



"Ours are the plans of fair, delightful Peace,
"Forward by party rage, to live like Brothers."

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JAILS.

The following Essay on the present defective police of the Jails of Virginia, is copied from the *Richmond Enquirer*, as equally applicable to this State. During the last rigorous winter, we know that the prisoners in the Jail of this county suffered severely from the great severity of the season; indeed, it is generally believed, that had it not been for individual benevolence, (excited by a representation of the case by the present humane Keeper of the Jail) three Negro Boys, who were confined for no crime, but merely placed in Jail for safe-keeping until some right of property was decided, would have certainly perished. Besides this suffering from cold, we learn the Prisoners are necessarily in so filthy a state, that a late desperate inhabitant of the Jail, who was closely ironed, asked it as a favor to have one hand at liberty to pick off the vermin from his body. Can this state of our prisons be tolerated in a free, christian country? Surely not. At the last session of our Legislature, it was made the duty of Grand Jurors to look into the state of the prisons, and we trust they will perform their duty, and remove or ameliorate these crying evils.

As it is difficult for a man at any time entirely to separate and abstract himself from the condition and feelings of his fellow creatures, so a sympathy for their sufferings, and a wish to relieve them, may, by the same ordination of Providence, with little merit too, very naturally exist. Thus much has been said, to protect the author of the following suggestions from any uncharitable imputation, as an assurance that he pretends to no superior degree of benevolence. *Homo sum*—this is the only pretension he advances;—this, he trusts, will prove his all-sufficient apology.

It will scarcely be denied, that in every bosom is implanted a fellow-feeling, which, unsolicited even, inclines us to commiseration and to good offices;—yet, it is equally true, that by a certain heedless indolence of temper, generally characterising man, many of his highest and most delightful duties, even where interest or passion does not interfere, are often wholly neglected or but half performed.

To this want of particular and active observation, chiefly, I ascribe the wretched, I may say, the destructive Police of our common Jails, so far as their government has met the eye. To this, I ascribe the failure to remedy those obvious and glaring defects in their constitution; defects which cannot fail to bring upon the unhappy captive, (should he live to see his liberation,) disease and premature death. Prisons have been justly deemed, in the hands of arbitrary power, engines more dreadful than either Scaffolds or Gibbets; because, through their means, men, under specious pretences, can be snatched from the view of compassion, to be forgotten under a course of protracted wretchedness, or to be dispatched with greater safety to their oppressors. Under our government of laws, with views far different, and even with purposes well designed, the effects flowing from the condition of our Jails are equally as bad, sometimes worse; for in some situations of our Prisoners, it has seemed to me that death would have been mercy, whether dispensed in the poisoned draught or by the assassin's poniard. The common Jails are generally constructed with grated windows, destitute of glass or other defence against the weather—True, a certain portion of straw is supplied to the apartments; but it is an established rule of these horrible abodes, to withhold from all Prisoners (with the exception of debtors,) the warmth derived from fire.—Here, then, the captive is brought, no matter how severe the season—no matter how destitute he may be of clothing; and whether or not his shivering limbs are loaded and numbed with irons, depends upon the degree rather than the truth of the charge against him; upon the meekness and patience with which he submits to privation and pain; and upon the sympathy of his Keeper. I know not from what are the model and government of our Prison-Houses have been taken; but surely, surely, they do not become a period of civilization and refinement; of moral and christian illumination. Why, then, is not the evil corrected? The answer is in part supplied by the fact, that men are not in general excited by what is not immediately and strongly presented to their senses.—

The unhappy individual who is immured, is not followed to his "dread abode" by the Magistrate who commits him. When brought into court, his sufferings in confinement are often unknown even to his advocate, and if known, they make no part of his legitimate defence, and are not insisted upon. Hence, the majority of the inferior magistracy, a body of men deserving, at least, for their moral worth, for those principles which would chiefly impel them to a consideration of this subject; these men, who have the power, in a great degree, to apply the corrective, do not observe, or do not recollect, the excessive misery to which a portion of their fellow beings are subjected. The continuance of the present state of our prisons, may, perhaps, be attributed, too, in part, to a cause more reprehensible than that already mentioned. 'Tis our good fortune to live under a civil polity, freely and voluntarily adopted; a polity which we can modify at will. Offenders, then, against our civil institutions, certainly incur the penalties of the laws, with less excuse, and of course with less pity, than they would do under a government less equitable. Every member of society feels in some measure injured by every infraction of a compact, to which, in the strictest sense, all are parties; and is hence less tender and considerate with regard to him who thus rebels against the public weal. This feeling, though just, may, however, impel to dangerous results. It is believed, that its effects have already been pernicious in the extreme. Reformation in the offender, not less than example to the community, is one benign purpose of our Penal Code: never can it be supposed the intention either of the Legislator or the Judge, to mock the unhappy wretch with the forms of law, or the semblance of clemency, and to destroy at the same time his health or his life, by an exposure to the severest modes of infliction.

To those, then, who have authority to alleviate the sufferings of the Prisoner, and who still their compunctions with reasonings upon his demerits, let me say, 1st, that the very best men may fall into humble and obscure situations; may become the prey of false and malignant accusation; may fall the victim of the law's stern fiat; that in administering the laws conscientiously and with merciful dispositions, you may still act blindly and oppressively. 2d, that in the case of the culprit whose guilt is placed beyond doubt, I say to you, he is still a citizen, a member of the social body, and except so far as in the particular instance in which he may have forfeited them, your equal in every social right. Then, by what authority, or under what pretext, in enforcing that restriction of his liberty denounced against him, do you undertake to subject him to every rigor of the climate; to nakedness; to filth, in every squalid and loathsome shape? If, to secure his confinement, you should direct him to be stripped and chained to a rock, would you not regard yourself as the savage destroyer of his life? Yet, how much better is the system to which, by habit, you are perfectly reconciled? This subject presents to our observation one aspect, which, it seems to me, none can contemplate with indifference. It is calculated highly to excite every generous and compassionate feeling.—The unfortunate character of our population, composed of whites and blacks, of slaves and their masters, has rendered indispensable, perhaps, the use of Prison-Houses for the confinement of fugitives, of slaves who are refractory, or who have committed any of those low, and what, if I may escape the charge of quaintness, I would call *furtive* acts, which the want of moral principle renders inseparable from their condition. Fugitives apprehended at a distance from home, are generally destitute of clothing especially—and are frequently imprisoned during the most inclement seasons, until knowledge of their arrestation reaches their owners. From the very nature of domestic slavery, where imprisonment is inflicted at the will of the master, he must necessarily be the sole arbiter, both as to the offence, and the continuation of the confinement; and just as his angry passions shall conflict with his judgment or his avarice, so will the punishment

be wanton, protracted or aggravated in its forms. And let it be especially remembered, that in the instance of this unhappy sufferer, there is no appeal to the laws; for provided life or limb is not immediately destroyed, the laws have here set no bound to the reign of vengeance. I do not know that the power of confinement at will, can be separated from a state of domestic slavery; but the exercise of that power may and should be rendered tolerable—rendered compatible with the life and health of him who is its subject. How it may be so rendered, I think is shown in the few general considerations following. To the Legislature, then, it may be proper, in the first instance, to suggest the propriety of regulating, by law, both the construction and Police of the Jails, graduating their dimensions and cost upon the population of the several counties, and enacting a levy exclusively for these objects, and commensurate with them. Perhaps, it would prove beneficial to require of the Judges of the Superior Courts to make semi-annual inspections of the Jails within their respective circuits, and to authorise such arrangements by them as should ensure not less the health than the safe-keeping of Prisoners. I would inhibit the confinement of slaves by their masters, unless such slaves were provided with proper clothing, to be judged of by some disinterested person; and in every case of commitment of a slave by a Magistrate, or wherever a slave should be apprehended remote from his residence, clothing properly adapted to the season, should be supplied by the Jailor, to be charged to the owner of such slave. Upon the inferior magistracy, to whose government the Jails are at present confided, I would most earnestly press the considerations already thrown out, and urge upon them the exertion of their powers to the utmost, for purposes so vitally important. Depend on it, gentleman, the responsibility you sustain, is of no ordinary kind: as the lives of many human beings are in your hands, so may their blood be hereafter required of you. The stale objection, that "the allowance of fire to the captives would endanger their own safety," is of no weight. It is merely one of those shallow pretences with which careless indolence is so easily satisfied. May not the roofs of your Prison-Houses be arched, and their floors paved? May not flues be extended through their walls, or stoves be so constructed for them, as to maintain the fire *without* the Jail? In fine, can you not procure a person to maintain and take care of those fires during the day? and to protect these unhappy wretches from the rigors of the wintry night, can you not provide them with some species of covering? In whatever has been here suggested, there has been no wish nor intention to impugn any individual or class of individuals—it is acknowledged, too, that no partiality is entertained for any of the amendments hinted at above, nor any great confidence in their efficiency. The chief object has been, to attract attention to what are conceived to be capital defects in an important branch of our civil polity—from a belief that so soon as they should be observed, they would find a remedy. *A Man and a Brother.*

From the National Intelligencer.

BATTLE OF TIPPECANOE.

Messrs. Gales & Seaton,
In Dr. Ramsay's history of the American revolution continued by Dr. Smith to the treaty of Ghent, I find in pages 142, 3, and 4, of the 3d volume, an account of the transactions which preceded the battle of Tippecanoe, so essentially different from the facts, particularly that part which states that General Harrison encamped his troops on ground selected, or pointed out, by the Indians, that I am induced, from a regard to historic truth, and the reputation of a distinguished officer, to request the publication of the following extract from M'Affee's history of the war in the Western country, and the subsequent statements of the honorable Waller Taylor, now a Senator from Indiana, and Lt. Col. Snelling, of the army, then a captain in the 4th United States regiment of Infantry.

JUSTICE.

THE EXTRACT.
"To this it was observed, that as the Indians seen hovering about the army, had been frequently invited to

a parley by the interpreters, who had proceeded some distance from the lines for the purpose; and as these overtures had universally been answered by menace and insult, it was very evident that it was their intention to fight; that the troops were in high spirits and full of confidence; and that advantage ought to be taken of their ardour to lead them immediately to the enemy. To this the Gov. [Harrison] answered, that he was fully sensible of the eagerness of the troops; and admitting the determined hostility of the Indians, and that their insolence was full evidence of their intention to fight, yet he knew them too well to believe that they would ever do this, but by surprise, or on ground which was entirely favorable to their mode of fighting. He was therefore determined not to advance with the troops, until he knew precisely the situation of the town, and the ground adjacent to it, particularly that which intervened between it and the place where the army then was—that it was their duty to fight when they came in contact with the enemy—it was his to take care that they should not engage in a situation where their valor would be useless, and where a corps upon which he placed great reliance would be unable to act; that the experience of the last two hours ought to convince every officer, that no reliance ought to be placed upon the guides, as to the topography of the country; that relying on their information, the troops had been led into a situation so unfavorable, that but for the celerity with which they changed their position, a few Indians might have destroyed them: He was therefore determined not to advance to the town, until he had previously reconnoitred, either in person, or by some one, on whose judgment he could rely. Major Daveiss immediately replied, that from the right of the position of the dragoons, which was still in front, the opening made by the low grounds of the Wabash could be seen: that with his adj. D. Floyd, he had advanced to the bank, which descended to the low grounds, and had a fair view of the cultivated fields and the houses of the town and that the open woods, in which the troops then were, continued without interruption to the town.—Upon this information, the governor said he would advance, provided he could get any proper person to go to the town with a flag. Captain T. Dubois of Vincennes having offered his services, he was dispatched with an interpreter to the Prophet, desiring to know whether he would now comply with the terms that had been so often proposed to him. The army was moved slowly after in order of battle. In a few moments a messenger came from Captain Dubois, informing the governor that the Indians were near him in considerable numbers, but that they would return no answer to the interpreter, although they were sufficiently near to hear what was said to them, and that upon his advancing, they constantly endeavored to cut him off from the army. Gov. Harrison during this last effort to open a negotiation, which was sufficient to shew his wish for an accommodation, resolved no longer to hesitate in treating the Indians as enemies. He therefore recalled Captain Dubois, and moved on with a determination to attack them. He had not proceeded far however before he was met by three Indians, one of them a principal counsellor to the Prophet.—They were sent, they said, to know why the army was advancing upon them—that the Prophet wished if possible to avoid hostilities; that he had sent a pacific message by the Miami and Potawatamie chiefs, who had come to him on the part of the governor—and that those chiefs had unfortunately gone down on the south side of the Wabash. A suspension of hostilities was accordingly agreed upon; and a meeting was to take place the next day between Harrison and the chiefs, to agree upon the terms of peace. The governor further informed them, that he would go to the Wabash, and encamp there for the night. Upon marching a short distance further he came in view of the town, which was seen at some distance up the river upon a commanding eminence. Major Daveiss and adjutant Floyd had mistaken some scattered houses in the fields below, for the

town itself. The ground below the town being unfavorable for an encampment, the army marched on in the direction of the town, with a view to obtain a better situation beyond it. The troops were in an order of march, calculated by a single conversion of companies, to form the order of battle, which it had last assumed, the dragoons being in front. This corps however soon became entangled in ground covered with brush and tops of fallen trees. A halt was ordered, and Major Daveiss directed to change position with Spencer's rifle corps, which occupied the open fields adjacent to the river.—The Indians seeing this manœuvre, at the approach of the troops towards the town, supposed that they intended to attack it, and immediately prepared for defence. Some of them sallied out, and called to the advanced corps to halt. The governor upon this rode forward, and requested some of the Indians to come to him, assured them, that nothing was farther from his thoughts, than to attack them—that the ground below the town on the river, was not calculated for an encampment, and that it was his intention to search for a better one above. He asked if there was any other water convenient besides that which the river afforded; and an Indian with whom he was well acquainted, answered, that the creek, which had been crossed two miles back, ran through the prairie to the north of the village. A halt was then ordered, and some officers sent back to examine the creek, as well as the river above the town. In half an hour, brigade-major Marston Clark and major Waller Taylor returned, and saying they had found on the creek, every thing that could be desired in an encampment—an elevated spot, nearly surrounded by an open prairie, with water convenient, and a sufficiency of wood for fuel. An idea was propagated by the enemies of governor Harrison, after the battle of Tippecanoe, that the Indians had forced him to encamp on a place, chosen by them as suitable for the attack they intended. The place however was chosen by majors Taylor and Clark, after examining all the environs of the town, and when the army of general Hopkins was there in the following year, they united in the opinion, that a better spot to resist Indians, was not to be found in the whole country."

The above account, taken from Mac Affee's history of the war in the Western country, as it relates to the situation of the camp occupied by the army under the command of Governor Harrison, on the night between the 6th and 7th of November, 1811, is entirely correct. The spot of the encampment was selected by Colonel Clarke, (who acted as brigade-major to Gen. Boyd) and myself. We were directed by Gov. Harrison to examine the country up and down the creek until we should find a suitable place for an encampment. In a short time we discovered the place on which the army encamped, and to which it was conducted by us. No intimation was given by the Indians of their wish that we should encamp there, nor could they possibly have known where the army would encamp until it took its position. The only error in the above extract is, in saying that Major Clark and myself were sent back, by which it would appear that the army retrograded to take up its encampment; this is not the fact, the army filed off in front of the town at right angles to the Wabash to reach its encampment. It has ever been my belief that the position we occupied was the best that could be found any where, and I believe that nine tenths of the officers were of that opinion. I did not go on the Wabash at all, but I am certain that there was no position below it that would have been an encampment.

WALLER TAYLOR

February 22, 1817.

My situation as a platoon prevented my having a personal knowledge of the transactions alluded to, so far as respects the selection of the encampment of the army under Gen. Harrison by his staff officers; but having carefully perused the extract from Mc Affee's history, I have no hesitation in saying that I believe