RESCH, John Phillips, 1940-
ANGLO-AMERICAN EFFORTS IN PRISON
REFORM, 1850-1900: THE WORK OF THOMAS
BARWICK LLOYD BAKER.

The Ohio State University, Ph.D., 1969
History, modern

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ANGLO-AMERICAN EFFORTS IN PRISON REFORM
1850-1900
THE WORK OF THOMAS BARWICK LLOYD BAKER

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
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The Ohio State University
1969

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This dissertation is not a history of ideas and experiments which composed the prison reform movements in America and England. Its aim is to narrate and describe the work and ideas of Thomas Barwick Lloyd Baker of Gloucestershire, England against a background of prison reform efforts and administrative changes beginning with John Howard's report on prison conditions in 1777 and Quaker attempts in Philadelphia before the Revolutionary War to create a reformatory prison discipline. Baker's role as the founder of the English system of small, private juvenile reformatories, his idea for an adult reformatory and the Gloucestershire system of cumulative punishment, coupled with probation and police supervision which he helped to create and popularize, form the bulk of this paper.

His impact was not limited, however, just to his country nor to English reformers. Through correspondence, published works and personal acquaintances his work and ideas became part of the diffusion of ideas between English and American reformers. Although the effect of this diffusion is generally hard to measure, Baker was able to arouse interest in his views among such leading reformers as Frederick Wines and Josephine Shaw Lowell. His greatest success, as well as an outstanding example of the impact of this transplanting of ideas, was the adoption of Baker's views by General Roeliff Brinkerhoff, an Ohio reformer, and his commitment to adopt the Gloucestershire system in Ohio.

Many people have assisted the research and writing of this dissertation. Colonel Arthur B. Lloyd-Baker of Hardwicke Court, a great-
grandson of Barwick Baker, was generous and kind in opening his family's papers to me and helpful in his advice and comments on the early chapters. I am indebted to his warm and personal concern for the writer and project which made an interesting topic even more enjoyable. I wish to express my appreciation also to Mrs. Ruth Ballenger of the Hayes Memorial Library, and Andrea Durham, David Larson and Conrad Weitzel of the Ohio Historical Society for their help in gathering manuscripts and secondary sources for this paper. Mrs. George South, who typed the final copy, added editorial suggestions for the improvement of the paper. Finally, I would like to thank the Ohio State University for its award of a University Fellowship which made travel and research for this paper possible.
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CHAPTER I

INTRODUCTION

"Men who went in healthy, are in a few months changed to emaciated dejected objects. Some are seen pining under disease . . . expiring on the floors, in loathsome cells, of pestilential fevers, and the confluent smallpox . . . The prisoners have neither tools, nor materials of any kind; but spend their time in sloth, profaneness and debauchery," wrote John Howard, the High Sheriff of Bedfordshire, describing English jails in 1777. In the eighteenth century jails served as places of detention and sources of income for the manager, who through a system of fees, made the "gaol as jolly as possible for those who could pay and as unpleasant as possible for those who could not or would not pay." Criminals, debtors, and the insane of all ages and both sexes mingled indiscriminately. Some awaited transportation (deportation) to the colonies, others were detained until corporally punished, while many languished until their debts were paid. Deterrent and reformatory discipline was ignored.

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Without either invective or mawkish phrases, Howard proposed practical guidelines for improvements. He urged that new jails, while still serving as places for detention, be made clean and healthful by constructing them on "airy" sites near a stream. To prevent corruption of the weak by hardened criminals, Howard recommended that separate wards be provided to permit division of the inmates by sex, age, and gravity of crime. Within each ward the inmates would be allowed to mix by day, and at night they would be confined in separate cells. Those who had committed a crime not punishable by transportation and considered re Rehabable were to be sent to a house of correction or bridewell. Although established in the mid-sixteenth century "to reform prisoners, or to make them better as to their morals," bridewells had been converted to jails by the early eighteenth century. Howard, believing that "gentle discipline," productive labor, rewards for good conduct, and religious guidance would lead to reformation, urged that the bridewells be restored to their original function.

Howard's diligence, his efforts beyond the scope of his offices as magistrate and sheriff in Bedfordshire and particularly his statistical evidence of prison conditions "instead of sensational denunciations of oppression and cruelty, disease and promiscuity" impressed members of Parliament and other interested reformers. The American

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Revolution, however, rather than his report, was the catalyst for Parliamentary action. That war had ended the transportation of nearly 1,000 criminals per year and flooded the jails intended for brief detention with prisoners now sentenced from two to fourteen years' confinement. Old warships, called "hulks," were quickly employed to house them. The hulks were inhuman deathtraps. John Howard reported that between 1776 and 1778 on one ship alone 126 out of 632 prisoners died. Although first used as a stopgap measure, hulks continued to be used until 1857.

In 1779 without transportation and prisons to confine long-term convicts, Parliament passed an act providing for the erection of a national penitentiary. Incorporating many of Howard's views toward jails, the prison act prescribed that convicts were to be housed in separate cells at night and permitted to work together during the day under close supervision. Labor was to be both heavy and profitable with prisoners able to earn some money. Discipline was graded in severity according to the convict's crime and aimed at reforming the prisoner through rewards for good conduct and religious instruction. Unfortunately, no funds were allocated for construction. Nevertheless, the principles of separation and reformation affirmed by the act influenced the provisions of later Parliamentary legislation and encouraged

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6 The State of Prisons, p. 257.
some county magistrates to apply them to their local jails.?

In 1786 the Gloucestershire Quarter Sessions obtained through the efforts of Sir George Paul a Parliamentary act enabling the county to rebuild the local jail and house of correction. Many of the recommendations of the 1779 Prison Act were adopted. Luxuries like the tap-room, as well as brutal punishment common in other jails, were abolished. The system of fees paid by prisoners to keepers was replaced by salaries paid by the county. There were, nevertheless, significant innovations. The Gloucestershire jail provided for the separation of prisoners not only at night, as Howard had suggested, but also during the day. Instead of congregate labor as Howard had proposed, Paul and his fellow magistrates prescribed cellular labor. Prisoners were not kept in strict isolation since they were visited regularly by the governor, a chaplain who encouraged reformation, and a physician to ensure the prisoners' health.

The Gloucestershire example prompted Parliament to pass a second prison act in 1791, which in part reaffirmed the principles of the 1779 act and incorporated the cellular practices in the Gloucestershire jail. 8 Although a national penitentiary was again authorized, nothing came of it. The colonization of Australia after 1787 permitted the


8 Webb, p. 59; Grunhut, p. 41.
gradual restoration of transportation, reducing the need for a long prison term. Deportation again became the primary method of dealing with dangerous and long-term criminals. In the next eighty years over 134,000 convicts were deported from England to numerous colonies, mainly in the South Pacific. For the remainder of the eighteenth century and the first part of the nineteenth, jails remained as Howard had found them—dank, infectious places of detention for short-term criminals, the insane, and debtors.

There were few jails in the American colonies since most crimes were corporally punished. The Quakers in eastern Pennsylvania abhorred bodily punishment and pressed for imprisonment as a humane substitute. In 1776 the first "penitentiary" in America was built at Walnut Street in Philadelphia. Preceding Howard's work and Paul's efforts in Gloucestershire, the "penitentiary" imitated an English county jail. It had no cells. There were large rooms where twenty to thirty prisoners were herded together with elementary separation between major and minor offenders.

Following the Revolutionary War, efforts were made by the Philadelphia prison society to improve the prison. Although inspired by the work of John Howard, the Society actually followed Sir George Paul's example in Gloucestershire. The Society believed that the system would

9In 1776 the Philadelphia Society for Relieving Distressed Prisoners was formed to comfort and guide inmates and assist discharged prisoners. It was disbanded in 1777 and reorganized in 1787 as the Philadelphia Society for Alleviating the Miseries of Public Prisons. In 1887 the name was changed to the Pennsylvania Prison Society. Harry Elmer Barnes and Negley K. Teeters, New Horizons in Criminology (New York: Prentice-Hall, 1945), pp. 488-91.
encourage criminals to reform and transform them "into serviceable members of the community." ¹⁰ In 1790 the Pennsylvania legislature complied with the Society's demands to apply the cellular or solitary system to the Walnut Street Prison. The prison was altered with the construction of cells for solitary confinement for a few inmates, while others remained in the wards. Because of a breakdown of administration due to political patronage, the Walnut Street Prison never fulfilled the expectations of the Philadelphia reformers.

Demands were made for a new cellular prison which was eventually authorized for western Pennsylvania in 1818 and completed in 1826. It proved unsatisfactory because no provisions had been made for labor. In 1829 a new prison, known as Cherry Hill, was built in Philadelphia. It became the model for the solitary system. Each cell measured eleven feet nine inches by seven feet six inches by sixteen feet with one door leading to a common corridor and a second to a small enclosed courtyard separated by a high wall from other prisoners. During the entire term the inmate remained in his cell working and reading the Scriptures and exercising periodically in his courtyard. His cellular life was interrupted only by visits from the warden, chaplain, and members of prisoners' aid societies who offered to help him in his moral rehabilitation.

Although the Philadelphia Society defended the efficacy of the

system, experiments at the Auburn, New York prison between 1821 and 1824 forced officials to abandon the solitary system because it resulted in sickness and insanity. Instead a congregate system of discipline based on Howard's principles was adopted. Prisoners worked together during the day under supervision and usually in silence and were housed in separated cells, seven feet two inches by three feet six inches by seven feet, at night. The rule of silence departed from any English practice and required frequent floggings to enforce it. Prisoners were required to march in a lock step with downcast eyes and never permitted to face each other.

The two systems generated heated debates. Supporters of the solitary system charged that the Auburn experiment in solitary confinement had been unfair because the cells were too small and no labor had been provided. They attacked the frequent use of corporal punishment to maintain discipline. Defenders of the Auburn system stressed the humaneness of congregate confinement and argued that the insanity rate was higher in the solitary system. Despite the fervor of these arguments steeped in moral principles, the widespread adoption of the Auburn system in America was largely due to the fact that it was cheaper to construct and easier to profit from prison labor than under the solitary system.

While these experiments were being carried on in America, English reformers renewed efforts to improve the hygienic conditions of jails, abolish corrupt prison administrations, and restore the distinction between jails and bridewells. The work of Elizabeth Fry
supported by such powerful Quaker families as the Gurneys, Buxtons, Hoares, and Barkleys, led to a Parliamentary investigation of prisons in 1822 and Peel's Gaol Act the following year. That act incorporated the humanitarian and penal principles of John Howard. It provided for classification and separation of criminals, standards of cleanliness, separate beds for inmates with not more than three persons to a cell, religious services, and academic instruction. The most controversial part of the act was the establishment of common workshops, which later came under attack for promoting corruption among the prisoners and unfair competition with free labor.

Although far-reaching in principle, the act was deficient in practice. It extended to less than half of the nearly 280 jails, and its provisions were not applicable to the hulks nor the newly-completed Millbank convict prison, where prisoners were detained until deported. A more serious shortcoming was the lack of administrative means to enforce the act where it did apply. For the next twelve years the Home Office occasionally attempted to assert some control to get compliance with the act.

Uneven and partial observance of Peel's Gaol Act, attacks on the system of congregate labor, and increasing popularity of the Pennsylvania system led to a reconsideration of prison discipline in the mid-1830's. The Home Office was inclined toward the solitary system.

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The government was no doubt reinforced by Beaumont's and Toqueville's description of American prisons, published in 1833. Although trying to give an even appraisal of the congregate and solitary systems, Beaumont and Toqueville favored many aspects of the Cherry Hill prison. Of more importance was the Home Office's commission to William Crawford to inspect American prisons. His report in 1834 provided more support for the solitary system, pointing out that discipline was enforced by moral suasion rather than force and that cellular work did not compete with free labor. An experiment using the Auburn system at Coldbath Fields prison in 1836 confirmed part of Crawford's observations. In 1836, 5,138 punishments for 900 prisoners were recorded for violating silence. To many English reformers, this brutality seemed unwarranted and contrary to reformatory principles.

In 1839 Parliament passed a prison act adopting the solitary system, although it was officially called the separate system to avert controversy. Like the discipline at Cherry Hill, the prisoners were to be confined in separate cells, provided with labor and religious material, and visited frequently by the governor and chaplain. In 1842 the first cellular prison, Pentonville, was opened, where convicts experienced nine to sixteen months of separate confinement and reformatory


treatment before deportation. Many counties voluntarily altered their jails to conform with the recommendations of the 1839 Act. By 1848 nearly fifty of them detaining prisoners sentenced to terms of two years or less had facilities to permit implementation of the separate system.17

Between 1830 and 1850, while the Auburn system was spreading in America and the solitary system was being adopted in Europe, fresh efforts were made to find new means of reforming criminals. Edward Livingston outlined a code for Louisiana providing for a graded system of juvenile reformatories, houses of correction for minor offenders, a two-stage prison applying solitary confinement for part of a term and a con­gregated system for the remainder of the sentence. Although rejected by Louisiana, his ideas gained the attention of reformers in the northeast and in Europe. In Great Britain in the early 1830's Archbishop Richard Whately of Ireland proposed the idea of parole, early release under supervision, and the indeterminate sentence, meaning that the expiration of the term was based on the prisoner's conduct rather than passing a determined number of months or years in prison. In 1835 in Spain, Colonel Montesinor instituted probation, early release under supervision, for persons judged reformed at his prison in Valencia.18

The work of Alexander Maconochie, however, was most influential.

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in the future course of English and American prison reform. In 1840 Maconochie was appointed superintendent of the Norfolk Island Penal Colony, a thirteen-square-mile speck of land near Australia. Aware of other experiments and also of the increasing criticism of transportation, he used the penal colony as a laboratory for testing methods of inducing prisoners to improve their character. Maconochie devised and tested the "mark" system which he popularized in the mid-1840's. It was the basis for changes in the penal system made by Joshua Jebb in the 1840's and 1850's and Walter Crofton's experiments in Ireland in the late 1850's.

The mark system was founded on the principle of substituting achievement for time in determining the expiration of a sentence. Each prisoner was given a debt of marks according to the severity of his crime. He was to be released after earning, through labor and good conduct, enough credits to balance his debt. The prisoner's earnings and forfeitures were recorded daily and weekly under a number of categories. The earnings column consisted of four sub-categories; the first was personal deportment under which an inmate was given one mark per week if his "cleanliness, neatness, submissiveness, civility, obligingness," and the maintenance of his cell, clothing and bedding were approved. A second sub-category was labor, in which the prisoner's diligence and the "effect produced" were measured and marked. The last two sub-categories were for the chaplain's and schoolmaster's reports. For example, the chaplain was to award one mark for knowledge of the Lord's Prayer, two marks for the Ten Commandments, and three for memorizing
Revelations. The schoolmaster was to grade his students from zero to five on their academic achievements.\textsuperscript{19}

A prisoner could lose credits and increase his debt through misconduct. He also lost credits for getting extra food and "indulgences" like postage stamps, stationery, and books. Maconochie argued that marks should be subtracted for these "temptations to prove and strengthen character by exhorting men voluntarily to reform." Although the addition of marks did not add extra years to the term, they did reduce the chance of early release. Maconochie believed that the mark system ended the monotonous prison life depression and created a discipline of incentives and rewards, particularly through early release, resulting in improved character and habits.\textsuperscript{20}

His experiment attracted English reformers such as Mary Carpenter and Matthew and Frederick Hill, who saw it as an added way of emphasizing reformation. In the mid-1840's and 1850's, efforts were made to apply the mark system to English and Irish prisons, adding a ticket of leave or probationary period for those earning early release. Those receiving tickets of leave were usually deported to the colonies, where they were to receive preferential treatment because of their reformatory training.

In addition to efforts in England and America to make convict


\textsuperscript{20}Alexander Maconochie, Penel Discipline (London: T. Harrison, 1856), pp. 1-5.
prison more reformatory, continuing attempts were made to improve the wretched conditions of short-term jails. In this case English achievements far surpassed American accomplishments. Also more attention was being given to preventing crime by aiding children. Refuges for waifs and vagrants and a few institutions for youths who otherwise would have been sent to prison were established in England and America. The reformatory movement, however, did not catch hold until the early 1850's, when Thomas Barwick Lloyd Baker, a Gloucestershire country squire and magistrate, began his experiment with a juvenile reformatory on his estate, Hardwicke Court.

Barwick Baker's interest in juvenile crime and correction led to a career dedicated to finding means of repressing crime and safeguarding society and the weak from criminals. His work began with juvenile reformatories but extended to reformatories for adults, reforms in penal discipline, advocacy of cumulative punishment for repeated offenders, and the replacement of imprisonment by probation secured through police supervision. His work and ideas influenced not only the efforts of fellow English reformers, but also Americans such as Bronch Wines, Frederick Wines, Mary C. Ware, and Josephine Shaw Lowell. His greatest influence was on General Roeliff Brinkerhoff of the State Board of Charities in Ohio, who was converted to Baker's views and who became the advocate of Baker's Gloucestershire system in Ohio and America.
CHAPTER II

THE FOUNDBING OF THE HARDWICKE REFORMATORY

The efforts of the Gloucestershire magistrates to apply John Howard's penal principles and Sir George Paul's cellular practices were encouraged and aided by William Lloyd Baker, his son, Thomas, and later by his grandson, Barwick. In 1819 at the age of twelve the youngest Baker first visited a jail while accompanying his father, who, as part of his magisterial duties, was inspecting county institutions. This experience imprinted the child's mind with memories of discomfort and fear.

1Thomas Barwick Lloyd Baker, "My Life, 1807-1860" (unpublished autobiography, Library, Hardwick Court, Gloucestershire, England), Vol. I, pp. 2, 3, and 5. Also found in Baker Papers, Box 53. This autobiography is also on microfilm, Library, Ohio State University.

Thomas Barwick Lloyd Baker was born on November 14, 1807, at Stout's Hill, Gloucestershire. Barwick Baker recorded that he came from a stock of honest yeomen at Boreley in Ombersley who later became squires at Waresley. "They were honest squires, as I said,--hunted and shot, and were hospitable, but not much given to books." His grandfather, William Lloyd Baker, took Orders and for a while was a curate in Herefordshire. In 1784 he bought an estate at Stout's Hill, Gloucestershire, where he lived for the remainder of his life. Barwick Baker's father, Thomas, had also prepared for a church life but never took Orders. He was made a magistrate after leaving Christ Church, Oxford. He married Mary Sharp, the daughter of William, surgeon to George III and the niece of Granville Sharp, an outstanding English opponent to the slave trade. She died in 1812. Thomas married Annabella Rolfe in 1814.

Barwick Baker's father and grandfather, besides attending to their squirely duties, were keenly interested in experimenting with plans to help the poor. Ibid., p. 12.

In 1816 Thomas Baker bought Hardwicke Court. The present house was constructed between 1818 and 1820 and has remained the family's estate. Ibid., pp. 21-22.
as his father led him "... into the ward with some twenty or thirty untried felons, [sic] and the Turnkey clashed the grated door behind us, and walked away out of earshot.\(^2\) He also remembered recoiling from the sight of prisoners herded together in idleness. These impressions contributed some years later to the creation of a conscience sensitive to the conditions of prisoners and concerned about measures to improve society by preventing crime.

The maturation of these nascent feelings and interests into active social commitment was impeded, however, because of Barwick Baker's inherent shyness. An unassuming youth, Baker retreated to the solitude of his hobby, ornithology. His modesty reached the point of diffidence while attending Christ Church, Oxford, where he had a reputation of being a recluse interested only in stuffing birds. He recalled that he did not enjoy Oxford because "... I then began to feel that I was not by nature sociable."\(^3\) After leaving Oxford in the spring of 1829, he completed the customary gentleman's education with a tour of the Continent accompanied by members of his family. That winter Baker went to London to study law, but languished from loneliness and disappointment with law. Most of his time was spent daydreaming and on his hobby. Ostensibly because of his grandfather's illness, he returned to Hardwicke Court in May 1830, where he remained for the rest of his life.\(^4\)

For the first half of the next decade, Baker amused and occupied himself with travel through England and the Continent with family and

\(^2\)Ibid., pp. 21-22.  \(^3\)Ibid., pp. 23-24.  \(^4\)Ibid., pp. 27-28.
friends, the sports of a wealthy squire's son, his scientific interest and the magisterial duties which came to him as a result of his social position. In 1832 he journeyed to Sweden and Denmark, returning to Copenhagen in the winter of 1833. Baker cheerfully remembered the trip: "... I made a sensation as being the first Englishman on record who had ever come back to Copenhagen in the Winter for pleasure." Through the help of a family friend, Sir Henry Wynn, the minister at Copenhagen, and an old "schoolfellow," Nicholas Fenwick, Baker mixed socially with royalty and officials. He attended balls three times a week and was constantly being entertained. Before leaving, he gave a ball which every royal prince attended, including Prince Christian, who later became Christian VIII. Baker stressed the importance of his seven-week sojourn: "I had before that been very little in Society, and was extremely shy and awkward, but this gave me a good start, and put me into the way of making many acquaintances who have since been of great service to me in my different works." Without transforming Baker's shy and modest nature, this experience had diminished the constraint of his social uncertainty.

Belonging to the British Association, a society for the advancement of the natural sciences, Baker was able to promote his interest in ornithology while increasing his acquaintances among its prominent members. At a party following a meeting in Bristol in 1836, he met Amelia Murray, an excellent botanist and artist, who later became one of the

5 Ibid., p. 31. 6 Ibid., pp. 32-33.
in Victoria's court. During their conversation she expressed an interest in young offenders. Baker stated that as a magistrate he had a number of juveniles before him. "She instantly jumped up, called me out of the crowd, and we sat down in a corner and I believe talked for two hours." She invited him to London to inspect her reformatory, to meet Captain Edward Pelham Brenton, and visit his school at Hackney Wick. Their influence and examples channeled Baker's concern for juvenile offenders toward reformatory work.

Captain Brenton had founded the Children's Friend Society in 1830 with the purpose of "... preventing Juvenile Vagrancy, and substituting useful, healthy and profitable employment, for that idle and disorderly course of life." With the limited aid of a few shopkeepers and a Jewish stockbroker, David Hess, Brenton had opened a refuge for boys, called the Children's Friend School, in 1831. The boys were trained in manual and agricultural labor and provided with moral and religious instruction. After their training and with parental permission, the lads were sent either to the colonies or placed in positions in England. The Society and school had to struggle for years because of

7Ibid., p. 35.
9Baker, p. 36.
10Fifth Annual Report, Children's Friend Society.
inadequate funds until Miss Murray joined their cause.\textsuperscript{11} She opened her own school for girls, the Royal Victoria Asylum at Chiswick, modeling it after Brenton's plan. With her help the financial burdens of both schools were borne by ladies and gentlemen and public subscriptions.\textsuperscript{12} "Victoria Asylum balls were given at Willis' Room with half the peerage as patrons, and the work though really understood by few was becoming known and rapidly rising into notoriety."\textsuperscript{13} Between 1837 and 1839 Baker visited the schools frequently and actively helped the Society to get subscriptions.

Baker's involvement with these London experiments and his experiences with juvenile and adult prisoners as a visiting justice to the Gloucester Gaol made him eager to open his own reformatory.\textsuperscript{14} His ambitions, however, were thwarted by rising public attacks in 1839 and 1840 upon Brenton and his policies. Brenton was criticized for his strict

\textsuperscript{11}Baker, p. 36.

\textsuperscript{12}No date was given for the opening of the Royal Victoria Asylum, although from various accounts and correspondence it was apparently opened in late 1835 or early 1836. Miss Murray's activities as well as Brenton's efforts were recounted to Enoch Wines. In this later account Baker's information about Brenton's school conflicted with the report of the Children's Friend Society in 1835. Baker recalled for Wines that Brenton's asylum was opened in 1830 and later enlarged and moved to Hackney, North London, in 1835. The Fifth Annual Report, Children's Friend Society cited 1831 as the opening date of the asylum at Hackney. Letter, Berwick Baker to Enoch Wines, July 22, 1875. Baker Papers.

\textsuperscript{13}Baker, p. 36.

\textsuperscript{14}Letter, Baker to Enoch Wines, July 22, 1875. His involvement with juvenile and adult offenders was enlarged after he was appointed a visiting justice in 1839 to the Gloucester Gaol. That prison continued to be considered a model among jails because of the earlier work of Sir George Paul and the continued efforts to maintain many of John Howard's principles. It was frequently visited by local and foreign delegations. T.B.L. Baker, War with Crime, eds. Herbert Philips & Edmund Verney. (London: Longmans, Green, 1889), pp. v-xxi.
discipline and for keeping the boys under Spartan conditions. The school's policy of transportation was assailed with comparisons made to a slave trade, and selling youths into bondage. In 1840 a public hearing was made into the charges. Brenton, weighed down by the attacks, died ten days after the hearings began. The accusations against the school and the discrediting and death of Brenton led to the withdrawal of financial support of the school, forcing it to close. Baker recalled that controversy over Brenton's school resulted in protracted public distrust of reformatories and inhibited further experimentation for nearly a decade.

Baker's efforts to found his own school were postponed not only by the unfavorable climate of opinion but also by the assumption of new duties. With his marriage to Mary Fenwick in March 1840, and the death of his father in May 1841, Baker had not only the responsibilities of a husband, then father, and magistrate, but also those of a squire looking after his estate, tenants, and family holdings in London. His


16Letter, Baker to Wines, July 22, 1875. Letter, Baker to K. Olivecron, January 17, 1878. Baker Papers. No references in the correspondence were made to the fate of Amelia Murray's girls' school, indicating that it probably continued.


18Unlike most squires whose wealth was measured in farm land and its produce, the Baker family owned London property, including the site of the original Sadler Wells opera house. Income from London property, investments and the estate was about $10,000 per year. Gloucestershire Chronicle, December 11, 18, 1886. See also Baker, War with Crime, pp. v-xxi.
mornings were usually spent attending to the business of the estate, seeing tenants and writing letters. In the afternoons, barring social engagements, Baker looked after county business. He frequently attended Petty Sessions, which met every two weeks. There he and other magistrates discussed minor criminal cases. He was present at Board of Guardians meetings where the conditions of the workhouses and the welfare of the poor were discussed. As a visiting magistrate, Baker was charged with inspecting county lunatic asylums, hospitals, and jails. He regularly attended Quarter Sessions where county affairs such as police duties, crime, the treatment of criminals, and public works were discussed and lesser crimes tried. Between 1847 and 1848 he served as High Sheriff of the county and on the Grand Jury. In addition, the family's social life was active, especially in the winter. They had guests constantly, went to frequent balls, and enjoyed the social season in London after Parliament had convened.  

Baker sought to carry out his public and familial obligations faithfully and fully. His sense of duty was kindled by deep respect for the accomplishments of his ancestors. He believed that knowledge of their "good deeds" was an incentive "... to exertion as well as one of the greatest encouragements under difficulties." Revealing insights into his own character and values, Baker wrote: ". . . I would rather


speak of good men who in a quiet, unpretending way have done some work
for their country, without seeking other reward than that of their own
conscience and the hope of having done God's will."  
Baker wished to
leave a respected legacy, which at that time appeared destined to be
simply that of a conscientious squire, his involvement in reformatory
work being thwarted by a personal reluctance to act in an atmosphere of
public suspicion toward them and by the burdens of his private and pub-
lic obligations.

Public opposition to reformatories, however, had diminished
near the end of the decade. Rev. Sydney Turner had successfully estab-
lished an asylum at Red Hill in 1849. In January of the following
year, Baker became acquainted with George Bengough, a wealthy young man
indifferently studying for Orders, who expressed an interest in reforma-
tory work. They met again in Trinity Quarter Session in June 1851,
where Bengough pursued the subject of reformatories. Baker confessed he
could not devote himself to a reformatory and neglect "... the work of
the station in which it had pleased God to place me ..." to follow an
"idea which no one but myself believed possible to succeed." Bengough
asked him if he considered plans for a school. Baker replied that he
had "... thought of it constantly for 12 years but saw [himself] no
nearer to it." He stated that the work required a man "... who would
give himself up to it heart and soul, with a determination to carry it

21Ibid., p. 44.
through."22 Bengough volunteered. Because of his equivocation toward taking Orders, Baker asked him to consider this new decision carefully. Bengough remained firm. Dedicated to reformatory work and apparently heeding Baker's earlier advice that the church would be better served by a wealthy layman with an annual income of £10,000 than by a rich clergyman, Bengough soon ceased his novitiate.23 Years later Baker remarked: "This proof of steadiness gave me high hopes which were never disap­ pointed."24

The nature of the reformatory was not immediately formalized, but Baker envisaged a disciplinary institution with emphasis on agricultural training and primary education rather than moral instruction. Although he concurred with this view, Bengough was interested primarily in the moral and religious training of juveniles. He suggested that they look to "all quarters" for help, recommending an inspection of William Gladstone's reformatory in Highgate.25 He also urged Baker to read Mary Carpenter's book, Reformatory Schools, for her views.26

Baker turned first to his old and sympathetic friend, Amelia Murray. She criticized the existing practice of sending many children

22**Ibid., p. 44.** For additional accounts of the beginning of the friendship between Baker and Bengough and Bengough's role in the early stages of establishing a reformatory at Hardwick Court, see also Gloucestershire Chronicle, November 4, 1865, and Letter, Baker to Olivecron, January 17, 1878. Baker Papers, Box 17

23Baker, p. 44.

24**Gloucestershire Chronicle, November 4, 1865.**

25**Letter, George Bengough to Baker, August 1851** Baker Papers.

26**Letter, Bengough to Baker, September 20, 1851.** Baker Papers.
to Parkhurst prison to be reformed before being transported to a penal colony. She charged that instead of being improved the children were educated in crime. Murray also assailed the ragged schools, where waifs and vagrants were purportedly educated and some prepared for useful labor, calling them "tools for evil." She asserted that "youth can only be reformed by work and happiness"; they must be inculcated with "... the truth that they must work for their livelihood." There was too much emphasis on moral teaching and religion, "... unaccompanied by labor—work must to me [be] first—religious teaching without industry in nine cases out of ten leads to hypocrisy." Murray regretted that she could not devote herself fully to Baker's proposal for a reformatory but added that she would forward his ideas of discipline to Mary Carpenter and Prince Albert.

Murray's views reinforced Baker's belief "of making labour the apparent first point—leaving the really more essential point of religion to act as a strong undercurrent little seen on the surface." To ensure this emphasis on work Baker proposed that the boys, after gaining the trust of the managers, be assigned to any field on his estate as farm laborers. For the most part they were to be treated as workers earning up to two shillings per week rather than as prisoners. They


28 Draft letter, Baker to Murray. In this draft, prepared as a response to Murray's letter of October 15, 1851, Baker explained that a boy would cultivate one of the undeveloped fields of blue clay on his estate until he was used to hard farm work and could be recommended for other field work by the bailiff.
were to live in a large room acting as a dormitory and dining hall, which was to be attached to a simple laborer's cottage with the master's bedroom window adjoining the dormitory.

He expected the building to be completed by March 1852. The costs of the reformatory were to be defrayed by the sale of products produced by the boys and by a fee of one shilling per week from parents or guardians for maintenance and clothing. He and Bengough had agreed to pay for the dormitory and cottage and to make up any differences in the school's costs. Baker stressed that this reformatory would be an unostentatious experiment with only a few leading local magistrates involved. Remembering Brenton's experiences, Baker intended to proceed cautiously fearing that the failure of a highly publicized experiment could damage and deter further reformatory efforts. Baker's prudence was also influenced by his suspicion that Mary Carpenter, the leading prison reformer, did not share his emphasis on labor instead of academic and religious education.

Baker's presumption was correct. Responding to Amelia Murray's request to get "into Communication" with Baker, Mary Carpenter wrote that she was thankful that he and his friend were "moved" to do something for the poor children. She stated that her experiment with a reformatory which she had begun in December 1850, was similar to the plan he proposed. It was, however, being carried out under "... less advantageous circumstances for my [four] boys are only lodging in the School Court, therefore not far removed from their old affiliations." Although sympathetic to the aims of the experiment, Miss Carpenter did
not fully concur with its principles of discipline. She emphasized the value of a full day’s exposure to religious and academic instruction for the boys and society, and declared that the success surpassed her expectations. Miss Carpenter, offering to aid Baker in any way, invited him to visit her school in Bristol and suggested that he meet Sydney Turner, the "excellent chaplain of the Philanthropic Institute," and inspect his reformatory at Red Hill. She cautioned him that Turner’s school "... was crippled from want of money [and] farmers." Finally, she urged Baker to read the report of the prison inspectors on juvenile delinquency in the October 1851 Edinburgh Review.29

Baker and Bengough inspected Red Hill before beginning their own reformatory.30 That school had been founded in 1849 as an adaptation of the cottage system successfully developed by DeMetz at Mettray, France. Baker stated that Sydney Turner had been helpful but that he had not been impressed by the school’s effectiveness in repressing crime. Its system was not aimed at the delinquent boys of one district or at clearing away crime, but solely at "doing as much good as possible to each individual who was sent there."31 Despite Baker’s criticism, that


30Gloucestershire Chronicle, November 4, 1865. No record was found of a visit by Baker to Mary Carpenter’s school either before or after he founded the Hardwicke Reformatory, but the proximity of Bristol and general feeling of cooperation—later admiration—between Carpenter and Baker made such visits likely.

31Baker, “My Life, 1856–1879”, Vol. II, p. 432, Baker Papers, Box 53. There was no record of Baker’s familiarity with the Mettray system and its influence on his plans for his own reformatory prior to his visit to Red Hill. No date for that visit was recorded.
system was the most popular among philanthropists interested in reformatory work and favored by some public officials as a way of diminishing the criminal class.

The growing public and official concern over the increase in juvenile crime was revealed in the report by the inspectors of prisons for the Home Office, published in the Edinburgh Review. The inspectors stated that despite ragged schools, refuges, and more and better prisons, young offenders had become "the plague of the policeman, the difficulty of the magistrates, a problem to the statesman, and a sorrow to the philanthropist." They stated that opposition to significant changes resulted from the inertia of the existing system, the innate difficulties of devising and financing a scheme for more reformatories, and the persistent popular fears that beneficent treatment of delinquents would increase parental neglect and induce more youths into crime. The inspectors dismissed the feared effects of reformatories and stressed that society, suffering under the present system, would benefit from a national reformatory system by a reduction of crime and its costs.

Incorporating many of Mary Carpenter’s suggestions and the experiences at Red Hill and Mettray, the inspectors recommended that juvenile offenders and any child caught gambling, idling, or neglected be sent to

32 “Fifteenth Report of the Inspectors of Prisons for the Home District,” Edinburgh Review, October 1851, p. 404. Mary Carpenter had recommended in her October 23, 1851 letter to Baker that he read this article. There is no record that he did, but because of his avid interest in any ideas concerning his proposed reformatory, it is probable that he either read it or was informed about its viewpoints.
a country reformatory "to prevent the child from becoming a plague spot on society."\textsuperscript{33} The child was to be treated to country food and outdoor labor—not fine food, smart dress and a "high education." The school's discipline was to impress the boy that he was being punished, not rewarded, for his action. "He who doeth wrong, should suffer for that wrong which he has done—such is divine law." The inspectors emphasized that the youths should not be "comforted" and "petted," but "punished" and "corrected."\textsuperscript{34} Although the precise balance between education, religious training, and labor was vague in the inspectors' report, their approval of Mary Carpenter's work indicated an official proclivity toward molding reformatory discipline to achieve moral uplift and toward viewing labor primarily as a form of punishment rather than as a means of reformation and later employment.

Baker did not appear concerned that the principles of discipline he proposed differed from those advocated by reformatory leaders and public officials. He was content to avoid any polemics until the results of his experiment had been judged. He was, however, deeply alarmed at the proposal made by Murray and included in the inspectors' report that the government establish a national reformatory system. In November 1851, Murray told him that while his proposed experiment might prove excellent, she was looking beyond it to a union of "all the earnest & practically well informed labourers in the children's cause" and a large national program "which will go to the root of the evil . . . that can only be done by a large government measure which will give us

\textsuperscript{33}Ibid., p. 424.  \textsuperscript{34}Ibid., p. 420.
not only the disposal of first convictions but the means of reforming them. She was acutely aware that no reformatory experiment could be divorced from the larger context of a society alarmed by an increase in crime and seeking a fast, sure remedy for it and she realized that there was a growing conviction among reformatory and public leaders that public satisfaction required the early construction of a national reformatory system.

Baker replied that he would be happy to aid any movement to unite persons interested in "the children's cause" but that he was skeptical of her grand governmental scheme. He focused upon the importance of local control of prisons and reform school management and the pitfalls of centralization. A centrally controlled reformatory system required a common discipline which Baker believed would be premature and ineffective. He was convinced that no one system of discipline was a patent cure for crime and that extensive and diverse experimentation was needed.

Baker cited the purpose and effect of William Crawford's work to support his position. Crawford, he asserted, had been sent to America "with orders to prove that 20 years solitude within 4 walls--without chapel or exercise--or school was a mild & effectual punishment. Had it not been for Dickens' American Notes, the British penal system would have conformed to the American system." As a result the government had to try something new "--not to improve the Prisons but to please the

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people—so they took Sir Geo. Paul's system—made a few alterations which nearly spoilt it & called it Pentonville." He feared that similar political manipulation and distortion of principles would occur in the reformatories if they were turned over to government control, and he believed that his own modest and humble efforts would be stifled. "My method," he added, "is not that of agitation of the nation—but work in my city." He reminded Murray that if he failed in his "dwarfish experiment" no one would be worse off for it, but if he succeeded, the experience and information might be of some use to a later "giant" scheme.  

Baker and Bengough, who remained at Hardwicke Court after Christmas, 1851, proceeded to complete their plans for the reformatory. The physical design remained essentially as it had been described to Amelia Murray—a simple laborer's cottage with a dormitory capable of housing ten or twelve boys. They decided to begin with a small number of boys from London who had records of repeated convictions. Both feared that the experiment would be hampered by local boys because of the likelihood that they would run away. They also thought that if the experiment failed with the hardened London youths or if they ran away, there would be no sensational charges to hurt the reformatory movement. If, however, the boys were made orderly, they would be helpful in controlling local boys from Cheltenham. In March 1852 Bengough went to London to find delinquent boys. Since there were no laws compelling boys to enter the reformatory, the youths serving sentences in jail had

to come voluntarily. On March 24 he returned with three boys from "the worst class of criminals," Joseph Harwood, George Smith, and Evans.37

Joseph Harwood was a professional thief who had been convicted seven times. He had a record of "unsteadiness." After some months at the reformatory, Baker got employment for him and without concealing his criminal background—an unconventional practice at that time. After a year's work Baker sent Harwood to Australia, where he had an uncle. Baker recalled that Harwood "wrote to me frequently after saying that he was going on well, but I fear from the tone of his letters that he was never good for much." George Smith was a pickpocket who had nine convictions. He ran away from the reformatory after two years. This actually pleased Baker, who considered Smith a troublemaker and a failure for the experiment. He wryly remarked that after Smith ran away, everyone at the reformatory was happier. Evans was a small lad who had been part of a housebreaking gang. He was believed to have been convicted eleven times. After a year at the reformatory, he was sent to Australia and no more was heard of him. Baker called the boys "a wild and difficult lot..." and praised Bengough for his "pluck and patience" in getting the boys to accept some discipline.38

Despite its uneven results, Baker was convinced by that June

37Baker, "My Life, 1807-1860," p. 45 Baker Papers. Box 53. The belief that the London boys could be helpful in subduing lads from Cheltenham, one of the largest towns in the county, and from local villages was based on the popular assumption endorsed by Baker that London boys were more alert, clever, stronger and experienced than the country lads and thus likely to dominate them.

38Ibid., pp. 46-48.
that his experiment was succeeding. He wrote to Purnell B. Purnell, chairman of Quarter Sessions in Gloucestershire, that "we are not afraid now to call attention to it." Baker asked Purnell if he could make a brief report on the school at the next Quarter Sessions as well as an appeal for public subscriptions. Since the reformatory was private and Quarter Sessions dealt only with public business, Purnell recommended that the report be made to the magistrates either during or after dinner.

George Bengough made the report on October 19, 1852. He stated that eleven boys, most of whom were from the county, had been admitted to the reformatory. The reformatory had been approved by the Home Office to receive boys under the terms of a conditional pardon and that for the first time, boys convicted of a crime and sentenced to Horsley prison had been transferred to the reformatory. Bengough observed:

With regard to results few could yet be visible: the principle one is a considerable increase in steadiness and habits of

40 Ibid.
41 Baker, Papers on Reformatories (a compilation of pamphlets regarding reformatory work and crime), Pamphlet No. 1, reprinted from a report appearing in the Gloucestershire Journal. Baker Papers, Box 45.
42 The cooperation of the Home Office was essential to the success of the reformatory experiment, not only by approving the school and permitting juvenile convicts to be transferred from prison, but also in providing advice. Baker had noted earlier to Purnell that the Home Office had been very helpful in all ways during this early period of the reformatory. Letter, Baker to Purnell, June 1852. Baker Papers. Box 17.
industry in the boys, which we consider a great step in the right direction, though confessedly but a step at least. In one or two there is a greater change observable still. But even if it were not so—if we had nothing as yet to show—we might still not unfairly claim something for having kept for so many months out of mischief, at a very small expense, boys who would probably have been doing a good deal towards filling our prisons at a cost considerably greater.

They wished to transform the reformatory from an experiment to a permanent institution aiding the county's efforts to reduce crime. To achieve this while remaining private, Baker and Bengough appealed to the gentlemen for a fifty pound subscription per year to enlarge the school and increase the number of boys to twenty. The response was generous.

Within a year the reformatory was secure and running smoothly and unobtrusively. The cost of the reformatory for 1852 and 1853 was £660-0-3½, the bulk of which was paid by Baker and Bengough. The school's administration consisted of two managers, Barwick Baker and George Bengough, and a committee of gentlemen who aided and advised the managers and looked after Parliamentary legislation which might affect the reformatory. A total of twenty-four boys had been received in this period—fourteen from Gloucestershire, three from Bristol, and seven

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The estimated cost of keeping a boy one year was £6. Baker, Papers on Reformatories, Pamphlet No. 1. Baker Papers, Box 45.

A small room was to be added to the reformatory to house George Bengough. That room was finished by December 1852. For nearly a year Bengough had lived at Hardwicke Court, walking about two miles to the reformatory each day. He acted as the moral instructor and overall supervisor of the boys while Bevan Smith, a young farmer who lived in the reformatory's cottage, was the bailiff, superintending the boys' labor. Baker was in charge of the general affairs of the school and was in constant contact with Bengough and worked frequently with the boys. Baker, "My Life, 1807-1860," Vol. I, pp. 48-49.
from other English counties. Seven boys had been discharged or had left. Three of them were doing well, while four were reported back in crime. Baker and Bengough attributed these failures to "inexperience and over-sanguineness on the part of the managers" and to the "want of legal power to retain them even against their parents' desire." They added that the seventeen who remained were making progress in steadiness, discipline and work habits. 44

Boys older than fifteen or younger than eleven were not generally accepted. Under the rules of admission which parents or guardians had to sign, the managers were granted the power to keep a boy up to the age of sixteen and to place the boy in any position in the country or colonies that they saw fit. It was also agreed that the lad would be educated in the principles of the Church of England. The rules of the school were "few and simple," Baker and Bengough believing that rigid discipline did not create "full scope enough for the action of individual character." Fines and raps by a cane were generally used for enforcement, while birching and solitary confinement in a light cell with a diet of bread and water were confined to serious infractions. 45

The normal diet consisted of skim milk, ten ounces of bread at

44 Although parents or guardians were required to pay part of the maintenance of keeping a boy, this did not defray expenses to any great degree. The bulk of the expenses, nearly £500, was paid by Baker and Bengough. Baker and Bengough, Report and Rules of the Children's Friend Reformatory School (E. Power, Gloucester) January, 1854, pp. 4-5. Baker Papers on Reformatories, Pamphlet No. 3. Baker Papers, Box 45.

each meal, and dinners of vegetables, rice, cheese, and soup, with meat served three times a week. The boys slept in hammocks. They were roused at daybreak, dressing in cord suits with a smock replacing the jacket during work, and employed at farm chores. To encourage good work, a system of reward, adopted from the plan practiced at Red Hill, permitted a lad to earn up to sixpence a week, which could be placed to his credit or paid in goods and additional food at meals. The boys attended classes for two hours every evening. Those who were totally uneducated received some additional instruction in the day. Practical religious lessons were taught at morning prayers and the Anglican Catechism instructed once a week. The boys were taken to church in Hardwicke twice on Sunday. George Bengough was the academic and religious instructor, while Baker supervised the overall affairs of the school. 46

Superficially the Hardwicke Reformatory appeared to differ little from Red Hill and Kingswood, the reformatory founded by Mary Carpenter in the late spring of 1852. These reformatories sought to remove juveniles from the corruption of urban life to a socially healthy agrarian environment. All endorsed a principle of discipline aimed at punishing their subjects and encouraging moral reformation. They required parental or guardian support of a ward and by agreement assumed full custody. The Hardwicke experiment, upon a closer examination, however, was significantly different in purpose and emphasis. Unlike Turner and Carpenter, Baker and Bengough did not intend to pick up every neglected

46 Ibid., pp. 9-15.
or wayward youth and waif. They followed a policy of selective admissions, accepting only the hardened criminals and the leaders of crime. Although at first they admitted boys from all districts, they increasingly confined their admissions to lads from Gloucestershire, focusing on areas within the county where juvenile crime was high.

Skeptical of any patent mass reformatory discipline, Baker did not agree with Turner and Carpenter that reformatories existed to stop crime by uplifting neglected children, straightening twisted characters, or strengthening weak constitutions by education and moral instruction. In contrast to Turner and Carpenter, Baker and Bengough believed that the main purpose of a reformatory was to prevent crime by removing the leaders of crime from the county. They hoped "to prevent them from corrupting and leading others into crime."\(^47\) Their second object was to reform the boys through a system of discipline stressing agricultural labor and assistance in finding work after release, rather than through academic and religious instruction.

Baker did not try to make his unconventional approach to the problem of juvenile crime a decisive issue; he did not generate great public claims for his reformatory. He made no pretensions that his system could reform all boys, observing that "The evil of 12 or 14 years is not to be eradicated in 6 or 12 months."\(^48\) Baker was, however,


convinced that the success of his experiment proved that a network of small private county reformatories for juvenile criminals would be far more effective in diminishing crime than the creation of a national system of large reformatory schools for wayward children and criminals as Sydney Turner and Mary Carpenter favored.

Nevertheless he was content to work within his county and to refine and outline his principles to anyone interested and then let them form their own judgments. "Our system," he once wrote, "has been not to place them [juvenile offenders] in a school where they should be well educated and do little work thereby making them rather better off than they would have been had they been honest— but to make hard work the apparent first object—with a little teaching given them when they cannot be at labour. We endeavour to give them the habits of industry and regularity in the first place and good principles when they [are] more able to receive it." He liked to defend his position by using the analogy of a weed field. Before one could sow a crop, he argued, the weeds had to be pulled. Hard work was the means. Baker's experiment, nevertheless, had a far greater impact on the reformatory movement than he ever envisaged. His place in it was not to be confined to that of a shy, unobtrusive innovator.

By the end of 1853 the reformatory movement was gaining

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49Letter, Baker to Olivecron, January 17, 1878. Baker Papers. Baker believed that the practice of clearing an area of the leaders of crime and his emphasis on labor were the only original principles he contributed to reformatory discipline.
momentum. Charles Adderley had founded a school at Saltly near Birmingham and Mr. J. Sturge had started one at Stoke near Droitwick. The idea of a reformatory union, proposed by Amelia Murray in 1851, had gained the support of Mary Carpenter. She had invited Baker to meet with a committee of reformatory managers and persons involved in the "Children's Cause" in the spring of 1852 to inquire into ways of arousing government interest in juvenile reformatories. On December 20, 1853, a third meeting of reformatory managers and colleagues was held at Birmingham. Baker recalled that it "had become a powerful movement." Its prestige and strength could partly be measured by the fact that Sir John Pakingham presided at the morning meeting and Lord Shaftesbury at the evening. The managers were less concerned with principles of discipline than with the future organization of a reformatory system. A proposal was made to request the government to establish and manage a reformatory system. Lord Harrowby opposed the idea and urged that reformatories remain private and voluntary for at least two more years. He argued that if after that time the system was insufficient, the

50 Baker was also invited to join a Bristol committee which was considering purchasing the former theological school at Kingswood at a cost of £1600 and converting it into a reformatory for 150 boys. Mary Carpenter thought that a large-scale reformatory would be successful, based on the experience of other reformatories and her observations of the boys living in her courtyard adjoining the ragged school. She re-stated her belief that reformatory discipline should emphasize kind but firm "moral influence" to improve a boy's character. Letter, Carpenter to Baker, March 3, 1852. Baker Papers.

the government could be called in. Baker supported Harrowby: "Though then little known, and not used to public meeting, I with my weak voice seconded him to the best of my power, and we carried his view, and I believe averted what would probably have been a failure."52

Baker returned from the Birmingham meeting committed to defend the system of small private reformatories. He composed a letter to the Gloucester Chronicle describing the Hardwicke Reformatory and attacking the idea of a national system.53 Part of that account was reprinted in the London Times, drawing the attention of the editors who prepared a lead article on the Hardwicke Reformatory as a contrast to the Grand Scheme of the day.54 The Times stated that modest and simple charity were currently ill-considered, that only the "Grand Scheme" costing thousands of pounds and resulting in a huge ornate structure got public sympathy and support. The Hardwick Reformatory by comparison had "Only twenty boys, a bailiff, a schoolmaster, some cows and pigs, . . ." and a shed and cottage built at a cost of £250. "Was ever British philanthropy content with so humble a frontpiece. There is no president, vice president, patrons, governors, committees, stewards, secretaries or treasurers, not even an annual dinner, from all that appears, nor an annual field day."

The editors approved of the reformatory's emphasis on

52 Ibid.


54 The Times (London), January 3, 1854.
agricultural training. They recalled that thirty years earlier agricultural labor was honored and needed, although "philanthropy, ingenuity, and science were dared to the utmost to rescue the unhappy youth of England from field work." Noting Baker's disclaimers of "high success," the Times nevertheless endorsed his reformatory principles and practices. They provided greater hope and opportunity for the boys and "for the plain reason that there is no machine, no institution, no system like an educated country gentleman whose heart is in his work. . . . All other instruments and contrivances of goodness are illusory compared with the persevering efforts of a good man to restore the lost image of goodness to his fellow creatures." The Times urged the increase of small private county reformatories like that at Hardwicke Court before new and elaborate plans were tried to cope with all the rising generation of crime. 55

Following the publication of the Times article, Baker received inquiries from all parts of the country about the Hardwicke Reformatory. His standard reply was an invitation to interested persons to visit the school and Hardwicke Court. "Men of a great many counties came here, and I formed many friendships that were of the greatest pleasure and use to me." 56 George Bengough shared with Baker the growing reputation of

55 The editors argued that no longer would transportation adequately answer England's crime problem. "The Earth is saturated with British crime and refuses to hold more. . . . We must begin at the fountainhead, and if possible, reform those whom we cannot either transport, or shut up, or destroy, or set at large." Times, January 3, 1854.

the reformatory and enjoyed the benefits of its prestige. He left the
school in 1854 to assist the movement by aiding others to establish
their own reformatories. Later he became the manager of Kingswood, while
continuing to assist Baker on reformatory matters as the movement expanded. Baker warmly recalled Bengough: "He was a noble fellow and he had
one great power which is not generally recognized as such; but the fact
of a man being entirely unselfish, caring nothing for his own fame and
only wishing to do good to others gives him a power of success which is
not commonly or easily recognized."57 Baker, who was also not en-
thralled by fame, found himself by the end of 1854 identified with a re-
formatory whose reputation had been embellished by a flattering and in-
fluential article as well as by the praise of the curious and interested.
He was projected from the position of an obscure local squire and magis-
trate who had founded a reformatory on his own intuitive pragmatic prin-
ciples to a person of national prominence, regarded as an important man
to consult on reformatory matters.

57 Ibid., p. 49. Bengough assisted Sir Stafford Northcote to
organize his reformatory in 1854. Gloucestershire Chronicle,
November 4, 1865.
CHAPTER III

BAKER AND THE SPREAD OF THE
REFORMATORY MOVEMENT IN ENGLAND

At a meeting of the British Association at Liverpool in September 1854 Berwick Baker, as a leader in the reformatory school movement, was asked to give his views on punishment and reformation, to describe his school, and to rationalize his experiment into principles of organization and discipline. He attacked the prevailing practice of sending juvenile offenders to prison to punish and reform them and to deter others from crime. Baker asserted that a boy's loss of freedom and reputation was sufficient punishment. He declared that efforts to improve a youth's character in prison were nearly hopeless because the current reformatory schemes were ineffective and attempts to increase their effectiveness and introduce new regulations were impaired by the "Procrustian system" of prison administration. He also rejected the use of punitive prison discipline—a long term in a wretched institution, restricted diet, isolation, and unproductive labor—as a reasonable way to deter crime. He pointed out that recently the public was also beginning to doubt the deterrent effect of harsh prison conditions and punishment.\(^1\)

Baker stated that a boy was more likely to be reformed at a

\(^1\)Baker, Papers on Reformatories, Pamphlet 1, pp. 1-15. Baker Papers, Box 45.

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school like his than in a prison because the manager had a better opportunity to know the lad and had greater freedom to devise and carry out special programs for him. A reformatory also deterred crime, not by harsh conditions and discipline but by providing for the removal of the criminal leaders from society to prevent them from corrupting "the children of the honest labourer." He assured the members that reformatory farms were feasible in England because there were at least a "dozen" dedicated and able squires in every county who could successfully manage a farm school.

Turning to his own reformatory school, Baker pointed out that using a simple laborer's cottage and dormitory for a school, privately supported and located away from populated areas, had averted envy among the poor, antagonism from ratepayers and fears by neighbors that they were living near a "colony of thieves." The school's growth, Baker stated, was governed by need and opportunity rather than a pre-planned schedule. Many neighbors had assisted the school and aided the boys. "We commenced thus in our inexperience, merely because it was the most convenient plan we could adopt; but our later experience has not shown us any way in which we could have improved it."  

2Ibid., p. 9. While discussing the discipline of his school, Baker continually emphasized that the purpose of the school was not primarily to uplift fallen character but to reduce crime by removing criminal leaders from one district at a time.

3Ibid., p. 10
He stressed the advantages of agricultural labor as the basis of reformatory discipline, observing that confinement of an alert, imaginative and restless boy to a cell where he worked at hand labor did not absorb energies or dull his images of "former scenes of excitement." On the other hand, digging and plowing all day drained a boy's excess energy, dampened an active imagination and prepared his mind "to be acted upon by a firm kindness... and to receive into a fit soil the due measure of the good seed of religion." Farm labor also had the benefit of removing a boy from the "vices of the streets" and preparing him for a country life where "all his habits, all the objects he sees, remind him of his school life where he was reformed, rather than his former evil courses."

In Baker's judgment the pragmatic organization and discipline of his reformatory had proven its value by reducing crime in his county. Although he was optimistic about his own experiment and certain of the relative efficacy of its principles, Baker was not then and never became dogmatic. In making the observations about the success of his school and its discipline he cautioned his audience not to interpret his remarks as an affirmation that he had found the "right" way to reform juveniles and diminish crime. He hoped instead that his views would promote further discussion "which may bring forwards sounder opinions than my own, and at any rate may lead to that interchange of sentiments which is likely to elicit truth...and result in more county reformatories to reduce crime." 4

4Ibid., p. 9.
The spread of county reformatories received government support with the passage of the Reformatory Act in the spring of 1854. Under the new law a boy previously sentenced to jail or Parkhurst Prison to await transportation could be sent instead by the magistrate and with the approval of the school manager to any certified reformatory for a term of from two to five years. In addition the legal custody of the manager over his wards was confirmed. That act, combined with the popularization of Baker’s school and principles through his frequent conferences and trips to aid others in founding schools, contributed greatly to the expansion of the reformatory movement. By 1855 over twenty county reformatories based on the Hardwicke model were established in England.

The success of the schools encouraged some reformatory, refuge, ragged and industrial school managers and philanthropists to unite all those interested in the children’s cause into a movement with the broader aim of social improvement rather than strictly criminal reform. In the winter of 1855 they created the Conference Committee at a meeting at

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6 Between 1854 and 1856 Baker received many delegations at Hardwicke Court interested in inspecting his reformatory and beginning their own. He was anxious and delighted to assist them. In addition he made occasional trips to aid persons establishing schools. In February, April, and December 1855, he attended meetings in Leicester, Bedfordshire and Worcestershire to lay plans for the establishment of county reformatories based on the Hardwicke model. Baker, "My Life" Vol. I, pp. 59-63. Baker Papers, Box 53

7 Baker, Papers on Reformatories, Pamphlet No. 15, p. 3. Baker Papers, Box 45
Birmingham and formed a special committee under Robert Hanbury, treasurer of the Boy's Refuge [a shelter for wayward and destitute youth] at Whitechapel, London, to promote the children's cause. About thirty people attended the first meeting of the Hanbury committee in London in early March. In recognition of his prominence in reformatory work, Baker was asked to give the opening speech. Following a summary of his experiences and principles, other speeches were given and the fine points of reformatory discipline debated. Later a Central Committee was appointed "to help the Ref. movement" and a sub-committee organized to consult with members of Parliament about reformatory matters. Baker was disappointed with the meeting, observing: "It was a rather stiff and formal meeting, and we did not get to much that was very practical."  

Dissatisfied with the Hanbury Committee, Baker decided to hold a meeting of reformatory managers and workers at Hardwicke Court. The purpose of the meeting was to provide an informal social occasion to enable the managers to become acquainted and to exchange views and

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8 Being skeptical of large organizations, Baker had reluctantly joined Hanbury's committee in Birmingham. He was appointed to the newly-formed Central Committee. He recalled that at the London meeting he explained simply that his purpose was to prevent crime by taking only skillful and hardened offenders to prevent them from leading others into crime. He stated that his experience demonstrated to him that this was a better and more effective way of diminishing crime than trying to reform every bad or wayward boy who committed an offence. *Ibid.*, p. 60.

9 Letter, Baker to Sir Stafford Northcote, December 12, 1855. Baker Papers, Box 17.
The October 1855 meeting at Hardwick Court surpassed Baker's expectations. That gathering, he recalled, "was of the greatest service to the cause, as it brought out a life long friendship amongst us all." In addition, the managers, encouraged by Sydney Turner of Red Hill, agreed to form the Reformatory Union and to hold larger annual meetings. Baker at first opposed the idea, arguing that the Union would rival the Hanbury Committee. Turner, who had been the secretary of the Hanbury Committee, assured Baker and the other managers that the

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10 Draft letter, Baker. Baker Papers, Box 17. The draft of the invitation sent in the fall of 1855 made it clear that the meeting was for social purposes "not for a conference." The draft included a list of persons, though possibly not complete, who were invited to Hardwicke Court. About forty invitations were sent and nearly thirty people accepted. Those accepting were: Rev. M Barton, Saltly Reformatory, Mr. and Mrs. George Bengough, Kingswood and Hardwicke Court, J. G. Blencowe, Sussex, who had a reformatory on his estate, C. Castleman, who had just opened a school on his estate near St. Ives, Mary Carpenter, Kingswood and Red Lodge Reformatories, Rev. A. Fame, Wilts Reformatory, J. G. Fish, Exh. Ridings, where a site had been provided for a reformatory, G. W. Latham, who had just built a school on his estate in Cheshire, G. A. Lounds, Essex, who had provided for a reformatory on his estate, Townshend Mainwaring, who was interested in establishing a reformatory in North Wales, J. C. Mansell from Dorset, who provided for a school on his estate, Sir Stafford Northcote, head of the Devon Reformatory, Charles Rateliff, Saltly Reformatory, Charles Sartories of Hauts, who was prepared to start a reformatory on his estate, Rev Sydney Turner, Red Hill Reformatory, E. B. Wheatley, who had just opened a school on his estate, and Sir J. E Winnington, Worster, who was agitating for a reformatory in his area. Those invited and attending who were not managers, yet closely associated with reformatory work, were: Sir John Pakington, J. J. Phelps, C. Brooke Hunt, Henry J. Hath, and H. W Bellaris. Those invited but not attending were: C Bowyer Adderley, F. D Perry, J. Wright, G. F. Bowyer, J. Madgson, P J Murray, J. C Higgins, J Hodgson, and Edward Kennon. Some names on the lists were illegible and many were not identified.

committee had dissolved and that its successor, the Sussex Square Movement in London, had also suffered from a "most unceremonious death."

Although Baker had resisted its creation, the Union's existence was nevertheless popularly attributed to his efforts. 12

Baker was later informed by Hanbury that his committee was still active. Despite the error, Turner implored Baker in December to uphold the Union while avoiding "the absurdity & the Crime of Opposition & Rivalry." 13 Independence without rivalry seemed impossible to Baker after Robert Hanbury and John MacGregor of the Ragged School Shoeblack Society, and a member of the committee, charged Baker and the Union with arrogating their authority. The obvious course was to unite the two groups. A proposal for union was sent by George Bengough to Hanbury and Macgregor. 14 Their reply was a cool request to Baker that he come to London not to discuss unification but to explain the meaning of the Reformatory Union. 15

G. J. Bowyer, who was associated with the Hanbury group and the Union, urged Baker to attend the meeting and forewarned him of the


13 Ibid. Although Turner had little admiration for Robert Hanbury, he believed that Baker had made a mistake by not inviting Hanbury to the Hardwicke meeting and then not asking him to join the Union. Turner added a critical observation about Hanbury: "I don't quite see why a New Christian like W. H. [sic] should come out so coolly as the leader of men." (Letter, Turner to Baker, December 9, 1855, Baker Papers, Box 17.)

Londoners' indignation. They had not been impressed by his assertion that since they had done nothing since March that they should be "deeply indebted to Baker" for his work. Bowyer added that no one on the committee knew anything about reformatories, particularly John MacGregor, whose time was "entirely taken up with Ragged School . . . Protestant Associations, open air Preaching, etc." 16

On December 10 Baker attended the London meeting. He found the members "stiffish" and MacGregor antagonistic. MacGregor reportedly charged that the two bodies "could not exist except as rivals and that the only way Bengough's proposal to unite could be carried out was by declaring that the Union had never been formed but only its conception formed." Baker replied that he would have opposed the formation of the Union had he known that the committee still existed, yet the Union's existence could not be denied. MacGregor and the others on the committee were not mollified by Baker's explanation and his assurances that there was no need for quarrels. A second meeting was arranged for December 21 to discuss Bengough's proposal for union. 17

The likelihood of merger, however, was rapidly diminishing as the incompatibility of the two groups became clearer. The Reformatory Union, led by Turner, Bengough, Bowyer and Baker, represented the


17 Letter, Baker to Northcote, December 12, 1855. Baker Papers, Box 17. The date of the first London meeting, December 10, 1855, was mentioned in only one source. (Letter, Hanbury to Baker, December 14, 1855, Baker Papers, Box 17).
interests of the small, rural county reformatories housing juvenile delinquents. Their managers opposed sectarian discrimination and centralization under either a public agency or philanthropic society. Hanbury's committee, once called the Sussex Square Movement, represented the interests of large urban refuges and ragged schools which dealt mostly with indigent and wayward children rather than criminal youths. This was mainly a London movement headed by Hanbury and MacGregor and abetted by Lord Shaftesbury, the powerful politician and philanthropist. This group advocated sectarianism and sought control of all institutions, including the reformatories, involved with children.

Baker, who had unwittingly become the leader and spokesman of the Union, favored independence after the December 10 meeting. Clearly and cordially he stated his position to members of the Conference Committee and the Reformatory Union. He wrote that the two organizations could work as "brothers--with all Brotherly love and due submission from the younger to the elder." He suggested that the "Elder Brother" take care of London and that the "younger" look after the country.

Baker preferred separate organizations because "The Town & County Schools are very different in their habits & may I say--even more in their mode of working." The city school had the "gigantic" task of accepting all cases. In the country the work was aimed at "finding out what regular thieves there are in the County & clearing them off, District by District, till here are none left to instruct others in the art & thus preventing the corrupting of the innocent instead of merely reforming those who have fallen." In addition, the city schools required
great efforts by large committees "to stir people up—to get money—to get more schools established in order to cope with the great amount of crime." Baker stated that such efforts and committees were unnecessary in the country because there were sufficient funds and enough interested men for reformatory work. He believed that through their efforts crime in the country would be cleared long before it had been erased from the cities. There was no reason, Baker concluded, to dissolve the Union. On the contrary, there was every justification for encouraging independence and cooperation to achieve the mutual goal of ending crime. 18

Confiding in Sir Stafford Northcote, head of the Devon and Exeter Reformatory Farm School, Baker challenged the commitment and dedication of the Hanbury group to the "mutual goal," observing, "They only think of Great Meetings, Great Surpluses, etc., & cannot at all understand the hearty good feelings which prevailed enough of us at Hardwick." 19 Northcote also preferred separate bodies but advised Baker that a compromise was necessary to avoid a divisive quarrel "with Lord Shaftesbury & Co." and to keep the county reformatories from falling

18To add confusion to the controversy, some persons like Baker were at once members of the Reformatory Union, the Birmingham Conference Committee, and the Hanbury Committee, while there were apparently some people who were associated only with the Reformatory Union or the Conference Committee. Draft letter, Baker to Hanbury, MacGregor, members of the Conference Committee and Reformatory Union, December 11, 1855. Baker Papers, Box 17.

“into the hands of the Metropolitan Mobs.”

Bengough and Turner reinforced Baker's skepticism of the Hanbury group and endorsed his position of keeping the organizations separate. Bengough stated that he was dubious of John MacGregor's aims and opposed any move enlarging Lord Shaftesbury's control of the movement. "I look upon him as a good man but most weak and bigoted and he would be sure I fear to narrow the doors of [the] Union which should be as wide as possible." He assured Baker that the Union had influential friends and that it could withstand any pressure from the London committee.21 Turner argued that the Hanbury group would corrupt the reformatory movement because their London schools were for the most part refuges rather than reformatories.22

Before the second London meeting on December 21, most Union members had rallied to Baker's position for independent organizations, while the Hanbury group hardened its earlier demands for disbanding the

20 The compromise Northcote suggested was to form a common organization with the appearances of union while upholding the independence of each group. He proposed that the new association select Prince Albert as its head with a "showy list of Vice Presidents" to support him. He recommended the formation of a central committee with representatives from both groups to direct the organization. Letter, Northcote to Baker, December 16, 1855. Baker Papers, Box 17.

21 Bengough acknowledged the receipt of Hanbury's invitation to the December 21 London meeting and a copy of the resolution for union. The invitation and resolution had been sent by Robert Hanbury on December 14. Letter, Bengough to Baker, ca. December 16, 1855. Baker Papers, Box 17.

Union. At the meeting attended by committees from both groups, the previously vexing question of "the irregularity, not to say the impropriety of our [the Union] existence as a body" was overshadowed by MacGregor's invectives and threats. Asserting that the Union did not open its meeting with a prayer and that its members objected to religious instruction in their schools, MacGregor charged the Union with Godlessness. He warned that his London movement was associated with a "Strong Party" (likely referring to the evangelical or Low Church party of the Anglican Church) which will not aid the Union unless its members accept their demands for a rule "which would exclude all Roman Catholics, Unitarians and others with whom the Strong Party would not act."

Attacking MacGregor's charges and bigotry, Baker affirmed that religion was a basic principle of the Union and stated that under no conditions could he consent to any rule "which would use the Bible and Prayer as a means of offence, annoyance or exclusion." MacGregor

The December 21 meeting had been tentatively arranged at the December 10 discussion. Later Hanbury confirmed the arrangements. He wrote to Baker that three or four members of the Union should meet with his sub-committee to discuss the preparation for a constitution to permit the two groups to merge. That constitution was to be presented to a general meeting of the Conference Committee with both factions represented for approval. That meeting was planned for February 1856.


The committees which met in London on December 21 were composed of E. B. Wheatley, M. Barton, George Latham, Bengough and Baker representing the Union and W. Youk, W. Bowker, J. MacGregor, Northampton, W. Cant, George Bowyer and Hanbury for the committee. Draft letter, Baker to members of the Conference Committee and Reformatory Union, undated. Baker Papers, Box 17.

Baker sent his account of the meeting to Union and Conference Committee members and interested and sympathetic persons. Draft letter, Baker to members of Reformatory Union and Conference Committee, undated. Baker Papers, Box 17.
responded with a demand to exclude DeMetz, the founder of the cottage system in Mettray, France, and Mary Carpenter from any reformatory society. Baker remained firm. He told MacGregor that he was soon to assist William Langdale, who was founding a Roman Catholic reformatory in Yorkshire. MacGregor replied that "his Party was the strongest in the Country and he could not see how we [the Union] could hope to get as much strength and importance from the R.C.'s and Units, as we should from his party."25

The conference degenerated further when MacGregor switched his attack from the Union to Baker, accusing him of ambition for power and fame. MacGregor declared that since Baker was determined to have his own party, they should divide England into two philanthropic districts. He proposed that Baker take all of west England and make Bristol his headquarters and leave London and the eastern region to the Hanbury group. Baker concealed his embarrassment and anger and vainly tried to reason with the Londoners to dispel any beliefs that he wanted to make himself "'the Head' of half England." Following this exchange, the Union's committee withdrew. Baker and his associates agreed that

25Baker, "My Life," Vol. I, p. 62. Baker's position on the religious issue in reformatories had firmly developed by the fall of 1855. He had been annoyed to learn that Catholics were agitating against the county reformatories because only the Anglican religion was taught. At a meeting to open the North and East Riding Reformatory on October 4, 1855, the religious issue was raised. During the heated discussion Baker proposed a practical solution—the establishment of separate reformatories by Catholics for Catholics. His principle of voluntary religious separation with continued full cooperation among the managers was quickly adopted at that meeting and later by the reformatory managers generally. Baker remarked, "From that time the religious difficulty has ceased to affect Reformatories
despite the impossibility of a merger, the unreasonableness of the Lon-
doners' terms and the damaging nature of their charges, they would do
nothing "to oppose or interfere" with them before the Conference Com-
mittee, a meeting of philanthropists and managers of juvenile institu-
tions, called for February 1856. They feared that rivalry and conflict
would imperil "the cause."26

George Latham, manager of a reformatory farm on his estate in
Cheshire, hoped that MacGregor's and Hanbury's "suicidal Protestantism"
would be rejected at that meeting. He assured Baker that the Union mem-
bers and those familiar with him would not be fooled by the accusation
that he wanted to be head of half of England. "No one who knows you and
your ideas will consider you more than a great exemplar to follow with a
school to imitate."27

Although the Union members strongly supported Baker's actions at
the conference, there was agreement that some kind of religious formal-
ties should be included in their future meetings to deflate MacGregor's
charges. One Union member, Henry Barton, suggested that the members
should pray before their meeting "and then let us meet to do the work of
the good Samaritan, not in MacGregor's [sic] --but in the Spirit of a
better man."28 Sydney Turner stated that he did not want the Union to

26 Ibid.
27 Letter, Latham to Baker, January 4, 1856. Baker Papers,
Baker was bolstered further by Bengough's efforts to unite the Reformat-
tory Union behind Baker and Mary Carpenter's affirmation of support.
Letters, Bengough to Baker, January 15, 21, 23, 1856; Carpenter to Baker,
January 24, 28, 1856. Baker Papers, Box 17.
appear "indifferent or doubtful on such a point as Bible teaching," but indignantly added that he did not feel "called on to advertise my scriptural convictions in every Reformatory Union Programme I agree to." 29

Robert Hanbury intended to place the whole controversy before the Conference Committee. With the support of Lord Shaftesbury, the London philanthropists, ragged and industrial school managers and some reformatory managers he expected the committee to endorse his sectarian position and repudiate the Reformatory Union. He believed that the Union would eventually dissolve with its former members coming under his control. To achieve this, Hanbury ruled out any compromise on the religious question. Cooperation with Catholics and Unitarians was impossible, he told Baker, "in work which more than almost any other relates to influence on the heart and directly concerns religious teaching." He saw no reason, therefore, to attend a scheduled sub-committee meeting with Union representatives on February 6 to work out their differences before the Conference Committee met. 30

Regretting that there was to be no opportunity for compromise, Baker tried to assure Hanbury that the inflammatory religious issue should not divide them since religion was the agreed basis of reformatory work. He vigorously opposed the subtle aim of the Hanbury group to


30 The decision not to meet with Union representatives was made at a meeting of Hanbury's sub-committee on January 3, 1856. Letter, Hanbury to Baker, January 4, 1856. Baker Papers, Box 17.
extend the influence of the London philanthropists and ragged school and refuge managers to the county reformatories through a strong benevolent society. Baker pointed out that the members of the Union had agreed that "the management of every school should be entirely left at the discretion of the manager or the managing body" and that the Union's purpose was simply to facilitate the circulation of reformatory information. "Were our object to gain a power of interference—a right of direction over the individual schools—were our wish to make a strong political party—or to gain power for some other purpose into our hands, I should then hesitate strongly to join the Romanists." The county reformatory managers had no need for a "strong party," Baker stated, because they had "no public point to carry" and "sufficient money and men to meet the problem." They only needed time and no "blight or storm" to disrupt their work.31

Baker's suspicion that the controversy involved the control of reformatories as well as religion was confirmed by Charles Castleman, manager of the Hampshire Reformatory. He reported that Lord Shaftesbury admitted to him that the object of the Hanbury committee was to get the managers of the ragged schools and reformatories under the control of a central committee which would regulate a joint purse. Although Shaftesbury assumed there would be no interference with any manager and that

31 Baker reaffirmed his commitment not to join any association which excluded "such earnest and zealous workers as Demetz [sic] & Miss Carpenter." He hoped their differences would not lead to opposition between the groups and offered to pass along all relevant information from the reformatory managers. Draft letter, Baker to Hanbury, undated. Baker Papers, Box 17.
the committee's sole purpose was to contribute to the efficiency of the work, he agreed with Castleman that there could be indirect coercion through manipulation of the purse strings.\footnote{Letter, Castleman to Baker, January 16, 1856. Baker Papers.}

On February 7, 1856 members of the Reformatory Union met in London. They quickly agreed to reaffirm the principles of the Union and resolved to oppose Hanbury's sectarian and centralizing policies.\footnote{Baker prepared and distributed his account of the meetings of February 7, 8, and 11, which he presumably sent to members of the Reformatory Union, Conference Committee, and friends of the reformatory movement. Draft letter, February 15, 1856. Baker Papers, Box 17.} The following day about eighty people, most of whom had been selected by Hanbury, attended the Conference Committee meeting, which Lord Shaftesbury chaired.\footnote{As chairman of the Birmingham Conference Committee, Hanbury had called for a reformatory conference in London on February 8, 1856. It was a closed meeting with invitations sent by Hanbury. Baker had asked that it be opened to all interested persons, but Hanbury insisted that was impossible because the facilities were inadequate. He did ask Baker to send his names of additional persons to be invited, but at that late date (January 31, 1856) there was little chance of upsetting Hanbury's control of the meeting. Letter, Hanbury to Baker, January 31, 1856. Baker Papers, Box 17.} Three resolutions were offered. The first two to form a union of reformatory and refuge managers and to train schoolmasters and provide books, were carried without serious debate. The third resolution, that all schools established to reform boys must train "them in the fear of God & a knowledge of the Holy Scriptures," was challenged by Baker. He asked if this resolution was intended to exclude Catholics and Unitarians from the proposed union. MacGregor admitted that was the
purpose of the resolution. Lord Shaftesbury and Sir John Pakington, who had participated in founding the Reformatory Union, attempted to soften passions by assuring Baker and his associates that those religious groups would not be offended by any action taken by the Committee. 35

After a lengthy debate which deepened divisions among the delegates, Shaftesbury proposed that the meeting be adjourned without any decision rather than splitting on the religious issue. This course was not acceptable to Hanbury, who pressed for a vote. The resolution was carried forty-one to twenty-nine; the formation of the Reformatory and Refuge Union under the leadership of the Hanbury group was completed that afternoon.

Due largely to Baker's leadership and firm adherence to principle, the Reformatory Union remained intact. That evening Baker and Hanbury had a congenial conversation in which Hanbury declared that the independence of both the Reformatory and Refuge Union and the Reformatory Union was "distinctly recognized." His members accepted the existence of two groups "working for nearly the same end & willing & anxious to cooperate on all points where certain opinions did not clash" Baker replied that he was satisfied with this outcome. 36

Although the Reformatory Union successfully upheld its principles against the pressures of the Hanbury group, a few prominent members could not resist the infectious appeal of making the Union into a strong benevolent society. At a meeting of the Reformatory Union February 11, 35


36Ibid.
C. B. Adderley from the Saltly Reformatory proposed that they should "beat the other Union" by getting Lord Brougham, a prominent Whig politician and member of the Law Amendment Society, to be their president. Baker, who chaired the meeting, and Northcote pleaded that they should not "lower ourselves by trying to rival the other lot." The members, many of them new, were unpersuaded by their arguments. The majority wanted an expanded and more influential organization. That afternoon the Reformatory Union was disbanded and the National Reformatory Union created. A proposal to ask Prince Albert to be its president passed. Baker sarcastically reported that this new Union was to have a glitter of names and a committee to raise money to compete with the Reformatory and Refuge Union.

Ironically, London men were to dominate the new Union. There were to be no county reformatory managers on the Central Committee "because as Turner says, they can't attend regularly." Baker lamented, "I think Friday was the better days [sic] work of the two—Oh for the Club. We'll have a week at Hardwicke [and] they can't make that

The National Reformatory Union was formed with the following purposes: "To collect and diffuse information bearing on the Reformation of Youthful Offenders. To promote the formation of Reformatory Institutions where needed, and generally to advance the further practical development of the Reformatory System. To consider and promote such Legislative measures as are still required for the better care and Reformation of Youthful Offenders. To assist in the placing out and subsequent guardianship and protection of young persons leaving Reformatory Institutions " Membership was not confined to English reformers, "but may include persons in all Countries who can contribute to the furtherance of its objects." A committee was established to solicit subscriptions. Leaflet, National Reformatory Union, Baker Papers, Box 17.
Baker's disappointment was shared by Bengough and Latham. Bengough feared that the new Union might be "dangerous" for the county reformatory school managers because of their diminished power and influence in it. Latham doubted its effectiveness because "the Union with his Royal Highness at its head will be a great deal too large & grand to be practical." Their disappointment and skepticism did not deter the rapid enlargement of the Union. At its Spring 1856 meeting in Bristol, the membership had increased to several hundred with the inclusion of persons from related societies. Plans were laid then for an even larger assemblage the following year at Birmingham. Lord Brougham, president of the National Reformatory Union, and George Hastings, its secretary as well as secretary of the Law Amendment Society, decided in the interim to unite those two bodies with the Statistical Society and members of the Board of Trade to form a huge organization called the Association for the Promotion of Social Science. Baker opposed the enlargement and informed Turner and Matthew Davenport Hill that he was prepared to start another organization should the plan fail.

The scheme, however, succeeded with the formation of the Social

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Science Association in the spring of 1857. Baker was pleased and relieved that the damaging and acrimonious competition with the Reformatory and Refuge Union he and others had anticipated did not occur. He later remarked, "As it turned out ... there was plenty of work and room for both; we took more to Reformatories as established by law, Hanbury's Union took to the Refuges, of which at that time there were a large number, and the Social Science and Refuge Union still go on in entire friendship."\(^2\)

The increase of strong juvenile benevolent societies in 1856 and 1857 was only partially and briefly spurred by competition. Growing activity and interest by the government on behalf of the children's cause, reflecting public confidence and support of reformatories for criminal youths and refuges for waifs, and personal ambitions for power also contributed to the growth and authority of these societies. Philanthropists and some reformatory managers sought to gain influence in the Home Office to aid the children's cause and enhance their own power and prestige.

In February 1856 while the Reformatory Union and the Hanbury group were confronting each other, a delegation composed of persons from both groups met with Sir George Grey, Home Secretary to request that the government increase its maintenance allowance for a boy in a reformatory from five to seven shillings per week. Sir John Pakington, a member of the delegation, followed the request with a statement than an increased allowance was not enough. The government had to go even further and

\(^{42}\text{Ibid.}, \text{p. 66.}\)
"take [the] whole affair—expenses and all into their own hands." This was necessary because there was no uniformity in the existing reformatory system and because "Each Amateur Managed as he pleased." Pakington warned that "the whole thing [will] break down, unless Government at once took it in hand." Turner agreed that it was necessary to "insure uniformity of System" and to guide the "amateur managers."

Baker questioned those assertions, asking if there was any knowledge of a government-managed school that was ever considered satisfactory. "If not—was it not a dangerous thing for a government to attempt a larger measure which had always failed." His challenge disrupted the meeting. "Pakington and Turner looked as if they wished me somewhere else," Baker recalled. Grey, believing that the reformatory managers were hostile to government control was surprised by the request to turn the "whole affair" over to the Home Office and disturbed by the division of opinion. Seeking to avoid a quarrel, Grey ended the meeting, stating that he would ask for reformatory school accounts before answering the delegation's first request for an increased allowance.43

Displeased by Baker's dissent, Turner tried to persuade him later that he had been wrong; that the reformatories would surely fail unless there were "order and system" and they ceased being a "hobby." Turner argued that greater government control was justified also because the reformatories were performing a public service and accepting public

43Although C. B. Adderley and Lord Pakington were listed as Vice Presidents of the Reformatory and Refuge Union, Baker considered them more closely tied and deeply involved with the Reformatory Union. Draft letter, Baker, February 15, 1856. Baker Papers, Box 17.
money. "When once Public Money is taken & Public Work done we must have Public Responsibility & something like definite ideas & principles of action."  

Baker regretted contradicting Turner and Pakington, but he knew as they did from the meeting at Hardwicke Court that "19 out of 20 managers in England" opposed government interference. He told Turner that he could not permit the views of the managers to be misrepresented.

Baker was also agitated by Turner's belittling of reformatories as "hobbies" and unpersuaded by his forecast of failure unless the reformatories were unified and under government control. "I confess my belief that if it [reformatory management] be not taken as a hobby (that is, as a thing which we like independently of our sense of duty) we should not succeed." Baker reminded Turner that Red Hill reformatory succeeded because it was his hobby and "I (so far as I have succeeded) partly because the school was my hobby." Although he supported increased government inspection, he warned that government control would result in a uniform system which would weaken effectiveness of reformatories. The present system of independent reformatories should be given at least "a fair chance to succeed or fail" before the government attempted to make "their system universal."

Baker's arguments were endorsed by most reformatory managers.

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^46 Ibid.
Unfortunately the disagreement on the course of the movement precipitated personal clashes between some managers and Sydney Turner. Two managers, J. D. Perry and the Reverend A. Fame, accused Turner of using the issue to achieve more authority in the movement. Perry believed he wanted to entrench himself in the good graces of the Home Office so that he would be chosen to head any government agency controlling reformatory schools. Fame confided in Baker that Turner, who was later appointed inspector of reformatories for the Home Office, was trying to use his English and European reputations not just to move the reformatory movement "with him, but under him."  

Despite the opposition of most managers to the idea of creating a system of publicly built and controlled reformatories, as favored by Turner and Pakington, Sir George Grey in Spring 1856 introduced a bill to enable counties to levy rates to construct public reformatories to house juvenile offenders. In a series of pamphlets distributed among reformatory managers and friends in Parliament, Baker sought to arouse and mobilize opposition to that bill. He argued that building a school "sufficient" to meet the needs of a county was impossible to plan,

47 J. B. Monch of Berks Reformatory probably reflected Baker's deep belief when he agreed with Turner that eventually the government would take over the reformatories, but until that time the managers should experiment and learn as much as possible about their "hobby." Letter, Monch to Baker, February 28, 1856. Baker Papers, Box 17.


costly to maintain and contrary to proven reformatory principles. "Is
every boy who steals an apple, picks some sticks out of a hedge, or is
found sleeping in a pigsty, to be boarded and lodged at a cost to the
country of seven shillings a week for two years?" The scheme was waste-
ful because not all boys convicted needed reformatory training. He
pointed out that seventy-two out of every hundred boys convicted in
Cheltenham and a similar number in other districts were not re-commit-
ted. "Now, would the public think it right to pay seven shillings a
week to reform these hundred boys, when without it 72 have reformed them-
selves?"51

Baker was skeptical of glittering and formal reform organiza-
tions and grand schemes promising a panacea to crime. He stated that
the existing private reformatories governed by a man, not a public sys-
tem imposing uniform rules, had succeeded and therefore should not be
cast off for an unproven, although grand, plan. Citing the failure of
the government in Middlesex to provide a reformatory as authorized by
the ratepayers, Baker concluded: "As the case stands at present, all
foreign or English private reformatories have answered—all State Re-
formatories have failed; nearly every one in any country, who has any
practical experience in them, will tell you that State establishments
will not answer." They failed because it was impossible, Baker be-
lieved, to create an effective and uniform system of reformatory dis-
cipline.52

51Letter, Baker to Editor, Gloucestershire Chronicle, April 15,
52Ibid.
He insisted that reformatories would be encumbered if forced to accept all convicted boys. People should not let their pity for a bad child compel them to send every case to a reformatory as a panacea for social troubles or a salve for their consciences. Reformatories existed to prevent crime; they were like a hospital which took only the seriously ill but not "every trifling ailment." Baker believed that spending more money on ragged schools, sending first offenders to a short term in prison and retaining reformatories for more hardened criminals was a wiser course to follow than that suggested in Grey's bill.\(^{53}\) The influence of Baker's arguments, the pressure from reformatory managers and potential ratepayer wrath at new taxes was unmeasured. Only the result was clear --Grey's bill was removed from consideration before the next Parliamentary session. Baker was pleased that the bill failed because it would have created in his opinion a "huge unwieldy system of Reformatories which would have collapsed from its own weight and expense."

Baker, nevertheless, was distressed by the personal rivalries generated by the success of the reformatory movement. He valued comradeship, harmony, and unselfish dedication to the cause. The idea of using it for personal gain repelled him. Yet, his experience with the Hanbury group and the suspicions raised about Turner's motives showed clearly that this regrettable aspect existed in the movement. He had also been disappointed by dissolution of the Reformatory Union in 1856. After the formation of the Social Science Association in 1857, Baker

\(^{53}\)Letter, Baker to Editor, Gloucestershire Chronicle, May 7, 1857. Papers on Reformatories, Pamphlet No. 27, Box 17.
gradually withdrew from organizational matters to focus his efforts in reformatory work on his own school, assisting other persons to found reformatories, refining and proselytizing his principles of school organization and discipline at numerous meetings, and defending the small private county reformatories against attempts to alter their nature and purpose.

Baker was alarmed by the growing practice among magistrates of sentencing wayward and unruly children and first offenders to reformatories instead of to a short term in jail or committing them to either a ragged or industrial school. In 1860 over half of the 3,712 reformatory inmates were received on their first convictions. Baker, in pamphlets and the press, urged an end to this practice. He pointed out that reformatories were costing the country £60,000 per year, "one half of which is spent in saving trouble to a schoolmistress, saving parish rates, or saving a magistrate the trouble of considering how the case really stands and finding out what sentence is best, not for the boy but for the country." Expanding earlier arguments, Baker stated that a reformatory should not be a refuge open to all and a charity maintained by the state for the benefit of bad boys and idle parents, as the general public allegedly believed. Nor was it "as some suppose, a moral mill of marvelous power through which a bad boy is passed and ground out a

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54 *Times*, August 8, 1861.

perfect being at the other end." He ridiculed that view by comparing it to the idea of building hospitals for the healthy and detaining them there for fear they would fall sick.

Baker asserted that a careful examination of the use of reformatories showed that their value was not reclaiming individuals but achieving a "higher and broader mission"—preventing crime. This mission, he declared earlier, was not accomplished by making an individual more virtuous but by a practice intended "first to reduce as far as possible the temptation to the uncorrupted; secondly, to give exactly such amount and kind of punishment to the criminals as should be best adapted to promote cure; and thirdly, when they return to society to take care that, especially at first, their temptation to relapse be as small as possible." Baker insisted that only boys convicted for their second offence be sent to a reformatory, with first offenders committed to jail for a ten-day term. This practice removed boys from convict prisons who were serving long terms and were likely to grow up there, becoming accustomed to it and hardened in criminal ways, and increased the deterrent effects of jail.

Baker also advocated an expansion of probation. Under the Juvenile Offenders Act of 1854 a youth sentenced to two years in a reformatory could earn an early release and spend the balance of his sentence on

56 Letter, Baker to Editor, Gloucestershire Chronicle, undated (c. Spring 1861). Baker Papers, Box 17.

57 Baker, War with Crime, p. 2. See also Baker, Papers on Reformatories, "How to War with Crime," Pamphlet No. 49, Box 45.
probation under the supervision of the school manager. The manager had the right to summarily recall the boy in case of any violation or suspected violation of either the "leave" rules or law. Baker had used this provision freely with more than twenty boys on probation in 1860. The success of this practice in promoting reformation and repressing crime led to the proposal that the probationary period be extended beyond the sentence to ensure continued supervision and assistance to the lad to prevent a return to crime.\footnote{Letter, Baker to Editor, Standard, c. November, 1860), in Baker, Papers on Reformatories, "Crime and its Repression," Pamphlet No. 51, Baker Papers, Box 45. His advocacy of the "leave on trial" had begun in 1856. See Baker's speech on reformatory school before the British Association, August, 1856. Baker, Papers on Reformatories, Pamphlet No. 20. Baker Papers, Box 45.}

This proposal reflected Baker's growing conviction that close supervision of a criminal within society was a more effective way of preventing him from committing another crime and of encouraging a stronger character than applying intensified programs over a protracted period within an unnatural institutional atmosphere. He argued that permitting an early release and providing for a longer period of close supervision better prepared one for an honest, normal life than suddenly exposing a lad after two years or more of confinement to a strange and alien society.

Baker was convinced that if the county reformatories followed
these principles, within a few years crime would be checked and the num-
ber of youths convicted of a second crime reduced by two-thirds. To
support his argument, Baker customarily used statistics. Illustrating
the efficacy of reformatories, he pointed to the decline of the number
of juvenile convictions from 13,931 in 1856 to 8,029 in 1860. He also
stressed that reformatories had diminished significantly the number of
youths in prison from nearly 13,000 in 1856 to 1,000 in 1860. To his
personal satisfaction, these views on the use and discipline of reforma-
tories were endorsed by other managers at the third and last informal
reformatory meeting held at Hardwicke Court in late October 1861. The
managers submitted resolutions to the Home Office recommending the alter-
ation of existing rules to give managers greater latitude in granting
tickets of leave (probation). In addition, they urged that the

59 Letter, Baker to Editor, Gloucestershire Chronicle, July 17,

Baker's prolific correspondence and pamphleteering about reformatory
principles enhanced his esteem among the county reformatory managers.
He attended local reformatory meetings to discuss principles and continued to aid others in establishing new schools. In November 1857 he at-
tended a reformatory meeting near Shrewsbury and entertained a group from the West Riding who were planning a new reformatory.

Although he praised the Social Science Association for drawing public attention to the questions of crime and prisons, he was not satis-
fied with its accomplishments in reformatory work. Always more comfort-
able among a small group of managers, Baker decided to call another small informal meeting at Hardwicke Court. Over forty managers were inv-
ted to attend on July 14, 1858. Reformatory and penal principles were discussed. One proposal was for a penal reformatory for hardened crim-
inal boys who might or could disrupt a reform school. Baker recalled that everyone was interested in the idea, especially Sydney Turner, "but
nothing was settled." (Baker, "My Life," Vol. I, pp. 64 and 78).

Treasury withhold its allowances to reformatories accepting boys under fourteen for the first time. The Home Office adopted most of these proposals in the Reformatory School Act of 1866.\(^{62}\)

In the spring of 1862 Baker suffered a protracted infection of the eyes which left his sight impaired.\(^ {63}\) The following year he was forced to turn over management of his reformatory to his son, Granville Lloyd Baker. Although Barwick Baker increasingly devoted greater efforts to the broader issues of crime, punishment and the treatment of adult offenders, he continued to press his views on the proper use and limits of reformatories.\(^ {64}\) To defend the small county reformatories and his principles, Baker wrote articles and reprinted them for circulation, pointing out the failures in reformatories to dispel any idea that they were panaceas for crime. He stressed that reformatories were properly used when restricted to those convicted more than once. His leadership in the reformatory movement continued to be respected; he was frequently called upon for advice and to defend the county schools whenever they

\(^{62}\)The Reformatory Act of 1866 ensured that a reformatory school manager could refuse to accept any boy sent to him, thus permitting managers like Baker to admit only second offenders except in unusual circumstances. It also provided that any youth under sixteen sentenced to penal servitude could be transferred to a reformatory after ten days in prison for a term of from two to five years, giving greater latitude to the ticket of leave system. Offenders being transferred to a reformatory could select a school according to his religious beliefs. England, 29-30 *Victoria*, Chapter 117, pp. 1117-1135.


\(^{64}\)Letters, Baker to Editor, Gloucestershire Chronicle, June 24, 1862, July 17, 1862. Papers on Reformatories, Pamphlets 75 and 76. Baker Papers, Box 45.
were challenged. In Spring 1870 at the request of Turner and Latham, Baker successfully mobilized opposition to defeat Charles Adderley's bill to transfer reformatories and industrial schools from the supervision of the Home Office to the Committee of Education. The purpose of the bill was to merge the two institutions and to emphasize education in the reformatory process.

Eleven years later Baker defended county schools against a proposal to convert reformatories into boarding schools where delinquents would be sent after a short prison term. The object of the proposal was to remove the stigma of a reformatory sentence from a boy's record. Baker challenged these assumptions publicly, stating that it was not the incarceration which stained the boy's record, but the crime. That stigma could not be obliterated by changing the name and nature of the reformatories, but only "by a voluntary course of good conduct while at Liberty." That attempt to change the reformatories also failed.

The Hardwicke Reformatory remained under family control until it

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65 Letters, Turner to Baker, March 22, 1870; Latham to Baker, March 24, 1870. Baker Papers, Box 17. Baker responded to their request by sending a questionnaire to all reformatory managers on the treatment of juvenile offenders and Adderley's amendment. Most of them opposed the bill and upheld the existing practices. In explaining his position and the results of the inquiry to Adderley, Baker argued that while education was valuable, this main object of training boys in a reformatory was to make them "honest and God fearing men" who were prepared for manual employment. (Letter, Baker to Adderley, May 5, 1870, Baker Papers.) Baker pointed out that thirty managers opposed the bill, two favored it, four were undecided. (Draft letter, Baker to Adderley, May 1870, Baker Papers.)

66 Baker, Papers on Reformatories, Pamphlet (unnumbered), May 6, 1881. Baker Papers, Box 45.
was closed by the government in 1922. Under the management of Granville Baker, the school remained small in the nineteenth century with its largest population being eighty-six in 1884. In 1902 its size was reduced to thirty-five, but the following year the government requested that it be increased to a hundred to conform with the policy creating large reformatories. A new dormitory and schoolroom were added in 1904 at a cost of £3,500 to the Baker family.

Despite changes in size, the school's discipline with its emphasis on agriculture, practical religious and academic training and personal treatment of the boys remained as Barwick Baker had developed it. Although the system of small county reformatories did not prove enduring, for seventy years his principles and his school at Hardwicke were an ideal and a model admired and followed by scores of squires and reformers seeking to improve English society through the repression of crime and the reformation of juvenile offenders.

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67 In 1922 the Home Office closed the school because of its policy of supporting only large schools and because of an excess of accommodations in the whole system. In its seventy-year history an estimated 1,600 boys passed through the school, and of those ninety percent were claimed improved by it. Gloucester Journal, March 25, 1922. Reproduced in pamphlet. Baker Papers, Box 17.
CHAPTER IV

ADULT REFORMATORIES

The success of the Hardwicks Reformatory in reducing crime and aiding boys under sixteen encouraged Baker in 1854 to propose an expansion of his school to admit young adult offenders. Lord Shaftesbury urged him to pursue the idea, and as president of the Great Smith Street Reformatory assured Baker that adult criminals could be reformed, prepared for useful work, and made productive citizens. However, unlike the care of juvenile offenders, who were increasingly coming under the authority of private institutions, adult criminals continued to be subject to imprisonment in state institutions and transportation to the colonies.

1Letter, Shaftesbury to Baker, October 26, 1854. Baker Papers, Box 45. The reformatory at Great Smith Street, London had been established by Charles Nash in 1848. It was not a reformatory in the current meaning of the term. That is, convicted persons were not sent there instead of to prison. Rather, it resembled the modern halfway house or refuge which accepted criminals after discharge from prison or on ticket of leave. An average of 4,600 male criminals applied annually. Only 100 were accepted. The reformatory provided industrial training and religious instruction. Tailoring, shoemaking and carpentry were the main trades. After a year at the reformatory, a person returned to society. Officials tried to place the man in a position either in the colonies or in England. Annual expenses were £2,500, or £75 per man, compared to £63 per man for support in a prison. (London Reformatory for Adult Male Criminals (London: C. R.worth & Sons, 1854), pp. 1-12. Baker Papers, Box 17.

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The Prison Act of 1850 placed long-term prisons under the supervisory control of the Home Office through its prison board and director, Joshua Jebb. Jebb had been appointed surveyor-general of prisons in 1838 and had aided in the design of county jails and Pentonville Penitentiary to conform with the principles of the separate system. After becoming commissioner of Pentonville in 1842, he introduced a "progressive" system of discipline which rewarded prisoners with privileges for good behavior and permitted them to pass the bulk of their term employed in public works in England instead of being transported to a penal colony. Following his appointment as director of the prison board in 1850, Jebb began to apply the progressive system to all long-term prisons and dismantle the outrageous hulks rotting in many English ports.\(^2\)

With the limitation of transportation in 1853 (it was abolished by the Penal Servitude Act of 1857) great stress was placed on the prison system to deal with the large number of convicts who formerly would have been sent to the colonies. Anticipating this need, the number of convict prisons was increased from two to five, and practices in prison discipline were altered. Like the former system, the first nine months of a seven-year sentence of penal servitude were passed in rigorous separate confinement in Pentonville. Prisoners were brought together for sermons but seated in individual stalls. When they were exercised in groups, they wore masks to prevent recognition and to deter conversation.

Instead of automatic transportation, many inmates, particularly

those considered reformable, were transferred to another convict prison, such as Portland, or sent to Gibraltar or Bermuda for hard labor usually on public works. In the second stage of imprisonment the men worked together in silence and were housed in separate cells at night. The prisoners' conduct and moral improvement were measured by a mark system adopted from Alexander Maconochie's experiment in the 1840's at Norfolk Island Penal Colony. A prisoner could improve his "grade" within this stage, enjoy increasing privileges and earn a ticket of leave after three-quarters of his sentence had expired if his conduct proved satisfactory. 3

Although the general objective of the entire system continued to be punishment and deterrence, Jebb's two-stage system was an attempt to implement on a broad scale experiments aimed at repressing crime through reformation of the offender. After the criminal's character was softened in the first stage, he was presumably open to reformatory influences. In the second stage he was encouraged to reform through a combination of rigorous discipline and rewards while being prepared for useful employment and re-entry into society. Probation provided an opportunity to test the prisoner's character within societal conditions.

Referring to his experiences as a visiting magistrate, Baker pointed out to Charles Bathurst, a magistrate and relative of Lord Bathurst of Cirencester, Gloucestershire, that under the present system a young adult offender was placed in a separate cell that was so poorly

ventilated he could hardly breathe, given food and clothing, insulated from all temptation while a schoolmaster and chaplain "prepare his mind to repent and amend." Upon release, the prisoner was deprived of his food and clothing, given one shilling sixpence and "thrust out into a strange town and told to find work to support himself honestly." Some found work easily, but not the "homeless scamp" who wished to reform and live honestly. "Few will believe how many of these poor wretches are actually sick of their lives, and longing to turn honest if they could get a chance."

Baker argued that sending male adult offenders between the ages of sixteen and twenty-one to a school like his reformatory instead of prison would prepare them for society and reduce the temptation to commit further crimes. He proposed that the adults work at farm labor and be exposed to discipline like that of the youths. The results, he believed, would be nearly the same. After the expiration of the sentence, the adult will be "used to hard work and fit for it—and if he cannot find immediate employment he may return and continue his farm labour till he can find other work to suit him." Baker assured Bathurst that training men for farm labor was practical because with "a population thinned by emigration and war" there was a demand for honest laborers.

children of soldiers on the Isle of Wight, a prison for young offenders. A young offender, male or female, could be transferred from any jail or prison to Parkhurst under the orders of the Secretary of State. The offender was to be detained there until transported or until the end of his sentence. The secretary was given power to make all rules and regulations, with Parliament's consent, for the prison.

Section XIX added that Her Majesty could grant pardons to a young offender sentenced to transportation or imprisonment on the condition that he be placed "under the care of some charitable Institution for the Reception and Reformation of young offenders named in such Pardon, and conforming to and abiding by the Orders and Rules thereof." Should the pardoned offender violate any laws or rules of the institution, he was to be returned to a jail or house of correction to finish his sentence and an additional penalty term of three months. The problem, Baker stated, was that the Home Office had never designated an age for the term "young offender," although it had become a practice of magistrates to send only persons under sixteen to reformatories. He proposed that the Home Office apply that term to any person under twenty-one.

While sympathetic to the plan and urging Baker to print it for circulation, Bathurst outlined a number of objections to the scheme. He believed that deterrence would be reduced and expressed his disapproval of the "humane men" who believed that mental, moral and religious reformation was the first object of prison discipline. Bathurst also

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5 England, 1-2 Victoria, Chapter 82.
stated that the general public would oppose the extensive use of convict labor on farms because it allegedly took jobs away from honest workmen. He was doubtful that this objection could ever be properly answered. "It is the constant dispute so much agitated of late years, where the prime object is the interest of the consumer or the producer." Finally he thought that while the plan might be adaptable to Baker's farm, there was no assurance that it could be adopted elsewhere or would be as effective.

Responding to the issue of deterrence, Baker suggested that a prisoner spend at least the first two months of his sentence in prison. If his conduct was good and he showed a desire to lead an honest life he could receive a pardon under the Parkhurst Act and be transferred to a reformatory for the remainder of the term. Baker argued that this plan sustained the deterrent effect of prison while adding an inducement for reformation. On the question of using convicts as farm laborers, Barker refused to budge. He repeated that this was justified because of shrinkage of the labor force due to war and emigration.

Bathurst was unconvinced, asserting that the plan would still "weaken the deterring effect" of prisons. In addition, instead of filling the labor force and reducing emigration, as Baker contended, the

8 Ibid.
reformatories would flood the market with workers, leading to a cut in wages and a new wave of emigration. He also charged that by offering better care to a criminal than to a poor honest person, reformatory farms would induce more crime. Bathurst feared, too, that a great prison farm might become more wretched and notorious than the existing convict hulks. Believing Baker's scheme to be "somewhat impracticable," he urged him to consider these objections carefully before presenting it to the Home Office.

Bathurst's criticisms caused Baker to alter his plan. Instead of only young criminals passing their sentences in a reformatory, Baker now proposed that discharged prisoners and those on probation be accepted, as well. Trying to answer the other objections, Baker stated that adult reformatory farms would not induce crime since only about one in four discharged prisoners would be selected. The basis of selection would not be known to them, therefore good conduct and honest habits in and out of prison would be encouraged, reducing "the allurement" of crime to a small fraction. He upheld the use of convict farm labor, insisting that an honest man would not be forced from his job because crop production would be extremely low.

Eager to win Bathurst's approval, Baker reminded him that pressure on the government for aiding discharged prisoners was increasing and that he expected help from Lord Shaftesbury in getting permission from the Home Office to attempt the experiment. Bathurst reluctantly

endorsed the plan, stating that the advantages might outweigh the weaknesses. Nevertheless he continued to protest the use of convict labor.12

Baker hoped to subdue this last objection with a fervent moral argument. In his opinion the labor question was "weighed too heavily" and other considerations ignored. Prison discipline must not be confined to punishing criminals, casting them untrained into society, and entreat ing them "to sin no more." That practice was "in fact saying [to criminals] you have sinned — therefore you shall continue to sin -- all honest employments are & shall be monopolized by honest men. You are weak therefore we will throw you into every temptation. You do not know how to earn an honest livelihood therefore we will take care you never shall compete with those who do."13

Baker added that his scheme, which at the same time would reduce crime and provide trained men for agricultural labor, would cost the government no more money. The adult reformatory would be built and financed by private subscription with the government paying for any prisoner transferred from a prison. Discharged prisoners and those on probation would be supported out of the subscriptions. To allay objections from the Home Office, Baker proposed that no additional power be granted "fallible magistrates . . . without an appeal to the Secretary of State

12 Letter, Bathurst to Baker, December 5, 1854. Baker Papers. Bathurst warned Baker that one objection certain to be raised by the government was on the labor question. If the plan became a national system, it seemed reasonable to believe that there would be an eventual overflow of laborers, which would create grave problems for honest workmen and the government.

in each individual case." He concluded that the government had every-
thing to gain and nothing to lose in permitting at least an experiment
with an adult reformatory since it would get all the credit for any suc-
cess and he the blame for failure.14

In December 1854, Baker presented his plan to Lord Palmerston,
Secretary for the Home Office. He requested the secretary to clarify
the term "young offender" in the Parkhurst Act to enable magistrates to
grant pardons to offenders under twenty-one on the condition that they
be remanded to an adult reformatory. Palmerston answered that there
were no funds for this plan. Baker replied that he was no requesting
funds but a policy permitting young offenders to be sent to reformato-
tories. Palmerston did not respond.15

Faced with official silence which was tantamount to rejection,
Baker, with the help of Bathurst, began to seek support for his plan.
His recent correspondence with Bathurst was printed and circulated among
friends and officials to introduce them to the scheme. There were argu-
ments to create interest in it and to elicit support and suggestions.16
In late January, Bathurst sent Baker the names of nine influential per-
sons and urged him to send them an outline of his plan and arguments.

14Ibid.

15Baker stated that he later learned that Palmerston had favored
the plan because the existing measure was not reducing crime. The plan
was not pushed because it would have created trouble in the Home Office
Papers.

16Baker, Papers on Reformatories, "Correspondence on Reformatory
Farms for Adult Convicts," November 18, 1854 - December 1854. Baker
Papers, Box 45.
Baker added more names.17

Responding to Baker's plan, W. P. Price, a member of Parliament, questioned him on the distinction between reformatory discipline for boys and young men.18 Clarifying earlier views, Baker stated that juvenile and young adult offenders created two distinct classes of criminals which required different treatment. The boys who had been led to crime by either their parents or companions were weak-willed and like "young twigs—soft and pliable. They must be trained like a young horse—placed into a harness and kept on a course until it is a habit." The second class consisted of men eighteen to twenty-five who were repeatedly placed in jails and who eventually became sick of their life "but cannot take to honest labour, because they have never learnt it and nobody will teach them." Unlike the boys these men were strong-willed. Neither harsh discipline nor a "harness" will work. "These men only need first— an opportunity of going right & secondly direction & guidance in their new path." Baker urged Price to visit the Great Smith Street Reformatory to end any doubts about the existence of this second class and their desire to be honest citizens.19


Lord Shaftesbury endorsed the plan and Baker's arguments. He added that his experience had shown that "hundreds" of prisoners who would have followed honest employment were driven back to crime "by the miserable distinction they suffer after they are released from prison."20 Another correspondent praised Baker for his humane intentions, and while apologizing for not having great influence in the Home Office, stated that he would do all he could to promote the plan.21 A third commended Baker for his practical thinking and suggested that the scheme be expanded to include a system of industrial reformatories to complement the agricultural schools.22 Edward Hall Alderson, Baron of the Exchequer, supported Baker's proposal but believed that the reformatories should be public rather than private.23

As a result of pressure from these influential persons, Baker was invited to meet the new Home Secretary, Sir George Grey on June 11, 1855.24 Sending his proposal to Grey before the conference, Baker explained that the Parkhurst Act permitted the Home Secretary to designate prisoners under twenty-one as young offenders and to transfer them to a reformatory for part of their sentence. Recognizing the government's natural reluctance to initiate a large and unproven prison program,
urged that he be permitted to start such a reformatory on his farm as an experiment. It would cost the government no more, since its maintenance allowance for each prisoner already being paid to a jail would be paid instead to the reformatory. He assured Grey that the men would be completely separated from the boys and that their discipline would prepare them for hard honest work as farm laborers. Prisoners would not be forced out at the expiration of their terms but permitted to remain on the farm to work while searching for another job. "This would prevent the present frequent necessity of their stealing to live," reducing recidivism.25

Baker was confident that the adult reformatory would succeed in the same way as his Hardwicke School. Its success, he assured Grey, will make a "considerable" impact "on the state of crime in the country" and bring acclaim to the government. If it failed, those who heard of it would not "wonder at the scheme of a Country Squire falling to the ground." He added that hopefully the adult reformatories would become self-supporting and thus cost the government nothing.26

Grey later denied Baker's request stating that funds were only available to support criminals under sixteen in reformatories.27 Baker asked the Secretary to reconsider his decision, insisting that there was no reason to prevent the experiment. He added that he was no longer

26 Ibid.
alone in advocating adult reformatories, but that such outstanding men as Bowyer of the Reformatory Institution, New Road, London, and Wright of the Buxton Reformatory, supported the proposal.28 The Home Office's reply was formal and final: "Sir George Grey does not feel justified in treating as young offenders within the meaning of the Act of Parliament, prisoners whose age exceeds sixteen years."29

Baker was angered not so much by the denial but by the summary treatment of his request by the Home Office. He suspected duplicity and a conspiracy from someone within the Home Office who he thought unfairly prejudiced his case and made the final decisions for the Secretary. He appealed for help from Lord Lansdowne, stating that he had never requested additional money, but only a ruling on the age limit of the term "young offender." Both Lord Palmerston and Grey had refused to make a favorable ruling because of a shortage of funds. "Now as no two persons when asked a question about age would be likely both to give replies about 'funds' I trust I may be forgiven in thinking that the identical replies were given by the same person who can be neither Sir George Grey nor Lord Palmerston." Although discouraged, Baker wrote that he was willing to accept the Secretary's decision and "await another year or two till ministers are driven to adopt the measure."30

Thwarted by the Home Office, Baker decided to present his plan


and ideas publicly to arouse additional support and to create pressure on the government for adoption. Referring to the growing public concern about adult crime and the alleged failure of probation under police supervision in curbing recidivism, Baker pointed to the successes of juvenile reformatories in reducing crime and predicted the same results from adult reformatories. "When all are lamenting the present sad state of things, and wondering what can be done, might not such an experiment be worth the trial?" His proposal and arguments were repeated among reformatory managers and at British Association meetings. Baker's remarks at one meeting in October 1856, drew a thoughtful response from Robert Cecil, the future Marquis of Salisbury.

Cecil concurred with Baker that prison discipline was not reformatory, adding that prison frightens them, "but it does not reform them." Cecil believed, however, that an adult reformatory would also be ineffective. Challenging Baker's basic justification for adult reformatories, Cecil asserted that the experiences of juvenile reformatories were not relevant to adult cases. He stated that if it took three years or more to mold "a child's plastic nature," it will probably take five or more years to improve an adult's character. He asked Baker if he did not believe that the criminal would feel this confinement to be unbearably long, resulting in resistance and rebellion.

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31 Baker restated his conviction that prison was an appropriate place for punishment but not reformation. "I believe that many of them are excellent in this way and well calculated for punishment; but insofar as I know, no government establishment in any country has been successful in reforming." Letter, Baker to Editor, Globe, March 15, 1856. Baker Papers.
Striking at a second premise of Baker's plan, Cecil stated that it depended upon the continuance of such earnest and exceptional men as Baker, Bowyer and Wright. The government, however, "can only work on a system & a system must be constructed as to work with average human instrument. A system which counts on a constant succession of Bowyers will assuredly break down." Going further, Cecil argued that if the criminal's cooperation was indispensable for reformation, as Baker contended, then the government's role was "superfluous." "The State only acts by force & force is needless for willing men." To these personal objections Cecil added what he considered the public's reservations. He asked Baker how he would keep men from running away, how he would provide for them after release, and in what ways was he prepared to quiet criticism from a public "thoroughly imbued with either the retribution or deterrent view of punishment?" 32

Cecil's arguments left little hope that the government would permit such a questionable experiment to satisfy the curiosity of a few county squires. Baker, however, was undeterred. He remained hopeful that public opinion could be generated to support the plan and that influential persons in Parliament would continue to keep the idea before the other members. In January 1857 he learned that Henry Howard Molyneux Herbert, fourth Earl of Carnarvon, was introducing a bill relating to reformatories. Baker sent him his plan with additional and refined arguments. He stated that while most people concerned with crime and

prison discipline agreed that the "hopeless criminals" should be separated from the reformable, the vexing question remained as to how to distinguish between them. Although little had been done to find a practical answer, it was apparent that sending all criminals to prisons was ruining many who were reformable and therefore, damaging to society. 33

Baker reaffirmed his belief in a system of adult reformatories where the criminal could reform himself, rather than a prison system "which undertakes to Reform them." For those who failed to reform he coldly recommended isolation in a prison or seclusion in a penal colony. Discounting Cecil's earlier criticism, Baker assured Lord Carnarvon that adult reformatories would succeed in reducing crime because, like the juvenile reformatories, they will cut off "the course of our future criminals before they become desperate." In a flourish of optimism Baker averred that adult reformatories will "clear England of its worst adult crime in 5 or 6 years and certainly prevent it ever arising again." 34

Carnarvon's bill hardly resembled Baker's plan. He proposed that counties be permitted to levy rates to build reformatories and that these schools accept criminals up to eighteen and waifs under fourteen. 35 Baker firmly opposed mixing older and younger boys and argued

33 Draft letter, Baker to Carnarvon, February 1857. 34 Ibid.
35 Letter, Carnarvon to Baker, February 13, 1857. Baker Papers. Under Carnarvon's plan, a criminal 18 or under could be transferred to a reformatory and kept up to 5 years or until becoming 21. Consent of the Home Office was needed to transfer a prisoner. His bill also provided that a second offender spend 14 days in solitary confinement before being sentenced to a reformatory. Children under 14 caught begging or without visible means of support were to be sent to a 5-year term in the reformatory or until they turned 15. (Letter, Carnarvon to Baker, April 1857), Baker Papers.
that Carnarvon's approach was not an adequate substitute for a separate reformatory for adults. He also objected to the reception of waifs and beggars at reformatories. Baker restated his earlier contention that the changes he and Carnarvon were seeking could be accomplished without legislation, by a ruling from the Home Office that the term "young offender" in the Parkhurst Act applied to youths under twenty-one.36

Carnarvon bowed to Baker's objections regarding his bill and invited him to London to revise it.37 Baker recalled that they met several times and "drew up a fair Bill," although he was disappointed with a provision opposed by the reformatory managers requiring reformatories to be supported by county rates instead of voluntary contributions.38

The bill was presented in the House of Lords in June 1857 and quickly shelved. It was rejected because of the government's opposition to increasing county rates, misunderstandings over the clauses concerning admissions, and suspicion by the Home Office that these institutions would lead to new and expanded powers for local magistrates and upset the existing convict prison system. Although disappointed by the cursory treatment of the bill, Baker was satisfied that at least the principle of an adult reformatory had been exposed to Parliament.39 He still

39 Baker attempted to clarify publicly some of the misconceptions about Carnarvon's bill. Many believed that the admissions clause was aimed at simply altering the age of acceptance to existing reformatories when in fact it was intended to grand permission to create a new set of
hoped for permission to experiment with a small adult reformatory on his estate to test his principle. Carnarvon remained determined to get approval of either a new system of reformatories or Baker's request for an experiment. In November 1857 he received a draft of a new reformatory bill from Baker. There was, however, little chance of passage until a model had demonstrated the effectiveness of the plan. The dilemma was clear. Parliament wanted a successful experiment before authorizing a system while the Home Office refused to grant permission. Not only did the ministry not want the stigma of permitting an increase in local rates, but also, and more importantly, the government's policy tended toward gradual centralization of the penal system which it believed would be thwarted by a locally-controlled system of reformatories.

reformatories to deal with an older age group in a distinct system. The bill did not authorize a grand institution at great cost, or new powers to the magistrates. Power was to remain with the Secretary of State to transfer prisoners to small private institutions which would cost the state no more than it was paying to keep the man in a jail.

Baker recognized that drawing the line between the two systems at age sixteen was arbitrary, yet it was most suitable from his experience. He outlined a basic difference in approaches to criminals under the two systems, a difference which most managers recognized. Under the Reformatory School Act a youth was committed to the school and forced to follow the system. This kind of approach would fail with adults. Under the proposals made in Carnarvon's bill, the criminal would be committed to prison and would remain there unless he made a request for a conditional pardon and admission to a reformatory. The convict would then bind himself voluntarily to obey the rules of the reformatory. "Of course the visiting magistrates and managers would select only such as they thought likely to wish to amend." Letter, Baker to The Philanthropist, July 1, 1857. Papers on Reformatories, Pamphlet No. 29. Baker Papers, Box 45. Also see: Baker, "My Life," Vol. I, pp. 72-73; Letter, Deverell to Baker, September 25, 1857; Carnarvon to Baker, November 26, 1857.


Although the outlook was dim, Baker followed the most effective course by pushing the measure in Parliament to keep the idea before the public in hopes of creating pressure on the Home Office to permit the experiment.

The unexpected dissolution of the Palmerston ministry in February 1858 and Carnarvon’s appointment as undersecretary for the Colonies in the Derby government enhanced the prospect of getting adult reformatories. Carnarvon, promising to use his influence in the Derby ministry to secure passage, met Baker in London to discuss his bill. In April he asked Baker to distribute copies of the measure to friends and members of Parliament to generate support. Arrangements were made for Lord Belfer to introduce Baker’s bill into the House of Lords and for Mr. Holt to introduce it that May in Commons. Baker was encouraged by

42 Letter, Carnarvon to Baker, February 20, 1858. Carnarvon was reportedly going to meet with Home Secretary Spencer Walpole in April to see if the government would permit him to introduce the bill as an independent member of Lords. (Letter, Deverell to Baker, April 6, 1858).

43 Letter, Carnarvon to Baker, April 13, 1858. Baker’s bill, printed for circulation on April 28, 1858, provided for an amendment to 1 & 2 Victoria, Chapter 82, Section 11, which granted power for the conditional pardoning of any young offender. Baker’s bill provided that any manager of an adult reformatory had to apply to the Secretary of State for a certificate of approval. If it were granted, the institution was to be subject to the inspection of Her Majesty’s Inspector of Prisons and Reformatories. Under Section II, managers were required to make periodic reports to the Secretary of State, who retained the power to withdraw the certificate of approval at any time. Section II stated that any criminal between 16 and 21 could apply for a transfer to a reformatory with the approval of his prison chaplain, visiting magistrates, and the permission of the reformatory manager. If the prisoner received a pardon from the Crown, the offender would then place herself or himself under the care of the manager on a conditional pardon whose term equaled the sentence for imprisonment. Section IV stated that any violation by the offender under conditional pardon of the rules of the
Sidney Turner's endorsement and the support his bill received from members of the Social Science Association. One friend wittily advised Baker to stress the fact that the principle he was proposing was not new because Conservative and "old Whig minds especially" abhorred the idea of something new.

Nevertheless, legislative success remained uncertain. In mid-April, Baker was informed that the Home Secretary, Spencer Walpole, would oppose the bill because of an excessive amount of legislation that session. C. B. Adderley reported that Parliament was tired of the subject and recommended that Baker "had better let the question alone of the reformatory or escape from it was just grounds for any Justice of the Peace to recommit the offender to prison and add a term to his sentence not exceeding the period spent in the reformatory. The last section provided that the Secretary of State shall support these institutions as he saw fit. Baker, Papers on Reformatories, Pamphlet No. 39. Baker Papers.

Turner had argued there was no need for legislation. It was his experience that under current regulations offenders who were 17 and 18 were sent to Red Hill Reformatory. The school received fees from the government for their support. He stated that instead of changing the age and class of prisoners who could be sent to a reformatory, Parliament would do better to make the ticket of leave system effective and couple it with a system of refuges and asylums. They would aid the criminal to be "slipped quietly and safely back into honest life." (Ibid.)

In later correspondence Turner admitted he had not known Grey had refused Baker's request to define the term "young offender." Considering the rejection Turner reversed his earlier position against the bill. "No doubt as things stand after our correspondence your best course is Bvil." (Letter, Turner to Baker, April 29, 1858).

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Letter, Unknown correspondent to Baker, April 17, 1858. The signature of the writer was illegible and efforts to identify him were unsuccessful.
for a year or so. Baker believed he had no other choice, because Palmerston and Grey had refused to grant his requests for a reformatory experiment. If Walpole allowed the Home Office to regard all criminals under twenty-one as “young offenders,” he would withdraw the bill. Believing, however, that there was growing public support for his bill which would force Parliament to act on it, and aware of the Home Office’s displeasure with it, Baker was certain that the moment was ideal for a third attempt to get approval of his proposed experiment. With the support of influential persons and the leverage applied by his bill, a meeting was arranged between Baker and Secretary Walpole in early May. Although Walpole had reservation about the plan and was inclined to accept Grey’s ruling, he was purportedly willing to permit an experiment.

At the London meeting in May 1858, Undersecretary Cathorne Hardy immediately raised objections to Baker’s bill calling it unnecessary and an embarrassment to the government. After requesting that it be withdrawn, Hardy promised Baker that he could try his experiment under the

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48 Letters, Adderley to Baker, April 27, 1858; Baker to Adderley, April 28, 1858. Baker Papers.

49 Letter, Garnet to Baker, May 4, 1858. Garnet stated that Sydney Turner backed their request but could not accompany the deputation to see Walpole, adding that since Turner held an office, “the question might probably be referred to him” so that he might be able to help more after they saw Walpole. (Ibid.)

present act. Baker agreed.

After the meeting Carnarvon advised Baker not to withdraw the bill until he "had a written promise from Hardy on the subject." Baker recalled that he believed that such a request was improper "and I let it go on trust." Baker wrote to Rolt requesting him immediately to withdraw the bill. He then applied to the Home Office for permission to receive offenders between sixteen and twenty-one. Baker was quickly and briefly answered by Cathorne Hardy: "I am directed to acquaint you that after full consideration of the Subject it appears to Walpole that this suggestion cannot be adopted." Although stunned by the rejection, Baker found some comfort in his belief that, like Palmerston and Grey, Walpole sympathized with the principles of the plan and that the final decision was really made by

51 For accounts of this meeting see: Baker, "My Life," Vol. II, p. 15. Baker Papers. William Garnet called the London meeting encouraging even though no definite decisions were made. He was skeptical of Walpole's leadership in the movement "because he is too lamb like by half for these stirring times." (Letter, Garnet to Baker, May 6, 1858). Also, Baker, "My Life," Vol. I, p. 77. Baker Papers, Box 53.


53 In his memorial Baker reviewed his long association with jails and his work in reformatories. His efforts to get permission to found an adult reformatory were reviewed. Baker then formally withdrew his commitment to legislation as a means of getting the experiment, saying that although he believed it to be preferable, he was "willing to run the risk" of changes by new Home Secretaries "rather than trouble you with fresh legislation." Making his request, Baker stressed that he wanted no new powers "except those which shall be granted to me in each case by the Secretary of State" and not more money than that already granted for maintenance of prisoners from either local or national funds. Draft memorial, Baker to Hardy, May 10, 1858. Baker Papers.

"some official who remained the same under all changes.""\textsuperscript{55} He also received some encouragement in the spring of 1859 by the success and recognition of the intermediate prison developed by Walter Crofton in the Irish penal system.

The Crofton, or Irish system, like the English system, was based on Maconochie's principles of progressive discipline measured by marks. The fundamental distinction between the Irish and English systems was the addition of an intermediate prison as a third stage of confinement. Convicts in the intermediate prison were permitted to work without close supervision, and a few were employed outside of prison. In place of public works, the convicts labored at agriculture or trades such as carpentry to prepare them for honest employment upon release and to improve their chances of getting a satisfactory job. Instead of confinement to separate cells at night, the men were housed in dormitories. After this test of trust, the prisoner was granted a ticket of leave under police supervision. Any major breach of discipline during the third stage of probation meant immediate reversion to a selected grade within the second stage of confinement.

Baker incorrectly believed that his plan for an adult reformatory was "simply identical with Crofton's intermediate prison—in effect—although by a lightly different machinery." He was amazed by the coincidence that "we have both unknown to each other been forming plans for the diminution of adult crime on the same principle as that which

has so strikingly diminished juvenile crime almost wherever it has been tried. In January 1860, Baker again took his appeal to the Home Secretary, linking his plan with the practices and success of Crofton's intermediate prison. Sir George Lewis, Secretary of State, replied that he was "ready to give full consideration to any scheme you may desire to submit . . . for the reformation of adult criminals."

Before presenting the plan, Baker sought Charles Bathurst's advice. Bathurst wrote that "there cannot be a worse time in the whole year to try to put new ideas into the head of the Home Secretary." He told Baker not to equivocate on the maximum age, as he had done in a recent proposal, and warned him to expect a Parliamentary inquiry into the present system and the cost of the new proposal. Bathurst cautioned Baker to be ready for the Secretary's question which was why no one else had thought of the plan if it were so good. Finally, he appealed to Baker to get the Gloucestershire magistrates and reformatory managers to openly support his proposal to strengthen his hand with the

56 Draft letter, Baker to Estcourt, Spring 1859. Baker Papers. Baker told Estcourt he was particularly anxious about the appeal for the experiment because of the imminent retirement of Jebb. The choice of a successor will depend on whether England adopts "A system which had succeeded as I believe in Ireland or whether we should continue one which appears not to have altogether succeeded in England." In Baker's opinion, Jebb, despite his hard work, was an obstacle to "any advance" and could not possibly carry out a new system since he did not believe in it. (Ibid.)

57 Draft letter, Baker to Sir George Lewis, January 2, 1860.

58 Draft letter, Home Office to Baker, January 10, 1860.

Baker responded with a draft of his request to the Home Office which in part chastised the Secretary for not accepting his proposal earlier. The surprising looseness of the plan and the haughty tone infuriated Bathurst. "You think that the Home Office is guided by principles utterly & openly dishonest. Facts & only facts are what are wanted."

He stated that Baker had to show proof that the juvenile reformatories succeeded and the similar treatment of adults would also succeed. He berated Baker for his "excessive egotism," which was certain to upset the Home Office. Bathurst was shocked that Baker suggested that any official in the Home Office "cannot really have the public good as his object. I cannot conceive of such notions. They are those of the lowest radical. I cannot see what right you have to entertain such mean, ill-natured suspicions of a person of whom I suppose you know nothing but that he is in all probability quite superior to yourself." He called Baker impertinent for suggesting the form of the bill and accused him of ruining the whole affair by attempting to approach Lewis through an appointed friend and by sending his memorial before he, Bathurst, had written. Bathurst thought that there was little chance of the

60 In the draft of the plan Baker sent Bathurst, he suggested either 21 or 30 as the maximum age for prisoners sent to reformatories. Baker apparently could not make up his mind which age to designate and was hoping for the optimum age. Letter, Bathurst to Baker, January 20, 1860. Baker Papers.


proposal’s being adopted because of Baker’s "total unfitness to deal
with an official person." 63

Baker thanked him for his candor and explained that it was no
longer as important that he get his experiment. Only the principles
were valuable and he was determined to present them forcefully to the
Home Office despite the risk of friction. 64 As Bathurst predicted, the
proposal was rejected by Sir George Lewis. 65 Baker later learned from
Sydney Turner that "the result is chiefly attributable to your old
friend Sir G. Grey who was consulted & wrote a very strong opinion in
its disfavor." 66

Efforts were made by Baker’s friends and supporters of his pro­
sposal to arrange a meeting for him with the Home Secretary. Sir John
Baileau, a delegate to a meeting of the Archeological Institute at Glou­
cester in June 1860, promised to introduce Baker to Lewis. Nothing ever
came of it. 67 Six months later Baker learned from William Harcourt, who
was married to Sir George Lewis’s stepdaughter, that the Secretary had
had a long conversation with Grey about Baker’s scheme. Although Grey
had stressed that since most criminals were under twenty-five, it was
inadvisable "to take so important a step without mature reflection."

Lewis was nevertheless reportedly still interested in the plan. For nearly a year a mutual friend, Charles Sartoris, acted as an intermediary between Baker and Sir George Lewis's stepdaughter, who had offered to aid Baker. A meeting was arranged between the two men in the spring of 1862. It never occurred. Lewis was suddenly transferred from the Home Office to the War Office. He wrote Baker that he would still help him with his plan. His aid might have proved decisive, however, Baker was struck by an infection of his eyes which left his sight impaired, prohibiting an early meeting. Before his recovery, Lewis died.

These unfortunate events climaxed Baker's efforts to get permission to experiment with an adult reformatory. Although he ceased working for his own experiment, and became an advocate of the Crofton system, he never abandoned the principles. He always believed that they "would have been nearly as great a success as the Juvenile Reformatory." However, by 1860 he became more concerned in new criteria for sentencing and extensive use of police supervision as a substitute for imprisonment and as better ways of diminishing crime than either prison or reformatory discipline. Ironically, while he was later acclaimed for the last two approaches to crime and reformation, the efforts he made toward establishing adult reformatories, which were tried first in America at Elmira and later in England under the Borstal system, have been ignored.

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As early as 1856 while putting forth his proposal for an adult reformatory, Baker revealed a growing skepticism of the effectiveness of any institutional system as a complete and reliable means of repressing crime and reforming criminals. He agreed with Lord Stanley (a leading Whig politician and president of the Board of Trade), who observed in 1856 that "3 out of 4" convicts were not habitual criminals; that therefore adult reformatories were "less needed than we suppose"; and that the crucial problem in repressing crime was to distinguish between types of criminals. Baker suggested to Stanley that adult criminality be measured and treated by the number of convictions rather than the gravity of the crime, substituting the principle of fitting the punishment to the criminal rather than making the punishment fit the crime.¹ This proposal involving a fundamental change in a tenet of jurisprudence, was not untried. The Gloucestershire magistrates had recently adopted it as a guideline in cases of juvenile offenders committing minor crimes. They sentenced first offenders to one week in jail, instead of the customary two months, with the barest food and a plank for a bed. Baker argued that while the short term was sufficiently harsh to deter the "casual"

¹Letters, Stanley to Baker, August 28, 1856; Baker to Stanley, September 1, 1856. Baker Papers.
criminal from future crime, it did not disrupt his life. On the other hand, a two-month sentence was long enough to erode the shock of prison and too short "to allow the chaplain to work on the prisoner's mind."

The magistrates considered a second minor offence within a brief period as evidence of a tendency toward criminality. The offender was liable to a sentence of one year in jail instead of a second conventional short term of a week to two months. The lad could get a ticket of leave after three or four months if his behavior was satisfactory and if he agreed to enter a reformatory for a term exceeding his original jail sentence. The third offence was regarded as proof of criminality and punishable by a seven-year sentence of penal servitude with a ticket of leave available after three or four years. The intent of this sentence, Baker stated, was to "hold in check those who could not reform themselves," and to ensure public safety from habitual criminals as well as preventing the corruption of weak persons by the leaders in crime.

Baker recommended that this plan of progressive punishment, or cumulative sentencing, as he called it, be adopted by county magistrates and applied. To prevent vagrant criminals from being treated constantly as first offenders, he urged that all convicts be tattooed with a number of their prison on a concealed part of their bodies to aid police identification. Defending the severity of this plan, Baker contended that it was the public's right and duty to keep those who show themselves unformable either under surveillance or restraint "for their whole lives as we do lunatics who are likely to injure others."2

2Letter, Baker to Stanley, September 1, 1856  Baker Papers
When linked progressive punishment with a proposal to strengthen and lengthen police supervision of persons on probation. Under the existing system the licensee reported occasionally to the police, resulting in uneven supervision and converting the conditional pardon into an unconditional release. Ex-convicts were encouraged to conceal their backgrounds from employers to avoid discrimination. Baker wanted strict supervision of probationers and police assistance to licensees in finding jobs without concealing their pasts. Although this would end the ex-convict’s invisibility in society and place him at a disadvantage in getting a job, it would, Baker believed, result in more security for the probationer.3

More importantly, Baker charged the current practice of deception was harmful and unfair to the public. The authorities, he told delegates at a Social Science Association meeting in 1859, should not permit persons on probation and even ex-convicts to represent themselves "as honest and fit for places of trust. Surely it would be better for the public to take these men willingly, when they would be forewarned and therefore forearmed, than unwillingly, when they encounter the danger without the caution." He asserted that because the prison system released men with "soft hands, dependent and knowing only useless trades, the disclosure of a criminal's background was imperative. Employers then could be expected to show special consideration to the criminal's handicaps and to assist him in learning a trade and living

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3Letter, Baker to Times, December 18, 1856, Papers on Reformatories, Pamphlet No. 23. Baker Papers, Box 45.
honestly."

Because of a sharp rise in crime in 1860, the ineffectiveness of police supervision and the prison system could no longer be confined to a reformer's curiosity. The public demanded that something be done at once to reduce crime. With the prospects of a network of private adult reformatories all but extinguished, Baker acted with other reformers to popularize the Irish system and advocate its adoption in England in convict prisons housing criminals sentenced to penal servitude. In August, 1861, Walter Crofton presented his system to members of the Social Science Association at a Dublin meeting. In October 1861, he attended a conference of reformatory managers at Hardwicke Court to explain his ideas further. In 1862 and 1863 Baker actively sought to educate the public and officials on the merits of the Irish system with letters to the Times and Gloucestershire Chronicle, stressing its advantages in reducing crime.

Under the criticism by reformers and public of probation and the prison system, Parliament created an investigating committee. Instead of examining convict prisons which were under national jurisdiction, the committee focused on jails and bridewells which were under local control. The committee reported in 1863 that a great disparity existed in the

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4Baker, Papers on Reformatories, "How to War with Crime," Pamphlet No. 44. Baker Papers, Box 45.

5Baker, "My Life." Vol II, pp. 57-58, 65; Times, August 20, 1862; November 7, 1862; November 12, 1862; Gloucestershire Chronicle, April 4, 1863.
conditions and discipline among English jails. Some were using the
treadwheel and others the crank either as a replacement for productive
labor or as a means of punishment. The committee denied that such labor
had any detrimental, moral or physical effects. It was not the form of
punishment and labor but the disparities and intensity in their use
which allegedly led "to an inequality, uncertainty and inefficiency of
punishment, productive of the most prejudicial results." Instead of
proposing that the men be trained for useful work, Parliament was re­
quested to pass legislation defining "hard labor" to include the crank,
treadwheel, or shot drill, and to apply that term to all persons serving
twelve months or less in jail.

The committee recommended that existing differences be corrected
by the creation of a uniform code of diet, labor, and discipline and by
enforcing the separate system. Although doubts were expressed toward
the effectiveness of any reformatory program in prison, the committee
did recommend continuing the use of "marks" to induce good behavior.
The committee approved stricter police supervision and endorsed the work
of discharged prisoners and societies in promoting reformation and finding
jobs for convicts, urging Parliament to consider allocating funds to
these societies.7

In 1864 an act was passed making probation stricter and more en­
forceable by requiring licensees to report monthly to the police. The

7England, House of Commons, Reports from Committees, "Report from
Select Committee of House of Lords on the Present State of Discipline in
Gaols and Houses of Correction." Vol IX, 1863.
following year a prison act formally ended any remaining distinctions between jails and houses of correction and prescribed in detail all regulations for governing prisoners. Included in these rules were the times for cleaning and painting prison walls, types of hard labor—treadwheel, shot drill, crank and stone-breaking—the hours for counting prisoners and opening the prison and the style and care of convict clothing. The act also required that all prisoners be kept in separate cells, with women, debtors, and those under indictment isolated from male convicts. Every convict was to attend chapel and if directed by the justices, be provided with instruction in reading, writing and arithmetic as long as this did not interfere with the prisoner's time at hard labor.

Jails were still to be maintained by local authorities using local rates and government subsidies. Officers were no longer to be paid by fees from prisoners, which had encouraged corruption, but were to be salaried. All jails were subject to the Queen's inspectors, who would decide if the size, heat, light, ventilation of the cell and the condition of the prisoner's health met the standards of the act. Should a jail fail to meet the standard, the Secretary of State could halt funds maintaining the prison and transfer the inmate to another jail. Reflecting the attitudes of the Committee of 1663, the act included a provision increasing the aid to a discharged prisoner from a few shillings to two pounds plus the fare for the prisoner's trip home. To encourage discharged prisoners' aid societies, justices were permitted to give monies provided for the prisoner to a certified society to administer it
The report and Prison Act of 1865 reaffirmed that detention and punishment were to continue as the bases of jail discipline. More significantly, it revealed the intent of the government to secure greater national control over local jails and the government's determination to crush criminals and crime by making jail discipline more rigorous. There is little doubt that the public, imbued by an abhorrence to crime and anger toward criminals, saw retribution not only as a way of relieving resentment but also as an effective means of deterring others from crime.

Although the 1865 act did not provide for innovation in reformatory techniques, it did create common sanitary standards and end the brothel conditions in some jails by requiring separation of the sexes. It also recognized that not all inmates were convicts by providing separation and differential treatment for debtors, convicted criminals and those under indictment.

While the act appealed to most reformers, Baker was distressed because he believed the uniform system would be ineffective in repressing crime. "A heavy, dull, phlegmatic lot, with a small appetite will find oakum picking in a warm cell a very pleasant winter's employment. A keen sensitive, nervous man will suffer terribly under the very same circumstances." While the use of a plank bed for all prisoners, as suggested in the 1863 report, might be a "wholesome punishment" for some, it was no doubt torturous for the old man. "A really effective prison,"

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8 England, 28 & 29 Victoria, Chapter 126, pp 1144-1194
Baker concluded, "ought to have many different species of punishment to allot the different characters it must receive."\(^9\)

Baker attacked the "separate system" long practiced in English prisons and endorsed by the Parliamentary Commission of 1863 and the Prison Act of 1865. He charged that it was indistinguishable from the "solitary" system largely abandoned in America.

It was rather difficult at first, for us to understand how a man was to be kept separate from everyone else without being solitary; but we found that the Home Office ruled, that if a man had a cell containing a 1000 cubic ft of air, with a gas lamp, a wash basin, and other watering conveniences, together with a new and costly apparatus for warming and ventilating, which excluded all fresh air, he was separate; if he lacked any of these things he was solitary; in all other points, or chapel, instruction, daily exercise, and occupation in the cell, the two systems were identical.\(^10\)

The report and resulting legislation strengthened his conviction that the existing tendencies in jail discipline would not result in more reformed criminals or even greater deterrence, but a system creating brutes who were hardened to prison and crime.

Believing the government was following a policy which could never repress crime, and frustrated by repeated failure to gain acceptance first of adult reformatories and then the Irish system, Baker turned his efforts to local experimentation. He revised an earlier proposal to adopt a system of progressive punishment for adults and to expand police supervision. Between 1864 and 1866 he made repeated requests to the Gloucestershire magistrates to require the disclosure of the

\(^9\)Baker, Papers on Reformatories, Pamphlet No. 87; Baker Papers, Box 45.
\(^10\)Ibid.
backgrounds of adult felons before passing sentence. If the person had no previous convictions, he should be sentenced to ten days in solitary confinement. At the moment of sentencing the prisoner would be warned that subsequent convictions within five years would result first in a twelve-month term at hard labor, then a seven-year sentence of penal servitude, and finally incarceration for life. Baker believed that the warning combined with the shock of prison would deter most criminals from future crime.

Responding to the magistrates' repeated objections that the proposal restricted their latitude and discretion for sentencing, Baker stated that his principles should be viewed only as a guideline for dealing with criminals. He stressed that by preventing crime through progressive punishment and the shock of a short harsh term for first offenders, both society and the criminals would benefit. He had estimated that seventy per cent of the convicts were not really criminals but had impulsively committed crimes. He repeated his conviction that a long term for these offenders reduced them to a wretched state and hardened them in crime rather than deterring or reforming them.

In 1866 the Gloucestershire magistrates passed a resolution endorsing the principle of progressive punishment for adults. It stated

11 Baker, Papers on Reformatories, Pamphlet, July 30, 1864. Baker Papers, Box 45.


13 Baker, Loc. Cit., Pamphlet, October 25, 1864. See also Pamphlets dated January 23, 1865, June 5, 1865, and July 1, 1865.
that the magistrates recognized "the expediency of punishing a criminal with greatly increased severity on each repetition of his offence." It recommended that felons whose backgrounds were known and persons charged with larceny after a previous conviction for a felony be remanded to Quarter Sessions where they were liable for a sentence of from seven to ten years penal servitude.  

Dissatisfied with only the acknowledgment of the principle of progressive punishment rather than adoption of its practice, Baker—as was his custom—refined his argument and principles further and made new efforts to popularize them. At the Social Science Association meeting at Belfast in September 1867, he reaffirmed his belief that sentences and punishment should not be determined by the severity of the crime but instead should be calculated to prevent the criminal from committing new crimes. Drawing an analogy to the state's treatment of the insane, he argued that it did not retaliate "for moral guilt" but acted to preserve public safety. The same attitude should guide the state's treatment of criminals which, he assured the members, could be best expressed in a system of progressive punishment.

At a Social Science meeting the following year at Birmingham, he linked this proposal to a plea to extend beyond the probationary period police supervision of criminals. This idea had already become popular among the members and was actively supported by Walter Crofton, who had

14 Ibid., Pamphlet No. 121a

used police supervision extensively in his experiments in Ireland. Baker pointed out that the idea even then was not new—that Mathew Hill had suggested it in 1841 only to find it treated with "derision." The Social Science Association Council thought differently, endorsing the idea and agreeing to take it under consideration for legislative action.16

That endorsement lengthening the period of police supervision occurred at a time when the ticket of leave system was severely criticized by the public and press for permitting the early release of criminals who then committed more crimes. Baker argued that the system should not be abolished but improved by two changes: first, extending police supervision from two years as prescribed in the Prison Act of 1864, to five years; and second, creating a central bureau for identifying and keeping track of licencees.17

In December 1868, Crofton asked Baker to join him and William Tallack, secretary of the recently established Howard Association in preparing a bill to lengthen the period of police supervision; to apply it to habitual criminals, even after they received a final release; and to provide for progressive punishment. After referring to increased robbery and violent crimes, the Howard Association recommended


17 Baker, Papers on Reformatories, Pamphlet, December 5, 1868. Baker Papers, Box 45.
the adoption of further measures of prevention and repression and in
particular, a systematic supervision by the police acting in connec-
tion, with a central authority, over discharged convicts, vagrants
and the manifestly habitual companions of known criminals, also the
occupants of homes whose tenants can be shown to have been repeat-
edly committed to prison. 18

Baker recalled that the work of the group produced an "utterly
unworkable Bill." He was amused by this fact, observing somewhat sar-
castically that it would take the Home Office ten years to get around to
it and by that time he expected it to be workable.

What was my astonishment— I may almost say disgust, though certainly
mingled with great pleasure! when I found our wretched little Bill
actually printed, to be brought before Parliament! I was terrified
by our success! but happily it was brought first into the House of
Lords. 19

In addition to the enlargement of police supervisory duties, the bill
included an endorsement of progressive punishment.

In its final form the Habitual Criminals Act of 1869 authorized
any policeman or constable to arrest any man holding a ticket of leave
without a warrant on suspicion that he was living by unlawful means. If
proved true, the licensee was to be returned to prison for the remainder
of his term. The Act provided for a central register in London of all
convicts to aid police supervision. All jailors and governors were to
submit forms identifying their prisoners to the Central Office. Includ-
ing the principle of progressive punishment, the Act encouraged local
magistrates to sentence first offenders to a short term and all persons

18 Howard Association, Minutes, December 11, 1869 (London: The
John Howard Association).

convicted of a second felony up to one year of hard labor and seven years of police supervision. Third offences were liable to seven years of penal servitude with a ticket of leave granted after five years. 20

In January 1871, as a result of Baker's efforts, the Gloucestershire magistrates passed rules outlining specifically a system of progressive punishment within the bounds of the 1869 Habitual Criminals Act. They provided that a person charged with a felony be remanded "for a reasonable" time until his record for the previous five years was obtained. If the person's past was free of convictions, he was to receive a light sentence, which the magistrates set at from ten days to two months in jail, instead of the customary two months to a year. A person with a record, liable to a year at hard labor and seven years' supervision under the 1869 Act, was to be given a six-month term in jail and seven years' supervision. A person convicted of a third felony was to receive the customary sentence of seven years' penal servitude. 21

The uniqueness of these rules was not the sentences themselves, for these had existed before for the magistrates, but the rationalization of sentencing into a formally-adopted progressive system clear to both justices and defendant. In addition, it overtly overturned the traditional basis of sentencing from determining the term by the gravity of the crime to a measurement which prescribed the sentence according to the criminality of the offender. Recidivism was the accepted indication

of criminality. Also, the magistrates rejected the customary use of punishment as a means of retaliation and endorsed Baker's views that sentencing must be used to deter crime and protect public safety.

The system of cumulative punishment and police supervision was, however, impaired by a clause of the Habitual Criminals Act of 1869 which rescinded a part of the 1864 Prison Act requiring licensees to report monthly to the police. Under the 1869 Act, the police were charged with the added burden of ferreting out licensees, making supervision haphazard. 22 In 1871 as a result of the work by the Howard Association, reformers like Baker and interested members of Parliament, the Prevention of Crime Act was passed. 23 Baker had been asked to prepare a clause to the bill, and although it was not adopted, its basic ideas were incorporated in the Act. 24 The Act required every ticket holder to report monthly to the police and any change of address within forty-eight hours. Failure to comply resulted in either the revocation of the ticket or a penalty term of not more than one year in jail at hard labor. 25

By 1873, however, the practice of a co-ordinated police supervision was failing badly. Arthur Pewnall, registrar of convicts in the London bureau created in 1869 to co-ordinate police supervision, 

22Baker, "My Life," Vol II, p 179 Baker Papers, Box 53
23Howard Association, Minutes, August 30, 1871
24Baker, loc. cit., pp 220-22
reported to Baker that attempts to classify and identify criminals and to get the records of persons under supervision had failed. He stated that rivalry among local police and the resistance of the London police, who "hated the work of Supervision," prevented cooperation and enforcement of the law. Baker also learned that the Criminal Acts were not being enforced because "the justices do not believe in it."

Writing to the Home Secretary, Robert Lowe, in 1873, Baker urged that these deficiencies in enforcement be ended by a memorandum to each Chairman of Quarter Sessions asking him to observe the Acts. He asserted that unless the magistrates took an interest in or ordered enforcement, the police, who generally took a "sporting view of crime," would not fulfill their duller supervisory duties. Baker suggested that the Chairman require reports from the police on the behavior of persons under supervision and that summaries of these reports be sent to a central office to aid identification and to create a reference file where magistrates could get information on the methods, failures and successes in other counties. To be certain that the local police were not fabricating reports, he proposed that a detective be occasionally sent to the counties to inspect their supervisory work.

Baker added a fresh point to his scheme of police supervision and progressive punishment, requesting that they be applied to minor offenders. He argued that the distinction between a felony and a


27 Letter, Baker to Robert Lowe, October 1873 Baker Papers
misdemeanor be abolished and that venue be determined by the number of offences rather than strictly by the gravity of the crime. To support this position, he cited the statistics of the Liverpool courts, which reported that in 1858 111 women had been imprisoned for the thirtieth time each on minor offences. This recidivism, according to Baker, proved that repeated short sentences were not a deterrent and that to repress crime and reduce the public's expense of maintaining jails, cumulative detention combined with police supervision were necessary.

These views toward police supervision as a supplement for prison and progressive punishment were transformed into a "vision of the future." Baker recalled awaking one morning in December 1873, envisaging the replacement of imprisonment in most cases with police supervision. After considering the scheme for nearly a year, he presented it to Edmund DuCane, director of convict prisons, who agreed with Baker that it was the system of the future, but deferred from supporting it because police supervision was not within the scope of his office. Later he wrote Lord Hampton, the former Sir John Pakington, proposing to replace prison terms with police supervision. He advocated an act of Parliament giving magistrates in certain cases, particularly second offences, the power to pass sentences of three years "liability to imprisonment." Instead of six months or a year in jail and seven years of supervision as under the 1869 Act, the prisoner would spend one month in jail and ten

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28Ib'd

years under police supervision. In addition, the criminal would be re-
quired to repay what he had stolen and the cost of the trial.

Under this system the criminal had the full inconveniences of
conviction—the loss of reputation and good employment—and yet, Baker
believed, he was also given the only real way a criminal could regain
his character and reputation, "namely by a long course of steady honest
life." Baker was convinced that his plan would not only reduce the num-
ber of persons in jail, the cost of maintenance, but also be more deter-
rent and reformatory than a long prison term In addition, it would
provide longer and better protection of the public's safety He hoped
that the Gloucestershire system of cumulative punishment and enforced
police supervision adopted in 1871 would demonstrate the effectiveness
of this approach and justify a move away from prisons as a means of re-
pressing crime and reforming criminals. 30

In the spring of 1875, Baker expanded his "vision" by reviving a
scheme considered nine years earlier He proposed to the Gloucester-
shire magistrates that police supervisory duties be expanded to include
assistance to all discharged prisoners in finding a job and surveillance
of all persons released from prison including those not formally under
supervision. The existing practice placed the burden of finding a job
squarely on the criminal who might seek the assistance of a prisoners'
aid society if one existed in his area Usually the released prisoner
tried to melt into society by concealing his background

30 Draft letter, Baker to Hampton, September 12, 1874 Baker
Papers.
Criticism was raised that police assistance would embarrass the criminal and lessen his chances of getting a good job. To these familiar arguments Baker replied with equally tested arguments that the present practice of encouraging a convict to misrepresent himself to an employer was contrary to the true interests of both. The convict needed the kind but firm guidance of an interested employer who knew his weaknesses and who would extend the degree of trust as the person's "honest habits show that he deserves it." The practice was also hypocritical: "We wish to induce him to place a true value on a good character--yet we now connive at his getting employment--if not with false character--at least without stating the truth." He rebutted the assertion that a criminal whose record was revealed could not get a job. Citing the statistics of the London Metropolitan District Prisoners' Relief Society, Baker noted that it had found jobs for 4,412 persons without concealing their backgrounds. Baker's argument and statistics proved convincing. The magistrates adopted his proposal for expanding police supervision and revealing the backgrounds of criminals seeking jobs.\(^1\)

Baker carried his "vision" to the Social Science meeting at Brighton on October 7, 1875. After assuring the members that the parts of the "machine" to repress crime existed and that it only lacked

\(^1\)Baker had made the proposal earlier in March 1874, but nothing had come of it. Gloucestershire Chronicle, March 7, 1874. It was discussed in subsequent sessions: Chronicle, October 24, 1874 and March 20, 1875. See also Baker, Papers on Reformatories, Pamphlet No. 216a. Baker Papers, Box 45.
co-ordination, he proposed that prison terms be substantially shortened and replaced by police supervision for second offenders with a record of a felony in the past five years.\textsuperscript{32} He was pleased by the support shown the proposal; DuCane was particularly hopeful that the supervisory duties of the police could be expanded. Later he wrote to Baker that most people he had consulted were pessimistic, stating that while the plan was theoretically ideal, it was practically impossible. To be effective, the nation's police forces had to be consolidated and all incompetent bobbies removed.\textsuperscript{33}

The receptivity to Baker's proposal revealed the disappointment of reformers and public officials that the legislation in the past twenty-five years had resulted in little, if any, check on crime.\textsuperscript{34} In 1876 suggestions were made to place the nation's police forces under a central authority, and a bill was presented to nationalize the prison system. Pressure for centralizing the police had been building since the failure to implement Acts of 1869 and 1871 in most counties and their lack of success in reducing crime. Many reformers and administrators were attracted toward nationalization because of the inability of the government to enforce the regulations of the 1865 Prison Act and the continued disparity between prison conditions and discipline.

\textsuperscript{32}Baker, Papers on Reformatories, Pamphlet, no date or number. Baker Papers, Box 45.

\textsuperscript{33}Letter, Baker to R. A. Cross, October 18, 1875; Letters, DuCane to Baker, March 3, March 9, April 2, 1876. Baker Papers.

\textsuperscript{34}Times, August 24, 1874.
A centralized system of prison administration was commonly believed in England and in America to be the best means of achieving their goals of creating humane conditions and instituting new methods of reformation. The basic assumption persisted, although with more support in America than in England, that prison was an effective institution for the reformation of criminals and therefore a proper vehicle, along with philanthropic and educational institutions, to abet the improvement of society. Public officials not particularly inclined toward reformatory efforts were eager for nationalization to improve the efficiency of the system by abandoning unneeded facilities and thereby reducing costs, to impose uniformity and end the wretched conditions of some jails.

Baker attacked the idea of centralizing the police and opposed the prison bill. In a lengthy and impassioned pamphlet he reviewed the progress of police supervision and cumulative punishment in Gloucestershire and appealed for the adoption of a similar system throughout the country as a better way than jail discipline of repressing crime.

As I have said, I have long considered the gaol as an evil in itself, only to be tolerated till we can find a better remedy. I believe the better remedy to exist in Police Supervision. I believe that were a man sentenced to a liability to imprisonment for three years, were he then to pass one fortnight or a month in gaol on a very low diet and then be let go under Police Supervision, in the place where his offence was committed and where his character was thoroughly known, having to report himself at first every week to the police, stating his place of work, and his earnings, and paying a shilling or two each week according to circumstances, toward, first a repayment of the value stolen, and secondly a repayment of the cost of prosecution and keep in Gaol, it would have a more salutary and a more deterring effect than any other punishment we could give. The evil of separating a man from his family and keeping him in gaol at a heavy cost, while they perhaps go to the workhouse
would be obviated, yet I believe while the gain would be lessened
the deterrence would be increased.35

Baker stated that a criminal working among his neighbors under such con-
ditions could regain his character in the only meaningful way: by "a
long course of steady honesty" and not by serving an arbitrary term in
prison.

Baker warned that nationalization could not succeed "without in-
ducing a rigid uniformity of rules as will check the continuance of such
improvements as have already conducted to seek a diminution of crime in
this country as has not taken place in countries governed entirely by
Central Authority." He also assailed the bill as an attack on the exist-
ing system of local government and the services of unpaid public-minded
men. He called the system "a wise and good form of Government because
it had trained people to feel an interest in the well-being of the Coun-
try—and had maintained a vitality in its institutions and by avoiding a
rigid uniformity of rule had given scope for experiment which have led
to greater improvements than have been found in other nations where a
strict uniformity was maintained."36 It was "the cause of the superior-
ity of Englishmen, not only in the repression of crime, but in indepen-
dence of character to those of most other nations."37 Paid officials, he

35Baker, Papers on Reformatories, "The Proposed Prisons Bill,"
Pamphlet No. 231, October, 1876 Baker Papers.


37Baker, Papers on Reformatories, Pamphlet, July 10, 1876
Baker Papers
argued, in contrast to gentlemen who volunteered were consumed with the duties and routine of their daily responsibilities. They had little leisure time for reflection and less inclination to experiment. Those officials, Baker feared, would create a bureaucracy which would stress the importance of keeping the jails clean, neat, and uniform in discipline rather than integrating them into an overall effort to repress crime.38

Not being disturbed that his "crotchets" were called impractical, Baker looked forward to their implementation. That would come, he believed, when officials were more concerned with the reduction of crime than the shrinking of the per capita cost of keeping a person in prison. Then the Home Office could co-ordinate all efforts to reduce crime being made separately by the sixty-five juvenile reformatories, the one hundred and four industrial schools, prisons, police and prosecution. Crime could then be cooperatively attacked and reduced without undermining English local government, which he believed was being threatened by the suggestion to centralize the police and the bill to nationalize the prison system.39

Although the suggestion for centralizing the police was dropped largely due to the opposition of local police forces and magistrates, many local officials and reformers supported national control of local

38Draft letter, Baker, 1876 Baker Papers

39Baker, Papers on Reformatories, Pamphlet No 231, October, 1876 Baker Papers
jails. In the summer of 1876 the Howard Association publicly endorsed the bill, approving of its aim to consolidate the jails and end the restriction on productive labor imposed by the 1865 Prison Act. Not viewing the bill as a panacea, the Association added its support of Baker's principle of cumulative punishment and its application to minor offenders as an effective way of repressing crime.\textsuperscript{40} The members of the Social Science Congress attending a meeting in Liverpool also endorsed the bill, which passed the following year.\textsuperscript{41}

Under the Prison Act of 1877 all county jails were placed under direct control of the Home Office and a prison commission headed by Edmund Ducane.\textsuperscript{42} Many jails were closed and prison costs reduced. The uniform standards prescribed in the Act of 1865 were thoroughly enforced. Deterrence rather than reformation shaped the practices, with increasing limitations on productive labor, due to the strict separation of prisoners. Individual treatment was discarded\textsuperscript{43} Prisoners entered a "grim artificial world where no allowance was made for variation of character or temperament; where any good in him was not recognized; and where all prisoners were considered equally undesirable and wicked."\textsuperscript{44} As Baker

\textsuperscript{40}Howard Association, \textit{Minutes}, June 12, 1876.

\textsuperscript{41}Letter, Baker to Gloucestershire Chronicle, December 1876. Baker Papers, Box 17.

\textsuperscript{42}England, 40 & 41 Victoria, Chapter 21.

\textsuperscript{43}Fox, \textit{English Prisons and Borstal System}, pp 48-51

\textsuperscript{44}Howard, \textit{The English Prisons}, p 103.
observed, the Prison Act put "all the management of Gaols into a cold, cast Iron System of Routine which is utterly unfitted to deal with Human nature." 45

Instead of attacking the Act, Baker continued to advocate application of cumulative punishment and its extension to minor offenders and the replacement of police supervision for most of the long-term prison sentences. He continued to look upon the principle of police supervision as his greatest achievement. He was pleased that after ten years it, as well as cumulative punishment, had "been more & more carried out throughout England & has every year worked better." In June 1881, the Gloucestershire magistrates unanimously agreed to continue the plan. 46 By 1884, two years before Baker's death, the principles and system of progressive punishment and police supervision as practiced in Gloucestershire were applied to adults in various degrees in thirty-one of Great Britain's fifty-two counties. 47 That same year, William Tallack largely adopted Baker's plan, including his proposal to extend it to minor offenders and unsuccessfully tried to get the Home Office to accept it as policy for the whole nation. 48

In addition, agitation against the Prison Act of 1877 increased.

By the winter of 1880 the Howard Association had publicly joined other critics who assailed the loss of local authority and the failure of the prisons to reform criminals. Its secretary, William Thallack, continually sought to change the system to make prisons more humane and reformatory while also advocating acceptance of progressive punishment and expansion of police supervision. As a result of scandals in the system, public pressure and the demands of reformers, the Home Secretary, Herbert Asquith, appointed a committee in 1894 under Herbert Gladstone, his undersecretary, to investigate the entire system. The following year the Gladstone Committee reported that the system of uniformity was almost completely a failure in deterring crime. It concluded that more attention had to be paid to the rehabilitation of the criminal through reformatory measures. In addition, the Committee advocated a system of cumulative sentences for habitual criminals committing either a felony or a misdemeanor. The Howard Association accepted the Committee's recommendations except for provisions which would have converted English prisons to the congregate system. In 1897 passed a resolution reaffirming its support of the separate system as the certain way of preventing corruption among prisoners and for its "excellent" moral and economic results.

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49Letter, Tallack to Times, January 7, 1880; September 23, 1880.


51Howard Association, Minutes, February 3, 1897.
In 1898 Parliament passed a prison act incorporating most of the Committee's recommendations. Although the act did not reverse the dominant methods of dealing with crime and criminals, it did provide a better balance; central authority was not broken, yet local officials were given more authority; deterrence was not ended as an aim of discipline, yet it was no longer exclusive, because of the attention given to reformation; prison remained the principal means of repressing crime, but it was increasingly supplemented by a more extensive system of cumulative punishment and more flexible programs for the early release of prisoners under police supervision. The "machine" for repressing crime, which Baker had long hoped for, appeared to be taking form in England after it had been aired and partially adapted by some American reformers in their states, particularly Ohio.

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In December 1866, William Tallack, secretary of the Howard Association, paid tribute to Barwick Baker, following his death that month praising him for his thoughtful and practical approach to the dilemma of repressing crime. He admired Baker's custom of airing and, if possible, testing his ideas locally before urging general adoption. Tallack concluded: "No one since the death of John Howard has more perseveringly and efficiently, though unobtrusively, carried on the work which received its great modern impulse from that renowned philanthropist." But ideas and hard work were not the only reasons for Baker's influence, Tallack observed.

It was the combination of thoughtful investigation with sound and genial sense which at various Congresses and conferences during a long series of years, caused peculiar deference to be accorded to his opinions, not only by his fellow countrymen, but by foreigners.¹

Baker's reputation among American reformers was promoted—if not begun—at the 1870 Cincinnati meeting of the first Prison Congress, where the work of English reformers was the topic of many papers and much discussion. A paper by William Tallack on "Humanity and

¹Letter, Tallack to Times, December 4, 1886. Howard Association Minutes.
Humanitarianism" included a special reference to Baker's achievements in founding the English system of juvenile reformatories, which had reduced recidivism, and his efforts to create similar institutions for adults. At the third Congress in 1874, Baker had achieved enough stature to be asked, along with Mary Carpenter and Frederick D. Hill, to submit a paper. He used this opportunity to present his views on using police supervision to repress crime. In addition, some of Baker's pamphlets were distributed among reformers and a few reprinted for general circulation.

Of greater significance to Baker's reputation and the spread of his ideas than this formal exposure to American reformers were his personal relations with a few leaders whom he met at International Congresses and subsequent correspondence with American reformers. In 1872 the first International Prison Congress was held in London. That Congress had been inspired and partially organized by Enoch Cobb Wines, the leading American prison reformer and founder of the National Prison Reform Congress. At the London meeting, which Baker had helped arrange, conversations and papers focused upon prison discipline and reforming penal institutions. Against this mainstream Baker gave a paper on sentencing and a short speech on police supervision, which at that time generated only passing interest. Nevertheless, Baker's reputation as an innovator


3 Ibid., 1874, pp. 199-204
as well as outstanding practical worker in the field was enhanced, especially among visiting Americans like Enoch Wines. 4

In the summer of 1874 Wines wrote to Baker, asking him for his views on prison systems, reformatories, methods to prevent crime, and the possibility of adopting a new criminal code aimed at repressing crime. 5 Baker replied that because most of his suggestions were so unconventional, they would be of little use to Wines. He pointed out the broad scope of his approach to crime, stressing that all efforts by police, prison officials, and citizens should be directed at repressing and preventing crime rather than capturing and punishing criminals.

Baker affirmed that long terms in prisons had little reformatory and deterrent effect. Their only value was to shock first offenders as a warning and to detain habitual criminals and the "teachers of crime" who corrupted the weak. A better approach, he assured Wines, was a system of cumulative punishment and police supervision as had been successfully applied first to juveniles and recently to adults in Gloucestershire. After giving reasons for adoption, Baker discussed the problem of adapting the scheme to America. He acknowledged that the size of the country and fluidity of the society made identification of criminals extremely difficult and therefore impaired any system of cumulative punishment and police supervision. To correct this, Baker suggested that all persons carry special identification, possibly like an internal passport,


as proof of good character and a clean record, should they expect a mit-
gated sentence prescribed for first offenders.  

Baker had a personal chance to press his views when Wines visi-
ted Hardwicke Court during his trip through Ireland and England in 1875. He joined Baker at Quarter Session to observe firsthand the application of the Gloucestershire system of cumulative punishment and police super-
vision. They continued to discuss these views in subsequent correspond-
ence and their personal meetings in April 1878, and at the second Inter-
national Prison Congress held in Stockholm that summer. Wines was in-
terested but unpersuaded by Baker’s plan even though increasing atten-
tion was being directed upon it. More than most American prison re-
formers, Wines expected to find a way to deter crime and reform crim-
nals through a system of prison discipline. Others like Josephine Shaw Lowell, whose interest in reform went beyond criminals and prisons, were more sympathetic toward Baker’s innovations.

In August 1877, Mrs. Lowell initiated correspondence with Baker, stating that she had heard of his work in crime and had read his pam-
phlets on vagrancy and pauperism which had been published and circulated by the New York State Charities Aid Association. She wrote in warm tones that his work and success "serves as a direct encouragement to all of us who are trying to follow in your footsteps and makes the future 


7Letters, Baker to Wines, July 22, 1875; March 24, 1876; Wines to 
Baker, March 2, 1876; Baker to Frederick Wines, December 26, 1879. 
Baker Papers.
seem bright with promise." With great enthusiasm and optimism, as well as a touch of chauvinism, she added that if England could accomplish so much, then "there is no limit to what we might do in this country with circumstances so much more favorable if we would only take enough trouble." Responding that same month, Baker sent her an account of his work and a number of pamphlets on crime, vagrancy and pauperism. Lowell in turn sent Baker information on crime and pauperism in New York.9

Although most of their initial correspondence concerned pauperism and vagrancy, Baker's summary of his work and the efforts at prison reform in England in the past century increased Lowell's interest in English jails. She asked Baker for a detailed account of the work of Sir George Paul, the Gloucester prison reformer who had implemented and modified the ideas of John Howard, to assist the New York Prison Association with the work to improve municipal and county jails. Surprised by Baker's opposition to the nationalization of prisons in 1877, Lowell stated that American reformers were seeking state control--centralization--of county and municipal jails and welcomed the English action as a precedent. She argued that centralization would be a progressive step in America because it would "get our jails out of the hands of the county authorities who usually take very narrow & shortsighted views of all subjects and have never managed to make our jails even places of punishment."10

8 Letter, Josephine Shaw Lowell to Baker, August 8, 1877.
10 Ibid.
Baker replied that his opposition to the act was not solely due to its creation of central control but to its emphasis on keeping prisons clean, efficient and self-supporting, requiring the jails to be "kept full." The better, though more ambitious and difficult, aim should be to empty the prison by integrating that system into an overall effort to eliminate crime from society. Under the Prison Act of 1877 the growing bureaucracy could not be expected to devote themselves to reducing the number of prisoners by lessening crime and thereby diminish "the sphere of their own utility." Baker repeated his belief in the plan of cumulative punishment and police supervision as a better way of combating crime and improving society.\(^{11}\)

Lowell explained that the American emphasis on prison reform and centralization was largely the result of the fact that little attention, if any, had been given to the dilemma of reducing crime: "It has never been worth our while to diminish crime! We have so much room & so much to eat and it has always been so easy to make a living that crime & poverty have not been very important items in our peoples' lives." Clearly, American reformers, according to Lowell, were concentrated on uplifting the individual offender, while Baker's efforts, showing far less concern for the individual offender as an abstract being to be saved by the virtuous, were directed toward safeguarding society and those of

weak character from criminals. Baker's remarks nevertheless caused Lowell to ponder that with the rapid rise of industrial classes and urban expansion, "gradually we are coming to a point where we should have to consider this [repression of crime]." With some relief she concluded: "It is lucky for us that we have England to look to as an example & a warning." 12

Prevention of crime received a thorough hearing at the second International Prison Congress at Stockholm in June 1878. Baker was pleased to renew friendships and exchange views, particularly with Enoch Wines. 13 Surprised that Wines and Lowell had never met, Baker urged the latter to become personally acquainted with him. He stated that while Wines was neither "striking" nor "lovable," all reformers should be indebted to him for his work. 14 Without ever knowing if the two had met, he learned from Lowell that Enoch Wines died of a heart attack on December 10, 1879. Expressing sympathy to Wines's son, Frederick, Baker wrote that Enoch Wines had "made his influence felt by all the civilized nations of the earth--and with a purely unselfish motive--not for his own gain or glory but solely for the good of others." 15

Baker did not exaggerate Wines's importance in the organization of the prison reform movement. Following his death, the National Prison

15 Letter, Baker to Frederick Wines, December 26, 1879.
Congress dissolved, leaving only the National Conference of Charities and Corrections as a public platform for national prison reform efforts. As important as the Conference and later the National Prison Association (re-established in 1884) were in providing forums for raising issues, circulating views, and popularizing varied reform causes, initiative for experimentation and implementation continued to rest on local reformers and state prison and charities boards. Therefore, while the national reform organizations abetted reform efforts through the dissemination of information and its amorphous prestige, their inaction or dissolution, as in the case of the National Prison Congress, did not seriously impair the more significant practical work being done on local and state levels.

Writing to Baker in May 1879, Lowell accounted for her efforts to get the New York State Legislature to establish a reformatory for women, which she described as a "place where young female prisoners may be sentenced for a long educational term." She also told Baker that Massachusetts had just enacted a law placing all state and local jails under the supervision of a prison commission composed of five unpaid members—three men and two women. She hoped that this example of centralization, although limited, would be duplicated in other states.16

Baker applauded the Massachusetts act, stating that it showed "practical good sense." His only regret was the failure to permit the board to co-ordinate the police and carry out supervision.17

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replied that improvement in jail conditions had to precede all other changes. Reflecting the urgency of this matter and revealing both a competitive spirit and a sense of embarrassment at the existence of such a glaring flaw in the American fabric, she professed her envy of England because it was so far ahead of America in prison work. In an apologetic yet optimistic tone, she explained to Baker in the summer of 1879:

There is an excuse for us, however, that is that during the thirty years when you were all so full of interest in the question of prison reform & were making such immense advantages the men & women in this country, who would naturally have turned their thoughts in the same direction, were devoting heart & soul to fighting slavery--then came the war which took all our lives, & since then there has been a great deal of attention turned to prisons & kindred subjects. This makes me hope that in another fifty years we may have caught up with you.\(^\text{18}\)

With pride she pointed to the Elmira reformatory as an example of one American advance over the English.

Although not agreeing completely with the Gloucestershire system, Lowell did assist the spread of Baker's views by sending copies of his pamphlets and correspondence to other reformers such as Mary C. Ware, a member of the Massachusetts Prison Commission. In October 1879, Ware asked him for an account of the origin of the reformatory movement.\(^\text{19}\) In subsequent correspondence Baker accounted for his work, principles and views, emphasizing that the "lessening of crime has been my chief interest."\(^\text{20}\) Although she reaffirmed the determination of the


\(^{19}\)Letter, Ware to Baker, October 26, 1879. Baker Papers.

\(^{20}\)Letter, Baker to Ware, December 1879. Baker Papers.
board to clean up jails and standardize treatment to a humane level and enforce separation, Ware was sufficiently impressed with Baker's views to pass them on to the board's president, William F. Spalding. She requested Spalding to begin correspondence with Baker to clarify further his principles, arguments and plan for repressing crime.21

The attitudes of Ware and Lowell revealed that they were neither converted to Baker's views toward repression, safeguarding society, nor persuaded by his skepticism toward institutional reformation. Nevertheless, they were attracted to his approach to crime, which apparently had been little considered by them and other reformers. Repressing crime had not concerned Americans, partly because its rate and social damage were purely speculative, and because, as Lowell had stated, the nation's wealth and openness had reduced temptation to a minimum. Criminals were therefore considered the anomalies of society and not society's creation. They were examined and treated either as atavists who deserved permanent incarceration or deprived characters whose moral vessel could be filled by generous men in philanthropic and reformatory programs. In the view of American reformers, the wretched conditions of jails and the commingling of habitual, degenerate and deprived criminals, exacerbated defective characters and impaired personal uplifting. The work of reformers like Enoch Wines, Mary Ware and Josephine Lowell were shaped and aimed by these considerations.

As the extent of crime became more visible with the availability

21 Letter, Ware to Baker, August 29, 1880. Baker Papers, Box 17.
of more statistical accounts and the spectre of crime as an intrinsic part of a new industrial society became increasingly ominous, the dimension of American reform efforts was broadened to include views on repressing crime. Baker was shocked by the statistics he received from Ware showing a high crime and incarceration rate in Massachusetts. Writing to Frederick Wines in August 1880, Baker confessed that he had always assumed that America's crime rate was lower than England's because of relatively less temptation due to the absence of a great disparity of wealth and poverty, the presence of a more sober populace and the abundance of work at high wages.

He attacked the misuse of jails in America, noting that five out of six of the 6,171 persons sentenced in Massachusetts to pay fines or go to jail, passed their sentences in jail. Certainly, he argued, separation of prisoners would be an improvement, but this, he believed, missed the main point. Incarceration had a demoralizing effect and should not be used for every person or trivial instance. It was far better, he assured Wines, for the state and society if criminals had been permitted to pay the fine in installments, thus keeping nearly 5,000 people away from degenerating influences of jail. Baker urged the adoption of the Gloucestershire system, assuring Wines that it could be adapted in America. The success of the London police, who since February 1880, had been practicing supervision, demonstrated that the plan worked in rural and urban areas, proving in Baker's mind that it could be
extended to large populous countries.  

Frederick Wines, who had been appointed to the Census Beureu in 1879 to gather statistics on crime, qualified Baker's views on the reliability of statistics. He pointed out that gathering accurate statistics was almost impossible "because each state collects what it pleases, & in what form it pleases. Most of them collect not at all." Corroborating Lowell's earlier evaluation, Wines stated that Baker's assumptions had been partially correct in that great class distinctions did not exist as prominently in America as in England. He believed, however, that within twenty-five or fifty years class lines would be sharp as a result of burgeoning wealth. Even so the disparity of wealth was not as important in precipitating crime as the American attitude toward money. Money was "the only power which will lift a man of average talent above the mass; it is therefore a much greater temptation to men in subordinate positions, such as clerks and bookkeepers, for instance."

Accepting a future of increasing crime, Wines expressed interest in Baker's suggestions for repression, particularly police supervision. "I will not fail to give prominence to your idea of police supervision, as an alternative for imprisonment, in certain cases." There were, however, substantial obstacles to the plan. Wines pointed out that the police in cities and larger towns were inadequately staffed to carry on supervision. Limitations on state jurisdictions made effective

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supervision uncertain. In addition, Lowell believed that the mobility of the population, the ease of movement, rampant political corruption, and the absence of a squirearchy to carry on reforms and ensure their success, diminished the possibility of adopting the Gloucestershire system. The corruption is the root of all that goes wrong in this country, one might almost say, and that is beginning to be perceived and some day the Hydra himself will be killed and thus his many vicious heads will cease to destroy the virtues of this nation.

This attitude reflected the expansion of the scope of American prison reform. Increasingly in the 1880's and particularly in the 1890's, attention at national meetings turned toward political and social reforms as a means of not only ending crime but also of purifying society. Gradually American reformers moved away from the institutional and disciplinary panaceas admired in the 1870's toward a diversified approach toward crime, which included penal reform, repression and prevention.

The spread and popularization of Baker's doubts toward institutional reformation and stress on repression and prevention both reflected and abetted this broadening of American prison reform efforts. He learned from Lowell in November 1880 that R. L. Dugdale of the New York Prison Association had independently arrived at the same conclusion.

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24 Letter, Lowell to Baker, December 11, 1879; similar views are expressed in a later letter, Lowell to Baker, June 19, 1880 Baker Papers.
as Baker—that putting a man in prison was generally the worst way of dealing with him. Probably more gratifying to Baker was Lowell’s admission that her views toward the efficacy of prison were coming closer to his.25

The impact of Baker’s influence was increasingly evident in the following years. Lowell reported in 1883 that she had given Baker’s account of his work to a person interested in establishing a reformatory on Staten Island "so that he might be thoroughly possessed with the right ideas."26 That same year she and others drew up a general bill for New York to authorize the establishment of reformatory schools "based entirely on your principles, so that we hope we shall get the school started right."27

These friendships and correspondence with significant persons involved in prison and social reform in America enhanced Baker’s reputation and influence. Although his impact on persons such as Lowell and Ware was clear in forewarning the need to repress crime, the transformation of that influence into successful practical programs remains uncertain, except in reformatory work. In Ohio, however, his influence was significant in shaping the views and inspiring that state’s leading prison reformer, General Roeliff Brinkerhoff, and in realizing, largely through Brinkerhoff, the transplanting and adaption of the

Roeliff Brinkerhoff was born in Owasco, Cayuga County, New York, on June 28, 1828, the youngest of nine children. His family was neither rich nor famous. Brinkerhoff was particularly proud that in ten generations in Europe and America, none of his "god fearing" relatives had ever been convicted of a crime. He attributed this esteemed quality to genetics. "In view of the power of heredity for good or evil in every human life, it is evident that the best heritage of a Brinkerhoff is an ancestry morally and physically sound." Largely influenced by religious experiences, Brinkerhoff's paternalism was tempered by a vision of a loving, kind father, "critical and skeptical" and a belief that "faith without a scientific basis to rest upon was impossible." Describing himself as a moralist more than a Christian, Brinkerhoff remarked sanctimoniously that nevertheless, "I was better in conduct than most Christians."

At the age of sixteen he taught school in Niles, New York. After reading law for one year, Brinkerhoff went to Tennessee to assume a

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28Roeliff Brinkerhoff, Recollections of a Lifetime (Cincinnati: The Robert Clark Co., 1900), pp 2-3. He recalled that he had received notice that a man with Brinkerhoff as a surname had committed a crime in Brooklyn. Brinkerhoff proceeded to Brooklyn to investigate the case to purge this stigma from his family's reputation. He reported that the criminal's real name was George Bealy, an orphan from Brooklyn who had taken the name "Brinkerhoff" because it was old and "creditable" in Brooklyn. "It is the old story of stealing the livery of heaven to serve the devil . . ." (Ibid., p. 19). Brinkerhoff enjoyed telling this story and included it in correspondence with Baker.

29Ibid., p 19.
teaching position. Although he was impressed by aristocratic and refined nature of Southern manners and plantation life, he became an open critic of slavery. His opposition was not founded on empathy with the blacks but on the conviction that slavery was detrimental to whites. While the Negro race "has been elevated to a plane of civilization higher than it has ever attained elsewhere in the world's history," slavery had "corrupted morals, degraded labor, stifled enterprise, and so handicapped the industrial development of the South, that, with all its superior advantages by nature," it fell behind the North.30

In 1850 he returned to the North with plans to enter Amherst College, but was prevented by illness. He then prepared to attend Balston Law School, which closed, however, before he matriculated. After considering Harvard Law School, he was persuaded to migrate to Ohio to join relatives, particularly a cousin, Jacob Brinkerhoff, a prominent lawyer in Mansfield. He joined Jacob Brinkerhoff's law firm in 1850 and in December of the following year passed the Bar. In February 1852 he married Mary Lake Bentley of Mansfield and for a short time they settled in Ashland, Ohio before returning to Mansfield, where they made their permanent residence.31

Roeliff Brinkerhoff was an active Democrat who became increasingly disturbed over the spread of slavery. Like many other Democrats, he left the party over the Kansas-Nebraska issue, affiliating at first with the People's Party and then joining the Republic Party in 1856. His

30 Ibid., pp 20-23, 54. 31 Ibid., pp 71-72.
political and legal activities spilled over to journalism, as editor and then part owner of the Mansfield Weekly Herald, a Republican anti-slavery newspaper. In 1859 the newspaper was sold and Brinkerhoff returned to law. During the Civil War he was quartermaster for a regiment of Ohio Volunteers, rising to the rank of brevet brigadier general of the U.S. Volunteers by 1866.

After the war he returned to his law practice in Mansfield and pursued his interests in politics, free trade, and local history and genealogy. Finding that neither the Democratic nor Republican parties were compatible with his views on free trade, he joined the Free Trade League. Brinkerhoff became the League's Congressional lobbyist in 1871, adding valuable experience to his understanding of the legislative process. Between 1871 and 1872 he gravitated toward the state's Liberal Republican party, publishing the Ohio Liberal in 1873. Also in 1873 he and M. D. Harter founded the Mansfield Savings Bank, which provided Brinkerhoff with an adequate income and sufficient leisure "for study . . . and active usefulness in many directions outside of mere money getting."

In 1878 Brinkerhoff was appointed to the Ohio Board of State Charities, accepting the position with some reluctance because he feared that it was too time-consuming. S. S. Bloom, a state representative, had recommended Brinkerhoff to Governor Richard N. Bishop, pointing out

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32Ibid., p. 102. 33Ibid., p. 139.
that he was a member of the Social Science Congress, a Liberal Republican, and that he had "supported Tilden and Bishop—on stump and otherwise." Bloom added that Brinkerhoff was "of high social standing" and had "for some years done good service for the democratic party." Because of his experience in politics and lobbying, Brinkerhoff was asked by the board to act as liaison with the General Assembly.

During his first year on the board, the dominant issue was the care of insane youths—in whom Brinkerhoff showed keen interest—and penal reform. Despite a later reputation as a prison reformer, Brinkerhoff was quite certain "that the best work I have attempted has been for the dependent and defective classes, and especially homeless children." His expanded philanthropic duties provided great pleasure and personal satisfaction of fulfilling God's mission, which he interpreted as completing the noble goals of others: "My own experience has been that my career has been ordered from without, and not from within, and whatever good I have accomplished has been as an instrument and not as a designer."

It was as an "instrument" and proselyte that Brinkerhoff carried the principles of Barwick Baker to the prison reform movement in Ohio.

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36 Letter, Bloom to Gov. Bishop, March 27, 1878, Governor's Official Papers, The Ohio Historical Society, Folder 2, Box 75.

37 Brinkerhoff, loc. cit, p 427.

38 Ibid, p 88.
He acknowledged Baker as

one of the foremost men of the century in the reformation of prisons and prison legislation, in the British Island... my inspiration in prison work came from him more than any other man. 39

Baker initiated correspondence with Brinkerhoff in August 1880, after receiving a copy of Brinkerhoff's speech on improvement in the repression of crime given at the National Conference of Charities and Correction. "Pray forgive a stranger," wrote Baker, "unacquainted with the requirements of your country--offering some crude suggestions on the subject." He briefly outlined his plan of police supervision and his desire to see it replace imprisonment in most cases. He remarked that Walter Crofton was to raise the proposal at the next Social Science meeting and that he was doing what he could "to assist him." Baker also included pamphlets on cumulative punishment as a deterrent and his scheme to permit those charged with fines to pay them in installments to avoid imprisonment. 40

Brinkerhoff cordially replied that he had heard of Baker's work and the success of the Gloucestershire system. After asking for information on his views toward crime, Brinkerhoff stated that Baker's desire to reduce imprisonment was shared by some reformers in America. He stated that William Spalding of the Massachusetts Prison Board had outlined "some practical measures" to reduce the prison population at the Cleveland meeting of the National Conference of Charities and Corrections.

Nevertheless, he stressed that the main problem facing the Ohio Board was the application and enforcement of separate confinement in county jails, the improvement of their physical conditions, and the institution of a reformatory penal system rather than repressing crime.41

Following the receipt of additional papers from Baker, Brinkerhoff wrote: "I have been greatly interested & instructed by your practices of police supervision & conditional sentences." He admitted that at first he considered supervision to be impractical for the United States because of its size and the mobility of the population. However, after further consideration he believed that it could work. Brinkerhoff told Baker that he was going to take his proposals up with the Board of State Charities and the governor to get their views. "We are behind you in dealing with our criminal classes, & I am very glad to receive any information in regard to your experiences." He closed by asking Baker for the Gloucestershire rules on separate confinement and a copy of the laws authorizing police supervision and cumulative punishment.42

Baker replied in early spring that he was delighted to give Brinkerhoff any information which would aid "in lessening . . . that 'temptation' from which I pray to be delivered." In addition to sending more pamphlets on police supervision he again stressed his own view that the establishment of reformatory prison discipline was neither the only nor the best way of repressing crime. Contrasting his work with the

prevailing tendencies in England and pointing out the uniqueness of the Gloucestershire system, Baker wrote:

> Our great object in this county is not so much to improve our prisons—as to empty them tho we certainly should hold that Separation was a sine qua non—but—to commence with—I should think that a cheaper temporary—rough separation which might be begun at once would suffice. I am no better a friend to architects & builders than you.”  

He added that there should be greater use of bail and less delay for hearing and trials to reduce imprisonment to a minimum.

Brinkerhoff’s commitment to Baker’s ideas was reflected in the report of the Board of State Charities, which praised and advocated the adoption of the Gloucestershire system in Ohio. In July 1883, he requested that Baker send more information on police supervision to assist him in preparing a paper on it to be given at the National Conference of Charities and Correction. Baker happily sent more pamphlets. Brinkerhoff repeatedly expressed envy and admiration for the Gloucestershire system, stating that nothing like it existed anywhere in the United States. American reformers, he stated, were placing their energies and hopes on the success and spread of the Elmira reformatory. He believed that it “will result sooner or later in revolutionizing our prison system—it will . . . take time, & as a preliminary it seems to me we can introduce police supervision.”

Outlining the organization of the police in Ohio, Brinkerhoff

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stated that each of Ohio's eighty-eight counties was divided into townships ranging from four to six miles square. In each township there were at least two justices of the peace and a constable for each justice and a sheriff in each county. Brinkerhoff believed that the police forces were well organized in the cities and "sufficient for the purposes of police supervision" in the rural areas. A state official was needed to co-ordinate the forces, and Brinkerhoff proposed to get legislation to permit co-ordination: "At any rate I intend to bring about a trial of the system in Ohio if I can." He closed by hoping that Baker would soon see his ideas carried out in America. 

Brinkerhoff's speech on police supervision given at the St. Louis meeting of the National Conference of Charities and Correction was focused on the practice and effectiveness of police supervision, drawing heavily upon Baker's accounts of the Gloucestershire system. The speech generated great interest in the system. Lowell wrote Baker that after hearing it, she hoped that at least one state would try the plan. Massachusetts had something like police supervision with municipal appointed "probation officers" who supervised persons convicted and released without a term in jail. They were people "who are not likely to go wrong again, if warned & watched."

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Brinkerhoff's commitment was transformed to zealous crusading by the warm reception to the idea.

It is a work worthy of the most thought & the best efforts of our best men. If I can be instrumental in inducing but one step forward I shall feel that I have not lived in vain. It is a blessed work & I rejoice to be able to take a part in it.48

He added that the moral value of the work was enhanced by the fact that the members of the Board of State Charities were not paid.

Baker replied, "You cannot tell what pleasure the whole of this matter has given me. You sometimes speak of your being obliged to me for what I have done--If I have given you half as much pleasure as you have given me." He continued to pour out his gratitude saying that his work in prison reform was the source of his greatest happiness and that, fortunately, he had sufficient money and position to carry on the work.

"I was ambitious not of rank or fame but of feeling that I was used by my God in some of his works." After reviewing the achievements of his work in Gloucestershire, Baker added:

And now--when broken in health unable without injury--to leave my chair--when my voice is gone & I shall probably never again leave my house--to find myself the instrument of--possibly--I say no more--establishing Pol. Sup. in America where it may eventually lessen temptation to a portion of 100,000 DP's per annum . . . . Forgive this Rhapsody. My happiness cannot be otherwise than very great.49

The friendship between Baker and Brinkerhoff became more intimate that winter, which Baker did not expect to survive because of severe emphysema. They exchanged photographs and accounts of their


49 Draft letter, Baker to Brinkerhoff, November 3, 1883.
backgrounds, activities, and profuse admiration for each other as persons performing a noble work. In December 1883, Baker wrote that he and Brinkerhoff did not differ on anything. "You are a man that I must honour & love, & also—to give me great pleasure and make me a better man—you have fully succeeded." Brinkerhoff explained that he was "a lawyer by profession and a Banker in practice." His charity work was done in the evenings. Like Lowell, he lamented the absence of a leisure class in America to devote themselves to this work. "Here in America we have very few men of leisure. Even our wealthiest men are engaged in business. I think as a people we are entirely too busy," while some of the rich "unlike a gentleman of your class in England," were inclined "to killing time rather than using it."

Brinkerhoff liked to reminisce about the Civil War, referring to slavery as a curse upon the country. The prison system was also a curse and a "sin against God." He wrote that he was trying to get the governor and the General Assembly to accept the Crofton system of progressive classification based on the indeterminate sentence and an expanded use of probation. Brinkerhoff added, "You have taught me by your work in Gloucestershire that the best efficient treatment for the criminal class is outside rather than inside prison walls. Every year impresses

52 Letter, Brinkerhoff to Baker, December 18, 1883 Baker Papers.
this truth upon me more & more." 53 His most vexing obstacle was convincing skeptics who always wanted scientific proof to demonstrate the validity of a scheme. "Therefore I meet them on their own ground; 'Seek to do His will and ye shall know the truth.'" 54

Writing to Baker in January 1884, Brinkerhoff acknowledged his great influence on his views. "I have learned more from you in regard to the best methods of dealing with the criminal classes than from all other sources." He was pleased to tell Baker that the popularity of the Gloucestshire system and particularly, police supervision, was increasing. Franklin Sanborn of Boston, whom Brinkerhoff called "the highest authority in this Country in Correctional & Charitable methods" had become interested in police supervision after receiving Baker's letters and pamphlets from Brinkerhoff. Sanborn was so enthusiastic about the scheme that he published extracts in the Springfield Republican, "the most widely-circulated paper in New England among the most intelligent" to encourage New Englanders "to good work." 55

By 1884 Brinkerhoff was committed to shaping the Ohio penal system to conform with the Gloucestshire system. Describing the existing system in Ohio, Brinkerhoff wrote Baker that there was a central prison or penitentiary for felons. Minor offenders were sent to county jails or a workhouse for an average sentence of thirty days. The maximum was

three months. Each county had a jail, but there were only two workhouses in the state, one in Cleveland and the other in Cincinnati. In the county jails, the prisoners were kept together by day and, ideally, in separate cells at night.

Children under sixteen who were abandoned or who had parents who could not support them, were sent to a county home where they received industrial training until they were either adopted or indentured. Children between ten and sixteen who had committed a crime punishable by imprisonment were sent either to a house of correction or the state reform school at Lancaster for boys, or Delaware for girls. The houses of correction, he explained, were city institutions in Cleveland, Toledo, and Cincinnati, and were supported by municipal taxes. The reform schools were state-controlled and supported. All delinquents were liable to incarceration until age twenty-one, but at the manager's discretion a boy could be released at an earlier age.

Brinkerhoff reported that the Board of State Charities proposed to convert county jails into places of detention for persons awaiting trial, where they would be kept completely separate. They wanted more workhouses to be used for minor offenders. The Board also advocated the adoption of the Crofton system for the penitentiary. "To crown this ... we want your system of police supervision." They sought to separate the juvenile house of correction in Cleveland from the adult workhouse and to stop the inclusion of waifs and vagrants in the Cincinnati House of Correction. Brinkerhoff added that he was prepared to push for
a system of cumulative punishment for repeated offenders, to improve the
treatment of children, and a short prison term for first offenders.
"Your ideas in regard to first conviction I think are correct & I shall urge it upon magistrates & judges." 56

Brinkerhoff’s descriptions to Baker, so full of optimism, re­
vealed the ebullience of a Christian moralist carrying the crusade for
human betterment and social improvement. He ignored, however, the years
of inertia full of indifference and neglect by the public and most offi­
cials toward charitable and correctional institutions. He neglected the
established customs of political patronage and years of policies aimed
at making the prison pay and a place of punishment rather than refor­
tion. He overlooked the frustration of decades of work to reform the
Ohio penal system. He failed to appreciate the chasm existing between
the ideals of reformers and the capacities of the practical, frequently
cynical, men charged with implementation. With the high pitch of reform
feelings and the presence of sympathetic legislators treating bills for
reform, cautious appraisal of the future based on the failures of the
past, seemed unwarranted. A new era of penal policies unaffected ap­
peared imminent, yet the residue of regressive, often vacillating prac­
tices shrouded the bright future Brinkerhoff envisaged.

56 Letter, Brinkerhoff to Baker, January 22, 1884; April 11, 1884. Baker Papers.
The Ohio penal system formally began in 1813 with an act authorizing the construction of a penitentiary in Columbus consisting of thirteen cells. By the Act of June 27, 1815, many crimes previously subject to corporal punishment, fines, forfeiture of property, and death were punishable by imprisonment. Instead of retribution, common on the frontier, the purpose of the prison, as Governor Meigs had outlined in his annual message in 1811, was to protect the public's safety, reform the criminal and restore him to society as a useful citizen. In 1821 the Legislature ordered Bibles distributed to convicts to encourage moral uplifting. Despite the platitudes and pious aims, the practices in the prison demonstrated that the basic concern was making "the Penitentiary pay."

The tiny prison proved unprofitable and inadequate, prompting the Legislature in 1832 to authorize a new penitentiary consisting of 900 cells and surrounded by a wall 24 feet high to be built on the site of the present Ohio Penitentiary on the corners of Spring and Neil Avenues in Columbus. It was completed in December 1837 at a cost of $93,370.50. Under the 1832 Prison Act a board of directors was created to supervise construction, make the rules for discipline, inspect the administration of the prison and report annually to the Legislature on the condition of the
The Board adopted the Auburn system of silent, congregate labor during the day and separation at night. Reflecting contemporary trends in prison reform, the Board instituted special programs to promote the reformation of offenders through the appointment of a chaplain and the establishment of a secondary school. Careful attention was given to making the environment humane and healthy through the prison's physician. Between 1837 and 1850 efforts were made to improve classification of prisoners, particularly separating adult criminals from convicts under twenty-one. A library was established and in 1848 gas lights installed to make reading at night possible.

However, programs to reform convicts and maintain humane conditions conflicted with the public desire to make the prison self-supporting, while not competing with free labor and the political inclination to use the prison as a source of patronage. Reformatory programs were constantly buffeted by disputes over prison labor, while prison discipline suffered from frequent changes of directors and administrators. Prison discipline and conditions never matched the ideal envisaged by reformers.¹

That dichotomy between the intentions of reformers and practices of prison officials was clearly exposed in the governor's message and the warden's report in 1850. Governor Seabury Ford urged that prison discipline provide for the "protection of society and the reformation of the

¹Clara Bell Hicks, "The History of Penal Institutions in Ohio, to 1850" (unpublished Master's thesis, Ohio State University, 1924), pp. 1-62.
criminal" through a system of progressive sentencing (cumulative punishment), and that a reformatory for youths like that in Massachusetts be established. 2

Warden Laurin Dewey stated that the suggestions of reformers incorporated in the Governor's requests, resulted from "a sincere and philanthropic desire to devise some plan for reforming the vicious, to mitigate the severity of punishment, and at the same time secure the just ends sought to be attained by criminal enactments, namely: protectors and safeguards for life and property." 3 Although he praised the growth of prison reform associations and the promotion of the "science of prison discipline," Warden Dewey stressed that their experiments were inconclusive. None had achieved perfection, that is, combining punishment with "the reclamation and restoration of the fallen to the confidence and privilege of society." 4 New proposals, such as permitting the prisoner to reduce his term by making 300 work days equal to a year in prison, and cumulative punishment would create more problems than it would solve. He suggested postponing risking uncertain experiments until there was a perfect system of prison discipline.

Despite Dewey's reluctance to experiment, he was by all other standards an ideal prison official in the eyes of reformers because of


4Ibid., p. 44.
emphasis upon moral improvement. "Ours is a discipline of motive, of ex­
cited hope, of new-fledged incentives to action." He believed that the
Christian doctrine of forgiveness should be shown toward those fallen in­
to crime. Dewey reported that under his administration this was being
accomplished through the work of the chaplains, the voluntary teachers in
the Sabbath school and the use of the prison library.

In addition, he pointed proudly to singing school, temperance
speeches, songs on July 4th, a sermon on Thanksgiving, and the appear­
ances of the "distinguished vocalists," the Gibson family and the Baker's
contributing to that "great end of prison discipline, improvement and
reformation." Dewey stressed the importance of musical programs: "The
effect was good, softening and sustaining to their spirits, and filling
them with gratitude for the effort to entertain them, and to break the
dread and dire monotony of prison life." Some men wept during the con­
certs, he said. Dewey considered these efforts and their effects evi­
dence of reformation and adequate justification for his belief that his
discipline was restoring "industrious and frugal citizens" to the soci­
ety.

Prison reform in Ohio, as in other northern states, as demonstra­
ted in Governor Ford's and Warden Dewey's reports, had reached a stage of
bold suggestions for experimentation and exuberant commitment to uplift­
ing weak and fallen moral characters. Singing and Bible-reading

\[\text{Ohio, State Documents, "Annual Report of the Ohio Penitentiary,"}
\text{(Columbus: S. Medary, 1850), Vol. XV, Part I, Document III, p. 128.}
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\[\text{\textit{Ibid.}, p. 131.} \quad \textit{\textit{Ibid.}} \quad \textit{\textit{Ibid.}, p. 128.}\]
rather than job training were judged more vital to the convict's future and society's safety. Prison was unquestionably considered the proper vehicle for reformation with little or no concern shown toward the damaging effects of protracted institutional life under rigid discipline and enforced silence. These views of reformers and sympathetic officials like Warden Dewey, however self-serving, sanctimonious and myopic they might seem, were nevertheless intended to reform and prepare the convict for a free life.

These well-meaning efforts were unfortunately undermined by capricious policies due to frequent changes in administration. In 1854, for example, Dewey was replaced by Asa G. Dimmock, who rejected Dewey's "humane" approaches, dismantled reformatory programs and instituted a discipline aimed at increasing the deterrent effects of the prison by making it a "terror to evil doers." In the remainder of the decade, discipline under four successive wardens vacillated between zealous reformation and deterrence through terror.

Discouraged by political manipulations and inconsistency in policies, reformers such as Charles Reemlin of Cincinnati focused on establishing a juvenile reform school as a way of improving society and repressing crime in Ohio. In 1857 his commission's recommendation that a school modeled on the family system of separate cottages for groups of boys practiced at Mettray, France and Red Hill in England, became

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The act assured reformers that many youths would no longer need to suffer the deprivation of the Ohio Penitentiary and its oppressive discipline.

In addition to establishing a juvenile reformatory, attempts were made to get legislation to ensure administrative compliance with a reformatory program aimed at inducing good conduct in prison, preventing the corruption of the young by older and hardened criminals, and preparing the convicts for decent jobs after release. In 1856 an act was passed providing for "good time" in prisons, permitting the convict to reduce his term through good conduct. Two years later another prison act was passed requiring the classification of prisoners according to their age, "disposition and moral character." Prisoners were to be given work that would be beneficial in finding a job and earning a living after release. Classes were mandatory for illiterates for two hours of each working day from October to April.

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11 Ohio, Laws (Columbus: Statesman Steam Press, 1856), Vol. LIII, pp. 126-130. The law provided for a one-day reduction in the prison term for the first month of good conduct progressing to a maximum of four days deleted for each month of good conduct. The Act was amended in 1858 to increase the maximum days from four to six. (Ohio, Laws, (Columbus: Richard Nevins, 1858), Vol. LV, pp. 136-142.

12 Ohio, Laws (Columbus: Richard Nevins, 1858), Vol. LIV, pp. 127-129.
These legislative attempts to correct administrative capriciousness, and abuses and provide clear guidelines stressing reformation rather than punishment, proved ineffective. The fulfillment of the regulations was impaired, first by continued frequent administrative changes and the political appointment of persons often unfamiliar or uninterested in prison affairs. Reformatory practices required by the Legislature also faced the obstacle of untrained guards and indifferent private contractors using prison labor within the walls. These men usually viewed the convict as bestial rather than with the kind optimism of occasional visitors and reformers. Reform efforts also were weakened by the persistent and prominent public association of retribution and punishment with justice and deterrence, thereby justifying harsh discipline.

Between 1858 and 1860 reformatory practices were further frustrated by a sudden and rapid increase in the prison population, resulting in overcrowded conditions, a breakdown of separation and impairment of classification, productive labor and job training. To correct the physical inadequacies and permit the enforcement of reformatory practices, Governor Salmon P. Chase urged the enlargement of the penitentiary. The Legislature responded in a sequence of laws authorizing expansion of the old penitentiary from 900 to 1,050 cells to be built of stone, and the

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13 For a summary of conditions, see Executive Documents, "Annual Reports of the Ohio Penitentiary" (Columbus: Richard Nevins, 1858-1860).

14 Ohio, Executive Documents (Columbus: Richard Nevins, 1859) Part II, pp. 77-105; Ibid., 1860, pp. 25-55.
construction of an additional penitentiary.\textsuperscript{15}

Attempts to make the Penitentiary reformatory, through classification, separation, "good time" laws, useful employment, Sabbath and day schools were, however, stymied by the Civil War and conditions regressed further. Inadequate and antiquated physical facilities, continued turnover of prison officials, persistent public indifference and hostility toward convicts, and a renewed emphasis on making the prison pay, contributed to the atrophy of effective reformatory discipline. In 1866 Governor Jacob Cox sought to reverse these trends to cope with the alarming increase in crime due to the demoralizing effect of the war. He proposed to create a "Board of State Charities" modeled after the Massachusetts board, to inspect and report on all public charitable and correctional institutions to aid legislators and administrators in improving them.\textsuperscript{16} Cox's intention was to gradually increase the power of the Board to permit it to replace existing House and Senate committees on public institutions and to become the vehicle for reform and improvement.\textsuperscript{17}

The Board's first statement was more of an indictment than a report. The secretary, Rev. A. G. Byers, who had been "loaned" to the Board from his position as chaplain of the Ohio Penitentiary, attacked


\textsuperscript{16}Ohio, Executive Documents, "Annual Report for 1866" (Columbus: L. D. Myers & Bro., 1867), Part I, pp 268-270.

\textsuperscript{17}Letter, Cox to Albert Douglass, Governor's Letter Books, February 20, 1867-May 31, 1868, pp 180-181. Ohio Historical Society, Box 1865-1870.
the Ohio penal system, except for the boys' reformatory at Lancaster. Condemning the Penitentiary for its deficiency in reformatory practices and endorsing the general proposition that younger offenders were malleable, the Board advocated the construction of a new prison authorized under the 1860 penal law.

Instead of another penitentiary they wanted an adult reformatory, or intermediate prison for young offenders to hold no more than 600, restricting the Ohio Penitentiary to older, hardened criminals. For this latter group the Board urged that discipline be stiffened by eliminating coffee and tobacco. In contrast, the adult reformatory should be less strict with the emphasis on education and productive, useful labor.18

The Board heaped its indignation upon the previously disregarded county jails, calling them "a disgrace to the state and a sin against humanity."19 Every offender and person accused of a crime, with some exceptions, had to pass first through a county jail, "surrounded by its filth and depressing influence." The Board reported:

A combination of influences most perfectly adapted to destroy self-respect—the basis of all manly character—and to educate and perfect the younger and less-hardened to the full capacity of their teachers. Our jails and prisons as now arranged, are little better than seminaries of crime.20

Byers, for example, described the Champaign County jail which he visited as "indescribably mean. It is very old, dark, and unavoidably inflicted with vermin."21

18 Ohio, Board of State Charities, Annual Report (Columbus: L. D. Myers & Bro., 1868), pp. 5-10.
19 Ibid., p. 3. 20 Ibid., pp. 10-11. 21 Ibid., p. 20.
The Board urged that county jails begin classification and separation of prisoners according to age and crime. There should be religious and moral training for the young and part-time employment instead of idleness for all. Although the Board made no formal suggestion for altering the administrative structure of county jails, Byers in his addendum suggested that authority over the jails be transferred from the county to the state. A centralized system was needed to enforce a uniform discipline and common hygienic standards. There was not at present, Byers stated, "a county jail in the state where the laws can be practically enforced. There is also such diversity of administration as to render our jail system one of unmitigated evil."22

The Ohio system as envisaged by the Board of State Charities in 1867 consisted of a graded system aimed at saving the reformable; metropolitan houses of correction as supported and run by the cities; county detention centers following a uniform system of discipline controlled by the state; a reform farm for boys (later, one for girls at Delaware in 1869); an intermediate prison for young adults stressing reformatory discipline; and, a penitentiary with strict discipline for hardened criminals. The key to the fulfillment of the system was establishment of the intermediate prison and enforced uniformity in the county jails, possibly through centralization as Byers had suggested. The Board sought to bring the full weight of their arguments for public safety, social improvements and individual reformation on the Legislature to get approval of their

22 Ohio, Board of State Charities, Annual Report (Columbus: L. D. Myers & Bro., 1868), p. 34.
"Ohio system." State sectional interests and petulant, parochial politics, however, were the decisive forces.

The board of directors of the Penitentiary and their warden, Charles C. Walcutt, while paying lip service to the State Charities Board's findings, strongly opposed changes in discipline and particularly the construction of a new prison. Recalling that prison discipline had not been perfected, they added that a new prison would be expensive and a burden to the taxpayer. It was better to repair and expand the existing prison and make it efficient rather than loading the taxpayer with the burden of subsidizing 1,000 criminals in two prisons.\(^{23}\)

A select committee for the House reporting the following year, 1868, disagreed with Penitentiary officials. They affirmed that reforma-tion could occur in prison and urged the acceptance of the intermediate prison, strict classification and separation and a new system of sentenc-ing later called the indeterminate sentence, which prescribed the terms not strictly according to the crime, "but by the probable time it will take, under a proper system of moral training, to reform the prisoner as to make him a safe member of society."\(^{24}\)

The sectional bitterness and political division were clearly manifested in Warden Walcutt's accusation that the suggestion of building a


\(^{24}\)Ohio, House of Representatives Journal, "Reformatory Peniten-tiary System" (Columbus: Columbus Printing Co., 1869), Vol. LXV, p. 47.
new prison in northern Ohio was supported by those who were "venal and selfish, disregarding the interests of the State and the welfare of the prisoners."25 The committee responded that it was more economical to create a system of regional prisons than to expand and maintain the Ohio Penitentiary.

Chafing under the warden's accusation of venality, the committee pointed out that central Ohio, particularly Franklin County, had long benefited from the state taxes used to support the Penitentiary, and the availability of cheap prison labor. A comparison of prices of food, supplies and maintenance purchased by prison officials showed that they were higher than anywhere else in the state. Concluding with a vituperative and sarcastic indictment of the warden, prison authorities and persons supporting the enlargement of the Penitentiary, the committee stated,

Lest we forget that these men are selfish, and that the people of Columbus and Franklin County, who have for forty years been, and are still, fattening at the public crib--selling this "stuff" to the prison for two, three and four prices—all are patrons of benevolence, ingenuousness, public charitableness, and liberality."26

The effect of the report was to stir political hostility rather than convert the indifferent to the scheme of an adult reformatory. The Legislature passed a joint resolution in 1863 to expand the Penitentiary. Prison officials eagerly obliged while the Board of State Charities, rebuffed by the Legislature in the attempt to get an intermediate prison and additional funds to carry on its work officially, withdrew from the

25 Ibid., p. 55.

26 Ohio, House of Representatives Journal, "Reformatory Penitentiary System" (Columbus: Columbus Printing Co., 1869), Vol. LXV, p. 58.
political controversy surrounding the Penitentiary. Between 1868 and 1876, the Board focused its efforts on improving the deplorable conditions of county jails and upgrading the facilities in charitable institutions.

The election of Rutherford B. Hayes as governor in 1869 buoyed the spirits of the Board of State Charities because of his well-known interest in charitable and correctional institutions. That fall its report boldly attacked the political contamination of the Penitentiary's administration. Referring to the appointment of fourteen wardens in the past thirty-five years the Board stated: "Party politics, and even worse, party cliques or rings, have too long controlled the appointment and consequently the management of the Ohio Penitentiary." The Board restated an earlier proposal to convert county jails into places of detention for persons awaiting trial, with separation rigidly practiced and minor offenders sent to workhouses for correction. They urged the adoption of the Irish system at the Penitentiary with the intermediate prison either within prison walls or located elsewhere.

The Board justified its stress on making penal institutions reformatory by considering crime a moral disorder, arguing that treatment was analogous to that extended to persons with mental illness. Like those suffering from mental defects, criminals should be retained until cured, for their benefit and the protection of society. While endorsing the Irish system, the Board did not advocate probation, because "our vast extent of country and its many political divisions" made enforcement

27Ohio, Board of State Charities, Annual Report (Columbus: Columbus Printing Co., 1870), p. 15.
impractical. Instead it suggested that Ohio follow the Massachusetts example by providing for a state agent to assist prisoners after getting their final release.28

Governor Hayes endorsed the Board's position in his first address to the Legislature in January 1870. More efforts had to be made to reform young offenders and, like the Board, he believed that under a modified Irish system this could be achieved. Recognizing, however, the Legislature's reluctance to tamper with the penal system, not to speak of experimentation, Hayes urged that the General Assembly ensure the classification of convicts and the separation of young from hardened criminals until a new system of discipline was adopted.29 That year a bill was submitted to the Legislature authorizing and funding a "house of discipline" or adult reformatory. Supporting the bill, the Board added that the adult reformatory should be considered by the legislators as part of a comprehensive system of houses of correction and reformatories for youths, jails for detaining those awaiting trial, workhouses for minor offenders, a reformatory for young adults, the penitentiary for hardened criminals and a state agency to aid discharged prisoners.30

Penitentiary authorities continued to successfully oppose adoption of the Irish system because it would undermine contract labor and

28Ibid., p. 20.
30Ohio, Executive Documents, loc. cit., 1870, pp 18-23.
make the prison a burden to the taxpayer. Nevertheless, bending under the pressure from the governor, the Board, and pending legislative action, classification within the prison was improved and objectionable aspects of prison discipline, such as the "hateful and degrading" prison uniform, as Governor Hayes called it, were removed.31

The Board and the governor continued the following year, 1871, to press for "radical" reforms, rekindling political divisions, particularly with the Board's frequent and open attacks on the ineptness of local government in the management of its jails. However, the Board's prestige and influence, challenged by the growing antagonism toward the Board from local officials and hostility from Penitentiary officials, was undermined by Hayes's decision not to run for governor in 1871. Without a strong advocate in high office, the Board fell prey to its opponents and on February 10, 1872 it was dissolved.32 Its secretary, A G Byers, succinctly recorded its end: "Close my office—Board of State Charities law repealed."33

With the pressure for reform in the penal system removed from official offices, existing policies and practices continued less encumbered but not unchallenged. The interest in penal reform persisted, reflected in the formation in August 1874 of a private voluntary organization called


33Dr. Albert G. Byers, Diaries, February 15, 1872. Byers Collection, Ohio Historical Society, Box 2.
the Prison Reform and Children's Association of Ohio. Byers and other former members of the Board of State Charities, composed the executive board. The Association's constitution called for "the improvement of the structure, discipline and management of our penal, correctional and reformatory institutions whether in cities, counties or state." Byers was appointed corresponding secretary at a salary of $2,000 per year, plus travel expenses. The officers decided that winter that the first duty of the Association was to popularize its cause and seek broad public cooperation.

Byers spent the most of the following year, 1875, traveling through the state inspecting institutions, speaking to church gatherings and meeting with reformers associated with various causes. He constantly urged his listeners to form local societies to inspect and reform county and municipal jails. His work was actively aided by local temperance leagues and the Y.M.C.A. By May 1875 he reported that 666 persons had joined the Association and that he could look forward to the fulfillment of its objectives.

The work of the Association was abbreviated by the election of Rutherford B. Hayes as governor in the fall of 1875. This restored hopes

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34 "Proceedings of the Prison Reform and Children's Aid Association," Janney-Derby Collections, Ohio Historical Society, Box 17, p. 4. See also, Scrapbook, Byers Family Papers, Ohio Historical Society, Vol. 9, p. 97.

35 Byers, Diaries, 1875. Byers Family Papers, Ohio Historical Society, Box 2.

36 Scrapbook, Byers Family Papers, Vol. 9, p. 97.
of prison reformers that again their efforts would be championed in official, public bodies. Hayes returned to the Statehouse to find the Penitentiary in dismal financial and physical condition. Between 1872 and 1876 expenditures in the prison had risen from $153,872.01 to $189,729.96 and receipts increasing from $182,867.00 to $212,638.17. Although the accounts showed the prison paying its way, the profit was in reality a paper gain, since the value of repair work and services done by convicts for no pay was added to receipts.

Even more objectionable to Hayes was the breakdown of classification and separation in the prison due to an increase in the number of convicts from 876 in 1872 to 1,450 in 1876. These conditions, combined with Hayes's interests and the persistence of reformers generating interest in revamping the penal system, led to the re-creation of the Board of State Charities on April 3, 1876. The following March the Prison Reform and Childrens' Aid Association dissolved and Byers returned to the Board in his familiar position as secretary.

The powers of the Board, like its predecessor, were limited to advice and open inspection of public institutions. With executive and legislative support it could exert pressure for reform, but could not alone force changes in the state's benevolent and correctional institutions.

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37 For statistics on Ohio Penitentiary see Executive Documents (Columbus: Nevins & Myers, 1872-1876).

38 Ohio, Laws (Columbus: Nevins & Myers, 1876), Vol. LXXIII.

The Board faced the familiar problem of continued deplorable conditions in county and municipal jails and the scandalous condition of the Peniten­tiary.

Its new demands for an intermediate prison and reformatory discipline received significant support from manufacturers. A House committee investigating contract prison labor in the spring of 1877, reported that leading manufacturers in the state were opposed to continuing the contract system because it crippled business and caused unemployment.\(^4\) The committee charged that prison labor was directly responsible for lowering "wages of thousands of our mechanics in the past five years" and for "pauperizing honest labor." These conditions had resulted, they stated, in an increase of crime and it was the duty of the state to protect "the industrial classes against any system which tends to force them into a state of pauperism."\(^4\)

In addition to more crime the contract system proved incompatible with reformatory efforts in penal institutions. Referring to Byers' testimony, the committee concluded that contract labor demoralized and hardened convicts. They stated that reformation, not profit and punishment "should be the paramount aim" of penal institutions. The committee recommended that the contract system be replaced by a new labor system enabling the convicts to learn a useful trade, reducing competition with free labor and business and removing partisan interests' financial and

\(^{4\text{Ohio, House of Representatives Journal Appendix (Springfield: Elifritz & Winters, 1877), Vol. LXXIII, pp. 3-4.}}\)

\(^{4\text{Ibid., p. 5.}}\)
administrative control of the prison.\textsuperscript{42}

The pressure for change was not only applied by business, a legislative committee, the governor, and the Board, but also by a mounting national movement for prison reform reflected in increased experimentation in neighboring states. The Board vigorously requested that Ohio establish a new prison based on the plan and practices of the Elmira, New York reformatory. It carried demands further by calling for the centralization of the entire penal system by placing all minor offenders under state control rather than leaving them "to be dealt with by county authorities who cannot discharge such duties." This was needed because of the wretched condition of most jails and the failure of new jails to meet hygienic and reformatory standards, particularly separate confinement advocated by the Board. Reflecting the current interest in sentencing expressed at prison conferences, the Board endorsed a qualified version of the indeterminate or reformatory sentence as an added way of ensuring cure of the convict before release. In addition, without going into detail, they advocated the adoption of progressive sentencing, or cumulative punishment, requiring longer terms for successive corrections.\textsuperscript{43}

These suggestions were met between 1877 and 1881 with the cautious warnings of the prison authorities to consider the great cost and the taxpayers' wrath. The Legislature proved reluctant to do more than

\textsuperscript{42}Ibid., pp. 6-18.

\textsuperscript{43}Ohio, Board of State Charities, \textit{Annual Report}, 1877 (Columbus: Nevins & Kyers, 1878), pp. 6-10.
tinker with the system by liberalizing the "good time" law. The Board of State Charities responded with repeated appeals for fulfillment of the "Ohio system"—houses of correction and reformatories for youths, jails for detention, practicing rigid separation, workhouses for minor offenders, an adult reformatory based on the Elmira model for young offenders, reduction of the size of the Ohio Penitentiary and restricting its use for hardened criminals, greater emphasis on reformatory programs and the elimination of the contract labor system in all institutions supervised and enforced by the state, and finally a system of progressive sentencing for repeating offenders.

In 1831 the Board's report on penal institutions was prepared by Roelf Brinkerhoff, who strengthened the arguments for the "Ohio system" by public references to English examples and added a new dimension to that system by advocating the inclusion of police supervision. Drawing upon his correspondence with Berwick Baker, Brinkerhoff wrote that separate confinement had been successfully practiced in English jails. In addition, police supervision and cumulative punishment had also been successfully applied in England to reduce crime.

The Board's report recommended the adoption of those measures, stressing the practical significance of English experiences. The English programs proved that the recommendation for penal reforms emphasizing

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44 Ohio, Executive Documents, Annual Reports, Ohio Penitentiary, (Columbus: Nevins & Myers, 1877-1881); Ohio, Laws (Sandusky: Layman Bros., 1881), Vol. LXXVIII, pp. 89-92.

45 Ohio, Board of State Charities, Annual Report (Columbus: Nevins & Myers, 1877-1880).
separation and rehabilitation, suggesting cumulative punishment and the current request for expanded police duties were "no longer theories merely, but they have been tried upon a large scale and found to be of value" in the treatment of crime. 46

Attacks by the Board and the governor on the contract system increased between 1880 and 1883, taking advantage of a climate of opinion which Byers described as "an enlightened and greatly enlarged public sentiment concerning the organization and management of our state benevolent, reformatory and penal institutions." 47 The extent of this public concern was reflected in the formation of over fifty county boards of unpaid visitors to inspect local charitable and correctional institutions between 1880 and 1883. 48 These pressures, however, continued to be deflected by local resistance toward centralization of any degree and claims by penitentiary officials that the existing system was both profitable and reformatory. 49

In the election of 1883 the Ohio Penitentiary was an important


48 Ohio, Board of State Charities, Annual Report, 1883 (Columbus: G. J. Brand & Co., 1884), pp. 21-22.

polical issue with both the Democratic and Republican candidates advocating an end to contract labor. The election of George Hoadly, a Democrat, and a Democratic House and Senate reinforced the thrust of the prison reform movement developing under previous Republican administrations.

Governor Charles Foster, in his last address to the General Assembly on January 7, 1884, urged the Legislature to abolish the contract system, to require and enforce classification and separation of prisoners in all penal institutions, to adopt a form of the indeterminate sentence and accept a modification of the Irish system with grades, marks, an intermediate prison, probation and police supervision.

Governor Foster, reflecting the arguments of Roeliff Brinkerhoff and revealing the influence of Barwick Baker, stressed the importance of the police in repressing crime and aiding released prisoners:

> In this connection, the police and peace officers of the state should be required by law to assist in all proper ways a convict who has earned his freedom, thus making the police his friend instead of his enemy, as is the case now.  

Republican support proved helpful in the Legislature session that spring. However, of greater importance was Brinkerhoff's strong ties with fellow Bourbon Democrats and Liberal Republicans he wielded within these two groups to guide the direction of penal reform in a general climate of bipartisan support for, and public receptivity of reforms aimed at uplifting social outcasts even at increased cost to the taxpayer.

50Ohio, Executive Documents, Annual Reports, 1883 (Columbus: G. J. Brand & Co., 1884), Part II, p. 13.
The Legislature responded to the peaking and union of political, public and personal pressures with the Prison Act of March 24, 1864 applying to state institutions. It abolished the contract system, permitting more reformatory although less remunerative forms of employment and authorized a ticket of leave system with power to grant probation given to a special board which also exercised legal custody over the convict. Other sections provided for strict classification of prisoners, annual statistical reports on the characteristics and background of each prisoner and the removal of penitentiary authority from politics by appointing a warden to a four-year term.51

On April 14 that Act was amended to permit judges to sentence all felons except murderers to an "indeterminate" term. The board of managers was empowered to parole the prisoner any time after serving the minimum years should it judge him reformed. (Parole is early release under an indeterminate sentence, while probation applies to early release under a definite term.) The amendment also provided for a system of grades and marks as in the Irish system to encourage and measure reformation.52 The intent of the Legislature was clearly to convert the Penitentiary into a reformatory for all adults by grafting on and adapting aspects of the Irish system without however funding a new, preferably, or intermediate prison which had been authorized since 1860.

Brinkerhoff extolled the progress made that spring to Baker. He

51 Ohio, Laws (Columbus: G. J Brand & Co, 1884), Vol. LXXXI, pp. 72-76.

52 Ibid, pp. 185-188.
wrote in July 1884 that classification had begun in the Penitentiary, that the prison school was re-established, the contract system abolished, and the indeterminate sentence adopted. He anticipated the construction of an intermediate prison by 1885.53

Baker had mixed feelings toward this "progress." He had expected the adoption of police supervision and was disappointed that it had not passed. Baker was also skeptical of the indeterminate sentence and subjecting first offenders to long reformatory treatment. He believed that wardens would tend to hold prisoners too long and that faith in the judgment of one man to determine the moral qualities of a prisoner was unwise.

He told Brinkerhoff that both Z. R. Brockway, of the Elmira Reformatory, and Mr. Cassidy, warden of Eastern Pennsylvania Prison, practicing solitary confinement, alleged that seventy-five percent of their first offenders lived honestly after long terms of confinement and treatment. Baker stated that in England, first offenders usually spent only two months in a cell and also seventy-five percent of them lived honestly. This showed convincingly in Baker's mind that long terms for first offenders were useless for reformatory purposes.

He restated his conviction that longer terms should be reserved for second offenders and that all institutional reformatory measures including those recently adopted in Ohio were ineffective without police supervision.54 Baker believed that the Ohio experiment mirrored the

54 Letter, Baker to Brinkerhoff, November 28, 1884. His anticipation of police supervision in Ohio was shown in a letter to Lowell, April 9, 1884. Baker Papers.
imbalance in the efforts of American prison reformers through their stress on rehabilitating the offender rather than giving more attention to deterring and repressing crime. 55

Despite his optimism and enthusiasm toward these achievements in Ohio, Brinkerhoff apparently shared Baker's disappointments and reservations, showing perhaps the fusion of Brinkerhoff's efforts with Baker's views. The Board of State Charities report made in December 1884 and largely prepared by Brinkerhoff, called for the funding and construction of an intermediate prison. It wanted the adoption of new legislation dealing with habitual criminals, partly modeled after the English Acts of 1869 and 1871 adding Baker's idea that third offenders should be detained for life unless proven reformed. Police supervision of habitual criminals and those on probation and parole, as in the system practiced in Gloucestershire, was also recommended. 56

Governor Hoadly added his support for the prison legislation proposed by Brinkerhoff through the Board. He appealed for continued non-partisan support for additional correctional reforms, suggesting that trustees of benevolent and penal institutions be equally divided between the two major parties. Although these trustees were unpaid they did control the hiring of administrative personnel. The governor stated firmly to the General Assembly that the Board's recommendation that third offenders be detained for life if unreformable, that parolees be supervised by

55 Draft letter, Baker to Baron von Holtzendorff, December 1884.
56 Ohio, Board of State Charities, Annual Report, 1884 (Columbus: The Westbote Co., 1885), pp. 5-6.
the police and required to report regularly to the police should be made law. He appealed for funds to begin a new intermediate prison for young adult offenders. Trying to avert the familiar criticism of expense, Hoadly averred that the "State is rich enough" to pay for its construction and that the prison would prove economical by saving young men from a life of crime, costly to them and society.57

The Legislature responded with a succession of acts fulfilling the governor's requests, Brinkerhoff's objectives and Baker's hopes for the transplanting of the Gloucestershire system to America. On February 27, 1885, the Assembly passed an act substituting the piece-price plan for the contract system. Under that system, labor was to be reformatory with the state employing managers and controlling manufacturing. In April an appropriation of $50,000 was made to purchase land and begin construction of an intermediate prison.58

With the habitual criminals bill still before the Assembly, Brinkerhoff wrote Baker describing it and prophesying its effects in abundantly glowing terms. It "will give all the power for police supervision which we need at present— it will also enable us to provide employment for discharged prisoners." It would lead to a diminution of crime by making "Ohio a hot place for that class [habitual criminals], and the professions [sic] will have to reform or go elsewhere." Brinkerhoff

57 Ohio, Executive Documents, Annual Reports, 1884, "Governor's Address to the General Assembly, January 6, 1885" (Columbus: The Westbote Co., 1885), Part I, pp. 23-29.

58 Ohio, Laws (Columbus: Myers & Bro, 1885), Vol LXXXII, p. 60, 194.
concluded with exuberant and lavish praise for Baker:

Your letters to me have been of great service, and you have sown seed in America which have found lodgment in fruitful soil. To me . . . you have been what Paul was to Timothy and I hope I shall not prove your unworthy or unprofitable pupil. In any event Baker's epistles to Brinkerhoff will continue to carry the gospel of reform into a great many American prisons.59

On May 4, 1885 the General Assembly passed Ohio's first Habitual Criminal Act, requiring life sentences for felons committing a third offence, and police supervision for persons under parole.60

Baker was delighted, writing to Lowell that he was "almost dizzy" with Brinkerhoff's success and Ohio's progress. He was also pleased by concomitant work to check the causes of crime, such as drunkenness and immorality. Baker reported to Lowell that the temperance movement in Cincinnati had been instrumental in getting a law in that city closing the local liquor stores from noon to 6:00 P.M. A second act had been passed imposing a $100 fine on anyone selling obscene literature. He closed by suggesting that the Ohio example might lead to friendly, healthy rivalry among the states and between America and England for innovations and advancements in reducing crime.61

Baker sought to promote that competition at once and so demonstrate the validity of his own proposals. Writing to the Earl of Lichfield in the summer of 1885, Baker hoped that the Ohio example would provide a model for other states and England to follow.


60Ohio, Laws, loc. cit., p. 237.

I have had great interest in corresponding with some friends in America where they are (at least in the State of Ohio) taking up some of our ideas but carrying them further than we have done, and I cannot but believe that a few years will see such a reduction of crime in that state as will compel other states to follow; and then I hope England may in turn take up the American notions and again go ahead of them.62

Lichfield replied, "It must cheer [you] to find your efforts bearing such good fruit throughout the world." Nevertheless, he remained unmoved and unconvinced that Baker's plans of cumulative punishment and police supervision could reduce crime.63

Undeterred by Lichfield's cool response, Baker wrote that the English should carefully consider the American "notion" of the indeterminate sentence. He admitted early opposition to the scheme but after continued examination he believed that its basic assumption was correct—that a prison board was more qualified to determine the proper time a person should spend in prison for cure than a judge. If the board made decisions carefully and wisely, the indeterminate sentence "will be an enormous improvement."64

Baker attempted to popularize the Ohio system and the work of Brinkerhoff on the Continent thus insuring the future of his own principles there. He sent copies of his correspondence with Brinkerhoff to Baron von Holtzendorff, a German prison reformer and admiring friend. Again Baker expressed his hope that other states and countries would copy

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the Ohio model.  

He credited Brinkerhoff with being the architect of recent Ohio penal legislation. Describing the man he had never met, but for whom he expressed love and admiration, Baker wrote:

He is not a great official nor a millionaire—nor a member of the Legislature—but a manager of a small Bank and Insurance office in Mansfield—small town of Ohio. He is on the Board of State Charities—an unpaid office—and helping the Governor and helps the Legislators and gets new Prisons and Lunatic asylums built on better plans and is as proud and jealous of being unpaid as if he was a Squire or a Duke.

His activities carried over to national reform, having assisted in drawing up President Cleveland's platform for "lessening the vile political jobbery of America." Baker was impressed that Brinkerhoff had turned down an ambassadorial appointment because of dedication to his work.

I think you'll say—that is a good man. If he had been a well to do Squire it would have been credible—but no man who works all day at his bank and writes his letters at night and can only get his good work done by his "splendid health"—I think it is grand.  

Baker urged von Holtzendorff to begin writing to Brinkerhoff and said that he would urge the Ohioan to do the same.

Through the remainder of 1885 and the spring of 1886 Brinkerhoff kept Baker, enfeebled by deteriorating health, informed on the Board's efforts to enforce the new reforms. He continued to show unquestioned faith in the wisdom of the new acts and belief that the experiment would be fulfilled.  

In its 1885 report, the Board called the Habitual

65Letter, Baker to von Holtzendorff, February 11, 1886.
66Letter, Baker to von Holtzendorff, May 18, 1886.
Criminals Act "the most advanced step ever taken in prison reform by any American state, and will mark the beginning of a new era in dealing with criminal classes." Reflecting the arguments and phrases so familiar in Baker's pamphlets, the Board stated that "the teachers, the organizers, the captains of crime" would be suppressed under the Act, diminishing their "recruits" and therefore the number of offenders. Even the board of directors and prison officials ungrudgingly complied to the prescription of the "new era."  

The defeat of Governor Hoadly in 1885 and the return of Republican domination to the General Assembly, however, restored partisanship and the spoils system to the Penitentiary. The inertia of political indifference, neglect and a prison management more concerned with making the prison pay than reforming criminals, were also resumed. In 1886 prison officials firmly attacked the piece-price plan, the basis of the reformatory scheme for the Penitentiary, calling it ineffective, unproductive and its "humanitarian or reformatory benefits . . . a delusion." 

The Board of State Charities recognized the gravity of this regression, pointing out that the end of bipartisan treatment of correctional institutions renewed the game of political patronage for both

68 Ohio, Board of State Charities, Annual Report, 1885 (Columbus: The Westbote Co., 1886), p. 11.

69 Ohio, Executive Documents, Annual Reports, 1885 (Columbus: The Westbote Co., 1886), Part II, pp. 735-747.

70 Ibid., 1886, Part I, p. 783.
Their frustration was exacerbated by the invalidation of the Scott Law which was to provide the income for constructing the intermediate prison. (The Scott Law provided for a state tax on liquor to be used to support state institutions and to construct the Mansfield reformatory.) The Legislature refused to appropriate the whole sum needed and instead allocated only fractions, delaying the opening of the prison for a decade. Moved by these reversals and the continued overcrowding and regressive discipline in the Penitentiary (in 1886 there were 1,439 convicts), the Board's secretary, A. G. Byers, stressed in the 1886 report the need to keep persons out of prison through extensive use of police supervision. Joining Brinkerhoff and adopting Baker's position, he advocated the substitution of suspended sentences for certain first offenders for terms of police supervision.

The Board was even more vigorous in advocating non-institutional means of repressing crime and reforming criminals in its 1887 report, reflecting increasing discouragement in the efforts to implement the laws of 1884 and 1885. The report requested the state to appoint an agent to aid discharged prisoners. It advocated the extension of cumulative punishment to misdemeanors, as practiced in Gloucestershire. Quoting Baker's arguments and statistics and referring to the success of the Gloucestershire system, the Board proposed that jail terms be used for second offenders combined with sentences of police supervision. "In the county of

71 Ohio, Board of State Charities, Annual Report, 1886 (Columbus: Westbote Co., 1887), pp. 14-16.

72 Ohio, Board of State Charities, Annual Report, loc. cit., p. 53.
Gloucestershire, where this system had had the fullest trial, the effect has been marvelous in the reduction of crime, and similar results have followed elsewhere, where fairly tested.\textsuperscript{73}

The Board's endorsement of the additional measures of the Gloucestershire system did not mean that it was rejecting the traditional American reliance upon institutional means for reformation and social improvements. The members, influenced by Brinkerhoff, saw Baker's plans as a reasonable alternative to the continued wretchedness of county jails—repeatedly exposed and deplored in reports—and the overcrowded and poor conditions of the Penitentiary compounded by regressive discipline. In addition, the Board recognized its own decline of power and influence among political leaders in enforcing existing laws. Their failure to see through the completion of the Ohio system—state workhouse, jails controlled by the state and used as places of detention, and the construction of an intermediate prison—was particularly grating. Although called in 1887 by Franklin B. Sanborn of Massachusetts, the most complete theoretical prison system in the United States, Ohio correctional institutions differed little from those castigated by the first report of the Board of State Charities in 1867.\textsuperscript{74}

Alone, the Board failed to reverse the reactionary tendencies in penal discipline, to promote the enforcement of the Habitual Criminals

\textsuperscript{73}Ohio, Board of State Charities, Annual Report, 1887 (Columbus: The Westbote Co., 1888), pp. 14-24.

\textsuperscript{74}Ohio, Board of State Charities, Annual Report, loc. cit., p. 15. Sanborn's statement was reported by Brinkerhoff.
Act and create a system of co-ordinated police supervision. However, as in the period 1880-1885, a momentary union of social and political reform movements between 1893 and 1896, combined with the Panic of 1893, led to restoration of the Board's influence and the enactment of more of its aims. The Panic had created a common desire for fiscal efficiency in state institutions. The Legislature, responding to abundant evidence of social turbulence reflected in part by a rapidly increasing crime rate, showed sympathy for reforms. The deplorable conditions at the Penitentiary, which held 2,020 convicts in 1895 with about 500 of them without work, plus a deficit of $55,461.22 added to the other circumstances led the General Assembly to authorize sufficient funds to complete part of the intermediate prison. In 1896 the adult reformatory in Mansfield was opened, completing the institutional structure of the Ohio system. In addition, a law permitting the application of cumulative punishment to misdemeanants was passed that year.75

By 1898 the fusion of the Ohio and Gloucestershire systems was nearly complete. Like reform efforts in other states with reputations for progressive penal policies, Ohio had reformatories for youths, one for young adult offenders based on the Elmira model, and a penitentiary

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75In 1893 the Ohio Penitentiary recorded 1,756 prisoners at the end of the year and a paper profit of $31,079.96. The following year there were 2,020 convicts and a loss of $9,137.65. In 1895 the deficit reached $55,461.22 while the number of prisoners was "reduced" to 1,985. Many of the prisoners, about 500, were listed as "non-productive," meaning idle. In this period prison authorities joined the Board in seeking a new prison to relieve the overcrowded condition. Ohio, Executive Documents, Annual Reports (Columbus: The Westbote Co., 1893-1896).
which attempted to include reformatory measures in its discipline for hardened criminals. Unlike most states, even those with state agents for discharged prisoners, and agents, as in Massachusetts, to supervise persons on probation, the fusion of Baker's influence and the example of the Gloucestershire system had created distinctions in the intent of these efforts. The system of extra-institutional treatment beginning with cumulative punishments for misdemeanors and felonies and the use of police supervision was aimed not so much at improving the offender, but achieving the objective Baker held dear—deterring crime and safeguarding the society.

Conclusion

Berwick Baker's efforts in juvenile reformatories and his support of principles and programs aimed at repressing crime, aiding the criminal and improving the level of society, revealed a deep sense of duty and a faith in the progress of man and society toward a perfect order. Without being dogmatic Baker nevertheless never doubted the rectitude of his convictions, believing always that their consideration would lead others closer to the truth and proper means of rehabilitating criminals and uplifting society. Combining pragmatism and empiricism with a sincere self-righteousness, Baker's approach was appealing to English and American reformers seeking social improvements through a union of morality and science.

Lofty principles, optimism and ideals of many reformers often obscured the obstacles which impaired adoption and reduced the administrative involvement necessary for effective implementation. Baker's
experience was unusual because as a magistrate in Gloucestershire he played a direct role in seeing that the county's criminal practices conformed with adopted principles. In Ohio, administrative and political pluralism, the rapid turnover of officials, the sheer size of the state and the nation combined with a fluid population, made the duplication of that English system and its successes in reducing crime improbable.

While imperfections disappointed Ohio reformers like Roeliff Brinkerhoff, the ideal of a "perfect mechanism" to repress crime remained and precipitated an expansion of reform efforts. Admiring England's great accomplishments, envious of her public-minded aristocracy and fearful of regressive forces within the American society, Brinkerhoff and others who liked to think of themselves as an American squirearchy, expanded their efforts to remove those obstacles impairing the repression of crime.

Baker's experiments, principles and the Gloucestershire system became a rallying point for Brinkerhoff and the Board of State Charities. Increasingly in the late nineteenth century they showed concern for political reforms through greater democratization, improved efficiency in public administration by professionalization and civil service and greater interest in preventive measures through better education and environmental conditions. In these ways the diffusion of English ideas and examples took on a more profound aspect by creating attainable goals for social reforms, justified and legitimized among the Anglophile upper classes in America programs of social and political changes which created the framework for Progressivism.
BIBLIOGRAPHY

The Thomas Barwick Lloyd Baker papers are located at Hardwicke Court, Gloucestershire, England and are in the care of Colonel Arthur B. Lloyd-Baker. These family papers, including the Granville Sharp collection, have been inventoried but not placed in individual folders. They have been stored in over seventy large metal boxes, grouped for the most part according to subject matter. The correspondence contains not only letters received by Baker, but also copies and drafts of letters he sent, thus creating a full and balanced view of his activities and ideas.

In addition to correspondence there are also hundreds of pamphlets, reports and newspaper clippings. The pamphlets are particularly useful because they were generally written by Baker as a summary of lengthy correspondence on a particular subject, a review of contemporary movements in prison reform and as a response to legislation affecting reformatories and prisons. The most useful single item in the collection is Baker's biography, "My Life," Volumes I-III, which he dictated to his wife in the early 1880's. This handwritten account (now on microfilm at the Ohio State University Library) provides a succinct overview of Baker's life and work.

Box 17 of the collection contains the most extensive collection of correspondence including letters from Mary Carpenter, Stafford Northcote, Sydney Turner and the American reformers, Enoch and Frederick Wines, Mary C. Ware, Josephine Shaw Lowell and Roeliff Brinkerhoff. Box 26 contains personal and family correspondence dealing with Baker's
trips and duties in Gloucestershire. There is also a letter from Charles Dickens dealing with prison reform. The pamphlets and Shaftsbury letters are located in Box 45. Miscellaneous correspondence dealing with boys' prisons (1880-1885), statistics on convictions and Baron von Holtzendorff's account of Baker's work, "English Squire," are found in Box 45. Box 53 contains the three volumes of "My Life" and miscellaneous printed material. Finally, there are reports, letters and books dealing with the Hardwicke Reformatory from 1852 to 1922 in Box 70.

Additional manuscripts which were helpful included the Josephine Shaw Lowell papers located at the New York Public Library. The correspondence she received from Baker filled a few gaps in his collection. Unfortunately there is no known collection of Brinkerhoff papers. Descendants confirmed that most of his letters were destroyed by his wife after he died. The best single collection of Brinkerhoff correspondence is found in the Baker papers. These letters have been microfilmed and are now located in the libraries of the Ohio State University and the Ohio Historical Society. Additional Brinkerhoff letters are found at the Ohio Historical Society and the Hayes Memorial Library, Fremont, Ohio.

The A. G. Byers collection at the Ohio Historical Society, though useful, was incomplete. Additional Byers correspondence was found at the Hayes Memorial Library. The Ohio Archives, East Broad Street, Columbus, Ohio had some Byers letters and the correspondence from the Ohio Board of State Charities, 1864-1886, which had been placed unrecorded in a box with unrelated material. More Board and Byers correspondence may be uncovered following the reorganization of the Archives and its merger with
the Manuscripts Division of the Ohio Historical Society. The Janney-Derby collection at the Ohio Historical Society also contained information relevant to A. G. Ryers.

The collections at the Hayes Memorial Library, including letters from W. M. F. Round, Enoch and Frederick Wines, were helpful for a sketch of organizational problems within the National Prison Association. They will prove much more valuable for a broader treatment of prison reform efforts than the one made in this dissertation.

Printed materials were essential for the legislative, administrative and organizational side of Ohio and national prison reform efforts. Among the most useful were Ohio Laws, 1850-1900, the Executive Documents, the Ohio Board of State Charities Reports, 1867-1871, 1877-1900, the National Prison Association Reports, 1870-1879, 1884-1900, the National Conference of Charities and Corrections Reports, 1874-1900. The Executive Documents contain the governors' messages which reflected both the conditions of the state and their views toward penal problems and reform. They also contain valuable reports by prison officials and statistics on criminals. These reports were complemented by the Board of State Charities findings which gave annual accounts of the penitentiary and jail conditions from the inspector's viewpoint and recommendations for improvements. The Ohio Legislative Journal unfortunately contains no record of debates, however, the reports of special investigating committees on prisons and jails were helpful and at times amusing.

The reports of the national organizations provide an excellent
survey of reform interests and movements during this period. These docu-
ments contain papers and debates by American and English philanthropists,
reformers and prison officials. Their meetings and these reports provide
a valuable source for a diffusion of Anglo-American ideas experienced in
reformatory work. The Howard Association minutes located at the Howard
League for Penal Reform, London, England, unfortunately did not provide
an equally broad view of that country's penal reform efforts. The min-
utes contain references largely to administrative matters and reveal the
Association's overwhelming concern with halting capital punishment.

Scores of books and articles were consulted in the preparation of
this text. Among the most useful primary works were:

Beaumont, G., and DeToqueville, A. On the Penitentiary System in the

1929

Maconochie, Alexander. Penal Discipline: Three Letters. London:
C. Whiting, 1853.


Phillips, Herbert, and Verney, Edmund (eds.). War With Crime. London:
Longmans, Green, 1889.

Tallack, William. Penological and Preventive Principles. London:

Edinburgh Review. CXCII (October, 1851), 404.

For comprehensive accounts of American prison reform in this per-
iod see Harry Elmer Barnes and Negley K. Teeters, New Horizons in Crimin-
ology (New York: Prentice-Hall, 1945), and Blake Mckelvey, American
For English prison reform see:


