



Our are the plans of the Raleigh Press. Unwary by postage, to live like Brothers.

Vol. XII.

FRIDAY, SEPTEMBER 6, 1811.

No. 624.

Revised Criminal Code.

FURTHER EXTRACTS

From the pamphlet giving an account of the NEW-YORK PENITENTIARY.

REFORMATION.—The end of human punishments is the prevention of crimes. In the endeavour to attain this end, three things are to be considered; the amendment of the offender; the deterring of others by his example; reparation to society and the party injured. Of these objects, the first without doubt is of the highest importance. Society cannot be better secured against crimes, than by eradicating the evil passions and corrupt habits which are the sources of guilt. The operation of punishment as a terror to others, is generally considered as momentary and uncertain in its effects; for men are often found so regardless of the future, as to perpetrate crimes at the instant they are witnessing the most dreadful execution of a criminal for a similar offence. The punishment of death precludes the possibility of the amendment of the criminal by any human means. Every hope of reformation is at once cut off without a single effort to accomplish so just and benevolent a purpose. Society and the injured party are indeed, in the strictest sense, avenged on the head of the guilty offender. Justice, however, not revenge, is the true foundation of the right of punishment. But it is not the design of the present work to discuss the principles of a code of criminal law, or to point out the errors which have been perpetuated by the passions or ignorance of legislators. If society is effectually secured against future mischief by the imprisonment of the offender, it is that mode of punishment also which affords the only chance of reclaiming him from evil. It is by confinement to hard labour in a penitentiary house, that the primary and legitimate purpose of human punishment is to be effected. The characters of men are endlessly diversified, and their motives and actions assume a thousand different hues. In considering convicts, we may, in general, distinguish them into three classes: Men grown old in habits of profligacy and violence, unfeeling and desperate offenders, who discover no signs of contrition, and yield little hope of amendment: those who in early life have received a moral and religious education, and, though afterwards led by passion and evil example into the commission of crimes, still retain some sense of virtue: those who, having sustained a fair reputation, are arrested for the first public offence, before they have become familiar with vice; who wished, perhaps, to return to the path of virtue, but had not energy enough to retrace their steps. In forming an opinion of the depravity of convicts, nothing can be more unjust than to confound these different classes in the same judgment. All were once innocent; but, blinded by passion, allured by present temptation, they have mistaken their true interest, and been gradually led into the depths of vice and criminality. In designating punishments for various offences, the legislator can regard only the tendency of actions to injure society, and distribute those punishments according to the comparative degrees of harm such actions may produce. He cannot foresee those circumstances in the moral condition of the agent which may justly lessen or aggravate his guilt; and, by the wise constitution and jealous policy of our laws, judges are not vested with any discretionary power to apportion the punishment according to a greater or less criminality of intention in the offender. It is in a penitentiary house, that an opportunity is afforded of distinguishing the shades of guilt in different offenders, and of correcting that error and injustice, in some degree inseparable from the best system of laws, by which persons, whose guilt admits of different degrees, are subjected to the same punishment. It is for those to whom the superintendance of such an institution is intrusted, to effect, as far as possible, the amendment of the delinquent, and thus to fulfil the highest duty of humanity. And, it is with no small pleasure that the Inspectors, have observed, that a number of those who have been discharged from the prison confided to their care, have continued in habits of industry and sobriety, and bid fair to become good members of society. It would, no doubt, be interesting to the philanthropist, to be informed of the particu-

lar incidents in the lives of such men, and the circumstances which have furnished ground to predict the rectitude of their future conduct. But this would in some degree lead the writer beyond his immediate object; and motives of prudence and charity ought, perhaps, to induce him for the present to forbear such a recital.

The most efficacious means of reformation are to be found in that system of regular labor and exact temperance by which habits of industry and sobriety are formed. The Inspectors have not been unmindful of other means of amendment less immediately connected with the nature of the punishment to which the convicts are sentenced. By the great attention paid to cleanliness, in every part of the prison, they have shewn their opinion of its importance in aiding reformation. Its benign influence on the physical character, though well understood by many, is not duly estimated by the bulk of mankind. Though its effect on bodily health be more obvious, its less striking but equally certain effect on the mind has been no where more fully experienced than in this prison. It is found to soften the temper, meliorate the disposition, and to produce a regard to temperance, order and industry; and by exciting more agreeable and tranquil sensations, to render men susceptible of good impressions, and thereby conduce to their future amendment.

In the winter, those of the convicts who appear to be most meritorious, are allowed, with the approbation of the keeper, to be taught reading, writing and arithmetic. Teachers are selected from such of them as are competent, and 20 are permitted to meet together daily with one of the keepers, and to receive instruction for about two hours in the evening. This is considered as a privilege, and conferred on those only, who, by a peaceable, industrious and regular course of conduct, have shewn a disposition towards reformation. It is a further requisite for admission into this school, that the person should have performed labor above his task to the value of 4s. a week, which is to pay for the implements of writing, light, and fuel.

Care is taken as far as possible to separate the less vicious from the more hardened and daring offenders. About twenty-two of the most obdurate criminals are kept confined and at work in separate apartments and are not suffered to come out, or to have communication with other prisoners, but are constantly watched by keepers day and night. Experience will evince, that among any given number of convicts, one tenth part may be fairly considered as desperate and hardened villains, who appear incorrigible; and it is of importance that such should be carefully selected and separated from the rest, as it is more probable they may, by proper management, be reformed.

As another means of reformation, attention is paid to their religious and moral instruction.

A large room in the prison, very neatly finished, is set apart for the purpose of divine worship. This room and the gallery round it will accommodate about six hundred persons.

In this place the prisoners are assembled on the first day of each week, when one of their number reads a sermon and prayers, and the rest join in singing psalms.

It is expected that the public preachers of the gospel in the city will cheerfully devote a small portion of their time to the service of these unhappy beings, who have so much need of their instruction, and of the counsel of the truly good and benevolent.

As no distinction of sect exists in this great work of charity and benevolence, it is hoped that religious characters of every Christian denomination will feel it their duty to visit them on the day set apart for divine worship; since it is obvious that a due attention to this important duty must produce the most salutary effects on the minds and conduct of the prisoners, and most powerfully promote the great plan of reformation.

* Count Rumford (Vol. I. page 34.) in his Essays, speaking of the good effects produced on the mechanics in the House of Industry at Munich, by cleanliness, says that "virtue never dwelt long with filth and nastiness; nor do I believe there ever was a person scrupulously attentive to cleanliness, who was a consummate villain."

+ "As rational and immortal beings we owe this to them, not on any criminality of theirs justify our neglect in this particular." Howard.

Connected with this scheme of punishment and reformation, is another object, which, though of inferior importance in a moral view, is yet deserving of attention. This is, indemnity to the community for the expense of the conviction and maintenance of the offender. It is highly probable, that, with due management and economy, the profit of the labour of the convicts may be rendered equal to their support. Such a result, however, has not been anticipated by the zealous friends of reform in penal law in Europe. They have regarded it as the indispensable duty of legislators, to meliorate the laws, and correct the abuses of prisons, without counting the cost of their justice or humanity.—In Pennsylvania, we are assured, that the experiment has been attended with success; and when the improved system of the penitentiary house of this State has had time to operate fully, there can be no doubt of a result equally favourable. It ought to have fair scope, and not be thwarted in its infancy, by distrust, or the selfish views of individuals or particular classes of men. A wise legislature will extend its concern to the whole community, and, regardless of private interests, steadily pursue a plan the best calculated to promote the general good.

In the first establishment of the prison, the Inspectors have had to encounter all the difficulties of a new experiment, with the disadvantage of imperfect knowledge in many branches of manufacture. A system was to be formed, by which above two hundred convicts, many of them hardened, desperate and refractory, and many ignorant, or incapacitated through infirmity or disease, might be brought into a regular course of productive labour. To find suitable employment for so many persons, was a matter of considerable difficulty. In the choice of occupations, regard must be had to those which require the least capital, are most productive of profit, and most consistent with the health of the convicts and the general security of the prison. Among the different kinds of manufactures, that of shoes was first introduced, and has been found the most convenient and profitable. The capital required for the purchase of the raw materials is not large, and the manufactured article will always meet with a ready sale; since the consumption of so indispensable a part of dress is great, and continually increasing, beyond the power of the tradesmen of the city to supply. The manufacture of nails and other articles has been carried on for about two years. This required more capital; and it was not until very lately that sufficient experience was gained, in the purchase of stock and the use of machinery, to enable the Inspectors to manage this branch of business with advantage. These circumstances, and many others that might be detailed, which necessarily attend an infant establishment, and which diminished the profits of the past years, will, in future, cease to produce expense and embarrassment. It is doubtful, whether the manufacture of nails, and of several other articles, ought to be carried on to a great extent, as they require too large a capital in advance. Experience will furnish, every year, grounds for improvement in the mode of conducting the branches of industry, or in the introduction of more advantageous kinds of labour; and there is every reason to believe, that, with a competent capital, the business may be rendered so productive as to defray the expenses of conviction and maintenance of the prisoners. Calculations, however, founded on the statements of the past year, will not furnish adequate means of judging with certainty of the future profits which may be made to arise from the labour of the convicts.

That the number of convicts has increased since the erection of the State Prison, is evident from the tables in the appendix. But to infer from that fact, that the new and milder scheme of punishment has been less efficacious in preventing crimes than the old and sanguinary system, would be a most partial and erroneous conclusion. The true causes of this increase of crimes are the rapid growth of our population and wealth; the consequent luxury and corruption of manners, particularly in the capital of the State; and the great number of indigent and vicious emigrants from Europe and the West-Indies, driven hither by the disordered and distressful condition of their native countries, or to escape the vengeance of the laws.

More than three fourths of the whole number of crimes are committed in the city of New-York. Its population has almost doubled in ten years, and the increase of its trade and wealth is unequalled in the history of commercial states. It is certain also, that under the present system of punishment, a much less number of offenders escape conviction. Individuals do not, from a sense of the terrible consequences to the party, refuse to prosecute; nor juries, from motives of compassion, forbear to convict the guilty. This is a most salutary consequence of the melioration of our penal laws.

The corruption of morals engenders those crimes which pollute society, and undermine the security of life and property. It is the duty of government to begin at the source, and to endeavor, by every rational and practicable expedient, to prevent crimes, rather than to apply the painful and uncertain remedy of punishment to evils grown formidable by negligence. It is in vain, under the best devised plan of punishment, to expect that crimes should be diminished or exterminated, if laws are not framed to check the progress of vice, and to arrest the first steps of guilt.

It is well known, that the greater number of crimes originate in the irregular and vicious habits produced by intoxication, and by the idle, low, and dissipated practices encouraged in taverns and tippling-houses. There are few criminals whose gradual depravation cannot be traced to this source. It is well ascertained, that in this city there are more than 1200 taverns or shops, where spirituous liquors are retailed in drums or in the form of grog. In eight or ten considerable streets, one fourth part of the whole number of houses are taverns and groceries, or, in other words, dram shops. The number of taverns is unlimited by law. By the city-charter, the power of granting licenses is vested in the mayor, who is the sole judge of the propriety of granting them, or of their number. Thirty shillings are paid for each license; four fifths of which sum goes into the city-treasury, and the residue to the mayor. While a revenue is derived to the corporation from these licenses, it is not to be expected that there will be much solicitude to lessen their number, or to examine minutely into the merits of the applicants for them. Some regulations ought to be adopted for the reformation of the police in this respect. Grocers ought to be strictly prohibited from retailing liquors in drums. The number of taverns ought to be greatly diminished. Licenses should not be granted but to persons who are recommended by five known and respectable citizens, and under much larger penalties than at present, to enforce their observance of the laws. At present, the temptation to the indigent and labouring classes of people to indulge in drink is so powerful, and the gratification so easy, at every turn of the street, that the greater number spend a large portion of their time and earnings in repeated indulgences of this depraved appetite, during the day, and return to their families in a state of partial or complete intoxication. The pernicious consequences of such habits, to the individual and to society, are too striking to need any elaborate description; to enforce the propriety of adopting every suitable means of legislative and municipal regulation, for their prevention.

A further source of vice and criminality is to be found in the horse-races which regularly take place in New-York and some of the neighbouring counties. These draw together crowds of people, who engage in wagering, all kinds of games of chance, and in debauchery, which produce habits that lead to the ruin of many, and drive numbers to the commission of crimes. Horse-races, billiard-tables, and all games of chance, ought to be strictly prohibited. Baiting of animals with dogs, and every species of amusement which may tend to harden the heart, and render the manners of the people ferocious, ought to be prevented by a well regulated police. Laws are made for the preservation of decency and order on the first day of the week; and it remains only to have them more faithfully executed. Perhaps there is no city of equal extent, where fewer crimes escape detection and punishment, or where greater order and tranquility prevail. Too much praise cannot be bestowed on those to whom the peace and safety of our city is intrusted, for their unwearied attention and vigilance in the

discharge of duties, the extent and importance of which are not generally understood or fully estimated. But, notwithstanding the improved state of our police, and the care of our magistrates, every year furnishes new objects of attention, evils which demand additional remedies, and more powerful reasons for devising and applying them in the best and most effectual manner.

[See conclusion in our next.]

FOR SALE,

The following Tracts of Lands,

Belonging to the Estate of GARRISON deceased, viz:—One Tract containing 1040 acres, lying within 1 mile and a half of the Town of Warrenton, adjoining the lands of Judge Hall, Mr. Maclin, Mr. Slade and others, and within 2 miles of the Mineral Spring near Warrenton. This Land is well adapted to the culture of Corn, Wheat and Tobacco, and particularly so for Wheat and Tobacco. No situation in this part of the country offers more advantages for Society and Health, and the advantage of the Male and Female Schools in the Town of Warrenton.

Also, one other Tract on High Neck Creek, 4 miles from Warrenton, containing 250 acres, adjoining the lands of James Turner, Esq. and others. This Tract is very fertile, and produces Tobacco and Wheat equal to any lands in this part of the country.

Payments for the above Lands will be made easy to the Purchaser. The terms will be made known on application to the Subscriber, who will shew the Lands to any person wishing to purchase. The privilege of sowing wheat this fall will be given. HENRY FITTS. Warren Co. July 15, 1811. 17 1/2

The Warrenton Fall Races

WILL commence on Wednesday the 11th of September next. The First Day, a Sweepstakes for 3 year olds, one mile heats, \$50 entrance; half forfeit, 4 entries, & closed. Second Day, the Jockey Club Purse; 3 mile heats, for the whole amount of subscription which is \$ 530—entrance to non-subscribers 30 dollars, which shall go to make up the proprietor's purse.

Third Day, the Proprietor's Purse for \$250—entrance \$25—money to be hung up at the stand before starting.

Weights as follows:

Table with 2 columns: Age/Weight and Amount. 2 Years old a feather, 5 Years old, 110 lbs; 3 86 lb. 6 120; 4 100 7 126

3 lbs. allowed Mares and Geldings. The entries to be made with the Proprietor, on the day preceding each day's Race, before sunset. Stables and litter furnished Race-Horses gratis.

There will be a BALL each night of the Race; and every attention paid to the accommodation of those who put up at the Proprietor's Tavern.

W. A. K. FALKNER, Proprietor of the Course. July 11, 1811.

Sheriff's Sales.

WILL BE SOLD,

In the Town of Rockford, Surry County, on Saturday the 21st of September next.

THE following Tracts of LAND, or so much thereof as will be sufficient to satisfy the Taxes due thereon for the years 1809 and 1810, as below named, together with costs, &c.—viz.

30,000 Acres, lying between Mitchell's and Fish Rivers.

32,000 do. lying between Fish River, Steward's Creek and the Arrarat, joining the lands of Isaac Copeland, Robert Harris, Tho's Davis, James Bryson, Charles Taliaferro, Pleasant B. Roberts, James Jones, Joseph Thompson and others—said to be the property of Timothy Pickering, not given in, for the year 1810.

2000 Acres on the south side of the Yadkin River, adjoining the lands of Nicholas Horn, James Badger, David Fleming and others, said to be the property of John Randleman, not given in, for the years 1809 and 1810.

150 Acres, lying on the waters of Hunting Creek, adjoining the lands of James Brittain, Thomas Hampton and others, said to belong to the Heirs of John Elliott, dec'd, not given in, for the year 1809 or 1810.

WILLIAMS WRIGHT, Sheriff. July 15, 1811. 20

Partnership Dissolved.

THE Copartnership of Elisha & Wm. Siedman was dissolved by mutual consent on the 1st instant. Those who are indebted to the late concern at Fayetteville, will please to make payment to E. Siedman; and those who are indebted to the concern at Pittsborough, will please make payment to W. Siedman. All Claims against the Copartnership will be discharged by E. Siedman.

The Business in future at Pittsborough will be carried on by W. Siedman, and at Fayetteville by E. Siedman. They return their thanks to their former customers for past favors, and solicit a continuance of their custom. E. STEDMAN, W. STEDMAN. July 30, 1811. 6 1/2

WRAPPING PAPER.

J. GALES has for sale, (manufactured at his Mill near Raleigh) about Two Hundred Reams of small neat Wrapping Paper, of good quality, at \$1 and 25 cents per Ream.

Merchants and others who wish to be supplied, will please to make immediate application. April 10, 1811.

He has also a few Reams of a larger & stronger kind, at \$2 and 25 cents per ream.