; *not for other good conduct.*

Whether repetition of crime should render liable to severer penalty?

Reformatories received considerable attention; which preferable, "Homes," or the "Congregate plan?"

Capital Punishment was not discussed in the Congress proper, but received a thorough consideration under the auspices of the "Howard Association," a notice of which will appear in "The Transactions."

A topic of great significance was introduced under the head of "Crime Capitalists." These are composed of persons who receive and pay for the plunder taken by others, or who instigate them by bribes, promises of money or position to the commission of crime. On this topic an exhaustive paper was read by Edwin Hill, Esq. These Capitalists were shown to be very numerous; and it was insisted, to the great satisfaction of the Congress, that *the laws should be such as to bear more heavily on them than on the direct perpetrators.*

Still other topics were discussed, all of which will appear, with the papers read on them, and addresses following, preserved by skilled stenographers, in the book of "Transactions," to be published in several languages, and, it is hoped, to reach us in March, 1873.

This volume of 1,000 to 1,200 pages, royal octavo, delegates will receive at \$2.50 per copy. The delegates of the different countries were obliged to become responsible for a certain number in order to secure the publication. Your representative subscribed for twenty copies, which he hopes the friends of the cause will be glad to take at cost to him.

#### SUMMARY.

That there were individuals in the Congress who would have all criminals regarded as "Moral Maniacs;" and all prisons as only "Moral Hospitals," where they should be put, not for *punishment*, *at all*, but simply for curative treatment, subject to none but *moral* restraints, and plied by none but moral motives; loved and caressed, and educated up to a higher standard, and then discharged, with no idea of *penalty* as having been mingled in their cup;—that there were a few such, men and women, was no disparagement, as some captious ones and newspapers have sneeringly intimated. Such were not the prevailing sentiments. But I submit the question, whether even those were not more creditable to human head or heart than the opposite extreme, making the treatment *all* penal, and so degrading the convict to a level with the brute? Both extremes were there, but neither rose above the most insignificant minority.

Some of the Utopian schemes of American philanthropists, such as "Prisons without Walls;" the proposed "Volunteer Adult Reformatory," &c.; (see papers read at the National Congress, Cincinnati, in 1870) received a passing glance. Some other unfeasible theories were paraded for adoption: England's Treadmill and "Bastinado" defended; Italy's Exile System, also, by a few; but good sense, sound judgment, and a thoroughly christianized philanthropy, prevailed to such an extent as to secure almost absolute unanimity in every vote that was finally put. The report of the Executive Committee at the closing session on the tenth day, on the various topics discussed, and touching all *general* and vital principles that underlie the great question in hand, was adopted with but a single dissenting vote.

#### DIGEST OF REPORT.

It was a grand spectacle to look upon—a grander fact to chronicle and engrave on imperishable tablet—the sitting together of the Kingdoms, Empires and States of the civilized world, and solemnly declaring that they regard it as a fundamental fact, that, while *recognizing the protection of society to be the object* for which penal codes exist, and the treatment of criminals is devised, they also believe this protection is not only consistent with the principle, but absolutely demands that the moral regeneration of the prisoner should be a *primary* aim in the treatment he is to receive; that unnecessary pain or humiliation should be avoided; that moral motives and forces be relied on mainly, and physical be resorted to only in the last extremity; that hope, being a more powerful agent than fear, should be incited in all proper ways; that, while the prisoner must be taught that he has *sinned against society*, and owes it *reparation*, it is for *himself* to work his own way up out of the position of stern adversity necessitated by his crime; that prisoners are still *men* though inside of prison walls, and continue to be swayed by human motives and interests, and must, therefore, be dealt with as men and not as brutes; that of *all* reformatory agencies RELIGION is first in importance, because acting most potentially on the heart and life; that education has a special agency; that steady, active, useful labor is, at once, a means and a test of reformation, and thus, WORK, EDUCATION and RELIGION the three great forces on which prison administrators must rely.

This declaration, so different and adverse to the theories and

practices of former ages ; and of our own age until this latter half of the nineteenth century,—concurred in by the representatives of the civilised world, after a most thorough and exhaustive discussion of the various details, *is*, I am sure, an omen for good ; indicating that the Old World as well as the New ; Europe, and portions of Asia, as well as America, by the light of revelation and a christianized philosophy, are, on the whole, on the ascending grade towards a higher plane of civil and social life.

#### RESULTS.

These are not to be looked for in some grand system of prison administration, or penal code, or social organization, to be adopted at once in all countries ; but in principles adopted, facts distributed, attention and interest awakened, relating to the whole subject. In the light of these, and under their influence, evil theories, codes and practices, by degrees will vanish and better ones take their place, until a kind of general harmony, creditable to human governments and human hearts, shall become universal.

I am satisfied that this is one of the directions in which truth is working towards the world's renovation ; and I desire for myself and for the Commonwealth, which, by your favor, I had the honor to represent, to be found in the heartiest co-operative sympathy. Influenced by the regard I have for the honor of my native State ; the economy and humanizing character of her institutions ; the uplifting of her fallen ones ; and a *belief* in the *necessity* and *feasibility* of certain legislative measures, by which such ends may be promoted, I cannot close this Report without expressing the desire that you and the Honorable Council will give such endorsement of the practicability and importance of certain reformatory measures, as to command the attention, and prompt, intelligent action of the ensuing Legislature.

Impressed by the revelations of what I have seen and heard, in our own and in other lands ;—scenes looked upon, facts noted, principles enunciated, arguments presented, and theories utilized, I trust, that as your delegate, I may not seem obtrusive in expressing my confidence, that at your suggestion, some positive step shall be taken towards desirable Reform. The Report and recommendations of the "Jail Commissioners" for 1870, look in the right direction, and ought to be taken up and utilized. Maine cannot afford to let the productions of that Commission lie still-

born. Nor can she afford to ignore a subject like this, to which the civilized world is so energetically waking up. Let her prove herself worthy of her motto, or at least, worthy of a position on the side of human progress in the ranks of sister Commonwealths, and in the fellowship of the Nations.

With the hope that *yourself*, with the approval of your Council, will be present at the Congress called by the "National Prison Association" to meet at Baltimore, January 21st,—

I most respectfully submit my Report.

J. K. MASON.

THOMASTON, December 20th, 1872.