

REPORT OF THE COMMITTEE

Appointed under an Act entitled "An act to provide for an investigation of the Discipline, Management and Financial condition of the Illinois State Penitentiary," approved June 19, 1871.

To the Twenty-seventh General Assembly at its Adjourned Session:

Your committee, appointed under the act above named, beg leave to submit this, their report :

In conformity with the requirements of said act, your committee met in the Senate Chamber, at Springfield, on the first day of July, 1871, and organized by electing Andrew Crawford, Chairman, and Geo. W. Hardacre, Secretary, (who is also a reporter). At that meeting the Governor was informed of the organization of the committee, and was requested to communicate any information in his possession, and all documents pertaining to the subject of the investigation and labors of the committee, and forward the same to the Chairman, at their meeting at the Penitentiary. In compliance with which request, he furnished your committee copies of certain correspondence, addressed by him at different times to the Penitentiary Commissioners, which documents are herewith submitted as part of the exhibits of our report.

The members of the committee having, at the time of the meeting referred to, pressing engagements of a private nature, the meeting was adjourned to September 12, to be at the Penitentiary. The committee met in pursuance of said adjournment, and marked out for themselves, as required by the law under which they were appointed, the following points of investigation :

First—The government, management and discipline of the Penitentiary.

Second—Its financial condition.

Third—What machinery, stock and assets were necessary for the proper employment of the convicts and the management of the prison, directing that such be disposed of by the Warden, as provided in section ten (10) of said act.

Fourth—To audit the claims against the Penitentiary so as to be able to report each claim, with the evidence thereof, to the General Assembly.

The committee proceeded with their labors and applied themselves diligently, with the hope that they would be able to complete their report in time to be presented upon the first day of the adjourned session, but the extra session, and other circumstances connected with the late disastrous fire in Chicago, so interfered with their plans and labors that they were unable to do so.

Proceeding according to this arrangement of the subjects, we first present our opinions and comments upon the

GOVERNMENT OF THE PENITENTIARY

The employment of convicts at "*hard labor*" is provided for under our criminal statutes, and has been the policy adopted by this State ever since it had a Penitentiary. This is entirely proper, as a portion at least of the expense attending the conviction and caring of criminals should be paid back by the convict in fulfilling his sentence. The acts of 1867 and 1871, providing for the management of the Penitentiary, evidently contemplated a system both punitive and reformatory in its character. Labor is necessary as a reformatory measure, as it is generally conceded that a reasonable amount is essential to reformation, and is a necessary condition of the right application of punishment. It should not be the paramount object to make it a source of income, but rather that it should serve partly to preserve and promote as well the bodily as the mental and spiritual condition of the convict, and also, in part, educate and prepare him to earn an honest living when he shall have obtained his liberty. It was a maxim with Howard, "make men diligent, and they will be honest." These should be the considerations which should govern prison officers in making choice of occupation or trades for convicts, keeping in view the pecuniary consideration in making such selections, so that the public interest may be protected, and, as contemplated by the present law, make the Penitentiary self-sustaining.

Before we consider how far these principles are practically carried out in our own Penitentiary, it may be proper that we should refer to the different systems adopted in employing convict labor, and somewhat to the history of our own Penitentiary.

Prior to July 1, 1867, what is known as the "Lease system," had been adopted by this State, and as practiced, consisted in leasing the Penitentiary and the convicts confined therein, for a stipulated annual sum, to parties who would take entire charge of all the convicts and furnish everything necessary to its successful operation, the State furnishing the buildings and keeping them in repair, medical attendance

for the sick, citizen suits for discharged convicts, transportation for discharged convicts, burial expenses of deceased convicts, Commissioners' and Chaplain's salaries, and paper and postage for convicts. This system has long been abandoned in other States, with the exception, perhaps, of Kentucky, and a change had been agitated in this State for many years.

In 1857 a joint committee of both houses of the General Assembly was required to investigate the management of the prison, then at Alton, and in their investigation they found the convicts fed, at times, on tainted meat, and corn bread frequently mixed with considerable bran. They also say that in conversing with a man who had been an officer of the prison for nearly ten years, when asked what he considered the "true object of punishment was," he replied that he "always got his understanding from the verdict rendered in the case; if *that* said 'confinement for ten years in the Penitentiary at hard labor,' why he was for giving it to them to the letter of the law;" and on being further asked if the punishment was the only object to be gained, he said he knew of no other.

That committee recommended an entire change of policy, and said, "under the present policy and system the food for the prisoners, as well as the clothing, bedding and medical attention, all the necessary conveniences and comforts connected with a humane hospital, as well as the administration of punishment in all cases, is under the sole care and control of a Warden, and the expenses incurred in keeping up and properly administering the affairs connected with each of the above mentioned departments is borne by him. As he is the person leasing the labor of the prisoners for a stated annual salary, with the understanding that he is to defray all the expenses of conducting the institution, it is reasonable and natural to suppose that he will manage them as economically, if not parsimoniously as possible; and with such pecuniary temptations presented before him, a man that was honesty itself could hardly resist them. Under such an unwise system, it is extremely difficult to determine the extent to which any one might be led in viewing his own personal interest as paramount to the higher claims of an enlightened humanity, even when applied to the unfortunate inmates of a prison. It is too tempting and responsible a position in which to place any individual, and we would therefore suggest that you do not lead your wardens 'into temptation,' but deliver them from 'the very appearance of evil,' by adopting the only wise course of making the State feed and clothe the convicts, and provide for all their necessary wants in health and disease. In this way you at once re-

move the grounds of those complaints which you do not hear from within the prison walls alone, *but from almost every quarter outside.*"

At that session of the General Assembly a law was passed providing for the erection of a new Penitentiary, and the removal of the convicts from Alton, which resulted in the building of the prison now at Joliet, but for some reason no change was made in the policy as recommended by the committee, for at the same session the labor of the convicts was leased to Casey & Hendricks for five years, the lessee continuing to be the Warden as formerly, and the conditions about the same as before stated, the lessees agreeing to pay the State \$5,100 per annum. The fact that a new Penitentiary was about to be built, whereby the convict labor might be used very profitably in the construction of the new institution, may have had something to do in preventing a change in the system of government, as the lessees of the prison could and did become the contractors for building the Penitentiary. As the estimated cost for building the new Penitentiary was about \$550,000, and the building has cost the State more than double that amount, the prices paid the lessees and contractors must have been quite remunerative.

Your committee did not consider it a part of their duty to investigate as to the management before the State took control of the Penitentiary, but think it may not be improper to here submit as a part of this report the following statement:

STATEMENT showing all appropriations made for the Penitentiary since 1857, to the time the State took control, on account of building the new Penitentiary, salaries of Commissioners, and sundry expenses in the nature of maintenance.

For what expended.	For erection of new Penitentiary.	Salaries of Commissioners.	Sundries for maintenance.
City of Alton, removing earth.....			\$846 15
Appropriation of 1857.....	\$75,000 00		
Commissioners' salaries and expenses.....		\$6,281 00	
For removing insane convicts.....			44 15
Proceeds of the sale of the Alton Penitentiary.....	60,000 00		
Appropriation of 1859.....	200,000 00		
Commissioners' salaries.....		8,096 45	
Chaplain salary.....			565 00
Conveying insane convicts.....			117 05
Transporting convicts to Joliet and repairing Alton Penitentiary, salary of chaplain, etc.....			21,388 12
Clothing and cash furnished convicts.....			6,758 39
Appropriation of 1861.....	224,889 61		
Contractors' drafts.....	79,210 46		
Commissioners' salaries.....		12,484 00	
Salary of Superintendent.....	475 00		
Sanger & Casey removing convicts from Alton, repairing shop, stationery, hospital stores, etc.....			31,111 78

Statement—Continued.

For what expended.	For erection of new Penitentiary.	Salaries of Commissioners.	Sundries for maintenance.
Chaplain			\$765 00
Conveying to Insane Hospital.....			288 25
Appropriation of 1863.....	\$179,138 87		
Contractors' drafts.....	116,388 00		
Commissioners' salaries.....		\$12,512 00	
Cash, clothing, stationery, etc., for convicts.....			12,908 75
Chaplain's salary			495 00
Commissioners' salaries		14,008 00	
Chaplain's salary			525 00
Appropriation of 1867.....	142,975 64		
Paid McGregor.....	2,853 50		
John M. Van Osdell.....	250 00		
Work on Warden's house and gates.....	1,133 00		
Chaplain's salary			185 00
Commissioners' salaries		4,482 00	
Illinois Manufacturing Comp'y, Warden's house, appropriation of 1869.....	843 00		
Henry Root.....	7,633 00		
McCray & Co.....	7,177 78		
McCray & Co.....	5,289 59		
Commissioners' salaries		4,294 00	
Chaplain's salary			70 00
John R. Casey, physician			480 00
Estimate of Jan. 1st, 1867: (see Commissioners' report) necessary to finish Penitentiary, for which no appropriation was ever made, but the work was done after the State took control.....	50,240 73		
Total	\$1,153,498 18	\$62,157 45	\$76,547 64

In addition to the foregoing, the sum of \$5,100 per annum, the amount which the lessees were to pay, in accordance with the terms of their lease, was also applied in payment of sundries due the lessees for repairs and for transportation paid discharged convicts, medicines, etc., etc.

It will be seen that the total appropriations for the erection of the Penitentiary were..... \$1,153,498 18

For salaries of Commissioners..... 62,157 65

Making the total cost of Penitentiary, including salaries of Commissioners..... \$1,215,655 83

Amount expended for sundries, in the nature of maintenance, etc..... \$76,547 64

Ten years rent, at \$5,100..... 51,000 00

Total expended in ten years, for sundries not furnished by lessees..... \$127,547 64

It should be stated in this connection, that out of the appropriations for erecting the Penitentiary, there was expended, for repairs, rebuilding shops, etc., destroyed by fire, machinery and fixtures, during the time of the erection of the institution, about \$75,000.

For the purpose of showing the increase of convicts since 1855, to the present time, and the necessity of increased facilities for taking care of them, as provided for by the new Penitentiary, we present the following table:

Percentage of increase	Percentage of decrease	For the years ending—	Convicts on hand.			Received during years	Recaptured during yrs	Received from Insane Asylum.....	Discharged	Pardoned.....	Died.....	Escaped	Sent to Insane Asylum	Sent to State Reform School.....	Discharged on order of Supreme Court.
			Male.	Fem.	Total.										
.....	January 1, 1855.....	.....	.....	332	619	.....	.....	282	147	26	20	.....	.....	1
43	January 1, 1857.....	468	8	475	44	.....	.....	405	141	24	22	.....	.....	6
39	January 1, 1859.....	653	8	661	756	.....	.....	424	254	30	28	3	.....	6
2	January 1, 1861.....	658	14	672	587	.....	.....	508	174	17	12	5	.....	4
.....	20	January 1, 1865.....	.....	.....	539	736	.....	.....	453	212	16	6	.....	.....	2
.....	January 1, 1865.....	.....	.....	536	1236	.....	.....	516	163	29	24	.....	.....	2
3	January 1, 1867.....	.....	.....	573	1288	18	1	817	224	32	69	11	.....	2
33	January 1, 1867.....	.....	.....	1,073	667	3	.....	381	139	16	16	.....	.....	1
14	December 1, 1869.....	1203	22	1225	667	2	.....	452	67	13	18	.....	.....	1
9	December 1, 1870.....	1325	14	1339	667	2	.....	452	67	13	18	.....	.....	1
.....	2	December 1, 1871.....	1292	17	1309	540	6	.....	460	72	22	2	.....	12	6

December 1st, 1871, 1309 remaining on hand—1292 Males, 17 Females.

Ohio, with a population of 2,339,502 in 1860, had, in 1861, in her Penitentiary 924 convicts. In 1871 her population was 2,900,000, and she then had in her Penitentiary 1,000 convicts. The increase in population is about 25 per cent. and the increase in convicts is only about 8 per cent. Illinois, at the same time, had a population of 1,711,951 and had 658 convicts in her Penitentiary. In 1871 she had a population of 2,500,000 and had 1,309 convicts in her Penitentiary. The increase of population is 50 per cent. and the increase of convicts is about 100 per cent.

It will be seen by the foregoing table that in 1861, just before the war, there were 672 convicts in the Penitentiary. Two years from that time the number had decreased to 539, a falling off of 20 per cent. The next two years there was a slight increase of 2 per cent. The war closed in the spring of 1865, when we find immediately a large increase, being 83 per cent. in two years.

It is a well known fact that a large number of the criminal class entered the military and naval service, and in some cases where offenses had been committed, they were not followed to conviction on condition that

they would enlist. Considering that fact in connection with the disturbed condition of society resulting from it, that having *sown*, in due time we must *reap*.

There was an increase in the number of convicts from 1867 to 1869 of 14 per cent., and from 1869 to 1870, 9 per cent., which was considerably less than would be expected from the increase of population, showing that crime is now actually on the decrease. During last year there has been a decrease of 2 per cent.

Another fact growing out of the war should be here stated, that many of the convicts sent after the war, were in a crippled condition. In June, 1867, a committee appointed to investigate the Penitentiary, reports that there were then 280 of the convicts wounded, but not to such an extent as to injure them very much, and 81 who were totally or partially disabled.

Returning to the history of the lease system, we would state that at the expiration of Casey & Hendricks' lease in 1863 a new lease was made to James M. Pitman, who immediately assigned different shares of it to several other parties. These shares or interests passed from time to time to several other parties, until in May, 1867, the then holders of the lease, under the name of the "Illinois Manufacturing Company," notified the Governor that they could no longer carry out the terms of their lease, and gave notice that the State must, within 30 days, relieve them of the charge of the Penitentiary.

In June, 1867, the General Assembly was called together by proclamation of the Governor, to provide for taking charge of the Penitentiary, as the lessees refused to longer do so. A committee was appointed to investigate the condition of the institution. They did so and their report will be found among the reports of that session of the General Assembly.

It would appear from that report that, after the erection of the buildings was completed, the lessees had been losing large sums of money; that the convicts were poorly clothed; and that the discipline was not in the most satisfactory condition. (This fact is also supported by testimony taken by us.)

They recommended the passage of the act of 1867, which provided for the appointment of three, Commissioners whose duty it was to take possession of the Penitentiary and the convicts therein, and keep and hold the same for and on behalf of the State.

It will be seen by reference to the law itself that it contemplated two systems, or a combination of the two :

The Contract System, which consists in letting certain numbers of convicts to individuals, known as contractors, who give so much per day for the labor of the convicts; and the other, working the convicts on account of the State, all raw material and capital being furnished by the State.

It is not to be wondered that some change of policy was made, as the people had long demanded it. Other States had long abandoned the lease system, and why should Illinois be behind, who had always been in the front of civilization and progress? Her public institutions and their management, and the liberal appropriations that have been made from time to time, are such as to reflect the true character of our people. How could she be behind in a matter of so much importance to society?

The contract system and State contract system, as provided by the act of 1867, may be combined; and is, in some prisons. And the latter is necessary to be provided for, even where the contract system is contemplated, so that in case the labor cannot be let, or where combinations may be formed to obtain it at less than its value, then the labor may be temporarily worked on State account. The contract system is adopted in all the New England States, except Maine; in two of the New York State prisons, in New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Indiana, Iowa, Minnesota, Missouri and California. In Maine, Wisconsin, and Clinton prison, New York, the State control system prevails.

It is true that many of the best minds in this country, who have studied this matter of prison labor and reform, have, for many years, taken strong ground against the *contract system*, and in favor of *State control*, as will be seen by reference to different reports of the Prison Association of New York, and also the following resolution of the National Congress on Penitentiary and Reformatory Discipline: "While industrial labor in prisons is of the highest importance and utility to the convict, and by no means injurious to the laborer outside, we regard the contract system of prison labor, as now commonly practiced in our country, as prejudicial alike to discipline, finance, and the reformation of the prisoner, and sometimes injurious to the interests of the free labor."

It is very significant that so few of the States have abolished it. We find in the report of the proceedings of the National Congress before stated, and held at Cincinnati in 1870, a communication submitted by G. F. Brün, "Inspector General of prisons in Denmark," from which we gather that their experience was very much like that of our State.