

PREFACE

Philadelphia and the territory that now forms the State of Delaware were both at one time parts of the same colony, and yet, while the former became the center of penal reform and experimentation in America, the latter did not. The forces that produced this penological divergence are clearly reflected in the history of the New Castle County Workhouse. This study proposes to examine into the nature of these forces, to trace their operation in the establishment of the New Castle County Workhouse and to analyze this institution's development in the light of their influence.

The geographical features of Delaware have seriously affected her development, and must, therefore, be taken into consideration in any analysis of the state's social history. Occupying the eastern part of a peninsula formed by the Chesapeake Bay and the estuary of the Delaware River, most of Delaware has been shut off from the main avenues of trade and commerce along the Atlantic coast. An examination of the map of Delaware will impress the reader with this fact. It will be noticed that the through highways and railroads merely cut across the extreme northern part of the state. Before the relatively recent construction of her present improved highway system, Delaware's peninsular isolation was much more complete and contributed to the perpetuation of an intense provincialism.

Other aspects of the state's geography do not tend to offset her disadvantageous location, but, on the contrary, accentuate its influence. Delaware is only about one hundred miles long and has an average width of little more than twenty miles, being next to the smallest state in the Union. It possesses no important mineral resources and no great harbors that in themselves might have stimulated the growth of trade and industry. Moreover, the close proximity of the important industrial and commercial center of Philadelphia has contributed to the subordination of Delaware's only large city, Wilmington, to a minor position among the nation's municipalities. On the other hand,

the fertility of the soil, an abundance of rainfall and a temperate climate have made the state outstanding in agriculture.

Thus, the geographical features of Delaware form the natural setting for a cultural history characterized by rural simplicity. Only in the northern part of the peninsula, in the City of Wilmington and its environs, where the main arteries of coastal trade cross the state, has there been any complex urban development. Wilmington's population of about one hundred thousand is much larger than that of any other city in the state. Dover, the capital, ranks second with about five thousand persons. The census of 1930 showed that only three other towns had populations of more than three thousand; namely, Milford, New Castle and Newark. It is not surprising, then, in view of the facts here presented, that the southern part of Delaware, along with the eastern shore of Maryland, constitutes a culture pocket in which old English customs and traditions have been preserved by a stock still predominately English and Scotch-Irish.

This study, one unit of the author's "History of Penology in Delaware," which is as yet unpublished, has been based almost entirely on primary sources as very few intensive studies of Delaware's social history have been made. The principal sources consulted were the state's laws, legislative journals and manuscripts, executive records and papers, county documents, reports of public institutions, publications of state and county boards, reports of private organizations, private letters and papers of prominent citizens, newspapers, and periodicals.

These sources were uncovered and studied as a result of an intensive examination of the files of the University of Delaware Library, the Wilmington Public Library, the Delaware Historical Society, and the State Archives. This material has heretofore been virtually untouched so that the author was compelled to do much "spade work" in the accumulation of his facts.

Unfortunately, most of the county records are very fragmentary, or at present in such condition as to be entirely inaccessible. A large part of the existing county records for the period

up to the twentieth century has been brought together in the state's Hall of Records in Dover. These were carefully examined but were found to be very incomplete. Before their collection by the Archives Department great gaps had appeared in these documents because of wars, fires and gross negligence.

Furthermore, no adequate history of the state exists to guide the student of social development in his research. Scharf's "History of Delaware," the most reliable and fundamental yet written, is really a compilation of political and military facts, being a mere narrative, wholly lacking in any attempt at interpretation. In addition, the fact that it was published in 1887 makes it valueless for the more recent and more productive period of Delaware's penological development. Histories of Delaware by Powell, Conrad and Bevan furnished the author with historical data for his study of the last decade of the nineteenth and the beginning of the twentieth centuries. These books, too, however, are entirely barren of analytical qualities, and are, for the most part, summaries of Scharf's work.

The author is indebted to many persons for his material, and he has tried to indicate the sources of his information in the footnotes. Specific acknowledgment should be made to Dr. Thorsten Sellin, Professor of Sociology at the University of Pennsylvania, for his valuable suggestions and advice.

Among others to whom the author wishes to express his gratitude for generous aid and counsel are: Dr. E. B. Crooks, Dr. H. Clay Reed and Dr. George H. Ryden, his colleagues at the University of Delaware; Mr. Leon de Valinger, Assistant State Archivist; Mr. Elmer Leach, former Warden of the New Castle County Workhouse; and Dr. W. A. Vrooman, Executive Secretary of the Prisoners' Aid Society of Delaware.

Finally, he is especially grateful to his wife, La Merle Caldwell, for her constant cooperation in assembling data and in the preparation of the manuscript.

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March 1940

CHAPTER I

THE WORKHOUSE MOVEMENT

On January 4, 1887, Governor Charles C. Stockley, in his message to the legislature, emphasized the need of penal reform and advocated a state prison where convicts could be employed for the sake of economy and reformation. In explaining his position on this important question, the governor declared:¹

"At present our prisons are ill-suited to the purposes and objects to be attained by what is known as a penitentiary or state prison in other states. I would advise that a substantial prison be constructed and arranged so that convicts from each of the counties can be received and employed in such occupations as will conduce most to the correction of vice, reformation of the convict, and the protection of Society.

"If the prisoners were compelled to labor at regular, systematic work, the necessary expenses consequent upon their confinement might be met in whole or in part, so that while the penalty for crime is suffered by the prisoner, the public would be relieved of the burden of his support."

This was the first time in almost sixteen years that a governor in an address to the legislature had recommended the establishment of a state prison.² Moreover, from the collapse of the movement for a penitentiary in 1829 until Governor Stockley's address in 1887, only five governors had argued in favor of such an institution in their speeches to the lawmakers.³ This, in itself, indicates how firmly the county jail system had become imbedded in the life of the people of Delaware.

¹ *Senate Journal*, 1887, p. 22.

² Governor Saulsbury had advocated the construction of a state prison in his address to the general assembly in January, 1871 (*House Journal*, 1871, pp. 21, 22).

³ Governor Saulsbury on January 2, 1867 (*Senate Journal*, 1867, pp. 22, 24), on January 6, 1869 (*Senate Journal*, 1869, p. 21), on January 3, 1871 (*House Journal*, 1871, pp. 21, 22); Governor Bennett on January 6, 1835 (*House Journal*, 1835, pp. 11, 13); Governor Comegys on January 6, 1841 (*Senate Journal*, 1841, pp. 8, 9, 16, 17); Governor Causey on January 4, 1859 (*Senate Journal*, 1859, p. 15); Governor Burton on January 2, 1861 (*Senate Journal*, 1861, p. 19).

However, Governor Stockley's speech presaged a concerted drive for penal reform that eventually brought partial victory to those who had fought so long for the erection of a prison where convict employment on a large scale would be possible. Although the inaugural address of Benjamin Biggs on January 18, 1887, contained no reference to the question of a state prison,⁴ sentiment in favor of penal reform was increasing and various influential groups in the state were urging changes in the state's criminal laws. The Woman's Christian Temperance Union, especially, had become active in the agitation for a state prison system. At the annual convention of this organization in October, 1890, its president, Margaret S. Hilles, deplored the idleness of the state's convicts, declaring:⁵

"The first thing necessary to form a discipline among prisoners is work, hard work, work just the same as is done outside, work in which the prisoner can see something grow under his hands, and form a perfect article as the production of his labor,—work which will not do this is no better than idleness."

At the same convention of this organization, Mrs. N. B. Smithers, its officer in charge of prison welfare work, and for years an ardent advocate of penal reform, stated:⁶

"Our jails are and ever have been but asylums where criminals of both sexes are crowded together to wear out their lazy sentences; they are but communities where sin and crime, and bad morals are fostered and encouraged.

"... Mrs. Ellis, who visited Delaware a short time ago, and favored Dover with her presence, was shocked to find that men and women were allowed to mingle together in our jails. I said to her, 'Is it not so in other states?' 'No,' was her reply, 'in none where I have been.' There is a way to meet this—a central reformatory for women."

That the movement in this organization for penal reform was widespread, extending even into conservative strongholds, is

⁴ *Senate Journal*, 1887, p. 59.

⁵ *Report of the Delaware Woman's Christian Temperance Union*, 1890, Appendix, p. x.

⁶ *Report of the Delaware Woman's Christian Temperance Union*, 1890, Appendix, pp. li-liv.

evidenced by the fact that in March, 1890, the Sussex County Woman's Christian Temperance Union adopted a resolution favoring a state workhouse or penitentiary for Delaware's convicts.⁷

Coincidental with this agitation, although not necessarily a part of it, was the growing feeling that convicts should be put to work so that they would not be maintained in idleness at the taxpayers' expense. Various groups strenuously objected to the amounts that were being spent in the county jails for the care of their inmates. Among these was the Kent County Farmers' Institute, which on May 24, 1890, demanded that the "exorbitant allowances for keeping prisoners be promptly and materially reduced."⁸ Many of such groups, however, were not in favor of a state workhouse, believing that the prisoners could be put to work in the county jails.

The conditions existing in Delaware's prison system were attracting the attention of persons outside of the state. Mr. G. S. Griffith, a former president of the Maryland Prisoners' Aid Association, at the request of the National Prison Association, inspected the penal institutions of Delaware "with a view to stimulating a spirit of reform" among the state's public officials. In 1892 he published a report of his findings, some excerpts of which are shown below:⁹

"I have recently made a visit of inspection to the State of Delaware, which contains only three counties, New Castle, Kent and Sussex, with a population of 168,493, and consider their penal system a complete failure in regard to reformatory appliances. It differs from that of any other State in the Union, remaining much the same as it was thirty years ago. In my intercourse with some of the officials and prominent citizens, I found that they had an earnest desire to inaugurate reforms in their prison system, but as yet have not been successful in their effort with any practical result . . .

"I have noticed the following defects:

"They have no State Penitentiary; only county jails, where the expert in crime and those committed for misdemeanor or first offences are associated

⁷ *The Delawarean*, March 22, 1890, p. 2, col. 2.

⁸ *Ibid.*, May 24, 1890, p. 2, cols. 4, 5.

⁹ G. S. Griffith, *Views on the Penal System of Delaware*, Baltimore, May 16, 1892.

together. They should have the necessary buildings to classify the prisoners and convicts according to their grade of crime, an entirely separate apartment for women, with a matron in charge, and another apartment for those held as witnesses, so as not to expose them to the contact of the prisoners.

"In the second place, there is a great lack of educational and religious forces to promote the reformation of prisoners and convicts; the heart must be subdued and cultivated by religious training to bring them to genuine repentance. It is true they have volunteer preaching every other Sunday, but it is at a great disadvantage to both the speaker and prisoners, for as the latter are locked up in their cells during the service, the minister preaches to a congregation which he cannot see, and he is in doubt whether he has any listeners. They should all be gathered together at such times, either in a chapel or in a large corridor.

"In the third place there should be workshops and mechanical branches of labor, so that all the sentenced prisoners might be engaged in some industry. This would be a moral as well as a physical benefit to those incarcerated. It would reduce the cost of maintenance and be of untold advantage, in that it would teach trades and inculcate habits of industry, which are powerful factors in the reformation of even the worst of men . . .

"The New Castle Jail is a two-story building, enclosed by a stone wall and located in the centre of the town. The Sheriff's dwelling is in the front part. It is constructed with forty cells on two tiers, twenty on each side, opening on a common corridor.

"I found 198 prisoners and convicts, seven of these were sentenced for life, three white and four colored men.

"The length of sentences range from three months to five years; 57 are awaiting trial and 141 are sentenced.

"I visited every cell in the Jail and conversed with the inmates, in one cell I saw from two to eight prisoners; in another seventeen colored men, and in a double cell seventy-three were herded together. Such indiscriminate intermingling is too apt to become simply a school of vice. I have heard that some of the most desperate crimes ever perpetrated by discharged prisoners were the result of schemes concocted while they were associated together without work, in a prison where the discipline was most injudicious. The only appointed work I saw at the New Castle jail was on a pile of stones in the yard and when it was not raining a gang of tramps was sent out to break them.

"Fourth, the pillory and whipping post are still used as a deterrent to crime; this shocking, brutal punishment can never be an incentive to reformation; it stands out in the yard as a relic of a barbarous age and conveys to the mind of the prisoners bitterness and hatred, and drives from them almost every remnant of better nature. The prisoners sentenced for robbery, larceny

and other offences are first placed in the pillory, which is a round uncovered platform from fifteen to twenty feet high and must be reached by a ladder. The prisoner is compelled to stand on his toes with his neck in a yoke and his arms in a strained position which becomes an inhuman torture. After standing an hour in this way, stripped to the waist, sometimes in the coldest weather, exposed to the gaze of crowds of men, women and children, who are allowed to witness this public and disgusting exhibition, the prisoner receives from five to forty lashes laid on the bare back with a cat-o'-nine tails, and often drawing blood. On the 14th inst. three hundred persons stood in the yard in the rain to see eight men pilloried and whipped by the officer. Such public exhibitions can only demoralize the masses and increase the prison record.

"I spent three hours in this building and was accorded every opportunity by the sheriff, Mr. Wm. Simmons. I found the Jail in as good condition as was possible, taking into account the difficulties under which he labors. He coincided heartily with my views in regard to the great need of having a State Penitentiary conducted on the plan of modern prisons, and assured me that he would do all in his power to secure the legislation that would bring about this much desired result . . .

"They have established a reformatory for boys. This institution is under excellent management, and is a wise advancement in charitable work. I previously reported finding delinquent children and youths committed to New Castle Jail. I have seen as many as ten at one time, averaging from eight to ten and fifteen years of age; one was so small that he could almost creep through the bars, committed for petty offence. . . .

"In concluding this paper, I would respectfully call the attention of the philanthropists of Delaware to the importance and benefit of organizing a Prisoners' Aid Association, such as we have in Maryland and in other States of the Union and also in Europe . . ."

Despite this evidence of widespread sentiment in favor of penal reform, it was not until the legislative session of 1893, that a bill to erect a state penitentiary was introduced into the House. This bill, however, after being referred to a special committee, never appeared before the House for passage,¹⁰ and so nothing was accomplished.

When the Delaware Woman's Christian Temperance Union held its convention at Dover in October, 1893, Mrs. N. B.

¹⁰ *House Journal*, 1893, pp. 239, 255.

Smithers, its indefatigable worker for penal reform, again severely condemned the state's prison system and earnestly pleaded for its improvement in the following words:¹¹

"The unprogressive, unjustifiable, unchristian attitude of the people with regard to prison reform causes me to have to hold up to your gaze again the same dark picture I have hung out to you at every convention for a decade of years. It is the sad, somber picture of a common jail, with its unfortunate inmates of both sexes, of all ages and of every degree of crime, mixed indiscriminately. Huddled together in idleness, neglected by the world, despised and shunned by decent people, there to curse at and plot and scheme against the society they regard as their enemy. This is the picture I hold up to you of what actually exists in your midst, and which you must gaze upon and shudder at for I know not how long. What is jail work? Is it jail work for the superintendent to visit the jails every month? Is it jail work for the W. C. T. U. women to visit the jails on the 9th of June, carrying flowers to the prisoners, singing, praying, and then never seeing them again until the next year? Is it jail work to talk with them and pity their condition . . . I read of improved methods being introduced in other states, but do I know of anything we could call reform being done in our own prisons, in Delaware?

"The years go by, leaving their changes upon everything; manners, customs, Law change with time, but the jails of Delaware remain ever the same. In the Dover and Georgetown Jails there are no books, except those carried there by friends. New Castle jail is better in this respect having a small library . . .

"Work would be a moral, as well as physical benefit to them, for, indeed, prison life in Delaware is a certain destroyer of both morals and health. One man in Dover jail, who has borne the enforced idleness for eight years, once made his escape, but upon being captured and brought back told me that he was coming back anyhow, as his feet were in such condition that he could not walk far, nor could he use his hands at labor. *Employment* is what they need. Employment that will make them physically strong, make them morally better by dispelling gloomy thoughts . . . Punishment and nothing but punishment, is the popular notion in Delaware, while the chief object of it all should be to reform and reclaim the fallen one whose miserable environment is responsible for his unfortunate position . . . In the New Castle Jail there are 125 of just this kind of pitiable humanity, in Dover Jail, 25, and in Georgetown, 11. There they are simply waiting behind the bars until the day when they will be turned out again upon the community, despised

¹¹ *The Delawarean*, Dover, October 21, 1893, p. 2, col. 4.

and despising. Not one step has been taken to reform them, but on the other hand, they have sunk deeper in the slime of degradation. When will the people recognize these facts and remedy them?"

Although the movement for penal reform made little headway in the legislature, its strength grew throughout the state. In 1894, a group of some of Delaware's most prominent men and women organized a society which they called the Delaware Union for Public Good. This organization constantly supported the movement for a state workhouse and was eventually instrumental in the establishment of such an institution for the county of New Castle.¹²

The Delaware Woman's Christian Temperance Union, also, continued to exert its influence in the drive for penal reform. Its president, Margaret S. Hilles, again condemned the state prison system at that organization's convention in October, 1894, by saying:¹³

"The prison system of Delaware has been well called by those best informed as to its practical working and results, 'a burning disgrace to our Christian civilization.' Despite such efforts as those of Mrs. N. B. Smithers [Woman's Christian Temperance Union's officer in charge of prison welfare] given year after year, there is still a general apathy and indifference that prevents any aggressive action . . .

"However, a meeting held only last week here in Wilmington under the auspices of a new organization called the Union for Public Good, gave promise that some plan of reformation would be adopted by the Legislature . . . for the paramount aim of all penal systems should be reformation not mere punishment."

The report of Mrs. N. B. Smithers regarding conditions in the state's jails submitted at the same convention stated:¹⁴

"We do not find ourselves advanced one peg further than when we started . . . What we want now is action. We know that the present prison system is wrong—sadly, grossly wrong . . .

¹² *Outlook*, March 25, 1899, pp. 665, 666; Judge Lore's Scrapbook, in the Delaware Historical Society, Wilmington.

¹³ *Report of the Delaware Woman's Christian Temperance Union*, 1894, pp. 37-50.

¹⁴ *Report of the Delaware Woman's Christian Temperance Union*, 1894, Appendix.

"We know that the coarse fabric of our system has for its woof, punishment, and for its warp, revenge . . .

"I said to a gentleman not very long ago, a man of high political distinction: 'Don't you think it a shame, a disgrace to put a boy in one of our prisons for a first offense?' 'Oh, no,' he said, 'I think it is the place for a bad boy.'

"But a boy or girl under fourteen should not be sent to jail under any circumstances . . .

"Come with me one moment into the county jail. Here in the same corridor, herded like cattle, men and women, white and black, boys of tender years, lounge in positive idleness. Over yonder sit four men idling the time away with a pack of greasy cards, while their coarse laughter and coarser jests, ever and anon, fall upon your ears. Here sits some hardened wretch relating episodes from his dark crime-stained life, while at his elbow stands a neglected boy with staring eyes and mouth agape, drinking it in . . .

"What kind of man comes from such places? He is a being who feels that every other man is his enemy and who is the enemy of every other man . . .

"I believe that there should be a state penitentiary for prisoners whose sentences are three years or more, and that the county jails should be used for the detention of those awaiting trial and short termers . . .

"Think of the New Castle County Jail with its capacity of seventy-five, now crowded with one hundred and seventy prisoners, eleven of them there for life. Think of the Kent County Jail with its forty prisoners; and Sussex County Jail, with its twenty-six prisoners. Think of crowding one cell with ten or twelve prisoners. Think of these, and you will have some idea of the horrible conditions existing in our county jails."

The Kent County Farmers' Institute in March, 1894, repeated its protests against the amount paid for feeding prisoners and passed the following resolutions:¹⁵

"Resolved: That in the opinion of this institute the allowance now paid to the sheriff for keeping prisoners is entirely too high and should be reduced.

"Resolved: That in view of the hard times and the low price of grain and other farm products twenty cents a day would be a fair and liberal allowance for keeping prisoners, and we respectfully urge our Levy Court to reduce the allowance to that sum.

"Resolved: That we believe no injustice would be done our present sheriff if such reduction were to go into immediate effect."

¹⁵ *The Delawarean*, March 10, 1894, p. 3, col. 3.

The issue was raised again in the legislature of 1895, when on January 1st, the retiring Governor, Robert J. Reynolds, a Democrat from Kent County, declared himself strongly in favor of penal reform.¹⁶ He stated that the prison system was inadequate, arguing that since imprisonment must necessarily constitute the greater part of punishment, hardened and first offenders should not be herded together in idleness and in unhealthful cells. He, therefore, recommended a state workhouse or a penitentiary in which employment of convicts and their classification would be possible. The suspension of the sentences of youthful offenders, convicted of larceny, would, he believed, aid materially in keeping such persons from dangerous contacts with hardened criminals.

In response to the Governor's recommendations and the mounting indignation over the conditions of the state's jails, there was introduced into the legislature, under the sponsorship of the newly organized Delaware Union for Public Good,¹⁷ a bill for the establishment of a state workhouse. Governor Marvel, a Republican from Sussex County, however, was not in sympathy with the workhouse bill and in February sent a communication to the legislature in which he opposed the erection of such an institution on the grounds of the "enormous expenses" involved.¹⁸ He argued that in a state so small as Delaware, with its relatively few prisoners, a state workhouse could not be made self-supporting. However, he was convinced that idleness and "huddling together" in the jails would have to be eliminated. To this end, he proposed that \$25,000 be spent to make the state's jails "houses of labor and reform as well as places of incarceration."

The state's Chief Justice, Charles B. Lore, a Democrat of Wilmington, had associated himself with the Delaware Union for Public Good, and with them was an outstanding leader in the fight for penal reform. Late in March, 1895, he appeared before

¹⁶ *Senate Journal*, 1895, pp. 23, 24.

¹⁷ *Outlook*, March 25, 1899, pp. 665, 666, in Judge Lore's Scrapbook, in the Delaware Historical Society, Wilmington.

¹⁸ *Every Evening*, Wilmington, February 22, 1895, p. 1.

the legislature; and, during his appeal for passage of the proposed workhouse bill, he asserted:¹⁹

"At present in the jails of the three counties of the state, there are 210 prisoners, of all ages, color, sex and grades and experience in crime, crowded together in about fifty cells, living in idleness, festering under vicious habits, and becoming daily more hardened from such environments . . .

"We stand alone of the forty-four states in keeping such a system, one that has been denounced by jail physicians, the press, clergy and grand juries, and is today a stench in the nostrils of the people."

Judge Lore also pointed out that in the bill, then before the legislature, it was stipulated that \$200,000 should be borrowed by the state to construct the workhouse, which, when completed, would be administered by a board of trustees consisting of nine members, three from each of the counties. This bill, likewise, provided for a plan of classification, by which men and women, hardened criminals and youthful offenders were to be segregated; an employment program, by which all able-bodied prisoners were to be employed for eight hours each working day; and a plan for the reduction of sentences, by which prisoners, by obeying a set of prescribed rules, could obtain release before the expiration of their terms of imprisonment.

At that time there were one hundred eighty prisoners in the New Castle County jail, twenty in the Kent County jail, and ten in the Sussex County jail. It cost New Castle 20c per day to feed each prisoner; Kent County, 25c per day; Sussex County, 30c per day. These facts were emphasized by Judge Lore in his speech, and he explained that at those rates it was costing the state a total of \$18,500 to feed the prisoners then mingling in idleness in the state's jails. Moreover, he informed his listeners that it was thus costing Delaware three times as much for feeding one prisoner as Pennsylvania was paying for the entire support of one of her inmates. In conclusion, the Chief Justice showed that the savings that could be effected by the establishment of the workhouse, at the rate of 4 per cent, in thirty years

¹⁹ *Every Evening*, Wilmington, March 29, 1895, p. 1.

would amount to \$236,756, or more than enough to pay for the construction of such an institution.

The members of the House, deeply impressed by the speech of Judge Lore, and convinced that the mass of the people were in favor of a more economical penal system, unanimously passed the workhouse bill on April 4th.²⁰ *The Every Evening* of Wilmington, in commenting on the action of the house, declared:²¹

"The House did a good thing in passing the Workhouse bill yesterday. It gave the measure a unanimous vote. Governor Marvel's message against it had about as much weight as it ought to have had."

In the Senate, on the other hand, the partisans of the bill were unsuccessful, and it was killed there by a tie vote on May 8th, after Senators Pyle and Hanby of New Castle County had spoken in its favor.²² Thus, the fight for a state workhouse was blocked for that session of the legislature. The fact that this was only the third bill providing for a state prison to come before the legislature for a vote since the publication of the reactionary criminal code of 1829, throws additional light on the penological retardation of the state.²³

The Morning News of Wilmington, a supporter of the workhouse movement, criticized the action of the 1895 Senate and editorially observed:²⁴

"There is an imperative demand in the state for reform in the penal system so long in force. The prisoners in the jails of the several counties are kept in idleness at the expense of honest folk . . . In addition, all of the county

²⁰ *House Journal*, 1895, pp. 890, 891.

²¹ *Every Evening*, Wilmington, April 5, 1895, p. 2, col. 1.

²² *Senate Journal*, 1895, p. 1067; *Evening Journal*, Wilmington, May 8, 1895, p. 1, col. 4.

²³ The legislative sessions of 1875 and 1877 had been characterized by moves for penal reform. In both meetings of the assembly, bills for the establishment of a state workhouse passed the House only to be killed in the Senate, once by a defeat and the second time by an indefinite postponement. Although each time the majority of the New Castle delegation in the House voted in favor of its passage, and were joined by some of the members from both Kent and Sussex, the fight for a state workhouse failed. (*House Journal*, 1875, pp. 625, 649; *Senate Journal*, 1875, p. 712; *House Journal*, 1877, pp. 550, 564, 565; *Senate Journal*, 1877, p. 545.)

²⁴ *Morning News*, Wilmington, May 9, 1895, p. 4, col. 1.

prisons are in a deplorable condition. It will be absolutely necessary to erect a new prison in New Castle County before long, and the taxpayers will have to make up their minds to that fact. The present jail is overcrowded and lacks every modern accessory for a penal institution, while the prisoners are packed in the cells and kept in a condition of idleness which cannot fail to be demoralizing to their morals.

"The two lower counties would have been benefited by the erection of a state workhouse. They would have been relieved of the responsibility now imposed upon them in the care and control of prisoners. They would merely have paid a small per capita tax for each prisoner sent to the workhouse, which would eventually become almost, if not quite, self-supporting.

"We believe that a mistake was made in defeating the bill, but the friends of prison reform will have to continue their efforts in behalf of the admirable proposition which has been rejected."

It should not be assumed that the fight over the workhouse bill had thus far in this period split the legislature along political lines. In 1895 there were eleven Democrats in the legislature, six in the House and five in the Senate, nine of whom were from Kent County.²⁵ As we have pointed out above, the House in 1895, even though composed of fifteen Republicans and six Democrats, voted unanimously in favor of the bill.²⁶ The Senate in the same year, when its membership was made up of five Democrats and four Republicans, stopped the passage of the bill by a tie vote. On this occasion, the two Republicans and one Democrat of the New Castle County delegation and one Republican from Sussex County favored the measure, while three Democrats and one Republican, all from the two lower counties, opposed it.²⁷ In the upper body, therefore, the question of penal reform tended to divide the state's legislators in the customary way into two camps, one representing New Castle County, the other, the two lower counties. At the session of 1893, at which time the first workhouse bill of this period was introduced into the House, that body was entirely Democratic,²⁸ but the bill never came out of committee.

²⁵ Walter A. Powell, *A History of Delaware*, p. 314.

²⁶ *House Journal*, 1895, pp. 890, 891. The vote on the bill was 20 to 0 in its favor.

²⁷ *Evening Journal*, Wilmington, May 8, 1895, p. 1, col. 4.

²⁸ Walter A. Powell, *A History of Delaware*, p. 312.

The defeat of the workhouse bill was a heavy blow to those seeking penal reform in Delaware and brought a sharp retort from Mrs. N. B. Smithers of the state's Woman's Christian Temperance Union. In her report at the annual convention of that organization in October, 1896, she struck out vigorously against the lethargy of the legislature and its reactionary leaders. She deeply regretted the fruitlessness of her efforts, but that she was not discouraged is indicated by these words:²⁹

"Twelve years I have sown since I was made superintendent of jail work. In these twelve years we have unceasingly sown the seeds of Prison Reform in our State. But where is the yield? It seems hardly perceptible.

"There has been more said and written upon the subject of prisons and their management this year than ever before. The people seem to be fully awake to the necessity of this great reform.

"Everywhere the cry is going up against dungeons, chains and brutality and in favor of humane and reformatory methods; and everywhere those methods are taking hold upon the people except in our own state. Our Legislatures grant us a hearing, listen with some degree of attention, then bow us out courteously, and that is all there is of that. In all these years, hardly one wrong has been righted—one abuse corrected.

"One of the grandest penal institutions in the United States is the Eastern Penitentiary in Philadelphia. Thousands of the most hardened and desperate criminals are its inmates from year to year, yet in dealing with them it is not found necessary to resort to such harsh methods as are practiced in our jails—where desperate criminals are almost unknown, and where petty offenders are the rule.

"Other States have adopted the reformatory Prison system—Delaware must adopt it. She prides herself upon being the first to sign the constitution, the first to express sympathy for struggling Cuba; and ever ready to stretch forth her hand to the downtrodden and oppressed stranger.

"She has the right to be proud of these things, but she has cause to *blush* when she refuses to aid in the reformation of her own wayward children.

"In the New Castle Jail there are two hundred and fourteen prisoners, 96 *white*, 100 *colored*; 14 *females*, 4 *white*. In Dover Jail there are 56 *prisoners*, 4 *women*.

"In the jail at Georgetown there are only 15 prisoners, 1 female.

"The whole number of prisoners in the State is 285—men and women in perfect idleness—Ye taxpayers look at it!"

²⁹ *Report of the Delaware Woman's Christian Temperance Union*, October, 1896, p. 58.

Governor William T. Watson, a Democrat, also, was a strong advocate of the state workhouse plan, and, when the legislature convened in January, 1897, he recommended its adoption. On January 5th, in his address to the general assembly, he said:³⁰

"The wisdom of establishing a state workhouse for convicts has engaged the attention of many earnest, thoughtful and benevolent persons. This subject has been agitated for several years. With the crowded condition of our county jails, and the improbability of separation and classification of convicts, many youthful prisoners are liberated at the expiration of their term of imprisonment, more hardened in crime and more resolute in idleness than when they were incarcerated, and, consequently, are unfitted for the responsible duties of citizenship. The great number of certificates given by reputable physicians of the failing health of prisoners has not failed to make its impress upon me. I urge that you diligently investigate the state's resources and ascertain the practicability of a satisfactory solution of this problem."

As the result of the persistent efforts of the advocates of the workhouse plan, another bill to establish such an institution was introduced into the House by Representative Dempsey of New Castle County. This bill, also, was supported by the Delaware Union for Public Good, and Justice Lore again appeared before the legislature to plead for its passage, giving philosophical and economical arguments in his advocacy.³¹

Leading newspapers in the state rallied to the bill's support. On April 26th, the editor of the *Wilmington Morning News* strongly urged the adoption of the workhouse bill.³² An editorial published in *The Delawarean*, of Dover, earnestly asked for a careful consideration of it, and explained:³³

"Our present system is admittedly wretched and inadequate, especially in New Castle County. None can deny the wisdom of making criminals work to earn their support. Among the advocates of the bill now before the house are a number of intelligent citizens who have at heart the good of the state, and no one has been more enthusiastic in its support than Chief Justice Lore . . . The only real objection that has been raised is the expense of build-

³⁰ *Senate Journal*, 1897, p. 26.

³¹ *Every Evening*, Wilmington, April 9, 1897, p. 1.

³² *Morning News*, Wilmington, April 26, 1897, Editorial Page.

³³ *Delawarean*, Dover, May 1, 1897, p. 4, col. 2.

ing such an institution . . . The assembly should give the bill its careful consideration."

The workhouse bill finally came before the House for passage on May 4, 1897, and its supporters gained a narrow victory by the vote of eleven to ten.³⁴ An analysis of this vote reveals that the New Castle County delegation gave unanimous approval to the workhouse bill. This is not unexpected, as almost always representatives from that county had supported movements for penal reform throughout the preceding years. Nor is it surprising that most of the members of the House from Kent and Sussex Counties opposed the measure. Representatives from those counties had in the past usually voted against penal legislation designed to change Delaware's prison system. Both Kent and Sussex Counties, cherishing their county rights, and jealous of the growing power of New Castle County, had fought against such centralization for years. The fact that four representatives from Sussex County voted in favor of the workhouse bill was undoubtedly caused by the increased protests against the expense of maintaining convicts in idleness and the growing demand among their constituents for a more economical penal system.

The next day, *The Every Evening* of Wilmington, commenting on the passage of the bill, declared that probably an effort would be made to reconsider the vote.³⁵ This conjecture was correct, and on May 5th, the House by a vote of twelve to five decided on such a step.³⁶

On May 11, 1897, the workhouse bill came before the House for another vote. The debates on the bill, which were the most important of the day, began early in the afternoon, with each side determined to substantiate its claims.³⁷ During the discussion Chief Justice Lore reviewed the advantages of a state workhouse and urged the passage of the bill. He made the assertion that in some instances sheriffs had fed tramps at night and the next morning and later had received two days' pay for serving

³⁴ *House Journal*, 1897, p. 1155.

³⁵ *Every Evening*, Wilmington, May 5, 1897, p. 1.

³⁶ *House Journal*, 1897, p. 1193.

two meals. This was one of the important arguments advanced in favor of the abolition of the existing jail system, which Judge Lore described as "rotten."

Senator Fenimore, who had been at one time sheriff of Kent County, denied that there was any intention on the part of the sheriffs to defraud. He explained that Kent's sheriff was poorly paid and that, moreover, he had to hire assistance out of his compensation for feeding the prisoners. The Chief Justice replied that he meant to cast no reflection on the sheriffs but was simply striking at the system, which he was convinced should be abolished.

John F. Saulsbury and Robert H. Lewis, of Dover, constituted an outside delegation against the bill. While the Chief Justice was talking, Lewis took the floor and bitterly opposed its passage. Saulsbury joined him in the denunciation of the bill and claimed that the state could not afford to embark upon such an undertaking. He hastened to say that if the state could afford it, he would be one of the first to advocate a workhouse. However, he argued that not one-third of Delaware's prisoners would be sentenced to such an institution and that the county jail expenses would thus go on just the same. "Prisoners were not sent to prisons to improve their morals but to punish them," concluded Saulsbury.³⁸

Mr. McCullough, of New Castle County, who had voted for the bill the week before, confessed that he had experienced a change of heart in view of the fact that several people in his hundred had instructed him not to vote for the bill. Then, too, he thought the opposition had not been given a fair show.³⁹

Representatives Adams and Hazel, both of Kent County, also assailed the bill. Mr. Adams pointed out that New Castle County was in debt to the amount of \$502,000; Kent, \$63,300; Sussex, \$43,500; and the State of Delaware, \$717,750. This made a debt, according to Mr. Adams, of \$237,544.44 over assets, and he was of the opinion that the total of the debt should be under that of the assets.

³⁷ *Every Evening*, Wilmington, May 12, 1897, p. 1, col. 4.

³⁸ *Morning News*, Wilmington, May 12, 1897, p. 1.

³⁹ *Every Evening*, Wilmington, May 12, 1897, p. 1, col. 4.

Mr. Johnson, one of the representatives from Sussex County, who had been a warm supporter of the bill, moved that it be returned to committee for amendment in order to save it. Representatives Dempsey and Donaldson, both of New Castle County and strong advocates of the workhouse, believed that such would not save it, and at the latter's request the motion was withdrawn. An amendment was then offered by Mr. Johnson to the effect that the workhouse be located in Kent County. It was apparently hoped by this move to win over the Kent County delegation. The amendment was adopted, but to no avail for the bill was killed by a vote of thirteen to eight.⁴⁰

A comparison of this vote with the original one on the bill shows that defeat was brought about by the desertion of McCullough of New Castle County and Dukes and Whitney of Sussex County. Evidently, these three had been converted by the arguments of the opposition, who had stressed the inability of the state to assume additional indebtedness.

Commented *The Evening Journal* of Wilmington the next day, "The Workhouse Bill was killed in the House by Kent and Sussex members, assisted by Representative McCullough of New Castle County."⁴¹ *The Every Evening*, also of Wilmington, and editorially favoring the bill, tersely remarked, "The Workhouse bill was caught in a gale and killed."⁴²

Nevertheless, the advocates of penal reform were not yet beaten. Thwarted in their attempt to establish a state workhouse, they now worked for the construction of a New Castle County workhouse. On May 18, 1897, Representative Dempsey introduced a bill to accomplish this.⁴³ According to this bill, William Bowe, Charles W. Pusey, Emalea Warner, John C. Higgins and Theodore F. Armstrong were named as the workhouse commissioners, to serve for one, two, three, four and five years respectively. Their successors were to be appointed by the resident judge of New Castle County and were to serve for five years.

⁴⁰ *House Journal*, 1897, p. 1276.

⁴¹ *Evening Journal*, May 12, 1897, p. 1.

⁴² *Every Evening*, May 12, 1897, p. 1, col. 4.

⁴³ *House Journal*, 1897, p. 1362.

It was also stipulated that no commissioner should receive any compensation except expenses for attending meetings. The levy court was directed to borrow on the credit of the county such money as might be necessary, not to exceed \$200,000, at a rate of interest of not more than 4 per cent, payable semi-annually, in order to erect and maintain the proposed institution. After its completion, all prisoners in the county jail, whether serving sentence or awaiting trial, were to be taken to the workhouse. In addition, all persons committed to jail by the justices of the peace or the municipal court of Wilmington, also, were to be taken to the workhouse. All persons committed to the institution were to be compelled to labor on working days at least ten hours a day, unless they were physically unable to do so. Money earned by overtime work was either to be sent to the prisoners' families or kept for the prisoners until their release. The bill also provided that the cost and maintenance of the prisoners should be paid by the county at the rate of fifty cents per day per capita until the workhouse loan was liquidated, and thereafter, such sum as would pay the actual cost of the maintenance.⁴⁴

On the morning of May 18th, a strong plea in favor of penal reform had been addressed to the taxpayers of New Castle County by the editor of *The Morning News*.⁴⁵ He denounced the state's prison system as a "blot and a disgrace," and appealed for support of the county workhouse bill, pointing out that a state penal institution was then out of the question. In 1896, when there had been an average of about one hundred eighty inmates, the New Castle County jail had cost the citizens of that county a total of \$26,842.48, which had been expended for the following items:

Salaries of jail wardens	\$ 1,839.92
Maintenance of jail	8,118.92
Board of prisoners	12,651.28
Paid to convict labor (on stone pile)	2,796.61
Water and light	1,435.75
	<hr/>
	\$26,842.48

⁴⁴ *Every Evening*, May 19, 1897, p. 2, col. 1.

⁴⁵ *Morning News*, May 18, 1897, editorial page.

The editor of *The Morning News*, citing the foregoing figures, explained that while New Castle County had paid \$7,921.80 for the care and maintenance of fifty-four prisoners, the same number of prisoners had cost West Chester County, Pa., which had a workhouse, only \$4,022.68, or \$3,899.12 less than New Castle County. This difference placed in a sinking fund, it was argued, would, within a relatively short time, produce more than the cost of constructing the workhouse.

The New Castle County bill, after having been reported favorably by the house committee on crimes and punishments, came before the members of the House for final consideration on May 24th, and was passed by a vote of fourteen to three.⁴⁶ Reduced from state to county proportions, the workhouse bill was able to obtain almost unanimous support. Not involving any centralization of penal administration, it naturally did not arouse as much antagonism "down-state."

On May 27th, the New Castle County workhouse bill was brought before the Senate for passage. Chief Justice Lore appeared before that body and made an eloquent speech in the bill's defense. Senator Fenimore, of Kent County, bitterly and in excited terms condemned the workhouse and pleaded for the bill's defeat. He was joined by Senator Pyle of New Castle County, who said that his county could not afford to erect such an institution, and that if it were not for the tramps, there would be plenty of room in the county jail. Therefore, he argued that all that was needed was a small workhouse for tramps, "a mere stockade."

"Like Andersonville?"⁴⁷ interrupted Senator Hanby of New Castle County.

"That is good enough for them," replied Senator Pyle.

After considerable debate, Senator Pyle moved that the bill be recommitted to committee and that it be amended to pro-

⁴⁶ *House Journal*, 1897, pp. 1444, 1445.

⁴⁷ From November, 1863, until the close of the Civil War a Confederate military prison was maintained in an open stockade of 26½ acres near the village of Andersonville in southwest Georgia. The sufferings of the prisoners from congestion, insufficient food, exposure, pollution of water supply and disease were terrible. Of the 49,485 prisoners received during the war, 13,000 died. (*Encyclopedia Britannica*, Vol. I, p. 900.)

vide for the construction of a workhouse for tramps near a stone quarry. The cost of such a structure was not to exceed \$35,000.⁴⁸ The senators from Kent and Sussex Counties voted with Senator Pyle of New Castle County in favor of this motion, and the county workhouse bill was thus killed for the 1897 meeting of the legislature.⁴⁹

This session provided another good example of how the question of penal reform divided the state along county lines. The workhouse bills, introduced during the 1897 legislative session and already discussed, in no way constituted a party issue. At that time the House was solidly Democratic, with the exception of Representative Frank Eliason,⁵⁰ a Republican of New Castle County, who steadfastly supported the workhouse movement. In the Senate in 1897 there were five Democrats and four Republicans.⁵¹ However, when the New Castle County workhouse bill came before that body, the five Democrats and two Republicans, six of whom were from the two lower counties, combined their votes to prevent its passage.

The defeat of the workhouse bills in 1897 proved a bitter disappointment to progressives throughout the state, but when the Delaware Woman's Christian Temperance Union met for its annual convention at Georgetown in October, 1897,⁵² and in October, 1898, its members valiantly continued their campaign for the improvement of the state's prison system. At the latter, Mrs. Smithers once more firmly reiterated her stand on the state's county jail system in the following words:⁵³

"Our people seem to regard it [the state workhouse] not only as something unnecessary, but as a proposition to be rejected. Our arguments are

⁴⁸ In this connection it should be pointed out that on April 20, 1893, the general assembly had passed an act authorizing the Levy Court of New Castle County to purchase a stone quarry and to build a suitable structure for the shelter of prisoners who were to break and prepare the stone for the county's roads. However, although this law stated that such steps had to be taken within two years after the passage of the bill, nothing had been done.

⁴⁹ *Morning News*, May 28, 1897, p. 1; *Senate Journal*, 1897, p. 1100; *Evening Journal*, May 28, 1897, p. 1, cols. 2, 3.

⁵⁰ Henry C. Conrad, *History of Delaware*, Vol. I, p. 236.

⁵¹ *Every Evening*, Wilmington, November 7, 1896, p. 1, col. 6.

⁵² *Report of the Delaware Woman's Christian Temperance Union*, October, 1897, p. 58.

⁵³ *The Delawarean*, Dover, October, 1898, p. 1, cols. 1, 2; p. 8.

met with scowling faces, and our petitions with a sneer. It is almost as if we sought to introduce among the people some dangerous and dreadful thing, rather than an institution for their benefit and uplifting. We are treated as enemies of the State rather than friends, as people seeking to destroy rather than build . . .”

Before this convention adjourned the members of the Delaware Woman's Christian Temperance Union expressed their determination to carry on their battle for penal reform and passed the following resolution:⁵⁴

“Whereas, in our judgment the prison system of the state of Delaware is in disgrace, and utterly fails to accomplish the results intended; and,

“Whereas, The keeping of healthy people in enforced idleness is a menace to the health and morals of the prisoners themselves and a useless expense to the state; therefore,

“Resolved, That as an organization which stands for the betterment of humanity, for purity and good citizenship, we do pledge ourselves to wage a holy warfare against this immoral prison system, which brings all so confined to a moral status of the lowest and most vicious.”

The Delaware Union for Public Good, in the face of strong opposition, also persevered in its endeavors to improve the state's prison system. At the legislative session of 1899 this society's members continued their efforts to obtain a workhouse. Anticipating much resistance to a state workhouse bill, they presented one for the establishment of a New Castle County workhouse. Other citizens in Delaware joined in the campaign and held meetings to arouse public interest in this important question.⁵⁵

Such a meeting was held at the Wilmington New Century Club on the evening of January 27, 1899.⁵⁶ The first speaker on that occasion was Thomas Mercer, a prison inspector of Chester County, Pennsylvania, who described in detail the management of the jail at West Chester. Having also visited the New Castle

⁵⁴ *Report of the Delaware Woman's Christian Temperance Union*, October, 1898, pp. 29, 30.

⁵⁵ *Outlook*, March 25, 1899, Judge Lore's Scrapbook, in the Delaware Historical Society, Wilmington.

⁵⁶ *Morning News*, January 28, 1899.

County jail, he was in a position to compare the two institutions. Inspector Mercer declared:

"The inmates of the jail in West Chester are all employed. They make carpet, cane chairs, and muslin sheeting, and weave all the goods used for the clothing of the convicts. There is also a broom machine that is operated when broom corn can be secured. The endeavor is to keep the prisoners employed, and while employed—they are not allowed to talk to each other. In addition, as far as possible, each prisoner has a separate cell. We put two men in a cell only when the jail is crowded. The prison and prisoners are kept clean, every inmate being compelled to bathe at least once a week, and the bath is thorough."

Chief Justice Lore was next called upon to explain a bill that the Delaware Union for Public Good had presented to the legislature. This one provided for a New Castle County workhouse rather than a state workhouse because of the arguments that had been advanced against the previous bills at the 1895 and 1897 sessions. The opponents of those bills had insisted that the two lower counties were not ready for such an institution, and that, furthermore, New Castle County had about three-quarters of the state's criminals.

Judge Lore stated that Delaware's convicts were kept in idleness and that their moral condition was in no way improved. This condition, he contended, could be corrected by the erection of a workhouse where the employment of prisoners would be possible. In conclusion, Judge Lore emphasized that this would not only benefit the prisoners, but also reduce the expenses incurred by the county in their care.

The county workhouse bill provided that five trustees, two of whom should be women, were to be appointed by all the judges resident in the county. The levy court was authorized to borrow \$150,000 to pay for building the workhouse, where the women prisoners were to be kept apart from the men, and all the inmates were to work eight hours a day, or be given tasks to perform within a certain time. For any extra work a prisoner might do, he was to be paid for his labor. Therefore, when a person came out of jail, it was possible for him to have a little money on which to start life again.

For good behavior, commutation was to be allowed in accordance with the following rules: for the first year, five days were to be deducted from each month; for the second year, seven days from each month; for the third year, nine days from each month; and for the fourth year, ten days from each month. If a prisoner continued his good behavior to within five days of the completion of his sentence, he was to be recommended for a pardon and a restoration of citizenship.

In discussing the bill, Judge Lore stated that at the rate Chester County maintained her prisoners, it would cost New Castle County \$4,500 a year for boarding her jail inmates, whereas under existing conditions it was costing the taxpayers \$15,000 or more a year. The Chief Justice stressed the fact that all the trustees of the proposed workhouse desired was that the Levy Court pay them forty cents a day, ten cents less than what was being paid for the maintenance of prisoners. The trustees would pay the interest on the money borrowed to build the workhouse, and in fifteen years liquidate the debt. Thus they would present to New Castle County in that time an institution costing \$150,000 and operating on a sound financial basis.

Bishop Coleman of Wilmington made a few remarks, stating that by the present jail system the prisoners were kept in idleness, which he believed was detrimental to their moral welfare. Other speakers briefly addressed the group, urging those present, who knew any member of the legislature, to enlist the services of that member in behalf of the bill. They expressed the sincere hope that letters would be written to the legislators, and that the question would be thoroughly agitated throughout the city and county.

The following resolution was offered and unanimously adopted:

“Resolved: That at a public meeting held in Wilmington in the interest of prison reform that the bill prepared by the Delaware Union for Public Good, and now before the State Legislature, for the establishment of a New Castle County Workhouse be heartily endorsed; and

“Resolved: That we believe that the provisions of the bill will be found to be wise in conception, practicable in execution and reformatory in results, and that the passage of such an act will increase in a great measure the moral

and economic welfare of our country; and Resolved: That the Senators and Representatives from New Castle County be especially requested to further earnestly the passage of the above-mentioned bill."

During the month of January, Chief Justice Lore likewise addressed the members of the general assembly and furnished them with the following statistics and observations:⁵⁷

"On Friday the 23rd day of the month there were confined in the jails of the three counties of this State 227 prisoners. Of this number, 183 were convicts sentenced for a longer or shorter term. The average number of prisoners is about 210. The prisoners do not contribute one cent to their own support, but being in enforced idleness, are an absolute charge upon the taxpayers.

"In 1896 our prison system, by actual returns of the several clerks of peace, for an average of 210 prisoners, aggregated \$38,517.83. Each prisoner yearly cost \$183.65, each prisoner daily cost 50 $\frac{3}{10}$ cents.

"Is there any reason why the people should be taxed 50 $\frac{3}{10}$ cents a day, to keep in idleness each prisoner, when as shown from other states he can be put to work and kept for 8 $\frac{3}{4}$ cents in excess of daily earnings; or that we should pay \$38,517.83 to keep idle 210 convicts, when other states show that that number can be kept at a yearly aggregate cost of \$5,654.54? Shall we, then, continue a system that absolutely wastes the difference between the sum of \$38,517.83 and \$5,654.54; viz., \$32,863.29 each year? If the latter can be saved, it is the imperative duty of the Legislature to do so."

In the meantime, opposition to the workhouse plan was forming in the ranks of labor. At a meeting of the United Labor League of Wilmington on February 5th, the workhouse bill was voted detrimental to the interests of working people. Nearly every labor organization in that city was represented and the vote was taken only after much discussion. Those present addressed a petition to the legislature, requesting that the workhouse bill be defeated.⁵⁸ This petition quoted the first annual report of the New York State Commission of Prisons, submitted to the assembly of that state on January 15, 1896, to the effect that:

⁵⁷ *Morning News*, February 21, 1899, p. 2, col. 3.

⁵⁸ *House Journal*, 1899, pp. 919-923.

"The evil [convict labor] is one that injures the general manufacturing interests and the laborers, and also subjects the state to loss, even if it represents only a small percentage of total labor employed in the state in that one kind of manufacture. We find it has paralyzed or driven out some manufactures carried on by free labor . . . How much this cheap labor may tend to cause the abuses produced by the so-called 'sweat shops' in the great cities, where manufacturers seek to compete with the manufacture of prison contractors, suggests itself . . . The difficulty of selling prison-made goods has caused large expense in the sales . . . Therefore, it would seem evident from these results that it is not practical for the state to manufacture on its own account for sale in the open market."

After quoting some adverse criticism from a United States Commissioner of Labor Report the petition concluded with:

"It can readily be seen from the foregoing that there are serious objections to the system of convict labor now in vogue. In view of these, we are sure that you will vote against the bill [New Castle County Workhouse Bill] now before you."

It will be recalled that in 1897 Senator Pyle advocated the construction of a New Castle County institution near a stone quarry where tramps might be put to work. When the legislature convened in 1899, he placed before it a bill for the employment of New Castle County's short term convicts in a stone quarry.⁵⁹ The supporters of this move pointed out that such prisoners could prepare stone for the county roads. They warned that they were going to make a hard fight to have their bill passed as they believed it would do much to solve the question of prison reform and to keep prisoners employed.

The plans of the advocates of this bill were by no means expressed in the document itself, and it required a discussion with some of them to bring out what they considered the "five points" of the bill. In the first place, it was proposed to buy a quarry and equip it with machinery necessary to get out and crush the stone. None of the stone was to be crushed by hand, but rather by a large steam crusher. In this way the rock could be obtained

⁵⁹ *Morning News*, January 1, 1899; *Morning News*, February 9, 1899, p. 2, col. 1.

quickly and in large quantities. A stockade with cells was to be built, similar to those in North Carolina and other states, where short term prisoners were to be kept at work in the stone quarry. All persons sentenced to imprisonment for six months or less were known as short termers, and it was believed that there were enough of these in the New Castle County jail to operate a large stone quarry properly. Two of such persons were to be placed in one cell each night. It was estimated that the quarry and its equipment would cost between \$40,000 and \$50,000.

For the long term prisoners, confined in the New Castle County jail, it was proposed to equip that prison with sewing machines and shoemaker outfits. They could then be put to work at making clothing and shoes for the prisoners at the quarry stockade and for the inmates of the almshouse.

The proponents of the workhouse system, however, were just as ready to prove that their plans were the more economical, and to quote figures, which they believed would convince the legislature of the value of their proposals. *The Morning News* of Wilmington, a staunch supporter of the workhouse, in an editorial on February 20, 1899, urged the general assembly not to lose sight of the New Castle County workhouse bill, and argued:⁶⁰

"It will make the prisoners . . . self-supporting and . . . relieve the taxpayers in a few years of a considerable burden.

"There is no doubt of the wisdom of putting convicts to work, and no better plan can be devised than some scheme based upon that outlined in the workhouse bill. We cannot understand why any class of taxpayers should object to the measure.

"It is a mistake, and it is in the nature of cruelty, to pen two or three hundred men in prison and then keep them in idleness."

The Union for Public Good, champions of the workhouse system, prepared a bulletin, showing facts and statistics to substantiate its claims, and on February 21st, presented copies of this to each legislator.⁶¹ It showed that the appropriation for

⁶⁰ *Morning News*, February 20, 1899, p. 2, col. 1.

⁶¹ Judge Lore's Scrapbook in the Delaware Historical Society, Wilmington, Delaware.

an average of 150 prisoners in the New Castle County jail for the year 1898 was as follows:

Jail Commissioners.....	\$ 7,000
Convict Jail Labor.....	3,000
Water and Light in the Jail.....	1,800
Jail Physician.....	400
Board of Prisoners.....	15,000
Telephone.....	75
Jail Warden and Salaries.....	1,880
Total.....	<u>\$29,155</u>

This meant, the bulletin pointed out, that each prisoner in New Castle County was costing the citizens 53c daily, or \$194 annually. These figures were compared with those of the Chester County workhouse in Pennsylvania, for the same year. An average of 129 inmates was incarcerated there during the year 1898, and each one cost only 19c daily, or \$70 yearly. Moreover, the total annual cost of that institution was only \$9,046.37, or \$20,108.63 less than that of the New Castle County jail.

To save this prodigious waste it was proposed that the county borrow \$150,000 for the construction of a county workhouse. It was estimated that under a workhouse system the county would need to appropriate only 40c daily for each prisoner instead of 50c. The immediate saving for 150 prisoners would thus be over \$7,000 per year. With this appropriation of 40c per day per inmate, it was planned to maintain the prison, pay the interest and eventually extinguish the debt. These conclusions were drawn from the following calculations:

An appropriation of 40c per day for 150 prisoners for one year.....	\$21,900
The average annual interest on the loan.....	\$4,000
The average annual prison maintenance.....	8,610
	<u>12,610</u>
The difference between the annual appropriation and expenses.....	\$ 9,290
In 20 years this \$9,290 at compound interest.....	\$185,800
The amount of the total loan.....	150,000
The result surplus in 20 years.....	<u>\$ 35,800</u>

The bulletin concluded its appeal with the spirited exhortation, "Put prisoners to work!"

On February 22, 1899, the house committee on miscellaneous business held a meeting and, after a final consideration of the bill to establish a workhouse for New Castle County, decided to make a favorable report to the House. The public meetings that had been held had made a deep impression on many of the members, who had not before seen the necessity for that institution. Many converts had been made, and a strong sentiment had grown in favor of making the workhouse a state institution. The advocates of the bill were heartily in favor of extending its field of usefulness by thus making it accessible to all the counties.⁶²

Some of the state's leading clergymen were strongly behind the workhouse movement. The following are enlightening excerpts from a sermon delivered on February 26, 1899, in support of the workhouse bill, by the Reverend Mr. Alexander T. Bower, pastor of the Unitarian Church of Wilmington:⁶³

"Indeed the state of things in the prison system of this commonwealth is so bad that one is ashamed to mention it above his breath, and I hesitate to offend the ears of decency by attempting to speak of it here. But picture to yourselves, if you can, the loathsome lodging place known as the 'bum cell' at New Castle. It is a room with one door opening into the prison yard, and has no window, it is perhaps about 40 by 25 feet in size, with a cement floor. There is no ventilation, no heat, no furniture, nothing whatsoever, except what an individual may have upon his person when he lies down for the night. There may be 60, or 100, or 125 prisoners compelled to sleep in this awful hole, and there have been many nights this winter when the mercury has fallen below zero . . .

"As doubtless you are all aware, for the third time in three consecutive sessions, a bill has been prepared and brought before our legislature to provide for a building of a workhouse on the plan now in vogue in several states. It is proposed that an industrial prison be built and managed in accordance with the laws of both moral and physical health, where all shall be obliged to labor for the state several hours a day, with the privilege of working extra time for their own benefit, or for the support of the families."

⁶² *Morning News*, February 23, 1899, p. 1, col. 7.

⁶³ *Morning News*, February 27, 1899.

On the other hand, some very influential persons were expressing their disapproval of the workhouse plan. Among these was William Lawton, president of the Board of Trade in Wilmington.⁶⁴ He had been investigating the proposed workhouse with the result that he was more than ever convinced that the workhouse, should it be established, would not be a success. He declared that he had been informed from reliable sources that the managers of the Elmira New Jersey Reformatory had been compelled to abandon the workhouse plan; that the inmates had been let out by contract; and that the State of New York had lost \$50,000 in one year in their workhouse.

Should the workhouse be established, instead of being a profit to the state, Mr. Lawton thought that the annual deficit would be at least \$10,000. He wanted it distinctly understood that he was in favor of having prisoners labor, but that he did not approve of the proposed workhouse.

Although most of the agitation for penal reform during the months of January and February had contented itself with sponsoring a New Castle County workhouse bill, the House proceeded to move for the establishment of a state workhouse. Finally, on February 27, a bill for that purpose came before the members of that body for final decision. During the debate that ensued, the question of its location was discussed.⁶⁵ Representative Wagamon, of Sussex County, said that the bill located the workhouse in New Castle County and suggested that the question of its location be left with the institution's commissioners. In answer to this, Representative Rose, of New Castle County, asserted that since nine-tenths of the prisoners in the state were from his county, he believed it would be much more economical to establish the proposed institution there. He said that, furthermore, he did not think any other county would want it.

Representative Donahoe, also of New Castle County, stated that the workhouse "chestnut" had been worked in the legislature for several years. The House doubtless would pass it,

⁶⁴ *Ibid.*, February 25, 1899, p. 1, col. 6.

⁶⁵ *Every Evening*, Wilmington, February 28, 1899, p. 1, col. 5.

he declared, but he hoped that the Senate would kill it. He was against the bill in every way. It would put prisoners in a palace car, and put convict labor in competition with honest labor. "Put prisoners in a quarry, sledging stone!" he exclaimed.

The state workhouse bill eventually emerged victorious from the debates in the House, by the vote of twenty-five to seven.⁶⁶ An examination of this vote indicates that the customary coalition of Kent and Sussex in opposition to penal reform was thoroughly shattered.⁶⁷ The intensive state-wide campaign, that had stressed the uneconomical aspects of the old county jail system, was undoubtedly instrumental in bringing this about. This campaign had been shrewdly managed, featuring as it did the saving of the taxpayers' money, rather than philosophical principles.

There is every indication that the great increase in the public demand for economical prison methods contributed much more to this triumph of the state workhouse bill than did any desire for a more humane and scientific penal system. Furthermore, it should be pointed out that compulsory convict labor may readily be accepted by those who advocate severe punishments for criminals. According to this point of view, prisoners do not deserve to be maintained in idleness; they ought to have the additional penalty of work inflicted upon them for their misdeeds.

Safely through the House, this bill came before the Senate for concurrence on March 3, at which time Senator Lewis, of Kent County, made a speech against it on the grounds that it would involve the state in a great expense, and that it would permit convict labor to compete with free labor.⁶⁸ Senator Shakespeare of New Castle County, and Senator Abbott, of Kent County, in short speeches advocated the passage of the bill. The former held that the jail at New Castle was far too inadequate for the accommodation of the prisoners sent there,

⁶⁶ *House Journal*, 1899, pp. 1146, 1147. Four representatives from the two lower counties voted against the bill.

⁶⁷ Speaker Clark, of Sussex County, according to the *House Journal*, voted both ways on the workhouse bill.

⁶⁸ *Morning News*, March 4, 1899, p. 1, col. 3.

and that it was better to build a new workhouse than to try to enlarge the old jail. The latter said that he had been conclusively convinced by Chief Justice Lore that the workhouse would not be a losing venture financially.

When the bill, slightly amended,⁶⁹ was put to a vote, ten senators cast their ballots in favor of it while seven, all of whom were from Kent and Sussex Counties, opposed its passage.⁷⁰ Thus, in the Senate, the old line-up of New Castle against Kent and Sussex on penal questions tended to persist despite the emphasis that had been placed on economy. Even so, apparently, the battle was won and Delaware was to have a state workhouse. However, on Saturday, March 4th, President Salmon of the Senate declared that the bill had not been passed after all, as it had not received the necessary constitutional majority. It had been overlooked that the new constitution of 1897 required that any bill involving the borrowing or appropriating of money by the state had to pass both branches of the legislature by a three-fourths vote in order to become a law.⁷¹ This meant that the workhouse bill needed a vote of twenty-seven in the House and one of thirteen in the Senate, and thus had never actually been passed in either the House or the Senate. Kent and Sussex legislators had, therefore, once more blocked the move to establish a state penal institution.

After what had seemed like a great victory, this defeat was an especially heavy blow to those who had campaigned for the workhouse bill, but its advocates were not discouraged, and soon reformed their lines for a new battle. The Delaware Union for Public Good sent to each member of the legislature the following circular letter in relation to the workhouse bill:⁷²

"Sir: Unfortunately the Delaware State Workhouse bill did not get the constitutional majority of 27 in the House and 13 in the Senate. The sup-

⁶⁹ The senate amended the bill by providing that the courts should commit to the workhouse at hard labor for a term not to exceed ninety days, tramps and persons convicted of gambling, lottery, policy writing, carrying concealed a deadly weapon and offenses of like nature. (*Every Evening*, March 5, 1899, p. 4, col. 3.)

⁷⁰ *Senate Journal*, 1899, pp. 1053, 1059.

⁷¹ *Constitution of 1897*, Article VIII, Sections 3, 4.

⁷² *Every Evening*, March 7, 1899, p. 1, col. 7.

posed passage of the bill met general approval as the actual failure has produced like regret.

"We are called upon again to take up the battle for economy and humanity.

"Assured that you are deeply interested in the weal and honor of our little state, we ask your invaluable aid to give us at once a New Castle County workhouse.

"We will undertake to meet and answer every reason that can be given against it.

"By the report of John F. Weylor, superintendent of the Maryland Penitentiary, that institution from 1888 to 1898 (10 years) paid the State a net income of \$117,621.40. The prisoners earned for themselves in overwork, \$157,469.10; one-half of the latter was paid by their order to their families as dependents. The net income to the State for the year 1898 was \$29,000, while New Castle County paid over that sum to keep about 150 in New Castle jail in idleness. Maryland has set us a worthy example. Gentlemen, this question has passed beyond the domain of doubt. In the name of economy, humanity and your State pride, we beg you to put our State among all her sister States in the line of humane prison reform.

"Very truly,

"CHARLES B. LORE, *President.*"

The agitation by labor organizations in the state against the workhouse had continued despite its apparent passage in the Senate on March 3rd. On March 5th, the day after President Salmon of the Senate declared the bill lost, the following resolution had been adopted at a meeting of the United Labor League of Wilmington:⁷³

"We, the delegates of organized labor of Wilmington and vicinity, do hereby strenuously protest against the Workhouse bill now before the Senate and as we represent more than two-thirds of the wage-earners and taxpayers, we think that such a bill is detrimental to wage-earners of the state and puts convict labor in direct competition with free and honest labor."

Realizing that they could not muster the necessary constitutional majority to pass a state workhouse bill, the advocates of reform now pressed for the passage of a substitute bill for the establishment of a county workhouse in New Castle County.

⁷³ *Every Evening*, March 6, 1899, p. 1, col. 3.

This substitute was exactly like the original county workhouse bill which had been replaced by the state workhouse bill. Chief Justice Lore, on March 10th, addressed the House on the county bill and urged its passage. Representative Robertson, of New Castle County, also spoke in its favor; while Representative Jester, of Kent County, although willing to support a state workhouse, asserted that he was opposed to a county institution because Kent and Sussex might become the dumping ground for tramps and criminals driven from New Castle County.⁷⁴ After some further discussion the House by a vote of twenty to seven decided in favor of considering the county workhouse bill as a substitute for the state workhouse bill. On the same day the county bill was unanimously passed by the Senate⁷⁵ and sent to the House, where, the next day, March 11th, it met no opposition, being supported by a vote of thirty-one to none.⁷⁶ Delaware thus finally obtained an institution where a broad program of convict employment could be inaugurated, but much to the disappointment of many, it was not a state but a county workhouse. Conservatives "down-state," opposed to increased state expenditures and centralization, had made the establishment of a state workhouse impossible. Furthermore, this institution was designed to serve as a place of detention for witnesses and those awaiting trial, as a city lockup for the City of Wilmington, as a jail and prison for its own county and, later, as a prison for the most serious offenders of all counties. These characteristics, as well as its basis in a criminal code, regarded by many as sanguinary, marked it as being fundamentally different from the state prisons already established elsewhere. However, even so, among those who had worked for reform there was still a feeling that Kent and Sussex, when they saw the advantages of the workhouse, might clamor for participation in its benefits.⁷⁷

During this intense and prolonged legislative battle for penal reform, the factor of state party affiliation played almost no

⁷⁴ *Every Evening*, March 11, 1899, p. 1.

⁷⁵ *Senate Journal*, 1899, p. 1263.

⁷⁶ *House Journal*, 1899, p. 1601.

⁷⁷ *Every Evening*, March 13, 1899, Editorial, p. 2, col. 1.

part at all. The defeat of the Republicans in the campaign of 1896, resulting from the division that had existed in their ranks, had a sobering effect on the party, and two years later both factions of that party formed a united front against the Democrats. At this election, in accordance with the new constitution, legislators for the first time were chosen by districts instead of by counties. As the result of the political campaigns in the fall of 1898, the legislature that met in 1899 contained thirty-one Republicans and twenty-one Democrats. Governor Tunnell, a Democrat elected in 1896, was still in office. The Democrats controlled the Senate by nine to eight, but the House stood twenty-three Republicans to only twelve Democrats.⁷⁸

By a comparison of this party alignment with the votes on the workhouse bills we have discussed, it will be seen that state party lines were repeatedly crossed as county sentiment expressed itself. In short, a House dominated by the Republican Party and a Senate under the control of the Democrats, both passed the workhouse bills, while Governor Tunnell, a Democrat, expressed himself in favor of the workhouse system.⁷⁹

Summary of the Workhouse Movement

Governor Charles C. Stockley, a Democrat, in his address to the general assembly on January 4, 1887, advocated the establishment of a state prison where the employment of convicts would be possible. This advocacy was the precursor of a movement for penal reform that finally brought about the erection of a workhouse for New Castle County. Although this was not a sweeping triumph, it must be considered a real achievement for the progressive forces of the state, that now numbered in their ranks such important groups as the Woman's Christian Temperance Union. This organization became a leader in the movement for the erection of a state prison. At its annual convention in October, 1890, President Margaret S.

⁷⁸ Henry C. Conrad, *History of Delaware*, Vol. I, p. 244.

⁷⁹ *Morning News*, March 4, 1899, p. 1, col. 3.

Hilles condemned the existing penal system and pleaded for a program of employment for the state's prisoners. During the same convention Mrs. Smithers, its officer in charge of prison welfare work, and a tireless worker in the cause of penal reform, appealed for the improvement of the county jails. She was destined to repeat this appeal many times before any appreciable gains were realized.

Even though the drive for change made little progress in the legislature, its momentum increased among the state's citizens. In 1894, a group of some of Delaware's most prominent men and women organized a society which they called the Delaware Union for Public Good. This organization, ably supported by such groups as the Woman's Christian Temperance Union and the Century Club of Wilmington, constantly labored for the establishment of a workhouse and eventually was instrumental in erecting such an institution for the County of New Castle.

Along with this agitation for a state workhouse, although not necessarily a part of it, was the growing belief that the state's convicts should not be maintained in idleness at the taxpayers' expense. This belief was especially strong among the farmers in the southern part of the state, where the Kent County Farmers' Institute in 1890 and again in 1894 vociferously protested against the "exorbitant allowances for keeping prisoners." It should be pointed out, however, that many persons who were in favor of a more economical penal program were against a state workhouse, claiming that prisoners should be put to work in the county jails.

Despite the evidence of a strong sentiment in favor of penal reform, it was not until 1893 that a bill for the establishment of a state penitentiary was introduced into the legislature. There, however, it was bottled up in committee, and nothing was accomplished by this effort.

Governor Robert J. Reynolds, a Democrat, in January, 1895, strongly recommended a state workhouse or penitentiary where the classification and employment of prisoners would be possible. In response to this recommendation and the growing indignation over the conditions in the county jails, the Delaware Union for Public Good brought before the legislature in 1895

a bill for the establishment of a state workhouse. The state's Chief Justice, Charles B. Lore, a Democrat, had become a member of the Delaware Union for Public Good, and with them was a tireless worker for penal reform. He now appeared before the legislature to argue in behalf of the workhouse bill, emphasizing the amounts that could be saved by the construction of such an institution.

Governor Marvel, a Republican from Sussex County and the new chief executive, on the other hand, opposed the bill because of the great expense involved and claimed that the county jails could be made more efficient. Notwithstanding his opposition, however, the House unanimously passed this bill on April 4th, but the Senate later blocked its passage.

The penal issue was again raised in January, 1897, when Governor Watson, a Democrat, advocated the adoption of the state workhouse plan. Following this speech another bill to establish such an institution was introduced by the Delaware Union for Public Good. This measure at first passed the House, but later, after reconsideration, met defeat, despite the earnest plea for its enactment by Chief Justice Lore. Some of its former supporters had been won over to the opposition by arguments to the effect that the state was not in a position to assume additional financial obligations.

The supporters of the move to erect a workhouse now tried a different approach and worked for the passage of a bill to establish a New Castle County workhouse. This bill was put through the House but was returned to committee, and thus killed, in the Senate. Repeated failures seemed merely to stiffen the determination of those fighting for reform. In the 1897 and 1898 conventions of the Woman's Christian Temperance Union, Mrs. Smithers pleaded for reform and at the latter a resolution was adopted in which the members of the organization pledged themselves to a "holy warfare against the immoral prison system."

Expecting intense resistance to a state workhouse bill the Delaware Union for Public Good presented a measure for a New Castle County workhouse at the 1899 meeting of the legislature. Strong opposition was now met in another quarter as labor organ-

izations began to protest against the use of convict labor in competition with free labor. Nevertheless, the House, disregarding the growing hostility, proceeded to move for the creation of not merely a county, but rather a state, workhouse. The bill for this purpose was successfully maneuvered through that body and came before the Senate for passage on March 3rd. The upper branch voted ten to seven in its favor and apparently the battle for a state workhouse had been won. However, the next day President Salmon of the Senate declared that the workhouse bill had not been passed after all, since it had not received the necessary majority provided for by the recently adopted constitution of 1897. This constitution requires that any bill involving the borrowing or appropriating of money by the legislature has to pass both branches of the legislature by a three-fourths vote in order to become a law. Therefore, the workhouse bill had never actually been passed in either house.

Convinced that they could not obtain the necessary constitutional majority for a state workhouse, the advocates of penal reform, led by Chief Justice Lore and the members of the Delaware Union for Public Good, now worked for the passage of a New Castle County workhouse bill. In this they were successful, their bill being unanimously supported by the Senate on March 10th, and by the House on March 11th. Delaware thus, after a campaign that had emphasized the uneconomical aspects of the county jail system, finally obtained an institution where a program of convict labor could be introduced, but it was not to be a state but rather a county workhouse. Moreover, it differed radically from state penal institutions elsewhere. It was not only still imbedded in what many regarded as a sanguinary criminal code, but was to be used as a place of detention for witnesses and those awaiting trial, as a city lockup for the City of Wilmington, as a jail and prison for its own county and, later, as a prison for the most serious offenders of all counties.

CHAPTER II

THE NEW CASTLE COUNTY WORKHOUSE, 1899-1919

The year 1899 is an outstanding one in the history of Delaware's penology. As we have already explained, in March of that year, after an exciting campaign extending through several sessions of the legislature, the advocates of penal reform achieved a notable victory in the enactment of a law providing for the construction of a workhouse for New Castle County.¹ Thus, almost exactly seventy-eight years after the passage on March 20, 1821, of an act ordering the erection of Pennsylvania's Eastern State Penitentiary,² Delaware finally obtained the legal basis for her first real penal institution. Handicapped for years by the existence of only county jails, the state had at last taken an important step toward the creation of a centralized prison system, but, as the future was to reveal, it was a faltering, uncertain and temporary step.

1. The New Castle County Workhouse Act

The provisions of this act are so important and so fundamental in the history of Delaware's penology that they are reproduced here in their entirety:

AN ACT

To Establish the New Castle County Workhouse

Now therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of three-fourths of all the members elected to each House).

SECTION 1. Within thirty days after this Act shall become law, the Judges of the Superior Court and the Court of General Sessions of the State of Delaware, residing in New Castle County, shall appoint five suitable persons, residents of said County; who being so appointed shall constitute "The Board of Trustees of the New Castle County Workhouse." The trustees so appointed

¹ *Laws of Delaware*, Vol. 21, Ch. 247.

² Harry Elmer Barnes, *The Evolution of Penology in Pennsylvania*, p. 118.

shall serve for the respective terms of one, two, three, four and five years. The term of each one of the said trustees shall be determined by lot. Their successors shall be appointed by the said Judges for the term of five years. All vacancies shall be filled by the said Judges for the residue of the term. At no time shall all the trustees be of the same political party. No trustee shall receive any compensation for services, other than the actual expenses of attending the meeting of the Board. Each trustee, before entering upon the duties of the office, shall take and subscribe an oath or affirmation for the faithful performance of such duties.

SECTION 2. For the purpose of establishing the said workhouse, the Levy Court of New Castle County is hereby authorized and directed to borrow upon the credit of the said County, such sum or sums of money, as may be necessary, and as may be directed by the said Board of Trustees, not exceeding in the aggregate one hundred thousand dollars; and for such purpose, shall issue certificates of indebtedness of such denomination and in such form as by the Levy Court may be deemed most expedient. Such certificates shall bear date July first, 1899. They shall be payable on or before the first day of July, 1919; at any time after the expiration of five years from the date thereof, at the option of the said Board of Trustees. They shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, on the first day of January and July in each year. This loan shall be known as the New Castle County Workhouse Loan. Each certificate shall bear upon its face the words, "Loan for the establishment of the New Castle County Workhouse." This loan shall be kept separate and distinct from all other indebtedness of the county; for the purpose of identification and liquidation as hereinafter provided. The money realized from the sale of the said certificates shall be paid to the said Board of Trustees, and by them shall be applied to the purchase of the necessary land for a workhouse, and toward paying for the erection, completion and furnishing of the said workhouse, with implements and appliances, necessary and proper for the successful establishment and operation of the same; and also to the payment of interest on the said loan as it falls due, until the workhouse is built and in operation.

SECTION 3. The trustees herein named shall immediately after the passage of this Act procure suitable lands for the erection of buildings, for the accommodation of all prisoners, sentenced to terms of imprisonment by the courts of this State in and for New Castle County, including those sentenced and committed by the Municipal Court of the City of Wilmington, and by the Justices of the Peace for the said county. The title to said lands shall be vested in "The Board of Trustees of the New Castle County Workhouse;" which is hereby authorized and empowered to take, receive and hold the same. The said buildings shall be fully completed within two years from the

passage of this Act. As soon as the said buildings shall be completed, and within ten days after notice in writing of such completion shall have been served upon the Sheriff of New Castle County by said Trustees, the Sheriff shall deliver to the trustees at said buildings all the prisoners in the jail or in his charge, under sentence of imprisonment for a certain term and all others held by him on commitment. The Sheriff is hereby expressly authorized and directed to make such delivery. Whereupon the said trustees shall take charge and control such prisoners, and safely keep them for the residue of their terms of imprisonment, respectively, or until they be duly discharged. With respect to all such prisoners, and also with respect to the workhouse and lands, the said trustees are hereby clothed with all the powers heretofore vested by law in the Sheriff of New Castle County, in the Commissioners of the jail of said county and in the Levy Court. On or before the first day of January in each year, the Board shall make a report in writing to the Levy Court, showing the condition of the workhouse, together with a detailed statement of all the receipts and expenditures; with such suggestions and recommendations as they may deem necessary. No trustee shall be interested directly or indirectly in any contract relating to said workhouse; nor shall any member of his or her family be appointed to or hold any office or position under said Board.

SECTION 4. When the buildings provided for in this Act shall be completed and ready for occupancy as a workhouse all persons convicted of offences against the laws of this State and sentenced to a term of imprisonment shall there be imprisoned and held pursuant to this Act and other statutes relating thereto. Thereafter all persons that may be sentenced or committed by any court or magistrate in this county shall be delivered, by the officer having them in charge, to the warden of said workhouse or to the person authorized by said trustee to receive them. All persons convicted of any crime and committed to the custody of said trustees shall be compelled to labor at some suitable employment, eight hours each secular day, unless physically disabled. For all overwork each prisoner shall receive credit and be paid. The money earned by overwork may, at the option of the prisoner, be sent to his family, be expended for such articles as he may have in prison under the rules, or may accumulate and be paid to him in lump at the time he is discharged. The cost of the maintenance of the prisoners shall be paid by the county at the rate of forty cents daily per capita until the workhouse loan is liquidated, and thereafter such amount only as will pay the actual cost of maintenance. The trustees shall, on or before the first day of February in each year, submit to the Levy Court of said county an estimate of the amount necessary for the workhouse for that year. The said Levy Court is hereby clothed with full power to levy such amount in the

taxes and provide for the payment of the same to the trustees, and shall so pay the same to them, on or before the thirtieth day of May in each year next succeeding the levy, in installments as required and needed by the said trustees, first installment to be paid on or before the first day of September of the year each levy is made. Out of the money so received from the Levy Court the trustees shall provide for the payment of the expenses of running the workhouse; they shall then pay the interest on said loan as it falls due. Any excess in each year shall be by them placed on interest as a sinking fund for the liquidation of the said workhouse loan until five years from the date of the certificates of indebtedness shall have expired, and thereupon shall immediately apply the accumulated fund to the extinguishment of the same, and any excess in each year thereafter shall at once be applied to the extinguishment of said loan.

SECTION 5. The prisoners shall be so classified that the parts of the buildings appropriated to female prisoners shall be apart from those for the confinement of male prisoners. In like manner prisoners of tender years and those young in crime shall be separated from the older and more hardened criminals. In order that good conduct may be properly rewarded the Board shall keep a correct daily record of each prisoner, showing his behaviour, fidelity and compliance with the rules of the prison, to the end that each prisoner may merit diminution of the period of his confinement and a recommendation for restoration of citizenship in cases of felony under the following regulations:

First. For each month, commencing on the first day of his arrival at the workhouse, during which he has not been guilty of any violation of discipline, or any rules of the prison, and has labored with diligence and fidelity, he shall be allowed a reduction of five days from the period of his sentence

Second. At any time after a convict has passed one full year of his sentence, in which he has not been guilty of any violation of discipline or of any of the rules of the prison, and has labored with diligence and fidelity, the deduction shall be seven days from the period of his sentence of each month.

Third. After he shall have passed two full years as above, the deduction in his sentence shall be nine days for each month.

Fourth. After he shall have passed three or more full years as above, the deduction shall be ten days for each month.

Fifth. For every violation of the rules and discipline, or for want of diligence and fidelity in the performance of work, the convict shall not only forfeit all gained time and earnings for the month in which the delinquency occurs, but, according to the aggravated nature and frequency of his offenses,

the Board may deduct a portion or all of his previously earned time and money.

Sixth. If a convict passes the period of his sentence within five days of the completion thereof without any violation of the rules and discipline, he shall be entitled to a certificate therefore from the superintendent of the workhouse, and also to recommendation from the Board of Trustees recommending him for pardon and restoration to citizenship.

Seventh. If a prisoner be prevented from labor by sickness or other infirmity, not intentionally produced by himself, or from any cause for which he is not responsible, he shall be entitled by good conduct to the same deduction from his sentence for each month as above provided for.

SECTION 6. The said Board of Trustees shall have complete control and management of the said New Castle County Workhouse. They shall appoint and dismiss at pleasure all wardens, keepers, officers and other necessary agents and servants, and shall fix their term of service, as well as their compensation. They shall provide suitable tools, implements, food, raiment and all other necessary things for the safekeeping, maintenance and betterment of the inmates of said workhouse. They shall keep accurate books of account, showing in detail all items of the receipt and expenditure of money on account of the said workhouse. These books shall be open at all times to the inspection of the County Comptroller, and shall be audited by him at least once a year.

Approved March 16, A. D. 1899.

2. By-Laws of the Board of Trustees

In accordance with the provisions of the foregoing act, J. Newlin Gawthrop, D. W. Corbit, George G. Kerr, J. Frank Ball and J. L. Carpenter, Jr., were appointed the board of trustees of the proposed workhouse. At an adjourned meeting of this board, held on July 28, 1899, the following set of by-laws was adopted.³

ARTICLE I

SECTION 1. The annual meeting of the Board of Trustees of the New Castle County Workhouse shall be the second Tuesday in April.

SECTION 2. The Board of Trustees shall meet on the second Tuesday of

³ *Reports of the Board of Trustees of the New Castle County Workhouse for the Fiscal Years Ending December 30, 1899; December 29, 1900; December 10, 1901; and December 9, 1902; pp. 51, 52.*

each month; an extra meeting may be called by the President and shall be called by him, or in his absence by the Secretary, upon the written application of two Trustees.

SECTION 3. Three Trustees shall constitute a quorum for the transaction of Business.

ARTICLE II

SECTION 1. The Board of Trustees at each annual meeting, shall out of their Body, elect a President, Secretary and Treasurer and such standing Committees as they may deem necessary.

SECTION 2. The Board shall make report, on or before the first day of January in each year, in writing to the Levy Court, showing the condition of the Workhouse together with a detailed statement of all receipts and expenditures; with such suggestions and recommendations as may be deemed necessary. The Board shall also on or before the first day of February in each year submit to the Levy Court an estimate of the amount of money necessary for the Workhouse for that year.

SECTION 3. Reports of all committees, and all resolutions submitted to the Board shall be in writing.

SECTION 4. The order of business at any regular meeting of the Board shall be as follows:

1. Roll Call.
2. Reading the Minutes of the Last Meeting.
3. Reading of the Reports of Officers.
4. Reading Treasurer's Report.
5. Reading Reports of Committees.
6. Unfinished Business.
7. Miscellaneous Business.
8. Reading of the Secretary's Notes of the Business Transacted at the Present Meeting.

SECTION 5. All bills shall be examined and approved by the Committee or Trustees directing the expenditure and then passed upon by the Board for payment.

ARTICLE III

SECTION 1. The President shall preside at all meetings. In the absence of the President a Chairman shall be appointed from among the Trustees. The President, or in his absence the presiding officer shall countersign all checks passed by the order of the Board of Trustees.

SECTION 2. The Treasurer shall have charge of all the securities and funds of the Board. And shall deposit the funds daily as received in such insti-

tution as the Board shall direct; to the credit of the Board of Trustees of the New Castle County Workhouse, to be withdrawn when duly authorized by the Board upon checks signed by the Treasurer and countersigned by the President or Presiding Officer of the Board. He shall keep accurate books of accounts showing in detail all items of the receipt and the expenditure of money on account of said Workhouse. He shall report monthly to the Board and at the end of each year present an annual statement of his accounts. He shall submit his books monthly to the inspection of the County Comptroller.

SECTION 3. The Secretary shall keep the minutes of the Board and submit them at the following meeting. He shall be the custodian of the Seal and shall attest all documents when so directed by the Board. He shall give notice of all meetings of the Board, and notify the appropriate officers and committees of any action of the Board requiring their attention.

SECTION 4. All officers appointed by the Board shall hold their positions during the pleasure of the Board and their resignations shall not take effect, without the consent of the Board, until one month after the same shall have been tendered.

ARTICLE IV

SECTION 1. By-Laws, Rules and Regulations may be amended or altered at any regular meeting provided that notice of such amendment or alteration has been given at a previous regular meeting, and provided also, that a majority of the Board are present, or by unanimous consent of Trustees without previous notice.

3. The Selection of a Site and the Construction of the Workhouse

The board elected J. Newlin Gawthrop its president; J. Frank Ball, secretary; and J. L. Carpenter, Jr., treasurer. As the law required the board of trustees to buy land, erect buildings and provide all appliances for caring for the prisoners, the board under the guidance of these officers turned their attention to the selection of a suitable site for the new workhouse. After viewing many possible locations, and carefully considering the peculiar advantages of each, the trustees in August, 1899, chose a site containing $38\frac{1}{4}$ acres, located four miles west of the City of Wilmington.⁴ This property, formerly the Flinn farm, had

⁴"First Annual Report of the New Castle County Workhouse, 1899," *Morning News*, Wilmington, August 16, 1899, p. 1.

a stone quarry and an abundance of good water, being contiguous to Red Clay Creek. It was bounded on one side by the Brandywine Springs Trolley Railway, and on another by the Baltimore and Ohio Railroad at Greenbank Station. In the first report of the treasurer of the board of trustees the value of this property was placed at \$8,381.25.⁵

In forming a judgment as to the size or requirements of the prison to be erected, the board was forced to rely on the reports of the former officers having charge of the old jail at New Castle. On the basis of these it was decided that provision should be made for from two hundred to two hundred twenty-five prisoners.⁶

Proposals for the materials and construction of the workhouse, a power house, a tunnel connecting these two buildings and the equipping of the prison with steel cells were publicly advertised and bids received. On March 7, 1900, the trustees awarded the contract for the erection of the workhouse to A. S. Reed and Brothers Company for the sum of \$61,900.00. Additional contracts of \$4,651.00, for the construction of the power house and stack; of \$3,108.00, for the building of the tunnel; and of \$255.00 for the building of the entrance to the tunnel, also, were awarded. The contract for the construction of twenty steel cells in the women's department, for the sum of \$5,229.35, and for furnishing iron doors, window guards and other necessary iron work for the building for the sum of \$5,226.00, was entered into with The Pauly Jail Building Company.⁷

As work on the new county institution progressed, it became apparent to the board of trustees that the loan of \$100,000 authorized by the New Castle County Workhouse Act, would not be sufficient to meet all the expenses involved in its construction. They, therefore, later petitioned the legislature to pass a measure providing for the borrowing of more money.

⁵ "Reports of the Board of Trustees of New Castle County Workhouse," *Treasurer's Report* for December 30, 1899, p. 15.

⁶ *Reports of the New Castle County Workhouse for the Fiscal Years of 1899, 1900, 1901, 1902*, Preface.

⁷ "Reports of the New Castle County Workhouse for the Fiscal Years of 1899, 1900, 1901, 1902," *Second Annual Report*, pp. 16, 17.

On November 22, 1900, the Grand Jury of New Castle County visited the new workhouse and reported the following:⁸

"The Board of Trustees, under whose direction the buildings are being erected, were present and accompanied the jury in their tour of inspection. The various details and arrangements were pointed out and explained, and the judgment of the members was, that the buildings were splendidly adapted for the purpose and would fully meet the expectations of the people, who have repeatedly expressed the desire that a proper institution should be provided for the care and custody of the county prisoners. This institution will not only provide for the detention of criminals, but is making arrangements whereby prisoners will be obliged to work. We, therefore, recommend that a stone breaker be erected on the premises and the crushed stone be used to improve the public roads of the county. After an examination of the building and premises, we approve of the request of the trustees for an additional appropriation for the completion of the buildings and furnishing the same."

The legislature, during its 1901 session, acted favorably on the petition of the board of trustees for additional funds and on March 2nd, passed an act authorizing the borrowing of \$75,000.00 for the completion of the workhouse, and the additional amount was received by the board of trustees on July 9, 1901.⁹

On March 1, 1901, a contract was made with The Pauly Jail Building Company for the erection of one hundred sixty steel cells in the west wing of the workhouse for \$34,671.00, and twenty steel cells in the east wing for \$4,832.83. This work was completed by October, 1901.¹⁰

A. S. Meserve was appointed warden of the workhouse on March 19, 1901, and reported for duty on June 1, 1901. Later in June, his family moved into the warden's apartment at the workhouse.

4. *Rules and Regulations Governing the Workhouse*

Rules and regulations for governing the New Castle County

⁸ *Senate Journal*, 1901, pp. 386, 387.

⁹ *Ibid.*, *Third Annual Report*, 1901, pp. 21-23.

¹⁰ *Ibid.*

Workhouse were adopted by the board of trustees on June 8, 1901. The most important of these are shown below.¹¹

GENERAL RULES

1. No person will be appointed as an officer unless in possession of a good moral character and temperate habits, a fair education, and should be of satisfactory height and physical development. He must pass a satisfactory physical examination before the Workhouse physician.

2. Officers shall supply themselves with uniforms at their own expense, such as shall be prescribed by the Board of Trustees, which they shall constantly wear while on duty; and shall observe the utmost cleanliness in dress, person and habits.

3. They will be expected to bear constantly in mind the nature of the institution into the service of which they enter, the peculiarity of the duties they will have to perform, and the moral obligation they are understood to assume with reference to their own personal conduct from the time they are engaged.

4. They must understand that the Workhouse is not only designed as a place for the punishment of persons who have offended against the laws, but also as an institution which intends their reformation. Officers therefore will not only feel it their duty to see that the rules of the Workhouse are observed by the prisoners placed under them, but will also understand that they must conduct themselves when off duty, as well as when on duty, in such a way as to inspire sentiments of respect for their moral principles and character.

5. And the warden will take all necessary steps to make himself acquainted with the conduct and general habits of every servant and officer of the prison, as it will be his duty to retain no man in the service whose conduct is improper.

6. They are prohibited from using profane, indecent, abusive or insulting language toward prisoners, or in their presence, and are required to refrain at all times from the use of such language in or about the institution.

7. They shall give their orders to the prisoners with distinctness and notice and report in writing all cases of violation of the discipline and rules of the Workhouse.

8. Should a prisoner refuse or hesitate to obey the commands of an officer, he must be apprised of the consequences of his disobedience; if he still persists, the officer shall immediately send the disobedient prisoner to the

¹¹ *Reports of the New Castle County Workhouse for the Fiscal Years of 1899, 1900, 1901, 1902*, pp. 53-72.

Center, or send for the Deputy, and shall make a written report of the case and send the same to Center, where it shall be fully entered in the record with full account of the action taken in the case.

9. They shall not strike a prisoner, except in self-defence; but should personal violence be offered or the security of the Workhouse endangered, each officer shall use all lawful means to defend himself and the other officers, and to secure the prisoners so opposing or offering resistance.

10. They shall be punctual in their attendance at the Workhouse, and prompt in the performance of every duty devolving upon or that may be required of them. Failure to be punctual in attendance will be considered sufficient cause of dismissal.

11. They shall not buy from or sell to any convict, any article or thing whatever, or receive any fee, gratuity, emolument or present from any prisoner or his friends; nor extend to them any favors of diet, clothing, or of any other nature not common to all. Neither shall they deliver to any convict, any book, paper or other article not allowed by the rules of the workhouse.

12. They are strictly prohibited from taking newspapers, books, or other reading matter into the Workhouse and from leaving any citizens' clothing inside the cell houses, power houses or any other places than those designated by the Workhouse authorities for such purpose. They are absolutely prohibited from talking with the prisoners, except as the nature of their duties may require, and all familiarity between employees and prisoners is positively forbidden. Officers and employees are not allowed to receive any gift of money, merchandise or any other thing from persons furnishing supplies to the Workhouse, or from their agent, under penalty of immediate dismissal.

13. Upon entering the Workhouse they are strictly enjoined to refrain from repeating any occurrences which may have transpired without the walls, and to leave behind, when retiring from duty, all matters pertaining to the Workhouse. They shall not discuss matters relating to the discipline or management of the institution. They are prohibited from furnishing for publication or for private use, any characteristic, history, records or peculiarities of prisoners, nor shall they permit interviews with prisoners, for such purposes, except by request of Court or Police authorities and consent of the Warden. Loud talking in any of the halls, shops, rooms or corridors of the Workhouse is absolutely prohibited.

14. They shall attend at the Workhouse during the hours designated by the Warden, and not absent themselves therefrom, on any pretext or excuse, during such hours, except by his permission. They will be required to report to the Warden twice each day (morning and evening), that their time may be correctly kept, and to be promptly at their respective posts and places of

duty at the appointed hour. Should an officer be taken sick, he must immediately send information thereof to the Warden, so that another may be temporarily assigned to his place.

15. Intemperance will not be tolerated among the officers and employees, neither will they be allowed to keep or use intoxicating drinks in or about the institution. Frequenting saloons or disreputable places will be considered sufficient cause for their dismissal.

16. They will refrain from visiting the shops, yard or halls while off duty, and from receiving visits while on duty. Nor will they be permitted to exchange duties with each other, or procure a substitute to discharge their duties, without first obtaining permission of the Warden.

17. Any officer who shall sleep at his post, or while in the discharge of any duty, or shall neglect the same, shall be subject to dismissal.

18. The Board of Trustees allow each officer, after six months' continuous service, a furlough of ten days in each calendar year without loss of pay; therefore greater absence from duty for any cause whatever, will be charged against them, the only exception being in the case of sickness, when, on producing a certificate from a physician, they shall be allowed pay for not more than five days each year for absence from duty on that account.

19. Officers must not smoke while on duty.

20. Singing or whistling will not be permitted within the walls of the Workhouse.

21. When an officer or employee is to leave the institution temporarily, they shall give notice thereof at the office.

22. No officer shall take the statement of one prisoner against another, on which to make a report for punishment, respecting the prisoner complained of, but shall report the facts nevertheless to the Warden or Deputy.

23. Officers shall not show visitors through the Workhouse, nor visit any department of the institution other than that wherein they are employed without permission of the Warden.

24. No officer is allowed to point out a particular prisoner to any visitor.

25. Any officer making a false and malicious charge against another, shall be suspended, and subject to such penalty as the Board, in its discretion, may impose.

26. Any employee desiring to leave the service of the prison will be required to give thirty days' notice of his intention to do so, otherwise all pay due will be forfeited. While the Workhouse authorities are willing to give the same notice, when consistent with the interests of the institution,

yet they reserve the right to dismiss at any time without notice, by paying in full for all services rendered.

27. The Warden shall permit the wives of the prisoners to visit them twice each month, other relatives and friends once in each month. Visits to be limited according to law and existing regulations. The maximum time at each visit to be fifteen minutes.

28. Any officer who shall have cause of complaint against the Warden shall report the same to the Trustees by written communication through the Warden, which shall be immediately forwarded to the Trustees. It shall be the duty of each officer and employee at the Workhouse to give to the Trustees any information that he has in regard to any subject under investigation by the Board.

29. Officers shall report to the Warden any person who misbehaves or converses improperly with the prisoners or shall be guilty of any violation of the rules of the Workhouse.

30. If a prisoner makes complaint to any officer of any order given him or of any action towards him by which he considers himself aggrieved, it shall be the duty of the officer to inform the Warden thereof at the earliest moment convenient thereafter, and the Warden will act in the matter as he may think reason and justice may require; but the officer shall in the meantime see that the prisoner obeys the order given him.

31. Whenever business may require a communication to be made by one officer to another, such communication must be brief, in a low tone of voice, and apart from the convicts, so as not to be heard by them, it being hereby enjoined as an indispensable duty, that no conversation shall be held by any of the officers in the presence or within the hearing of said convicts.

32. All money or articles of value found in the possession of any convict shall be taken from him and held. The property and clothing of the convicts, on their arrival at the Workhouse, shall be taken from them, and, if worth preserving, shall be securely kept, and restored to them upon their discharge.

33. Uniforms must not be worn off the grounds.

34. No male officer shall go to the women's department unless called.

35. If any officer's duties permit him to sit it must always be upright with feet upon the floor.

DUTIES OF THE WARDEN

1. The Warden shall see that the rules for the enforcement of order and discipline are strictly observed, and in case of emergency, he shall report to the Board of Trustees.

2. It shall be his duty, upon the admission of convicts, to have them

searched for any improper articles upon their person; cause their height, name, age, complexion, eyes, hair, place of birth and conviction, nature of crime, and term of confinement to be noted, and also to inquire into his or her former life, trade and occupation, and learn the leading causes of their present conviction, which shall be faithfully recorded in a book to be kept by the Clerk.

3. He shall read or have read to the convicts on their admission, the laws relating to escapes and rebellious or disorderly conduct, and make them understand that obedience is required, and will be enforced.

4. He shall take proper measures for the health and cleanliness of the Workhouse, and see that the convicts pay proper attention to their persons.

5. He shall employ his time in the Workhouse, and when not necessarily engaged in superintending the general affairs of the prison and overlooking the other officers in the discharge of their duties, it is made his duty to remain during working hours, in the Warden's office, so that he may be conveniently accessible to those having business with him, and readily found in case of emergency.

6. He is expected to make himself acquainted with the different kinds of business carried on, so as to form a proper estimate of the faithfulness with which the work may be done.

7. He shall, before retiring at night, pass through the Workhouse and satisfy himself that all is safe, and that the guard for the night is set and properly discharging their duty.

8. He shall designate the employment of the prisoners, reference being had to their age, sex and health, and the profits of labor.

9. He shall inspect the moral conduct of the prisoners, and attend divine service whenever it may be held in the chapel of the Workhouse, or cause the Assistant Warden to attend such services in his stead, at which all the prisoners shall attend, unless prevented by sickness.

10. He shall be answerable for the police and discipline of the institution, and shall report monthly, or oftener, to the Board upon the conduct of the officers under his direction.

11. He must not permit any prisoners to be together at any time, without proper supervision by an officer.

12. He must keep his family entirely isolated from the Workhouse.

13. He must present a record of punishments and offences to the monthly meeting of the Board, and he must particularly observe that however proper and necessary it may be to enforce a desirable discipline, by a prompt and impartial application of punishment, that no abuse of his authority be indulged in.

14. In the absence of the Assistant Warden, it shall be the duty of the Warden to designate one of the deputies or some other officer to fill said Assistant Warden's place during said absence.

15. He shall see that convicts on their discharge have returned to them such clothing and other articles of use or value as they may have brought into the workhouse, which may not have been otherwise disposed of.

16. He shall make or change the bill of fare with consent of the Board.

17. The Warden shall investigate all reports of offenses committed by prisoners, and make disposition of the same. In these investigations the Warden shall be careful in endeavoring to arrive at the truth concerning each case; in awarding punishment he shall take into consideration the age, previous conduct, habits and disposition of the offender so far as he may be able to ascertain the same, and in the administration of punishment he shall take special care to deprive it of all appearance of personal vindictiveness, even under great provocation, at the same time making it sufficiently severe, without cruelty, to secure the end desired. The Warden shall make monthly reports to the Board, giving a full statement of the affairs of the Workhouse.

DUTIES OF PRISONERS

1. They shall labor faithfully and diligently, to obey all orders promptly and to observe unbroken silence.

2. They are not to exchange a word with each other under any pretense, nor in writing. They are not to exchange looks, winks, laugh at each other or make use of any signs except such as are necessary to convey their wants to their guards or other officers.

3. They must approach their guards in a respectful manner and be brief in their communications. They are not to speak to them on ordinary topics nor address them except when it becomes necessary in relation to the work or their necessary wants.

4. They shall not, at any time, under any pretense, without leave, speak to any person who does not belong to the institution, nor receive from them anything. They are not to leave the place where they are put to work, nor the work they are set to do, without special permission or order of the proper officers. They are not to suffer their attention to be taken from their work to look at visitors, nor are they to gaze or look at them when unemployed.

5. No prisoner shall wilfully injure his work, tools, wearing apparel, bedding or any other thing belonging to or about the Workhouse; nor will any prisoner be suffered to mark, injure or in any way deface his cell or any part of the building, nor is he to execute his work badly when he has the ability to do it well.

6. No prisoner shall receive or transmit any letter or paper except under the inspection of the warden.

7. At the ringing of the gong every prisoner must go to bed immediately (but they may go to bed previously, if they choose), and a profound silence must be obtained from that time till the sound of the gong in the morning, at which time every prisoner must immediately dress himself and prepare to march out.

8. They shall always march in prescribed step and in such order as may be designated by the officer in charge. While in their cells and while marching, and at all other times, all unnecessary noise must be avoided.

9. No prisoner will be allowed to sleep with his day clothes on.

10. If a prisoner becomes sick, or from any cause feels unable to work, he shall report himself to the officer under whose charge he may be.

11. For all wilful violations of the above rules punishment will certainly be inflicted.

12. If a prisoner desires to make any complaint to or have an audience with the Board of Trustees or Warden, the guard shall receive his application and report it in writing at once to the Warden's office, keeping on file corresponding stub of the blank book furnished for that purpose, a copy of such report.

5. Description of the New Workhouse

The new workhouse was ready to receive the prisoners by the beginning of November, 1901. Constructed of red brick, and with some white stone trimmings to relieve their monotony, the buildings formed a commonplace architectural group.¹² The main entrance, the warden's quarters and the offices were located in a short extension at the front of the workhouse building. To the front and side of the main building, and on lower ground, was located the power and heating plant, connected with the former by a long tunnel.

At the end of the hallway leading from the front entrance was a central guard room. To the east and west of the guard room extended two cell blocks, each of which had two stories. One hundred eighty cells were provided for men; and twenty for

¹² "Reports of the New Castle County Workhouse for the Fiscal Years of 1899, 1900, 1901, 1902," *Third Annual Report*, pp. 21-24; *Board of Trade Journal*, Wilmington, Delaware, November, 1901, p. 15.

women prisoners. The cells were five feet by seven feet and eight feet high, and each one was equipped with an iron wash bowl, a flush toilet and electric light. Twenty of the two hundred cells contained two beds each, while the others had one bed apiece. The cells were of the inside type, being separated from the windows by a corridor. Each floor had two tiers of cells, each tier having two rows of cells, arranged back to back, and separated by a service corridor that contained the wiring and plumbing fixtures. Before each row of cells was an exercise cage, running the length of the row, in which prisoners could walk up and down.

A contract had been entered into with Oppenheim and Company of New York in order to use the labor of about one hundred convicts in the manufacture of men's and boys' pants on the "piece price plan." According to this plan, Oppenheim and Company provided the machinery and material, and the board of trustees furnished and supervised the men. The workhouse administration was paid by the piece for the product. The second story of the east wing of the workhouse was fitted up for the workshop where the prisoners were to be employed in accordance with the contract that went into effect on December 1, 1901.

The quarry located near the outer end of the tunnel was enclosed with a barbed wire fence in order to minimize the labor of the guards. It was planned to assign the short-term prisoners, and others especially qualified for the work, to the quarrying of stone and the making of macadam. The women prisoners, whose quarters were in the south wing, entirely distinct and remote from the men's quarters, were to be employed at keeping the clothing and bedding of the prisoners in order, and in helping with the laundry work.

A dining room was fitted up on the main floor of the east wing with a capacity of two hundred. This was to be used exclusively for male prisoners. Although there was thus to be put into practice the congregate system in feeding, as well as in working, the cellular system was to be used for the confinement of prisoners at other times. Each prisoner was to be kept isolated, one in a cell, when not at work. Furthermore, not only was there to be

no indiscriminate visiting from relatives and friends, but, also, as the rules above quoted stipulate, prisoners were not to communicate with one another either by word of mouth or in writing. They were not even to exchange looks or winks, nor laugh at each other, nor make any use of signs except such as were necessary to convey their wants to the guards or officers. Thus there were elements of the old Pennsylvania and Auburn systems introduced into the routine of the new workhouse, systems that had been found wanting in so many important respects. Although the rules of silence and isolation were not in effect during school and recreation periods, and some exceptions were made for the purposes of instruction in the workshops, nevertheless, at all other times up until 1920, when Warden Plummer took charge, these regulations were strictly enforced.

Delaware had retained both the whipping post and the pillory for the punishment of certain criminals. The new workhouse was, therefore, provided with these two devices for the infliction of corporal punishment on such offenders of New Castle County. The warden of the New Castle County Workhouse was charged with the responsibility of administering this punishment, either personally or through one of his officers.

6. The County's Prisoners Admitted to the Workhouse

By a resolution of the board of trustees, the workhouse was open to public inspection from November 6th to 13th, during which time more than six thousand people visited the buildings. The first prisoners were received on November 6th, when one was received from a magistrate and three from the municipal court of the City of Wilmington.

The *Morning News* of Wilmington, on November 7th, in commenting on the first prisoners admitted to the new workhouse, described their reception and declared:¹³

"Four prisoners are now at the workhouse. The first man committed was Walter Thomas, colored, who was sent to the workhouse by Justice of the Peace George H. Hollis to await trial on a charge of burglary, having been

¹³ *Morning News*, Wilmington, November 7, 1901, p. 3, col. 2.

unable to give bail. He is also the first prisoner to eat a meal at the workhouse, having arrived shortly before noon.

"In the afternoon, John Callahan, John Jennings, and Owen Harney were locked up in the new prison. They were committed there by Judge Churchman of City Court for ten days in default of fine.

"When Thomas arrived he was put through the routine to be followed hereafter. He was received by the Deputy Warden, Leonard Crawford, who recorded his name, his age and his history. He was then compelled to remove his clothing and to take a shower bath. After that he was given a prison suit and placed in cell number five on the third tier of the west wing of the prison. His clothes were fumigated and sterilized in the basement and after being dried and properly labeled, put away. They will be returned when he leaves."

Prisoners were received from only the municipal court of Wilmington and the county's magistrates until November 22nd, when eighty prisoners were transferred from the jail at New Castle, by order of the court of general sessions. On November 23rd, ten prisoners were transferred to the workhouse from the old county jail by order of the court of oyer and terminer; and nineteen, by order of the municipal court. Two days later, on November 25th, one prisoner was transferred from the jail by order of the court of general sessions; and two, by order of the municipal court, thus making a total of one hundred twelve prisoners transferred to the workhouse from the old jail at New Castle.¹⁴ The total population of the workhouse by November 30, 1901, had become one hundred seventy, one hundred sixty-three men and seven women.

When a prisoner was received at the workhouse he was taken through the western entrance and then into the basement. As the newspaper article, above quoted, explained, the prisoner there disrobed and bathed, and his clothing was taken from him, and

¹⁴ By November 26, 1901, only two inmates remained in the old county jail at New Castle. One of these, John Adams, who had been convicted of forgery, was too ill to be moved. The other, Stephen Morris, whose term expired on November 30, 1901, stayed behind to clean and scrub the empty prison. Thus the history of the old county jail, that had seen service for almost forty-three years, was brought to a close, and the Town of New Castle, the site of the county's jails since colonial times, saw pass from its environs another of the county's institutions. (*Morning News*, November 26, 1901, p. 1, col. 6.)

sterilized and labeled so that it could be returned to him upon his release. After donning the prison garb, he was asked a series of questions, regarding himself and his past, and then assigned to his cell. The questions asked covered the following information: the name of the prisoner, place of nativity, age, race, sex, color of hair, color of eyes, stature, weight, place of residence, occupation, grade of education, whether or not he had attended a Sunday school, whether or not he was temperate, marital status, number of previous convictions, where convicted, crime committed, date of admission to workhouse, length of sentence and date sentence began. These questions, as may be seen, were of a routine nature, and were of little value for the study of personality problems. Each prisoner had allotted to him a bed, a cotton slip cover, three sheets, two pillow slips, a suit of clothes, underwear and a whisk broom. The total cost of these articles was seven dollars and fifty-four cents.

The *Morning News* of Wilmington, on November 7, 1901, discussed the employment program, the classification of prisoners and the general routine that were to be introduced at the workhouse. The following excerpts from this article throw additional light on the situation at that institution during the early weeks of its history:¹⁵

"When everything is put in running order the prisoners will be fed at 6:30 A. M., 12 noon and 5:30 P. M. They will receive three full meals a day and work eight hours a day . . .

"The prisoners will be allowed one hour for recreation after supper, then, one group will attend school and one will go to the exercise yard. These groups will alternate in these activities each evening . . . It is hoped that one of the prisoners will become the teacher of the school. After the school and exercise sessions, the prisoners will be locked in their cells. Lights will be extinguished at 8:30 P. M. . . .

"Each day's bill of fare is made up from the following items in stock: meat, molasses, barley, coffee, hominy, lard, oatmeal, pepper, rice, rye, sugar, salt, tea, vinegar, beans, cabbage, herbs, onions, peas, potatoes, tomatoes, turnips and flour . . .

"The most hardened of the convicts will be confined on the first floor, lesser

¹⁵ *Morning News*, Wilmington, November 7, 1901, p. 3, col. 2.

criminals will have their cells on the second floor, and those awaiting trial will be kept on the third floor. For the present, young boys will be placed in the women's department. Tramps will be quartered in the east wing of the building . . .

"When the machinery arrives, men will be required to make ten dozen pairs of trousers a day. If they make more than this number they will be paid for the additional ones at the rate of 15c per dozen. It is estimated that they can make 25c a day in this way. Tramps and short-termers will be put to work in the quarry. The money that the prisoners earn will be kept for them or sent to their relatives, if they request this to be done . . ."

It can be seen from the foregoing article that definite plans had been formulated not only for the introduction of an employment program but also for a classification of prisoners. Unfortunately, the rapid increase in the size of the population at the workhouse and the frantic drive to make the institution "a paying proposition" soon caused such plans to be abandoned. As a matter of fact, down until the present time, any classification of workhouse prisoners, other than on the basis of sex, has remained a hope rather than an actuality. It is important to observe, also, that a number of years passed before an outdoor exercise yard was provided for the prisoners.

The board of trustees in their third annual report, felt called upon to justify some of these new departures from the county's old penal policies, and to envision other necessary innovations for the reform of its prisoners. The following quotation expressed the point of view of the board on these questions:¹⁶

"The radical changes that have so lately taken place in the case of prisoners in this County is not fully understood by the public, and may be open to criticism.

"The washing and cleaning up of every prisoner when he or she first comes in, and the providing of clean clothing, and the enforcement of cleanly habits at all times, no doubt, is approved by everyone that knows anything about sanitation, or considers the comfort of the officers and attendants on duty, and the welfare of the prisoners themselves.

"The confinement of prisoners one in a cell when not at work, or at meals,

¹⁶ "Reports of the New Castle County Workhouse for the Fiscal Years of 1899, 1900, 1901, 1902," *Third Annual Report*, pp. 22, 23.

and without intercourse with each other, is a great change, but not more so than the forbidding of indiscriminate visiting from friends, former companions and others who would convey all sorts of objectionable things to and fro; yet this rule is absolutely necessary for discipline and order, and made so by the Act establishing the Workhouse.

"The enforcement of labor is not a hardship, but a blessing to the convict. Work is beneficial. It has a disciplinary effect. It makes prisoners feel that they are doing something useful. By giving occupation to their hands and minds it keeps them, at least, measurably, free from evil thoughts and practices.

"Two wants have manifested themselves in which the interested public can help. One is the supplying of a library or reading matter for the prisoners. This should be supervised by some capable person. It should not be made the dump for yellow literature, or trash, nor should it be too profound. The other should be an outside organization to extend a helping hand to the prisoners when discharged. Then, indeed, does this seem to many to be a cold and uncharitable world. They soon come to the parting of the ways, and in their weakness may turn to their former manner of living."

7. Population and Prison Activities during the First Year

During the year 1902, the workhouse population varied from 214, the highest on August 7th, to 151, the lowest on November 1st.¹⁷ The population on November 30th was 174, only four more than were imprisoned at the institution on the same date the year before. Reference to the accompanying statistical tables 1, 2, and 3 shows that 1,135 prisoners were received during the year, while 1,130 were discharged during the same period. The daily cost of feeding each prisoner was only 8.4c. The fact that 31.6 per cent of those received during the year were committed for thirty days or less, indicates that the administration of the workhouse, even at the very beginning, was troubled with the presence of a great many short-term prisoners who materially interfered with the establishment of a broad, well-organized and permanent program for long-term convicts.

¹⁷ "Reports of the New Castle County Workhouse, Reports for the Fiscal Years, 1899, 1900, 1901, 1902," *Fourth Annual Report*, pp. 31-50.

TABLE 1

STATEMENT OF POPULATION

December 1, 1901 to November 30, 1902

Number in Workhouse December 1, 1901.....	169
Number received during year.....	1,135
Total, November 30, 1902.....	1,304
Number released during year.....	1,130
Number remaining November 30, 1902.....	174
Total.....	1,304
County prisoners.....	170
U. S. prisoners.....	4
Total.....	174

WHOLE NUMBER DISCHARGED DURING YEAR

December 1, 1901 to November 30, 1902

By expiration of sentence.....	927
By fine and cost paid or remitted.....	111
By order of the Court.....	59
By death.....	3
By escape.....	2
By bail bond.....	20
By pardon.....	3
By transfer to Insane Hospital.....	1
By transfer to Trenton, N. J. (U. S. prisoners).....	2
By order of the Attorney-General.....	2
Total.....	1,130

TABLE 2

NUMBER RECEIVED AND DISCHARGED EACH MONTH FROM DECEMBER 1,
1901 TO NOVEMBER 30, 1902

MONTH	RECEIVED		DISCHARGED		TOTALS	
	MALE	FEMALE	MALE	FEMALE	RE-CEIVED	DIS-CHARGED
December, 1901..	70	2	71	1	72	72
January, 1902...	81	1	57	2	82	59
February, 1902..	82	2	83	2	84	85
March, 1902....	109	4	115	4	113	119
April, 1902.....	84	3	80	2	87	82
May, 1902.....	100	5	120	4	105	124
June, 1902.....	94	4	91	2	98	93
July, 1902.....	101	1	77	3	102	80
August, 1902....	110	3	116	5	113	121
September, 1902.	98	2	121	3	100	124
October, 1902...	71	4	88	1	75	89
November, 1902.	102	2	80	2	104	82
	1,102	33	1,099	31	1,135	1,130

TABLE 3

COST RECORD FOR PERIOD ENDING NOVEMBER 30, 1902

Whole number received since opening of Workhouse.....	1,402	
Whole cost as taken from the sustenance record.....		\$7,674.64
Cost for prisoners.....	\$5,727.31	
Cost for officers.....	1,908.54	
Cost for hospital.....	38.79	
		<hr/>
		\$7,674.64
Cost as per invoices.....	\$7,354.40	
Cost farm products used.....	571.41	
		<hr/>
		\$7,925.81
Cost by sustenance record.....	\$7,674.64	
Inventory.....	251.17	
		<hr/>
		\$7,925.81
Amount of invoices.....	\$7,354.40	
Less inventory.....	251.17	
		<hr/>
Purchased goods used.....		\$7,103.23
Farm products used.....		571.41
		<hr/>
Cost of sustenance.....		\$7,674.64
Whole number of days, prisoners.....	68,328	
Whole number of days, officers.....	7,115	
Whole number of days, hospital.....	155	
Daily cost for prisoners.....	8.4 cents	
Daily cost for officers.....	26.7 cents	
Daily cost for hospital.....	25.2 cents	

An average of one hundred convicts were kept employed in the manufacture of men's and boys' pants on the "piece price plan," from which was realized \$5,873.82.¹⁸ Many of the short-term prisoners were employed on the farm, in the opening of the quarry, breaking of stone and the macadamizing of roads, and the grading and beautifying of the grounds. Other prisoners were employed in the bakery, laundry and kitchen, and in general cleaning work. The women prisoners were kept busy making and repairing the clothing of the convicts. In the performance of these duties eighty-nine per cent of the prisoners during the year were kept employed. The New Castle County Workhouse was thus the first penal institution in Delaware's history to introduce a successful prison labor system. The labor report shown below in table 4 indicates how this was accomplished:¹⁹

¹⁸ *Fourth Annual Report of the New Castle County Workhouse, 1902*, p. 31.

¹⁹ *Ibid.*, p. 42.

TABLE 4
LABOR REPORT
For the Year Ending November 30, 1902

Days' labor in shop	23,940	
Days' labor in quarry	4,236	
Days' labor grading	1,575	
Days' labor on roads	967	
Days' labor handling coal	264	
Days' labor on farm	810	
Days' labor in carpenter shop	540	
Days' labor in laundry	945	
Days' labor in kitchen and bakery	3,410	
Days' labor for runners	1,845	
Days' labor, women	2,137	
	<hr/>	40,669
Percentage of prisoners working	89 per cent	

Warden Meserve, in his annual report, spoke in praise of the practice of paying the prisoners something for their labors. In referring to this matter, he wrote:²⁰

"The system inaugurated upon opening, under which the inmates are paid a small pecuniary compensation for faithful labor, has had a brightening effect upon all, and the money so earned by them has, for the most part, so far as can be traced, been put to good use; some sending it to their families and others saving the entire amount earned to be used by them upon their release in tiding them over till work can be obtained. The knowledge that they are earning through their own labor a sum of money, small though it may be, has aroused in them a more general interest in their surroundings and a closer application to their work, all of which has had its effect in their general deportment."

However, it should be pointed out, that although the prisoners worked a total of 40,669 days, they received only \$261.12 during the year. It is true that for the first time in Delaware's history, prisoners received some compensation for their labors, and this in itself was a real achievement for those interested in penal reform, but the trifling amount so received made this a nominal rather than a real victory. It also illustrates the hard-driving methods that were being employed to make the workhouse a "paying proposition." This was typical of the period's

²⁰ *Fourth Annual Report, 1902, "Warden's Report,"* p. 35.

fatal mixture of business and penology. It represented a tragic incongruity and caused the failure of many institutions that had had auspicious beginnings as reformatory agencies. Efficiency of operation was, of course, necessary, but the preoccupation with profits frequently meant that the authorities lost sight of the interests of the prisoners, which should have been given primary consideration.

That all was not going well with the prison's employment program is also evidenced by the fact that on January 31, 1902, disorder occurred in the shop where one hundred men were employed, but this disturbance was vigorously suppressed and no further outbreaks took place during the remainder of the year.²¹

Another indication of the tendency to make the institution primarily a business, and secondarily an instrument of rehabilitation, is furnished by the following almost apologetic analysis of the financial record for the year, as shown by the accompanying statement of receipts and disbursements:²²

"Attached hereto you will find a detailed statement of all receipts and expenditures for the year ending December 10, 1902, with a balance on hand of \$1,410.29. At this time last year the balance on hand was \$14,693.61. Out of this amount was paid \$13,024.84 for contracts to finish buildings, and for appliances. There was also paid for furnishings \$712.12, leaving \$956.65 towards the payment of interest on bonds. During the year there has been received from the Levy Court and the United States Government for the keep of prisoners (at forty cents per diem), the sum of \$27,367.91 (and there is still due from the United States Government \$94.40). These amounts, with the revenues from all other sources, have been (by the most vigilant economy), sufficient to pay salaries, interest on bonds, maintenance and all running expenses, with a balance of \$453.64. This is thought to be quite a good showing, for this, the first year of work, and considering the high cost of provisions, coal, etc., especially when it is remembered that the horses, carts, farming utensils and the stock of clothing, bedding and other household goods that were found necessary after starting and which will not have to be furnished to as large an extent hereafter, were paid for out of this year's earnings."

²¹ *Fourth Annual Report, 1902, "Warden's Report,"* p. 35.

²² *Fourth Annual Report, 1902,* pp. 31, 32, 44.

STATEMENT OF RECEIPTS AND DISBURSEMENTS OF THE BOARD OF
TRUSTEES OF NEW CASTLE COUNTY WORKHOUSE
FOR THE YEAR ENDING DECEMBER 10, 1902

Receipts

Balance December 10, 1901.....	\$14,693.61
Received from Levy Court.....	27,230.71
Received from Oppenheim & Co.....	5,873.82
Received from United States.....	137.20
Received from farm produce sold.....	303.44
	<hr/> \$48,238.78

Disbursements

Paid for salaries.....	\$10,741.51
Paid for drugs.....	253.74
Paid for heat, light and power.....	3,036.36
Paid for farm.....	1,341.68
Paid for supplies.....	1,969.95
Paid for sustenance.....	7,354.40
Paid for workhouse.....	13,024.84
Paid for grounds.....	8.17
Paid for furnishings.....	712.12
Paid for interest on bonds.....	6,500.00
Paid for interest on dower lien.....	90.00
Paid for insurance.....	192.00
Paid for transportation.....	573.35
Paid for bonus.....	261.12
Paid for petty cash.....	143.73
Paid for quarry.....	284.49
Paid for office supplies.....	341.02
	<hr/> \$46,828.49

Balance in Bank December 10, 1902..... \$ 1,410.29

Notice that in this analysis not one word is said regarding the investments made, or those that might be made, in human values, in the reconstruction of the character of the prisoners, investments, that would have brought returns far in excess of those made in "horses, carts, farming utensils," etc. There is no desire here to make the board of trustees a target for bitter denunciation. They were products of their age and, undoubtedly, represented a group of social pioneers, whose humanity and vision far exceeded those of their fellowmen, many of whom

would have stigmatized the workhouse as a symbol of coddling and an instrument for the promotion of criminal activities. However, measured by the standards of social morality and modern penology, the foregoing quotation seems like an echo of medieval philosophy. Its implications are diametrically opposed to the principles of rehabilitation and prevention.

During the year, appeals for books and reading matter for the prisoners met with a hearty response and a small library was established under the care of some of the inmates. Furthermore, religious services were held every Sunday by pastors of the different churches in the county. The Reverend Mr. Campbell was formally appointed by Bishop Monaghan to act as Chaplain for the Catholics in the workhouse.²³

The health of the inmates during the first year was on the whole very good. With the exception of one case of facial erysipelas, and one of pneumonia, not a single instance of an infectious disease occurred within the institution. All the inmates of the institution were vaccinated, the prisoners being inoculated within a few days of their admission.²⁴

Three deaths occurred in the workhouse during 1902. One of these resulted after a prisoner had contracted pneumonia, which was shortly followed by Bright's disease. Another prisoner, apparently a healthy individual, died instantly from a ruptured aortic aneurism. The third death was a suicide.

Six cases were treated in the hospital, five men and one woman, as follows:²⁵

DIAGNOSIS	ADMITTED TO HOSPITAL	DISCHARGED	RESULT
Morphomania.....	December 27, 1901	February 18, 1902	Cured
Pneumonia and nephritis.....	January 21, 1901	May 14, 1902	Death
Rheumatism.....	February 9, 1901	March 31, 1902	Cured
Dental caries.....	March 6, 1901	March 29, 1902	Cured
Erysipelas.....	May 3, 1901	May 15, 1902	Cured
Acute gastro-enteritis and malaria.....	September 11, 1901	September 21, 1902	Cured

²³ *Fourth Annual Report, 1902*, "Warden's Report," p. 36.

²⁴ *Ibid.*, "Physician's Report," pp. 37-39.

²⁵ *Fourth Annual Report, 1902*, "Physician's Report," p. 37.

Dr. R. P. Stubbs, the workhouse physician, recommended that some provision be made for frequent outdoor exercise for all prisoners. He believed that if this were done, the general mental and physical condition of the prisoners would be greatly improved.

8. *The Workhouse Fire of November 29, 1902*

On the evening of the 29th of November, a fire, of unknown origin, broke out in the second story of the east wing that was being used as a workshop for the manufacture of clothing.²⁶ When the fire was first discovered, about 6:00 P. M., it was in the stock of finished clothing, in the vicinity of the electric pressing irons. It quickly spread and was not long in consuming the east wing, and then the roof of the center corridor and the roof and tank room over the south, or kitchen wing, being finally stopped in this building by the upper steel and concrete floors. The fire likewise destroyed the officers' dormitories that were located in the third story of the front or administration building. The west wing of the workhouse, containing one hundred sixty cells, was saved without having been damaged at all by the fire.

In describing the fire, the board of trustees reported:²⁷

"Requests for assistance were speedily sent to the Police and Fire Departments of the City, and they both responded promptly, and worked energetically. It was soon apparent to the officers, warden and guards that the greater part of the building was doomed, and the question of the safety and detention of the prisoners was paramount. The 17 that were in the east wing were moved immediately on the breaking out of the fire, to the west wing. The seven women were taken outside to the power house and about 7 o'clock all those in the west wing were moved through the tunnel to the stone enclosure at the west end. In this movement one prisoner escaped, but has since been captured and returned.

"At about eleven o'clock the prisoners were returned to their quarters in the west wing to find them just as when they left, with lights burning and water supply intact. The calamity, coming as it did, at the end of the

²⁶ *Fourth Annual Report, 1902*, pp. 32-34.

²⁷ "The New Castle County Workhouse Report for the Fiscal Years, 1899, 1900, 1901, 1902," *Fourth Annual Report*, pp. 33, 34; Preface, pp. 5, 6.

first year of the institution's labors, and at the beginning of the winter's inclement weather with the almost incessant rains that followed, and leaving almost no quarters for officers and guards, was appalling; but by the zeal and energy of the warden and officers, which seemed to be taken up too by the prisoners that were delegated to help, the work of clearing away the debris was carried on, and soon temporary roofs were placed on the center and north and south wings, and everyone took courage and was thankful that it was no worse.

"The Oppenheim Company immediately ordered new machinery for their work, and in one week's time the work of making pants was resumed in the guard's corridors on the first floor of the cell house, much to the relief of the convicts, who otherwise would have lain in idleness, and to the guards, too, who have to keep order.

"The work of adjusting insurance, making plans for rebuilding and repairing damages is now going on, and the management hope, in a comparatively short time, to have everything in good shape again.

"It is proper to state that the trustees and officers of the Workhouse are truly thankful (and all law and order abiding citizens in this community should be, too) to Chief Black and his officers and men, for their valiant work in helping the prison guards on that eventful night. By their help a wholesale jail delivery may have been prevented.

"The trustees also wish to thank the several city fire companies for their prompt response, and the assistance given.

"Since the fire, there has been additional work and watchfulness put upon the wardens and guards, and this will continue until the buildings are restored. The Board feels grateful to them for their devotion and loyalty to the institution, and for the sacrifices they are now making by being deprived of comfortable quarters . . .

"The fire that occurred at the Workhouse on the evening of November 29, 1902, was appalling, and, at first, very discouraging to the management, but it's now thought that the buildings can be restored and the industries reinstated in better form than before, and with an outlay not much exceeding the insurance, which has been received. This money consideration cannot atone for the disturbance of the business, or for the annoyance and discomfort of the officers and guards, or for the trouble and anxiety of the Trustees . . ."

After this disastrous fire, it was thought advisable to change the original construction of the workhouse somewhat, in order to insure, so far as possible, a more durable, safe and convenient

building.²⁸ To this end, steel trusses were used in the roof of the center corridor, and fire walls were run up through the roof to divide the several sections of the building. A new shop was constructed on the ground floor so as to make it as remote and distinct from the cell houses as possible. In the constructing of the cell houses, the floors were made of steel and concrete, and steel vestibules and stairways were provided for the use of future cells. By the new plan the second story of the east cell house was to be used as an eating room for the prisoners. This dining room was to be employed also as a chapel and night schoolroom. Provision was likewise made for a shop on the first floor, which was to house some light industry.

9. *The Lynching of George White*

On the morning of June 15, 1903, a crime of the most heinous and revolting nature was committed near Price's Corner on the outskirts of the City of Wilmington.²⁹ The victim of this crime, Helen S. Bishop, the eighteen-year-old daughter of the Reverend Mr. E. A. Bishop, superintendent of the Ferris Industrial School, was brutally assaulted and outraged about ten o'clock in the morning while within sight of her home. It was nearly 5 o'clock in the afternoon, however, before the young woman, with her clothing in shreds and covered with blood, and suffering from three deep gashes in her throat, was found crawling along the road, in an attempt to reach her home. When discovered she was on the road leading from Price's Corner to the Ferris Industrial School, and was about four hundred yards from that institution.

The *Morning News* of June 16, 1903, in describing the crime, declared:³⁰

"Miss Bishop, who is in her eighteenth year, left home early yesterday morning to come to this city [Wilmington] to make inquiries concerning her

²⁸ *Fifth Annual Report, 1903*, p. 4.

²⁹ Most of the facts for this account of the murder and the subsequent lynching have been drawn from the *Morning News* and the *Every Evening* of June, 1903.

³⁰ *Morning News*, Wilmington, June 16, 1903, p. 1.

high school examinations. She had been ill the greater part of last week and was unable to attend the sessions of her school . . .

"The road along which the assault upon Miss Bishop was made is lonely. Woodland skirts one side for a considerable distance and a tall hedge hides the other side of the highway from the fields adjoining. It is believed by many that the assailant of the young woman saw her alight from the trolley car at Price's Corner and followed her . . .

"That Miss Bishop put up a desperate struggle is indicated from her condition when found. Her dress was torn to shreds and her hands and arms a mass of scratches and clasped in one hand was a pocket knife which she had used in school for the purpose of sharpening pencils. The knife was closed and it is supposed that she had not time to open it . . .

"That the assailant wished to murder her seems certain from wounds in her throat, one of which had almost severed the jugular vein . . .

"It was about 4:30 when a Mr. Keene, a farmer whose place is near the scene of the assault, and who was working in a field nearby, chanced to look down the road and saw a woman stagger to her feet and fall forward. This was repeated several times. He thought her intoxicated and called attention of his son to the sight. The latter was about to investigate when George Leech and his daughter of Elsmere passed along the road and stopped by the young woman. She was several yards from where the assault evidently had been committed and was partly conscious when found, but soon lost consciousness.

"Mr. Leech gave the alarm and soon was joined by the Keenes. Reverend Bishop, the father of the girl, hastened to the scene. The girl was carried to her home and a doctor was summoned. Her condition is critical, although not hopeless . . ."

The police were immediately notified of the crime and began an investigation. One witness was found who stated that he had seen George White, a negro, following a young white woman down the road from Price's Corner. It was soon discovered that White had a bad reputation, having been released a short time before from the workhouse where he had served a term for assault on Daniel Quil, a well-known citizen of Hockessin. Previous to that he had served terms of imprisonment for attempted rape and house-breaking.

White lived in a small house on the Woodward farm not far from the New Castle County Workhouse. Three officers went to his house on the night of June 16th, and arrested him. In the

meantime, Miss Bishop, who had never regained consciousness, died, and a great surge of indignation swept over the people of the county.

As soon as daylight permitted on the morning following the attack, police made an examination of the place where Miss Bishop had been found.

The *Morning News* on June 17, 1903, described this investigation in these words:³¹

"The scene was one of the kind which stirs men's blood and makes them thirst for a vengeance speedier than law.

"The leaves of the bushes were splattered with blood which had turned black in the sunlight. On the ground was a pool where the young woman had lain until she had partly regained consciousness, while leading to the clump of bushes where the body had been found was the crushed grass which shows where the body had been dragged for the human fiend to accomplish his foul purpose. Beneath the hedge the bushes and hedge were crushed down which showed where the body had been pushed out of sight when the murderer and rapist had cut the throat of his victim and left her for dead. About the place were splotches of blood which showed where the victim, half conscious, had arisen, made an effort to move forward on hands and knees toward her home and then had fallen back again helpless."

Evidence was soon collected that definitely pointed to George White as the perpetrator of the crime. A bloody knife was found at the scene of the crime and through Mrs. Woodward, the wife of the man for whom White worked, identified as White's knife. Moreover, persons said that they had seen the negro walking behind the Bishop girl on the morning of the crime. Another negro, named Segars, saw him run to catch up with a woman he had been following down the road. Segars said that he had believed the woman to be a colored girl with whom White had been going. Several white women, also, claimed that they had seen White following Miss Bishop.

Feeling against the suspect ran high and there was talk of a "lynching party." Many influential citizens began to urge an immediate trial of White as a means of allaying the rising anger

³¹ *Morning News*, Wilmington, June 17, 1903, p. 1.

of the citizens of Wilmington. However, as there was to be no session of the court until September, an immediate trial required the calling of a special session of the court.

The *Morning News* on June 18th, editorially suggesting the advisability of such a session, stated:³²

"Public indignation was never more aroused in this city than at present and we believe the demand of the public for a swift trial is just."

The judges of the court, however, refused to call an extra session, claiming that it was inexpedient to do so. For this action they were widely criticized and condemned, the *Morning News* pointing out that, although it might be "inexpedient," it was an age of precedents, and that a special session was "justified."³³

The funeral of Miss Bishop was held on Thursday, June 18th, and on the following Sunday, ministers in the City of Wilmington devoted parts of their sermons to the horrible crime. Some of these, especially that of the Reverend Mr. Robert A. Elwood, pastor of Olivet Presbyterian Church, were highly inflammatory. The Reverend Mr. Elwood, in an open air service, delivered a sensational sermon on "Should the Murderer of Miss Bishop Be Lynched?"³⁴ During the sermon he scored the judges of the superior court for refusing to call an extra session of the court to try White. In making a fervent appeal to these judges to reverse their decision, he displayed a number of leaves plucked from the scene of the crime. These were spattered with the blood of Miss Bishop.

The Reverend Mr. Elwood, in answering the above quoted question of his subject, thought the murderer should be lynched only on the condition that, after the trial, George White should escape through some technicality or influence. While the Reverend Mr. Elwood was delivering his sermon he was frequently interrupted by applause.

During Sunday, indignation continued to increase and threats were made that an army of citizens would march to the work-

³² *Morning News*, Wilmington, June 18, 1903, p. 4, col. 1.

³³ *Ibid.*, June 19, 1903, p. 4, col. 1.

³⁴ *Morning News*, Wilmington, June 22, 1903, p. 1.

house and give White the punishment he deserved. These threats became so widespread and violent that for several hours on Sunday, officers of the workhouse stood guard in expectation of an attack from a mob that gathered outside that institution. It was believed that the lack of a leader and the arrival of two wagon-loads of police from Wilmington alone prevented the attack. The mob made angry threats and, after discharging guns into the air, dispersed.

Rumors of the assembling of new mobs for the lynching of White continued to circulate. Feeling rose to a frenzied pitch throughout Wilmington, and the *Morning News*, on June 22nd, hoping to calm the people, printed a letter from the Reverend Mr. Bishop, the father of the murdered girl, asking the public to refrain from any violence.³⁵

During the day of June 22nd, vague rumors passed through the city that a mob would storm the workhouse that night, but little credence was given to them. Nevertheless, as if to substantiate these rumors, groups began to converge on Price's Corner around eight o'clock in the evening. By ten o'clock the march on the workhouse began. When the mob arrived at the institution, it was met by Chief of Police Black, Captain Evans and a squad of officers who emerged and formed a solid line across the path leading to the main entrance. Leaders of the mob demanded the surrender of White, but this Warden Meserve refused to do. As the crowd, that by this time had increased to several thousand, appeared about to move forward again, Chief Black warned them to stand back, threatening to shoot the first man who advanced toward the prison. The crowd was undaunted, however, and surged forward driving back the police. It soon became clear that resistance to the infuriated mob would be useless.³⁶ Several hundred shots were fired, but only one person, a youthful bystander, was killed.

After hours of work, the doors were battered down, and the crowd pushed its way into the workhouse, where they soon found White and wrung from him a confession in which he admitted the rape and murder of Miss Bishop. This confession, as

³⁵ *Morning News*, Wilmington, June 22, 1903, p. 1.

³⁶ *Fifth Annual Report*, 1903, p. 6.

it appeared in the *Morning News* on the following day, was as follows:³⁷

"I was sent by Mr. Woodward down to the cornfield to thin some corn and I saw Mr. Woodward's daughter and intended to rape her, but a couple of men came along in a wagon and I didn't. Then I saw the Bishop girl and I followed her. I seized her and asked if she had any money she would give me to let her go. She gave me a half dollar and two five-cent pieces. Then I seized her and she cried, 'Please don't hurt me.' I choked her and accomplished my purpose. Then I asked her if she was going to tell on me, and she said she was. Then I gave her a hack in the throat with my knife and asked her again if she was going to tell on me. She said she was, and then I cut her throat twice again and left her. Then I went back to Mr. Woodward and told him there was no good water down there to drink and he sent me somewhere else. I went back once but soon left. Then I went back to the house and put on a light hat instead of the cap I wore. You would not do this to me if I was a white man and did this."

When George White had made his confession, a rope was put around his neck and he was dragged from the workhouse. Cries of "shoot him," "burn him," went up from the crowd when they saw their intended victim. White struggled violently, but was carried to the scene of his crime and there tied to a stake and burned to death.

The *Morning News* on the following day editorially condemned the lynching, terming it a disgrace to the state.³⁸ Ministers of the city, of all denominations, held a meeting, and adopted resolutions denouncing the lynching.³⁹

Despite these public expressions condemning the burning of White, no convictions were obtained, and the coroner's jury on June 24, 1903, rendered the verdict that White had died, "at the hands of persons unknown."⁴⁰

The board of trustees of the workhouse, in reporting the damage caused by the mob, stated:⁴¹

³⁷ *Morning News*, Wilmington, Delaware, June 23, 1903, p. 1.

³⁸ *Morning News*, Wilmington, Delaware, June 23, 1903, p. 4, col. 1.

³⁹ *Morning News*, Wilmington, Delaware, June 24, 1903, p. 1, col. 2.

⁴⁰ *Ibid.*, June 25, 1903, p. 1, cols. 6, 7.

⁴¹ *Fifth Annual Report*, 1903, p. 6.

"There was very little destruction of property except that necessary to get at the criminal, and no other prisoner was molested. The cost of making repairs of damage done by the mob was \$383.36, which was promptly paid by the Levy Court."

Thus was brought officially to a close one of the most tragic and shameful episodes in Delaware's history.

10. *The Increasing and Shifting Population Becomes a Problem*

During 1904, as shown by table 5, there were received into the workhouse 1,460 prisoners and 1,429 were discharged.⁴² This shifting population was caused by the commitment of a great number of short-term prisoners. As table 6 shows, more men were committed to the workhouse for the minor offense of being drunk and disorderly than for any other offense.⁴³ This shifting in the prison's population not only added greatly to the work of supervision, since each newcomer had to be cleaned, vaccinated, given new clothing and properly accounted for in the workhouse records, but also made it difficult to keep all the inmates productively employed.

TABLE 5
MOVEMENT OF POPULATION
For the Period December 1, 1903 to November 30, 1904

	RECEIVED	DISCHARGED
December, 1903.....	114	100
January, 1904.....	81	86
February.....	101	105
March.....	103	96
April.....	129	105
May.....	132	122
June.....	131	116
July.....	118	113
August.....	153	152
September.....	134	142
October.....	116	139
November.....	148	151
Total.....	1,460	1,429

⁴² *Sixth Annual Report, 1904*, p. 36.

⁴³ *Ibid.*, p. 41.

TABLE 6

OFFENCES COMMITTED BY PRISONERS RECEIVED FROM DECEMBER 1, 1903
TO NOVEMBER 30, 1904

Vagrancy.....	169
Drunk and disorder.....	748
Concealed weapons.....	22
Forgery.....	8
Non-support, etc.....	21
Rape.....	1
Manslaughter.....	1
Murder.....	12
Trespass.....	170
Assault and battery.....	102
Bigamy.....	1
Assault with intent.....	40
Breaking and entering.....	12
Violating City Ordinance.....	20
Highway robbery.....	10
Toying with females.....	7
Witness.....	8
Houses of ill fame.....	10
Larceny.....	98
Total.....	1,460

Moreover, in view of the steady increase in the size of this prison population (which had grown from the one hundred seventy-four in prison on November 30, 1902, to two hundred twenty-five by November 30, 1904) it was necessary to plan for an expansion of the workhouse accommodations and for the provision of an isolation ward for tubercular inmates. The latter seemed especially urgent since five prisoners died in their cells of pulmonary tuberculosis during 1904.⁴⁴

In order to meet these problems, the trustees considered various plans and, after consulting with the levy court, presented a bill to the legislature authorizing the levy court to issue bonds on the credit of the county to an amount not exceeding one hundred thousand dollars.⁴⁵ This money was to be used by the board of trustees in enlarging and extending the buildings and providing steel cells and appurtenances. The bill was passed, but, at first, only sixty-five thousand dollars of the bonds were sold. With this money the south wing, or women's wing, was

⁴⁴ *Sixth Annual Report, 1904*, "Physician's Report," pp. 42-45.

⁴⁵ *Seventh Annual Report, 1905*, pp. 4-6.

extended twenty-five feet. The expansion made possible the installation of ten more cells for the women's use, the enlargement of the laundry and officers' dining room, and the construction of two steel cells for male prisoners under treatment.

Attached to the south wing and running at right angles to it and toward the west, a new fireproof building, one hundred eighty feet long and forty-eight feet wide, was constructed. The basement was equipped as a kitchen and congregate eating room; and the main story, as a shop and shop storeroom. This made room in the east cell house for sixty additional steel cells. All these changes were completed early in January, 1906. Later in that year, forty additional cells were erected on the third and fourth floors of the east wing and were occupied in April.⁴⁶

Furthermore, the additional thirty-five thousand dollars, in bonds, of the one-hundred-thousand-dollar bond issue authorized by the legislature in 1905, were sold, and the money used for another expansion of the workhouse accommodations during 1906. The east wing was extended forty-eight feet and the number of cells in that part of the building was increased to one hundred sixty.⁴⁷ The total number of cells in the workhouse, in all departments, thus became three hundred seventy-two. These seemed adequate for the prisoners then confined in the institution, for during 1906 the number of inmates varied from three hundred thirty-five on March 14th to two hundred thirty-five on November 7th. The average population for the year was two hundred eighty-three and on December 1, 1906, two hundred sixty-nine prisoners were in the enlarged workhouse.

On the fourth floor of the east wing ten isolation cells were provided for tubercular inmates. Connected with this ward was a balcony, with southern exposure, on which the patients were required to take exercise in the open air. These improvements were soon reflected in the decreased tuberculosis rate, and became a "powerful means of preventing the spread of the disease and of helping those already infected."⁴⁸

While these changes were being made, other prison conditions,

⁴⁶ *Eighth Annual Report, 1906*, pp. 26, 27.

⁴⁷ *Ibid.*

⁴⁸ *Eighth Annual Report, 1906*, "Physician's Report," pp. 36-39.

also, were improving. The industries of the workhouse were expanded and by the end of 1906 the amount of work done in the shop had increased twenty-seven per cent; and that in the quarry, about eighteen per cent. The sum of \$2,153.79 was paid to the prisoners for their 44,300 days' labor in the shops.⁴⁹ A night school, begun in 1903, and made possible by the interest of the Society of Friends, was continued, although not as an important feature of the prison routine, and religious services were conducted each Sunday.

The report of a committee of the West Brandywine Grange concerning conditions at the workhouse is interesting in that it furnishes us with a valuable picture of the reactions of an outside organization to the new penal institution. The committee visited the workhouse on January 12, 1905, without notice. Although they had no criticism to offer they did recommend that a wall be built around an open space so that the prisoners might obtain outdoor exercise. The rest of their report read in part as follows:⁵⁰

"The men themselves, as far as looks go, were about as thrifty, well-nurtured and contented a lot as one would see in any factory. No one acted as if his work was a drudgery . . . The food was bountiful, well cooked, and well served. Each man had enough ham or shoulder, boiled cabbage, potatoes and bread to supply the demands of any man . . .

"Your committee has heard rumors that it is the intention of some party leaders to take the workhouse out of the hands of the trustees and put it under the sheriff. We oppose this strongly. The trustees have given the workhouse a uniform policy and this it would not have under a sheriff. Today a good man and tomorrow a rascal, is the sheriff. We have had the management of the jail by the sheriff in the past, and will fight bitterly a change in that direction."

Apparently, these prison conditions were highly gratifying to the warden, for on December 12, 1905, he reported:⁵¹

"The discipline is of the best. Many of the long term men are free to ex-

⁴⁹ *Ibid.*, "Warden's Report," pp. 34, 35.

⁵⁰ *Every Evening*, January 14, 1905, p. 2, col. 2.

⁵¹ *Seventh Annual Report, 1905*, "Warden's Report," pp. 18, 19.

press themselves as pleased with the firm and fair discipline maintained in the prison. The most severe punishment resorted to is standing to the bars and no man stands there more than four hours in one day. Of the sixty-seven men (serving six months or more) discharged during the last year only three have failed to make 'good time' and every man punished loses 'good time.' The dietary is improved by a greater variety of food."

11. *Legislation Affecting the Workhouse*

During the 1905 session of the legislature several acts were passed which affected the New Castle County Workhouse. From time to time those favoring penal reform in Delaware had tried to eliminate corporal punishment from the state's statutes. Finally, on March 10, 1905, the legislature responded to the increased pressure of public opinion and abolished the pillory.⁵² The whipping post, however, was retained, much to the dismay of many liberal-minded citizens. The passing of the pillory was pleasant news to Warden Meserve, and in his annual report he said: "I am glad to report the passing of the pillory by an act of the last legislature."⁵³

Another act, approved on April 3rd, gave Kent and Sussex access to the workhouse.⁵⁴ This law not only provided that all prisoners with unexpired terms of six months or more were to be transferred in April, 1907, from the jails of those counties to the workhouse, but also declared that during April, 1907, and thereafter, their courts might, in their discretion, send all prisoners to the latter institution. The levy courts of Kent and Sussex were required by this law to pay for the support of their prisoners confined in the workhouse at the rate of forty cents per day per person until the workhouse loan was liquidated, and, thereafter, such an amount as would equal the actual cost of maintaining such prisoners.

The New Castle County Workhouse, thus, in effect, became a state prison for long-term convicts, for the courts "down state" established the practice of committing all such prisoners to the

⁵² *Laws of Delaware*, Volume 23, p. 458.

⁵³ *Seventh Annual Report, 1905*, "Warden's Report," p. 18.

⁵⁴ *Laws of Delaware*, Volume 23, pp. 219, 220.

penal institution of the northern county.⁵⁵ It is important to observe, however, that although Delaware in this way appeared to acquire a state prison system, the arrangement at best was only a makeshift. Not only did its existence depend entirely on the discretion of the courts of Kent and Sussex Counties, but also the workhouse was never properly prepared to assume this additional responsibility. From the very beginning the institution was a combination lockup, jail and county prison, and now it became in practice a state prison. The multiplicity of duties involved in the performance of all these functions placed an insurmountable barrier before the administrators of the workhouse, and sowed the seeds for future penal problems of such magnitude that Delaware eventually recommitted herself to a county prison system.

12. The Resignation of Warden Meserve

The problems caused by the commitment of a great number of short-term prisoners to the workhouse continued to grow.⁵⁶ During the year 1907, there were 1,860 prisoners sentenced to the workhouse, and 1,862 discharged. This shifting population was much greater than that taken care of in many of the large state prisons. It added greatly to the work of the officers as each new short termer had to have the same attention when admitted as a long termer. In November alone, thirty-nine men were committed for five days each. During the year seven hundred eighty-seven men were committed for ten days each.

In April, 1907, in accordance with the law of April 3, 1905, all the long-term prisoners from Kent and Sussex Counties were transferred to the workhouse. By December 1, 1907, there were twenty-two prisoners in the institution from Sussex, thirty-four from Kent and two hundred eleven from New Castle County, or a total of two hundred sixty-seven.

It became increasingly apparent that if the health of the prisoners were to be protected, an enclosure of some sort would have to be provided where the prisoners could get exercise in the

⁵⁵ It became customary to commit prisoners with sentences of six months or more to the workhouse.

⁵⁶ *Ninth Annual Report, 1907*, pp. 4-6.

fresh air and sunshine. Dr. S. C. Rumford, the workhouse physician, was cognizant of this need. It is perhaps significant as expressive of the philosophy of the period that Dr. Rumford made his appeal for the exercise enclosure by pointing out that the ailing prisoners might be able to return to their work in the shop sooner if they had the use of such an exercise yard.⁵⁷

On July 17, 1907, Warden A. S. Meserve presented his resignation and that of Mrs. Meserve, who was matron of the workhouse.⁵⁸ The resignations were to go into effect between August 1 and 8, 1907. As three guards had been discharged a short time before the submission of these resignations, rumors of friction and discord in the administration of the workhouse began to circulate. In order to quiet these rumors, Warden Meserve gave a statement to the newspapers in which he discussed the situation at the workhouse and outlined the reasons for his resignation.⁵⁹ In referring to the dismissal of the three guards, Meserve said that for some time there had been a personal grudge held against him by two of the guards. He explained that the trouble had really started before the last political primaries when a movement was initiated to remove the trustees of the workhouse, and that the two guards had taken an active part in this movement. The other guard, the warden declared, had been released simply because he had become too old for the service.

Warden Meserve in his statement insisted that this trouble had had nothing to do with his resignation, and that he had been thinking of resigning for some time. He said that he had been in perfect accord with all the trustees, and that as far as he knew his administration had been perfectly satisfactory to the trustees. He praised the conditions at the workhouse and declared that there was an excellent class of guards at the institution at that time. Warden Meserve asserted that he was leaving to take a position with the Pauly Jail Building Company, and that he had had the offer of the position for more than a year. In his letter of resignation Meserve had said that he was fifty years old and did not feel equal to looking after the growing insti-

⁵⁷ *Ninth Annual Report, 1907*, "Physician's Report," pp. 14, 15.

⁵⁸ *Ibid.*

⁵⁹ *Every Evening*, Wilmington, August 20, 1907, p. 2, col. 1.

tution. The warden likewise pointed out that another reason for his resignation was that he was opposed to the whipping post. In explaining his position on this question, he said:⁶⁰

"I have made a very careful and unbiased study of the effect of the whipping post on men of the criminal class and have come to the conclusion, beyond a doubt, that it is all bad. I cannot recall a single case in which it was not bad. It brings out in a man all that is revengeful and hurtful and he arrays himself against law, order and society."

The *Every Evening*, in commenting editorially on this statement of Warden Meserve regarding the "post," emphatically asserted:⁶¹

"The whipping post . . . is retained in Delaware's penal code and without apology. As we have before remarked, it has proved itself a deterrent to crime and a protection to the community."

The board of trustees corroborated the Warden's statement regarding his resignation in their annual report and declared:⁶²

"Action on the resignations of Mr. and Mrs. Meserve were deferred until August 16th, in the hope that the said resignations might be withdrawn. At a meeting of the Board on August 16th, 1907, Meserve urged that the resignations be accepted at once, and on motion the same were accepted to take effect August 20th, 1907. Mr. and Mrs. Meserve had been connected with the Institution as Warden and Matron since the time of the reception of the prisoners from the County Jail at New Castle, and have rendered the Institution very valuable services. It was with regrets that the very friendly feelings existing between the Board and Warden and Matron were severed."

In the same year Leonard Crawford, who had served as deputy-warden since the opening of the workhouse in 1901, was appointed warden, and Mrs. Crawford became the new matron.

⁶⁰ *Every Evening*, Wilmington, August 19, 1907, p. 1.

⁶¹ *Ibid.*, August 22, 1907, p. 2.

⁶² *Ninth Annual Report*, 1907, p. 5.

13. *The Cellular System Breaks Down*

As the population of the workhouse steadily increased, the problem of providing a separate cell for each prisoner, in accordance with the cellular system, began to prove troublesome.⁶³ On December 14, 1909, the workhouse had three hundred ten cells for male prisoners, but at times during that year three hundred seventy-five male prisoners had been confined in the institution. This compelled the workhouse administration to place two men in a great many cells, which was not consistent with the original plan of keeping each prisoner isolated in a cell during the night. As a matter of fact, the largest number of male and female inmates in custody during 1909 was 391, and the average daily total for the year was 360. This steady increase in numbers was aggravated by the constant shifting in population. The extent of this shifting is shown by the fact that during 1909, the workhouse received 2,032 prisoners and discharged 2,036.

The growth and shifting of the prison population increased the problems of employment and health. However, the warden was able to keep a daily average of three hundred five inmates employed during the year. That this was done only after the exercise of much effort and ingenuity is evidenced by the fact that at times one hundred prisoners were confined in the workhouse while awaiting trial.⁶⁴

The Grand Jury of New Castle County for 1909 was much impressed with what seemed to be the unnecessary expenditure of the public money in the detention of this large number of persons awaiting trial. In their report they suggested that the court of general sessions be held more often to reduce the length of time such persons, who might be innocent, had to be detained at the workhouse. In this way they hoped the expenditures in question might be lessened.⁶⁵

The extent to which prison labor was being used to make the workhouse a successful enterprise is indicated by the total

⁶³ *Eleventh Annual Report, 1909*, pp. 4, 5.

⁶⁴ *Eleventh Annual Report, 1909*, "Warden's Report," p. 12.

⁶⁵ *Senate Journal, 1910*, p. 203.

receipts from such labor. During 1909 these receipts amounted to \$22,309.32 for 96,424 days of prison labor in the different prison activities, as shown in table 7.⁶⁶ However, only \$2,000.01 of this amount was placed to the credit of the inmates.

From the receipts of prison labor, the workhouse administration by December 13, 1910, had been able to pay all bills and reduce the bonded indebtedness of the institution to one hundred ninety-two thousand dollars.⁶⁷ It will be recalled that a total of two hundred seventy-five thousand dollars in bonds had been issued. The first issue of bonds in 1899 had been for one hundred thousand dollars; the second issue in 1901, for seventy-five thousand dollars; the third issue in 1905, for one hundred thousand dollars. The board of trustees were quite optimistic (unduly so as future events showed) regarding the complete payment of all indebtedness. They saw no reason why the total loan could not be repaid within a few years.

TABLE 7

LABOR REPORT

For Period December 1, 1908 to November 30, 1909

Number of days' labor in shop No. 1.....	20,084
Number of days' labor in shop No. 2.....	45,881
Number of days' labor in kitchen.....	5,627
Number of days' labor by runners.....	2,035
Number of days' labor in quarry.....	10,825
Number of days' labor in bakery.....	730
Number of days' labor on farm.....	2,217
Number of days' labor in paint shop.....	209
Number of days' labor in power house.....	730
Number of days' labor in shoemaker shop.....	287
Number of days' labor in laundry.....	678
Number of days' labor in carpenter shop.....	78
Number of days' labor in store room.....	939
Number of days' labor in women's department.....	6,104
Total.....	96,424

In the judgment of Dr. Rumford, the great shifting of the prison population was endangering the health of all the inmates, and warning against it in his 1909 report, he wrote:⁶⁸

⁶⁶ *Eleventh Annual Report, 1909*, p. 18.

⁶⁷ *Twelfth Annual Report, 1910*, p. 21.

⁶⁸ *Eleventh Annual Report, 1909*, "Physician's Report," pp. 13-15.

"In thinking over the year's work I notice particularly the way our sick list is increased by the short-term prisoners, especially those from the city court, and railroad trespassers. A large percentage of these men are only able to work a small part of their time owing to the condition in which they reach us. Many are so upset by alcohol that work is out of the question for several days, while others, either because of exposure or injuries received on freight trains, are unfit for hard labor. There is danger from this class of prisoners, which so far we have fortunately escaped, and that is the bringing with them of some serious contagion. Living as they do in the worst lodging houses and mixing with people who come from the same sort of places in cities all over the country, they are much more exposed to contagious diseases than the other prisoners who usually have a regular home of some sort. We guard against a possible smallpox epidemic by vaccinating the prisoners when sentenced, as is my custom, but one of the other serious contagious diseases would cause us much trouble."

Although the workhouse regularly transferred insane prisoners to the state hospital at Farnhurst,⁶⁹ one of the most serious problems those in charge of the institution had to contend with was the care of such prisoners.⁷⁰ The killing of one of the guards by such an inmate in 1910 caused the board of trustees to comment on this problem as follows:⁷¹

"Many who commit crimes are of unsound minds, and are tried, convicted and sent to prison, often for long terms. Prison confinement on such people is bound to result in some of them becoming hopelessly insane. People with diseased minds sometimes become suddenly violent and commit horrible crimes. Such an occurrence took place here on March 23, 1910, when two of our guards were wounded, one fatally, Mr. Thomas C. McCullough. Mr. McCullough had been employed here for a number of years, and was one of our best officers. By his amiable disposition and good judgment at all times he proved to be a valuable man in all departments. The Board of Trustees deeply regret the loss of Mr. McCullough."

The health and employment of the inmates of the workhouse soon began to be subjects for discussion among groups of citi-

⁶⁹ *Eleventh Annual Report, 1909*, "Physician's Report," p. 13.

⁷⁰ *Twelfth Annual Report, 1910*, p. 22.

⁷¹ *Ibid.*

⁷² *Thirteenth Annual Report, 1911*, pp. 4, 5.

zens in the state.⁷² Some of these groups severely criticized the workhouse and alleged that it was kept in a very unsanitary condition. In order to combat this agitation, the board of trustees asked six of the leading physicians of Wilmington to make a thorough inspection of the buildings. Their report was favorable and seemed for the time to reduce criticism regarding the prison's sanitary conditions.

For a number of years the board of trustees had planned to build an exercise yard so that long-term prisoners, who worked during the day in the shops, might be given the benefit of exercise in the open air without danger of escapes.⁷³ The New Castle County Grand Jury in 1910, had reported that "there appeared to be need of an enclosure where long-termers, who rarely were able to enjoy sunshine and fresh air, might exercise."⁷⁴ Public discussions regarding this matter and the criticism that had been directed against the sanitary conditions of the workhouse, undoubtedly contributed to the realization of the long-standing plans for an exercise yard at the institution. This yard was completed during the latter part of 1912 and the beginning of 1913, and gave to the prison more than an acre enclosed by a twenty-foot reinforced concrete wall.⁷⁵ This very desirable addition to the workhouse, located on the sunny side of the buildings, was built with prison labor at a cost for material of about three thousand five hundred dollars.

The employment policy of the workhouse, also, evoked unfavorable comment and criticism.⁷⁶ It was argued, on the one hand, that prisoners were being exploited, and on the other, that their labor was being used in competition with free labor. In replying to this criticism, the board of trustees said:

"If the present work-shop system should be done away with, as is frequently advocated by some well-meaning persons, many men would have to be confined to their cells or unprofitably loaf about the exercise yard for days and weeks at a time. An increase of sickness and insanity, we feel sure,

⁷² *Fourteenth Annual Report, 1912*, pp. 21-23.

⁷³ *Senate Journal, 1911*, p. 204.

⁷⁵ *Fourteenth Annual Report, 1912*, p. 22.

⁷⁶ *Ibid.*, pp. 22, 23.

would result, and the county would have to meet the bonded indebtedness when due without further reduction. Therefore, in the interest of both the prisoners and the county we desire to continue the present system . . .

"About two-thirds of the men are now employed in a light, airy workshop under a contract by which we furnish labor, power and guards for making pantaloons. The work is exceedingly light, and entirely under our control and supervision, for only eight hours per day, and enables us to help meet our running expenses with a margin over, providing a sinking fund for the paying off of our bond obligations."

The board of trustees and the New Castle County Grand Jury urged the county to establish an arrangement whereby the workhouse would furnish stone and labor for maintaining the stone roads near the workhouse. They felt that this could be done under the supervision of the county engineer and would prove beneficial to all parties concerned.

The New Castle County Grand Jury for 1912 assumed a sympathetic point of view concerning the efforts of the board of trustees to find employment for all the prisoners.⁷⁷ In their report, this jury stated that, although the system of "contract labor" for prisoners had been bitterly attacked, it should be remembered that it represented only about one-tenth of one per cent of such work on clothing performed in the United States outside of penal institutions. They did believe, however, that conditions at the workhouse could be improved by making road work available for many of the prisoners.

On March 12, 1913, the state legislature acted to facilitate the establishment of an arrangement whereby inmates of the workhouse might be employed on public highways.⁷⁸ By a law enacted on that date the levy court of New Castle County was authorized to make any agreement with the board of trustees of the workhouse that might seem proper for the purpose of employing able-bodied convicts of the workhouse to assist in building or repairing public highways of New Castle County.

During 1913 the board of trustees, in search of means whereby prisoners could be kept employed, leased a farm of ninety acres

⁷⁷ *Senate Journal*, 1913, p. 115.

⁷⁸ *Laws of Delaware*, Volume 27, p. 799.

immediately adjacent to the workhouse property. They hoped that this would make possible not only more outdoor work for the many short-term prisoners, who gave to the workhouse population its shifting character, but also the production of a large amount of food for consumption at the prison.⁷⁹ This acquisition, the workhouse administration believed, would thus help the institution to become self-supporting.

The health of the prisoners, as well as their employment, was a source of much agitation in the county. Warden Crawford, therefore, was enthusiastic about the completion of the new exercise yard, declaring in his 1913 report to the board of trustees:⁸⁰

"During the past year some changes have been made in the methods of this prison. In the early summer, two baseball teams were selected, and some very interesting ball games were played. At the beginning I notified the prisoners that all who complied with the prison rules would be permitted to attend the ball games, also to talk to each other, laugh, cheer the plays and the players, and to enjoy themselves, provided they refrained from the use of vulgar language and rowdyism. All the players are prisoners, the teams are captained by prisoners, the umpires are prisoners, and the records are kept by prisoners, and they have controlled themselves in such a manner that they have not violated the restrictions placed upon them. This proves beyond a doubt the tremendous significance of baseball as a means to establish good discipline, and at the same time provide healthful recreation."

Another move to improve conditions at the workhouse was made during 1913 when for the first time a regular prison chaplain was appointed.⁸¹ The Reverend Mr. J. Edgar Franklin, the new chaplain, took up his duties on the first of March of that year, but soon found that he was seriously handicapped by the lack of an appropriate place to conduct religious services. He, therefore, urged the board of trustees to provide a suitable chapel where the prisoners could assemble after work for "instruction and edification."

⁷⁹ *Fifteenth Annual Report, 1913*, pp. 4, 5.

⁸⁰ *Ibid.*, "Warden's Report," p. 13.

⁸¹ *Fifteenth Annual Report, 1913*, "Chaplain's Report," pp. 14, 15.

By the beginning of the year 1916,⁸² the workhouse owned or was leasing between four hundred fifty and five hundred acres of farm land in line with the policy of providing healthful, out-of-door's work for the short-termers and of making the institution as self-supporting as possible.⁸³ The recently purchased farms were located within two miles of the workhouse and were purchased under the authority of an act of the legislature of 1914. Plans were formulated to teach practical, high-class, progressive farming to the prisoners and to turn out many men whom Delaware farmers would be glad to employ. These exceedingly worthwhile plans for educating the prisoners, however, never materialized for the institution found it increasingly difficult to show a profit, and the farms, therefore, were used primarily as business enterprises.

Despite the fact that the workhouse administration had repeatedly requested the county to cooperate with them in the employment of prisoners in road building and repair, no satisfactory arrangement for this purpose had been established by January, 1916.⁸⁴ As a matter of fact, no road work was done by the inmates for the year 1915, although some short-term prisoners were hired out to neighboring farmers to help with the cutting and husking of corn.

The problem of finding employment for all the workhouse inmates was made especially pressing by the steady increase in the institution's population. On December 16, 1915, the total number of prisoners at the workhouse was five hundred twenty-four.⁸⁵ A population of this size could not be properly accommodated in buildings designed for a maximum of three hundred fifty. Furthermore, as all the original equipment was on this lower basis of population, difficult problems regarding the water supply, heating, plumbing, electric light, etc., arose to harass further the board of trustees.

While the problems of administration at the workhouse were

⁸² It has not seemed necessary to present the provisions of the code of 1915 regarding the workhouse as changes made in the original act have been presented in this chapter in the order in which they were made.

⁸³ *Seventeenth Annual Report, 1915*, pp. 4-6.

⁸⁴ *Seventeenth Annual Report, 1915*, p. 5.

⁸⁵ *Seventeenth Annual Report, 1915*, p. 5.

increasing in magnitude, the health of Warden Crawford became a matter of serious concern. Ailing for some time, he was finally compelled to resign on December 15, 1915.⁸⁶ Warden Crawford had been employed at the workhouse since its opening in 1901, and had served as its warden for eight years. The board of trustees, therefore, having been completely satisfied with Warden Crawford's administration, deeply regretted the necessity of accepting his resignation.

Captain Richard F. Cross was selected to succeed Crawford as warden. The new warden had had previous experience in the management of penal institutions, having been deputy superintendent of the New Jersey Reformatory at Rahway, N. J., for several years. Mrs. Cross, the new warden's wife, became matron of the workhouse. This position had been filled by Mrs. Crawford during the administration of her husband at the institution.⁸⁷

14. The Administration of Warden Cross and a Crisis

The first year of the administration of Warden Cross was an auspicious one. The total receipts from all sources of work outside and from shop employment amounted to \$49,537.35.⁸⁸ This was much more than the prisoners had earned by their labor in previous years and represented the return on a diversity of employment. The unusually large population in the workhouse (the average daily number of inmates during 1916 had been four hundred eighty-five) accounted for some of this increase in revenue, but much of it was due to the employment of prisoners in new enterprises. At times during the year there had been from fifty to one hundred men working for pay under guards outside of the institution. Many of such prisoners were working on neighboring roads and farms.

This impressive beginning of the administration of Warden Cross seemed to augur well for the future of the workhouse. However, there were already at work certain undermining forces

⁸⁶ *Every Evening*, December 14, 1915, p. 1, col. 2; *Seventeenth Annual Report*, 1915, p. 6.

⁸⁷ *Every Evening*, December 17, 1915, p. 1, col. 2; *Seventeenth Annual Report*, 1915, p. 6.

⁸⁸ *Eighteenth Annual Report*, 1916, pp. 24, 25.

which gradually produced a crisis and the resignation of Warden Cross.

One of these forces was the continued increase in the population of the workhouse. The World War had considerably accelerated this increase, for many migrant workers, possessing undesirable characteristics, had been attracted to Wilmington's war industries. To guard and supervise, in a safe and sanitary manner, a population at times nearly six hundred in an institution designed for three hundred fifty was obviously impossible. On December 1, 1918, five hundred forty-eight prisoners were crowded into the inadequate accommodations of the workhouse.⁸⁹ In order to relieve some of this congestion, a bunk house for thirty men was constructed in 1918 on the Delcastle Farm, a tract of land owned by the workhouse and situated about two miles from it. A group of selected prisoners were to be kept there and employed on the farm.⁹⁰ In addition to sleeping quarters, the bunkhouse contained a reading room, a dining room, a kitchen and a bath. In the basement were a storeroom, a carpenter shop and a forge for work on the farm. The building was equipped with electric light and steam heat. Despite the fact that this innovation was a valuable asset to the prison, it could contribute little to the solution of the problem of overcrowding in the main building.

It became increasingly apparent, also, that the prison's accommodations for women, as well as for men, would have to be increased. The women inmates were kept in the same building with the men, and the facilities for their care were very poor.⁹¹ Several grand juries recommended the construction of a separate prison for women where they could be employed to better advantage. The New Castle County Grand Jury for 1916 made such a recommendation and also urged that the main building be enlarged to relieve the congestion "that was getting steadily worse."⁹²

⁸⁹ *Twentieth Annual Report, 1918*, p. 33.

⁹⁰ *Nineteenth Annual Report, 1917*, p. 5; Anim Lee, "A Visit to Delcastle Farms," *Delaware Magazine*, July, 1919, pp. 93, 94, 106, 107.

⁹¹ *Twentieth Annual Report, 1918*, p. 23.

⁹² *Senate Journal, 1917*, p. 680.

Furthermore, rising prices complicated an already serious situation.⁹³ During 1918, the total expense per day per capita was about seventy cents. This included all maintenance charges of officers and prisoners, general repairs and interest on the funded debt. As the maintenance allowance for prisoners was fixed by law at forty cents per day per capita, it was necessary to secure at least thirty cents per day per capita from the labor of inmates before the expenses could be met, or the interest on the bonds could be paid; and more than this had to be obtained if the much needed additions and improvements were to be made. A premium was thus placed on the operation of the institution as a strictly business enterprise in order to make its financial statement an impressive argument for the existence of the workhouse system. The people of the state had been persuaded to accept such a system largely as a result of the argument that it would provide a self-supporting institution for Delaware's prisoners. This argument now hung like a sword above the heads of the workhouse administrators and they were expected to prove its validity. The balance sheet was made the standard by which the effectiveness of their administration was measured, and it has always been difficult to show investments in human nature in dollars and cents. Buildings, equipment and live stock can be touched and counted, but the significance of renewed human values has a way of eluding appraisalment. Under such conditions it is to be expected that the interests of the prisoners were made a matter of secondary consideration. In view of these facts it is also understandable why the administrators of the workhouse were compelled to fight for a progressive increase in the maintenance allowance received from Kent and Sussex Counties.

In this connection, it should also be pointed out that the members of the board of trustees were not individuals who were well acquainted with the progress that was being made in penology. Interest in the welfare of one's fellowmen, and a desire to make this world a happier place for all, are admirable qualities, but such motivation without proper guidance may do more harm than good. Moreover, success in business, or in law,

⁹³ *Twentieth Annual Report, 1918*, pp. 22, 23.

does not necessarily equip a man to administer a penal institution. Penology, even then, had established principles, knowledge of which was absolutely necessary for the successful administration of a prison. The lack of such knowledge on the part of the board of trustees must be considered a contributing factor to the failure of the workhouse.

In order to insure the greatest production in the prison shops, tasks had been established which each prisoner was expected to accomplish every day. If he did more than his allotted task he was paid a small wage, called a bonus. If, however, he failed to accomplish the required amount of work, he was punished.⁹⁴ Punishment for such failure usually involved the loss of supper and standing in the central guard room until bedtime. Prisoners who refused to work at all were handcuffed in "spread-eagle" fashion to the bars of their cells for hours at a time until they agreed to perform their prescribed duties. Confronted with such treatment, inmates soon complied with the rules and made every effort to accomplish their tasks, although it can well be imagined that such compliance was accompanied with a bitter sullenness hardly conducive to reformation.

During the year 1918, as shown by table 8, 117,464 days of labor were credited to the workhouse inmates.⁹⁵

TABLE 8
LABOR REPORT
For the Year Ending November 30, 1918

Number of days' labor in shop No. 1.....	28,449
Number of days' labor in shop No. 2.....	43,006
Number of days' labor in kitchen.....	6,625
Number of days' labor in runners.....	2,849
Number of days' labor in powerhouse.....	730
Number of days' labor in quarry.....	711
Number of days' labor at Home Farm.....	4,620
Number of days' labor at Delcastle Farm.....	5,960
Number of days' labor in bakery.....	1,092
Number of days' labor in laundry.....	1,234
Number of days' labor in storeroom.....	1,092
Number of days' labor in shoemaker.....	250
Number of days' labor in paint shop.....	150
Number of days' labor in women's department.....	10,976
Number of days' labor at road work.....	9,720
Total.....	117,464

⁹⁴ Some of the material included in this section has been drawn from an interview with Mr. Elmer J. Leach, a former warden of the workhouse.

⁹⁵ *Twentieth Annual Report, 1918*, p. 35.

This expenditure of labor gave to the administration a total earnings of \$56,215.80.⁹⁶ Of this amount, \$36,935.62 was obtained by inside labor, as a result of the contract with the Oppenheim and Company, and \$19,280.18 was received from outside labor. From the total earnings, \$11,944.81 was paid as a bonus to the inmates and their families. In addition to this amount, the sum of \$3,042.00 was paid to the families of men serving sentences for non-support.

The use of the workhouse as a place of detention for those awaiting trial and minor offenders likewise exerted an undermining influence upon its successful administration. The workhouse stood alone among the prisons of the United States as an institution where men and women, white and black, sentenced from five days to life, convicted men under sentence of death, drug addicts, drunk and disorderly characters, men arrested for non-support, rapists, burglars, chicken thieves, embezzlers, the criminally insane, detained witnesses and persons held while awaiting trial, all were imprisoned under the same roof, and where the only classification attempted was the segregation of the sexes. Table 9, for the year 1918, indicates the extent to which the population shifted during that year as a result of this practice.⁹⁷

TABLE 9
MOVEMENT OF POPULATION
For the Year Ending November 30, 1918

MONTH	RECEIVED	DISCHARGED
December, 1917.....	104	125
January, 1918.....	96	124
February.....	108	73
March.....	122	135
April.....	124	121
May.....	150	160
June.....	154	148
July.....	151	149
August.....	141	134
September.....	221	213
October.....	219	167
November.....	321	272
Total.....	1,911	1,821

⁹⁶ *Ibid.*, p. 27.

⁹⁷ *Twentieth Annual Report, 1918*, p. 34.

This characteristic of the workhouse population not only made it exceedingly difficult to maintain healthful and sanitary conditions, but also prevented the establishment of a long range employment program.

Another disintegrating influence in the workhouse was the strict, unreasonable discipline imposed upon a body of sullen prisoners convinced that they were being "used" to perpetuate a hated institution. Rules of silence were enforced during much of the day, and little opportunity was given to them for exercise, recreation and self-improvement. Once a week, on Saturday afternoons, the prisoners were permitted to play baseball in the exercise yard. This was really the only recreation that the prisoners enjoyed. On Sundays the prisoners were taken into the yard and marched around, and around, for about a half an hour, but during this period no talking nor laughter was allowed. Another unnecessary and exceedingly irritating practice was the strict rationing of tobacco and matches. Two dollars' worth of tobacco, but no supply of cigarettes, was given each inmate once every three months. Short-termers were allowed one match a day, and on Sundays they had to go to religious service in order to get their matches. Long-termers were given one box of matches a month. Although to a free man such treatment may seem unimportant, to a man deprived of liberty it is unbearably cruel.

The presence of insane prisoners at the workhouse was another disturbing factor which contributed to the difficulties of supervision and administration.⁹⁸ During 1918, there were twelve fully developed cases and several doubtful ones confined at the institution. Of this number, five were transferred to the Delaware State Hospital for the Insane, but the others were kept in the workhouse.

The transfer of the insane prisoners from the workhouse to the Delaware State Hospital at Farnhurst was facilitated by the passage of an act by the state legislature on April 10, 1919.⁹⁹ This law declared that whenever in any case it should appear

⁹⁸ *Twentieth Annual Report, 1918*, "Physician's Report," p. 29.

⁹⁹ *Laws of Delaware*, Volume 30, ch. 183.

to the court of oyer and terminer, or to the court of general sessions of the state, or to any judge thereof in vacation, upon information received from the board of trustees of the New Castle County Workhouse, that a prisoner confined there had become insane after conviction and sentence, the court was authorized to appoint two reputable practicing physicians to inquire into the mental condition of the prisoner and to report their findings in writing to the court. If this commission found the prisoner insane, he was to be transferred immediately to the hospital. Whenever the court was satisfied that the public safety, or the safety of the other inmates, would not be endangered, it might order the prisoner returned to the workhouse to serve the remainder of his sentence, or arrange for his release if his term had expired.

In the absence of all classification, except that of sex, and all effective agencies for rehabilitation, the very existence of a school must have seemed like a discordant note indeed. It will be recalled that a night school was in operation in 1903, being made possible by the interest of the Society of Friends. The prison school is mentioned only occasionally in the workhouse reports, slight reference being made to it in the warden's reports for 1903, 1904, 1906, and 1911. In the latter report appears the first detailed statement regarding the school, and, even then, Warden Crawford merely said: "The night school was reopened October 1st, with 37 scholars, and will continue for six months. Many of the men seem glad to have the opportunity to attend school."¹⁰⁰ No further reference to a school of any kind was made in the workhouse reports until 1917. In view of this, it can be safely assumed that education had played an exceedingly minor and faltering role in the affairs of the institution. In the report of 1917, however, a new school was organized under the supervision of Messrs. George W. Hamilton and James A. Shook, teachers in the Wilmington High School.¹⁰¹

That this was intended to be a more ambitious and formal educational program than any that had been attempted up to

¹⁰⁰ *Thirteenth Annual Report, 1911*, "Warden's Report," p. 13.

¹⁰¹ *Nineteenth Annual Report, 1917*, "Warden's Report," p. 8.

that time is evidenced by the fact that the workhouse reports contained in 1917, for the first time, a separate school report.¹⁰² This report, explaining that the school had been begun as an experiment, stated:

"The school opened in this its pioneer year, at the beginning of February, closing during the months of July, August, September and October, owing to the absence of teachers from the city, and reopened on November 1st. The school year, therefore, is of seven months' actual duration, and for that year there have been, each week, three sessions of one hour's duration each, the school meeting on Tuesday, Thursday and Friday evenings from 6:30 to 7:30 o'clock.

"During the year 46 men have received instruction, 14 whites and 32 colored. Of the 46, 27 have been in attendance throughout the school year and 19 for parts of the year, the composition of the classes being changed as men leave the prison on the expiration of their sentence. The school is recruited from selected volunteers, and the privilege of attending is conditioned only by general good conduct and evidence of ability and willingness to profit by instruction. The men are roughly classified into two groups: Class A composed of men who are able to read and write at the start; Class B composed of men either totally unable to read and write or nearly so. Class A meets once each week and Class B meets twice each week. Class A has at present 14 members; Class B, 18.

"The instruction given is primarily in Reading, Writing, Spelling and Arithmetic along with which is given a smattering of such other elementary subjects as can be given incidentally."

From the foregoing outline of the school's organization, it will be seen that the educational program was an exceedingly elementary one, and one that was seriously hampered by the infrequency of recitations. The school did not reopen in 1918 until December 2nd, because of the epidemic of influenza, but sessions were continued during 1919, when some advanced arithmetic and business English were introduced.¹⁰³

Although the establishment of an evening school was certainly a step in the right direction and a promising sign of in-

¹⁰² *Nineteenth Annual Report, 1917*, "School Report," pp. 11, 12.

¹⁰³ *Twenty-first Annual Report, 1919*, "School Report" (an unbound, typewritten report).